

Race Is Not Neutral: A National Investigation of African American and Latino Disproportionality in School Discipline

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Abstract. Discipline practices in schools affect the social quality of each educational environment, and the ability of children to achieve the academic and social gains essential for success in a 21st century society. We review the documented patterns of office discipline referrals in 364 elementary and middle schools during the 2005–2006 academic year. Data were reported by school personnel through daily or weekly uploading of office discipline referrals using the Web-based School-wide Information System. Descriptive and logistic regression analyses indicate that students from African American families are 2.19 (elementary) to 3.78 (middle) times as likely to be referred to the office for problem behavior as their White peers. In addition, the results indicate that students from African American and Latino families are more likely than their White peers to receive expulsion or out of school suspension as consequences for the same or similar problem behavior. These results extend and are consistent with a long history of similar findings, and argue for direct efforts in policy, practice, and research to address ubiquitous racial and ethnic disparities in school discipline.

The Supreme Court's ruling in *Brown v. Board of Education* in 1954 set the nation on a path toward equalizing educational opportu-

nity for all children. The right not to be discriminated against on the basis of race, color, or national origin was explicitly guaranteed by

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Title VI of the Civil Rights Act of 1964 (Browne, Losen, & Wald, 2002). Those protections were expanded to students with disabilities in the Individuals with Disabilities Education Improvement Act of 2004 and to educational outcomes for all children in the Elementary and Secondary Education Act (*No Child Left Behind*, 2008). Yet continuing racial and ethnic disparities in education ranging from the achievement gap (Ladson-Billings, 2006) to disproportionality in special education (Donovan & Cross, 2002) to dropout and graduation rates (Wald & Losen, 2007) have led some to question the extent to which the promises of *Brown* have been fulfilled (Blanchett, Mumford, & Beachum, 2005). In particular, over 30 years of research has documented racial and socioeconomic disparities in the use of out-of-school suspension and expulsion. The purpose of this article is to describe a national investigation exploring the extent of, and patterns in, racial and ethnic disparities in school discipline at the elementary and middle school level.

Consistently Demonstrated Disproportionality

For over 25 years, in national-, state-, district-, and building-level data, students of color have been found to be suspended at rates two to three times that of other students, and similarly overrepresented in office referrals, corporal punishment, and school expulsion (Skiba, Michael, Nardo, & Peterson, 2002). Documentation of disciplinary overrepresentation for African American students has been highly consistent (see e.g., Gregory, 1997; McCarthy & Hoge, 1987; McFadden, Marsh, Price, & Hwang, 1992; Raffaele Mendez & Knoff, 2003; Skiba et al., 2002; Wu, Pink, Crain, & Moles, 1982). According to data from the U.S. Department of Education Office for Civil Rights, disciplinary disproportionality for African American students appears to have increased from the 1970s, when African Americans appeared to be at approximately twice the risk of out of school suspension to 2002, when African American students risk for suspension was almost three times as great

as White students (Wald & Losen, 2003). Although disciplinary overrepresentation of Latino students has been reported in some studies (Raffaele Mendez & Knoff, 2003), the finding is not universal across locations or studies (see e.g., Gordon, Della Piana, & Keleher, 2000).

Possible Causative Mechanisms

A number of possible hypotheses have been proposed as mechanisms to account for rates of disciplinary disparity by race/ethnicity, including poverty, differential rates of inappropriate or disruptive behavior in school settings, and cultural mismatch or racial stereotyping. The possible mechanisms are discussed in the following.

Poverty

Race and socioeconomic status (SES) are unfortunately highly connected in American society (McLoyd, 1998), raising the possibility that any finding of racial disparities in school discipline can be accounted for by disproportionality associated with SES. Low SES has been consistently found to be a risk factor for school suspension (Brantlinger, 1991; Wu et al., 1982). Yet when the relationship of SES to disproportionality in discipline has been explored directly, race continues to make a significant contribution to disproportionate disciplinary outcomes independent of SES (Skiba et al., 2002; Wallace, Goodkind, Wallace, & Bachman, 2008; Wu et al., 1982).

Higher Rates of Disruption Among Students of Color

A related hypothesis might be that students of color, perhaps because they have been subjected to a variety of stressors associated with poverty (see e.g., Donovan & Cross, 2002), may learn and exhibit behavioral styles so discrepant from mainstream expectations in school settings as to put them at risk for increased disciplinary contact. Investigations of student behavior, race, and discipline have consistently failed, however, to find evidence of differences in either the frequency or intensity of African American students' school be-

havior sufficient to account for differences in rates of school discipline. Some studies have found no significant differences in behavior between African American and White students (McCarthy & Hoge, 1987; Wu et al., 1982), while others have reported that African American students receive harsher levels of punishment for less serious behavior than other students (McFadden et al., 1992; Shaw & Braden, 1990). Skiba et al. (2002) compared the types of infractions for which African American and White middle school students in a large urban district were referred to the office, and found no obvious differences in severity of behavior, but that African American students tended to be referred to the office more often for offenses that required a higher degree of subjectivity, such as *disrespect* or *loitering*.

Cultural Mismatch or Racial Stereotyping

With a teaching force in most school districts in this nation that is predominantly White and female (Zumwalt & Craig, 2005), the possibility of cultural mismatch or racial stereotyping as a contributing factor in disproportionate office referral cannot be discounted. Townsend (2000) suggested that the unfamiliarity of White teachers with the interactional patterns that characterize many African American males may cause these teachers to interpret impassioned or emotive interactions as combative or argumentative. In an ethnographic study of disciplinary practices at an urban elementary school, Ferguson (2001) documented the seemingly unconscious process whereby racial stereotypes may contribute to higher rates of school punishment for young African American males.

There is some indication that teachers do make differential judgments about achievement and behavior based on racially conditioned characteristics. Neal, McCray, Webb-Johnson, and Bridgest (2003) found that students who engaged in a “stroll” style of walking more often associated with African American movement style were more likely to be judged by teachers as being more aggres-

sive or lower achieving academically, whether the student was African American or White. In an extensive study of teacher ratings, Zimmerman, Khoury, Vega, Gil, and Warheit (1995) found evidence that African American students were more likely to be rated as having more extensive behavior problems by both Hispanic and non-Hispanic White teachers. In addition, teachers were more likely than parents to rate African American students as more problematic and less likely than parents to rate White students’ behavior as more problematic. In a more restricted sample set in a high-poverty inner-city setting, Pigott and Cowen (2000) found no evidence of a child–teacher race interaction in teacher ratings of their students, but found that all teacher groups reported a higher incidence of race-related stereotypes for African American students.

