

Copyright

by

Bonita Renee Homer

2012

**The Dissertation Committee for Bonita Renee Homer certifies that this is the approved version of the following dissertation:**

**A DISPARATE IMPACT?: UNDERSTANDING THE RELATIONSHIP  
BETWEEN DISCRETIONARY  
REMOVAL, SPECIAL EDUCATION, AND  
AFRICAN AMERICAN STUDENTS**

**Committee:**

---

Julian Vasquez Heilig, Chair

---

James Yates

---

Mark Gooden

---

Barry Brummett

---

Willis Mackey

**A DISPARATE IMPACT?: UNDERSTANDING THE RELATIONSHIP  
BETWEEN DISCRETIONARY  
REMOVAL, SPECIAL EDUCATION, AND  
AFRICAN AMERICAN STUDENTS**

**by**

**Bonita Renee Homer, B.S.A.L.D; M.Ed.**

**Dissertation**

Presented to the Faculty of the Graduate School of  
The University of Texas at Austin  
in Partial Fulfillment  
of the Requirements  
for the Degree of

**Doctor of Philosophy**

**The University of Texas at Austin**

**May 2012**

## **Dedication**

This dissertation is dedicated to my two sons, Merville Johnson (MJ) III and Matthew Adam Johnson. As a mother, I view the world through your lens. The issues you encounter, or may encounter in the future, are often in my thoughts and internal discussion. As a researcher, my research interest is filtered through this dialogue. The structural inequities within the public school systems are serious and persistent problems endured by all students. However, for students of color, these inequities are magnified. As a mother of two Black boys, these inequities have fueled my research.

As a researcher, but more so as a mother, it is disturbing to discern that the educational inequities that were purposefully and specifically addressed in the civil rights policies 50 years ago have not been eradicated. More disturbing, is the fact that these inequities have manifested into the implementation of neutral policies. As a society, these issues are camouflaged and blame is directed to the surface (e.g., students, parents, and cultural values) and fail to acknowledge structural issues (e.g., poverty, racism, and historical inequality). As a mother, these educational issues resonate with me.

To MJ and Matthew, my decision to become a mother personally meant my life was no longer my own. With that, it was no longer acceptable from me to accept the status quo; no longer acceptable to take a passive stance; no longer acceptable to think that these issues did not pertain to me; and more importantly, no longer acceptable to just watch and wait. I do not want my yesterdays to be your todays. If I could cross your bridge, I would—but unfortunately I can't. I can't shield your innocence from time, but

what I can do is try to make this world I brought you into a better place. I see the world through your eyes. This study is dedicated to you. You are my life and my love for you is infinite.

Love always and forever,

Mommy

## Acknowledgements

*I can do all things through Christ who strengthens me* (Philippians 4:13). In recognizing the energies, hard work, dedication, perseverance, and discipline used to pen this dissertation, I must first acknowledge my personal savior Jesus Christ. Thank you Father for believing in me when I questioned myself and whether this level of education was obtainable. Father, you have made a way out of no way and your bounty of blessings and mercy have been the sole reason for me completing this program. Amen.

A heartfelt thank you to the following people for their love, support, understanding, and, guidance in this huge milestone in my life. To my sons MJ and Matthew, *Love bears all things, believes all things, hopes all things, endures all things* (1 Corinthians 13:7). Thank you for being understanding and enduring in this journey with me. I love you dearly. This Ph.D. is not just my degree, but conversely, our degree. I honor your sacrifices with my accomplishments. To my family: my mother, sisters, brother, nieces, and nephew, thank for your unconditional love and support. I love you and appreciate you more than you ever know. Finally, to a very special friend, words are not enough to express my gratitude and appreciation for your unwavering support and guidance. You have been my rock. Thank you.

My experience at The University of Texas at Austin has been invaluable and from it I acquired my passport for the future. To my committee members, I honor and appreciate all you have done for me throughout this process. To my chair, advisor, and mentor, Dr. Julian Vasquez-Heilig, your patience, encouragement, and guidance

throughout this process have been commendable. Serving under your guidance during my apprenticeship has been an invaluable experience and I take from it a wealth of knowledge. As my mentor, you have been a constant source of support, knowledge, and scholarly feedback that has allowed me to sustain a belief in myself throughout this doctoral program. As my chair, you have ingrained in me success is not measured by arriving at your destination but what is learned throughout the journey. Your calming spirit and your uncanny ability to interpret and translate my thoughts have brought life to my vision. I extend to you my sincerest gratitude for the patience, wisdom, and compassion you provided to me throughout this journey. You are an outstanding professor and a great asset to the College of Education. To Dr. Mark Gooden, Dr. James Yates, Dr. Barry Brummet, and Dr. Willis Mackey, I offer profound thank yous and appreciation for your willingness to serve on my committee. Your wealth of knowledge has been an asset in my completion of this dissertation.

**A Disparate Impact?: Understanding the Relationship Between Discretionary  
Removal, Special Education, and  
African American Students**

Bonita Renee Homer, Ph.D.

The University of Texas at Austin, 2012

Supervisor: Julian Vasquez Heilig

The overrepresentation of African American students in special education coupled with their disproportionate disciplinary sanctions is a contentious educational issue. An examination of extant literature suggests that African American students are more likely to be referred to special education; placed in a stigmatizing disability category; educated in a restricted educational settings; and least likely to return to a general classroom setting. Equally disturbing, these students are more likely to be cited for subjective disciplinary sanctions and least likely to be educated with their peers. This is disturbing because the labeling of special education coupled with disciplinary sanctions can negatively impact this sector of students' educational opportunities, psychological image, long-term goals and aspirations, and their overall quality of life.

The purpose of this study was to determine the relationship between discretionary removal, special education, and African American students. More specific, this study sought to determine the trends of discretionary removal for special education students as defined by Texas Education Code 37, and whether these types of disciplinary measures



had a disparate impact on African American special education students' school completion rate.

The findings for this study, revealed a diverse district with a large percentage of economically disadvantaged students and a special education population that was aligned to the state average. Chi-square results revealed a relationship between discretionary removal and Latina/o and White students and students who were identified as economically disadvantaged. In addition, logistic regression results showed ethnicity for Latina/o student who were served by special education was a significant predictor for discretionary removal. Conversely, disability category, economic status, and ethnicity were all significant predictors for school dropouts for special education students who were cited for discretionary removal. Moreover, African Americans who were not evident in the chi-square analysis were significantly associated with discretionary removal. Furthermore, interviews of administrators revealed special education students who did not have an Individual Education Plan (IEP) that purposefully addressed disciplinary issues were purportedly treated no differently than students without a disability.

## Table of Contents

List of Tables .....	xiv
Chapter 1: Introduction .....	1
Historical Context of Special Education .....	2
Historical Context of Minority Children in Special Education .....	4
Historical Context of Discretionary Removal in Texas .....	7
Disciplinary Removal and Special Education Students .....	9
Discretionary Removal and DAEP Placement Trends in Texas .....	10
Statement of Problem .....	14
Disparate Impact .....	15
Stigmatizing Disability Categories .....	16
Restrictive Educational Setting .....	18
Emotional Effects .....	20
Disparate Impact on Long-Term Goals and Outcomes .....	20
Purpose of Study .....	22
Research Questions .....	22
Significance of the Study .....	23
Definition of Terms .....	24
Organization of the Dissertation .....	27
Chapter 2: Literature Review .....	29
What is Disproportionality? .....	31
Disproportionality Among African American Students and Special Education .....	32
Bias Assessment and Referral Process .....	32
Cultural Discontinuity .....	34
Poverty .....	36
Racism .....	39
Disproportionality Among African American Students and School Disciplinary Sanctions .....	42
Cultural Discontinuity .....	42

Poverty .....	45
Racism.....	47
Critical Race Theory, Special Education, and African Americans .....	55
Ordinance .....	56
Interest Convergence.....	56
Social Construction .....	57
Differential Racialization .....	57
Legal Storytelling.....	58
Critical Race Theory and Racial Consciousness.....	60
Chapter 3: Methodology .....	62
Research Design and Methodology .....	62
Participants and Data Collection.....	65
Setting .....	65
Subjects .....	66
PEIMS Data .....	67
Participants for Qualitative Methodology .....	68
Quantitative Variables Used in the Study .....	68
Dependent Variables .....	68
Independent Variables.....	68
Data Analysis .....	69
Research Question 1.....	69
Research Question 2.....	70
Research Question 3.....	71
Research Question 4.....	71
Research Question 5.....	72
Chapter 4: Findings.....	74
Section 1. Discussion for Research Questions 1 and 2 .....	75
Research Question 1.....	75
Research Question 2.....	79
Null Hypothesis 1.....	79
Null Hypothesis 2.....	80

Null Hypothesis 3.....	81
Section 2. Discussion for Research Questions 3 and 4.....	81
Research Question 3.....	81
Research Question 4.....	84
Section 3. Discussion for Research Question 5 .....	88
Research Question 5.....	88
Interpretation of Policy .....	88
Theme 1: Administrative, Counsel, and Parental .....	89
Theme 2: District Policy, Student Code of Conduct, Students' IEP and BIP.....	90
Theme 3: Address and Correct the Behavior .....	91
Contributing Factors .....	91
Theme 1: Correlation, Not Correlation .....	92
Theme 2: Huge Disparities, No Differences.....	92
Theme 3: ED, the Student Not the Disability .....	93
Theme 4: Race Matters Versus Colorblind.....	94
Race and Racial Consciousness .....	95
Theme 1: Data Speaks for Itself, Knowing Personalities .....	96
Theme 2: Race Doesn't Matter.....	97
Theme 3: I Am First an Administrator; I Am a Member of My Racial Group.....	97
Chapter Summary .....	101
Chapter 5: Summary, Implications, and Recommendations.....	102
Study Findings and Implications.....	104
Research Question 1.....	104
Research Question 2.....	106
Research Question 3.....	106
Research Question 4.....	107
Research Question 5.....	111
Limitations of the Study.....	117
Policy Implications .....	118

Resommendations for Future Research .....	119
Conclusion .....	122
Tables .....	123
Appendix A: Interview Instrument .....	133
Appendix B: Letter to Participants .....	135
Appendix C: Additional Tables for Chapters 4 & 5 .....	136
References.....	143

## List of Tables

Table 1:	Five Basic Tenents for the Critical Race Theory.....	123
Table 2:	Student Population and Ethnicity.....	123
Table 3:	Economically Disadvantaged Students.....	123
Table 4:	Special Education Population .....	124
Table 4a:	Comparable District Demographic Data.....	124
Table 5:	Special Education Student and Primary Disability .....	124
Table 6:	Soft and Hard Disability Categories .....	125
Table 7:	Crosstabulation Ethnicity and SpED .....	125
Table 8:	Disciplinary Reasons for Students .....	126
Table 9:	Discretionary and Mandatory Disciplinary Sanctions .....	126
Table 10:	Chi-Square for Ethnicity, Special Education, and Discretionary Removal .....	127
Table 11:	Chi-Square for Economic Status, Special Education, and Discretionary Removal .....	127
Table 12:	Chi-Square for Primary Disability, Special Education, and Discretionary Removal .....	128
Table 13:	Binary Logistic Model Discretionary Removal and Economic Status.....	128
Table 14:	Binary Logistic Model Discretionary Removal and Primary Disability.....	128
Table 15:	Binary Logistic Model Discretionary Removal and Ethnicity .....	129
Table 16:	Binary Logistic Model Discretionary Removal, Ethnicity, and Economic Status.....	129
Table 17:	Binary Logistic Model Discretionary Removal, Ethnicity, Economic Status, and Primary Disability .....	129

Table 18:	Binary Logistic Model for High School Dropout and Ethnicity.....	130
Table 19:	Binary Logistic Model for High School Dropout and Economic Status.....	130
Table 20:	Binary Logistic Model for High School Dropout and Primary Disability .....	130
Table 21:	Binary Logistic Model for High School Dropout, Primary Disability, and Ethnicity .....	131
Table 22:	Binary Logistic Model for High School Dropout, Primary Disability, Ethnicity, and Economic Status .....	131
Table 23:	Categories and Themes .....	132

## **Chapter 1: Introduction**

The academic performance of African American students is a pressing issue that has gained the attention of legislators, policymakers, and researchers. Despite decades of school reform, African American students, on average, continue to be disproportionately overrepresented in negatively connoted school-level categories (e.g., disciplinary referrals, special education placement, school dropout, and tracking) and underrepresented in positively connoted school-level categories (e.g., gifted and talented, advanced placement courses, high school graduation, and college/academic tracking). Historically, the acknowledgment of this problem has been reflected in a plethora of policies designed and implemented to rectify these educational discrepancies. A large body of literature acknowledges the adverse impact that special education and disciplinary policies might have on minority students, particularly African American students (Anand, Fine, Perkins, & Surry, 2002; Gregory, Skiba, & Noguera, 2010; Harry & Anderson, 1994; Kuykendall, 1991; Pink, 1982; Skiba et al., 2008, 2011; Townsend, 2000; Welch & Payne, 2010).

In an effort to explore this educational issue, the purpose of this chapter is to provide an overview of the disproportionate representation of African American students in special education as well their disproportionate citation for disciplinary offenses and the disparate impact this practice may have on student achievement. First, this chapter provides a brief historical context for special education and the disproportionate representation of African American students within this educational category. Second, it provides a brief historical context for discretionary removal in Texas and the



disproportionate disciplinary sanctions for African American students. Third, it defines the statement of problem. Fourth, it describes the disparate impact these practices may have on African American students. Fourth, it details the purpose of study. Fifth, it outlines the research questions. Sixth, it describes the significance of study. Seventh, it provides a definition of terms. Eighth, it outlines the limitations of this study. Finally, it provides the organization of study.

### **Historical Context of Special Education**

Special education is the education of students with disabilities. In the early 1800s, special education in the United States appeared in the form of schools that were designed to educate students who were with deafness, blindness, and mentally retardation (Winzer, 1993). Schools were often characterized as institutions and students were generally isolated from other students. The purpose of these schools was not to educate, but to provide a place for students with disabilities (Winzer, 1993). This vision for educating students with disabilities continued throughout the 1800s. In the early 1900s, the Compulsory Attendance Law changed the overall student demographics of public schools in the United States and, subsequently, changed how students with disabilities were educated (Winzer, 1993).

The Compulsory Attendance Law established, at least in policy, free compulsory education for all children, including students with disabilities. In spite of this law, students with disabilities were often denied access to public schools and were restricted to no education, being educated in institutions, or home schooled (Winzer, 1993). This practice of restricting students with disabilities from public school continued until the

passage of Education for All Handicapped Children Act of 1975, also known as Public Law 94-142 (PL 94-142).

PL 94-142 required public schools to serve all students including students with disabilities. Attaching federal mandates to federal monies, PL 94-142 required all public schools that were receiving federal funds to provide equal access for the education of children with physical and mental disabilities (Losen & Welner, 2001). After the passage of this Act, all public schools receiving federal funds were required to establish guidelines to ensure that children with disabilities were provided an appropriate education. In addition, PL 94-142 established the concept of Least Restrictive Environment (LRE) (Ysseldyke, Algozzine & Thurlow, 2000). Least Restrictive Environment was defined as the educational setting where a child with a disability would receive a Free and Appropriate Education (FAPE).

PL94-142 was subsequently reauthorized with the passage of the Individuals with Disabilities Education Act of 1990 (IDEA) (U.S. Department of Education, 1990). IDEA served as a Civil Rights statute for students with disabilities. This act outlined how states and local education agencies must provide special education in public schools (Upstead, 2008). IDEA instilled two premises for special education. First, it addressed the educational needs for students from birth to 21 in 13 specified disability categories. Second, it established procedural safeguards to protect the educational rights of all students with disabilities and their families. Since its inception, IDEA has been reauthorized two times, with the most recent reauthorization occurring in 2004 when IDEA was amended and renamed the Individuals with Disabilities Education

Improvement Act of 2004—also known as IDEIA (PL 108-446) (Marlett, 2008). One of the goals of IDEIA was to align special education and the accountability standards for special education students with the standards set forth by No Child Left Behind (NCLB).

### **Historical Context of Minority Children in Special Education**

As previously stated, prior to the passage of PL 94-142, schools had the freedom to determine the type and quality of education afforded to students with disabilities. Children who were granted access to public schools were often placed in special classes to create a homogenous grouping of students that was determined by their disability (Dunn, 1968). These classes were often viewed as warehouses designed to store, instead of educating, students with disabilities (Winzer, 1993). As early as 1967, Dunn voiced concerns about the disproportionate representation of minority students in special education. In 1968, data revealed 60% to 80% of the students served in special education were minority students and one third of those students were identified as “mentally retarded” (Dunn, 1968). Dunn’s findings raised equity concerns regarding the type and quality of education that was afforded to minority students. Dunn’s research in conjunction with the Civil Rights movement accentuated the plight of minority students and students with disabilities within the public school educational system. In an effort to address these equity concerns, the federal government adopted organizational and programmatic strategies to ensure compliance with laws such as PL 94-142.

Two offices established to ensure compliance were the Office of Civil Rights (OCR) and the Office of Special Education Programs (OSEP) (Winzer, 1993). Despite federal oversight and regulation, minority students continued to be relegated and placed

in special education. The OCR cited 148 school districts in 1975-1979 because of their disproportionate enrollment of minority students in special education. The OCR (as cited in Smith, 1983) reported:

Black participants in classes for the educable mentally retarded (EMR) was 3.4 times greater than that of Whites in 1976-1977 and was 3.5 greater in 1978-1979. Many of the students assigned to EMR classes have never received an examination to detect visual or auditory problems. In some cases, assignments were based in part on outdated IQ scores. Also, many students were assigned to EMR classes even though their IQ test scores were above the EMR range. (pp. 208-209)

OCR data from surveys of elementary and high schools in the United States revealed that African American students in special education were 2.7 times the overall population in 1978, 1980, 1982, and 1984 (Chinn & Hughes, 1987). With each updated survey, African American students were overrepresented in special education and disproportionately represented in the categories of emotional disturbed, mentally retarded, and learning disabled (Chinn & Hughes, 1987). Embedded within these reports was the fact that race seemed to be a significant predictor for special education referrals (Chinn & Hughes, 1987).

In 1975, Larson argued that race was indeed a significant determinant of teachers' referrals for minority students to special education. Importantly, Larson made a distinction between genders, contending that African American males were not only overrepresented in special education, but were also more likely to be labeled as emotional disturbed (ED) in comparison to White males. In 1986, a study by Harry and Anderson (1994) found that African American students represented 16% of the total public school population but comprised of 35% of all students identified as emotionally disturbed, 27%

of all students identified as mentally retarded, and 27% of all special education students. Furthermore, the researchers contended that African American males were twice as likely to be placed in special education in comparison to their White peers.

Thirty years after Dunn's seminal work, robust patterns of disproportionate placements for African American students are still evident. In 2002, a reexamination of this issue found patterns of disproportional placement of African American students into special education at both the federal and state level (Donovan & Cross, 2002). Then, 40 years after Dunn's work, the 25th Annual Individual's Disabilities Education Act Report to Congress noted the follow trends:

1. African American students in special education meet or exceed their representative population.
2. African American students are disproportionately represented in the special education categories of emotionally disturbed, learning disabled, and mentally retarded students.
3. African American students are 2.99 times more likely to be identified as mentally retarded and 2.21 times more likely to be identified as emotionally disturbed in comparison to their peers.
4. The percentage of African American students who receive special education for the mentally retarded is substantially higher than any other group of students (U.S. Department of Education, 2003).

In short, for over a half century, the disproportionate representation of African American students in special education has been a problematic educational issue within

the American public school system. Disturbingly, data reveal not only are African American students disproportionately referred into special education, but are more likely to be identified into one of the most stigmatizing disability categories. Some researchers have contended this practice has the potential to adversely impact the educational endeavors and long-term goals for African American students (Anand et al., 2002; Kuykendall, 1991; Rotherham, 2002).

### **Historical Context of Discretionary Removal in Texas**

Public schools utilize discipline policies in order to create safe orderly environments that are conducive to learning. These types of policies are not new to public schools, but recently, the methods used to address students' misbehavior have garnered attention and controversy. Texas public school disciplinary policy is outlined in Chapter 37 of the Texas Education Code. This policy is a byproduct of Bill Clinton's Gun-Free School Act (1994). This act required states receiving federal funds under the Elementary and Secondary Education Act (ESA) to adopt a policy with their local education agency agreeing to a one-year mandatory expulsion for students bringing firearms to school or possessing a firearm at school (Schooner, 2009). In response to the Gun-Free Schools Act, Texas adopted the Safe School Act of 1995 (Texas Education Agency [TEA], 2007). This act outlined three key features for public school disciplinary policy. First, it required local school districts to adopt a student code of conduct applicable to all students (TEA, 2007). Secondly, it defined discipline offenses that were deemed mandatory by Chapter 37 of the Texas Education Code (TEA, 2007). Finally, it established Disciplinary Alternative Education Programs (DAEP) (TEA, 2007). In this context, Texas's public

school students could be removed from their regular classroom in two ways. The first method is by mandatory removal, as outlined in Section 37 of the Texas Education Code (2004), which is brought about by the following:

(1) offense punishable as a felony; (2) possessed, sold, or used marijuana or other controlled substances and for being under the influences of such controlled substances; (3) possessed, sold, or used alcohol and for being under the influence of such substance; (4) abuse of a volatile chemical; (5) public lewdness or indecency exposure; (6) retaliation against a school employee; (7) conduct off-campus, resulting in a Title (5), Penal Code-TEC 37.006(c); (8) terrorist threat; (9) assault under penal code section 22.01(a) against someone other than a school district employee or volunteer; and (10) false alarm and/or false report. (p. 2)

The second means of removal of a student from a regular classroom is by discretionary removal, as outlined in the district's code of conduct.

Discretionary removal refers to the removal of a student for a violation of the student code of conduct. Students who are removed from their regular classroom are placed in three different types of disciplinary settings: In-School-Suspension (ISS), Out-of-School-Suspension (OSS), or DAEP (Texas's School-to-Prison Pipeline, 2007).

Students who are placed in ISS may be placed in any alternative setting aside from their regular classroom. There is a three-day limit per stay in ISS; however, no limit has been established for the number of cumulative days per academic year that a student can be placed in ISS (Texas's School-to-Prison Pipeline, 2007). Meanwhile, students who are assigned to OSS are barred from school premises for three days (Texas's School-to-Prison Pipeline, 2007). Similar to ISS, a three-day limit exists for student placement in OSS, and no limit has been set on the number of cumulative days per academic year that a student can be placed in OSS (Texas's School-to-Prison Pipeline, 2007). DAEPs refer to alternative classroom settings, as mandated by Texas Education Code 37. Students are

placed in DAEP either for mandatory removals, as defined by Texas Education Code 37, or for discretionary removals, as outlined by the district's code of conduct (Texas's School-to-Prison Pipeline, 2007). Once a student is assigned to DAEP, the referring school has three days in which to hold a conference regarding that student's placement. There is no limit on the number of consecutive or cumulative days that a student may be assigned to DAEP (Texas's School-to-Prison Pipeline, 2007).

### **Disciplinary Removal and Special Education Students**

In the State of Texas, teachers have the discretionary authority to remove students for the following reasons:

1. A teacher may remove from class a student: Who has been documented by the teacher to repeatedly interfere with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn; or
2. Whose behavior the teacher determines is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn.

Texas law further defined and regulated disciplinary sanctions for special education students. Conversely, Texas school disciplinary policy requires an interpretation or district-level discretionary decisions—which has led to controversy to how this policy relates to federal IDEA policy for discipline of special education students. Disciplinary referrals that remove special education students from their regular



classroom setting for 10 days or more, cumulatively or consecutively, is considered a “change in placement” and the Admission Review and Dismissal (ARD) Committee must convene to determine whether the student’s behavior is a manifestation of their disability. If the student’s behavior is not a manifestation of their disability, the 10-day cycle starts over again. Conversely, if the ARD committee determines the students’ behavior is a manifestation of their disability, a Functional Behavioral Assessment (FBA) and a Behavior Intervention Plan (BIP) are implemented and the 10-day cycle starts (Walsh, Kemerer, & Maniotis, 2005). It is important to note, although special education students are required to receive adequate and appropriate service in their new placement, there is no limit to how many 10-day cycles special education students may be removed from his or her regular educational placement setting.

### **Discretionary Removal and DAEP Placement Trends in Texas**

Statistics highlight that a substantial percentage of DAEP placements in Texas are due to discretionary reasons. According to Marc Levin, Director of the Center for Effective Justice at the Texas Public Policy Foundation, in 2006, 1.7 million discretionary referrals were made to ISS, amounting to a third of Texas’s 4.7 million students. About 286,000 students were placed in OSS (Levin, 2006). Meanwhile, 128,319 students were placed in DAEP, averaging 21 to 30 days per placement (Levin, 2009). This statistic is particularly disturbing, as student placement in OSS results in more than a million missed school days each year (Levin, 2009). Equally important, from an instructional perspective, the type and quality of educational service rendered to students who are removed to a disciplinary alternative education setting has been questioned.

Since the inception of DAEPs, placement sites have been supervised by proctors (Leven, 2006). Texas has only recently mandated that its alternative education schools be supervised by certified teachers.

Other disturbing statistics reveal that minority students are disproportionately cited for discretionary removal (Texas's School-to-Prison Pipeline, 2007). State data indicate that discretionary removal for minority students constitutes approximately 64% of all DAEP placements, or 74,000 students (Texas's School-to-Prison Pipeline, 2007). A closer analysis demonstrates a 2005-2006 DAEP placement of 47% Latina/o students, 28% African Americans students, and 23% White students (Texas's School-to-Prison Pipeline, 2007). When compared with the representative population, these data are indicative of a disturbing trend, as for example, state level data reveal Latina/o students make up 45.3% of all students enrolled in Texas public schools, but comprise 47% of all DAEP referrals (Texas's School-to-Prison Pipeline, 2007). Similarly, African Americans represent only 14.3% of all students enrolled in Texas public schools but as much as 28% of all DAEP referrals (Texas's School-to-Prison Pipeline, 2007).

A recent study conducted by the Council of State Governments Justice Center (2011) with Texas A&M University discovered that 83% of all African American male seventh grade students in Texas and 70% of all African American female seventh grade students had at least one discretionary violation. Furthermore, controlling for race, the researcher notes African American students are 31% more likely than comparable peers to be cited for discretionary violation (Fabelo et al., 2011). In short, such statistics highlight the fact that minorities are often over-represented in discretionary removals and

DAEP placements in Texas, both of which ultimately lead to other types of disciplinary placements, such as expulsions, suspensions, and in-school-suspensions (Texas's School-to-Prison Pipeline, 2007).

In addition, Texas data demonstrates that the special education population is disproportionately impacted by discretionary removal. In 2007-2008, students in special education represented 10% of the total student population in Texas, but state disciplinary data reveal that special education students comprised 21% of all discretionary removals resulting in expulsions (Texas Education Agency [TEA], 2010). Furthermore, data reveal nearly three out of four special education students are suspended or expelled (Fabelo et al., 2011). For the last five years, 710 of Texas's roughly 1,030 school districts have disproportionately cited their special education students in discretionary removal (Texas's School-to-Prison Pipeline, 2007). Disturbingly, data indicate that within special education, African American students are disproportionately cited with discretionary removal. Moreover, members of this population are twice as likely as their peers to be placed in ISS or OSS or to be expelled (Texas's School-to-Prison Pipeline, 2007).

