



2019-08-01

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Ethnicity and Punishment: A State-Level Investigation on Hispanic
Representation in School Discipline

Candace Nicole Fowles

A thesis submitted to the faculty of
Brigham Young University
in partial fulfillment of the requirements for the degree of
Educational Specialist

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ABSTRACT

Ethnicity and Punishment: A State-Level Investigation on Hispanic Representation in School Discipline

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Racial disproportionality in exclusionary discipline measures among public school students has been well-established for African American youth in the United States. The research literature has included limited and inconsistent research findings providing information on the representation patterns among Hispanic students in school discipline. Previous studies on Hispanic representation in school discipline have established a need for data to be analyzed at the state level. Using a large dataset acquired from the Department of Education's Office of Civil Rights - Civil Rights Data Collection (CRDC) for the 2013-2014 school year, this paper examines if Hispanic students are disproportionately represented in exclusionary discipline measures for the five states with the highest percentage of Hispanics within the population. Using ratio calculations for proportion and risk ratios, we determined risk and describe the extent of disproportionality for in-school suspension, out-of-school suspension, and expulsion among Hispanic students compared to their White, non-Hispanic peers.

This paper also examines differences in racial/ethnic disparities by gender. The results of this study indicate that significant disproportionality exists for Hispanic students to some degree for various exclusionary discipline categories in every state analyzed. The analysis also indicated Hispanic females are at a higher risk of receiving suspension compared to White, non-Hispanic females and Hispanic males compared to White, non-Hispanic males. To increase understanding of school disciplinary patterns for Hispanic students, including the results of this investigation, future research should examine office discipline referrals, and analyze discipline data from the district and school levels in order to determine if and to what extent additional school and community factors affect the discipline gap.

Keywords: exclusionary discipline, gender, Hispanic, racial disproportionality

ACKNOWLEDGMENTS

To the faculty and staff of Brigham Young University's Counseling Psychology and Special Education Department, I am overcome with gratitude for the patience and support I received while developing this document. Thank you to my committee members Christian Sabey, Lane Fisher, and Bryant Jensen for taking the time to read, edit, and brainstorm. I could not have completed this thesis without your guidance and assistance. I also acknowledge the faculty of Southern Utah University's Psychology Department, and specifically Grant Corser, for the strong educational foundation you fostered for me to excel in the field of psychology.

To my friends, fellow cohort members, coworkers, and my family thank you for your help, long hours of babysitting, and meals provided. Without the time you allotted me, I would not have been able to finish successfully. I also extend my gratitude to my children Dakota, Ace, and Jax for providing me with a purpose to work hard. Every day you make me want to do better than I did the day before.

In addition, I want to thank my mother for setting me up for educational success by reading with me every night during my childhood, volunteering in my classrooms, and pushing me to complete my goals from preschool to graduate school. Moreover, I am grateful to my husband for his devotion to ensuring I conquer my dreams. Thank you for all you have sacrificed to make this thesis possible. You are the one person who never leaves my corner. In conclusion, I dedicate this project to my late father James Earl Ambler Jr. for instilling a love of learning in me from a young age, and for setting the example of commitment to service by providing mental-health treatment to hundreds of children in need.

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CHAPTER 1

Introduction

Racial inequality in the U.S. public school system has been a controversial topic for decades. *Brown v. Board of Education* (1954) pioneered the legal movement for equal rights in schools for students of all races and ethnicities. Despite legal efforts over the years (*Diana v. State Board of Education*, 1970; *Larry P. v. Riles*, 1979; *Lau v. Nichols*, 1974; *Pase v. Hannon*, 1980) and although less blatant than segregation, racial/ethnic inequality in public school continues to exist. Racial/ethnic disproportionality within school discipline is one of the ways that inequality continues within the public school system. Racial/ethnic disproportionality, in terms of school discipline, describes when students of a minority racial/ethnic group are receiving more frequent and more severe disciplinary referrals and consequences than their White, non-Hispanic majority peers. According to statistical theories, proportionality should be determined by probability (Annamma, Morrison, & Jackson, 2014). In the context of racial disparities, this means that the proportion of disciplinary referrals/outcomes for a particular racial/ethnic group out of all disciplinary referrals should be equal to the proportion of the total enrollment of students from that particular group to the overall student population.

Recent research studies have found a domino effect beginning with racial disparities in school discipline referrals/exclusionary discipline measures resulting in poor academic achievement and juvenile incarceration (Skiba et al., 2003). A student who has previously been suspended or expelled is more likely to have poor academic achievement, drop-out, and be involved with the criminal justice system (Heitzeg, 2009; Wald & Losen, 2003). Higher drop-out rates for African-American students make a logical explanation for the racial disproportion among prison inmates since studies have revealed a high correlation between high school drop-

outs and prison time (Skiba, Michael, Nardo, & Peterson, 2002). Much of the recent research has demonstrated higher risks for African-American students to receive discipline referrals and exclusionary discipline measures (Skiba et al., 2002; Fowler, 2011). Disproportionate discipline may contribute to higher levels of academic disengagement among certain racial minority groups (Rocques & Paternoster, 2011).

One explanation for the alarming statistics of African-American overrepresentation within school discipline suggests that it occurs merely because students of color are misbehaving more often/severe than their White, non-Hispanic counterparts; however, the research suggests otherwise. For example, in a study conducted by Downey and Pribesh (2004) results revealed that African-American students were more positively rated than the White, non-Hispanic students as long as both groups of students were paired with the same race teacher (Downey & Pribesh, 2004). Additionally, results from a study conducted by Rocques and Paternoster (2011) supported that racial disparities in school are unwarranted and were not the result of behavioral differences between racial minorities and their White, non-Hispanic peers (Rocques & Paternoster, 2011). The Indiana Education Policy Center found that students of color were sent to the office for less severe, more subjective offenses (Skiba & Peterson, 2000). If not more severe or more frequent misbehavior among African-American students, then what could be driving the disproportion? Implicit bias may be one influence. The Kirwan Institute defines implicit bias as “the attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner” (Staats, 2014, p. 7). The Kirwan Institute goes on to explain that most people are not consciously aware of the negative racial biases we hold (Staats, 2014). Although many people argue that racial disparities in school discipline are justified, the research indicates that implicit bias influences academic expectations from teachers, compassion and willingness to

offer help to those in need, the level of grading strictness used, and perceptions of rule-breaking (Staats, 2014; Staats, 2016).

Research findings reveal that racial disparities and implicit bias influences in school discipline for African-American students are robust, but for other races and ethnicities studies are limited (American Psychological Association Zero Tolerance Task Force, 2008; Peguero & Shekarkhar, 2011). According to the results from 2018 United States Census, Hispanic or Latino persons make up 18.1% of the population. While African-American or African Americans only make up 13.4% (U.S. Department of Commerce, 2018). Research on racial disparities and injustice for all minority groups is essential. Given the history of oppression for African-Americans, it makes sense why researchers have focused their attention there, but the rising numbers of Hispanic and Latino Americans warrant increased research regarding their treatment in schools in the United States. Descriptive studies aimed at identifying whether disproportionality exists for Hispanic/Latinos have found conflicting results.

Some of the previous results indicate disciplinary infractions and exclusionary discipline outcomes are proportional for Hispanic and Latinos when compared to White, non-Hispanic students (Brown & Di Tillo, 2013; Rocques & Paternoster, 2011), while other results indicate higher levels of infractions and suspensions for Hispanics/Latinos (Hilberth & Slate, 2014; Moreno & Gaytán, 2013; Morris, 2005; Rausch & Skiba, 2004). More information on the patterns of representation for Hispanics is needed to determine if a problem exists, and what it means for Hispanics regarding long-term outcomes. Discipline representation information is especially needed for the states who have the highest levels of Hispanics in their population's composition. If overrepresentation is identified for these students, then preventative measures

can be put into place to help Hispanics to ensure greater academic success and reduce the likelihood of them falling victim to the school-to-prison pipeline.

The purpose of this study is to provide descriptive data on the representational makeup for Hispanic students in exclusionary discipline categories for the five states with the largest Hispanic populations. This study will examine whether or not disparities for Hispanic students exist in suspension and expulsion data, and if any, how those disparities differ by gender and state. The information from this study is important to add additional evidence to the body of literature focused on determining racial disproportion in school discipline. This study is primarily needed to contribute empirical evidence on discipline representation for the Hispanic population. This study will increase understanding of Hispanic representation in exclusionary discipline measures, which can be used to determine if a problem exists.