There is some classroom observational data consistent with either a cultural mismatch or racial stereotyping explanation. Vavrus and Cole (2002) analyzed videotaped interactions among students and teachers, and found that many ODRs were less the result of serious disruption than what the authors described as “violations of ... unspoken and unwritten rules of linguistic conduct” (p. 91), and that students singled out in this way were disproportionately students of color. In a study of office referral practices in an urban high school, Gregory and Weinstein (2008) found that, among a sample of African American students with ODRs, differences in classroom management style significantly contributed to both student attitudes toward classroom management and actual disciplinary outcomes. Further, even among students with multiple referrals to the office, only certain student–teacher combinations resulted in higher rates of office referral.

Summary

A number of hypotheses might be applied to explain the ubiquitous overrepresentation of African American students in a range of school disciplinary consequences. It seems likely that, in the face of multiple hypotheses, the disproportionate representation of students

of color in school discipline is complex and multiply determined.

Risks of Disproportionate Representation in School Exclusion

Overrepresentation in out-of-school suspension and expulsion appears to place African American students at risk for a number of negative outcomes that have been found to be associated with those consequences. First, given documented positive relationships between the amount and quality of engaged time in academic learning and student achievement (Brophy, 1988; Greenwood, Horton, & Utley, 2002), and conversely between school alienation/school bonding and subsequent delinquency (Hawkins, Doueck, & Lishner, 1988), procedures like out-of-school suspension and expulsion that remove students from the opportunity to learn and potentially weaken the school bond must be viewed as potentially risky interventions. Second, a substantial database has raised serious concerns about the efficacy of school suspension and expulsion as a behavioral intervention in terms of either reductions in individual student behavior or overall improvement in the school learning climate (see e.g., American Psychological Association, 2008). Finally, by removing students from the beneficial aspects of academic engagement and schooling, suspension and expulsion may constitute a risk factor for further negative outcomes, including poor academic performance (Skiba & Rausch, 2006), school dropout (Ekstrom, Goertz, Pollack, & Rock, 1986), and involvement in the juvenile justice system (Wald & Losen, 2003). Thus, the overrepresentation of African American students in such high-risk procedures must be considered highly serious.

Gaps in Knowledge

There are substantial gaps in the research literature exploring racial and ethnic disparities in school discipline, some extending to basic descriptive information. Data concerning the representation of Hispanic/Latino students in school discipline are limited and highly inconsistent. Few studies of school dis-

cipline have focused on school level as a variable (elementary vs. middle vs. high school) and fewer still have examined disproportionality across school levels (Skiba & Rausch, 2006). Third, although the disciplinary process has been recognized as a complex, multilevel process proceeding from office referral to administrative disposition (see e.g., Morrison, Anthony, Storino, Cheng, Furlong, & Morrison, 2001), little attention has been paid to the relative contribution of office referrals and administrative consequences to racial and ethnic disparities in school discipline. Finally, few investigations have been both comprehensive and detailed. That is, empirical investigations of school disciplinary processes appear either to rely on national or state databases (e.g., U.S. Department of Education Office for Civil Rights data) that provide a comprehensive perspective on suspension or expulsion, but little detail concerning the initial offense that led to referral; or to analyze local school or district databases of ODRs that provide a richer picture of student infractions, but may or may not be generalizable to other locations.

Purpose and Assumptions

The purpose of this investigation was to explore racial and ethnic disparities in office referrals and administrative discipline decisions in a nationally representative sample. The schools in the sample had been involved in efforts to reform their school disciplinary practices using School-wide Positive Behavior Supports (SWPBS) for at least one year. SWPBS is a whole-school approach to prevention of problem behavior that focuses on defining, teaching, and rewarding behavioral expectations; establishing a consistent continuum of consequences for problem behavior; implementing a multitiered system of behavior supports; and the active use of data for decision making (Sugai & Horner, 2006). A core element of the SWPBS implementation process is systematic data collection on occurrence of problem behaviors that result in office referrals and the discipline decisions associated with those referrals.

Although the data were drawn from a subsample of schools implementing SWPBS, the purpose of this investigation was not in any way to explore the effects or effectiveness of SWPBS as an intervention for reducing disciplinary referrals or disproportionality in referrals. Rather, to our knowledge, these data provide the most comprehensive and nationally representative sample for addressing some of the gaps in research knowledge regarding racial and ethnic disproportionality in school disciplinary procedures. We used descriptive and logistic regression analyses to explore patterns of disproportionality in office referral rates, patterns of disciplinary decisions across different racial/ethnic groups (African American, Hispanic, White), and school level (elementary vs. middle school).

The analyses make two assumptions about effective disciplinary practices and hence about the types of data that would provide evidence of an effective and equitable disciplinary system. First, we presume that the most effective disciplinary systems are graduated discipline systems (American Psychological Association, 2008) in which minor infractions produce less severe administrative consequences than more severe infractions. The philosophy and practice of zero tolerance has tended to emphasize an alternate model, in which both minor and major infractions are met with more severe consequences, but a substantial database has failed to support the efficacy of practices based on that perspective (American Psychological Association, 2008). Second, given that there is no evidence supporting a distribution of infractions that varies in severity by race, we presume that disciplinary outcomes will be proportional across racial/ethnic categories.

Methods

Data Source

The subjects for this investigation were drawn from data generated by the School-wide Information System (SWIS: May et al., 2006), which was being used in over 4000 schools across the nation during the 2005–2006 aca-

demical year (cf. <http://www.swis.org>, January 2007).

The SWIS is a three-component decision system for gathering and using school discipline data for decision making. The components of SWIS are (a) a data collection protocol that schools adopt that uses operationally defined categories for problem behavior, school-wide standards defining which problem behaviors are addressed in classrooms versus sent to the office, and a structure for team meetings in which data are used; (b) a Web-based computer application for entering ODR data and retrieving summary reports in graphic and tabular formats (May et al., 2006), and (c) a facilitator-based training system to help teams use data for active decision making.

The entry of data into the SWIS computer application requires that students be identified by name, district identification number, grade, Individualized Education Program (IEP) status, and ethnicity. The content of an office discipline referral includes information about (a) the type of problem behavior leading to the referral; (b) the time of day, location, referring adult, and others present during the event; (c) the presumed maintaining consequence (e.g., access to attention, escape from work, response to taunting from peers); and (d) the primary administrative decision (e.g., conversation, detention, loss of privilege, parent report, suspension) resulting from the referral. This information is summarized in a series of reports that allow an administrator, specialist, team, or faculty member to monitor the rate of office discipline referrals; the type of behaviors leading to referrals; the time of day, location, and presumed maintaining consequence; and the administrative decision patterns.