As might be expected, discretionary removals often have a long-term impact on students. In 2007-2008, approximately 2,300 students were placed in the Texas Youth Commission (TYC, 2009). Statistics reveal discrepancies in the ethnic composition of these students, with a student population of 43% Hispanics, 35% African Americans, and 20% Whites (TYC, 2009). These data reflect alarming DAEP trends in public schools. Aligned with these trends, the Texas Department of Criminal Justice (TDCJ, 2009) has an inmate population of 156,000. Disaggregated data revealed a prison population of 38%

African Americans, 31% Hispanics, and 29% Whites (TDCJ, 2009). Moreover, DAEP students are five times more likely to drop out of school, and DAEP referrals are three times more likely to be referred to TYC. Equally troubling is the fact that one out of three TYC students drop out of school, and that incarceration data reveal that 80% of Texas's prison population is comprised of high school dropouts (Texas's School-to-Prison Pipeline, 2007).

Such findings are unsettling for two reasons. First, given the negative student outcomes that are associated with suspension and expulsion, discretionary removal may be disproportionately placing special need students and students of color at risk for academic failure (Skiba & Rausch, 2006). Indeed, discretionary removal pushes away those students who are most in need of support, providing teachers relief without addressing the underlying behavior (Morrison & Skiba, 2001). That is to say, discretionary placement removes a troublesome student, while failing to address the problem. Secondly, students who are suspended or expelled are more likely to be associated with future delinquent behavior (Patterson, 1992). More importantly, research has discovered that suspension and expulsion are linked with poor attendance, grade retention, and school completion (Hyman & Snook, 2000). Additionally, a strong relationship has also been found between academic performance (such as GPA and graduation rate) and disciplinary actions—expulsion, suspension, and in-school-suspension (Skiba, Michael, Nardo, & Peterson 2000).

## Statement of Problem

In 1968, Dunn argued that the over-identification and over-placement of socio-culturally deprived students with learning difficulties into special education was a growing concern. Zhiang and Katsiyannis (2002) described Dunn as one of the first researchers to bring national attention to the over-placement of non-Anglo students in special education. As Dunn (1968) noted:

In my best judgment, about 60% to 80% of the pupils taught by [special education] teachers are children from low-status backgrounds: Afro-American, American Indians, Mexicans, and Puerto Rican, those from non-standard, English-speaking, broken, disorganized, and inadequate homes; and children from other non-middle class environments. (p. 6)

Describing this over-identification as “morally and educationally wrong,” Dunn (1968) argued that special education was not adequately addressing the true educational needs of placed students (p. 8). Dunn questioned the placement settings and warned that this could have detrimental effects in the future. Accordingly, his criticism about the discriminatory tendencies of special education placement for African American students became a catalyst for recognizing and drawing parallels for racial discrimination in public education.

Evolving from Dunn’s assertions, many researchers argue that African American students are not being served in the public schools; instead, they are being marginalized and segregated at alarming rates by being placed in special education (Anand et al., 2002; Kuykendall, 1991). Supporting this assertion are the current statistics that show African Americans students represent roughly 9% of the total student population in public schools but account for approximately 14.2% of the total special education population (U.S.

Department of Education, 2010b). Other data reveal that African American students account for approximately 20% of all students identified as mentally retarded (U.S. Department of Education, 2010b). In other categories—such as emotional disturbance and learning disability—African American students comprise 21% and 12%, respectively, of all students in special education (U.S. Department of Education, 2010b). These data show that African American students’ representation in the mental retardation and emotional disturbance categories is still more than twice their school population. In fact, in 10 of the 13 disability categories for special education, the percentages of African American students meet or exceed their school population (U.S. Department of Education, 2010b). Additionally, Rotherham (2002) contended that African American students are 2.28 times more likely to be identified as mentally retarded and 1.58 times more likely to be identified as emotionally disturbed in comparison to their White peers.

### **Disparate Impact**

Some researchers have contended that the overrepresentation of African American students in special education coupled with high levels of disciplinary referrals has the potential to negatively influence students’ long-term goals and aspirations and, consequently, their future quality of life. Describing the disproportionate placement of African American students in special education as a “ghetto within a ghetto,” Gary Orfield (as cited in McNally, 2003) characterized the future outlook for these students as follows: They are (a) less likely to receive a high school diploma, (b) less likely to be employed after leaving high school, and (c) more likely to end up in the criminal justice system (p. 1). In short, the statistics vividly illustrate a continuing racial imbalance in the

composition of special education students and disciplinary referrals, and some researchers have contended that these discrepancies can have disparate impact on African American students (Anand et al., 2002; Rotherham, 2002; Kuykendall, 1991).

The Department of Education (as cited in Zehr, 2011) announced an effort to analyze the disparate-impact theory “looking for evidence of ‘different treatment,’ or intentional discrimination” for students of color (p. 13). The disparate-impact doctrine established by the Civil Rights Act of 1964 dictates that when a perpetually racial-neutral policy produces a disproportionately harmful impact on students of color, the burden shifts to the schools to justify their policies or practices (Harvard University Civil Rights Project, 2000). The problem is that the burden of proof is often difficult to demonstrate, because bias is not often found in policies but in their application. Bell (1992) contended bias in policies is not explicit in doctrine but implicit in application. More specifically, Bell argued bias in policy is not ingrained in the policies, but rather in the unofficial practices associated with the application of the policies. With this assertion, there is a pressing need for policymakers to view policies beyond the initial realms of implementation and examine and assess them throughout the continuum of the process. This is imperative because it allows policymakers to identify and rectify the unintended consequences associated with implementation of educational policy.

### **Stigmatizing Disability Categories**

Some researchers report that not only are African American students disproportionately represented in special education, they are more likely to be placed in one of the three most stigmatizing disability categories: (a) mentally retarded, (b)

emotionally disturbed, or (c) learning disabled (Fierros & Conroy, 2002). According to the U.S. Department of Education (2010b), there are 13 different disability categories in special education. Researchers assert distinctions between categories are typically based on both subjective and objective definitions of disability (Parrish, 2002; Skiba et al., 2006). Mentally retardation, emotionally disturbed, and learning disabled are considered “soft categories” because they require some form of judgment or interpretation by the referring agent (Parrish, 2002). In contrast, “hard categories” such as physical disabilities, blindness, and deafness are less prone to subjectivity and are medically diagnosed (Parrish, 2002). Parrish (2002) examined the racial disparities in special education and found a substantial incongruence between the identification of hard and soft categories for African American students. More specifically, the researcher contended that nationwide, African American students are almost the same as their peers when it comes to the hard categories, but are disproportionately represented in the soft categories (Fierros & Conroy, 2002; Parrish, 2002).

A review of the related literature supports Parrish’s (2002) assertion that there are disproportionate discrepancies in the percentage of African American students who are identified as being in one of the soft disability categories. Fierros and Conroy (2002) found that African American students represented 17% of the total student population, but comprised 33% of all students labeled as mentally retarded. Moreover, the researchers discovered that African American students were one-and-half times as likely to be labeled as mentally retarded in comparison to their White peers in 38 states and three times more likely in 7 states. Skiba et al. (2006) made a distinction between



overrepresentation and disproportionality. More specifically, the researchers assert that African American students are overrepresented in special education in all 50 states and that the disproportionality for these students increased as the disability categories became more judgmental (Skiba et al., 2006). Nationally, African American students are 2.88 times more likely to be identified as mentally retarded and 1.92 times more likely to be identified as emotionally disturbed in comparison to their White peers (Skiba et al., 2006). In sum, African American students are disproportionately identified and placed in special education. With that, the disproportional placement of African Americans in special education is only part of the problem. The remaining complexity of the problem rests on the fact that this sector of our public school population is over-identified in disability categories associated with a restrictive educational setting.

### **Restrictive Educational Setting**

African American students in special education are more likely to be educated in a restrictive classroom setting and less likely to be educated in an inclusive classroom setting with their peers (Fierros & Conroy, 2002; Serwatka, Deering, & Grant, 1995; Skiba et al., 2001, 2006). Serwatka et al. (1995) argued that African American students in special education are more likely to be placed in a segregated setting across a range of disabilities. Skiba et al. (2001) found that 33% of the African American students in special education are educated in a separate classroom setting in comparison to 16% of their White peers who were in special education.

Examining this issue in a larger context, Skiba et al. (2006) conducted an extensive study of 295 school districts seeking to determine whether there was a

disproportionate placement of African American students in special education who were placed in a restrictive classroom settings based on identifiable disability categories. There were three classroom placement settings distinguished by the amount of time removed from a regular classroom setting. Students educated in a general classroom setting were removed for less than 21% of the school day. Students educated in a separate classroom were removed between 21% and 60 % of the school day. Students educated in a restrictive classroom setting were removed for more 61% of the school day. The researchers found that African American students in special education identified as MR, ED, and LD were 1.5 times, 1.2 times, and 3.2 times, respectively, more likely than their White peers to be placed in a restrictive classroom setting (Skiba et al., 2006).

Going further, the researchers controlled for disability identification to determine whether students' placement settings were actually an artifact of the students' disability category. Their findings illustrate that African American students were more likely than their peers in the same disability category to be placed in a restrictive classroom setting (Skiba et al., 2006). This can have detrimental effects on students' achievement. Students who are educated in a regular classroom setting are found to complete more classroom assignments (National Center on Educational Restructuring & Inclusion, 1995), have better overall academic achievement (Carlson & Parshall, 1996; Marston, 1996; Shinn, Powell-Smith, Good & Baker, 1997), and demonstrate better social interaction with their peers (Lewis, 1994).

## **Emotional Effects**

Another important area of discussion is the emotional effect of being labeled as having a disability and how this label influences students' self-images. Many scholars have noted that the overrepresentation—and often the misplacement—of African American students in special education may have a stigmatizing effect on their self-worth (Dunn, 1968; Goffman, 1963; Harry & Anderson, 1994; Kunjufu, 2005). Kunjufu (2005) contended the practice of removing identified students from a general education setting to a segregated setting can influence those students' images of self-efficacy, personal goals, and overall academic achievement. Further complicating this dilemma, once a student is removed from a general classroom setting, he or she often remains in a segregated classroom setting, making it almost impossible to compete with peers (Harry & Anderson, 1994; Kearns, Ford, & Linney, 2005). Mills (2003) posited that special education has become a destination instead of a resource and argued that the type and quality of special education services can have a detrimental effect on students' projected overall quality of life. In brief, the over-identification of African American students for special education can have a negative psychological effect on misplaced students and can influence their self-esteem, personal goals, and overall academic achievement.

## **Disparate Impact on Long-Term Goals and Outcomes**

The extant literature has also found that students' placement is also associated with long-term goals and outcomes. Harry and Anderson (1994) argued that special education does not expose students to a rigorous and robust curriculum to adequately prepare them for future careers (Harry & Anderson, 1994). Statistically, about 25% of all

students in special education earn their high school diploma and only 3% earn their general equivalency degree GED. Special education students who have been out of school for less than two years have a 46% unemployment rate (U.S. Department of Labor, Bureau of Labor Statistics, 2009). Equally important, adults who have experienced special education represent 21% of all individuals who live at or near the federal poverty line. Furthermore, few special education students go on to pursue higher education (Heward, 2003; U.S. Department of Education, 2010a; U.S. Department of Labor, Bureau of Labor Statistics, 2009). Scholars have also noted that special education students are employed at a lower rate than peers who were educated in a general classroom setting (Edgar, 1987; Hasazi, Gordon, & Roe, 1985; Jackson & Moore, 2006).

Some researchers have contended that instead of aiding students with disabilities, special education places students at risk for dropping out of school (Harry & Anderson, 1994). Further compounding this dilemma is the fact that 17% of all African American males between the ages of 18 to 29 are incarcerated, and 80% of the total prison population consists of high school dropouts. Considering the over-representation of African Americans in special education, some scholars have suggested that special education may also contribute to the proverbial school-to-prison pipeline (Jackson & Moore, 2006; U.S. Department of Education, 2010a; Whaley & Smyer, 1998). In sum, current research and data allude to two conclusions: There is overrepresentation of African American students in special education and a corresponding disparate impact.

## **Purpose of Study**

The purpose of this study was to determine the relationship between discretionary removal and special education students. This study investigated discretionary removal trends for special education students. More specifically, this study tried to determine the trends in disciplinary measures for special education students that are associated with Texas Education Code 37. In addition, this study attempted to determine whether these types of disciplinary measures influence the academic performance of African American special education students.

## **Research Questions**

This study sought to determine the extent of the effect, if there is any, of discretionary removal upon special education students by answering the following questions:

1. What are the trends in demographic characteristics, discretionary removal (DAEP placement, Out-of School-Suspension, and In-School-Suspension), and special education status for students?
2. Does discretionary removal for special education students vary according to student characteristics (i.e., race/ethnicity, poverty, disability category)?
3. Do student characteristics (i.e., race/ethnicity, economic status, disability category) predict discretionary removal for special education students?
4. Does school completion for special education students who are subjected to discretionary removal differ significantly from special education students who are not subject to discretionary removal?

5. What administrative factors explain the disproportionate representation of minority students who are cited for discretionary disciplinary measures?

### **Significance of the Study**

This study was warranted for three principal reasons. The first, more pressing concern is the fact that African Americans have historically and recently been disproportionately represented in special education. This educational issue is troubling because African Americans are not only disproportionately represented in special education, but are more likely to be overrepresented in subjective categories and stigmatizing categories, more likely to be educated in a restrictive setting, and less likely to transition back into the general education population (Oswald, Coutinho, & Best, 2002; Parrish, 2002; Skiba et al., 2006). Secondly, special education statistics indicate that African Americans who are in special education represent a disproportionate percentage of the public school's juvenile justice population. Some might argue that this finding represents an inferential relationship, meaning that students who struggle academically are more likely to have disciplinary issues. However, even within the parameters of the special education population, African Americans are more likely to be suspended, expelled, or removed from their general and special education setting (Osher, Woodruff, & Sims, 2002). Thirdly, the educational experiences of students often serve as an antecedent to their social, economic, and political roles later in life. Research indicates that special education students whose access to instruction has been restricted as a result of disciplinary issues are more likely to drop out of school, to live in poverty, and to be

incarcerated (Osher et al., 2002). Thus, any policy or practice with the potential to hinder or restrict students' educational experiences must be subject to strict scrutiny.

What is known and evident throughout literature, there are racial disparities in special education and disciplinary referrals for African American students; however, only a limited amount of literature has studied the interaction of the two policies. With that said, what is unknown is how these two policies impact students in conjunction with one another. As noted by Skiba et al. (2008), "The intersection of disproportional in school discipline and special education has been commented on, but insufficiently explored" (p. 277). In other words, there appears to be a paucity of information mediating special education and disciplinary issues. This study is particularly pertinent in this regard because it attempts to assimilate these two policies in order to determine whether they influence student academic performance in conjunction with one another.

### **Definition of Terms**

**Disciplinary Alternative Education Placement (DAEP).** Disciplinary Alternative Education Placement is a separate school or designated campus for students who have been removed from their regular classroom setting.

**Disciplinary Measures.** For the purpose of this study, disciplinary measures consist one of the following disciplinary sanctions: office referrals, ISS, OSS, and DAEP placements.

**Discretionary Removal (Texas Education Code [TEC] 37.001; TEC 37.002).** Discretionary removal is not a state law; however, due to violation of discipline management policies, as set forth by school districts, schools can remove a student from

their regular classroom setting for discretionary reasons as defined by the student code of conduct. Likewise, teachers may remove a student who has been documented as repeatedly interfering with teacher's ability to teach or communicate effectively with the students in class or other students' ability to learn. Discretionary removal can be either by ISS, OSS, or DAEP placement. Discretionary reasons cannot be made for longer than three days on the basis of multiple offense that occur during the same time period.

**Disproportionate.** The term overrepresentation is sometimes referred to as disproportionate representation. For the purpose of this study, disproportionately is established when more than, plus or minus, 10% of a racial/minority group in comparison to their general population is evident in a specific educational category.

**Emotionally Disturbed.** A condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance: (a) An inability to learn that cannot be explained by intellectual, sensory, or health factors. (b) An inability to build or maintain satisfactory interpersonal with peers and teachers. (c) Inappropriate types of behavior or feelings under normal circumstances. (d) general pervasive mood of unhappiness or depression. (e) A tendency to develop physical symptoms or fears associated with personal or school problems (U.S. Department of Education, 2010a).

**Free Appropriate Public Education (FAPE).** Established by Individuals with Disabilities Act (IDEA), FAPE is the right of special education to have their individual educational needs met at no cost to the parents.



**General Education.** A classroom setting where educational curriculum not specifically designed to meet the needs of students with disabilities.

**Inclusion.** Refers to the placement of students with disabilities being educated in the classroom with peers without student disabilities.

**Individuals With Disabilities Education Act (IDEA).** IDEA is a federal law governing and regulating how public schools and private schools (that receive federal monies) accommodate the educational needs of children with disabilities.

**Individual Education Plan (IEP).** IEP is a legal document developed by the Admission Review and Dismissal (ARD) Committee that establishes the standards for services deemed appropriate for students with disabilities.

**Learning Disabled.** Learning disabled refers to students with a disorder in one or more of the basic psychological processes of understanding and using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations (U.S. Department of Education, 2010a).

**Least Restrictive Environment (LRE).** Established by IDEA, least restrictive environment refers to the mandate that students with disabilities should be educated, to the maximum extent appropriate, with peers without disabilities.

**Mental Retardation (MR).** A condition characterized by sub-average general intellectual functioning, existing concurrently [at the same time] with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child's educational Performance (U.S. Department of Education, 2010a).

**Minority students.** For purpose of this study, minority student refers to individuals whose ethnic membership is African American and/or Hispanic.

**Overrepresentation.** In the present study, this term refers to the percentage of minority students that is higher than the actual percentage of the minority group as a whole in the school district's general population.

**Special Education.** Special education is individualized designed instruction to meet the unique needs of students with disabilities. This services is provided to students at no cost to parents.

### **Organization of the Dissertation**

Chapter 1 provides an overview of the disproportionate representation of African American students in special education as well as their disproportionate citation for school disciplinary offenses. The chapter introduces the problem and significance of the study and provides background information regarding the special education policy and the disciplinary policy outlined in Chapter 37 of the Texas Education Code. Finally, Chapter 1 presents the definitions of key terms that are used throughout the study and addresses the limitations of this research project.

Chapter 2 reviews the related literature. The chapter offers an overview of the disproportionate representation of African American students within these two educational categories and presents the overarching themes that are embedded in the literature related to each policy. The first policy, special education, examines four factors that may contribute to the disproportionate representation of African American students in this educational category, namely, the assessment instrument and the referral process,

cultural discontinuity, racism, and poverty. The second policy, Chapter 37 of the Texas Education Code, examines three factors that may contribute to the disproportionate number of citations of disciplinary offenses for African American students, specifically cultural discontinuity, poverty, and racism. Finally, this chapter concludes by examining the framework of Critical Race Theory, which underlines the theoretical lens that will be used to discern the plight of African American students within the public school system.

In Chapter 3, a detailed description of the methodology involved in this research study is provided. This chapter is divided into three sections. The first section discusses the research design and methodology. The second section describes the participants and the data for this study. The third section describes the data analysis.

Chapter 4 discusses the results for both the quantitative and qualitative components of this study within the context of answering each respective research question. This chapter has three sections. Section 1 reviews the findings for the descriptive data and analysis used to answer Research Questions 1 and 2. Section 2 presents findings for the logistic regress analysis employed to answer Research Questions 3 and 4. Section 3 of this chapter presents the qualitative finding from interviews of campus administrators and answers Research Question 5.

Finally, Chapter 5 discusses the findings of this study and their implications in three sections. Section 1 discusses the findings for the study relative to their research questions and the implications for these findings. Section 2 discusses the limitations for this study. Finally, Section 3 provides the limitations for this study.

## Chapter 2: Literature Review

Despite decades of school reform, African American students, on average, continue to be disproportionately overrepresented in nearly all negative school-level categories (such as disciplinary referrals, special education placements, school dropouts, and tracking) and underrepresented in all positive school-level categories (such as gifted and talented students, advanced placement courses, high school graduates, and college/academic tracking). Historically, acknowledgment of this problem has been reflected in the plethora of policies designed and implemented in an effort to rectify these educational discrepancies. A large body of literature recognizes the adverse impact that special education and disciplinary policies may have on minority students, particularly African American males (Anand et al., 2002; Gregory et al., 2010; Harry & Anderson, 1994; Kuykendall, 1991; Pink, 1982; Skiba et al., 2008, 2011; Townsend, 2000; Welch & Payne, 2010).

Recently, the Department of Education announced its efforts to analyze the disparate-impact theory, “looking for evidence of ‘different treatment,’ or intentional discrimination” against students of color in an effort to address these discrepancies (Zehr, 2011, p. 1). The “Disparate Impact” doctrine established by the Civil Rights Act of 1964 dictates that when a perpetual racially-neutral policy has a disproportionately harmful impact upon students of color, the burden of justifying the policy or practice shifts to the schools (Harvard University Civil Rights Project, 2000). The problem is that the burden of proof is often difficult to establish, as bias is not often found in the policy per se, but rather, in the application of the policy. Thus, Bell (1992) contended that bias in policies is

not explicit in doctrine but implicit in application. More specifically, Bell argued that bias in policy is generally not ingrained in the policy itself, but more importantly, is found in the unofficial practices that are associated with the application of the policy. This assertion indicates a pressing need for policymakers to consider policy from a perspective that moves beyond the initial realms of policy implementation and examines and assesses policy throughout the duration of the policy-making process. This assertion is critically important, as it encourages policymakers to identify, and hopefully rectify, the unintended consequences that are associated with policy implementation.

The purpose of this literature review is four-fold. First, it examines the way in which disproportionately is measured. Second, it reviews the related literature on the disproportionately of African American students in special education and examines various factors that may contribute to the disproportional representation of African American students in special education, specifically: (a) the bias assessment and referral process, (b) cultural discontinuity, (c) poverty, and (4) racism. Third, it reviews the related literature on the disproportionately of disciplinary referrals for African American students and explores several factors that may contribute to the disproportionate number of disciplinary referrals of African American students, specifically: (a) cultural discontinuity, (b) racism, and (c) poverty. Finally, it examines the available literature on critical race theory (CRT) and the ways in which this theoretical framework illustrates the plight of African American students within the public school system.

## **What is Disproportionality?**

Oswald et al. (2002) contended that policymakers are rarely adequately informed about disproportionality due to the unavailability of accurate disproportionate data. Claiming that overrepresentation is often derived from an ambiguous definition or a non-representative sample, researchers argue that disproportionate data either exaggerate or minimize the scope of the problem (Oswald, Coutinho, Best, & Singh, 1999). Historically, three methods have been used to measure disproportionately in special education services. One method is the compositional index, which determines the racial/ethnic composition of special education students. The compositional index seeks to answer such questions as: What percentage of students in special education are African American males? Another method is the risk index. The risk index compares the racial/ethnic composition of students with that of the total population of the subgroup and seeks to answer such questions as: What percentage of African American students are in special education? The last method is the relative risk ratio, which determines a particular subgroup's risk of receiving special education in comparison with the risk that another subgroup faces. The relative risk ratio seeks to answer such questions as: What are the risks of African American students being placed in special education in comparison with another subgroup's population? (Oswald et al., 2002). Utilizing these methods, researchers typically use a bandwidth of 10% to establish disproportionately (Chin & Hughes, 1987; Oswald et al., 2002; Westat, 2003). This form of measurement assumes proportional representation when a racial or minority group's representation is equal to their representation in the general education population. As a result, disproportionately is

established when more than, plus or minus, 10% of a racial or minority group in comparison with their general population is placed in special education. It should be noted that no single method has been agreed upon by researchers for calculating disproportionality; thus, a variety of methods are used in the various studies reviewed in this literature review, each providing a different perspective on the severity of the same issue.

### **Disproportionality Among African American Students and Special Education**

The overrepresentation of African Americans (especially males) in special education is a pressing issue that has gained the attention of legislative bodies, policymakers, and the research community. In light of the disparate impact found in the literature, this review provides a concise summary of four explanations emerging from the extant research that describes why African American students are overrepresented in special education. These explanations are related to the following: (a) the bias assessment and referral process, (b) cultural discontinuity, (c) poverty, and (d) racism.

**Bias assessment and referral process.** The assessment process and instruments have been a highly debated topic in the selection and identification of special education students. Spiraling throughout the literature, the assessment instruments, IQ scores, and practitioner bias are the most frequently cited contributing factors for the disproportional representation of African American students in special education (Hillard, 1992; Reschly, 1980). Typically, an IQ test and other similar standardized assessments are the primary instruments used to determine special education eligibility. Hillard (1980, 1990, 1991, 1992) has repeatedly asserted that the assessments used do not reflect the cultural

experiences of African American students and do not accurately measure the true intelligence level of this group of students. Other researchers argue the content of IQ tests and other standardized assessment instruments are biased in that they only reflect the norms and values of the dominant class and, by default, are biased against minority students (Harry, 1992; Patton 1998). Cummins (1986) asserted that because of this skewed bias against minority students, IQ assessments lack validity. Townsend (2002) criticized all standardized assessments used for special education referrals and contended that historically, standardized assessments have been considered unfair and biased against minority students because they are based on the experiences of the dominant class.

Some researchers have also contended that bias is not only embedded in the assessment instrument, but also in the assessment process. Assessment bias may be unintentional and might be a product of how educators and administrators interpret federal and state legislative policies. Conversely, it might be intentional as a result of institutional or organizational pressures. Harry, Klingner, Sturges, and Moore's (2002) three-year ethnographic study in Florida highlighted the many ways the special education assessment process is influenced by unofficial, and often, undocumented practices. The researchers found informal pressure by referring teachers, campus administrators, counselors, school psychologists, and the wide variation of assessment instruments and psychological tools are biased against minority students (Harry et al., 2002). Moreover, data from this study reveal that committees very seldom investigate or account for the contextual circumstances for referred students of color (Harry et al., 2002). For example, in this study, several students were referred from classroom teachers who lacked effective



classroom structures and organization and had poor instructional strategies. Yet, campus leaders and administrators failed to investigate the contextual circumstances of the referred students (Harry et al., 2002).

As might be expected, the type of assessment instrument might be linked to the overrepresentation of African American students in special education. Serwatka, Dove, and Hodge (1986) found that African American students were overrepresented in special education classes in districts that used standardized assessments to determine placement eligibility. Naglieri and Rojahn (2001) explored this assertion in their study when they examined special education students who were assessed using two different assessment tools: the WISCII Test and the Cognitive Assessment System Test. The researchers discovered that African American students who were assessed using WISCII assessments had a lower mean than their White peers. The researchers cautioned that their results did not constitute a test bias, but did disproportionately place African Americans in special education. Furthermore, the researchers asserted that if cognitive-based assessments were used uniformly, special education placement for African American students would decrease by 30% (Naglieri & Rojahn, 2001). Thus, the assessment process and instrument are not the sole catalyst for the overrepresentation of African American students in special education; however, researchers note that they do contribute to this educational issue.

**Cultural discontinuity.** Collectively created by individuals and groups, culture is often viewed as the agent that shapes the interactions, communication, and education of students (Collier, 1998). Permeating all social realms, this agent determines how

individuals perceive and interpret their environment (Collier, 1998). In America, public schools are often seen as the mediator that bridges different cultures (Ravitch, 1974). In the same way, some researchers contended that public schools function solely as an agency to assimilate opposing views to a broader discourse (Sikkink, 1998; Williams, 1997). Despite either claim, research shows students who adjust to America's mainstream culture—characterized by the White middle class—tend to do better socially and academically in comparison to students who are unwilling or unable to adapt to mainstream standards (Fordham & Ogbu, 1986).

Accordingly, some researchers argue that many African American students are unjustly placed in special education because of cultural differences (Cooper & Jordan, 2003; Harry & Anderson, 1994; Irvine, 1990; Kunjufu, 1986; Reschly, 1989; Van Kuelen, 1995). Irvine (1990) found that African American students, particularly African American males, who engaged in artifacts of their culture, characterized by movement patterns, Ebonics, and certain dress attire, are referred to special education at a higher rate than those African American students who do not display artifacts of their culture. Harry and Anderson contended that teachers often perceive cultural differences as a cognitive or educational deficit, in particular for African American males. Moreover, due to the incongruousness in cultures between educators and students, teachers often lack the ability to understand the educational needs for some of their students. Consequently, when these students fail to respond to instructional strategies that are not aligned with their learning styles, it increases their likelihood of being inaccurately and inappropriately placed in special education (Harry & Anderson, 1994).