CHAPTER 2

Literature Review

Public school systems are required to offer free and appropriate public education (FAPE) (U.S. Department of Education, 2010). Although the term appropriate is somewhat subjective (Beatty, 2013), the purpose of the public school is to offer an education that assists students in reaching their potential in a safe, supportive, and equal access environment (Federal Role in Education, 2016). According to the National Clearinghouse on Supportive School Discipline's website (2019), "School discipline refers to the instruction, rules, policies or practices that are intended to manage student behavior at the classroom and school levels" (para. 1). An effective disciplinary plan is often viewed as a way to ensure school safety and decrease learning distractions while providing teachers and administrators with school and classroom management support (Gray & Lewis, 2015). School personnel regularly use punitive discipline practices to deter students from repeating undesirable actions, ensure school safety, and create an environment conducive to learning (Bear, 2012).

Influence on Education and Schools

Dealing with inappropriate behavior from students is a common difficulty in public schools (Sugai et al., 2000). Due to the prevalence of misbehavior in schools, disciplinary practices that make it possible for students to access FAPE are one of the influences shaping educational achievement and school climate (Arum & Ford, 2012). Academic achievement, school climate, and ultimately, the direction of student lives are all factors that can be negatively impacted by frequent behavior problems and punitive school discipline (Simson, 2013). As such, students who exhibit more behavior problems and experience more school discipline often experience bleaker long-term outcomes (e.g., crime, incarceration, violence, drug use; Fabelo et

al., 2011). Since students' success depends on the ability of schools to maintain a safe and distraction-free learning atmosphere, disciplinary practices need to enhance student growth without taking away their educational opportunities.

Exclusionary Discipline

Both media attention and community concern have highlighted a need for researchers to investigate which disciplinary methods are most beneficial to students as well as identifying any additional concerns that need to be addressed in schools. In order to analyze and understand patterns of school discipline and how they relate to student performance, researchers have conducted several research investigations on the subject, (e.g., American Psychological Association Zero Tolerance Task Force, 2008; Fabelo et al., 2011; Gregory, Skiba, & Noguera, 2010). The results of these investigations provide evidence that exclusionary discipline measures are an ineffective means of behavior management. Exclusionary discipline includes detention, suspension, and expulsion, all of which prevent students from accessing their normal academic instruction by removing them from their regular classroom environment (National Clearinghouse on Supportive School Discipline, 2019).

Researchers have found that exclusion-based disciplinary measures contribute to poorer academic achievement in students. For example, Suh and Suh (2007) found that students are 78% more likely to drop out of school if they have a record of being suspended when compared to students who do not. Additionally, Suh and Suh found that the more time students spend out of school, the less likely they are to earn a diploma. Moreover, the American Psychological Association (APA) Zero Tolerance Task Force Evidentiary Review (2008) asserts that the use of school suspension is a predictor of increased levels of misbehavior and future suspensions for students who experience these exclusionary consequences. The APA's review goes on to

highlight the evidence that greater use of school suspension is significantly correlated with lower levels of academic achievement school-wide. The results of these investigations reveal serious risks for students who are disciplined with exclusion-based methods. Consequently, the purpose of schools (i.e., to provide FAPE) and the effect of current exclusionary discipline policies (i.e., loss of access to FAPE and suppressed academic performance) are at odds with one another even though they are both intended to help students access FAPE.

The Effect of Zero Tolerance Policies

It has been well established that students are at risk to experience academic suffering when they experience exclusionary discipline (Civil Rights Project, 2000). Problems stemming from exclusionary discipline tactics are part of the dysfunction associated with zero tolerance policies. Because exclusion-based disciplinary practices are foundational to zero-tolerance policies, administrators and teachers use them with the intent of improving the learning environment of their schools (Skiba et al., 2003). Zero tolerance policies, one of the most ineffective and harmful school disciplinary practices, made their debut into various school districts across the country starting in 1988 (Skiba & Peterson, 1999). The National Center on Education Statistics (NCES) reported that by the 1996–1997 school year, 94% of all schools had zero-tolerance policies for weapons or firearms, 87% for alcohol, and 79% for violence for tobacco (Heaviside, Rowand, Williams, & Farris, 1998). These statistics demonstrate the high prevalence and strong influence zero-tolerance policies have had on the U.S. school system and the nation's school disciplinary climate. Since zero tolerance became a national mandate following the Gun-Free Schools Act of 1994, researchers have consistently investigated its effectiveness (e.g., Castillo, 2013; Harvard Civil Rights Project, 2000; Skiba & Peterson, 2000). Due to the prevalence of zero tolerance policies, research regarding its effect on school climate

and student life is a crucial part of ensuring that this nationally mandated policy is serving its intended purpose.

Originally, zero-tolerance policies were intended to send a clear message that certain behaviors are unacceptable through the use of severe punishments to even some minor offenses (Skiba & Peterson, 1999). While the intention behind zero-tolerance policies may be to deter students from participating in undesirable behavior and eliminate on-going disruption in the classroom, research suggests that these policies are coming up short. Skiba and Peterson (2000) identified a correlation between the rise in school crime, the decrease in school safety and the increase of zero tolerance policies

The School-to-Prison Pipeline

Zero tolerance policies demonstrate their ineffectiveness through their role in what is known as the school-to-prison pipeline. The American Civil Liberties Union defines the school-to-prison pipeline as, "...the policies and practices that push our nation's schoolchildren, especially our most at-risk children, out of classrooms and into the juvenile and criminal justice systems" (American Civil Liberties Union, n.d., para. 1). Zero tolerance policies play an essential role in the school-to-prison pipeline by contributing to the adverse effects disciplinary actions has on students (Heitzeg, 2009). The school-to-prison pipeline is considered one of the negative consequences associated with the use of exclusion-based discipline (Castillo, 2013). Researchers have found that students who experience frequent suspension from school are at a higher risk of ending up in the criminal justice system than students who experience alternative methods of disciplinary action (Brooks et al., 2000). A report composed by the U.S. Council of State Governments Justice Center revealed data demonstrating that students who experienced suspension or expulsion were three times more likely to experience involvement with a juvenile

justice center within one year (Fabelo et al., 2011). One of the reasons that exclusion-based discipline methods may be ineffective is that they do not address the reason for the behavior problems, but rather drive these issues into the streets for law enforcement officials to manage. Regardless of whether a student is out on the street or inside a juvenile detention center, absence from the classroom results in a decrease in academic performance.

Exclusionary Discipline, Racial/Ethnic Minorities, and Gender

Although adverse effects of zero tolerance policies and exclusionary discipline methods are well-established, these forms of punishment continue to be some of the most popular in schools (Owen, Wettach, & Hoffman, 2015). Unfortunately, the distribution of exclusionary discipline methods is not equal across all races/ethnicities and genders (Wallace, Goodkind, Wallace, & Bachman, 2008). When ethnic/racial minorities experience more frequent and harsher school discipline than their racial/ethnic majority peers, the phenomenon is known as racial/ethnic disproportionality. Fenning and Rose (2007) established evidence that racial minority students are being pushed out of schools by exclusionary discipline practices. Racial and ethnic minority students, as well as males in general, are more likely to be disciplined for less severe offenses, and receive more frequent and severe disciplinary interventions (Morris & Perry, 2017; Morrison & D'Incau, 1997).

African-American representation. The disproportion of higher suspension rates for African-American students when compared to White, non-Hispanic, and Hispanic students is a common finding in previous research. Previous research has indicated African-American males are disproportionately punished at higher rates than any other race-gender groups (Wallace et al., 2008). African-American students in general are more likely than both White, non-Hispanic, and Hispanic students to be suspended ((Skiba et al., 2002; Mendez & Knoff, 2003). For example,

Mendez and Knoff (2003) report, "African-American males are twice as likely to experience a suspension as White, non-Hispanic males, but African-American females were more than three times more likely to experience a suspension than White, non-Hispanic females" (p. 43). These findings were echoed across all grade levels from elementary to high school, thus demonstrating a pattern of African American disciplinary disproportion irrespective of a student's age or grade.

One of the most recent analyses of discipline data conducted by the U.S. Department of Education's Office for Civil Rights found severe racial disparities on a national level for African-American students in all areas of the discipline. This analysis revealed that African-American students were the most likely out of all racial groups in American public schools to receive suspension and expulsion in the 2013-2014 data set. African-American students were also 2.3 times more likely than White, non-Hispanic students to be disciplined by law enforcement (U.S. Department of Education, 2016). For African American students, findings of racial disproportion in the amount of office discipline referrals a student receives are consistent with those of suspension, expulsion, and law enforcement referrals.