The SWIS system also provides the option for a school to compute a summary of ODRs by race/ethnicity. Race/ethnicity within SWIS is determined by the family designation when a child is enrolled in school, but is limited in specificity to the six federal race categories: African American, Asian, Native American, Pacific Islander, Hispanic/Latino, and Caucasian.

Selection of problem behavior for all schools using SWIS is based on a mutually exclusive and exhaustive list of 24 operationally defined “major problem behaviors” and three operationally defined “minor problem behaviors.” School-based consequences for these reported behaviors are coded into 14 mutually exclusive and exhaustive categories of “administrative decisions.” Operational definitions of both student behaviors and administrative decisions may be found on the SWIS Resources site at <http://www.swis.org/index.php?page = resources;rid = 10121>.

Participant Sample

As of January 2007, there were over 4000 schools in the United States at varying stages of SWIS adoption. During the fall of 2007, we identified from this population of schools a subset of 436 schools who (a) used SWIS for the full 2005–2006 academic year, (b) reported ethnicity information, (c) had grade levels between kindergarten and sixth grade (K–6) or sixth and ninth grade (6–9), and (d) agreed to share anonymous summaries of their data for evaluation purposes. These schools reported total enrollment of 120,148 students in elementary grades (K–6) and 60,522 students in middle school grades (6–9). Spaulding et al. (2010), compared the demographic features of the sample with 73,525 comparable schools in the National Center for Educational Statistics (NCES) sample for 2005–2006 to assess bias in size, proportion of students with an IEP, SES, racial/ethnic distribution, and location (urban, suburban, or rural). They found the SWIS database to be within 5% of the NCES data in all categories except that the SWIS database was composed of fewer schools within the high SES category and had a larger number of schools with high ethnic/racial diversity. At the K–6 and 6–9 levels, the sample did not differ from the NCES data in the percentage of large, midsized, or rural schools represented, but at the high school level there were more schools with large enrollment.

It is important to note that schools adopting SWIS were self-nominated, and in

most cases were in varying stages of implementing school-wide positive behavior support (Sugai et al., 2002; Lewis & Sugai, 1999). Adoption of SWIS does not require that schools also adopt school-wide positive behavior support, but often districts investing in adoptions of school-wide discipline systems are more likely to also invest in adoption of SWIS. Again, the purpose of this investigation was not to explore any attributes, effects, or effectiveness of the use of SWPBS in these schools. No information was available within the SWIS database to indicate the length or fidelity of SWPBS adoption.

For purposes of analysis, the 436 schools were organized into an elementary level (K–6) and a middle school level (6–9). Schools that overlapped to some extent (e.g., Grades 5–9) were placed in the group with the largest degree of overlap. Schools with a degree of overlap that did not permit sorting with confidence (e.g., schools serving Grades K–8) were dropped from the sample. The final sample included 272 K–6 level schools and 92 6–9 level schools.

Research Questions and Variables

The primary research questions focused first on the pattern of ODRs by race and then on the pattern of administrative decisions by race. The following questions guided the study.

ODRs. Two questions were addressed through descriptive data and logistic regression analyses.

1. To what extent does racial/ethnic status make a contribution to rates of ODR in elementary or middle schools?
2. In which categories of ODRs are racial or ethnic disparities evident?

The original SWIS data included 27 categories of disciplinary infraction that could be entered as the reason for an ODR. For conceptual and analytic clarity, we categorized those infractions into the categories *minor misbehavior*, *disruption*, *noncompliance*, *moderate infractions*, *major violations*, *use/possession*, *tardy/truancy*, and *other/unknown*

(Note: specific infractions included in each category may be found in Table 3).

Administrative decisions. Three questions were addressed through descriptive data, simply logistic regression, and multinomial logit models.

3. To what extent does racial/ethnic status make a contribution to administrative decisions concerning disciplinary consequences in elementary or middle schools?
4. In which categories of disciplinary consequence are racial or ethnic disparities evident?
5. What are the racial disparities in the interaction of infraction types and administrative decisions regarding consequence? In which infraction/consequence pairs do such disparities occur?

The original SWIS data included 14 categories of administrative decision regarding primary disciplinary consequence. For conceptual and analytic clarity, we categorized those decisions into the categories of *minor consequences*, *detention*, *moderate consequences*, *in-school suspension*, *out-of-school suspension and expulsion*, and *other/unknown*. (Note: Specific administrative decisions comprising each category may be found in Table 4.)

Data analyses. Descriptive analyses and a series of logistic and multinomial logit regression analyses (Greene, 2008) were used to describe the extent of disproportionality in student infractions, administrative decisions, and their interaction. The first logistic equation addressing Research Question 2 (Table 2) was designed to test the extent to which race proved a factor in the probability of an ODR.

The second analysis addressing Research Question 2 (Table 3) was a multinomial logit model designed to explore the contribution of race to referrals for specific types of infraction. The third regression, addressing Questions 3 and 4, was a multinomial logit regression testing the influence of type of infraction and race on the probability of receiving

a given consequence (Table 4). The final multinomial logit regression, addressing Research Question 5, was designed to test the specific influence of race on the probability of all possible infraction/consequence interactions (Table 5).

Early analyses showing differences in patterns of results by school level led us to conduct separate analyses for K–6 and 6–9 schools. The measure used to index disproportionality throughout the analyses is the odds ratio (OR) drawn from the logistic and multinomial logit regression equations, with values greater than 1.0 indicating overrepresentation and values less than 1.0 indicating underrepresentation. In contrast to risk ratios, the OR may offer a more stable and accurate estimate of disproportionality, because it accounts for both occurrence and nonoccurrence of the event being measured (Finn, 1982; Oswald, Coutinho, Best, & Singh, 1999). For all analyses involving racial/ethnic categories, the index category was “White,” while the index category for infractions or administrative decisions varied and is noted in the footnote of the table for that analysis. Finally, note that description of the results refers to “overrepresentation” or “underrepresentation” of a given racial/ethnic group with respect to a given infraction or disciplinary consequence. In descriptive results, presented as composition indices, proportionality is compared to that group’s representation in the population. Across all logistic and multinomial logit analyses, disproportionality is framed in terms of over- or underrepresentation in comparison to the index group. This is not intended to convey any judgment concerning how frequently a given consequence ought to be applied (e.g., Latino students being underrepresented in detention does not in any way suggest they should be placed in detention more frequently), but rather is simply a numerical representation of the probability of occurrence relative to the index group (White students). The Box Tidwell Transformation Test (Cohen, Cohen, West, & Aiken, 2003) was performed to test for the assumption that there is a linear relationship between the independent variables and the log odds (logit) of the dependent