Teachers who fail to acknowledge cultural differences in students often view these differences as a learning disability (Reschly, 1989). Van Kuelen (1995) posited the “overrepresentation of Black males in special education is undoubtedly related to cultural differences between teachers and students’ home and school environment and curriculum learning” (p. 79). Public schools’ inability to relate to their minority students, cited Kunjufu, is one of the most destructive institutions for students of color. The researcher contended that African American males are socialized early on for failure by policies and practices that unintentionally restrict their opportunity for quality education (Kunjufu, 1986). Furthermore, Kunjufu (1986) contended “The dominant cultural group in American society, by the control of key institutions, educational institutions being one of them, systemically denied African American boys the fruit of their heritage [education], culture, and rites of passage” (p. 15). Thus, although broader in discourse but narrower in scope, the disproportionate representation of African American students in the special education population is a reflection of broader societal issues.

**Poverty.** Some researchers have suggested that poverty is the most significant factor for the overrepresentation of African American students in special education (Chinn & Hughes, 1987; MacMillan, & Reschly, 1998; Oswald et al., 1999; Wagner, 1995). However, literature about special education and poverty delineates opposing trends. Based on U.S. Census Data, Oswald et al. (1999) determined that African American families were three times as likely to live in poverty in comparison to White families. With this in mind, if poverty is indeed a significant factor for special education, one might expect more African American students to be placed in special education.

However, Trotman (2001) discovered middle-class African American students were just as likely to be referred to special education as poor African American students.

Some researchers have contended that not only is poverty a significant factor for determining special education placement for African American students, it also influences what type of categories students are placed in (Coutinho, Oswald, Best, 2002; Fierros & Conroy, 2002; Oswald et al., 1999, 2002; Parrish, 2002; Trotman, 2001). Accounting for context, Oswald et al. (1999) argued that as the poverty rate increases, the number of African American students identified as mentally retarded (MR) also increases. In contrast, as the poverty rate decreases, the number of African American students identified as MR decreases; however, the percentage of students identified as emotionally disturbed (ED) increases (Oswald et al., 1999). Trotman (2001) found that African Americans students who resided in wealthier communities were more likely to be identified as ED in comparison to African American students who lived in poorer neighborhoods.

Two conclusions can be drawn from the literature. First, it might be argued that context matters in that African American students who are being educated in more affluent schools are receiving adequate educational services and are less likely to struggle academically. On the other hand, it also can be argued that wealthier districts are less tolerant about cultural differences as illustrated by the percentage of students they identify as ED. Second, the socio-demographics of schools influence the variations of students' identification labels. In other words, schools with a higher concentration of poor students are more likely to identify their students as MR. This might be due to a larger

concentration of poor-performing students. Conversely, it might be due to inadequate resources. For example, Kozol (1991) found that schools that were in neighborhoods with higher levels of poverty lacked licensed professionals, related support structures, transitional services, appropriate class sizes, adequate facilities, and instructional and assistive technology.

With this in mind, some researchers have sought to determine whether poverty does, in fact, predict special education placement for African American students. According to MacMillan and Reschly (1998), “ethnicity and poverty are inextricably interwoven in our society (p. 20). Coutinho et al. (2002) investigated whether the poverty level in communities increases a student’s chance of being identified as MR. Contradicting prior research, the researchers’ results found that the identification of African American students as MR declined as poverty increased. Furthermore, the researchers discovered, accounting for the effects of students’ socio-demographics, that a student’s gender and ethnicity were significant determinants for special education identification (Coutinho et al., 2002).

Another approach to determine whether special education placements for African American students are an effect of poverty rather than race would require an examination of the identification patterns for African American students. Researchers have noted that African American students are overrepresented in special education but are disproportionately overrepresented in three categories: (a) mental retardation, (b) emotionally disturbed, and (c) learning disabled (Fierros & Conroy, 2002; Parrish, 2002). If poverty is the mitigating factor that links African American students to special

education, one might expect to see a congruence with the percentage of African American students identified in subjective categories (e.g., mentally retarded, emotionally disturbed, or learning disability) with those identified with an objective disability (e.g., physical handicap, blind, or deaf).

**Racism.** Public schools respond to and reflect broader societal issues. In a country with a legacy of a socially constructed identity of White dominance and African American subordination, one might expect structural barriers (e.g., institutional racism, educational policies, and school atmosphere) to influence how African American students are treated within the public school system. Nieto (2004) asserted that although racism is less prevalent and overt than in the past, it is still nestled within the public school system. This type of racism is *de facto* racism, meaning it is not explicit, but it is implicit in the unofficial policies and practices. Nieto argued that it is this type of unconscious racial bias, stereotypes, and other racial linked factors that influence the identification and ultimate placement of African American students in special education.

Teachers are reluctant to acknowledge individual differences based on race and gender. This reluctance has the potential to negatively affect minority students (Hale-Bensen, 1986). Statistics indicate the majority of the educators in the United States are White females, and the majority of public school children are non-White students (Harry & Anderson, 1994). Herrera (1998) examined 10 cities to determine the special education referral rate for African American and White male students in conjunction with the racial composition of their teaching staff. The researcher discovered a high percentage of African American males in special education coincided with a large White teaching staff.

A similar study of a large urban district discovered as the percentage of African American teachers increased, the special education placement, suspension, and expulsion decreased for African American students (Irvine, 1990). In contrast, Watkins and Kurtz's (2001) study of a large predominately African American school district discovered the increased employment of White teachers coincided with an increase in special education referrals for African American students.

In examination of the teachers' perceptions, Bahr, Fuchs, Stecker, and Fuchs (1991) determined that race does matter. This study investigated the teachers' perception by asking the teachers to rank an equal number of at-risk African American and White students for special education referral. The researchers discovered teachers were more likely to rank African American students as "in need" of special education and less likely to rank White students as "in need" (Bahr et al., 1991). Ogbu and Simons (1998) asserted that minority students are shaped by the forces that define them as a group. Morgan (1980) noted:

When Blacks enter first grade the stories they create express positive feelings about themselves in schooling situations, but by the second grade students' stories express "negative imagery of the teacher and school environment," and by the fifth grade the overall feelings expressed by students is that of cynicism. In other words, upon entering school in primary grades, Black children possess enthusiasm and eager interest; however, by fifth grades, the liveliness and interest are one, replace by passivity and apathy. I found after the third grade achievement rate of Blacks began a downward spiral, which tended to continue in child's academic career. (p. 49)

Harry, Rueda, and Kalyanpur (1999) noted that teachers' prejudice, racial bias, and low expectations influence referral decisions for African American students. In this vein, once

a student is referred to special education, whether it is based on subjective or objective reasons, the likelihood of being placed in special education is significantly increased.

In all, the disproportional representation of African American students in special education is complex educational issue, without a solution. As a result of this complexity, researchers have not reached a consensus regarding the actual cause for this persistent educational issue. What is clear is that a myriad of factors appear to contribute to disproportionate representation of African American students in special education. Within the scope of empirical literature reviewed, race appears to be a salient predictor for student referral and placement in special education (Harry et al., 1999; Harry & Anderson, 1994; Herrera, 1998; Nieto, 2004; Watkins & Kurtz, 2001).

As previously discussed, schools respond to and reflect broader societal issues. Racism and race-related issues have deep historical roots in the American public school system and the effects are widespread and persistent (Nieto, 2004). Ward (2002) argued racism has metastasized into different forms and “new racism” embodies “covert, subtle, institutionalized racism” (p. 11). More importantly, the researcher contended the newer form of racism “has been likened to a chameleon, hard to recognize and even harder to counter” (Ward, 2002, p. 11). Ward goes on to state, “The perpetrator of racism is not a person or persons, but rather, a school system” (p. 11). Specifically, Ward (2002) contended “new racism” is embedded in implementation of educational policies and African American children are “disproportionately labeled and tracked; they are subject to policies created by criminal justice system to monitor and control African American children, particularly black males, and they are routinely denied access to valued



resources” (Ward, 2002, p. 15). This type of racial bias, stereotypes, and other race-related factors have a significant impact on the patterns of identification, educational placement, and quality of service for minority students, particularly African American students.

### **Disproportionality Among African American Students and School Disciplinary Sanctions**

Similar to their representative population in special education, African American students are often disproportionately cited for school disciplinary issues. Large bodies of literature dating back over 35 years have consistently uncovered discrepancies for African American students in the administration of disciplinary referrals (Children’s Defense Fund, 1975; McCarthy & Hoge, 1987; Mendez, Knoff, & Ferron, 2002), expulsions (Children’s Defense Fund, 1975; Kewel, Gilbertson, Fox, & Provasnik, 2007; Skiba et al., 2002), and office referrals (Children’s Defense Fund, 1975; Skiba et al., 2002). Since these initial studies, similar findings associated with disciplinary issues among African American students have remained fairly consistent. Keeping the disparate impact literature in mind, this review provides a concise summary of three explanations emerging from the extant research that describes why African American students are disproportionately cited for disciplinary measures: (a) cultural discontinuity, (b) racism, and (c) poverty.

**Cultural discontinuity.** Public schools are social institutions and are grounded in homeostasis and the recreation of sameness. The goal of public education is to establish a system that is effective, efficient, and productive (Abel, 2005). This system, cites Ogbor

(2001), is rooted in controlling others in an effort to harmonize their interests with those of the organization. Abel describes this organization as a system that contains self-replicating policies and procedures, with the final product being one that self-replicates the status quo.

Embedded within this system of organization are power structures. Often viewed in the context of a social relation, power is characterized by some form of dependency, in which control is relegated to the stronger party (Morgan, 2006). Morgan (2006) defines *power* as the medium that “influences who gets what, when, and how” (p. 166). In the United States, *power* has historically been defined by European White males (Eisler, 1994). Women and minorities have generally been silenced by this power construct in all areas of life, including social, economic, political, and educational institutions. In fact, Gay (1993) contended that throughout history, dominant cultures have limited the power of minority groups in favor of their own interests. This dominance is found in organizational myths that reinforce the values of the dominant class, which often penetrate into organizational structures and cultures (Kersten, 2000; Ogbor, 2001). Reinforcing these values, hegemony develops, and those in power are no longer required to reinforce the status quo. Instead, “norms” are developed and internalized, as the rules of the “game” become known and are followed (Kersten, 2000). The problem, according to Kersten (2000), is that the rules become internalized and become known as truth, and few individuals challenge them. In short, the construct of power is embedded within organizations. Attached to this power is the dominant class’s ability to define the norms and values of a system.

Schein (1985) describes public schools as complex organizations in which participants learn and negotiate shared meanings and norms in an effort to regulate and define behaviors. Bowles and Gintis (1976) claim that this system is a social institution designed to serve the interests of society. Lacking meritocracy, the function of public schools is thus not to educate but rather to shape and form students to fit into an economic niche (Bowles & Gintis, 1976). Status and power in this system is hierarchical in design and measured by such discrete variables as social class, income, and wealth (Bowles & Gintis, 1976). Students able to learn this system tend to do better academically (Fordham & Ogbu, 1986). Meanwhile, Kunjufu (1986) contended that African American students often lack the prescribed discrete variables and are unintentionally restricted by the policies set forth by these organizations. Furthermore, Kunjufu (1986) asserts that the dominant groups, “by the control[ing] of key institutions, educational institutions being one of them, systemically denied African American boys the fruit of their heritage [education]” (p. 15).

A growing body of literature asserts that African American students are disproportionately cited for disciplinary offenses because they lack certain prescribed social and cultural variables that are set forth by the public school system. Townsend (2000) asserts that White teachers’ unfamiliarity with the interactional patterns that characterize many African American students predispose this sector of public school students to greater disciplinary sanctions. Furthermore, the researcher notes that teachers are more reactive to miscued cultural norms than any other non-violent behavior (Townsend, 2000). In a 2002 study, Vavrus and Cole (2002) videotaped several large

urban classroom settings and discovered that a large percentage of office referrals were not the result of violations against the student code of conduct, but rather due to the “violation of implicit interactional codes” (p. 109). More specifically, the researchers maintained:

Suspensions are the result of a complex sequence of events that together form a disciplinary moment, a moment when one disruptive act among many is singled out for action by the teacher. This singling-out process, we contend, disproportionately affects students whose race and gender distance them from their teachers, and this subtle, often unconscious process may be one of the reasons why students of color often experience suspension in the absence of violent behavior. (Vavrus & Cole, 2002, p. 109)

Discord lies in what is perceived as real. The public school system identifies with the norms of the general culture, which is defined by the dominant culture. Much of the current literature has contended that mismatched social and cultural cues between teachers and students within these organizations has the potential to affect student performance (Louwerse, Graesser, Lu, & Mitchell, 2005). Thus, Louwerse et al. (2005) maintained that “Because of a human tendency to confuse what is real with what is perceived to be real, people automatically use social rules to guide their actions” (p. 5). Consequently, discord arises as result of mismatched social and cultural cues. The end result is that a disproportionate number of minority students are cited for disciplinary issues. Thus, the organizational structure of public schools, which is designed to mediate the inequities in society, tends to serve as a mechanism that reinforces societal power constructs.

**Poverty.** Eitzen and Zinn (1994) argued that the major social problem in the United States is the unequal distribution of wealth. Meanwhile, Thompson (2008) noted

that the roots of ethnic and racial antagonism usually lie in economic inequality and conflict. U.S. Census data highlighted the fact that African American families are three times as likely to live in poverty in comparison with their White counterparts (Oswald et al., 1999). Some researchers argue that poverty predisposes a disproportionate percentage of African American students to disciplinary sanctions (National Association of Secondary School Principals [NASSP], 2000; National Research Council [NRC], 2002; National Research Council & Institute of Medicine, 2000). If poverty does indeed predispose a greater percentage of students to disciplinary sanctions, it is not surprising that African American students would be disproportionately penalized for disciplinary offenses.

Statistics indicate that poorer students are more likely to be targeted by harsher disciplinary sanctions than their wealthier peers (Brantlinger, 1999; Skiba et al., 2002; Skiba, Peterson, & Williams, 1997; Wu, Pink, Crain, & Moles, 1982). An analysis of a variety of school disciplinary sanctions has found evidence of disproportionality that was based, at least in part, on socioeconomic status (SES) (Children's Defense Fund, 1975; McCarthy & Hoge, 1987; Skiba et al., 1997; Thorton & Trent, 1988; Wu et al., 1982). A qualitative study conducted by Brantlinger (1991) interviewed both low- and high-income students. The researcher found that low-income students were unfairly targeted by disciplinary sanctions. Furthermore, Brantlinger (1991) determined a difference in terms of the type of disciplinary sanctions that students received. Thus, while high-income students received a greater number of verbal reprimands (such as warnings, teacher reprimands, and seating assignments), low-income students reported being

subjected to harsher sanctions (including being yelled at in front of the class and being forced to stand in the hallway).

In a statement made before the U.S. Commission on Civil Rights, representatives of the National Association of Secondary School Principals (2000) argued that the disparities in the Application of the Zero Tolerance policy was not an issue of race or ethnicity, but rather an issue based on socioeconomic status. Furthermore, the organization representatives went on to assert that African American students are more likely to live in poverty and to be exposed to more stressor than their peers. As a result, it is the organization's contention that African American students who live in poverty are under-socialized to the norms and values prevalent in public schools, predisposing them to the likelihood of increased disciplinary sanctions. Yet some researchers maintain that even when SES is controlled for, race remains a significant predictor of disciplinary offenses (Skiba et al., 2002; Wallace, Goodkind, Wallace, & Bachman, 2008).

**Racism.** A large body of evidence indicates that race is a salient issue for the administration of disciplinary sanctions for African American students (Costenbader & Markson, 1994, 1998; Glackman et al., 1978; Gregory, 1997; Kaeser, 1979; Lietz & Gregory, 1978; Massachusetts Advocacy Center, 1986; McCarthy & Hoge, 1987; McFadden, Marsh, Price, & Hwang, 1992; Nichols, Ludwin, & Iadicola, 1999; Skiba et al., 1997; Streitmatter, 1986; Taylor & Foster, 1986; Thornton & Trent, 1988; Wu et al., 1982). In 1974, the Office of Civil Rights reported that the suspension rate for African American students was two to three times higher than that of their White peers (Skiba & Peterson, 1999). An analysis conducted by the Children's Defense Fund (1975) of school

discipline reports provided by the United States Department of Civil Rights found African American students to be suspended at a higher rate than their peers and indicated that they were more likely to be suspended more than once (Children's Defense Fund, 1975). Since the initial publication of these reports, racial disparities in the administration of disciplinary sanctions for African American students have been well-documented (Costenbader & Markson, 1994, 1998; Glackman et al., 1978; Gregory, 1997; Kaeser, 1979; Lietz & Gregory, 1978; Massachusetts Advocacy Center, 1986; McCarthy & Hoge, 1987; McFadden et al., 1992; Nichols et al., 1999; Skiba et al., 1997; Streitmatter, 1986; Taylor & Foster, 1986; Thornton & Trent, 1988; Wu et al., 1982).

The findings of a 1993 follow-up study by the Office of Civil Rights mirror the department's initial study (Office of Civil Rights, 1993). This study reported that the suspension rate for African American males was three times higher than their representative population rate (Townsend, 2000). A longitudinal study conducted by Davis and Jordan (1994) generated similar results, showing that African American males were suspended at a higher rate than any other group. A strong case has been made for a causal relationship between student disciplinary issues and poverty, and since a greater number of African American students live in poverty, more African American students would be expected to have disciplinary issues (National Association of Secondary Principals, 2000; National Research Council & Institute of Medicine, 2000). Although this explanation seems plausible, some research findings refute this notion (Skiba et al., 2002; Wallace et al., 2008). Thus, for example, Skiba et al. (2002) asserted that even when controlling for SES in their multivariate analysis, race remains a

significant predictor of disciplinary sanctions for students. Wallace et al. (2008) came to similar findings in their report, indicating that race remains a significant predictor of all three disciplinary measures – office referrals, suspensions, and expulsion – after controlling for SES and family structure (single-parent household, locale of residence).

Not only are African American students more likely to be cited for more disciplinary offenses, their punishments are often harsher and more severe in comparison with their peers (McFadden et al., 1992; Shaw & Braden, 1990; Wallace et al., 2008). Research by Shaw and Braden (1990) determined that African American students are more likely to receive a harsher punishment for less serious disciplinary infractions than their peers. Some researchers argue that disciplinary consequences are contingent upon a student's race or ethnicity (Skiba et al., 2011). In this regard, a research study conducted by Skiba et al. (2011) discovered that African American students were four times as likely to be suspended for disciplinary offenses, such as tardiness/truancy, non-compliance, and general disruption. Findings from this study indicate that African American students are more likely to receive harsher disciplinary consequences for relatively subjective offenses.

Race appears to be a significant factor in the disciplinary referrals of African American students. Controlling for other socioeconomic characteristics, ethnicity remains the most significant predictor for the expulsion and suspension of students (Skiba et al., 2002; Wu et al., 1982). In a representative national sample of 74,000 tenth graders, Wallace et al. (2008) discovered that 50% of all African American students have been suspended or expelled, in comparison with only 20% of their peers. Some researchers



noted that African American students are not only more likely to be cited for disciplinary issues, they are more likely to receive harsher or more punitive forms of punishment than their White peers (Shaw & Braden, 1990). McCarthy and Hoge (1987) found that African American students received harsher forms of punishments than their peers, but their behavior trends were nearly identical, with the exception that White students were more often cited for “skipped classes” and “carved desks.” In this vein, McCarthy and Hoge (1987) also contended that African American students were more likely to be cited for disciplinary issues than their peers. Wu et al. (1982) came to similar findings in a different context. These researchers contended that African American students were referred for disciplinary measures at significantly higher rates in all locales, other than rural high schools (Wu et al., 1982). Two conclusions can be drawn from the latter findings. One conclusion supported by the findings of Shaw and Braden (1990) is that disciplinary actions for African American students and other students are fairly consistent, with the exception of objective measurable disciplinary infractions, for which White students are more often cited. Another conclusion is that context matters; thus, in an environment in which African American students may be under-populated, such as a rural setting, they appear to pose less of a threat and are less likely to be cited for disciplinary issues.

Skiba et al. (2002) conducted an extensive study in 15 of the largest cities in the United States in order to determine whether the disproportionality in disciplinary measures could be attributed to race, gender, or socioeconomic status. When controlling for other student level characteristics, the findings show that African American males

were overrepresented in all disciplinary measures, including office referrals, suspensions, and expulsions (Skiba et al., 2002). However, disproportionality in disciplinary referrals for African American students increased as students moved from suspensions to expulsions (Skiba et al., 2002). Moreover, the researchers discovered that White students were primarily cited for objective reasons, such as smoking and vandalism, whereas African American students were more often cited for subjective reasons, such as loitering and excessive talking. In all, this study provides evidence of a robust pattern of disciplinary discrepancies for African American students. The aforementioned studies and findings offer salient insights into this educational issue, as they demonstrate that race appears to be a significant factor in disciplinary decisions for African American students. These effects may be unconscious and may occur without educators' awareness, or they may be embedded in institutional practice. Whatever the reasons, they can have detrimental effects on student achievement. As Bowditch (1993) noted, the disproportional application of disciplinary sanctions for African American students may contribute to the racial and social stratification in schools, and thus, later in society.

Public schools reflect broader societal issues; one plausible explanation for the racial disparities in the aforementioned findings may be attributed to racial relationships within the United States. Kunjufu (2001) argued that racism still exists in the United States but has become more covert than previously and has taken shape in the form of institutional policies and their implementation. As educators are trained professionals, one would like to believe that racial bias is not embedded in their practice and professional decisions. However, a large body of research has found that race does affect,

in part, some teachers' professional decisions and judgment (Ahlquist, 1991; Haberman, 1992; King, 1991; O'Sullivan, 1989; Tatum, 1994). Surveys of educators and non-educators have found that racial stereotypes exist in both groups (Foster, 1993). Thus, in spite of teachers' professional training, their racial bias and stereotypes can affect their professional judgment.

Interestingly, in spite of an abundance of literature on the racial disparities in special education and disciplinary referrals for African American students, only a limited amount of literature appears to exist that mediates these two policies. As noted by Skiba et al. (2008), "The intersection of disproportionality in school discipline and special education has been commented on, but insufficiently explored" (p. 277). A study conducted by Osher et al. (2002) approached this issue by examining the ways in which school factors impact special education students who are identified as ED. The researchers discovered that African American special education students identified as ED were suspended and expelled at a higher rate than their peers among the special education population (Osher et al., 2002). Furthermore, findings from this study indicate that African American special education students identified as ED are more likely to drop out of school. Equally important, the study findings highlight the fact that these students are more likely to be arrested three to five years after dropping out of school (Osher et al., 2002). This study offers information pertinent to disciplinary issues among African American students identified as ED but fails to address the ways in which disciplinary measures affect special education students who are identified in the other 12 categories.

This literature review thus finds evidence of a paucity of information mediating special education and school disciplinary issues.

In all, the disproportional representation of African American students in special education and disciplinary measures are complex educational issues, without a solution. As a result of this complexity, researchers have not reached a consensus regarding the actual cause for this persistent educational issue. What is clear is that a myriad of factors appear to contribute to disproportionate representation of African American students in special education. Within the scope of empirical literature reviewed, race appears to be a salient predictor for student referral and placement in special education (Harry et al., 1999; Harry & Anderson, 1994; Herrera, 1998; Nieto, 2004; Watkins & Kurtz, 2001) and disciplinary sanctions (Costenbader & Markson, 1994, 1998; Glackman et al., 1978; Gregory, 1997; Kaeser, 1979; Lietz & Gregory, 1978; Massachusetts Advocacy Center, 1986; McCarthy & Hoge, 1987; McFadden et al., 1992; Nichols et al., 1999; Skiba et al., 1997; Streitmatter, 1986; Taylor & Foster, 1986; Thornton & Trent, 1988; Wu et al., 1982).

Racism and race-related issues have deep historical roots in the American public school system and the effects are widespread and persistent (Nieto, 2004). Ward (2002) argued racism has metastasized into different forms and “new racism” embodies “covert, subtle, institutionalized racism” (p. 11). More importantly, the researcher contended the newer form of racism “has been likened to a chameleon, hard to recognize and even harder to counter” (Ward, 2002, p. 11). Ward goes on to state, “The perpetrator of racism is not a person or persons, but rather, a school system” (p. 11). Specifically, Ward

contended “new racism” is embedded in the implementation of educational policies and African American children are “disproportionately labeled and tracked; they are subject to policies created by criminal justice system to monitor and control African American children, particularly black males, and they are routinely denied access to valued resources” (Ward, 2002, p. 15). This type of racial bias, stereotypes, and other race-related factors have a significant impact on the patterns of identification, educational placement, and quality of service for minority students, particularly African American students. Despite other factors that may contribute to the disproportionate representation of African American students in special education (Harry et al., 1999; Harry & Anderson, 1994; Herrera, 1998; Nieto, 2004; Watkins & Kurtz, 2001) and disciplinary sanctions (Costenbader & Markson, 1994, 1998; Glackman et al., 1978; Gregory, 1997; Kaeser, 1979; Lietz & Gregory, 1978; Massachusetts Advocacy Center, 1986; McCarthy & Hoge, 1987; McFadden et al., 1992; Nichols et al., 1999; Skiba et al., 1997; Streitmatter, 1986; Taylor & Foster, 1986; Thornton & Trent, 1988; Wu et al., 1982), race and racism lie at the root of this educational issue.

There are dialogues in education that discuss the role of race and racism and how this construct influences educational policy and practice. Lopez (2003) contended within the realms of educational politics the discussion about race and racism has been long avoided. Specifically, Lopez (2003) contended, “Although we often have important conversations surrounding the core concepts of ‘power, conflict, government, and policy,’ rarely have we had a provocative discussion of race and racism and how they affect the field” (p. 76). In an effort to closely examine race-related issues, scholars have

created the theoretical framework of critical race theory. In this vein, I will now conclude by introducing race as the primary lens to conceptualize the interaction between African Americans, special education, and U.S. schools.

### **Critical Race Theory, Special Education, and African Americans**

Considering the extant literature reviewed here, CRT may provide a framework for understanding the under-performance of African American students in the public school system. Historically, race has been an essential component in the shaping of social realities in the United States. The social construction of race is rooted in control and power (Crenshaw, 1995; Lopez, 2001; Omi & Winant, 1994). To a critical race theorist, race emerged as a mechanism to stratify the social system (Shufford, 2001).

Consequently, the emergence of racial identity is linked to racism. In the United States, race has been linked to a system of oppression organized around these socially constructed identities (Crenshaw, 1995). Harris (1993) noted that having a White identity in the United States reaffirms and legitimizes one's identity, whereas the identity of an African American restricts one's self identity and liberty.

Critical race theorists argue that, although this concept is socially constructed, it is embedded in societal norms, gains legitimacy by policies, and is reinforced by laws (Crenshaw, 1995). For this reason, the CRT framework investigates and examines how the social construction of racial identity affects educational policies and how these policies affect minority students. Rooted in the field of critical legal studies, CRT has emerged as a result of the slow and incremental pace of racial reform after the adoption Civil Rights legislative policies (Tate, 1997). It is the assumption of CRT theorists that

educational inequities for minority students can be explained by structural inequities (Lopez, 2003). For this reason, a CRT framework questions the notion of neutrality for policies and laws in light of social, political, economic, and educational racial inequities (Delgado & Stefanic, 2001; Lopez, 2003; Marable, 2002; Winant, 2004). As with all theoretical foundations, the CRT framework is constructed with five tenets (Table 1): (a) ordinance, (b) interest convergence, (c) social construction, (d) differential racialization, and (e) legal storytelling (Delgado & Stefanic, 2001).