Gender representation. In addition to African American overrepresentation, an interaction of gender and race/ethnicity exists in school discipline disparities. The following rank order of the likelihood a student has of receiving an office discipline referral based on race and gender has been a consistent finding of research studies: African-American male, White, non-Hispanic male, African-American female, and White, non-Hispanic female (Skiba et al., 2002; Gregory, 1995). Although, more recent findings suggest the expected probability of African American females and White males receiving an office discipline referral is equal (Morris & Perry, 2017). Moreover, African-American females have been found more likely to receive an office discipline referral (ODR) than both Asian and Latino males, while Latino and White

females have been found to have same probability of committing the most severe disciplinary violations (Morris & Perry, 2017). In same race comparisons, males have been found to be more likely to be suspended than females (Losen & Skiba, 2010), and there is evidence to suggest male students frequently participate in more misbehavior than females students do (Skiba et al., 2002). Findings regarding gender-specific differences in discipline indicate a continued need for racial and ethnic disparity research to include gender separation as an additional variable in order to more clearly distinguish which groups of students are most at-risk.

Identifying the interaction between race, ethnicity and gender disparities is an essential empirical element aimed at improving the school discipline gap. For African American overrepresentation, identification is established, and continued research has shifted to determining explanations. The evidence of racial and gender disproportion for both African American and male students in school punishment exists, and further analysis has revealed that attribution of racial disparities is not due to higher amounts of misbehavior committed by non-White students (Skiba et al., 2002). If more significant misbehavior is not driving the consistent result of racial disparities in school discipline, then it is possible a problem exists somewhere in the system.

Implicit bias. Systematic implicit biases are one of the factors explained by researchers to affect exclusionary disproportionality for racial minority groups (Rudd & Director, 2014; Staats, 2014). Negative attitudes and preformed ideas associated with race and gender exist for both teachers and administrators in an imperfect world (Rudd & Director, 2014). Preformed perceptions of student behavior can extend all the way down to early education. For example, in a study conducted by the Yale Child Study Center, early education staff were found to watch Black males with greater attention when primed to expect challenging behaviors in preschool

students, thus indicating preschool educators might hold race and gender based expectations of who will present challenging behaviors (Gilliam, Maupin, Reyes, Accavitti, & Shic, 2016). Race and gender based expectations on who will exhibit problem behaviors might influence watching these students more closely thus catching them engaging in problem behaviors more often than other students (Gilliam et al., 2016). In this same study, male students in general were identified by educators as requiring a greater amount of attention (Gilliam et al., 2016). Biases towards students are often unconsciously present for educators, and although behavior may drive the decisions made by teachers and administrators, ideas and interpretation of student behavior has its influence (Okonofua, Walton, & Eberhardt, 2016). In turn, subjectivity in disciplinary referral and consequence distribution often leave disciplinary decisions vulnerable to misinterpretation (Staats, 2014).

Implicit biases can lead to racial disparities in school discipline, which consequently contributes to racial disparities in the criminal justice system also. Addressing racial implicit bias through cultural awareness training is an alternative solution for decreasing its effects on the school-to-prison pipeline (Staats, 2014), but continued research is warranted to determine if, how, why, and which racial groups are being affected. One of those groups is the Hispanic student population.

Hispanic representation. Findings are well established in regards to racial disparity in school punishment for African Americans and increasing research regarding probable causes is underway (Fenning & Rose, 2007; Girvan, Gion, McIntosh, & Smolkowski, 2017), but for the Hispanic population, research remains sparse and inconsistent. Although disciplinary disproportionality research for Hispanics is limited, the most current findings suggest that there is a pattern of Hispanic overrepresentation in exclusionary discipline practices. In one study,

Hispanic students were found to be more likely to receive suspension and expulsion consequences despite the severity of their offenses when compared to White, non-Hispanic students across a national student sample. The results of this study also indicated that the likelihood of experiencing out-of-school suspension and expulsion could be strongly predicted by a person's race, which defies the idea of graduated discipline where consequence severity matches the infraction type and number of reoccurrences (Skiba et al., 2011).

Furthermore, Peguero and Shekarkhar (2011) found that Hispanic students do not misbehave more than White, non-Hispanic students, but that they are more likely to be punished. Results from this study were not affected by differences in gender (Peguero & Shekarkhar, 2011). Additionally, other investigations have found Hispanic students are more likely to receive harsher disciplinary outcomes for similar offences compared to White, non-Hispanic students (Fabelo et al., 2011; Skiba et al., 2011). Also in 2011, an investigation using statewide data collected in Texas revealed consistent patterns of disproportion for Hispanic students when compared to White, non-Hispanic students, but the level of disproportion found was less severe compared to the level of disproportion for African Americans. These findings were consistent regarding a student's likelihood of being removed from the classroom for disciplinary action, expulsion, and contact with the juvenile justice system (Fabelo et al., 2011). Castillo (2013) found evidence which indicated that Hispanics are disproportionately represented in all pathways to the school-to-prison pipeline (e.g., suspension, expulsion, and arrests for school-based infractions).

Another research investigation published by University of California at Los Angeles, The Civil Rights Project in 2012, presented national findings that for the 2009-2010 school year Hispanics without disabilities experienced suspension at a rate of 7% compared to a 4% rate of

suspension for White, non-Hispanic students without disabilities. This investigation also found that some state and district samples display more significant disparities than those demonstrated at the national level. However, White, non-Hispanic students were found to be at a higher risk of suspension than Hispanic students in Mississippi, Alabama, West Virginia, Kentucky, Louisiana, Maryland, Maine, and Wyoming (Losen, Gillespie, & University of California, 2012).

Additionally, an analysis of discipline data from Arizona indicated that Hispanic students were found to be proportionality represented. These findings suggest that patterns of disproportion vary for different states and regions of the United States.

A general analysis of statistics conducted at the national level by the U.S. Department of Education- Office of Civil Rights for the 2013-2014 school year revealed disproportional representation in suspension for the Latino/Hispanic student population (U.S. Department of Education, 2016). However, Latino students were found to be proportionally represented for both referrals to law enforcement and amount of expulsions received. This data set analyzed the nation's schools as one group and lacked the benefits of analyzing by state or region, which would offer more detailed results.

Problem Statement

School discipline has a strong influence on school climate, academic achievement, and educational outcome. Students who experience frequent school discipline problems are often more involved in crime, substance abuse, and are more likely to drop out of school altogether than students who do not experience frequent interface with discipline at school. Racial and gender disproportionality is a problem in U.S. schools where discipline is concerned. Although African American and male disproportionality has been well-documented in the research literature, there is less evidence of disproportionality among Hispanic students.

Consequentially more research is needed to determine if such a phenomenon exists and to understand the patterns of discipline among Hispanic students more fully. Although some literature documents a disproportional pattern of discipline among Hispanic students, there are inconsistencies in the existing data. Skiba et al. (2011) identified a need for geographical break down of nation-wide statistics to determine if regions or states differ in results from the full national analysis. The recent analysis conducted on the same data set which this investigation will use, analyzed the data as a whole revealing different representational outcomes for Hispanic/Latino students across various areas of discipline (U.S. Department of Education, 2016). More research is needed on these statistics to determine if levels of disproportion are unique at a state level. Data analyzed in this investigation are from New Mexico, California, Texas, Arizona, and Nevada because, the Pew Research Center listed these states as having the highest percentage of Hispanic/Latinos in the state population for the U.S. during 2014 (Stepler & Lopez, 2016). According to the U.S. Census Bureau, "Hispanics or Latino refers to a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race" (2018, para. 3). States with greater than 25% of the population identifying as Hispanic/Latinos (Stepler & Lopez, 2016) were chosen because this investigation's narrowed purpose was to identify any racial disparities within exclusionary school discipline for the states with the highest percentage of Hispanic/Latino people. The rationale was to provide information for the states that it will apply to a higher percentage of the population.

Statement of Purpose

The purpose of this study is to examine the representation of Hispanic students in exclusionary discipline practices including school suspension and expulsion by state and gender for the five states with the highest percentage of Hispanics that made up the population in 2014.

This investigation will use the published statistics from the U.S. Department of Education's Office of Civil Rights from the 2013-2014 school year to determine if disparities exist for Hispanic students when the dataset is narrowed by state location and gender. Consistent with research conducted on African American students, we hypothesize that Hispanic students will be at a disproportionately higher risk of experiencing exclusionary discipline than their White, non-Hispanic peers across all states and discipline categories. Additionally, we hypothesize Hispanic males will be at the greatest risk of involvement with exclusionary discipline, based on previous research studies indicating that regardless of race or ethnicity, males consistently have a higher risk of experiencing school discipline than females. Furthermore, in alignment with research indicating state differences among patterns of disproportion, we hypothesize that there will be differences between states in the level of disparity observed for Hispanic students. Looking at the data set for 2013-2014, for each of the five states that have the highest percentage of Hispanic persons in the population's composition, the following research questions will be used:

1. Are Hispanic students more likely than their White, non-Hispanic peers to be suspended and/or expelled in the states with the highest percentage of Hispanics in their population?
How does the risk vary by gender and state?
2. If Hispanic students are more likely to be suspended and/or expelled, does the greater likelihood constitute disproportional representation in suspension and expulsion for the states with the highest percentage of Hispanics in their population? How does the representation vary by gender and state?