Table 1
Enrollment, Number of Students Referred, and Number of Referrals
Disaggregated by Racial Ethnic Group

Group	Enrollment		Students Referred		Referrals	
	<i>N</i>	%	<i>N</i>	%	<i>N</i>	%
K–6 Schools (<i>N</i> = 272)						
Hispanic/Latino	25,051	20.9	4,311	13.1	12,863	9.6
African American	30,961	25.8	11,577	35.3	57,601	43.0
White	54,690	45.5	11,703	35.7	45,900	34.3
Unknown/all others ^a	9,446	7.9	5,212	15.9	17,518	13.1
Total <i>N</i> of students	120,148	100.0	32,803	100.0	133,882	100.0
6–9 Schools (<i>N</i> = 92)						
Hispanic/Latino	10,332	17.1	4,245	16.9	18,419	14.5
African American	13,228	21.9	8,024	32.0	52,894	41.7
White	32,975	54.5	9,542	38.1	42,605	33.6
Unknown/all others	3,987	6.6	3,260	13.0	12,842	10.1
Total <i>N</i> of students	60,522	100.0	25,071	100.0	126,760	100.0

Note. K–6 = kindergarten through Grade 6; 6–9 = Grade 6 through Grade 9.

^aUnknown/all others: American Indian/Alaskan Native, Asian, Pacific Islander/Native Hawaiian, Not Listed, and Unknown.

measure. Tests across all models failed to yield any significant results, indicating that there is no nonlinearity issue for this sample.

Results

Disproportionate representation in school discipline can occur at either the point of referral or administrative decision. To track disproportionality through these two points in the disciplinary process, results are organized into two sections: ODRs and administrative decisions.

ODRs

Table 1 presents the total enrollment, number of students referred to the office, and number of ODRs disaggregated by race for K–6 and 6–9 level schools. The percentages in Columns 2, 4, and 6 are column percentages, reflecting the percent of enrollment, students referred, or total number of ODRs respectively for each racial/ethnic group. Each percentage in Column 4 or 6 therefore repre-

sents a composition index (Donovan & Cross, 2002) that can be interpreted by comparing it to the percent overall enrollment in Column 2. Thus, at the K–6 level, African American students appear to be overrepresented, relative to their proportion in the population, among those referred to the office, representing 25.8% of total enrollment (Column 2), but 35.3% of those referred to the office (Column 4). White and Hispanic/Latino students are underrepresented relative to their enrollment among those referred to the office at the K–6 level. At the 6–9 level, African American students appear to be overrepresented, and White students appear to be underrepresented in their rate of ODRs as compared to their percentage in the population. Hispanic/Latino students appear to be roughly proportionately represented in middle school ODRs. The level of overreferral of African American students becomes even more apparent if one examines the absolute number of referrals to the office (Column 6). The discrepancy between individ-

Table 2
Logistic Regression of the Influence
of Race/Ethnicity on Referral^a

Group	Referred: Odds Ratio
K–6 Schools	
Hispanic/Latino	0.76*
African American	2.19*
Unknown/all others	NA
Number of cases	120,148
Model χ^2	7,152
Nagelkerke Pseudo R^2	0.084
% Correctly predicted	73.5
6–9 Schools	
Hispanic/Latino	1.71*
African American	3.79*
Unknown/all others	NA
Number of cases	60,522
Model χ^2	6,925
Nagelkerke Pseudo R^2	0.146
% Correctly predicted	67.4

Note. K–6 = kindergarten through Grade 6; 6–9 = Grade 6 through Grade 9; NA = not available.

^aReference category is Not Referred for outcome and is White for Race/Ethnicity.

* $p < .05$.

ual referrals and total referrals suggests a higher rate of multiple referrals to the office for African American students as opposed to White or Hispanic/Latino students at both the elementary and middle school levels.

Differences in ODRs across racial/ethnic categories were more directly compared in the ORs drawn from a logistic regression analysis predicting the probability of at least one ODR (Table 2). The index group for all analyses is White students. All ORs in Table 2 are significant at the 0.01 level. At the K–6 level, African American students' odds of being referred to the office are 2.19 times that of White students; the overrepresentation of African Americans in ODRs relative to White students appears to increase (OR = 3.79) at the 6–9 level.

A somewhat different pattern of disproportionality is in evidence for Hispanic/Latino students. At the K–6 level, Hispanic/Latino

students are underrepresented in their rate of referral to the office relative to White students (OR = 0.76). At the 6–9 level, however, Hispanic/Latino students in this sample are overrepresented (OR = 1.71) in their rate of ODRs. These results at the 6–9 level appear at first glance to be somewhat at odds with composition indices (Table 1) that appear to show rates of ODRs for Hispanic/Latino students that are roughly proportionate at the 6–9 level. Thus, significant Latino overrepresentation relative to White students at the middle school level appears to be from, not the absolute overreferral of Latino students, but rather to the substantial underreferral to the office of White students as compared to their representation in the population.

The ORs associated with ODRs broken down by infraction comparing African American and Latino students with White students are presented in Table 3. With the exception of Tardy/Truancy, Major Violations, and Use/Possession for Hispanic/Latino students at the K–6 level, all ORs are significant at the $p < .01$ level. At both the K–6 and 6–9 levels, African American students are significantly overrepresented in ODRs across all infraction types, with the highest ORs compared to White students for the infraction types of Tardy/Truancy, Disruption, and Noncompliance. At the K–6 level, Hispanic/Latino students are underrepresented as compared with White students in ODRs for Minor Misbehaviors, Disruption, Noncompliance, and Moderate Infractions. At the 6–9 level, in contrast, Hispanic/Latino students appear to be overrepresented relative to White students for all ODR categories.

Administrative Decisions

Table 4 presents the results of a multinomial logistic regression predicting the likelihood of a particular administrative decision using two models. In Model 1, the likelihood of an administrative consequence is predicted solely from type of infraction. In Model 2, race/ethnicity is added to type of infraction to predict the likelihood of an administrative consequence. For both Model 1 and Model 2,

Table 3
Multinomial Logit Regression of the Influence of Race/Ethnicity on Referrals by Infractions: Odds Ratios^a