### **Ordinance**

The first tenet of CRT is ordinance. This tenet assumes race is common and deeply entrenched in societal norms and values. Ordinance acknowledges the historical gains that have been made by minorities but refutes the notions race no longer matters (Delgado & Stefanic, 2001). To a CRT theorist, modern-day racism is more subtle and invisible, and for this reason, it is often difficult to detect (Delgado & Stefanic, 2001; Yosso, 2005). With this in mind, the CRT frameworks seek to reveal the social stratification embedded along these racial lines.

### **Interest Convergence**

The second tenet of CRT is interest convergence. Interest convergence is a concept framed by Bell (1995) that asserts the dominant group will tolerate and advance the interest of subordinate group only when it promotes its self-interest. Furthermore, this type of racial relations provides benefits to the dominant group and, therefore, is difficult to eradicate. Bell's best-known application was the landmark *Brown v. Board of Education* case. It is Bell's (1995) assertion that this case cited in favor of African

Americans because the material and national interests of Whites converged with the Civil Rights interests of African Americans at this particular intersection of time and space.

### **Social Construction**

CRT theorists understand that race is a socially constructed metaphor and is put in place to maintain social, political, economical, and educational hierarchies. That is the premise for the third tenet: social construction. The CRT framework defines race as a socially constructed metaphor that defines one's space in society. This concept is not concrete and is not genetically defined. To a CRT theorist, race is simply a construct established to regulate societal stratification (Shufford, 2001). Embedded within this stratification is the allocation of social, economic, and political positions determined by race.

### **Differential Racialization**

The CRT framework contends that society assigns roles and privileges to different minority groups and forces competition for their roles among those groups (Delgado & Stefanic, 2001). As noted by Delgado and Stefanic (2001), "The dominant society racializes minority groups at different times, in response to shifting needs" (p. 8). CRT theorists contend that these racialized constructs are often cultivated in the stereotypical images of minority groups. More specifically, Delgado and Stefanic (2001) wrote that images depicting minorities "as happy-go-lucky, simple-minded, and content to serve White people" might be used in times of unity, whereas, during discord, "the very same group may appear in cartoons, movies, and other cultural scripts as menacing, brutish, and out of control, requiring close monitoring and repression" (p. 8).



## **Legal Storytelling**

The final tenet of CRT is legal storytelling. The premise for legal storytelling is to urge minority groups to communicate their experiences about racism and oppression (Delgado & Stefanic, 2001). Tate (1997) asserted that “Most oppression does not seem like oppression to the oppressor. The dominant group of society justifies its position with stock stories. These stock stories construct reality in way that legitimizes power and position” (p. 220). For this reason, CRT theorists encourage storytelling among minority groups as a counter-narrative in an effort to explain and legitimize their reality. Moreover, Delgado (1989) contended that by incorporating storytelling, the minority groups are also building a consensus for a common culture and shared understanding.

The CRT framework contends that racism is, and has historically been, an integral feature of American society and any attempt to eradicate these racial inequities have to confront the socio-historical construct in which they are embedded (Delgado & Stefanic, 2001). Drawing on the perspectives of marginalized groups, CRT confronts the neutrality of laws and policies that are methodically and systemically entrenched with meritocracy that is based, in some part, on race. This ideology refutes the colorblindness that has permeated the dialogue of racial justice and, conversely, contends that racial justice is acquired through the acknowledgment and the discussion of racial issues (Delgado & Stefanic, 2001). Balfour (2003) asserted the failure to openly acknowledge past and present racial issues has future societal implications. Lopez (2003) contended oppressed groups have never been granted their full citizenship rights. More specifically, Lopez (2003) noted that minorities “may be equal members of society under the law—but

socially, politically, and economically, they are rendered one down by a racist political and legal system that marginalizes them on an everyday basis” (p. 76). Thus, to a critical race theorist, public space is rarely neutral and inequities can often be explained by contextual factors in the larger political and social arenas.

CRT has gained momentum as a framework to investigate and examine how the social construction of racial identity affects educational policies and how these policies affect minority students (Vasquez Heilig, Brown, & Brown, 2011). As noted by Cooper and Jordan (2003), being an African American student still has negative consequences and undertones in U.S. society. Through the lens of a CRT theorist, societal stratification—which is defined by race—has permeated the organizational structure of our public schools leaving a skeletal system that is determined by the identity of the dominant class. These structural and institutional constructs have implications for future inequities for minority students (Swanson, Cunningham & Spencer, 2003). This framework challenges these constructs that have historically and systemically marginalized minority students.

The realities of race and racism are important to explaining the realities of being “Black” in the American public school system. CRT gives voice and meaning to this complex educational issue. In spite of the myriad of factors that might contribute to the disproportionate representation of African American students in special education and disciplinary measures, race appears to be a salient variable in this educational issue. Interesting, although CRT is integrated in the discussion centered on certain educational

issues, it is still missing from the fields of educational administration, leadership, and policy (Lopez, 2003; Rusch, 2004).

### **Critical Race Theory and Racial Conscious**

To critical race theorists, racial consciousness is the acknowledgement, understanding, and acceptance of their unique race and how this construct shapes their reality (Helms, 1990). To these theorists, racial consciousness reflects how individuals identify and view their race and racial group (Carter, 2000; Lopez, 2003; Rusch, 2004; Tatum, 1997). Carter (2000) noted, “It reflects the extent to which one identifies with a particular racial group and how that identification influences perceptions, emotions, and behaviors toward people from other groups” (p. 874). To some, race and racial consciousness is not a significant part of their identity because it does not significantly influence or shape their larger self-concept. Tatum (1997) explained, “In the areas where a person is a member of a dominant or advantaged social group, the category is usually not mentioned. That element of their identity is so taken for granted by them that it goes without comment” (Tatum, 1997, p. 53). Carter (2000) noted,

Whites generally do not see themselves as members of a racial group. To the extent that their own racial group membership is deemphasized, so too is their awareness regarding the impact of racism on their own psychological development. Consequently, they do not understand or appreciate the significance of race or racism in the lives of People of Color. (p. 874)

For people of color, racial consciousness is often shaped by personal experiences and personal perspectives. Difference in personal experiences might lead to different perspectives about racial consciousness for members of the same racial group.

Commenting on this issue, Noguera (2003) noted, “Our personal experiences may lead to

different ways and patterns of thinking about our racial identity” (p. 73). These individuals are cognizant for how their race influences them in the larger construct of society. Helms (1990) argued racial consciousness for minorities is grounded in two categories: (a) reference group orientation and (b) affiliative identity. Individuals linked to reference group orientation were characterized as conforming to the norms of the group with which they are affiliated, whereas, individuals linked to affiliative identity conformed to the norms of the groups they are assigned.

### **Chapter 3: Methodology**

The purpose of this study was to determine the relationship between discretionary removal, special education, and African American students. More specific, this study sought to determine the trends of discretionary removal for special education students as outlined in Texas Education Code 37. This dissertation attempted to determine whether these types of disciplinary measures have a disparate impact on African American special education students' school completion. This chapter is divided into three sections. The first section discusses the research design and methodology. The second section describes the participants and the data for this study. The third section describes the data analysis.

#### **Research Design and Methodology**

This research study used both qualitative and quantitative research design. The quantitative design provided a description for this educational issue and established whether there was a relationship for this practice. In an effort to provide a comprehensive picture, a qualitative design was used examine the attitudes, behaviors, value system, and cultural of campus administrators. In this vein, the quantitative research design illustrated “what” was occurring and the qualitative research design provided a voice to the data by answering “why” it was occurring.

The quantitative methodology used for this study was a causal-comparative research design. In a casual-comparative research design, the researcher attempts to identify the pre-existing relationship between the independent variable and the dependent variable. The causal-comparative research design describes and compares conditions that already exist between groups and individuals (Gay, Mills, & Airasian, 2009; Johnson,

2000). This was important for this study because it permitted the impact of specific variables to be measured, such as the discretionary removal on special education students' high completion rate. It is important to note, that although a causal-comparative design suggests a cause and effect relationship, it does not establish it in the same manner as an experimental design (Watson, 2002). The assumption of this design is that the cause and effect have already occurred and the relationship between the independent and dependent variable is being examined after the fact (Gay et al., 2009).

Causal-comparative research is a common design in educational research (Gay et al., 2009). In this research design, two or more groups differ from the dependent variable of this study. Discipline data, student demographic characteristics, and high school graduation data were obtained from state data. Consequently, since these data are archival data and cannot be manipulated, a casual-comparative research design was appropriate for this study. The dependent variables for this study were the high school completion rate for special education students and the discretionary removal status for special education students. By controlling for student demographic characteristics, student disability categories, and educational experiences, this study sought to understand the school completion outcomes for African Americans served by special education programs.

As previously noted, casual-comparative research design is commonly used in educational research; however, there are limitations inherent in this design. One weakness is the lack of control the researchers have over the data (Gay et al., 2009). Data in casual-comparative design are authentic. Consequently, the researchers are restricted

from altering or manipulating variables in an effort to influence the outcome. That said, in an effort reach a credible conclusion all plausible explanation for the outcome must be expressed. Another weakness is that it is difficult to distinguish the cause of the outcome. More specific, because variables are not manipulated experimentally, it is difficult to determine whether a specific factor or an interaction of factors created the outcome. Lastly, researchers who use casual-comparative research have no control for the selection of their participants in their study. For this reason, it might be difficult to distinguish groups except through their exposure or relationship with another variable in the study (Lord, 1973).

Qualitative research is used to better understand “the meaning people have constructed” (Merriam, 1998, p. 6). In this study, qualitative research was used to examine the “setting and the individuals within those setting holistically” in an effort to better understand “that the subjects of the study are not reduced to an isolated variable to any hypothesis, but are viewed as part of the whole” (Bogdan & Taylor, 1975, p. 4). For this reason, qualitative research design deciphers the “why” of a research issue by collecting and analyzing, observations, interviews, transcripts, and other non-numerical data (Patton, 1990). This method allows researchers to construct meaning by examining the contextual environment, the meaning delineates from which provides greater depth and details to the researched issue. Additionally, this methodology allows the researchers to provide the readers with supportive data for interpretation permitting them to evaluate plausible conclusions (Lincoln & Guba, 1985).

In this study, this methodology was used with the intent to gain a better insight on the role of campus administrators as it pertains to the discretionary removal of special education students. This is important because there is a lot of variation as it relates to the implementation of this policy. For this reason, the discretionary removal rate for students might vary from campus-to-campus. Consequently, in an effort to better understand this educational issue, it is imperative to gain insight on the person or persons who are making these disciplinary decisions.

### **Participants and Data Collection**

#### **Setting**

The public school district selected for this study was an urban school district in Texas with a population of roughly 22,000 students. With respect to ethnicity, student population was comprised of 47.9% Hispanics, 28.2% African Americans, 20.9% Whites, 2.6% Asian/Pacific Islanders, and 0.4% Native Americans (TEA, 2010). As with other urban school districts, this district had a large percentage of economically disadvantaged students; 60.5% of the districts' total student population were labeled as economically disadvantaged (TEA). Equally important, 9.7% of the district's population was served by special education. The teaching staff of this district consisted of 1,813 teachers consisting of 61.6% Whites, 24.5% Hispanics, 12.2% African Americans, 1.5% Asian-Pacific Islanders, and 0.2% Native Americans (TEA). There were 28 separate campuses embedded in this district: 5 high schools, 5 middle schools, 17 elementary schools, and 1 alternative education center (TEA).



The district for this study was chosen for three reasons. One is due to its location and student population composition. The study site is situated in an urban ring bordering a large major city. The student body population consists of 28% African American students (TEA, 2010). These data are higher than the state average of 14%; however, in comparison to similar districts, these data for African American students are relatively low (TEA). African American students' representation in similar districts average between 14%-16% of the total student population. As a result, due to their relatively low presence in this district, one might expect to see fewer African American students who are being served in special education.

Another reason this district was chosen is due to its disciplinary data. Statistics highlights 19% of the district's students are placed in an alternative educational setting due to disciplinary reasons (TEA, 2010). These data are higher than the state average of 13%. Equally important, these data are higher than comparable district. Lastly, this study site was chosen due to its special education population. There are 2,096 (9.7%) students who are served by special education (TEA). These data are aligned with the state average of 9% (TEA). For this reason, one might expect to see a district's special education population that is reflective of its student body population.

### **Subjects**

The data were aggregated so that the student became the unit of analysis. For analysis purpose, the subjects were special education students who were subjected to discretionary removal in 2006-2007, 2007-2008, and 2008-2009. The total average of

special education who could have been subjected to discretionary removal during this time period was 2,105.

### **PEIMS Data**

Data used for this study were provided by the district's Public Education Information Management System (PEIMS). Texas Education Code (TEC) 42.006 requires all school districts in Texas to collect and record PEIMS data. There are nine major categories for PEIMS data collection: (a) organizational data, (b) budget data, (c) actual financial data, (d) staff data, (e) student demographic data, (f) program participation, (g) student attendance data, (h) course completion data, and (i) discipline data. PEIMS data collection and standards are defined by the Texas Education Agency. School districts collect data through a standard set of definitions, codes, formulas, procedures, and dates. Data were collected by districts and submitted to the Texas Education Agency where the data were formatted and loaded into the state database system.

There are four submission dates for PEIMS data. The first submission occurs in the fall and contains data that provide a snapshot for the overall state of the district. The second submission is the transmission of financial data for the previous year. The third submission includes data for student attendance, high school course completions, and disciplinary actions. The last submission includes data for extended year services. For the purpose of this study, data from the third submission were analyzed because it contained the student characteristic data that were needed for this research study.

## **Participants for Qualitative Methodology**

The participants for the qualitative analysis of this study were campus administrators. The rationale for selecting campus administrators from different ethnic groups was grounded in the fact that this study was attempting to seek what role, if any, does race/ethnicity play in disciplinary decisions. For this reason, it was the assumption of the researcher that minority administrators would be more cognizant about race/ethnicity and how this construct may influence their professional decisions in comparison to White administrators. It is important to note, the selective administrative pool sample was not a representative sample of the district administrative population that consisted of primarily White administrators.

## **Quantitative Variables Used in the Study**

**Dependent variables.** The dependent variable for Research Question 3 was discretionary removal and the dependent variable for Research Question 4 was high school dropout. PEIMS data were dummy coded for discretionary removal (discretionary removal=1 and no discretionary removal=0). The dependent variable for Research Question 4 was high school dropout using PEIMS withdrawal code 98, which was defined as dropout or other. The leaver codes were chosen as an dropout indicator because there was not a tracking mechanism in place to determine whether those students were still enrolled in school. PEIMS data were dummy coded (0= dropped out and 1 = completed high school).

**Independent variables.** There were four independent variables in the study. Variables were grouped into three categories. The first category described the students'

disability category using the 12 disability categories outlined by IDEA and the PEIMS codes. The second category was ethnicity. The third category was students' economic status defined by their free or reduced lunch status. The fourth category was gender. Variables were sequentially entered into the model to ascertain their effect on the dependent variable. The referent group was White students identified as ED who qualified for free or reduced lunch.

## **Data Analysis**

### **Research Question 1**

What are the trends in demographic characteristics, discretionary removal (DAEP placement, Out-of School-Suspension, and In-School-Suspension) and special education status for students?

To answer Research Question 1, descriptive data for disciplinary measures and special education students were collected and analyzed. Data were disaggregated by disciplinary offense code, disability category, economic status, and ethnicity.

This study descriptively analyzed the discretionary removal trends for special education students during the 2006-2007, 2007-2008, and 2008-2009 academic years. The rationale for the examination of discretionary removal trends was grounded in the hypothesis that one might expect to see an increase in discretionary removal being used as a tool to address disruptive student behavior. In this vein, one would expect this disciplinary mechanism to be used a short-term fix and the deeper underlying issue would be addressed through a student's BIP, FBA, or the ARD committee.

In an effort to examine the trends of discretionary removal for special education students, a comparison was made with special education students who were not subjected to discretionary removal relative to student characteristics (race/ethnicity, gender, disability category, and free lunch status). It is important to note, this methodology was effective for illustrating the trends of discretionary removal for special education students but does not provide information for how this practice affected academic performance for special education students. That said, if discretionary removal was being used as an exclusionary tool that is a sorting mechanism, which permits teachers to determine who they allow in their classroom, one might expect to see the special education students with similar characteristics to show disparate trends. Therefore, to determine how discretionary removal affects student performance a logistic statistical design was employed in Research Questions 2 and 3.

### **Research Question 2**

Does discretionary removal for special education students vary according by student characteristics (i.e., race/ethnicity, economic status, disability category)?

A chi-square analysis was used to examine the presence of any relationship between discretionary removal and student characteristics. A chi-square analysis determines whether categorical data come from the same distribution. Observed frequencies were compared to expected frequencies to determine the difference between the frequencies patterns (Gravetter & Wallnau, 2007). To answer Research Question 2, chi-square was used to determine whether the discretionary removal for special education students was the same for the set of members in each group (race/ethnicity, free lunch

status, or disability category). Frequency count was obtained for each group across each of the observed school years. Expected value from frequency count was computed and chi-square statistics were used to calculate categorical data for each school year in an effort to ascertain whether the groups were independent.

### **Research Question 3**

Do student characteristics (i.e., race/ethnicity, economic status, disability category) predict discretionary removal for special education students?

### **Research Question 4**

Does the dropout rate for special education students who are subjected to discretionary removal differ significantly from special education students who are not subject to discretionary removal?

The purpose of these questions was to determine the relationship of discretionary removal for special education students and determine whether discretionary removal predicts high school dropout or completion. To answer Research Questions 3 and 4, a set of logistic regressions was employed. Logistic regression permits the prediction of a discrete outcome from a set of predictor variables. Predictor variables in a logistic regression model can be any combination of continuous, discrete, and dichotomous variables (Tabachnick, & Fidell, 2007). Logistic regression uses independent variables to linearize “the inherent non-linear relationship between X and the popularity of Y” (Pampel, 2000, p. 14). The objective of this analysis was to produce a linear function for each predictor variable (dropout or graduation). The outcome for a logistic regression results in odd ratio, enabling statements about how much or less likely it is for outcomes

to occur for each predictor variables. This statistical model was appropriate because the dependent variable in this study was dichotomous.

For the purpose of the study, predictors were sequentially entered into the logistic regression model to observe the inherent effect of predictors as they were added to the model. The first set of predictors included disability categories. For this group, students identified as emotionally disturbed were the referred group. The comparison groups were students identified as learning disabled, mental retardation, and other health impairments. The second set of predictors was ethnicity. The referent group for this category was White. The last set of predictors was student economic status. Economic status was defined as whether a student qualified for free or reduced lunch. Conversely, students who did not qualify for free or reduced lunch were defined as not economically disadvantaged. The referent group for this category was economically disadvantaged.

### **Research Question 5**

What administrative factors explain the disproportionate representation of minority students who are cited for discretionary disciplinary measures?

To answer Research Question 5, a qualitative research design was employed. Qualitative research is an effective means for gaining insight into individualized experiences. This research design seeks to explore issues and answers the “why” and not the “how” of a research issue through the analysis of interviews, transcripts, observations, notes, and audio and visual recordings (Sells & Smith, 1997). The collection and analysis of data in a qualitative design is not a linear process, but conversely, a concurring process that occurs throughout the duration of the research study (Merriam, 1998). For this study,

data analysis included coding and categorizing interviews (Sells & Smith, 1997). Miles and Huberman (1994) data reduction techniques was used to analyze data. This data reduction technique involved the following procedures: (a) categorizing and patterning matching; (b) data displayed through matrices; and (c) conclusion, drawing, and verifying. Data were filtered by finding a common theme by using keywords. Then coding themes were applied to keywords. Codes with similar content and relationship were grouped into larger categories. From these categories, emerging themes were analyzed for categorical linkage.

The primary instrument for this research design was an interview rubric administered to campus administrators (Appendix A). In an effort to select administrators, the investigator forwarded a blanket e-mail to all campus administrators soliciting their participation (Appendix B). The participant pool for this study was selected from the campus administrators who responded to the e-mail. Data were retrieved from this instrument and follow-up interviews. To enhance trustworthiness, data were triangulated to ensure validity (Lincoln & Guba, 1985). Strauss and Corbin (1990) noted theoretical validity and sensitivity is achieved through the awareness and capacity to separate pertinent and irrelevant data.



## **Chapter 4: Findings**

The purpose of this study was to determine the relationship between discretionary removal, special education, and African American students. More specific, this study sought to determine the trends of discretionary removal for special education students as outlined in Texas Education Code 37. This dissertation attempted to determine whether these types of disciplinary measures have a disparate impact on African American special education students' school completion. The following questions guided the study.

1. What are the trends in demographic characteristics, discretionary removal (DAEP placement, Out-of School-Suspension, and In-School-Suspension) and special education status for students?
2. Does discretionary removal for special education students vary according by student characteristics (i.e., race/ethnicity, poverty, disability category)?
3. Do student characteristics (i.e., race/ethnicity, economic status, disability category) predict discretionary removal for special education students?
4. Does the dropout rate for special education students who are subjected to discretionary removal differ significantly from special education students who are not subject to discretionary removal?
5. What administrative factors explain the disproportionate representation of minority students who are cited for discretionary disciplinary measures?

This chapter discusses the results for both the quantitative and qualitative components of this study within the context of answering each respective research question in three different sections. Section 1 reviews the findings for the descriptive data

and analysis used to answer Research Questions 1 and 2. Section 2 presents findings for the logistic regress analysis employed to answer Research Questions 3 and 4. Section 3 of this chapter presents the qualitative finding from interviews of campus administrators and answers Research Question 5.

## **Section 1. Discussion for Research Questions 1 and 2**

### **Research Question 1**

What are the trends in demographic characteristics, discretionary removal (DAEP placement, Out-of School-Suspension, and In-School-Suspension) and special education status for students?

To answer Research Question 1, descriptive data for disciplinary measures and special education students were collected and analyzed. Data were disaggregated by disciplinary offense codes, disciplinary action codes, primary disability categories, economic status, and ethnicity.

Table 2 outlines the overall student population for the district and for the observed school years. The highest overall student population was in 2008-2009 with 22,076 students. The lowest was in 2006-2007 with 21,013. The largest increase occurred in 2008-2009 with an increase of 823 students.

With reference to demographics, roughly 75% of district's students were minorities. In 2008-2009, the student population consisted of 47.7% Hispanics, 28.3% Blacks, 21.3% Whites, and 2.5% Asian Pacific Islanders, and .03% American Indian. These demographics were similar to the 2006-2007 data that revealed a student population of 45.6% Hispanics, 28.4% Blacks, 23.1% White, 2.6% Asians, and 0.3%

American Indians. Overall, the student population for the district remained fairly stable with a slight growth in Latina/o population and a slight decrease in Black population. The biggest change was in the White population, which saw a decrease in student population from 23.1% in 2006-2007 to 21.3% in 2008-2009.

Table 3 provides the percentage of students that were economically disadvantaged in the district. For the purpose of this study, economically disadvantaged was defined as whether or a student qualified for free or reduce lunch. The federal income guidelines for a family of four for reduced and free lunch from 2006-2008 was \$37,000 and \$26,000, respectively (U.S. Department of Agriculture, Food, and Nutrition Service, 2011). The guidelines for free and reduced lunch for a family of four in 2008-2009 were \$39,220 for reduced lunch and \$27, 560 for free lunch (U.S. Department of Agriculture, Food, and Nutrition Service). For all three observed school years more than 50% of students who attended the district qualified for free or reduce lunch. The lowest percentage was observed in 2006-2007 with 56.9% of students being identified as economically disadvantaged and the highest percentage was observed in 2008-2009 with 57.5%.

Tables 4-7 describe the special education population for the district. Table 4 provides the statistical percentages for the students who were being served by special education from 2006-2009. In 2006-2007, 2,316 or 11% of the student population were served by special education; in 2007-2008 and 2008-2009 2,236 and 2,307, respectively, or 10.5% of the total student population being was served by special education. The finding for all three years were a slightly higher than the state average of 9% (TEA, 2010). Table 4a provides data from comparable district.

The primary disability for students who were served in special education is found in Table 5. Students identified as OHI, MR, ED, and LD were observed in each school year. In 2006-2007 the percentage of students identified as OHI increased from 13.1% to 17.9 in 2008-2009. Likewise, the percentage of students identified as ED increased from 21.7% in 2006-2007 to 26.5% in 2008-2009. Conversely, the students identified as LD decreased from 59.3% in 2006-2007 to 50.9 in 2008-2009.

Table 6 provides information in reference to the type of disability categories. Students who had a primary disability of MR, ED and LD were placed in the soft disabilities category. Students who had any other primary disability other than MR, ED, or LD were placed in the hard disabilities category. The data reveal in 2006-2007 and 2008-2009 roughly 80% of the district's students who were served by special education had a primary disability that was considered a soft disability. In contrast, in 2007-2008 these percentages decreased to 69%.

Table 7 is a cross-tabulation between ethnicity and special education. For all three years Hispanic, Black, and White students constituted roughly 95% of all students who were served in special education. In 2006-2007 the district's special education population was comprised of 41.1% Hispanic, 32.6% Black, and 24.7% White students. In 2007-2008 these percentages decreased for African American and White students but increased for Latina/o students with 24.4% White, 30.5% Black, and 43.6% Latina/o students who were served by special education. In contrast, these trends shifted in 2008-2009 when Black and White students saw an increase and Latina/o students saw a decrease in their

special education percentages with 24.5% White, 31.4% Black, and 42.4% Latina/o students who were served by special education.

With respect to overall student representation in special education, in 2006-2007 14.3% of the district's Native American students were served by special education followed by 12.7% Black, 11.8% White, 10% Hispanic, and 4.4% Asian students. In 2007-2008 these percentages decreased in all ethnic groups with the exception of the Asian population who saw increase presence of 0.7%. In 2008-2009 American Indian, Asian, and White students saw an increase in special education presence 10.1 % (+.3), 5.9 % (+.8), and 24.5 (+3.6), respectively. Conversely, Black and Latina/o students saw a decrease in their special education population, 9.3% (-2.2) and 9.3% (-.4), respectively.

Table 8 shows the disciplinary reasons for the students within the district. Preliminary data for this study highlighted 19% of the district's students were placed in an alternative educational setting due to disciplinary reasons (TEA, 2010). Table 9 disaggregated these disciplinary reasons into mandatory and discretionary removals. For the purpose of this study, discretionary removal was defined as any violation of the student code of conduct. For each observed year, more than 70% of students were cited for discretionary reasons. These percentages peaked in 2007-2008 at 81.8% and were the lowest in 2008-2009 at 72.9%. The increase for 2007-2008 could be contributed to the high incidences of controlled substances (2.4%) and truancy (17.1%) as noted by Table 8.

In summary, an examination of the descriptive statistics revealed a diverse district that had a large percentage of economically disadvantaged students. The special education population within this district was slightly higher than the state average of 9%

(TEA, 2010). When comparing ethnic groups' presence within special education, relative to their overall student population, Whites were the only group to exceed 10% for each observed year. With respect to disciplinary issues, the descriptive data revealed 70% of the disciplinary sanctions for each observed year were due to discretionary reasons.

### **Research Question 2**

Does discretionary removal for special education students vary according by student characteristics (i.e., race/ethnicity, poverty, disability category)?

A chi-square analysis was used to examine the presence of the relationship between discretionary removal and student characteristic (race/ethnicity, free lunch status, and disability categories). Observed frequencies were compared to expected frequencies to determine the difference between the frequencies patterns. Frequency count was obtained for each group for each of the observed years. Expected values were computed and chi-square statistics were used for the observed years in an effort to ascertain whether there was a relationship.