CHAPTER 3

Method

Data Source

The participants drawn for this investigation were from data collected by the U.S. Department of Education- Office of Civil Rights from the 2013-2014 Civil Rights Data Collection (CRDC). The CRDC is a compilation of data from every public school and school district in the United States. The Office of Civil Rights (OCR) monitors civil rights violations on a national level to support excellence in education and safeguard equal access to it (U.S. Department of Education, 2016). The CRDC collects data related to the school districts' requirement of providing educational equity. Such data include information on the access students have to specific types of instruction, classes, programs, and resources as well as information on school discipline and other factors affecting school climate.

The public has complete access to the CRDC database. We obtained access to the data set by sending a request to the OCR. The request was accepted, and the data were distributed through the U.S. Postal Service on a disc to the research project's lead investigator. Data collection for the CRDC is mandated by a series of statutes and regulations (U.S. Department of Education, 2016). Public Schools are required to submit data to the CRDC, which is related to the responsibility and requirement of providing an equal opportunity education.

Demographic data from the Pew Research Center was also obtained. In 2014, people identifying as Hispanic/Latino made up 48% of the population in New Mexico, 39% for California, 39% for Texas, 31% for Arizona, and 28% for Nevada (Stepler & Lopez, 2016).

Participants

The data collected by the CRDC contains information from 95,507 public schools (99.5% of public schools in the U.S.) and 16,758 school districts (99.2% of all school districts in the U.S.). The dataset for this study only used information from Arizona, California, Nevada, New Mexico, and Texas. The data from these states included a total of 21,444 public schools (22.3% of public schools in the U.S.) and 3,300 school districts (19.7% of all school districts in the U.S.). Specifically, 569 school districts in Arizona, 1366 school districts in California, 20 school districts in Nevada, 152 school districts in New Mexico, 1193 school districts in Texas. The percentage of Hispanic students enrolled in public school by the state include 44% in Arizona, 53% in California, 41% in Nevada, 60% in New Mexico, 51% in Texas. The participants include Hispanic and White, non-Hispanic students that have experienced some form of exclusionary discipline (i.e., suspension or expulsion). All public schools in Arizona, California, Nevada, New Mexico, and Texas were included in these data. All data from private schools, pre-schools, and juvenile delinquency/justice centers were excluded from the analyzed dataset.

Research Design and Data Analysis

We used ratio calculations for proportion and risk ratios to determine risk and describe the extent of disproportionality for in-school suspension, out-of-school suspension, and expulsion. Two ratio calculations were used to determine disproportionality for each of the six categories: in-school suspension (ISS), one out-of-school suspension, multiple out-of-school suspensions, expulsions with educational services, expulsions without educational services, and expulsions received under zero-tolerance policies. Variables which will be tested as predictors of these six types of discipline include Hispanic, White non-Hispanic, Hispanic x Male combination, White non-Hispanic Male, Hispanic x Female, White non-Hispanic x Female.

To address our first research question, we determined the risk for students experiencing exclusionary discipline measures for the two racial/ethnic groups by calculating the risk ratio. This analysis will allow us to determine if the Hispanic ethnicity and Male gender is a greater predictor of severe disciplinary consequences for some states compared to others. The risk index was first calculated to compare what the percentages are for students in each racial/gender category, which received a particular disciplinary outcome category. The risk index was calculated by dividing the number of students from a racial/ethnic group in a particular disciplinary outcome category by the number of enrolled students from that racial/ethnic group, and multiply that number by 100 (Bollmer, Bethel, Munk, & Bitterman, 2014).

After calculating the risk index, the risk ratio was calculated by dividing the risk index for a racial/ethnic group in a disciplinary outcome category by the risk index for the comparison racial/ethnic group in that same disciplinary outcome category (Bollmer et al., 2014). The standard at which we compared our dataset to determine disparate impact is the U.S. Equal Employment Opportunity Commission (EEOC) 's criteria of .80 and 1.25 ratio range (McIntosh et al., 2014).

To answer our second research question, the composition index was calculated by dividing the number of students in a racial group who received a specific disciplinary action by the total number of students who received that disciplinary action (Nishioka, 2017). An example of the question the composition index answers is, "What percentage of students who received in-school suspension are Hispanic?" This calculation was completed for each disciplinary category. The percentages were then compared to the enrollment composition.

CHAPTER 4

Results

Disproportionate representation in discipline was analyzed for six different disciplinary outcomes across the five states with the highest population of Hispanics within the United States. Composition percentages are organized in tables by state to compare ethnic composition percentages for each disciplinary category with the state's enrollment composition percentages. The risk data is organized to compare results among the five states by disciplinary category for the total number of Hispanic students, Hispanic males, and Hispanic females. Each table displays the risk ratio for Hispanic students who received a specific disciplinary outcome.

Expulsions

An average risk ratio was calculated among the five states, revealing Hispanic male students have a greater than 25% risk of receiving expulsion with educational services when compared to their White, non-Hispanic male peers. Average risk ratios in the expulsion with educational services category for all five states were as follows: 1.4 for Hispanic males, 1.23 for Hispanic females, and 1.34 for all Hispanic students. For the disciplinary category of expulsion without educational services, averages among states revealed under-representation for all Hispanic students. For expulsions under zero-tolerance policies, Hispanic students had a less than 25% greater risk compared to their White, non-Hispanic peers.

Table 1 describes the risk ratios for Hispanic students who received an expulsion with educational services by state. The risk ratios for Hispanic students who received an expulsion without educational services by state is contained in Table 2. Table 3 describes the risk ratios for Hispanic students who received an expulsion under zero-tolerance policies. Differences are real, because these are population parameters. Table 4 displays the composition percentages for

expulsion categories in Arizona. Table 5 displays the composition percentages for expulsion categories in California. Table 6 displays the composition percentages for expulsion categories in Nevada. Table 7 displays the composition percentages for the expulsion categories in New Mexico. Finally, Table 8 displays the composition percentages for expulsion categories in Texas.

Table 1

The Risk Ratios by State for Hispanic Students Compared to White, non-Hispanic Students Who Received an Expulsion with Educational Services

| | Risk ratio | | | | | |
|-----------------|-------------------|------------|-------------------|-------------------|-------|-------------------|
| | Arizona | California | Nevada | New Mexico | Texas | Average |
| Hispanic | 0.84 | 1.03 | 2.13 [∞] | 1.48 ^f | 1.22 | 1.34 ^f |
| Hispanic male | 0.97 | 1.06 | 2.35 [∞] | 1.42 ^f | 1.24 | 1.41 ^f |
| Hispanic female | 0.64 ^f | 0.97 | 1.72 [∞] | 1.63 [∞] | 1.19 | 1.23 |

Note. ∞ = increased risk greater than 50%; *f* = increased risk which is outside of the .80-1.25 standard

Table 2

The Risk Ratios by State for Hispanic Students Compared to White, non-Hispanic Students Who Received an Expulsion Without Educational Services

| | Risk ratio | | | | | |
|-----------------|-------------------|------------|------------------|-------------------|-------------------|---------|
| | Arizona | California | Nevada | New Mexico | Texas | Average |
| Hispanic | 1.29 ^f | 0.98 | n/a [*] | 1.60 [∞] | 0.79 ^f | 0.95 |
| Hispanic male | 1.34 ^f | 1.00 | n/a [*] | 1.68 [∞] | 0.78 ^f | 0.99 |
| Hispanic female | 1.16 | 0.96 | n/a [*] | 1.47 ^f | 0.83 | 0.88 |

Note. ∞ = increased risk greater than 50%; *f* = increased risk which is outside of the .80-1.25 standard; * = insufficient data in Nevada for this disciplinary category prevented an accurate risk ratio calculation

Table 3

The Risk Ratios by State for Hispanic Students Compared to White, non-Hispanic Students Who Received an Expulsion Under Zero-Tolerance Policies

| | Risk ratio | | | | | |
|-----------------|------------|------------|-------------------|------------|-------------------|---------|
| | Arizona | California | Nevada | New Mexico | Texas | Average |
| Hispanic | 0.94 | 1.07 | 1.73 [∞] | 1.22 | 1.12 | 1.21 |
| Hispanic male | 0.96 | 1.05 | 1.64 [∞] | 1.24 | 1.26 ^f | 1.23 |
| Hispanic female | 0.89 | 1.16 | 2.09 [∞] | 1.20 | 0.77 ^f | 1.22 |

Note. ∞ = increased risk greater than 50%; *f* = increased risk which is outside of the .80-1.25 standard.