Group	Minor Misbehaviors	Disruption	Noncompliance	Moderate Infractions	Major Violations	Use/Possession	Tardy/Truancy	Other/Unknown
K-6 Schools								
Hispanic/Latino	0.66**	0.67**	0.60**	0.77**	0.91	1.22	0.84	0.80**
African American	1.77**	3.96**	3.32**	2.62**	2.87**	2.96**	6.58**	2.66**
Unknown/all others	NA	NA	NA	NA	NA	NA	NA	NA
<i>n</i>				142,451				
Model χ^2				12,848				
Nagelkerke Pseudo R^2				0.093				
% Correctly predicted				61.3				
6-9 Schools								
Hispanic/Latino	1.50**	1.31**	1.87**	1.76**	1.80**	1.93**	2.44**	1.30**
African American	3.72**	5.60**	5.43**	4.76**	3.91**	2.02**	4.40**	4.55**
Unknown/all others	NA	NA	NA	NA	NA	NA	NA	NA
<i>n</i>				89,279				
Model χ^2				12,001				
Nagelkerke Pseudo R^2				0.129				
% Correctly predicted				40.5				

Note. Minor Misbehaviors = minor inappropriate verbal language, minor physical contact, minor defiance/disrespect/noncompliance, minor disruption, minor property misuse, other minor misbehaviors; Disruption = disruption; Noncompliance = defiance/disrespect/insubordination/noncompliance; Moderate Infractions = abusive language/inappropriate language, fighting/physical aggression, lying/cheating, harassment/bullying; Major Violations = property damage, forgery/theft, vandalism, bomb threat/false alarm, arson; Use/Possession = use/possession of tobacco, alcohol, combustible items, weapons, drugs; Tardy/Truancy = tardy, skip class/truancy, dress code violation; Other/Unknown = other behavior, unknown behavior; K-6 = kindergarten through Grade 6; 6-9 = Grade 6 through Grade 9; NA = not available.

^aEntries in each cell represent the odds ratio drawn from the multinomial logit, holding constant the contribution of all other variables. Reference category is Not Referred for outcome and is White for Race/Ethnicity.

***p* < .01.

the odds of receiving a suspension/expulsion for committing a minor infraction are very low at both the K–6 and 6–9 levels, and appear to increase proportionally as the seriousness of infraction increases. Thus, the odds of receiving a suspension or expulsion for Use/Possession are very high at both the K–6 (OR = 16.60) and 6–9 (OR = 53.01) level.

Model 2 in Table 4 adds race/ethnicity to the model, and results in little change to the ORs or significance for type of infraction as compared to Model 1. Race/ethnicity enters the equation significantly for most administrative decisions. Both African American and Latino students are overrepresented in suspension/expulsion relative to White students at both K–6 and 6–9 levels. African American students are underrepresented in the use of detention at the K–6 level, and underrepresented in all administrative consequences except suspension/expulsion at the 6–9 level. In contrast, Hispanic/Latino students are underrepresented relative to White students in the use of moderate consequences, but overrepresented in detention at both the K–6 and 6–9 levels. The continuing significance of race/ethnicity in Model 2 even after controlling for type of behavior indicates that race/ethnicity makes a contribution to administrative decisions regarding discipline independent of type of infraction, above and beyond any prior disparity in classroom referral.

Table 5 presents the ORs for receiving various administrative consequences broken down by race and type of infraction drawn from a series of multinomial logit regression analyses at the K–6 and 6–9 levels, testing for the presence of differential administrative treatment for the same offense. The results describe a complex pattern of variation across type of infraction, race/ethnicity, and school level. At the elementary level, African American students were more likely than White students to receive out-of-school suspension/expulsion for all types of infractions tested (note that tardiness/truancy and use/possession could not be estimated in the model because zero cells). In particular, results indicated that African American elementary school students were more likely than White students to be

suspended out-of-school for minor misbehavior (OR = 3.75, $p < .01$). They were also less likely to receive in-school suspension for disruption or noncompliance, less likely to receive moderate consequences for noncompliance, and less likely to receive detention for minor misbehavior or moderate infractions. Latino students at the elementary level were more likely to be suspended/expelled than White students across all infractions except disruption, and also more likely to receive detention than White students for minor misbehavior, noncompliance, and moderate infractions. Finally, Latino students were more likely than White students to receive in-school suspension for minor misbehavior, and less likely to receive in-school suspension for noncompliance.

A slightly different pattern of infraction/consequences appears at the middle school level. The overrepresentation of African American students in suspension/expulsion for specific offenses is less consistent at the 6–9 level, with ORs significantly greater than 1.00 for only disruption, moderate infractions, and tardy/truancy. The pattern of African American underrepresentation in less serious consequences was more pronounced at the 6–9 level, however, with ORs significantly less than 1.00 for almost all less serious consequences across most types of infractions. Hispanic/Latino disproportionality in suspension/expulsion at the 6–9 level appeared to be more consistent with elementary level findings, with ORs significantly greater than one across all types of infractions except use/possession. Significant underrepresentation of Hispanic/Latino students was found in the use of moderate consequences for disruption and moderate infractions, and in in-school suspension for minor misbehavior and tardy/truancy.

Discussion

We conducted a disaggregated analysis of a detailed, nationally representative data set in order to provide a more comprehensive picture of disproportionality in discipline across racial/ethnic categories and school levels. The results indicate that, across an exten-

Table 4
Multinomial Logit Regression of the Influence of Behavior and Race on Administrative Decisions: Odds Ratios^a

Variable	Model 1					Model 2				
	Detention	Moderate Consequence	In-School Suspension	OSS and Expulsion	Other/Unknown	Detention	Moderate Consequence	In-School Suspension	OSS and Expulsion	Other/Unknown
K-6 Schools										
Infractions ^b										
Minor Misbehaviors	0.96	0.64	0.17**	0.02**	0.03**	0.88	0.66	0.17**	0.03**	0.03**
Disruption	0.76*	1.40	0.79	0.59**	0.01**	0.73*	1.41	0.78	0.63**	0.01**
Noncompliance	0.88	1.51	0.88	0.78	0.01**	0.84	1.53	0.88	0.85	0.01**
Moderate Infractions	1.04	1.42	1.28	1.55**	0.01**	0.96	1.44	1.28	1.73**	0.01*
Major Violations	1.19	2.53**	1.44*	1.14	0.01**	1.07	2.60**	1.44*	1.27	0.01**
Use/Possession	0.94	1.84	4.34**	16.60**	0.02**	0.82	1.91	4.35**	18.82**	0.02**
Other/Unknown	1.33*	2.25*	1.19	1.32	0.02**	1.20	2.30**	1.19	1.48**	0.02**
Race ^b										
Hispanic/Latino						1.24**	0.71**	1.01	1.52**	0.64**
African American						0.78**	1.03	0.99	1.64**	1.03
Other/Unknown						NA	NA	NA	NA	NA
N of cases										
Model χ^2										
Nagelkerke Pseudo R ²										
% Correctly predicted										