**Null Hypothesis 1.**  $H_0$ : There is not a relationship between the discretionary removal of special education students and race/ethnicity.

$H_a$ : There is a relationship between the discretionary removal of special education students and race/ethnicity.

Table 10 provides the chi-square test results between discretionary removal, ethnicity, and special education. Discretionary removal for this frequency distribution was defined as PEIMS codes 20 and 21, which were violations of student code of conduct in a regular classroom setting or a Disciplinary Alternative Education Placement setting.

The data revealed there was a significant relationship between discretionary removal for Latina/o and White students who were in special education. For Latina/o students  $X^2=7.513$  with one degree of freedom which yielded  $p = .006$  ( $p <.05$ ). Conversely, for White students  $X^2=5.853$  with one degree of freedom which yielded  $p=.016$  ( $p<.05$ ). Thus, the alternative hypothesis was accepted and the null hypothesis was rejected. A closer examination of this data found in Table C1 (Appendix C) reveals the expected count for Latina/o students was 847 and the actual count was 861. This count constituted for 32% of the overall student population for discretionary removal. White students count for discretionary removal was 567 and the actual count was 586. This total accounted for 20.7% of the total discretionary removal population.

**Null Hypothesis 2.**  $H_0$ : There is not a relationship between the discretionary removal of special education students and economic status.

$H_a$ : There is a relationship between the discretionary removal of special education students and economic status.

Table 11 provides the chi-square test results between discretionary removal, economic status, and special education. The data showed there was a significant relationship between discretionary removal and economic status. Students who were identified as economically disadvantaged had an  $X^2 = 13.182$  with one degree of freedom that yielded  $p = .000$  ( $p <.05$ ). As a result, the alternative hypothesis was accepted and the null hypothesis was rejected. Table C2 (Appendix C) shows students who were receiving special education constituted for 73% of the total student population for discretionary removal.

**Null Hypothesis 3.**  $H_0$ : There is not a relationship between the discretionary removal of special education students and primary disability.

$H_a$ : There is a relationship between the discretionary removal of special education students and primary disability.

Table 12 outlines the chi-square test results between discretionary removal, economic status, and primary disability. The data showed there was not a significant relationship between primary disability and discretionary removal. As a result, the alternative hypothesis was rejected and the null hypothesis was accepted.

In review, to answer Research Question 3, a chi-square test was used to examine the presence of a relationship between discretionary removal and student characteristics (race/ethnicity, free lunch status, and disability categories). The data revealed there was a significant relationship between discretionary removal for Latina/o and White students who were in special education. In addition, special education students who qualified for free or reduced lunch had a significant relationship with discretionary removal. In contrast, there was not a significant relationship between primary disability and discretionary removal.

## **Section 2. Discussion for Research Questions 3 and 4**

### **Research Question 3**

Do student characteristics (i.e., race/ethnicity, economic status, disability category) predict discretionary removal for special education students?

A binary logistic regression model was used to answer Research Question 3. The dependent variable was discretionary removal and recoded into two levels: (a)



discretionary removal =1 and (b) mandatory removal = 0. Discretionary removal was defined by PEIMS codes 20 and 21, which were the violations of student code of conduct. Mandatory removal was defined as all other disciplinary actions. A filter was used to select only special education students. The independent variables were ethnicity, economic status, and primary disability. Economic status was defined as whether a student qualified for free or reduced lunch. Conversely, students who did not qualify for free or reduced lunch were defined as not economically disadvantaged. Variables were sequentially entered into the model to ascertain their effect on the dependent variable. The referent group for this model was White students identified as ED who qualified for free or reduced lunch.

Table 13 provides the binary logistic model for economic status and discretionary removal. The referent group for this model was economically disadvantaged students. With a p value of .138 ( $p > .05$ ), economic status did not have a significant association with discretionary removal. The Hosmer and Lemeshow Test showed a p value of .124 ( $p > .05$ ), which represented a good fit model. From this model, it can be assumed economic status alone was not a significant predictor of discretionary removal.

Table 14 outlines the binary logistic results for primary disability and discretionary removal. The referent group was emotional disturbance. Some disability categories were removed from this model because their frequency counts were below 25. In this model, primary disability had a p value of .217 ( $p > .05$ ) and was not significantly associated with discretionary removal. The Hosmer and Lemeshow Test showed a p value of .169 ( $p > .05$ ), which represented a good fit model. Taking this model into

account, it was determined that primary disability alone was not a significant predictor of discretionary removal. Disability categories, OHI, MR, and ED, were analyzed in an individual model to determine their individual significance level and the results showed there was not any significant association with discretionary removal (results are not shown).

The results of the binary logistic regression for discretionary removal and ethnicity are found in Table 15. The referent group for this analysis was White. Some ethnicity categories were not selected because their frequency counts were below 25 (Native American and Asian American). The Hosmer and Lemeshow Test showed a p value of .142 ( $p > .05$ ), which represented a good fit model. In this model, Latina/o students with a p value of .002 ( $p < .05$ ) were significantly associated with discretionary removal. The result for this model revealed Latina/o students were 68% times more likely to be cited for discretionary reasons in comparison to White student. This effect increased when economic status was entered into the model. Table 16 shows when controlling for ethnicity, the effect for Latina/o students increased with a p value of .001 ( $p < .05$ ) and were 65% times more likely to be cited for discretionary reasons in comparison to their White peers.

Table 16 revealed when controlling for economic status and primary disability this effect for Latina/o students disappeared. The Hosmer and Lemeshow Test for Tables 16 and 17 showed a p value of .094 and .366 ( $p > .05$ ), respectively, which represented a good fit model.

Research Question 3 attempted to ascertain whether ethnicity, economic status, or primary disability predicted discretionary removal. From these models, the data revealed ethnicity for Latina/o students was a significant predictor for discretionary removal. Equally important, this effect remained constant and increased when controlled for economic status but disappeared when controlled for economic status and primary disability. The absence effect when controlling for primary disability could be explained by certain immunities students with disabilities are granted as outlined in their IEP and BIP, which could decrease how often they were cited for discretionary reasons.

#### **Research Question 4**

Does the dropout rate for special education students who are subjected to discretionary removal differ significantly from special education students who are not subject to discretionary removal?

A binary logistic regression model was used to answer Research Question 4. The dependent variable was high school dropout for special education students who were cited for discretionary reasons and coded into two levels: (a) dropout=1 and (b) not dropout=0. High school dropout was defined by PEIMS dropout code 98. A filter was used to select special education students who were cited for discretionary reasons as defined by PEIMS codes 20 and 21. The independent variables were ethnicity, economic status, and primary disability. Economic status was defined as whether a student qualified for free or reduced lunch. Conversely, students who did not qualify for free or reduced lunch were defined as not economically disadvantaged. Variables were sequentially entered into the model to ascertain their effect on the dependent variable. The referent

group for this model was White students identified as ED who qualified for free or reduced lunch (see Table 17).

Table 18 shows the results for the logistic regression model for high school dropout and ethnicity. The referent group was White. As in prior models, some ethnicity groups were not selected because their frequency count was less than 25. In this model, ethnicity had a p value of .416 ( $p > .05$ ) and was not significantly associated with school high school dropout amongst special education students. The Hosmer and Lemeshow Test showed a p value of .094 ( $p > .05$ ), which represented a good fit model. Taking this model into account, it was determined that ethnicity was not a significant predictor for high school dropout.

Table 19 provides the binary logistic model for school dropout and economic status. The referent group for this model was economically disadvantaged students. With a p value of .000 ( $p < .05$ ), economic status had a significant association with high school dropout. The Hosmer and Lemeshow Test showed a p value of .084 ( $p > .05$ ), which represented a good fit model. From this model it can be assumed economic status was a significant predictor for dropout amongst special education students. In terms of likelihood the data revealed special education students who were cited with discretionary reasons and identified as economically disadvantaged were 18% (1000/5675) more likely to dropout in comparison to their peers.

The results for the binary logistic model between high school dropout and primary disability are found in Table 20. The referent group for this model was emotional disturbance. Some disability categories were not selected because their frequency count

was less than 25. The Hosmer and Lemeshow Test showed a p value of .076 ( $p > .05$ ), which represented a good fit model. In this model, primary disability with a p value of .013 ( $p < .05$ ) was significantly associated with high school dropout. The results showed OHI had a p value of .013 ( $p < .05$ ) and students who had a primary disability of OHI were 40% more likely to dropout in comparison to students who were identified as ED. Similar, LD had a p value of .004 ( $p < .05$ ) and students who had a primary disability of LD were 41% more likely to dropout in comparison to students who were identified as ED.

Table 21 shows the results when you enter ethnicity into the model. The referent group was White and ED. These results showed primary disability with a p value of .000 ( $p < .05$ ) remained a significant predictor for high school dropout. Equally important, controlling for primary disability ethnicity with a p value of .047 ( $p < .05$ ) was significantly associated with high school dropout and Latina/o students were significantly associated with high school dropout  $p = .015$  ( $p < .05$ ) and were 2.13 more likely to dropout than their White peers. The Hosmer and Lemeshow Test showed a p value of .095 ( $p > .05$ ), which represented a good fit model.

The results for the binary logistic regression for discretionary removal, ethnicity, economic status, and primary disability are found in Table 22. The referent group was White female students identified as ED who qualified for free and reduced lunch. The Hosmer and Lemeshow Test showed a p value of .085 ( $p > .05$ ), which represented a good fit model. Controlling for other factors, primary disability with p value of .006 ( $p < .05$ ) remained significantly associated with high school dropout. Conversely, students

identified as LD had a p value of .002 ( $p < .05$ ) and were 52% more likely to dropout. Gender had a p value of .660 ( $p > .05$ ) and was not significantly associated with high school dropout.

Ethnicity, which was not a significant predictor in its individual model, was now significantly associated with high school dropout when controlling for primary disability, gender, and economic status. The results revealed ethnicity had a p value .045 ( $p < .05$ ). The data showed Black students ( $p = .041$ ) and Latina/o students ( $p = .037$ ) were significantly associated with high school dropout and were 1.560 and 1.506, respectively, more likely to be dropout in comparison to their White peers. Consistent with previous results, economic status when entered into the model remained significantly associated with high school dropout ( $p = .027$ ).

In summary, Research Question 4 attempted to ascertain whether ethnicity, economic status, or primary disability predicted high school dropout. From these models primary disability was a significant predictor for high school dropouts. Equally important, these effects remained constant throughout the building of this model. Likewise, economic status was significantly associated with high school dropouts in its individual model and throughout the model building process. Ethnicity, which was not significantly associated with high school dropout in its individual model, was significantly associated when controlling for primary disability and economic status. From these data, it can be inferred that primary disability, ethnicity, and economic status for students who are receiving special education service and cited for discretionary reasons was a significant predictor for high school dropout.

### **Section 3. Discussion for Research Question 5**

#### **Research Question 5**

What administrative factors explain the disproportionate representation of minority students who are cited for discretionary disciplinary measures?

To answer Research Question 5, a qualitative research design was employed. Twelve campus administrators (four White, four Black, and four Latina/o) were interviewed using a standardized interview rubric (Appendix A). Interview recordings were transcribed. Data from the interviews were then coded and organized into themes (Table 23). These themes were identified and defined on the basis of re-occurring words, phrases, and concepts. Themes were then clustered into categories to serve as a larger construct. The following categories were selected because of their treatment in the literature: (a) policy interpretation, (b) factors that might contribute to students' disproportional representation, and (c) racial consciousness (Delgado & Stefanic, 2001; Fierros & Conroy, 2002; Irvine, 1990; Noguera, 2003).

#### **Interpretation of Policy**

The first set of questions inquired about the administrators' role in working with students' with disciplinary issues and how administrators interpret their role relative to the disciplinary issues for students who are served by special education. Three themes emerged from this category: (a) administrative, counsel, and parental; (b) follow district's policy and students' IEP and BIP; and (c) address and correct student behavior to ensure the learning of all students.

## **Theme 1: Administrative, Counsel, and Parental**

The first question asked administrators about their role in working with students with disciplinary issues. The overall consensus was that administrators were representative of the district who were delegated to follow district policy. Describing this role relative to their position, one African American administrator noted, “As the principal, I meet with our campus disciplinary team to carry out district policies and to implement policies for our campus” (personal communication, November 15, 2011). Similar, a White administrator noted: “As an administrator you always want to follow policy, particularly district policy. If a child commits any infraction against the student of code of conduct, we deal with them accordingly” (personal communication, November 16, 2012).

Despite their prescribed role as the person who bridges district policy to campus-level implementation, some administrators viewed their role broader when it came to students’ disciplinary issues. Some administrators stated their role also encompassed the duties of a counselor and parent. One Latina administrator commented on this role:

I am a counselor in many ways. As an administrator, you have to wear many hats: you are parent and counselor. It is interesting how each child see things (disciplinary infractions) different. You have to make the time to get know your students. (personal communication, November 15, 2011)

Similar, administrators commented on taking a proactive stance to address disciplinary problems. Disciplinary issues for administrators ranged from minor infractions to fighting. These disciplinary infractions were noted by one White administrator: “We see different challenges every day from minor infractions students not



listening, not bringing their assignment, not wanting to participate to pushing and fighting, to walking out of the classroom (personal communication, November 16, 2011).

## **Theme 2: District Policy, Student Code of Conduct, Students' IEP and BIP**

The next question in this category sought the administrators' perspective on the district's disciplinary policy and how this policy impacts students who were served by special education. In response to this question, many administrators noted unless students' IEP specifically addressed disciplinary issues or had a BIP in place, students who were in special education were expected to adhere to the standards set forth by the district's student code of conduct. One African American administrator commented on this issue:

The code of conduct applies to everyone so special education kids are expected to abide. However, some special education students might have a behavioral plan which will take priority in terms of discipline, we will follow the behavior plan if we have one. (personal communication, November 16, 2011)

Another White administrator noted, "We pull their IEP and follow their IEPs. If their IEP indicates they can be placed in ISS for a particular infraction, well that is what we do" (personal communication, November, 15, 2011). With this in mind, the overall consensus were that if a student was being served by special education and did not have an IEP or BIP in place that purposefully addressed their behavior, they were treated no differently than students who were not being served by special education. As a result, if there were not any stipulation in their IEP, students' disabilities were not considered when students were cited for discretionary removal.

### **Theme 3: Address and Correct the Behavior**

The last question in this category inquired about administrators' perspective for the goals of discretionary removal. Most administrators mentioned the goal was to ensure student learning. One Latino administrator described this in the following statement:

The removal might be a time to follow our plan (disciplinary policy) if it is a type of disturbance or such a disturbance where the other kids or that kid can't learn. We have to apply our disciplinary plan. So, I will say the goal is to teach and hopefully the student is moving into a positive direction. (personal communication, November 16, 2011)

Most administrators were reassured that learning was taking place if disruptive students were removed from the regular classroom setting and placed in alternative setting. Conversely, some administrators viewed discretionary removal as more punitive in nature: "I think the goal is to remove the student, give them consequences so that the behavior changes" (personal communication, November 15, 2011). While others admit the consequence of discretionary removal was a more reactive measure— but they used the situation as a proactive mean to address the students' behavior. One African American administrator noted: "If discretionary removal occurs, I want to analyze that particular data piece to see why that happened. And also, what can I do to prevent it from happening again" (personal communication, November 15, 2011).

#### **Contributing Factors**

The second category inquired administrators about factors that might contribute to students' disciplinary referrals. Four themes emerged within this category: (a) correlation, not a correlation; (b) huge disparities, no difference; (c) can play a role, colorblind; and (d) ED, the student not the disability.

### **Theme 1: Correlation, Not Correlation**

The first question in this category asked administrators whether they believed socioeconomic status influenced disciplinary referrals for students. Five out of the 12 administrators interviewed stated that they believed economic status did play a part in students' disciplinary referrals. Most administrators believed this bias was not intentional but based on preconceived notions. Teacher bias was noted by one Latina administrator: "Sometimes it can play a role because if teachers have a preconceived notion of a students' family or status, that may, in some cases, influence how they discipline that student" (personal communication, November 15, 2011). With this in mind, the majority of the administrators interviewed believed economic status was not a contributing factor for disciplinary referrals. One White administrator noted, "We address the behavior and not the student and their background" (personal communication, November 16, 2011).

### **Theme 2: Huge Disparities, No Differences**

The second question in this category explored whether administrators believed cultural differences contributed to disciplinary referrals. Nine out of 12 administrators interviewed believed differences in culture between students and teachers do impact disciplinary referrals. Some administrators believed this is due to the shifting demographic changes within student population. One Latino principal commented on this change:

The way kids respond to discipline and authority is different than from the way a lot of these teachers are used to teaching And their expectations have not changed. I believe that is the biggest disconnect. The teacher demographics on the campus do not match the student demographics. We have a lot White middle-class teachers and our population is becoming more of colored. That wasn't the case when this high school opened. It was mainly semi-rural affluent campus of mostly

White students. It has become very much an urban school that has an equal representation of Hispanic, African American students, and White students. It is truly a microcosm of the community, but we have the same teachers. We have a lot of veteran teachers that have been here for years. The population has changed and the culture has changed on campus but teacher expectations haven't changed. (personal communication, November 16, 2011)

In addition to the lack of cultural sensitivity, not accounting for cultural difference was also noted:

I believe that there are a lot of cultural differences that the teachers need to take into account. For example, I am Hispanic. My father was from Mexico. There are teachers who tell students to look them in the face as I speak to you and in Mexico that is considered disrespectful. You are supposed to look down. So you know, there is some of that in there if you know about the child's culture. You might interpret something as being disrespectful. When in essence they are not, they are being respectful in the way they were brought up in their culture. (personal communication, November 16, 2011)

When probed about what could help teachers to become more cognizant about cultural differences between them and their students, an African American assistant principal noted:

I do think a few of our teachers can be a little more culturally sensitive. I think, if they were given additional training, perhaps, they would learn to meet students where they are, as opposed to having different standards, well I would say "old school" standards. (personal communication, November 16, 2011)

One principal noted that staff often takes on the personality of the campus leader and for this reason she often outlined and addressed her viewpoint concerning cultural differences and purposefully hired staff that mirrors her beliefs.

### **Theme 3: ED, The Student Not the Disability**

The next question in this category inquired whether disability categories for students served by special education influenced their disciplinary referrals. Half of the administrators interviewed believed students' disability category did influence their

disciplinary referrals. When asked which disability category was more often referred, overwhelmingly administrators believed students identified as emotionally disturbed were cited more often. One White administrator noted,

Yes, some (disabilities) are referred more than others. ED would be the highest; I think some of their behavior is really, really bad. They are in a regular classroom for the most part. The other part, I don't believe all teachers know how to deal with their behaviors. (personal communication, November 15, 2011)

With that said, the other half of administrators interviewed did not believe disability categories influenced disciplinary referrals for students who were served by special education.

#### **Theme 4: Race Matters Versus Colorblind**

The last question in this category explored whether race matters and whether this construct influenced disciplinary referrals. Three out of the 12 administrators interviewed believed race did influence disciplinary referrals. However, when questioned about whether there is a difference in the type of students who were referred, more than half of the administrators interviewed stated the majority of the students they see for disciplinary issues were students of color. One Latina administrator stated, "I don't believe race influences referrals, but there are disproportionate referrals for minority students" (personal communication, November 15, 2011). When asked why, she answered:

I am not for sure, why and that is what we are trying to work on here. In most issues, it is understandable as far why that student is being written up given their actions. At the same time, how did it escalate? That is the whole relationship piece. I don't believe color has a direct impact on that relationship. However, the numbers are so in our face that there has to be something to it. (personal communication, November 16, 2011)

Those administrators who believed race did influence referrals believed this bias was neither deliberate nor intentional. More importantly, they believed it was their duty to bring awareness to this issue. One African American principal stated:

One thing we try to do is to keep up with the data. Every six weeks I show the teachers how many referrals and break down of the ethnicity of kids. So sometimes just looking at the data you don't have to say anything. They know and can see that I referred more African American kids. And we just talk globally, if I am doing walk throughs in your classroom and little 'Susie' is talking and you don't say anything and soon as 'Johnny' opens his mouth you need to be quite. It is time for me to make them aware of it because if I am seeing it, the kids are seeing, and the kids feel like they being picked on. It may not be your intention. I believe it happens. I don't believe it is intentionally. I believe it maybe has to do with their culture and background. Teaching tolerance and being aware of your tolerance level for certain students. We just want to be fair and consistent across the board. And that is something I just try to keep on the forefront. (personal communication, November 15, 2011)

Reiterating the unintentional bias of teachers, one White administrator noted, "Education goes a long way. If a teacher is racist in their approach, I believe it is unconsciously. I believe teachers don't know or have a lack of understanding" (personal communication, November 16, 2011).

### **Race and Racial Consciousness**

The last category explored administrators' perspective on race and racial consciousness. Three themes emerged from this category: (a) data speaks for itself, personality of students matters; (b) race matters, race doesn't matter; and (c) I am member of my ethnic group first, I am an administrator first.

## **Theme 1: Data Speaks for Itself, Knowing Personalities**

Four out of the 12 administrators interviewed believed African American students were cited more for disciplinary sanctions than any other ethnic group. When asked to elaborate, an African American elementary principal commented,

The data shows it. Looking at our data, it will be the same. I believe it goes back to that tolerance. I won't say it is stereotypical, granted that sometimes something they are doing is warranted, but the data speaks for itself" (personal communication, November 15, 2011).

Interesting, the four administrators who believed African American students were cited more often for disciplinary reasons were African American. When questioned why they believed more African American students were more often referred for disciplinary issues, one of the African American administrators noted:

I think it is combination of things. There is a lot unstructured environment at home, so when a student arrives here at school, they feel they need for a little more freedom. So that sometimes leads to frustration which could lead to behavioral issues. Some environments are unstable were they hop around and that instability, not having a home or place to call home can sometimes cause behavior reactions. (personal communication, November 15, 2011)

On the other hand, eight administrators believed there was not in difference in referrals among ethnic groups. A White assistant principal stated, "No, I believe it goes back to the cultural piece and being able to understand students and building a relationship from that understanding" (personal communication, November 16, 2011). Several of these administrators noted that it was important for them to get know their students, learn their personality and establish a relationship with them before disciplinary trouble aroused. Equally important, was knowing the personality of their teachers and

matching students with teachers with similar personality traits. One Latina administrator commented on this:

I think it has to do more with personalities because I noticed especially, just being here for two years, some students were referred constantly. Now, they have a new teacher and this teacher seems to think they are doing fine. They don't need a behavioral plan all of a sudden. So, I think it is more of the relationship with the teacher, that is huge. That relationship with the teacher because if a teacher is able to develop a good relationship with a child, that child will want to perform for them and want to behave for them. Whereas, if they don't, it opens the door, let me try to push all of your buttons. (personal communication, November 16, 2011)

According to administrators, mismatch in personality between teachers and students could result in disciplinary issues for students. One Latina administrator noted, if there was mismatch in personalities between teachers and students, disciplinary issues might occur because, "Teachers know what to do to write them up. They have more tolerance for some than they have for others. And not only that, the kids know what to do to get the teachers to write them up" (personal communication, November 15, 2011).

### **Theme 2: Race Doesn't Matter**

The next question in this category asked administrators the role of race and whether their race influenced their administrative decisions. All 12 administrators believed race did not influence their administrative decisions. Several administrators supported their answer by stating this was not a problem because they were able to relate to their students. In addition, some administrators noted by being able to relate to their students, they developed more tolerance for their behavior and disciplinary issues.

### **Theme 3: I Am First an Administrator; I Am a Member of My Racial Group**

The last question inquired administrators about racial consciousness and how their race influenced their role as administrators. Six administrators, two Black, two Hispanic,



and two White, stated that they were administrators first and a member of their racial group second. For these administrators, there was no racial consciousness. Their role was defined by their position description and did not believe their race influenced their decisions. This was noted by an African American administrator:

First, I am administrator, then I am African American because I am African American some students might respond to me differently. Number one I am an administrator and I am a member of the school district and I am hired to carry out policies and might serve as a role model for other African American students, some time they respond and other times they don't. (personal communication, November 15, 2011)

In a similar viewpoint, Latino administrator noted, "I am a principal first. I am a Mexican principal second. I go with policy first. I am a company guy. I know my job and I do it well. When it comes to race and my ethnicity, I am very cognizant of who I am and what I am. So my approach to policy is definitely filtered through that lens" (personal communication, November 16, 2011). From this perspective, these administrators viewed policies and the implementation of policies as being exclusive of racial bias and race neutral.

Conversely, six administrators, two Black, two Latina/o and two White, viewed their role as being inclusive of their race. These administrators did have some form of racial consciousness and viewed the implementation of policies as being inclusive of racial issues. A Latino administrator commented on this issue by stating:

I am obviously a minority. So I think as a minority. I look to make sure everyone is successful, but then you kind of keep an extra eye out for other minorities. I look at our Latina/o and African Americans population and want to make sure they have the tools to also make sure they are successful. Our superintendent stresses the fact that we need more administrators to look like our students. I know Anglos might get offended, because I have heard the comment, "Well, you need qualified people not just look at their race but look at their qualifications."

But, I think there has to be a good balance. Of course we are not saying that a person needs to get a position just because of their race. They have to be qualified people, but it gives the children someone to relate to. (personal communication, November 16, 2011)

A hallmark for these administrators was empathy and being able to relate to their students and the issues they faced. A Latina/o administrator stressed this point in his interview, “I was a Mexican child of poverty that became an administrator, self-made. So I do believe that I have encountered the same problems these kids are encountering now. And I can relate to that” (personal communication, November 16, 2011). In addition, several administrators commented on making it priority to educate teachers on racial bias as note by an African American administrator:

I feel very proud to the fact that I represent our minority group at this level of administration. So hopefully I can I make a difference for the students, ‘that we don’t know what to do with’ because unfortunately a lot of those who are thrown into that group are minority. But I also feel compel to maintain an openness to learn because #1 when you re in this role it doesn’t mean that you are the ‘end all to end all.’ There is always work to learn about students and about the law of education. I made it purpose to understand the education pitfalls of certain students because I want to make sure I understand what they are, so I can help my teachers and better teach them. My goal is to create an environment that is conducive to successful learning. I have been at the district throughout my educational career and what I have noticed is that the leaders at the district office make it a point to stress the knowledge of cultural difference of other students. (personal communication, November 15, 2011)

In conclusion, Research Question 5 attempted to ascertain administrative factors that might influence discretionary removal for students who were served by special education. The first category of questions inquired administrators about their interpretation of the district’s disciplinary policy and how this policy might impact students. Several themes emerged from these questions. First, a majority of the administrators viewed their role as a delegator of district policy. Although their role

encompassed other duties, their role relative to the districts' disciplinary policy was prescribed and defined. From this viewpoint, administrators were the ones who bridged district policy to camp level. Second, when inquired about how special education students were removed from their regular classroom setting due to discretionary reasons, most administrators stated unless there were certain stipulations in a students' IEP that purposefully addressed students' behavior, they followed the district's code of conduct. The next category of questions inquired about contributing factors that might influence disciplinary referrals for students who were served by special education. The majority of the administrators believed socioeconomic status and race were not significant factors for students' disciplinary referrals, and conversely, believed cultural difference and disability categories were significant factors.

The last category of question explored administrators' perspective on race and racial consciousness. Three themes emerged from this group of questions. First, four administrators interviewed believed more African American students were referred for disciplinary reasons but believed their referrals were warranted relative to students' behavior. On the other hand, eight administrators did not see a difference in referrals for African American students in comparison to other racial groups. These administrators believed it was important to know the personality of their students and to match them with teachers who complemented their personalities. Second, all 12 administrators believed race did not influence disciplinary referrals or their disciplinary decisions. Lastly, the final question inquired administrators about racial consciousness and whether being a member of their racial group influenced their role and administrative decisions.

Six administrators viewed their role as being exclusive of their race, whereas six viewed their role as being inclusive of their race.