Table 4

Arizona Composition Percentages for Expulsion Categories

| | Composition Percentages | | | |
|----------------------|---|--|---|------------|
| | Students Who Received Expulsion with Educational Services | Students Who Received Expulsion without Educational Services | Students Who Received Expulsion under Zero-Tolerance Policies | Enrollment |
| Hispanic | 37% | 45% | 40% | 44% |
| Hispanic Male | 36% | 47% | 40% | 43% |
| Hispanic Female | 38% | 40% | 40% | 44% |
| White (Non-Hispanic) | 41% | 33% | 40% | 41% |
| White Male | 35% | 33% | 40% | 41% |
| White Female | 56%* | 32% | 42% | 41% |

Note. * = Overrepresentation by at least 10% and *f* = Underrepresentation by at least 10%

Table 5

California Composition Percentages for Expulsion Categories

| Composition Percentages | | | | |
|-------------------------|---|--|---|------------|
| | Students Who Received Expulsion with Educational Services | Students Who Received Expulsion without Educational Services | Students Who Received Expulsion under Zero-Tolerance Policies | Enrollment |
| Hispanic | 52% | 49% | 53% | 44% |
| Hispanic Male | 52% | 50% | 54% | 53% |
| Hispanic Female | 50% | 45% | 51% | 53% |
| White (Non-Hispanic) | 23% | 23% | 23% | 53% |
| White Male | 23% | 24% | 24% | 25% |
| White Female | 24% | 22% | 20% | 25% |

Note. * = Overrepresentation by at least 10% and *f* = Underrepresentation by at least 10%

Table 6

Nevada Composition Percentages for Expulsion Categories

| Composition Percentages | | | | |
|-------------------------|---|--|---|------------|
| | Students Who Received Expulsion with Educational Services | Students Who Received Expulsion without Educational Services | Students Who Received Expulsion under Zero-Tolerance Policies | Enrollment |
| Hispanic | 44% | 6% ^f | 44% | 41% |
| Hispanic Male | 45% | 8% ^f | 43% | 40% |
| Hispanic Female | 40% | 0% ^f | 48% | 41% |
| White (Non-Hispanic) | 18% ^f | 56% | 23% ^f | 36% |
| White Male | 17% ^f | 54% | 23% ^f | 36% |
| White Female | 20% ^f | 60% | 20% ^f | 36% |

Note. * = Overrepresentation by at least 10% and *f* = Underrepresentation by at least 10%

Table 7

New Mexico Composition Percentages for Expulsion Categories

| Composition Percentages | | | | |
|-------------------------|---|--|---|------------|
| | Students Who Received Expulsion with Educational Services | Students Who Received Expulsion without Educational Services | Students Who Received Expulsion under Zero-Tolerance Policies | Enrollment |
| Hispanic | 64% | 66% | 48% | 60% |
| Hispanic Male | 63% | 66% | 55% ^f | 60% |
| Hispanic Female | 65% | 66% | 33% ^f | 61% |
| White (Non-Hispanic) | 18% | 17% | 16% | 25% |
| White Male | 18% | 16% | 18% | 25% |
| White Female | 16% | 18% | 11% ^f | 24% |

Note. * = Overrepresentation by at least 10% and *f* = Underrepresentation by at least 10%

Table 8

Texas Composition Percentages for Expulsion Categories

| Composition Percentages | | | | |
|-------------------------|---|--|---|------------|
| | Students Who Received Expulsion with Educational Services | Students Who Received Expulsion without Educational Services | Students Who Received Expulsion under Zero-Tolerance Policies | Enrollment |
| Hispanic | 47% | 47% | 56% | 51% |
| Hispanic Male | 48% | 47% | 58% | 51% |
| Hispanic Female | 46% | 46% | 48% | 52% |
| White (Non-Hispanic) | 22% | 34% | 28% | 30% |
| White Male | 22% | 35% | 26% | 30% |
| White Female | 22% | 31% | 35% | 29% |

Note. * = Overrepresentation by at least 10% and *f* = Underrepresentation by at least 10%

Viewing the states individually revealed that Hispanic students in Arizona were underrepresented in both disciplinary categories of expulsions with educational services and expulsions under zero-tolerance policies. However, slight over-representation occurred for

Hispanic students who received expulsion without educational services (total Hispanic students 1.29, Hispanic males 1.34, and Hispanic females 1.16). Our analysis also revealed that both Hispanic males and females made up 37% of those who received expulsion with educational service, 45% of those who received expulsion without educational services, and 40% of those who received expulsion under zero-tolerance policies, while overall, Hispanic students made up 44% of the enrollment population.

In California, our analysis derived relatively equal risk ratios for Hispanic students as their White, non-Hispanic peers across all variables. The disciplinary category composition demonstrates that both Hispanic males and females made up 52% of those who received expulsion with educational service, 49% of those who received expulsion without educational services, and 53 % of those who received expulsion under zero-tolerance policies. Hispanic students in California made up 53% of the enrollment population. White, non-Hispanic students were also represented in relatively equal composition proportion for all variables compared to their enrollment composition.

In Nevada, Hispanic males and females were twice as likely to receive an expulsion with educational services than their White, non-Hispanic peers. Hispanic males were at a greater risk than Hispanic females in the disciplinary category of expulsions with educational services. Hispanic males had a risk ratio of 2.35, while the risk ratio for Hispanic females was 1.72. Data for Nevada in the disciplinary category of expulsions without educational services is not reported, because insufficient data prevented an accurate risk ratio calculation. Hispanic males were a little over 60% more likely to receive expulsion under zero-tolerance policies than White, non-Hispanic males, while Hispanic females were twice as likely to receive expulsions in this category than White, non-Hispanic females. In composition, Hispanic students made up 41% of

the total enrollment, 44% of students who received expulsions with educational services and under zero-tolerance policies, but only made up 6% of students who received expulsion without educational services. White, non-Hispanic students in Nevada made up 36% of the total enrollment, 18% of students who received expulsions with educational services, 56% of students who received expulsions without educational services, and 23% of students who received expulsions under zero-tolerance policies.

Hispanic students in New Mexico were overrepresented across two variables, while White, non-Hispanic students were consistently underrepresented across all variables. Both male and female Hispanic students were >40% more likely to receive expulsions with and without educational services compared to their White, non-Hispanic peers. Specifically, Hispanic males were at a 68% greater risk of receiving an expulsion without educational services compared to White, non-Hispanic males. Male and female Hispanic students were <25% more likely to receive expulsion under zero-tolerance policies. In New Mexico, Hispanic students made up 60% of the student enrollment, 64% of students who received expulsion with educational services, 66% of students who received expulsion without educational services, and 48% of students who received expulsions under zero-tolerance policies. White, non-Hispanic students made up 25% of the student enrollment, 18% of students who received expulsion with educational services, 17% of students who received expulsion without educational services, and 16% of students who received expulsions under zero-tolerance policies.

In Texas, slight over-representation occurred for Hispanic males in expulsions under zero-tolerance policies. Combined male and female Hispanic students were at a less than 25% greater risk than their White, non-Hispanic peers to receive an expulsion with educational

services; however, they had a 19% lesser risk of receiving an expulsion without educational services compared to White, non-Hispanic students.

Suspensions

Overall, the average risk ratios across all five states for Hispanic students who received ISS displayed a <50% greater risk than their White, non-Hispanic peers. A >50% risk was calculated for Hispanic females across all five states to receive at least one out-of-school suspension, and for both Hispanic male and females to receive multiple out-of-school suspensions.

Table 9 presents the risk ratios for Hispanic students who received an in-school suspension (ISS) for all five states. Table 10 presents the risk ratios for Hispanic students who received one out-of-school suspension (OSS). Table 11 presents the risk ratios for Hispanic students who received multiple out-of-school suspensions (MOSS). Risk ratios highlighted in yellow indicate an increased risk greater than 50%, and risk ratios highlighted in gray indicate an increased risk which is outside of the .80-1.25 standard. Differences are real, because these are population parameters. Table 12 displays the composition percentages for suspension categories in Arizona. Table 13 displays the composition percentages for suspension categories in California. Table 14 displays the composition percentages for suspension categories in Nevada. Table 15 displays the composition percentages for the suspension categories in New Mexico. Finally, Table 16 displays the composition percentages for suspension categories in Texas.

Table 9

The Risk Ratios by State for Hispanic Students Compared to White, non-Hispanic Students Who Received an In-School Suspension (ISS)

| | Risk ratio | | | | | |
|-----------------|-------------------|-------------------|-------------------|------------|-------------------|-------------------|
| | Arizona | California | Nevada | New Mexico | Texas | Average |
| Hispanic | 1.33 ^f | 1.30 ^f | 1.30 ^f | 1.15 | 1.31 ^f | 1.28 ^f |
| Hispanic male | 1.30 ^f | 1.25 ^f | 1.24 ^f | 1.12 | 1.20 | 1.22 |
| Hispanic female | 1.44 ^f | 1.44 ^f | 1.47 ^f | 1.24 | 1.57 [∞] | 1.43 ^f |

Note. ∞ = increased risk greater than 50% and ^f = increased risk which is outside of the .80-1.25 standard.