Table 4 Continued

Variable	Model 1					Model 2				
	Detention	Moderate Consequence	In-School Suspension	OSS and Expulsion	Other/Unknown	Detention	Moderate Consequence	In-School Suspension	OSS and Expulsion	Other/Unknown
6-9 Schools										
Infractions ^b										
Minor Misbehaviors	0.48**	0.27**	0.27**	0.27*	1.06	0.49**	0.27**	0.27**	0.28**	1.07
Disruption	0.30**	0.38**	0.58**	1.03	0.20**	0.33**	0.40**	0.59**	1.09	0.20**
Noncompliance	0.29**	0.41**	0.74**	1.40**	0.24**	0.31**	0.43**	0.75**	1.45**	0.24**
Moderate Infractions	0.30**	0.67**	1.20**	6.40**	0.33**	0.31**	0.66**	1.22**	6.70**	0.34**
Major Violations	0.38**	2.04**	1.04**	6.59**	0.50**	0.38**	1.93**	1.44**	6.89**	0.50**
Use/Possession	0.27**	1.97*	2.05**	53.01**	0.61*	0.25**	1.74*	1.98**	55.65**	0.58*
Other/Unknown	0.49**	1.20*	1.04	2.95**	0.49**	0.51**	1.19*	1.05	3.13**	0.50**
Race ^b										
Hispanic/Latino						1.06*	0.77**	0.99	1.58**	0.90**
African American						0.58**	0.53**	0.82**	1.12**	0.73**
Other/Unknown						NA	NA	NA	NA	NA
N of cases										
Model χ^2										
Nagelkerke Pseudo R^2										
% Correctly predicted										

Note. Detention = detention; Minor Consequences = time in office, loss of privileges, conference with student, parent contact, individualized instruction; Moderate Consequences = Saturday school, bus suspension, restitution; In-School Suspension = in-school suspension; OSS and Expulsion = out-of-school suspension, expulsion; Other/Unknown = other administrative decision, unknown administrative decision; K-6 = kindergarten through Grade 6; 6-9 = Grade 6 through Grade 9; NA = not available.

^aReference category is Minor Consequences for outcome.

^bReference category is Tardy/Tuancy for Infractions, White for Race/Ethnicity.

* $p < .05$.

** $p < .01$.

Table 5
Multinomial Logit Regression of the Influence of Race on Administrative Decisions in Individual Infraction:
Odds Ratios^a

Race ^b	K-6 Schools					6-9 Schools				
	Detention	Moderate Consequences	In-School Suspension	OSS and Expulsion	Other/Unknown	Detention	Moderate Consequences	In-School Suspension	OSS and Expulsion	Other/Unknown
Hispanic/Latino	1.22**	0.85	3.01**	2.06*	0.51**	Minor Misbehaviors	0.80	0.36**	1.83**	0.27*
African American	0.58**	1.24*	1.76**	3.75**	1.03	1.05	0.46**	0.52**	0.95	0.62*
Unknown/All Others	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
<i>N</i>			56,884					23,181		
Model χ^2			1,673					1,209		
Nagelkerke Pseudo R^2			0.033					0.054		
Hispanic/Latino	1.27	1.03	0.78	1.28	1.36	Disruption	0.63*	0.99	1.59**	1.12
African American	0.94	0.94	0.83*	1.54**	0.84	1.08	0.53**	0.93	1.35**	1.19**
Unknown/All Others	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
<i>N</i>			8,203					18,570		
Model χ^2			52					498		
Nagelkerke Pseudo R^2			0.007					0.028		
Hispanic/Latino	1.30**	0.72	0.72**	1.24*	1.06	Noncompliance	0.82	1.05	1.25**	0.94
African American	1.04	0.70**	0.81**	1.22**	0.92	1.09	0.44**	0.88**	0.99	0.90*
Unknown/All Others	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
<i>N</i>			21,374					34,642		
Model χ^2			141					887		
Nagelkerke Pseudo R^2			0.007					0.026		

Table 5 Continued

Race ^b	K-6 Schools				6-9 Schools					
	Detention	Moderate Consequences	In-School Suspension	OSS and Expulsion	Other/Unknown	Detention	Moderate Consequences	In-School Suspension	OSS and Expulsion	Other/Unknown
Hispanic/Latino	1.27**	0.48**	0.89	1.59**	1.08	Moderate Infractions 1.01	0.72*	1.03	1.74**	1.34**
African American	0.91*	1.32**	0.98	1.84**	1.14*	0.52**	0.59**	0.88**	1.13**	1.28**
Unknown/All Others	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
<i>N</i>			34,792					24,520		
Model χ^2			504					481		
Nagelkerke Pseudo R^2			0.015					0.020		
Hispanic/Latino	1.12	1.01	0.69	1.87**	1.03	Major Violations 1.47	1.11	0.94	1.93**	0.96
African American	0.85	0.73	0.90	2.02**	0.87	0.52**	0.45**	0.80	1.30	1.14
Unknown/All Others	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
<i>N</i>			2,978					2,120		
Model χ^2			47					84		
Nagelkerke Pseudo R^2			0.017					0.040		
Hispanic/Latino						Use/Possession ^c 1.42	0.39	1.00	2.32	0.67
African American						0.34	0.33	0.29**	0.55	0.38
Unknown/All Others						NA	NA	NA	NA	NA
<i>N</i>								1,015		
Model χ^2								40		
Nagelkerke Pseudo R^2								0.047		

Table 5 Continued

Race ^b	K-6 Schools				6-9 Schools			
	Moderate Consequences	In-School Suspension	OSS and Expulsion	Other/Unknown	Moderate Consequences	In-School Suspension	OSS and Expulsion	Other/Unknown
Hispanic/Latino	1.32	0.62*	2.12**	Other/Unknown 0.99	0.71	0.93	3.99**	1.70**
African American	1.10	1.38**	1.69**	0.61**	1.19	1.00	1.67**	0.81*
Unknown/All Others	NA	NA	NA	NA	NA	NA	NA	NA
<i>N</i>		4,506				6,328		
Model χ^2		186				403		
Nagelkerke Pseudo <i>R</i> ²		0.042				0.064		
Hispanic/Latino				Tardy/Truancy ^c 1.34**	1.06	1.86**	1.66**	2.28**
African American				0.63**	0.48**	0.62**	1.37**	0.38**
Unknown/All Others				NA	NA	NA	NA	NA
<i>N</i>						16,384		
Model χ^2						823		
Nagelkerke Pseudo <i>R</i> ²						0.051		

Note. Detention = detention; Moderate Consequences = Saturday school, bus suspension, restitution; In-School Suspension = in-school suspension; OSS and Expulsion = out-of-school suspension, expulsion; Other/Unknown = other administrative decision, unknown administrative decision; K-6 = kindergarten through Grade 6; 6-9 = Grade 6 through Grade 9; NA = not available. Each ODR/school level combination in this analysis represents a separate model. Thus, with separate *N* values for each model, it is important to note that the odds ratios across models are not directly comparable.