### **Chapter Summary**

To summarize the findings, data for this study revealed a diverse district with a large percentage of economically disadvantaged students and a special education population that was aligned to the state average. Chi-square results revealed a relationship between discretionary removal and Latina/o and White students and students who were identified as economically disadvantaged. In addition, logistic regression results showed ethnicity for Latina/o student who were served by special education was a significant predictor for discretionary removal. Conversely, disability category, economic status, and ethnicity were all significant predictors for school dropout for special education students who were cited for discretionary removal. Moreover, African Americans who were not evident in the chi-square analysis were now significantly associated with discretionary removal. Furthermore, interviews of administrators revealed special education students who did not have an IEP that purposefully addressed disciplinary issues were purportedly treated no differently than students without a disability. In addition to these administrators' contributing factors for students' disciplinary referrals were linked to cultural differences and disability categories. Conversely, contradiction existed among administrators for racial consciousness. Half of the administrators interviewed viewed their role as being exclusive of their race, whereas the other half viewed their role as being inclusive of their race.

## **Chapter 5: Summary, Implications, and Recommendations**

The purpose of this study was to determine the relationship between discretionary removal, special education, and African American students. More specific, this study sought to determine the trends of discretionary removal for special education students as outlined in Texas Education Code 37. This dissertation attempted to determine whether these types of disciplinary measures were negatively associated with student outcome for minority students in special education. Emerging themes from the review of related literature helped better understand factors that might influence the high rate of disciplinary referrals for this population of students. Research suggests socioeconomic status, cultural differences, and disability categories of African Americans in special education were significant factors for disciplinary and special education referrals (Anand et al., 2002; Gregory et al., 2010; Harry & Anderson, 1994; Kuykendall, 1991; Pink, 1982; Skiba et al., 2008, 2011; Townsend, 2000; Welch & Payne, 2010).

This study sought to determine the trends of discretionary removal for special education students. Data guiding the research questions were collected and analyzed using both qualitative and quantitative methods. Interviews of administrators were conducted to ascertain what was occurring within the district and to examine the attitudes, behaviors, and cultural of campus administrators. To answer the research questions, descriptive data were used to provide an overview for the district looking specifically at the district's special education population, ethnic groups, students' economic status, and action reasons. Next, chi-square statistics were used to determine the frequency occurrence for the selected student characteristics and to determine

whether there was a relationship with discretionary removal. The chi-square statistics showed there was a relationship between ethnicity and discretionary removal for Latina/o students, White students, and students identified as economically disadvantaged. Logistic regressions were used to determine what student factors were significantly associated with discretionary removal and school completion for special education students.

Logistic regression results for discretionary removal showed ethnicity for Latina/o students was a significant predictor for discretionary removal. This effect remained constant and increased when controlled for economic status but disappeared when controlled for economic status and primary disability. Logistic regression results for high school completion showed ethnicity, by itself, was not significantly associated with high school dropout, but economic status and primary disability were significantly associated with school dropout. Equally important, all three independent variables were significantly associated with school dropout when controlling for one another. Finally, interviews of administrators were used to provide insight for the contextual experience of students. The data showed administrators viewed their position as delegators of district policy. In addition, cultural difference between teachers and students was a most significant factor for disciplinary referrals. Finally, with regard to racial consciousness, half of the administrators viewed their race as being inclusive of their role and the other half viewed their race as being exclusive of their race.

Findings and patterns emerging from this study are better understood when contextualized with past research and in-depth analysis; with this in mind, this chapter attempts to do this by discussing the significant findings for this study relative to related

literature and their findings. Throughout the discussion, findings will be further analyzed and interpreted. The subsequent chapter discusses the findings and implications of this study relative to their research questions

## **Study Findings and Implications**

### **Research Question 1**

What are the trends in demographic characteristics, discretionary removal (DAEP placement, Out-of School-Suspension, and In-School-Suspension) and special education status for students?

The first research question did not address the relationships between student characteristics and discretionary removal, but more so, highlighted and analyzed trends within the district. Data showed a diverse district with a student population of 46% Hispanics, 28% Blacks, 23% White, 2.6% Asians, and .3% American Indians. The special education population of 11% was slightly higher than the state average of 9%. A closer look at students' disability categories revealed in 2006-2007 roughly 80% of students were identified in a soft disability category; however, in 2007-2008 this percentage decreased to 69% but increased back to 80% in 2008-2009. It is unknown why these discrepancies occurred. Perhaps it was because there were a change in special education directors twice during this period and a change in superintendent (personal communication, January 29, 2012). Thus, the change in disability categories could be a result of policy or leadership or the attrition of students identified in the soft disability categories leaving the district.

The disciplinary data showed in 2006-2007 and 2007-2008 roughly 80% of the disciplinary referrals were due to discretionary reasons; however, these percentages decreased in 2008-2009. Disaggregated data for 2008-2009 revealed the percentage of students who were cited for truancy (10 unexcused absences) increased by 10%. Placing these changes into context, Texas, complying with Federal policy, changed how they measured, calculated, and reported high school dropout and completion in 2007-2008. As result of the policy change, three major changes occurred. One, Texas had to define high school graduation as a measure for the percent of students in a ninth grade cohort that graduated with a diploma in four years or less (TEA, 2009). The previous standards were defined as the percentage of students who graduated with a diploma within a standard number of years (TEA, 2009). Two, Texas was now required to disaggregate and report subgroups' graduation rate for accountability purposes. Prior to 2007-2008, data for subgroups were disaggregated and reported but were not used for accountability purposes. Three, Texas was now required to include all students in their graduation and completion rate, including students who were expelled. Prior to this policy change, expelled students were removed from their graduation and completion cohort.

As a result of this change, in 2008-2009 the district received an accountability rating of academically unacceptable due to their graduation and completion rate (TEA, 2010). Due to this rating and changes in state and federal policy, the district implemented changes to their disciplinary policy that was reflected in the disciplinary action for students (personal communication, January 31, 2012). One of the initiatives was a student recovery program that attempted to reduce truancy and encourage students to return back



to school. School administrators visited homes of students who were not attending school on a regular basis in an effort to get them back into school (personal communication, January 31, 2012). Changes were also noted in percentage of students cited for truancy. Table C3 (Appendix C) shows disaggregated action code for the district. The data show in 2006-2007 to 2008-2009 the number of students cited for truancy violation (not fined) increased from 77 to 173, and truancy (fined) from 17 to 66, respectively. Conversely, the number of students placed in ISS decreased from 526 in 2006-2007 to 362 in 2008-2009. In closing, Research Question 1 analyzed the trends for the district. The data revealed a diverse student population with a large percentage of economically disadvantaged students. More than 80% of the students served in special education were identified in a soft disability category, and roughly 78% of the disciplinary referrals were due to discretionary reasons. Equally important, trends for students appeared to have fluctuated as leadership and policy changed.

### **Research Question 2**

Does discretionary removal for special education students vary according by student characteristics (i.e., race/ethnicity, poverty, disability category)?

### **Research Question 3**

Do student characteristics (i.e., race/ethnicity, economic status, disability category) predict discretionary removal for special education students?

#### **Research Question 4**

Does the dropout rate for special education students who are subjected to discretionary removal differ significantly from special education students who are not subject to discretionary removal?

Data showed there was a relationship between ethnicity and discretionary removal for Latina/o and White students and students identified as economically disadvantaged. Similar, Latina/o students were significantly associated with discretionary removal. Conversely, data showed ethnicity for White, Black, and Latina/o students, economic status, gender, and primary disability were all significantly associated with school dropout.

Similar to this study, throughout the literature on disproportional representation, race and poverty were considered to be key factors contributing to the disciplinary sanctions for minorities in special education (Chinn & Hughes, 1987; Costenbader & Markson, 1994, 1998; Glackman et al., 1978; Gregory, 1997; Kaeser, 1979; Lietz & Gregory, 1978; Massachusetts Advocacy Center, 1986; McCarthy & Hoge, 1987; McFadden et al., 1992; MacMillan, & Reschly, 1998; Nichols et al., 1999; Oswald et al., 1999; Skiba et al., 1997; Streitmatter, 1986; Taylor & Foster, 1986; Thornton & Trent, 1988; Wagner, 1995; Wu et al., 1982). Some studies have suggested that although poverty was significantly associated with disciplinary sanctions for minority students, it did not negate the influence of race (Hosp & Reschly, 2004; Oswald et al., 2002; Skiba et al., 2001). For example, Hosp and Reschly's multivariate analyses discovered when both poverty and race entered into the regression model, both variables had independent

effects. Some researchers have posited race served as a proxy variable for poverty (Hebbeler & Wagner, 1998; MacMillan & Reschly, 1998; National Association of Secondary Principals, 2000; National Research Council, 2002; National Research Council & Institute of Medicine, 2000). For instance, Hebbeler and Wagner contended overrepresentation of Blacks in special education was due to the fact Black students were disproportionately poor.

In this study, the influence of race and poverty was evident throughout the results. Poverty, measured as economic status, had a significant relationship with discretionary removal and was significantly associated with school dropout. Race, for Latina/o and White students, had a relationship with discretionary removal and race for White, Black, and Latina/o students was significantly associated with school dropout. Kunjufu (2001) stated public schools reflect broader societal issues. The study site was an evolving district that has transformed from a primary rural affluent district with White students to an urban district with primarily poor minority students. More importantly, despite the change in student demographics, the demographics for teachers have remained primarily White middle-class females. Table C4 (Appendix C) shows the demographics for special education teachers from 2006-2009 was roughly 60% White in comparison to the student population of 75% students of color. Furthermore, Table C5 (Appendix C) shows more than 65% of the students served in special education were identified as economically disadvantaged. One principal interviewed noted the discrepancies in teacher and student demographics on his campus:

The way kids respond to discipline and authority is different than from the way a lot of these teachers are used to teaching and their expectations have not changed. I believe that is the biggest disconnect. The teacher demographics on the campus do not match the student demographics. We have a lot White middle-class teachers and our population is becoming more of colored. (personal communication, November 16, 2011)

White students were also found to have a significant relationship with discretionary removal. Table C6 (Appendix C) shows cross tabulation results for special education, ethnicity, economic status, and discretionary removal and shows a large percentage of the White students who were cited for discretionary removal were identified as economically disadvantaged. The results show roughly 16% of the White students cited for discretionary removal were identified as economically disadvantaged compared to 14% Black and 10% Latina/o students. An analysis of a variety of school disciplinary sanctions have found evidence of disproportionality that was based, at least in part, on socioeconomic status (Children's Defense Fund, 1975; McCarthy & Hoge, 1987; Skiba et al., 1997; Thornton & Trent, 1988; Wu et al., 1982). Similar to this study, Brantlinger (1991) found low-income students were targeted by disciplinary sanctions. Consistent with the findings from this study, statistics indicate poorer students were more likely to be targeted by harsher disciplinary sanctions than their wealthier peers (Brantlinger, 1999; Skiba et al., 1997, 2002; Wu et al., 1982).

In addition, findings for this study showed Latina/o students were negatively associated with discretionary removal and school dropout. Table C7 (Appendix C) revealed the Latina/o population for the district has increased by 35% within the last 10 years, but the teacher population remained the same. Interviews of campus administrators noted cultural differences between teachers and students were the most significant factor

for discretionary removal for students. These differences are exacerbated when accounting for racial and economic differences between teachers and students. Prior research has examined the influence of teachers' demographics on student outcome. Herrera (1998) examined 10 cities to determine the special education referral rate for African American and White male students in conjunction with the racial composition of their teaching staff. The researcher discovered a high percentage of African American males in special education coincided with a large White teaching staff. A similar study of a large urban district discovered as the percentage of African American teachers increased, the special education placement, suspension, and expulsion decreased for African American students (Irvine, 1990). Similar, Watkins and Kurtz's (2001) study of a large predominately African American school district discovered the increased employment of White teachers coincided with an increase in special education referrals for African American students. Teacher bias can lend itself in different forms and the findings for this study were consistent with Herrera, Irvine, and Watkins and Kurtz's findings that the most common form of bias for teachers is racial stereotypes and stereotypes. Thrasher (1997) discovered teachers have a tendency to target students for referrals who were not of their ethnic groups. While this finding does not conclusively support itself in this study, Thrasher's findings were disturbing because 60% of the special education teachers in this study were White in comparison to the population of special education that was comprised of 75% of students of color.

### **Research Question 5**

What administrative factors explain the disproportionate representation of minority students who are cited for discretionary disciplinary measures?

The following categories were selected to answer Research Question 5: policy interpretation, contributing factors, and racial consciousness. Several trends emerged from these questions. First, a majority of administrators viewed their roles as delegators of district policy. Second, unless IEP addressed specific behavior issues, disciplinary issues for special education students were treated the same as non-special education students. Third, most administrators believed cultural differences between teachers and students were a significant factor for disciplinary referrals. Last, half of the administrators interviewed viewed their role as being inclusive of their race; whereas, the other half viewed their role as being exclusive of their race.

As previously noted, schools reflect broader societal issues. To lead schools, school administrators have to be knowledgeable and aware of the inherent obstacles some public school students encounter. This acknowledgement lends itself to how principals and assistant principals view and respond to disciplinary issues. All of the principals interviewed were appointed by the superintendent who was hired in 2007. One of the first major initiatives for the superintendent was revising the student code conduct. Not surprising, most administrators viewed their role as delegators of new district policy. This role was part of their job description, but from this viewpoint, school disciplinary consequences were uniformed and standardized and did not account for contextual circumstances. This was particularly troublesome for students with disabilities because

unless their IEP purposefully addressed disciplinary issues, they were treated the same as students without disabilities. As result, behavior for students with disabilities, which might be an effect of their disabilities, were not accounted for when these administrators were administering and assigning discretionary removal for special education students. More importantly, students who were in need of the most academic assistance were more likely to be removed from their regular classroom and placed in an alternative setting.

According to administrators, the most significant factor for disciplinary referrals for students was cultural difference. The district was an evolving district that has transformed from a primary rural affluent district with White students to an urban district with primarily poor minority students; however, despite the change in student demographics, the demographics of the teachers have remained primarily White middle class females. Schein (1985) described public schools as complex organizations in which participants learn and negotiate shared meanings and norms in an effort to regulate and define behaviors. Status and power in this system is hierarchical in design and measured by such discrete variables as social class, income, and wealth (Bowles & Gintis, 1976). Students able to learn this system tend to do better academically (Fordham & Ogbu, 1986). Kunjufu (1986) noted minority students who often lack prescribed discrete social cues are unintentionally restricted by policies set forth by these organizations.

With this in mind, cultural difference within this district was not based solely on racial difference but also economic difference. The majority of the teachers were middle class teachers; however, roughly 60% of the students they served were economically disadvantaged. Equally important, roughly 60% of the teachers were White in

comparison to the student population that was comprised of 75% students of color. Similar to the administrators' perspective, researchers noted cultural difference between teachers and students predispose students to greater disciplinary sanctions (Fordham & Ogbu, 1986; Kunjufu, 1986; Townsend, 2000; Vavrus & Cole, 2002). Townsend (2000) noted White teachers' unfamiliarity with the interactional patterns that characterize many African American students predispose this sector of public school students to greater disciplinary sanctions. Furthermore, the researcher noted teachers were more reactive to miscued cultural norms than any other non-violent behavior (Townsend, 2000). A study by Vavrus and Cole (2002) discovered a large percentage of office referrals were not the result of violations against the student code of conduct, but rather due to the "violation of implicit interactional codes" (p. 109). Discord lies in what is perceived as real. The public school system identified with the norms of the general culture that was defined by the dominant culture. The problem within this district was that there was a mismatch between the dominant culture of the teachers and the culture of the students.

The last category explored racial consciousness. A majority of the administrators believed there were not any discrepancies in the disciplinary referrals among the different ethnic groups. However, data showed otherwise. Table C1 (Appendix C) shows Black and Latina/o students comprised 80% of the disciplinary referrals for discretionary reasons. Furthermore, Table C8 (Appendix C) shows Black and Latina/o students comprised 84% of all ISS referrals, 72% of all OSS referrals, and 83% of all DAEP placements. More importantly, data from this study revealed Black and Latina/o students were three times as more likely to be placed in ISS or referred to DAEP in comparison to



their White peers. Equally distributing, the majority of the administrators interviewed did not note discrepancies in the disciplinary referrals for these students.

This was troubling for three reasons. One, administrators failed to acknowledge and own their problem. The data clearly show there were discrepancies in the disciplinary referrals for Black and Latina/o students. Balfour (2003) noted failure to openly acknowledge racial issues had future implications. In this study, the failure of administrators to acknowledge discrepancies in disciplinary referrals did not allow room for critique and revising this policy. Two, the lack of acknowledgement meant there was not a problem in how this disciplinary policy was currently implemented and how it impacted students of color. Three, the policy had only negatively affected certain sectors of the district's student population. With this in mind, there should be an examination of the implementation of this policy.

Bell (1992) contended bias in policies was not explicit in doctrine but implicit in application. More specifically, Bell argued bias in policy was not ingrained in the policies, but rather in the unofficial practices associated with the application of the policies. With this assertion, there was a need to view and analyze this policy beyond the initial realms of implementation and examine how this policy was impacting students and student outcome.

With regard to racial consciousness, six administrators viewed their role inclusive of their race. For these administrators, their racial group affiliation shaped their perceptions and ultimately their decisions. More importantly, Omi and Winant (1994) found this form of racial cognition influenced individuals at both the micro and macro levels. At the

macro level, racial consciousness operates within every day experiences, and is unconscious. As one administrator noted, “I am obviously a minority. So, I think as a minority” (personal communication, November 16, 2011). These administrators pointed out that they were not biased in their practice and did not favor one racial group for another group, but were cognizant of the obstacles that were often encountered by students of color. One White administrator noted he was unsure to the extent in which race influenced his role but did acknowledge this construct did shape his administrative decisions.

At the macro level, racial consciousness shaped how organizations and leaders interpret policies. So for these administrators, policies were not race neutral. Likewise, these administrators acknowledged this structural and institutional construct and the implications it may have on students of color. Conversely, six administrators viewed their roles as exclusive of their race. For these administrators, race affiliation did not shape their perceptions. At the micro level, these administrators were not aware or did not acknowledge the role of race and how this construct might influence students. According to Helms (1990), these administrators identified with their reference group and conformed and supported the norms of their affiliated group. At the macro level, policies were race neutral for administrators. Interesting, four minority administrators viewed their role exclusive of their race. To Helms these administrators conformed to their reference group rather than their affiliative identity.

The data and literature from Chapters 1 and 2 clearly showed significant discrepancies for African American students who were served in special education relative to their disciplinary referrals. Furthermore, researchers noted there was paucity for information that linked these two polices together in conjunction with one another (Skiba et al., 2008). This study found discrepancies for African American students and, conversely, Latino/a and White students. The discrepancies for Latina/o students showed race mattered, and this rapidly changing district was neither supportive nor conducive to shifting student demographics. Equally important, discrepancies for poor White students revealed poverty was a significant factor for student referrals. With this in mind, this study showed race and class, as measured by poverty, was significant. One might argue these constructs are interwoven in our society and such effects for certain sectors of students are expected. However, Hooks (2000) noted these distortions between race and class are operative myths that legitimize these types of discrepancies. Thus, the failure of administrators to note racial discrepancies for these students was rooted in race and class consciousness and how these constructs have the ability to debilitate one's ability to acknowledge and confront race and class issues. One final point of discussion, statewide data clearly show discrepancies for disciplinary data for African American students (Council of State Governments Justice Center, 2011). With this in mind, it is important to note this district was unique in that African American students were not significantly associated with discretionary removal.

## **Limitations of the Study**

Limitations in research analysis are defined as “restrictions in the study over which you have no control” (Kohlbacher, 2006, p. 2). This study did provide useful information for practitioners and policymakers, but it did have limitations. For one, this study was restricted to one urban school district, while the results of the study attempted to make generalizations about a policy originating from both the federal and state level. Another limitation was that there was a great deal of discretion embedded in Chapter 37 of the Texas Education Code. Discretionary removal may look different at the district and campus levels and throughout the public school system in Texas. In addition, the data received for this study contained incomplete fields for gender, which could have limited its authenticity. Likewise, this district had several layers of PEIMS data reporting at both the campus and central office level that could have resulted in inaccurate disciplinary data reporting. Equally important, with respect to disability categories, the school completion for students was measured at the secondary level that could explain the absence effect for students identified as ED who typically drop out before entering high school. The last limitation was an outcome of the special education policy itself. Students receiving special education services are protected by the policy, itself, and are guaranteed due process. Thus, districts are restricted in terms of the ways in which they discipline special education students. For this reason, this study may be limited to a few special education students who were repeat offenders.

## **Policy Implications**

The disparate-impact doctrine established by the Civil Rights Act of 1964 dictates that when a perpetually racial-neutral policy produces a disproportionately harmful impact on students of color, the burden shifts to the schools to justify their policies or practices (Harvard University Civil Rights Project, 2000). The problem is that the burden of proof is often difficult to demonstrate, because bias is not often found in policies but in their application. Bell (1992) contended bias in policies is not explicit in doctrine but implicit in application. More specifically, Bell argued bias in policy was not ingrained in the policies, but rather in the unofficial practices associated with the application of the policies. Based on the disproportionate number of Black, Hispanic, economically disadvantaged, and special education students who were subjected to discretionary removal in this district, along with other school districts in Texas, might be in violation of the adverse impact doctrine. For this reason, legislators and policymakers in Texas should consider revising Texas Education Code 37.

Texas policymakers should consider defining exactly what behavior constitutes discretionary removal because the way it is currently implemented looks different throughout the state at the district and campus levels, and in some cases, from classroom-to-classroom. Texas policymakers should also consider integrating disciplinary violations into the state accountability system. These accountability standards should be based on cumulative days students are removed from their regular classroom setting due to discretionary reasons. As noted in this study with the district's dropout and recovery program, schools will adapt and integrate resources that are necessary for fidelity policy

implementation when standards are linked to their accountability rating. Equally important, this initiative would not only hold campuses accountable for their disciplinary measures but likewise, districts because the accountability rating would be linked at both the district and campus level. Finally, integrating district level accountability standards will bring more awareness and resources because currently this problem is only viewed as a campus-level problem.

### **Recommendations for Future Research**

This study was an important step in linking a federal and state policy together that has historically had a negative impact on minority students, economically disadvantaged students, and students with disabilities. There was an abundance of literature on the disparities in special education and disciplinary referrals for minority students; however, there appeared to be a paucity of information mediating the two policies. This study was particularly pertinent in this regard because it attempted to assimilate these two policies in order to determine whether they influenced student academic performance in conjunction with one another.

The findings of this study suggest that there were certain student characteristics that were significantly associated with discretionary removal including students' economic status and ethnicity. Equally important, these students' characteristics in conjunction with disciplinary sanction were significantly associated with school completion. Further exploration of these factors and how they influence student outcome would be worthwhile for policymakers, school leaders and administrators, teachers,

parents, and students. With this in mind, this study offers three recommendations for future research.

The first recommendation would be to conduct this study in a different type of district such as a suburban or rural district to see whether the findings for this study could be replicated. The study site was a dynamic district that had drastically changed within the last 20 years with reference to student demographics and size. Interviews of administrators noted cultural difference between teachers and teachers was a significant factor for disciplinary referrals. There was a concern about whether teachers were willing or able to relate to shifting student population and the district's changing culture. That said, it would be interesting to see whether these findings could be replicated in a different contextual setting such as a suburban district or a rural district. Another recommendation for future research should focus on the campus level and try to ascertain whether the majority of discretionary referrals are made by the same teachers or a relatively small number of teachers. This concern was noted by an elementary administrator in this study with reference to some students being referred more often with a particular teacher; but subsequently, decreasing when students were placed with a different teacher.

Finally, there were clearly some campuses that had higher rates of discretionary referrals in comparison to others and the last recommendation should be a follow-up study for this district that focuses primarily at specific campuses that have high discretionary referrals and campuses that have low discretionary referrals. Interviews of administrators revealed some campuses implemented more proactive measures for

disciplinary problems, whereas, other campuses used only reactive measures. For example, one campus with low discretionary removal did not remove students from their regular classroom setting for discretionary reasons. Instead, students who were cited for discretionary reasons were placed either in lunch detention or after-school detention. The principal noted this was effective because 85% of her students were bused to school and when students stayed for after-school detention, parents had to arrange pickup for their child, which indirectly involved them in their child's disciplinary issues.

In closing, Chapter 5 summarized the related literature and methodology of the study, presented a discussion of the data analysis and significant findings, identified the limitations of this study, presented policy implications, and suggested recommendations for future research. In brief, public schools are social institutions designed to educate and socialize future citizens. The findings from this study are disturbing for two reasons. First, whether implicit or explicit, the overall assumption is some students are inferior and are behaviorally challenging. In return, students internalize this self-image, which is corroborated by Witherspoon, Speight, and Thomas's (1997) assertion that there is linear relationship between self-esteem and self-concept: "As self-esteem increases, so does academic self-concept; likewise, as self-esteem decreases, so does academic self-concept" (p. 353). The second conclusion is that, with self-concept being an important variable in a students' academic success, these students internalize early on that they are failures (Harry & Anderson, 1994). This further exacerbates their unequal start in life as adults.



## **Conclusion**

Public schools reflect broader societal issues. Inequities that are embedded within public school systems are structural and extrinsically interwoven into our society. This study provided better insight for how a perpetually race neutral policy has the potential to produce a disparate impact for students with the least amount of power—students of color, economically disadvantaged students, and students with disabilities. Three major findings can be drawn from the findings of this study. First, race and economic status matter. Race and economic status were significant factors for discretionary removal and was evident throughout the study. Second, these types of disciplinary sanctions have the potential to negatively impact school completion. Equally disturbing, these types of disciplinary sanctions may contribute to the school-to-prison pipeline. Finally, schools need to be held accountable for their disciplinary measure because they will adapt and integrate the necessary resources for fidelity policy implementation when standards are linked to their accountability system.