Table 10

The Risk Ratios by State for Hispanic Students Compared to White, non-Hispanic Students Who Received One Out-of-School Suspension (OSS)

| | Risk ratio | | | | | |
|-----------------|-------------------|-------------------|-------------------|------------|-------------------|-------------------|
| | Arizona | California | Nevada | New Mexico | Texas | Average |
| Hispanic | 1.48 ^f | 1.26 ^f | 1.34 ^f | 1.15 | 1.80 [∞] | 1.40 ^f |
| Hispanic male | 1.43 ^f | 1.21 | 1.27 ^f | 1.11 | 1.68 [∞] | 1.34 ^f |
| Hispanic female | 1.62 [∞] | 1.41 | 1.52 [∞] | 1.24 | 2.10 [∞] | 1.58 [∞] |

Note. ∞ = increased risk greater than 50% and ^f = increased risk which is outside of the .80-1.25 standard.

Table 11

The Risk Ratios by State for Hispanic Students Compared to White, non-Hispanic Students Who Received Multiple Out-of-School Suspensions

| | Risk ratio | | | | | |
|-----------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| | Arizona | California | Nevada | New Mexico | Texas | Average |
| Hispanic | 1.46 ^f | 1.24 | 1.35 ^f | 1.51 [∞] | 2.21 [∞] | 1.55 [∞] |
| Hispanic male | 1.42 ^f | 1.22 | 1.35 ^f | 1.46 ^f | 2.12 [∞] | 1.51 [∞] |
| Hispanic female | 1.61 [∞] | 1.33 ^f | 1.38 ^f | 1.65 [∞] | 2.53 [∞] | 1.70 [∞] |

Note. ∞ = increased risk greater than 50% and *f* = increased risk which is outside of the .80-1.25 standard.

Table 12

Arizona Composition Percentages for Suspension Categories

| | Composition Percentages | | | |
|----------------------|--|--|--|------------|
| | Students Who Received In-School Suspension | Students Who Received One Out-of-School Suspension | Students Who Received Multiple Out-of-School Suspensions | Enrollment |
| Hispanic | 45% | 46% | 44% | 44% |
| Hispanic Male | 45% | 46% | 45% | 43% |
| Hispanic Female | 45% | 47% | 44% | 44% |
| White (Non-Hispanic) | 32% | 29% ^f | 29% ^f | 41% |
| White Male | 33% | 30% ^f | 30% ^f | 41% |
| White Female | 29% ^f | 27% ^f | 25% ^f | 41% |

Note. * = Overrepresentation by at least 10% and *f* = Underrepresentation by at least 10%

Table 13

California Composition Percentages for Suspension Categories

| Composition Percentages | | | | |
|--------------------------|--|---|---|------------|
| | Students Who Received In-School Suspension | Students Who Received One Out-of- School Suspension | Students Who Received Multiple Out-of-School Suspensions | Enrollment |
| Hispanic | 55% | 54% | 51% | 53% |
| Hispanic Male | 55% | 54% | 51% | 53% |
| Hispanic Female | 55% | 54% | 49% | 53% |
| White (Non- Hispanic) | 20% | 20% | 19% | 25% |
| White Male | 21% | 21% | 20% | 25% |
| White Female | 17% | 18% | 17% | 25% |

Note. * = Overrepresentation by at least 10% and *f* = Underrepresentation by at least 10%

Table 14

Nevada Composition Percentages for Suspension Categories

| Composition Percentages | | | | |
|--------------------------|--|---|---|------------|
| | Students Who Received In-School Suspension | Students Who Received One Out-of- School Suspension | Students Who Received Multiple Out-of-School Suspensions | Enrollment |
| Hispanic | 43% | 40% | 38% | 41% |
| Hispanic Male | 43% | 40% | 39% | 40% |
| Hispanic Female | 44% | 40% | 35% | 41% |
| White (Non- Hispanic) | 29% | 27% | 25% ^{<i>f</i>} | 36% |
| White Male | 31% | 29% | 26% ^{<i>f</i>} | 36% |
| White Female | 26% ^{<i>f</i>} | 23% ^{<i>f</i>} | 22% ^{<i>f</i>} | 36% |

Note. * = Overrepresentation by at least 10% and *f* = Underrepresentation by at least 10%

Table 15

New Mexico Composition Percentages for Suspension Categories

| | Composition Percentages | | | |
|----------------------|--|--|--|------------|
| | Students Who Received In-School Suspension | Students Who Received One Out-of-School Suspension | Students Who Received Multiple Out-of-School Suspensions | Enrollment |
| Hispanic | 60% | 60% | 67% | 60% |
| Hispanic Male | 60% | 60% | 67% | 60% |
| Hispanic Female | 59% | 60% | 67% | 61% |
| White (Non-Hispanic) | 21% | 21% | 18% | 25% |
| White Male | 22% | 22% | 19% | 25% |
| White Female | 19% | 19% | 16% | 24% |

Note. * = Overrepresentation by at least 10%, *f* = Underrepresentation by at least 10%

Table 16

Texas Composition Percentages for Suspension Categories

| | Composition Percentages | | | |
|----------------------|--|--|--|------------|
| | Students Who Received In-School Suspension | Students Who Received One Out-of-School Suspension | Students Who Received Multiple Out-of-School Suspensions | Enrollment |
| Hispanic | 51% | 50% | 48% | 51% |
| Hispanic Male | 50% | 51% | 49% | 51% |
| Hispanic Female | 52% | 50% | 46% | 52% |
| White (Non-Hispanic) | 22% | 16% ^f | 13% ^f | 30% |
| White Male | 24% | 17% ^f | 13% ^f | 30% |
| White Female | 19% ^f | 13% ^f | 10% ^f | 29% |

Note. * = Overrepresentation by at least 10%, *f* = Underrepresentation by at least 10%

In Arizona, Hispanic males had a greater than 30% risk of receiving suspension across all variables, while Hispanic females have a greater than 60% risk of receiving one or more out-of-school suspension. Hispanic students made up a relatively equal proportion of the students in

each disciplinary category when compared to their enrollment composition percentages.

However, White non-Hispanic students were underrepresented. White, non-Hispanic students made up 41% of the enrollment composition, but only made up 32% of students to receive ISS and 29% of students to receive one or more out-of-school suspension.

In California, both Hispanic male and female students were >25% more likely to receive ISS than their White, non-Hispanic peers. Hispanic females were at a >30% risk to receive one or more out-of-school suspension. Composition percentages were relatively equal in comparison to their enrollment percentages for both Hispanic students and White, non-Hispanic students, except for White, non-Hispanic females who were underrepresented by at least seven percentage points across all variables.

In Nevada, Hispanic students were mostly between a 25-50% greater risk to receive all suspension categories compared to their White, non-Hispanic peers. Composition percentages for Hispanic students were relatively equal across all variables, except for Hispanic females who were underrepresented by six percentage points. White, non-Hispanic students' composition for students who received more than one out-of-school suspension demonstrated underrepresentation compared to their enrollment composition by 11 percentage points.

In New Mexico, Hispanic students were at a relatively equal risk to receive ISS and one out-of-school suspension compared to their White, non-Hispanic peers. However, Hispanic males were 46% more likely than White non-Hispanic males to receive more than one out-of-school suspension, and Hispanic females were 65% more likely than White non-Hispanic females to receive more than one out-of-school suspension. Composition percentages for Hispanic students who received ISS and one out-of-school suspension were relatively equal in comparison to their enrollment composition. White, non-Hispanic students were collectively

underrepresented by four percentage points for those variables. For students who received more than one out-of-school suspension, Hispanic students were overrepresented by seven percentage points, and White, non-Hispanic students, were underrepresented by seven percentage points.

In Texas, Hispanic students were more than twice as likely to receive multiple out-of-school suspension than White, non-Hispanic students. Hispanic females were more than twice as likely as White, non-Hispanic females to receive one out-of-school suspension, and Hispanic males were 1.68 times as likely to receive one out-of-school suspension compared to White, non-Hispanic males. Composition percentages for students who received suspension indicated that Hispanic students collectively were within three percentage points of the equivalent to their composition enrollment percentage. White, non-Hispanic students were underrepresented by eight percentage points for the ISS category, 14 percentage points for the one out-of-school suspension category, and 17 percentage points in the multiple out-of-school suspension category.