^aOutcome reference category is Minor Consequences.

^bRace/Ethnicity reference category is White.

^cModel could not be estimated because of zero counts in one or more cells.

**p* < .05.

***p* < .01.

sive national sample, significant disparities exist for African American and Latino students in school discipline. Patterns are complex and moderated by type of offense, race/ethnicity, and school level. Nevertheless, the overall pattern of results indicates that both initial referral to the office and administrative decisions made as a result of that referral significantly contribute to racial and ethnic disparities in school discipline.

Across a national sample, African American students have twice the odds compared to White students of receiving ODRs at the elementary level, and almost four times the odds of being referred to the office at the middle school level. A different pattern of disproportionality emerges for Hispanic students, with significant overrepresentation (OR = 1.71) at the middle school level, but significant underrepresentation (OR = 0.76) at the elementary school level. These results are consistent with previous research indicating ubiquitous overrepresentation in school discipline for African American students, but inconsistent evidence of disparities for Latino students (Gordon, Della Piana, & Keleher, 2000; Skiba & Rausch, 2006). It is possible that the striking shift found in the current study from Hispanic under- to overrepresentation in ODRs as one moves to the middle school level may help explain some of the inconsistency in previous findings.

For African American students at the elementary school level, and for both African American and Latino students at the middle school level, disparities in rates of referral were widespread across referral types. One explanation for racial and ethnic disproportionality in school discipline is that such disparities are primarily a result of socioeconomic disadvantage (National Association of Secondary School Principals, 2002); that is, African American students, overexposed to the stressors of poverty, are more likely to be undersocialized with respect to school norms and rules. Yet previous research has found no evidence that disciplinary disproportionality can be explained to any significant degree by poverty (Wallace et al., 2008; Wu et al., 1982). More important, there appears to be

little support for a hypothesis that African American students act out more in similar school or district situations (McFadden et al., 1992; McCarthy & Hoge, 1987; Wu et al., 1982). The current results at the middle school level, that the most likely types of ODR leading to disparate African American discipline are disruption and noncompliance, are consistent with a growing body of previous research in suggesting that the types of referrals in which disproportionality is evident are most likely to be in categories that are more interactive and subjectively interpreted, such as defiance (Gregory & Weinstein, 2008) and disrespect (Skiba et al., 2002).

One important premise of the present research is that effective disciplinary systems are more likely to have at their core a graduated model, in which more serious consequences are reserved for more serious infractions. Although zero tolerance disciplinary philosophy and practice has focused on “sending a message” to potentially disruptive students by applying relatively harsh punishments for both minor and more serious infractions (Skiba & Rausch, 2006), reviews of the evidence regarding school discipline have found little evidence supporting the effectiveness of such an approach (American Psychological Association, 2008). Rather, a *graduated discipline* model whereby the severity of consequences are scaled in proportion to the seriousness of the infraction, often in conjunction with a tiered model of discipline (Sugai, 2007), appears to hold far more promise as an effective and efficient method for organizing school disciplinary policy and practice.

Prior to disaggregation of the data (Model 1 in Table 4), the current data seem to show some evidence of such a pattern of graduated discipline. That is, the odds for all students in this sample of receiving a suspension or expulsion for minor misbehavior are extremely low at both the elementary and middle school levels, and gradually increase such that it becomes highly likely that use and possession of weapons or drugs will result in a suspension or expulsion. Although given the absence of information on the extent of implementation of SWPBS for this sample it is

impossible to know whether SWPBS implementation was related to that finding, these data do suggest that many of the school disciplinary systems in the current sample are in general organized in a way that could be expected to be efficient and effective.

In the logistic regressions regarding student infraction, consequence, and race/ethnicity (Table 4), both the various types of infractions and the racial/ethnic categories enter the equation significantly at both the elementary and middle school level. The failure of race to significantly affect the pattern of ORs for infractions means that the nature of the recorded infraction is an important contributor to the severity of consequences received, regardless of student race or ethnicity. At the same time, the significance of race in predicting suspension and expulsion even after the inclusion of infraction means that, regardless of the type of infraction, race/ethnicity makes a significant contribution to the type of consequence chosen for a given infraction.

The pattern of differential treatment is even more clearly articulated by the pattern of administrative decisions for various infractions (Table 5). At the elementary school level, African American students were more likely than White students to be suspended or expelled for any offense, and Latino students more likely to be suspended for all offenses except disruption. In particular, African American students have almost four times the odds, and Hispanic students twice the odds, of being suspended or expelled for a minor infraction at the elementary school level. Although the pattern of overrepresentation in out-of-school suspension/expulsion is somewhat less pronounced at the middle school level, there is still substantial evidence of differential treatment. African American students were significantly more likely than White students to be suspended or expelled for disruption, moderate infractions, and tardy/truancy, while Latino students were more likely to be suspended or expelled in Grade 6–9 schools for all infractions except use/possession. In addition, underrepresentation in the use of minor or moderate consequences appears to be more pronounced at the middle school level, espe-

cially for African American students. Although specific patterns differ by race/ethnicity and school level, these findings are again consistent with previous investigations (e.g., McFadden et al., 1992; Shaw & Braden, 1990) that have found evidence of differential processing (Gregory et al., 2010) at the administrative level.

In summary, these results suggest that both differential selection at the classroom level and differential processing at the administrative level make significant contributions to the disproportionate representation of African American and Latino students in school discipline. For African American students, disproportionality at both the elementary and middle school levels begins at referral, most particularly in the areas of tardiness/truancy, noncompliance, and general disruption; for Latino students, disparities in initial ODRs emerge at the middle school level. Yet regardless of previous disproportionality at referral, the type of infraction, or the school level, the findings from this study indicate that students of different races and ethnicities are treated differently at the administrative level, with students of color being more likely to receive more serious consequences for the same infraction. An investigation of extant data, this study was able to identify the existence of disproportionate outcomes at the classroom and administrative level, but without local observation, was unable to specify the classroom or school variables that create such imbalances. Further research, in particular ethnographic or observational studies that can isolate specific teacher–student or administrator–student interactions, are essential for increasing understanding of the variables contributing to racial and ethnic disparities in school discipline.