Table 1. Five Basic Tenets for the Critical Race Theory

CRT Tenet	Concept	Researchers
Ordinance	Racism is common and deeply entrenched in norms and values. Racism is subtle and difficult to detect.	Delgado & Stefanic (2001); Yosso (2005)
Interest Convergence	Dominant group will advance the interest of the subordinate group when it promotes their own self-interest.	Bell (1995)
Social Construction	Racism is a socially constructed metaphor used to maintain social, political, economical, and education stratification. Minorities are assigned to different roles and privileges for which there are competitions for designated roles. Roles might shift according to the needs of the dominant class.	Shufford (2001)
Differential Racialization	Dominant class justifies its position with stock stories. Encouraging minority storytelling is a counter-narrative.	Delgado & Stefanic (2001).
Legal Storytelling		Delgado (1989); Tate (1997)

Table 2. Student Population and Ethnicity

	2006-2007	2007-2008	2008-2009
Student Population	21,013	21,253	22,076
American Indian	0.3%	0.3%	0.3%
Asian Pacific Islander	2.6%	2.4%	2.5%
Black	28.4%	27.9%	28.3%
Hispanic	45.6%	47.2%	47.7%
White	23.1%	22.2%	21.3%

Table 3. Economically Disadvantaged Students

	2006-2007	2007-2008	2008-2009
Economically Disadvantaged	56.9%	58.2 %	57.5%
Free and Reduced Lunch	43.1%	41.8%	42.5%

Table 4. Special Education Population

Year	Student Population	General Education	Special Education
2006-2007	21,013	18,679 (89.0%)	2,316 (11.0%)
2007-2008	21,253	19,017 (89.5%)	2,236 (10.5%)
2008-2009	22,076	19,769 (89.5%)	2,307 (10.5%)

Table 4a. Comparable District Demographic Data

District	Pflugerville ISD	Midland	Beaumont ISD
Student Population	22,000	21,000	19,000
African American	28%	23%	65%
Latina/o	48%	36%	15%
White	21%	32%	17%
Native American	0.3%	0.2%	0.2%
Asian	3%	9%	3%
Economically Disadvantaged	58%	43%	70%
Special Education	11%	9.7%	8%

Table 5. Special Education Student and Primary Disability

Primary Disability	2006-2007	2007-2008	2008-2009
Hard Disability Categories			
OHI	13.1%	28.0%	17.9%
Orthopedic	2.7%		
Auditory			1.0%
Visual			
Speech			
Autism		2.6%	0.3%
Traumatic Brain Injury			.5%
Soft Disability Categories			
MR	3.2%	1.0%	3.4%
ED	21.7%	16.6%	26.5%
LD	59.3%	51.8%	50.9%
Early Childhood			1.2%

Table 6: Soft and Hard Disability Categories

Category	2006-2007	2007-2008	2008-2009
Soft Disabilities	84.2%	69.4%	80.8%
Hard Disabilities	15.8%	30.6%	19.2%

Table 7. Crosstabulation Ethnicity and SpED

Ethnicity	2006-2007		2007-2008		2008-2009	
	Not Special Ed.	Special Ed.	Not Special Ed.	Special Ed.	Not Special Ed.	Special Ed.
Am. Indian						
Count	60	10	55	6	62	7
Within Ethnicity	85.7%	14.3%	90.2%	9.8%	88.9%	10.1%
Within SPED	.3%	.4%	.3%	.3%	.3%	.3%
Asian						
Count	522	24	488	26	512	32
Within Ethnicity	95.6%	4.4%	94.6%	5.1%	94.1%	5.9%
Within SPED	2.8%	1.0%	2.6%	1.2%	2.6%	1.4%
Black						
Count	5212	756	5245	683	5513	724
Within Ethnicity	87.3%	12.7%	88.5%	11.5%	88.4%	9.3%
Within SPED	27.9%	32.6%	27.6%	30.5%	27.9%	31.4%
Latina/o						
Count	8622	953	9056	975	9544	978
Within Ethnicity	90%	10%	90.3%	9.7%	90.7%	9.3%
Within SPED	46.1%	41.1%	47.6%	43.6%	48.3%	42.4%
White						
Count	4281	573	4173	546	4138	566
Within Ethnicity	88.2%	11.8%	88.4%	11.6%	88%	12%
Within SPED	22.9%	24.7%	21.9%	24.4%	20.9%	24.5%

Table 8. Disciplinary Reasons for Students

Disciplinary Reasons	2006-2007	2007-2008	2008-2009
Felony	0.2%		0.2%
Controlled Substance	3.9%	2.4%	3.3%
Alcohol		0.4%	0.1%
Lewdness	0.3%		
Felony not on Campus			0.1%
Weapon			0.4%
Crime on Campus	0.1%		
Arson	0.1%		
Violation of Student Code of Conduct while in DAEP	0.7%	0.1%	
Violation of Student Code of Conduct	78.9%	81.7%	72.9%
Criminal Mischief	0.8%	0.7%	1%
Terrorist Threat	0.5%	0.7%	0.2%
Assault not a District Employee	0.3%		1.4%
Assault District Employee	0.5%	0.2%	0.6%
Assault		1%	
Sexual Assault	0.1%		
Tobacco	0.1%	0.3%	0.1%
Fighting	6%	4.3%	2.3%
Truancy Parent Contributed	0.1%	0.3%	0.1%
Truancy 3 Unexcused Absences	0.2%	0.2%	0.1%
Truancy 10 Unexcused Absences	7.3%	7.8%	17.1%

Table 9. Discretionary and Mandatory Disciplinary Sanctions

Disciplinary Sanctions	2006-2007	2007-2008	2008-2009
Discretionary Removal	79.6%	81.8%	72.9%
Mandatory Removal	20.4%	18.2%	27.1%

Table 10. Chi-Square for Ethnicity, Special Education, and Discretionary Removal

Ethnicity		Value	df	p-value Sig. (2-sided)
Asian	Pearson Chi-Square	.111 <sup>a</sup>	1	0.739
	Likelihood Ratio	0.107	1	0.743
	N of Valid Cases	47		
Black	Pearson Chi-Square	2.587 <sup>c</sup>	1	0.108
	Likelihood Ratio	2.673	1	0.102
	N of Valid Cases	1507		
Latina/o	Pearson Chi-Square	7.513 <sup>d</sup>	1	0.006
	Likelihood Ratio	7.962	1	0.005
	N of Valid Cases	1360		
White	Pearson Chi-Square	5.853 <sup>e</sup>	1	0.016
	Likelihood Ratio	6.283	1	0.012
	N of Valid Cases	731		

Table 11. Chi-Square for Economic Status, Special Education, and Discretionary Removal

		Value	df	(p-value)
Not Economically Disadvantaged	Pearson Chi-Square	1.446 <sup>a</sup>	1	0.229
	Likelihood Ratio	1.491	1	0.222
	N of Valid Cases	1669		
Free and Reduced Lunch	Pearson Chi-Square	13.182 <sup>c</sup>	1	0
	Likelihood Ratio	13.868	1	0
	N of Valid Cases	1976		

Table 12. Chi-Square for Primary Disability, Special Education, and Discretionary Removal

		Value	df	(p-value)
Orthopedic	Pearson Chi-Square	. <sup>a</sup>		
	N of Valid Cases	5		
OHI	Pearson Chi-Square	3.034 <sup>b</sup>	1	0.082
	Likelihood Ratio	2.902	1	0.088
Auditory	N of Valid Cases	135		
	Pearson Chi-Square	. <sup>a</sup>		
MR	N of Valid Cases	3		
	Pearson Chi-Square	1.360 <sup>d</sup>	1	0.243
ED	N of Valid Cases	19		
	Pearson Chi-Square	.006 <sup>e</sup>	1	0.938
LD	Likelihood Ratio	0.006	1	0.939
	N of Valid Cases	157		
Autism	Pearson Chi-Square	.852 <sup>f</sup>	1	0.356
	Likelihood Ratio	0.834	1	0.361
	N of Valid Cases	380		
	Pearson Chi-Square	. <sup>g</sup>		
	N of Valid Cases	6		

Table 13. Binary Logistic Model Discretionary Removal and Economic Status

		Variables in the Equation					
		B	S.E.	Wald	df	Sig.	Exp(B)
Step 1a	Not Economically Dis	-.127	.085	2.201	1	.138	.881
	Constant	1.484	.059	635.924	1	.000	4.412

Table 14. Binary Logistic Model Discretionary Removal and Primary Disability

		Variables in the Equation					
		B	S.E.	Wald	df	Sig.	Exp(B)
Step 1a	Primary Disability			3.052	2	.217	
	OHI	-.418	.372	1.262	1	.261	.658
	LD	-.537	.307	3.052	1	.081	.585
	Constant	2.219	.272	66.631	1	.000	9.200

Table 15. Binary Logistic Model Discretionary Removal and Ethnicity

		<u>Variables in the Equation</u>					
		B	S.E.	Wald	df	Sig.	Exp(B)
Step 1a	White			11.558	2	.003	
	Black	-.136	.123	1.219	1	.270	.873
	Latina/o	-.375	.122	9.440	1	.002	.687
	Constant	1.637	.102	255.780	1	.000	5.140

Table 16. Binary Logistic Model Discretionary Removal, Ethnicity, and Economic Status

		<u>Variables in the Equation</u>					
		B	S.E.	Wald	df	Sig.	Exp(B)
Step 1a	White			13.328	2	.001	
	Black	-.187	.126	2.207	1	.137	.829
	Latina/o	-.425	.125	11.550	1	.001	.653
	Free and Reduced Lunch	-.166	.089	3.465	1	.063	.847
	Constant	1.755	.121	210.917	1	.000	5.781

Table 17. Binary Logistic Model Discretionary Removal, Ethnicity, Economic Status, and Primary Disability

		<u>Variables in the Equation</u>					
		B	S.E.	Wald	df	Sig.	Exp(B)
Step 1 <sup>a</sup>	Gender	-.040	.230	.030	1	.862	.961
	White			.167	2	.920	
	Black	.074	.312	.056	1	.813	1.077
	Latina/o	-.060	.265	.051	1	.822	.942
	Free and Reduced Lunch	-.339	.251	1.826	1	.177	.712
	ED			1.703	2	.427	
	OHI	-.342	.376	.827	1	.363	.710
	LD	-.423	.325	1.694	1	.193	.655
	Constant	2.273	.336	45.657	1	.000	9.708



Table 18. Binary Logistic Model for High School Dropout and Ethnicity

		<u>Variables in the Equation</u>					
		B	S.E.	Wald	df	Sig.	Exp(B)
Step 1a	White			1.753	2	.416	
	Black	.014	.262	.003	1	.958	1.014
	Latina/o	.324	.290	1.250	1	.264	1.383
	Constant	1.378	.208	43.954	1	.000	3.966

Table 19. Binary Logistic Model for High School Dropout and Economic Status

		<u>Variables in the Equation</u>					
		B	S.E.	Wald	df	Sig.	Exp(B)
Step 1a	Free and Reduced Lunch	1.736	.380	20.830	1	.000	5.675
	Constant	1.168	.113	106.150	1	.000	3.216

Table 20. Binary Logistic Model for High School Dropout and Primary Disability

		<u>Variables in the Equation</u>					
		B	S.E.	Wald	df	Sig.	Exp(B)
Step 1a	ED			8.760	2	.013	
	OHI	-.909	.365	6.207	1	.013	.403
	LD	-.904	.314	8.300	1	.004	.405
	Constant	2.173	.282	59.358	1	.000	8.786

Table 21. Binary Logistic Model for High School Dropout, Primary Disability, and Ethnicity

		<u>Variables in the Equation</u>					
		B	S.E.	Wald	df	Sig.	Exp(B)
Step	ED			15.335	2	.000	
1a	OHI	-1.273	.396	10.330	1	.001	.280
	LD	-1.393	.359	15.076	1	.000	.248
	White			6.097	2	.047	
	Black	.327	.280	1.365	1	.243	1.386
	Latina/o	.758	.310	5.973	1	.015	2.134
	Constant	2.204	.338	42.537	1	.000	9.065

Table 22. Binary Logistic Model for High School Dropout, Primary Disability, Ethnicity, and Economic Status

		<u>Variables in the Equation</u>					
		B	S.E.	Wald	df	Sig.	Exp(B)
	OHI	-.218	.243	.801	1	.371	.804
	LD	-.652	.212	9.447	1	.002	.521
	Not Economically Dis	-.431	.195	4.906	1	.027	.650
	Gender	-.073	.165	.194	1	.660	.930
	Black	.445	.218	4.176	1	.041	1.560
	Latina/o	.410	.197	4.341	1	.037	1.506
	Constant	-.283	.213	1.765	1	.184	.753

Table 23. Categories and Themes

Categories	Questions	Themes
Interpretation of Policy	1. Tell me about your role in working with students with disciplinary issues?	<ul style="list-style-type: none"> <li>• Administrative, Counsel, and Parental.</li> </ul>
	2. How are special education students removed from their regular classroom setting due to discretionary reasons?	<ul style="list-style-type: none"> <li>• District Policy, Student Code of Conduct, Student's IEP and BIP.</li> </ul>
	9. What do you see as the goal(s) of discretionary removal? Do you meet these/those goals?	<ul style="list-style-type: none"> <li>• Address and correct behavior to ensure the learning of all students.</li> </ul>
Contribution Factors	3. What role do you believe socioeconomic status plays in the disciplinary issues for students?	<ul style="list-style-type: none"> <li>• Correlation, Not a Correlation.</li> </ul>
	4. What role do you believe cultural difference between teachers and students play in the disciplinary issues for students?	<ul style="list-style-type: none"> <li>• Huge disparities in cultural difference; No difference between student and teacher cultures</li> </ul>
	6. What role do you believe the disability category plays in the disciplinary issues for special education students?	<ul style="list-style-type: none"> <li>• ED, The student not the disability</li> </ul>
	5. What role do you believe race plays in the disciplinary issues for students?	<ul style="list-style-type: none"> <li>• Race matters, Colorblind</li> </ul>
Race and Racial Consciousness	7. Do you think more African Americans are identified than White students? Why or why not? Explain.	<ul style="list-style-type: none"> <li>• Data speaks for itself, Knowing personalities</li> </ul>
	8. Do you think race impacts disciplinary decisions? Why or why not?	<ul style="list-style-type: none"> <li>• Race doesn't Matter</li> </ul>
	10. What does it mean to be a member of your racial group and how does this influence your role or position?	<ul style="list-style-type: none"> <li>• I am a first an administrator; I am a member of my racial group</li> </ul>

## Appendix A

### Interview Instrument

Job Title \_\_\_\_\_ Gender \_\_\_\_\_ Race/Ethnicity \_\_\_\_\_  
Years in Education Field \_\_\_\_\_ Years as an Administrator \_\_\_\_\_

- 1). Tell me about your role in working with students with disciplinary issues?
  
- 2). How are special education students removed from their regular classroom setting due to discretionary reasons?
  
- 3). What role do you believe socioeconomic status plays in the disciplinary issues for students?
  
- 4). What role do you believe cultural difference between teachers and students plays in the disciplinary issues for students?
  
- 5). What role do you believe race plays in the disciplinary issues for students?
  
- 6). What role do you believe the disability category plays in the disciplinary issues for special education students?

7). Do you think more African Americans are identified than White students?

YES  NO Why or Why not? Explain.

8). Do you think race impacts disciplinary decisions?  YES  NO Why or

Why not?

9). What do you see as the goal(s) of discretionary removal? Do you meet these/those goals?

10. What does it mean to be a member of your racial group and how does this influence your role or position?

## **Appendix B**

### **Letter to Participants**

My name is Bonita Homer. 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 interest is educational equity and access for moralized groups, such as economically disadvantaged, racial/ethnicity minority groups, and special education. The educational policies my research centers around are special education and school disciplinary policies. Through my research, I hope to gain insight on the role of certain characteristics, such as race/ethnicity, socioeconomic status, and cultural differences and how these variables might influence the implementation of educational policies.

I am asking you to take part in an interview. The interview will be based on open-ended questions. Although I will be aware of your response, when coding and reporting the data, I will only identify your responses by job title, age, sex, and gender. Your identity will be kept confidential. The questions call for brief responses. Please be honest and open with your thoughts. The sharing of this information may be uncomfortable. If this is the case and you prefer to withdraw from the study, simply inform me and I will remove your data. This is the only foreseeable risk to you associated with this research. Finally, your participation is completely voluntarily. If any time you wish to withdraw from this research study, you are free to do so.

Bonita Homer, B.S., M.Ed.

## Appendix C

### Additional Tables for Chapters 4 and 5

Table C1. Cross Tabulation of Discretionary Removal, Ethnicity, and Special Education

	Mandatory	Discretionary
<b>Native American Not SPED</b>		
Count	3	4
Expected	1.7	5.3
Within Ethnicity	43%	57%
Within Action Reason	0%	0%
<b>Native American SPED</b>		
Count	0	2
Expected	3	1.7
Within Ethnicity	0%	100%
Within Action Reason	0%	.3%
<b>Asian Not SPED</b>		
Count	11	30
Expected	9.7	31.3
Within Ethnicity	27%	73.2%
Within Action Reason	2%	1.3%
<b>Asian SPED</b>		
Count	2	4
Expected	1	5
Within Ethnicity	33%	67%
Within Action Reason	2%	1%
<b>Black Not SPED</b>		
Count	261	947
Expected	286.3	921.7
Within Ethnicity	22%	78%
Within Action Reason	37%	42%
<b>Black SPED</b>		
Count	52	247
Expected	50	249
Within Ethnicity	17.4%	82.6%
Within Action Reason	44.1%	42.1%
<b>Latina/o Not SPED</b>		
Count	301	861
Expected	267.4	847
Within Ethnicity	26.7%	73.3%
Within Action Reason	43.1%	36.8%

	Mandatory	Discretionary
<b>Latina/o SPED</b>		
Count	42	193
Expected	38.8	190
Within Ethnicity	18.1%	81.9%
Within Action Reason	35.6%	32.4%
<b>White_ Not SPED</b>		
Count	22	138.2
Expected	27.8	144
Within Ethnicity	13.3%	86.7%
Within Action Reason	18.6%	24.5%
<b>White _SPED</b>		
Count	145	586
Expected	163.4	567.7
Within Ethnicity	19.8%	80.2%
Within Action Reason	17.7%	20.7%



Table C2. Cross Tabulation between Economic Status, Special Education, and Discretionary Removal

	Mandatory	Discretionary
<b>Not SPED Not Economically Dis.</b>		
Count	358	1115
Expected	349	1125
Within Economically Dis	24%	76%
Within Action Reason	51%	50%
<b>Not SPED Economically Dis.</b>		
Count	338	1131
Expected	328	1122
Within Economically Dis.	23%	77%
Within Action Reason	49%	50%
<b>SPED Not Economically Dis.</b>		
Count	40	156
Expected	33	163
Within Economically Dis	20%	80%
Within Action Reason	34%	27%
<b>SPED Economically Dis.</b>		
Count	78	429
Expected	85	422
Within Economically Dis	15%	85%
Within Action Reason	66%	73%

Table C3. Disciplinary Action Codes

Disciplinary Action Code	2006-2007	2007-2008	2008-2009
OSS	311	331	321
ISS	526	293	362
DAEP Placement	72	52	67
DAEP Continuation	1	2	3
DAEP Continuation of Year	7	5	7
Expulsion		1	
Expulsion Continuation Prior Year	1		
Truancy (Fined)	17	9	66
Truancy (Not Fined)	77	7	173
Partial Day OSS	14	19	23
Partial Day ISS	216	248	350

Table C4. Demographics for Special Education Teachers

	2006-2007	2007-2008	2008-2009
Native American	.3% (1)	.9% (2)	.9% (2)
Asian	1% (3)	2% (4)	1% (3)
Black	16% (43)	14% (32)	17% (39)
Hispanic	24% (68)	19% (42)	20% (45)
White	59% (162)	64% (142)	61% (139)
Total	100% 277	100% (222)	100% (228)

Table C5. Crosstabulation Between Special and Economic Status

		Not Economically Disadvantaged	Economically Dis. Adv.
SPED	Count	2386	4473
	% within Special Education	34.8%	65.2%
	% within Economically Dis.	8.7%	12.1%

Table C6. Crosstabulation for Special Education, Ethnicity, and Economic Status

Ethnicity				EconomicallyDis_Recoded Mandatory Removal	Discretionary Removal	Total	
Black	SpEd	Not	Count	6414	9556	15970	
		SPED	% within SpEd	40.2%	59.8%	100.0%	
			% within EconomicallyDis _Recoded	91.0%	86.2%	88.1%	
			Count	635	1528	2163	
		SPED	% within SpEd	29.4%	70.6%	100.0%	
			% within EconomicallyDis _Recoded	9.0%	13.8%	11.9%	
	Count		7049	11084	18133		
	Total	% within SpEd	38.9%	61.1%	100.0%		
		% within EconomicallyDis _Recoded	100.0%	100.0%	100.0%		
		Count	9164	18058	27222		
	Hispanic	SpEd	Not	Count	9164	18058	27222
			SPED	% within SpEd	33.7%	66.3%	100.0%
% within EconomicallyDis _Recoded				91.7%	89.7%	90.4%	
Count				833	2073	2906	
SPED			% within SpEd	28.7%	71.3%	100.0%	
			% within EconomicallyDis _Recoded	8.3%	10.3%	9.6%	
		Count	9997	20131	30128		
Total		% within SpEd	33.2%	66.8%	100.0%		
		% within EconomicallyDis _Recoded	100.0%	100.0%	100.0%		
		Count	8389	4203	12592		
White		SpEd	Not	Count	8389	4203	12592
			SPED	% within SpEd	66.6%	33.4%	100.0%
	% within EconomicallyDis _Recoded			90.6%	83.7%	88.2%	
	SPED	Count	869	816	1685		
		% within SpEd	51.6%	48.4%	100.0%		

	% within EconomicallyDis_Recoded	9.4%	16.3%	11.8%
Total	Count	9258	5019	14277
	% within SpEd	64.8%	35.2%	100.0%
	% within EconomicallyDis_Recoded	100.0%	100.0%	100.0%

---

Table C7. Population for Latina/o Students

School Year	Latina/o Population Percentage
2000-2001	37.0%
2001-2002	38.6%
2002-2003	40.5%
2003-2004	41.9%
2004-2005	43.8%
2005-2006	44.5%
2006-2007	45.6%
2007-2008	47.2%
2008-2009	47.7%
2009-2010	50.5%

---

Table C8. Crosstabulation for Action Code, Ethnicity, and Special Education

		Action Code			Total	
			ISS	OSS	DAEP	
Ethnicity	Native American	Count	0	2	0	200
		% within Ethnicity	.0%	1.0%	.0%	100.0%
		% within ActionCode	.0%	.4%	.0%	.3%
	Asian	Count	5	9	1	1604
		% within Ethnicity	.3%	.6%	.1%	100.0%
		% within ActionCode	1.6%	1.7%	1.4%	2.5%
	Black	Count	134	182	29	18133
		% within Ethnicity	.7%	1.0%	.2%	100.0%
		% within ActionCode	43.1%	34.6%	40.3%	28.2%
	Hispanic	Count	128	195	31	30128
		% within Ethnicity	.4%	.6%	.1%	100.0%
		% within ActionCode	41.2%	37.1%	43.1%	46.8%
White	Count	44	138	11	14277	
	% within Ethnicity	.3%	1.0%	.1%	100.0%	
	% within ActionCode	14.1%	26.2%	15.3%	22.2%	
Total	Count	311	526	72	64342	
	% within Ethnicity	.5%	.8%	.1%	100.0%	
	% within ActionCode	100.0	100.0%	100.0%	100.0%	
			%			

## References

- Abel, C. F. (2005). Beyond the mainstream: Foucault, power and organizational theory. *International Journal of Organization Theory and Behavior*, 8(4), 495-519.
- Ahlquist, R. (1991). Position and imposition: Power relations in a multicultural foundations class. *Journal of Negro Education*, 60(2), 158-169.
- Anand, B., Fine, M., Perkins, T., & Surry, D. (2002). *Keeping the struggle alive*. New York, NY: Teachers College, Columbia University.
- Bahr, M. W., Fuchs, D., Stecker, P. M., & Fuchs, L. S. (1991). Are teachers' perceptions of difficult-to-teach students racially biased? *School Psychology Review*, 20(4), 599-608.
- Balfour, L. (2003). Unreconstructed democracy: W. E. B. Du Bois and the case for reparations. *American Political Science Review*, 97, 33-44.
- Bell, D. (1992). *Faces at the bottom of the well: The permanence of racism*. New York, NY: Basic Books.
- Bell, D. (1995). Brown v. Board of Education and the interest-convergence dilemma. In K. Crenshaw, N. Gotanda, G. Peller, & K. Thomas (Eds.), *Critical race theory: The key writings that formed the movement* (pp. 20-27). New York, NY: The New Press.
- Bogdan, R. C., & Taylor, S. (1975). *Introduction to qualitative research methods*. New York, NY: John Wiley & Sons.
- Bowditch, C. (1993). Getting rid of troublemakers: High school disciplinary procedures and the production of dropouts. *Social Problems*, 40, 493-507.

- Bowles, S., & Gintis, H. (1976). *Schooling in capitalist America*. London, England: Routledge.
- Brantlinger, E. (1991). Social class distinctions in adolescents' reports of problems and punishment in school. *Behavioral Disorders, 17*, 36-46.
- Brantlinger, E. (1999). Class moves at the movies: What good will hunting teaches about social class in America. *Journal of Curriculum Theorizing, 15*(1), 105-120.
- Carlson, E., & Parshall, L. (1996). Academic, social, and behavioral adjustment for students declassified from special education. *Exceptional Children, 63*, 89-100.
- Carter, R. (2000). Reimagining race in education: A new paradigm from psychology. *Teachers College Record, 102*(5), 864-897.
- Children's Defense Fund. (1975). *School suspensions: Are they helping children*. (Technical Report). Cambridge, MA: Washington Research Project.
- Chinn, P. C., & Hughes, S. (1987). Representation of minority students in special education classes. *Remedial and Special Education, 8*, 41-46.
- Collier, J. (1998). Theorizing the ethical organization. *Business Ethics Quarterly, 8*(4), 621-654.
- Cooper, R., & Jordan, W. (2003). Cultural issues in comprehensive school reform. *Urban Education, 38*(4), 380-397.
- Costenbader, V., & Markson, S. (1994). School suspension: A survey of current policies and practices. *NASSP Bulletin, 78*, 103-107.
- Costenbader, V., & Markson, S. (1998). School suspension: A study with secondary school students. *Journal of School Psychology, 36*, 59-82.

- Council of State Governments Justice Center. (2011). *Breaking schools' rules: A statewide study of how school discipline relates to students' success and juvenile justice involvement*. New York, NY: Author.
- Coutinho, M. J., Oswald, D. P., & Best, A. M. (2002). The influence of sociodemographics and gender on the disproportionate identification of minority students as having learning disabilities. *Remedial and Special Education, 23*, 49-59.
- Crenshaw, K. (1995). Race, reform, and retrenchment: Transformation and legitimation in antidiscrimination law. In K. Crenshaw, N. Gotanda, G. Peller, & K. Thomas (Eds.), *Critical race theory: The key writings that formed the movement* (pp. 103-122). New York, NY: The New Press.
- Cummins, J. (1986). Psychological assessment of minority students: Out of context, out of focus, out of control. *Journal of Reading, Writing, & Learning Disabilities International, 2*, 9-18.
- Davis, J. E., & Jordan, W. J. (1994). The effects of school context, structure, and experiences on African American males in middle and high schools. *Journal of Negro Education, 63*, 570-587.
- Delgado, R. (1989). Storytelling for oppositionists and others: A plea for narrative. *Michigan Law Review, 87*, 2411-2441.
- Delgado, R., & Stefanic, J. (2001). *Critical race theory: An introduction*. New York, NY: York University Press.



- Donovan, M. S., & Cross, C. T. (Eds.). (2002). *Minority students in special and gifted education*. Washington, DC: National Academies Press.
- Dunn, L. M. (1968). Special education for the mildly retarded: Is much of it justifiable. *Exceptional Children, 23*, 5-21.
- Edgar, E. (1987). Secondary programs in special education: Are many of them justified? *Exceptional Children, 53*, 555-561.
- Education for All Handicapped Children Act of 1975. Public Law 94-142 (S.6). (1975). Retrieved from <http://www.asclepius.com/angel/special.html>
- Eisler, R. (1994). From domination to partnership: The hidden subtext for sustainable change. *Journal of Organizational Change Management, 7*(4), 32-46.
- Eitzen, S., & Zinn, M (1994). *Social problems* (6th ed.). Boston, MA: Allyn & Bacon.
- Fabelo, T., Thompson, M., Plotkins, J., Carmichael, D., Marchbanks, M., & Booth, E. (2011). *Breaking schools' rules: A statewide study of how school discipline relates to students' success and juvenile justice involvement*. New York, NY: Council of State Governments.
- Fierros, E., & Conroy, J. (2002). Double jeopardy: An exploration of restrictiveness and race in special education. In D. Losen & G. Orfield (Eds.), *Racial inequality in special education* (pp. 39-70). Cambridge, MA: Harvard Education Press.
- Fordham, S., & Ogbu, J. U. (1986). Black students' school success: Coping with the "the burden of 'acting white.'" *The Urban Review, 18*(3), 176-206.
- Foster, M. (1993). Resisting racism: Personal testimonies of African American teachers. In L. Weis & M. Fine (Eds.), *Beyond silenced voices: Class, race, and gender in*

- United States schools* (pp. 273-288). Albany, NY: State University of New York Press.
- Gay, G. (1993). Building cultural bridges: A bold proposal for teacher education. *Education and Urban Society*, 25, 285-299.
- Gay, L., Mills, G., & Airasian, P. (2009). *Educational research: Competencies for analysis and applications* (9th ed.). Upper Saddle River, NJ: Pearson.
- Glackman, T., Martin, R., Hyman, I., McDowell, E., Berv, V., & Spino, P. (1978). Corporal punishment, school suspension, and the civil rights of students: An analysis of Office for Civil Rights school surveys. *Inequality in Education*, 23, 61-65.
- Goffman, E. (1963). *Stigma: Notes on the management of spoiled identity*. Englewood Cliffs, NJ: Prentice Hall.
- Gravetter, F. J., & Wallnau, L. B. (2007). *Statistics for the behavioral sciences* (7th ed.). Belmont, CA: Thomson Wadsworth.
- Gregory, A., Skiba, R., & Noguera, P. (2010). The achievement gap and the discipline gap: Two sides of the same coin? *Educational Researcher*, 39(1), 59-68.
- Gregory, J. E. (1997). Three strikes and they're out: African American boys and American schools' responses to misbehavior. *International Journal of Adolescence and Youth*, 7(1), 25-34.
- Gun-Free Schools Act of 1994, Public Law No. 103-382, 108 Statute 3907, Title 14.
- Haberman, M. (1992). Does direct experience change education students' perceptions of low income minority children? *Midwestern Educational Researcher*, 5, 28-31.