CHAPTER 5

Discussion

We analyzed public school exclusionary discipline data from the 2013-2014 school year for the Hispanic student population in the five states with the highest percentage of Hispanic persons in their population using ratio and composition calculations. We hypothesized that Hispanic students would be at a greater risk of experiencing exclusionary discipline in all states and discipline categories. The results of this study conclude that disparities exist among Hispanic students when compared to their White, non-Hispanic peers across various categories of exclusionary discipline measures for all of the states analyzed. Although not entirely, our findings to some degree support our hypothesis. A higher risk for Hispanic students was found in every state, but not all the states exhibited a risk disparity for every discipline category. However, our findings do support previous research indicating Hispanic students are, in some states, overrepresented and at a higher risk of receiving exclusionary discipline outcomes compared to White, non-Hispanic students. (Losen, Gillespie, & University of California, 2012; Peguero & Shekarkhar, 2011; Skiba et al., 2011).

This study used two different methods for evaluating disproportion. The first method calculates the risk ratio, which answers the question, “What is the risk for Hispanic students of receiving a specific exclusionary discipline outcome as compared to the risk of White, non-Hispanic students?” We hypothesized states would vary in their level of disproportion; in support, our findings indicated differences among states in the level of disparity discovered. The most significant amount of risk was found in Texas and Nevada. In Texas, both male and female Hispanic students were more than twice as likely as their White, non-Hispanic peers to experience more than one out-of-school suspension during the school year. In Nevada, male

Hispanic students, again compared to White, non-Hispanic students, were found to be more than twice as likely to receive an expulsion with educational services during the school year.

Additionally, in Nevada, Hispanic female students were found to be twice as likely as White, non-Hispanic females to receive expulsion under zero-tolerance policies. Meaning in those categories in those states, for every White, non-Hispanic student who receives that exclusionary discipline measure, two Hispanic students receive the same exclusionary discipline measure. Given the results of previous research findings, these outcomes could indicate that Hispanic students in those states are also at double the risk compared to their White, non-Hispanic peers to experience academic failure and juvenile incarceration (Noguera, 2003; Skiba et al., 2002; Rausch & Skiba, 2004), especially since the overrepresentation data from the criminal justice system reflect what has been found in school discipline data (Wald & Losen, 2003).

The second method of calculation used to determine disproportion was the comparison of composition percentages. Calculating composition percentage allowed us to determine what percentage of students receiving a specific disciplinary outcome were Hispanic and White, non-Hispanic. These percentages were then compared to the racial/ethnic enrollment percentages. Relatively equal percentages of disciplinary and enrollment composition would indicate relatively equal representation for that specific ethnic student population. In support of our hypothesis, the analyzed data again yielded disproportion among both Hispanic and White, non-Hispanic students. The disproportion included overrepresentation of Hispanic students in multiple categories, but indicated to a higher degree consistent underrepresentation for White, non-Hispanic students. These results add to the research literature demonstrating that White,

non-Hispanic students are at a substantially lower risk of receiving exclusionary discipline (Mendez, Knoff, & Ferron, 2002; Peguero & Shekarkhar, 2011; Skiba et al., 2002).

In terms of gender differences, risk ratios revealed a higher level of risk for Hispanic females to experience suspension (when compared to White, non-Hispanic females) than for Hispanic males (compared to White, non-Hispanic males) in every suspension category for every state analyzed. These findings negate our hypothesis that Hispanic males would be at a higher risk in every discipline category. The higher risk found among females compared to males does not necessarily indicate Hispanic females are overrepresented out of total female suspensions received. Ultimately, what puts Hispanic females at a higher risk when compared to White, non-Hispanic females is that White, non-Hispanic females make up a very small composition percentage of the total suspensions received. Meaning, White, non-Hispanic females are notably underrepresented in regards to total suspension ethnic composition. Regardless, these results tell us that in Arizona, California, Nevada, New Mexico, and Texas being Hispanic and female puts students at a higher risk of receiving suspension than being Hispanic and male in terms of same-gender comparisons. These results are important because they bring awareness to a new group of at-risk students. Gender differences among previous research indicate that across race comparisons, males are typically at a higher risk than females (Brown & Di Tillio, 2013; Skiba et al., 2002). Our findings also denote that results from the Yale Child Study Center, which indicated preschool educators primed to expect challenging behaviors paid greater attention to Black male students than any other racial/ethnic and gender student combination (Gilliam et al., 2016), may not generalize the same increased gender-specific risk for the Hispanic student population. For our study, the level of risk for Hispanic females compared to White, non-Hispanic females was higher than the risk for Hispanic males, compared to White, non-Hispanic

males. By interpreting these results in the context of the findings from the Yale Child Study Center's research on implicit bias held by preschool teachers, it appears that school staff may hold expectations of challenging behaviors coming from Hispanic females more so than they do for Hispanic males.

Implicit bias regarding behavioral expectations for students is not the only explanation for racial disparity in school discipline. The existence of racial disproportion in school discipline alone does not prove racial bias, and comprehensively the causes for the racial and/or ethnic disproportion are complex. Previous investigative findings indicate that racial/ethnic disparities in school discipline are not driven by higher amounts of misbehavior among Hispanic youth (Castillo, 2013; Peguero & Shekarkhar, 2011). Previous studies have suggested plausible causes for the observed disproportion to include cultural differences, social miscommunication, insufficient educator training, school climate, discipline policies, as well as implicit bias (Gregory et al., 2010; Mendez & Knoff, 2003; Tefera, Siegel-Hawley, & Levy, 2017). In a study conducted to explore the relationship between behavior, student characteristics, and school variables, researchers determined, "systemic school level variables are more important in determining the overrepresentation of Black students in discipline than are any behavioral or student characteristics" (Skiba et al., 2014, p. 23). The same could be true for Hispanic students given the evidence of their increased risk from this investigation in conjunction with previous findings indicating Hispanic students do not misbehave any more than their White, non-Hispanic peers (Peguero & Shekarkhar, 2011).

Studies aimed at causal explanations for racial/ethnic disparities in schools have determined the policies and practices responsible are both academic and discipline based. Racialized school discipline outcomes are the product of multi-layered problems embedded in

the system. These problems develop through the interface amid policies, practices, and people (Tefera et al., 2017). Dramatic differences between state risk ratios for Hispanic students indicate potential differences between states in regards to discipline. Notable risk differences suggest a possibility that discipline policy and practice varies between states. This concept is demonstrated for example by a 2.1 increased risk for Hispanic students to experience expulsion with educational services in Nevada compared to White, non-Hispanic students versus a 16% lesser risk for Hispanic students compared to White, non-Hispanic students in the same expulsion category for Arizona. In Texas, Hispanic females had a 2.5 increased risk for experiencing multiple out-of-school suspensions versus a dramatically lower 33% increased risk for Hispanic females in California. Even same-state differences in risk ratios reveal potential policy and practice differences, such as the 2.5 increased risk for Hispanic females to receive more than one out-of-school suspension in Texas, but they have 23% less risk of receiving an expulsion under zero-tolerance policies compared to White, non-Hispanic females in the same state. Differences between states and within state risk ratios indicate potential preferences exist, and policies favor the use of specific exclusionary measures over others. These differences could also indicate variations in how discipline policies affect teacher perceptions of the relationship between ethnicity, gender, and misbehavior as well.

Fenning and Rose (2007) provide an evidential review of how school discipline policies and teacher perceptions related to a collapse in their classroom authority contribute to racial and ethnic overrepresentation (Fenning & Rose, 2007). Primarily, their review focused on disproportion for African American students, but included some research for Hispanic/Latino students. Contributory policies and practices found in their study include pressure caused by federal mandates for schools to meet achievement requirements, in turn persuading school staff

to remove students who may be disrupting the pathway to the school achieving performance standards (Fenning & Rose, 2007). Furthermore, school dependence on punishment and reactive, rather than proactive, disciplinary procedures (Skiba & Peterson, 1999), together with pressurized achievement standards, seemingly drive students of color (in this case African American and Latino) into frequent interface with exclusionary measures (Fenning & Rose, 2007). Teacher perceptions about what constitutes a loss of classroom control and stress to produce achievement results vary from school to school. These variables could fluctuate based on school-specific ethnicity and poverty-level compositions. For example, the pressure could have an increased influence among more segregated schools since school racial composition provides increased risks for students in regards to school discipline (Anyon et al., 2014). Results from our investigation demonstrate some support for these findings through revealing higher risk ratios for Hispanic students compared to White, non-Hispanic students in expulsion and/or suspension data for the five states analyzed.

