

# The Perspectives of Principals on the Discipline Disproportionality of Black Students with Disabilities

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*Black students with disabilities in Maple Cove School District were three times more likely to lose instructional days due to exclusionary disciplinary action than their peers without disabilities. A qualitative inquiry approach, in the form of a case study was used to determine principals' perspectives about factors that may impact discipline disproportionality. Student disciplinary records were examined to verify disproportionality and investigate patterns and categories related to students with and without disabilities being issued Office Discipline Referrals (ODRs). Interviews were conducted with building level administrators (principals and assistant principals) and their responses recorded and open coded to determine themes and develop ideas about how to address the inequities in how students are disciplined.*

*Keywords: discipline, disproportionality, educational leadership, special education, disability.*

Black students with disabilities in Maple Cove School District lost three times as many instruction days due to exclusionary disciplinary practices than their non-disabled peers from 2017-2019. This data is consistent with trends found throughout the state of Arkansas. Since the mid 1970s, research has noted that Black students have seen higher rates of exclusionary practices such as out-of-school suspension and expulsion, than any other group of students (Losen & Gillespie, 2012; Skiba et al., 2009). Black students with disabilities are at an even greater risk of experiencing exclusionary practices than their White peers (Losen & Gillespie, 2012; Skiba et al., 2009). This cycle of removal has been identified as a leading factor to promoting the school to prison pipeline (Williams, 2016). When students with disabilities are removed from the classroom, they miss valuable academic and behavioral instruction. Loss of instruction not only creates wider achievement gaps, but it also causes students to lose out on learning behavioral strategies that could assist them in being more successful in the classroom and in life. With a few exceptions (possession of a gun, drugs, and violence), principals have the authority to determine consequences for student misbehaviors and there is an expectation that they use this authority to “create environments in schools where children are treated fairly in the ways they directly interface with the school” (Pijanowski and Brady, 2020, p. 11).

Historically, less than 5% of exclusionary practices are related to violence or student safety (Skiba, 2008). Most behaviors that result in exclusionary practices are attributed to noisemaking, tardiness or insubordination. Based upon the teacher’s perception of student behavior or the student’s violation of school behavior conduct policies, teachers assign an Office Discipline Referral (ODR). While principals take into consideration the information provided to them through ODRs, they have the sole responsibility of issuing In-School Suspension (ISS), Out of School Suspension (OSS) or making a recommendation for expulsion. This means that building level principals have a tremendous influence on impacting discipline disproportionality through their own decisions and as leaders of teachers.

### **Federal Policy Context**

In 2016, the recognition of growing disproportionality led to federal guidance from the Office of Civil Rights (OCR) through the *Dear Colleague Letter: Preventing Racial Discrimination in Special Education*, (OCR, 2016), for schools receiving federal funding. This guidance called for states to review their practices and set specifications.

The reauthorization of IDEA required states to monitor disproportionality in specific categories, including exclusionary discipline practices involving students with disabilities. Section 618(d)(2)(b) of IDEA (2004), mandates that 15% of a school’s Title VIB funds be allocated for Coordinated Early Intervention Services (CEIS) if there is reported to be significant racial or ethnic disproportionality (Green et al., 2018). Beginning July 1, 2018, states were not only required to comply with the new federal regulations, but also to make significant disproportionality determinations base on the new methodology during the 2018-2019 school year. States were called upon to calculate a risk ratio for each Local Education Agency (LEA) for each analysis category (identification, placement, and discipline). Each state/territory was required to set the criteria for determining when a district would flag for disproportionality. Arkansas set the criteria as having a risk ratio of three (3) for three consecutive years.

## State Policy Context

Arkansas legislators took steps to remedy the disparity in exclusionary practices in 2017. Arkansas Act 1059 substantially limits the use of OSS and expulsion for students in grades K-5. As noted in the law, a student in grades K-5 cannot be suspended or expelled unless, “the student poses a physical threat to themselves or others or causes a serious disruption that cannot be addressed by other means,” (State of Arkansas, Act 1059, 2017). Although the law attempts to put into place a protection mechanism from exclusionary practices, there are not similar protection mechanisms in place for secondary level students.

In 2015-2016, Arkansas reported losing 140,881 instruction days per 100 students due to exclusionary discipline and was one of 11 states that reported “higher gaps than the national average between the suspension rates of Black and White students, for both boys and girls,” (US Office of Civil Rights, pp. 150). Of those days, white students lost 16 days of instruction compared to 82 days lost by black students. Students with disabilities lost 42 days of instruction compared to 28 days by students without disabilities. During the 2018-2019 school year, Maple Cove School District reported a 93% attendance rate and a 68% graduation rate. While on the surface 93% may appear to be a healthy percentage, it equates to approximately 16 days, or three weeks, of lost instruction per student during the school year. It is important to note that in MCSD, policy dictates that students who acquire greater than ten days on unexcused absences, are denied credit towards graduation.