- Hale-Benson, J. (1986). *Black children: Their roots, culture, and learning style* (2nd ed.). Baltimore, MD: Johns Hopkins University Press.
- Harris, C. I. (1993). Whiteness as property. *Harvard Law Review*, 106(8), 1709-1795.
- Harry, B. (1992). *Cultural diversity, families, and the special education system: Communication and empowerment*. New York, NY: Teachers College Press.
- Harry, B., & Anderson, G. M. (1994). The disproportionate placement of African American males in special education programs: A critique of the process. *Journal of Negro Education*, 36(4), 602-619.
- Harry, B., Klingner, J., Sturges, K. M., & Moore, R. E. (2002). Of rocks and soft places: Using qualitative methods to investigate disproportionality. In D. J. Losen & G. Orfield (Eds.), *Racial inequality in special education* (pp. 71-91). Cambridge, MA: Harvard Education Press.
- Harry, B., Rueda, R., & Kalyanpur, M. (1999). Cultural reciprocity in sociocultural perspective: Adapting the normalization principle for family collaboration. *Exceptional Children*, 66(4), 123-36.
- Harvard University Civil Rights Project. (2000). *Opportunities suspended: The devastating consequences of zero tolerance and school discipline policies*. Retrieved from <http://www.civilrightsproject.ucla.edu/research/k-12-education/school-discipline/opportunities-suspended-the-devastating-consequences-of-zero-tolerance-and-school-discipline-policies/crp-opportunities-suspended-zero-tolerance-2000.pdf>

- Hasazi, S. B., Gordon, L., & Roe, C. (1985). Factors associated with the employment status handicapped youth exiting high school from 1979-1983. *Exceptional Children, 51*, 455-469.
- Hebbeler, K., & Wagner, M. (1998). *The National Early Intervention Longitudinal Study (NEILS) design overview*. Menlo Park, CA: SRI International.
- Helms, J. E. (1990). *Black and White racial identity theory, research and practice*. Westport, CO: Praeger.
- Herrera, J. (1998). *The disproportionate placement of African Americans in special education: An analysis of ten cities*. Reston, VA: ERIC Clearinghouse on Disabilities and Gifted Education. Retrieved from ERIC database. (ED417501)
- Heward, W. L. (2003). *Exceptional children: An introduction to special education* (7<sup>th</sup> ed.). Upper Saddle River, NJ: Merrill Prentice Hall.
- Hilliard, A. G. (1980). Cultural diversity and special education. *Exceptional Children, 46*(8), 584-588.
- Hilliard, A. G. (1990). Misunderstanding and testing intelligence. In J. J. Goodlad & P. Eating (Eds.), *Access to knowledge: An agenda for our nation's school* (pp. 145-157). New York, NY: The College Board.
- Hilliard, A. G. (1991). The learning potential assessment device and instrumental enrichment: As a paradigm shift. In A. G. Hilliard (Ed.), *Testing African American students: A special re-issue of Negro education reviews* (pp. 200-208). Morristown, NJ: Aaron.

- Hilliard, A. G. (1992). The pitfalls and promises of special education practice. *Exceptional Children, 59*(2), 168-172.
- Hooks, B. (2000). *Where we stand: Class matters*. New York, NY: Routledge.
- Hosp, J. L., & Reschly, D. J. (2004). Disproportionate representation of minority students in special education: Academic, demographic, and economic predictors. *Exceptional Children, 70*, 185-199.
- Hyman, I. A., & Snook, P. (2000). Dangerous schools and what you can do about them. *Phi Delta Kappan, 81*(7), 489-501.
- Individuals with Disabilities Education Improvement Act. IDEIA (P1 108-446). (2004). Retrieved from <http://www.copyright.gov/legislation/pl108-446.pdf>
- Irvine, J. J. (1990). *Black students and school failure: Policies, practices and rescriptions*. New York, NY: Greenwood.
- Jackson, J. F. L., & Moore, J. L., III. (2006). African American males in education: Endangered or ignored. *Teachers College Record, 108*, 201-205.
- Johnson, B. (2000, April). *It's (beyond) time to drop the terms causal-comparative and correlational research in educational research methods textbooks*. Paper presented at the annual conference of the American Educational Research Association, New Orleans, LA. Retrieved from [www.eric.ed.gov/ERICDocs\\_data/ericdocs2sql/content-storage-01/0000019b/80/16/74/8b.PDF](http://www.eric.ed.gov/ERICDocs_data/ericdocs2sql/content-storage-01/0000019b/80/16/74/8b.PDF)
- Kaesar, S. C. (1979). Suspensions in school discipline. *Education and Urban Society, 11*, 465-484.

- Kearns, T., Ford, L., & Linney, J. A. (2005). African American student representation in special education programs. *The Journal of Negro Education*, 74(4), 297-310.
- Kersten, A. (2000). Diversity management: Dialogue, dialectics and diversion. *Journal of Organizational Change Management*, 13(3), 235-248.
- Kewel, R., Gilbertson, L., Fox, M., & Provasnik, S. (2007). *Status and trends in the education of racial and ethnic minorities* (NCES 200-039). Washington, DC: U.S. Department of Education, National Center for Educational Statistics, Institute of Education Sciences. Retrieved from <http://www.nces.ed.gov/pubs2007/2007039.PDF>
- King, J. (1991). Dysconscious racism: Ideology, identity, and miseducation of teachers. *Journal of Negro Education*, 60(2), 133-146.
- Kohlbacher, F. (2006). The use of qualitative content analysis in case study research. *Forum: Qualitative Social Research*, 7(1), 1-24.
- Kozol, J. (1991). *Savage inequalities: Children in America's schools*. New York, NY: Crown Publishers.
- Kunjufu, J. (1986). *Countering the conspiracy to destroy Black boys*. Chicago, IL: African American Images.
- Kunjufu, J. (2001). *State of emergency: We must save African American males*. Chicago, IL: African American Images.
- Kunjufu, J. (2005). *Keeping Black boys out of special education*. Chicago, IL: African American Images.

- Kuykendall, C. (1991). *From rage to hope: Strategies for reclaiming Black & Hispanic students*. Bloomington, IN: National Educational Service.
- Larsen, S. C. (1975). The influence of teacher expectation on the school performance of handicapped children. *Focus on Exceptional Children*, 6(8), 1-14.
- Levin, M. (2006). *Disciplinary alternative education programs: What is and what should be*. Austin, TX: Texas Public Policy Foundation.
- Levin, M. (2009). *Juvenile justice and school discipline*. Austin, TX: Texas Public Policy Foundation.
- Lewis, A. C. (1994). Inclusion. *Education Digest*, 60, 71-73.
- Lietz, J., & Gregory, M. K. (1978). Pupil race and sex determinants of office and exceptional education referrals. *Educational Research Quarterly*, 3(2), 61-66.
- Lincoln, Y. S., & Guba, E. G. (1985). *Naturalistic inquiry*. Beverly Hills, CA: Sage Publications.
- Lopez, G. (2001). Revisiting white racism in educational research: Critical race theory and the problem of method. *Educational Researcher*, 30(1), 29-33.
- Lopez, G. (2003). The (racially neutral) politics of education: A critical race perspective. *Educational Administration Quarterly*, 39(1), 68-94.
- Lord, H. (1973). *Ex post facto studies as a research method* (Special Report No. 7320). Retrieved from [http://www.eric.ed.gov/ERICDocs/data/ericdocs2sql/content\\_storage\\_01/0000019b/80/39/5f/df.pdf](http://www.eric.ed.gov/ERICDocs/data/ericdocs2sql/content_storage_01/0000019b/80/39/5f/df.pdf)

- Losen, D., & Welner, K. (2001). *Comprehensive legal response to inappropriate and inadequate education services of minority children*. New York, NY: Pergamon Press.
- Louwerse, M. M., Graesser, A. C., Lu, S., & Mitchell, H. H. (2005). Social cues in animated conversational agents. *Applied Cognitive Psychology, 19*, 1-12.
- MacMillan, D. L., & Reschly, D. J. (1998). Overrepresentation of minority students: The case for greater specificity or reconsideration of the variables examined. *Journal of Special Education, 32*, 15-24.
- Marable, M. (2002). *The great wells of democracy: The meaning of race in American life*. New York, NY: BasicCivitas.
- Marlett, C. (2008). The effects of the IDEA reauthorization of 2004 and the No Child Left Behind Act on families with autistic children: Allocation of burden of proof, recovery of witness fees, and attainment of proven educational methods for autism. *Kansas Journal of Law & Public Policy, 18*, 53-55.
- Marston, D. (1996). A comparison of inclusion only, pull-out only, and combined service models for students with mild disabilities. *The Journal of Special Education, 30*(2), 121-132.
- Massachusetts Advocacy Center. (1986). *The way out: Student exclusion practices in Boston middle schools*. Boston, MA: Author.
- McCarthy, J. D., & Hoge, D. R. (1987). The social construction of school punishment: Racial disadvantage out of universalistic process. *Social Forces, 65*, 1101-1120.



- McFadden, A. C., Marsh, G. E., Price, B. J., & Hwang, Y. (1992). A study of race and gender bias in the punishment of handicapped school children. *Urban Review, 24*, 239-251.
- McNally, J. (2003). *Rethinking schools: "A ghetto within a ghetto."* Retrieved from <http://www.rethinkingschools.org/archive/17-03/ghet173.shtml>
- Mendez, R., Knoff, H., & Ferron, J. (2002). School demographic variables and out-of-school suspension rates: A quantitative and qualitative analysis of a large, ethnically diverse school district. *Psychology in the Schools, 30*(3), 259-277.
- Merriam, S. B. (1998). *Qualitative research and case study applications in education*. San Francisco, CA: Jossey-Bass.
- Miles, M. B., & Huberman, A. M. (1994). *Qualitative data analysis: A sourcebook of new methods* (2nd ed.). Thousand Oaks, CA: Sage Publications.
- Mills, C. (2003). Reducing overrepresentation of African American males in special education: The role of school social workers. *Race, Gender, & Class, 10*(2), 71-83.
- Morgan, G. (2006). *Images of organization*. London, England: Sage Publications.
- Morgan, H. (1980, January-February). How schools fail Black children. *Social Policy*, pp. 49-54.
- Morrison, G. M., & Skiba, R. (2001). Promises and perils. *Psychology in the Schools, 38*(2), 173-184.

- Naglieri, J.A. & Rojahn, J. (2001). Intellectual classifications of Black and White children in special education programs using the WISC III and Cognitive Assessment System. *The American Journal on Mental Retardation*, 106, 359-367.
- National Association of Secondary School Principals. (2000). *Statement on civil rights implications of zero tolerance programs*. (Testimony presented to the U.S. Commission on Civil Rights). Washington, DC: Author.
- National Center on Educational Restructuring and Inclusion. (1995). *National Study of Inclusive Education*. New York, NY: City University of New York.
- National Research Council (NRC). (2002). *Minority students in special education and gifted education*. Washington DC: National Academic Press.
- National Research Council & Institute of Medicine. (2000). *From neurons to neighborhoods: The science of early childhood development*. Washington, DC: Author.
- Nichols, J. D., Ludwin, W. G., & Iadicola, P. (1999). A darker shade of gray: A year-end analysis of discipline and suspension data. *Equity and Excellence in Education*, 32, 43-55.
- Nieto, S. (2004). *Affirming diversity: The sociopolitical context of multicultural education*. New York, NY: Longman.
- Noguera, P. (2003). Schools, prisons, and social implications of punishment: Rethinking disciplinary practices. *Theory Into Practice*, 42, 341-350.
- Office for Civil Rights. (1993). *1990 Elementary and Secondary School Civil Rights Survey: National summaries*. Washington, DC: DBS Corporation.

- Ogbu J. U., & Simons. (1998). Voluntary and involuntary minorities: A cultural-ecological theory of school performance with some implications for education. *Anthropology & Education Quarterly*, 29(2), 155-188.
- Ogbor, J. O. (2001). Critical theory and the hegemony of corporate culture. *Journal of Organizational Change Management*, 14(6), 590-608.
- Omi, M. & Winant, H. (1994). *Racial formation in the United States*. New York, NY: Routledge.
- Osher, D., Woodruff, D., & Sims, A. (2002). Schools make a difference: The overrepresentation of African American youth in special education and the juvenile justice system. In D. Losen & G. Orfield (Eds.), *Racial inequity in special education* (pp. 93-116). Cambridge, MA: Harvard Press.
- O'Sullivan, R. G. (1989). *Teacher perceptions of the effects of testing on students*. Paper presented at the annual meeting of the National Council on Measurement in Education, San Francisco, CA. Retrieved from ERIC database. (ED306266)
- Oswald, D. P., Coutinho, M. J., & Best, A. M. (2002). Community and school predictors of overrepresentation of minority children in special education. In D. Losen & G. Orfield (Eds.), *Racial inequity in special education* (pp. 1-13). Cambridge, MA: Harvard Press.
- Oswald, D. P., Coutinho, M. J., Best, A. M., & Singh, N. N. (1999). Ethnic representation in special education: The influence of school-related economic and demographic variables. *Journal of Special Education*, 32(4), 194-206.

- Pampel, F. C. (2000). *Logistic regression: A primer*. Thousand Oaks, CA: Sage Publications.
- Parrish, T. (2002). Racial disparities in the identification, funding, and provision of special education. In D. Losen & G. Orfield (Eds.), *Racial inequity in special education* (pp. 15-37). Cambridge, MA: Harvard Press.
- Patterson, G. R. (1992). Developmental changes in antisocial behavior. In R. D. Peters, R. J. McMahon, & V. L. Quinsy (Eds.), *Aggression and violence throughout the life span* (pp. 52-82). Newbury Park, CA: Sage Publications.
- Patton, J. M. (1998). The disproportionate representation of African Americans in special education: Looking behind the curtain for understanding and solutions. *The Journal of Special Education*, 32, 25-31.
- Patton, M. Q. (1990). *Qualitative evaluation and research methods* (2nd ed.). Newbury Park, CA: Sage Publications.
- Pink, W. (1982). Academic failure, student social conflict, and delinquent behavior. *The Urban Review*, 14(3), 141-180.
- Ravitch, D. (1974). *The great school wars, 1805-1973*. New York, NY: Basic Books.
- Reschly, D. J. (1980). *Non-biased assessment*. Des Moines, IA: Department of Instruction.
- Reschly, D. J. (1989). Incorporating adaptive behavior deficits into instructional programs. In G. A. Robinson, J. R. Patton, E. A. Polloway, & L. R. Sargent (Eds.), *Best practices in mild mental retardation* (pp. 39-63). Reston, VA: Council for Exceptional Children, Division on Mental Retardation.

- Rotherham, A. J. (2002). *Ensuring high quality education for students with special needs*. Testimony before the Senate Appropriations Subcommittee for the District of Columbia. Washington, DC: The Progressive Policy Institute.
- Rusch, E. (2004). Gender and race in leadership preparation: A constrained discourse. *Educational Administration Quarterly*, 40, 14-46.
- Schein, E. H. (1985). *Organizational culture and leadership*. San Francisco, CA: Jossey-Bass.
- Schooner, B. (2009). *Zero tolerance discipline policies: The history, and controversy of zero tolerance policies in student codes of conduct*. Bloomington, NY: iUniverse.
- Sells, S., & Smith, T. (1997). Teaching ethnographic research methods in social work: A model course. *Journal of Social Work Education*, 33(1), 167-185.
- Serwatka, T. S., Deering, S., & Grant, P. (1995). Correlates of the overrepresentation of African-American students in classes for the emotionally disturbed. *Journal of Black Studies*, 25, 492-505.
- Serwatka, T. S., Dove T., & Hodge, W. (1986). Black students in special education: Issues and implications for community involvement. *The Negro Educational Review*, 37, 17-26.
- Shaw, S. R., & Braden, J. B. (1990). Race and gender bias in the administration of corporal punishment. *School Psychology Review*, 19, 378-384.
- Shinn, M. R., Powell-Smith, K. A., Good, R. H., III., & Baker, S. (1997). The effects of reintegration into general education reading instruction for students with mild disabilities. *Exceptional Children*, 64, 59-79.

- Shufford, J. (2001). Four Du Boisian contributions to critical race theory. *Transactions of the Charles S. Peirce Society*, 37(3), 301-337.
- Sikkink, D. (1998). The social forces of alienation from public schools. *Social Forces*, 78(1), 51-86.
- Skiba, R. J., Horner, R., Chung, C., Rausch, K., May, S., & Tobin, T. (2011). Race is not neutral: A national investigation of African American and Latina/o disproportionality in school discipline. *School Psychology Review*, 40(1), 85-107.
- Skiba, R. J., Michael, R. S., Nardo, A. C., & Peterson, R. L. (2000). *The color of discipline: Sources of racial and gender disproportionality in school punishment*. Retrieved from <http://www.eric.ed.gov/PDFS/ED468512.pdf>
- Skiba, R. J., Michael, R. S., Nardo, A. C., & Peterson, R. L. (2002). The color of discipline: Sources of racial and gender disproportionality in school punishment. *Urban Review*, 34, 317-342.
- Skiba, R. J., & Peterson, R. L. (1999). The dark side of zero tolerance: Can punishment lead to safe schools? *Phi Delta Kappan*, 80, 372-382.
- Skiba, R. J., Peterson, R. L., & Williams, T. (1997). Office referrals and suspension: Disciplinary intervention in middle schools. *Education and Treatment of Children*, 20(3), 295-315.
- Skiba, R. J., & Rausch, M. K. (2006). Zero tolerance, suspension, and expulsion: Questions of equity and effectiveness. In C. M. Evenson, C. S. Weinstein (Eds.), *Handbook of classroom management: Research, practice, and contemporary issues* (pp. 1063-1089). Mahwah, NJ: Erlbaum.

- Skiba, R. J., Reynolds, C., Graham, S., Sheras, P., Close-Conoley, J., & Gacria-Vazquez, G. (2006). *Are zero tolerance policies effective in the schools? An evidentiary review and recommendations* (A Report by the American Psychological Association Zero Tolerance Task Force). Retrieved from <http://www.apa.org/pubs/info/reports/zero-tolerance.pdf>
- Skiba, R. J., Simmons, A., Ritter, S., Gibb, A., Karega-Rausch, M., Cuadrado, J., & Chung, C. (2008). Achieving equity in special education: History, status, and current challenges. *Council for Exceptional Children, 74*(3), 264-288.
- Skiba, R. J., Wu, T. C., Kohler, K., Chung, C. G., & Simmons, A. B. (2001). *Disproportionality and discipline among Indiana's students with disabilities*. Bloomington, IN: Indiana Education Policy Center.
- Smith, G. R. (1983). Desegregation and assignment of children to classes for the mildly retarded and learning disabled. *Integrated Education, 21*, 208-211.
- Strauss, A., & Corbin, J. (1990). *Basics of qualitative research: Grounded theory, procedures and techniques*. Newbury Park, CA: Sage Publications.
- Streitmatter, J. L. (1986). Ethnic/racial and gender equity in school suspensions. *High School Journal, 68*, 139-143.
- Swanson, D. P., Cunningham, M., & Spencer, M. B. (2003). Black boys' structural conditions, achievement patterns, normative needs, and "opportunities." *Urban Education, 38*, 608-633.
- Tabachnick, B. G., & Fidell, L. S. (2007). *Using multivariate statistics* (5th ed.). Boston, MA: Pearson.

- Tate, W. (1997). Critical race theory and education: History, theory, and implications. *Review of Research in Education, 22*, 195-247.
- Tatum, B. D. (1994). Teaching White students about racism: The search for White allies and the restoration of hope. *Teachers College Record, 95*(4), 462-476.
- Tatum, B. D. (1997). *Why are all the Black kids sitting together in the cafeteria? And other conversations about race*. New York, NY: Basic Books.
- Taylor, M. C., & Foster, G. A. (1986). Bad boys and school suspensions: Public policy implications for Black males. *Sociological Inquiry, 56*, 498-506.
- Texas Department of Criminal Justice (TDCJ). (2009). *Statistics*. Retrieved from <http://www.oranous.com/texas/TDCJ.html>
- Texas Education Agency (TEA). (2007). *Policy research. Disciplinary alternative education program practice*. Division of Accountability Research Department of Assessment, Accountability, and Data Quality. Retrieved from <http://www.ritter.tea.state.tx.us/research/pdfs/prr17.pdf>
- Texas Education Agency (TEA). (2009). *Secondary school completion and dropouts in Texas Public Schools 2007-2008*. Austin, TX: Author.
- Texas Education Agency (TEA). (2010). *Academic Excellence Indicator System*. Retrieved from <http://www.ritter.tea.state.tx.us/perfreport/aeis/>
- Texas Education Code. (2004). *Section 37. Education Code. Title 2. Public Education. Subtitle G. Safe Schools. Chapter 37. Discipline; Law And Order. Subchapter A. Alternative Settings For Behavior Management*. Retrieved from <http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.37.htm>



- Texas Youth Commission (TYC). (2009). *Statistics*. Retrieved from [http://www.tyc.state.tx.us/research/youth\\_stats.html](http://www.tyc.state.tx.us/research/youth_stats.html)
- Texas's School-to-Prison Pipeline. (2007). Retrieved from <http://www.texasapps.net>
- Thompson, M. (2008). The radical critique of economic inequality in early American political thought. *New Political Science*, 30(3), 307-324.
- Thornton, C. H., & Trent, W. (1988). School desegregation and suspension in East Baton Rouge Parish: A preliminary report. *Journal of Negro Education*, 57, 482-501.
- Thrasher, J. (1997). Teacher-student ethnicity, suspension/expulsion, and referrals to special education: Implications for African-American males. *Dissertation Abstracts International*, 59, 0135. (Doctoral dissertation, University of the Pacific-Stockton, CA).
- Townsend, B. L. (2000). The disproportionate discipline of African American learners: Reducing school suspensions and expulsions. *Exceptional Children*, 66, 381-391.
- Townsend, B. L. (2002). "Testing while Black": Standards based school reform and African American learners. *Remedial and Special Education*, 23, 222-230.
- Trotman, M. (2001). Involving the African American parent: Recommendations to increase the level of parent involvement within African American families. *The Journal of Negro Education*, 65(2), 151-163.
- Upstead, A. (2008). *Three essays on education law and policy: State court definitions of educational adequacy; The No Child Left Behind Act unfunded mandate debate; and conceptions of equal educational opportunity for students with disabilities*

- under the Individuals with Disabilities Education Act and the No Child Left Behind Act*. Dissertation: Michigan State University (AAT 3332029)
- U.S. Department of Agriculture, Food, and Nutrition Service. (2011). *Eligibility manual for school meals*. Washington, DC: Author.
- U.S. Department of Education. (1990). *Individuals with Disabilities Education Act*. Washington DC: Author. Retrieved from <http://www2.ed.gov/policy/speced/leg/idea/history.html>
- U.S. Department of Education. (2003). *Twenty-fifth annual report to Congress on the Implementation of the Individuals with Disabilities Education Act*. Washington, DC: Author.
- U.S. Department of Education. (2010a). *Trends in high school dropout and completion rate in the United States: 1972-2008*. National Center for Education Statistics. Retrieved from <http://www.nces.ed.gov/pubs2011/2011012.pdf>
- U.S. Department of Education. (2010b). *Twenty-ninth annual report to Congress on the Implementation of the Individuals with Disabilities Education Act*. Washington, DC: Author.
- U.S. Department of Labor, Bureau of Labor Statistics. (2009). *Civilian unemployment rate*. Washington, DC: Author.
- Van Keulen, J. E. (1995). Why is there an overrepresentation of African Americans in special education classes? *College of Educational Review*, 7, 76-88.

- Vasquez Heilig, J., Brown, K., & Brown, A. (2011). *Race, standards, and the politics of Texas-style curriculum policy* (Working Paper). Austin, TX: The University of Texas at Austin.
- Vavrus, F., & Cole, K. (2002). 'I didn't do nothin': The discursive construction of school suspension. *The Urban Review*, 34, 87-111.
- Wagner, M. (1995). *The contributions of poverty and ethnic background to the participation of secondary school students in special education*. Menlo Park, CA: SRI International.
- Wallace, J. M., Jr., Goodkind, S., Wallace, C. M., & Bachman, J. G. (2008). Racial, ethnic, and gender differences in school discipline among U.S. high school students: 1991-2005. *Negro Educational Review*, 59, 47-62.
- Walsh, J., Kemerer, F., & Maniotis, L. (2005). *The educators' guide to Texas school law*. Austin, TX: The University of Texas Press.
- Ward, J. (2002). *The skin we're in*. New York, NY: Fireside.
- Watkins A. M., & Kurtz, D. P. (2001). Using solution-focused intervention to address African American males in special education: A case study. *Children & Schools*, 23(4), 223-235.
- Watson, L. T. (2002). Probability-one homotopies in computational science. *Journal of Computational Applied Mathematics*, 140, 785-807.
- Welch, K., & Payne, A. (2010). Racial threat and punitive school discipline. *Social Problems*, 57(1), 25-48.

- Westat. (2003). *Special populations study final report*. Washington, DC: U.S. Department of Education, Office of Special Education Programs.
- Whaley, A. L., & Smyer, D. A. (1998). Self-evaluation process of African American youth in high school completion program. *Journal of Psychology: Interdisciplinary & Applied*, 132(3), 317-327.
- Williams, R. (1997). *Culture wars in America politics: A critical review of a popular myth*. Hawthorne, NY: Aldine de Gruyter.
- Winant, H. (2004). *The new politics of race*. Minneapolis, MN: University of Minnesota Press.
- Winzer, M. (1993). *The history of special education; From isolation to integration*. Washington, DC: Gallaudet University Press.
- Witherspoon, K. M., Speight, S. L., & Thomas, A. J. (1997). Racial identity attitudes, school achievement, and academic self-efficacy among African American high school students. *Journal of Black Psychology*, 23(4), 344-357.
- Wu, S., Pink, W., Crain, R. L., & Moles, O. (1982). Student suspension: A critical reappraisal. *Urban Review*, 14, 245-272.
- Yosso, T. (2005). Whose culture has capital? A critical race theory discussion of community culture. *Race, Ethnicity, and Education*, 8(1), 69-91.
- Ysseddyke, J. E., Algozzine, B., & Thurlow, M. L. (2000). *Critical issues in special education*. New York, NY: Houghton Mifflin.
- Zehr, M. (2011). Obama administration's 'disparate impact' policy draws criticism. *Education Weekly*, 12(16), 1, 14, 15.

Zhiang, D., & Katsiyannis, A. (2002). Minority representation in special education.

*Remedial & Special Education, 23*, 180-188.