It is plausible Hispanic students found at a higher risk of exclusionary measures in our investigation could be victims to the same fear-based teacher perceptions and push-out practices identified in previous research. Our study demonstrated that although Hispanic students were not significantly overrepresented according to composition percentages and the four-fifths rule standard, Hispanic students were at an increased risk for at least one expulsion category in Nevada and New Mexico, and for at least one suspension category in all five states. Written codes of conduct in schools often offer few additional methods of consequence other than exclusionary (Fenning & Rose, 2007; Fenning, Wilczynski, & Parraga, 2000). In some school systems, even measures justified as proactive are punitive and discriminatory in nature, such as preventive detention or transferring potentially threatening students into more restrictive

classroom environments (Casella, 2003). Placements such as these have been found to predominantly occur for African American and Latino males (Casella, 2003), but results from our study indicate they may be common for Hispanic females as well. However, conclusions about how our results more specifically relate to segregated schools/segregation within schools, as well as other school-level variables, are difficult to determine given that we did not examine these variables in this analysis. Further analysis on this dataset could be completed at the district or school level to determine how discipline disparity is affected by segregation and other variables.

Conclusively, each teacher, administrator, and school system offers an element of individualized subjective and procedural power, which contributes to the long-standing phenomena of racial disparities in school discipline. Scholarly evidence has been provided for multiple problematic causes of disciplinary racial and ethnic overrepresentation, and as alluded to, the identification and resolution to these contributory factors is not easy. Evidential awareness, which our descriptive study and multiple others provide, is a crucial step to the beginnings of mitigating the adverse effects attributed to exclusionary punitive measures used in schools, but it is not enough to close the disparity gap. Our study provides evidence that for the five states with the highest percentage of Hispanics in their population, Hispanic students have a higher risk than White, non-Hispanic students of receiving exclusionary discipline for at least one of the six disciplinary outcomes measured. Notable underrepresentation of White, non-Hispanic students, and relatively proportional representation for Hispanic students, indicates other racial and ethnic groups are experiencing dramatic overrepresentation in these states as well. Furthermore, results indicating higher risk ratios imply Hispanic students in those states are

at an increased risk of experiencing the adverse effects associated with exclusionary discipline when compared to their White, non-Hispanic peers.

Implications

Programs designed to target the prevention of problem behaviors through active Positive Behavior Interventions and Supports (PBIS) and similar initiatives has revealed itself to be effective in decreasing the need for reliance on exclusionary discipline by reducing problem behavior participation by students, but also shifting teacher and administrator focus from problem behavior policing to reinforcement for the desired behaviors demonstrated. Ultimately, this shift in focus should help close the gap on racial/ethnic disparities by priming school staff to look for positive behavior exhibited by all students rather than looking for problem behaviors. Principals stating their schools' mission of preventative practice demonstrates a significant correlation to decreased exclusionary discipline measures used in the school altogether (Skiba et al., 2014. Fenning & Rose (2007) outlined the following steps for school teams to construct proactive and equitable discipline policies:

- a) review of discipline data to determine what infractions result in suspension (e.g., whether minor nonviolent offenses result in suspension) and if certain groups are overrepresented in the most exclusionary discipline consequences, (b) the creation of a collaborative discipline team to create proactive discipline consequences that are fair to all, (c) the provision of schoolwide professional development to help promote cultural competence, particularly around issues of classroom management and teacher-to-student interchanges, and (d) the development of more proactive school discipline policies for all students, based on models of positive behavior support. (PBS; Sugai & Horner, 2002, p. 538)

These steps provide schools with a framework including multiple elements for school teams to address and prevent unbalanced disciplinary practices. Part of ensuring effective prevention is the implementation of professional development designed to educate and train school faculty on how to effectively understand and interact with diverse populations (Gregory et al., 2010). Understanding of difference will help teachers and students to become more familiar and comfortable with culturally different attitudes and behaviors, inevitably decreasing subjective miscommunication and misinterpretation of threatening behavior. Studies have found that when the proportion of students from a particular racial category increases, then the proportion of suspensions for that racial group decreases (Curran, 2016). One reasonable explanation for this occurrence is that increased familiarity and understanding of this racial group mitigates a misunderstanding between teacher and student on what misbehavior is. Regardless, increased knowledge and training for school faculty has the potential to increase positive outcomes for students, especially those at-risk, such as the students indicated in this research investigation.

Limitations and Future Research

The most significant limitation of this study is that it does not explain why significant racial disproportion for this set of data is occurring. Information required to rule-out specific causal explanations for this dataset, such as more misbehavior from Hispanic students, was absent. Ultimately, this study was confined within the parameters of the exclusionary discipline data provided by the CRDC, which did not give specific information on the ODRs used to generate the enforced exclusionary discipline measure. ODRs provide necessary information which can help researchers to understand the type of the infraction, and whether it is subjective in nature. Additional information commonly used to determine what causes disproportion is the

amount of misbehavior in schools, who is participating in the misbehavior, and who is writing the ODRs. Information about attitudes and beliefs from students, teachers, and administration, racial and ethnic community segregation, location-specific discipline policies, local crime rates, and poverty are all aspects instrumental to narrowing down contributory variables for racial and ethnic disparities where school discipline is concerned. Additional research will want to examine ODRs and track behavior from the initial act through the entire disciplinary process. It will also want to break the data down to district and school levels in order to determine if and to what extent the school and community factors listed above assist the discipline gap.

A second limitation of this study is that it does not include the disciplinary data from other races and ethnicities. To comprehensively determine problems in racial representation for exclusionary discipline measures, data from all student races and ethnicities is necessary. The composition percentages revealed some overrepresentation for the Hispanic population of students and significant underrepresentation for White, non-Hispanic students. However, gaps in composition percentages indicate there are other racial/ethnic groups experiencing overrepresentation, but those groups were left unidentified.

Lastly, more subtle subgroup differences deserve further conceptual and empirical analysis to identify the ways gender, ethnicity, and states interact to predict punishment rates. For example, in Texas the risk ratio for expulsion for Hispanic males was 1.26, yet for Hispanic females was .77. Whereas these rates are just outside the .80-1.25 range for noteworthiness—i.e., Hispanic males were more likely and Hispanic females were less likely than White, non-Hispanics to be expelled—the difference between Hispanic males and Hispanic females was dramatic: .49 risk ratio points. It is not clear why gender and ethnicity interact so dramatically in Texas expulsion rates. More conceptual and empirical analysis at this level is needed.

Conclusion

In conclusion, our findings indicated Hispanic students have a higher risk than White, non-Hispanic students of receiving exclusionary discipline for at least one of the six disciplinary outcomes measured in all the states analyzed. Students at a higher risk of receiving suspension and expulsion can also be considered at an increased risk of experiencing the detrimental effects associated with previous exclusionary discipline involvement. Our findings support our hypothesis that Hispanics students would be at a disproportionately higher risk of receiving suspension and expulsion compared to their White, non-Hispanic peers, although not in as absolute of terms as we expected. In some states risks are notably higher than in other states, which supports our second hypothesis that differences would exist among states in the level of risk for Hispanic students. Hispanic students compared to White, non-Hispanic students are at two times the risk for expulsions in Nevada and for multiple out-of-school suspensions in Texas. Our descriptive study provides evidence supporting identification for determining a problem of increased risk exists for Hispanic students to experience some form of exclusionary discipline compared to White, non-Hispanic students in Arizona, California, Nevada, New Mexico, and Texas. The most significant level of risk was found in the disciplinary categories for suspension across all the states. Additional key findings include a notably higher risk for Hispanic females compared to White, non-Hispanic females than Hispanic males compared to White, non-Hispanic males. This finding contradicts our hypothesis that males would be at a higher risk compared to females. It also differs from previous research indicating higher risks associated with school discipline for males than for females across same-race comparisons. Ultimately, results of this study which demonstrate Hispanic students in these states are at a higher risk than

White, non-Hispanic students should drive continued research on the prediction and resolution of ethnic disproportion in school discipline.

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APPENDIX

IRB Exemption

INSTITUTIONAL REVIEW BOARD
FOR HUMAN SUBJECTS

**Memorandum**

To: Christian Sabey, Ph.D.
Department: CPSE
College: EDUC
From: Sandee Muñoz, IRB Administrator

Date: November 16, 2015
IRB#: A15421

Subject: *Over-representation of Latino and Other Minority Students in Exclusionary Discipline Practices*

Thank you for your recent correspondence concerning your protocol referenced in the subject heading. Brigham Young University's Institutional policy requires review of all research. I appreciate your willingness to comply with this policy.

According to the Code of Federal Regulations 45.46.102 (f), Human Subjects research is when an investigator conducting research will obtain:

- Data through intervention or interaction with the individual, or
- Identifiable private information

<http://www.hhs.gov/ohrp/humansubjects/guidance/45cfr46.htm#46.102>

The protocol does not include any interaction with research subjects and you will not have access to private *identifiable* information. You have no part in the recruiting of participants or the collection of data. According to the regulatory definition of human subject research, this study does not fall under the purview of the IRB.

You will not renewal memos from the IRB regarding this research.

If you have any questions, please do not hesitate to contact me, (801) 422-1461, A-285 ASB. I wish you well with your research!