Aside from lost instruction time, exclusionary practices cost school districts financially. Schools receive monies based on student enrollment, and average daily membership (ADM). Every day that a student is not in school, is a day that the school does not receive funding for that student. In Arkansas, student attendance is a factor that is taken into consideration on the school’s state report card. This means exclusionary practices directly impact all students. The inverse relationships between student suspensions and attendance, ultimately results in loss for all students.

## Race as a Factor in Exclusion

While exclusionary practice can negatively impact all students, Black students are at a much higher risk. Although Black students are more likely to receive an Office Discipline Referral (ODR) there is no published research to indicate that Black students have increased behavioral problems (McIntosh et al., 2014). Research literature, however, well documents the “disproportionately high representation of minority students among students who are suspended or expelled (Vincent et al., 2012). Black students are three to four times more likely than their White peers to be suspended from school (Losen & Skiba, 2010; Pijanowski & Brady, 2020). While White students are more likely to be suspended for objective issues such as alcohol or drugs, Black students are more likely to be suspended for subjective issues. Black elementary students are more likely to be suspended for inappropriate language, defiance, non-compliance, and disruption; at the middle school – abusive language, bullying, lying and cheating, and

tardiness or truancy<sup>1</sup> (Heilbrun, 2016).

Urban schools with high poverty and high minority student populations are more likely to suspend and expel students. Students from low socioeconomic status (SES) families are more likely to have a higher number of behavior problems, lower levels of literacy and more likely to have a negative attitude about school. In fact, “Schools with a high number of low SES students and a high number of minority students are strong indicators for high suspension rates” (Cagle, 2017). However, even when poverty is taken into consideration, Black students are still more likely to be suspended than White students.

### **Students with Disabilities**

Since the beginning of formalized education, students with disabilities have experienced educational exclusionary practices that are often unethical and inhumane. Examples of these practices include institutionalizing students with disabilities to segregated education. The 1954 Supreme Court ruling of *Brown v. Board of Education* established that students could not be excluded or segregated based upon unalterable characteristics, including receiving special education services (Williams, 2016). Despite the slow move to inclusion throughout the 20<sup>th</sup> century, students with disabilities experience exclusionary practices disproportionate to their non-disabled peers (Yell, 2012). While multiple researchers have documented racial disparities in exclusionary practices, research on disparities in students with disabilities has received less attention.

The Civil Rights Data Collection Survey reports, students with disabilities are two times more likely to experience exclusionary discipline, even though they only represent 12% of the student population nationwide (U.S. Department of Education, 2014). Losen and Gillespie (2012) reported that while the national average for student suspension is approximately 7%, students with disabilities are more than double at 15%.

Students with disabilities have a higher risk of being suspended or expelled than their non-disabled peers and students identified as having emotional or behavioral disorders have an even higher rate of experiencing exclusionary practices. Suspension rates of secondary students identified under the IDEA category of emotional disturbance (ED) rose nearly 50% from 1985 to 2002 (Wagner et al., 2004). Students with academic skill deficits have a higher risk of problem behaviors and are more likely to experience exclusionary discipline (McIntosh et al., 2014). “Students with emotional and behavioral disorders, depression or mental illness,” (Vincent et al., 2012) are at highest risk of receiving exclusionary practices. Vincent notes that being suspended or expelled has less to do with the behavioral violation of the student and more about the school that the student attends.

Suspensions are generally a result of serious or multiple ODRs and, “Discipline disproportionality results from an interaction between the behavior of students and the behavior of adults within schools” (McIntosh et al., 2014). Students with disabilities, especially students diagnosed with emotional disturbance (ED) or other health impairment (OHI) are more likely to

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<sup>1</sup> “Offense types were obtained from the Safe Schools Information Resource User’s Guide, which is publicly available online at <https://p1pe.doe.virginia.gov/pti/>. The SSIR guide included 130 disciplinary categories, which we collapsed into four broader categories” (p. 29)

receive multiple suspensions. These students are generally in need of intensive behavior interventions. One issue with implementing exclusionary practices is that it does not allow for the student's disruptive behaviors to be addressed through providing alternative ways of behavior that could allow for preventing future inappropriate behaviors. Providing quality education to students who have learning deficits can assist in lowering behavioral risks of students (McIntosh et al., 2014).

### **The Intersection of Race and Disability**

Data indicates that Black students with disabilities have 2.8 times greater risk than their White peers of being suspended or expelled (Skiba, et al., 2013). Black students with Other Health Impairment (OHI) and Specific Learning Disability (SLD) have long experienced disproportionate suspension (Krezmien, et al, 2006). In examining predictors of exclusionary practices, the risk was for students who "had Emotional Disability (ED) or OHI due to attention deficit hyperactive disorder (ADHD), were Black, older, male, had low SES, or attended urban schools." Furthermore, a third of all students identified as ED were twice as likely to have been suspended multiple times (Sullivan et al., 2014). Relative age may also play a role in discipline patterns (Dougan, et al., 2021). In the last decade, evidence supports a connection between school suspension and the juvenile justice system. This connection, known as the school-to-prison pipeline is most prevalent for Black students with disabilities. Studies report that though only 19% of all special education students were Black, 50% of Black inmates in correctional facilities have disabilities (Losen et al., 2014).