The focus of this article was not on intervention per se, but these results may hold important implications for monitoring the effects of interventions intended to address disciplinary disproportionality. Although the efficacy of SWPBS in reducing rates of ODRs has been well demonstrated (Barrett, Bradshaw, & Lewis-Palmer, 2008; Bradshaw, Koth, Thornton, & Leaf, 2009; Bradshaw,

Mitchel, & Leaf, 2009; Horner et al., 2009; Nelson, Martella, & Marchand-Martella, 2002; Safran & Oswald, 2003; Taylor-Green & Kartub, 2000), few investigations (Jones et al., 2006) have explored the issue of PBS and cultural variation, or sought to explore how the application of such school-wide systems will affect rates of disciplinary disproportionality. Kauffman, Conroy, Gardner, and Oswald (2008) have argued that there is no evidence that behavioral interventions operate differently based on ethnicity, gender, or religion, but also noted that differential effects based on race and ethnicity have been understudied in the behavioral literature, and that “many studies in leading behavioral journals. . . do not report sufficient detail about the cultural identities of participants” (p. 255). Until such time as a sufficient database has been accumulated on interventions for reducing disproportionate representation in school discipline outcomes, it seems logical that implementations of interventions designed to affect student behavior in school should disaggregate their results, in order to empirically explore the extent to which those interventions work equally well for all groups.

The current data demonstrate a marked discrepancy between the aggregated data, in which the severity of infraction and consequence are relatively well matched, and the disaggregated data, showing that African American and Latino students receive more severe punishment for the category “minor misbehavior.” Such a pattern of results is consistent with emerging research on culturally responsive pedagogy and classroom management (e.g., Harris-Murri, King, & Rostenberg, 2006; Serpell, Hayling, Stevenson, & Kern, 2009; Utley, Kozleski, Smith, & Draper, 2002) in suggesting that it cannot be assumed that interventions intended to improve behavior will be effective to the same degree for all groups. Existing racial and ethnic differences in the use of current disciplinary interventions strongly indicate that, for any intervention strategy aimed at reducing such disparities, disciplinary outcome data should be disaggregated, in order to explicitly evaluate whether SWPBS, or

indeed any general intervention, is equally effective for all racial/ethnic groups.

Limitations

The present investigation was not able to explicitly test the influence of SES on the tested relationships. Despite widespread beliefs to the contrary, there is no previous evidence that the overrepresentation of African American or Latino students in school disciplinary outcomes can be fully explained by individual or community economic disadvantage (Skiba et al., 2002; Wallace et al., 2008; Wu et al., 1982). Further investigation is needed, however, to parse the relative contribution of individual, classroom, and school characteristics to disciplinary disproportionality, including both SES and the complex effects of gender (see e.g., Wallace et al., 2008). In addition, although we were able to explore variations for different educational levels or racial/ethnic categories to arrive at a more complex rendering of disciplinary disproportionality, we were not able to analyze the data by geographic location or school locale. It seems highly likely that the variables contributing to racial and ethnic disparities will vary considerably by location and locale, especially for groups such as Hispanic students that have shown inconsistency in previous research. It may well be that the specific causes of racial disparities are regionally unique, requiring local analysis of causes and conditions (Skiba et al., 2008), in much the same way that functional behavior analysis is used at the individual level in order to develop individualized behavior plans tailored to the needs of each child in each situation.

Finally, using school as the unit of analysis restricted our ability to investigate the contribution of prior infractions, a variable that might well be expected to have a significant effect on administrative decisions regarding disciplinary consequences. It is important to note, however, that there is no previous research we are aware of that explores the association of students’ prior record of school infraction with racial and ethnic disproportionality in school discipline. There is an excep-

tionally long history in this nation of accepting a stereotype of African Americans, especially African American males, as being more prone to disordered behavior or criminality (see e.g., Muhammed, 2010), often with little or no supporting evidence. With no evidence that supports the notion that there are concurrently higher levels of disruption among African American students, we see no reason to presume that disparate rates of discipline between racial and ethnic groups can be explained by differential behavioral histories.

Summary and Recommendations

The fact of racial/ethnic disproportionality in school discipline has been widely and, we would argue, conclusively demonstrated. Across urban and suburban schools, quantitative and qualitative studies, national and local data, African American and to some extent Latino students have been found to be subject to a higher rate of disciplinary removal from school. These differences do not appear to be explainable solely by the economic status of those students, nor through a higher rate of disruption for students of color.

Opportunity to remain engaged in academic instruction is arguably the single most important predictor of academic success. In the absence of an evidence-based rationale that could explain widespread disparities in disciplinary treatment, it must be concluded that the ubiquitous differential removal from the opportunity to learn for African American and Latino students represents a violation of the civil rights protections that have developed in this country since *Brown v. Board of Education*. We propose here that the existing empirical evidence for disproportional school discipline by race, and the severe effect of exclusionary discipline on educational success, make disproportional application of exclusionary discipline an issue in need of immediate and substantive response. At the school level, (a) data on discipline by race should be reported regularly (monthly) to faculty, (b) policies focused on prevention and culturally responsive practice should be encouraged, and (c) investment in developing appropriate so-

cial behaviors should be made before resorting to exclusionary consequences. At the district and state level, (a) disaggregated data on discipline patterns should be available and disseminated, (b) policies addressing disciplinary inequity and promoting equity should be established, and (c) personnel development options should be made available to minimize the disproportionate application of discipline. At the federal level, (a) research funding is needed to move beyond mere description of disproportionality to clear documentation of causal mechanisms and functional interventions for reducing disparate outcomes; (b) resources are needed to document the technical assistance and implementation strategies that will allow state- and district-wide responses to disproportionate use of discipline; and (c) as is currently the case for disproportionality in special education, federal monitoring practices should regularly require disaggregated reporting of discipline patterns, and mandate the development and implementation of corrective action plans where disparities are found.

Racial and ethnic disparities that leave students of color behind remain ubiquitous in American education. The national report *Breaking Barriers* (Caldwell, Sewell, Parks, & Toldson, 2009; Toldson, 2008) found that while personal, family, and community factors all make a contribution to such disparities, so do school and teacher characteristics, such as student perceptions of being respected and supported by teachers, and perceptions of school safety. To the extent that the policies and practices of schools maintain or widen racial gaps, it is imperative that policy makers and educators search for school-based solutions that can contribute to reducing racial and ethnic disparities in important educational outcomes.

All children deserve access to effective educational settings that are predictable, positive, consistent, safe, and equitable. Access to educational achievement requires the support needed to be socially successful in school. This typically involves not simply ensuring that problem behavior is addressed equitably, but investing in building school cultures where appropriate behavior is clearly defined, ac-

tively taught, and consistently acknowledged. For race to become a socially neutral factor in education, all levels of our educational system must be willing to make a significant investment devoted explicitly to altering currently inequitable discipline patterns, to ensure that our instructional and disciplinary systems afford all children an equal opportunity for school learning.

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