### **Impact of Exclusionary Practices on Schools**

Research has long cited the ineffectiveness of exclusionary practices as a deterrent to undesired behavior (Costenbader & Markson, 1998), noting that exclusionary practices lead to lost instruction time, student disengagement from school, higher dropout rates and greater potential of students entering the juvenile justice system. When students are not in school, they are either at home or on the streets. These scenarios can lend themselves to higher criminal activity and potential violence (OCR, 2019).

Though schools often cite safety and protection of other students and staff for utilizing exclusionary practices, only 5% of exclusionary practices are related to violence or student safety issues. Historically, schools at times used suspension to get rid of "perceived troublemakers" (Skiba, 2008). This practice comes at a great cost not only for the offending student but for the overall school climate and culture. Removing students at any level fuels "a chain reaction of school disengagement, further suspensions, school failure and dropout and eventual incarceration" (Williams, 2016). Furthermore, excluding disruptive students does not improve the school climate in "schools with higher rates of suspension" (Skiba & Sprague, 2008). In a 1998 survey by Costenbader and Markson, results reported that middle school students who were suspended had greater feelings of distrust and "anger toward the suspending adult" (as cited in Vincent, 2012, p.587).

Exclusionary practices can also have negative effects of the overall perception of school culture by non-offending students. When students perceive that there are unjust practices

regarding the treatment of their peers, they are less likely to have a positive connection to the school (Gregory & Ripski, 2008; Shirley & Cornell, 2014). Even after accounting for student demographics, schools with higher suspension rates have lower achievement, and rank lower on perception of school safety.

### **Context**

MCSD does have an explicit policy related to student behavior and student consequences, however, there is no shared behavioral expectation or tiered system of interventions. Classroom teachers do not implement consistent behavioral expectations for students, resulting in inconsistent disciplinary practices in their classrooms. There is no system to provide structured supports for students who may need emotional or behavioral supports.

The lack of a tiered system of behavioral expectations coupled with teachers' lack of knowledge of students' BIP has created noted issues at MCSD. Principals report that teachers often write ODRs for students that are counter to the student's BIP. Although the special education department documents providing teachers with copies of BIPs, teachers insist that they rarely receive a copy and therefore are unsure what they should be doing to support students. A few teachers have expressed concern having students with disabilities in their classroom, noting that students were not only difficult to serve academically, but they often distract others from instruction due to their challenging behaviors.

Disproportionality occurs when a higher number of students with disabilities are removed from their learning environment. In Maple Cove School District, only administrators (principals or assistant principals) can remove a student from their learning environment by assigning In School Suspension (ISS), Out of School Suspension (OSS) or by making a recommendation for Expulsion. Although there are occasions when an administrator initiates disciplinary action, most of the time disciplinary actions originate with the classroom teacher. Office Disciplinary Referrals (ODRs) are a result of behaviors (actual or perceived) which occur in the classroom, hallway or other area and are deemed inappropriate or unacceptable. When a teacher assigns an ODR, there is potential for the student to then receive disciplinary action from an administrator, which may result in ISS, OSS, or Expulsion. This Arkansas school district setting was selected as a "problem of practice" based dissertation project where the lead author worked for several years as a district administrator who was charged with managing the discipline data and policy implementation. As a case study the findings are not intended to be representative of other schools and yet offers a glimpse into how one system has approached discipline disproportionality that may inform similarly situated school systems.

Maple Cove School District (MCSD) is in an urban city in southern Arkansas. In 2018-2019 MCSD consisted of four elementary schools, one middle school and one high school. The city has a population size of 42,984. Maple Cove School District serves students in grades K-12 with a student enrollment of approximately 3,189 based on the 3<sup>rd</sup> quarter Average Daily Membership (ADM) for the 2018-2019 school year. Of those students, 96.5% were Black, .9% Hispanic and 1.6% White. With a poverty level of 78%, all students enrolled in MCSD qualified for free and reduced lunch.

In September 2018, Maple Cove School District was placed in Level 5 support by the Arkansas Department of Elementary and Secondary Education (DESE) due to the district's

academic and fiscal distress designation. This designation occurs when a district experiences a substantial fiscal decline and “49.5 percent or less of its students test ‘proficient’ or ‘advanced’ on state mandated math and reading exams over the three previous years” (Arkansas Code § 6-15-424 and § 6-15-431). For the last three consecutive years, MCSD received ratings based on the Elementary Secondary Education Act (ESSA) that resulted in the school being classified as being in academic distress.

Although still under state fiscal control, MCSD ended the 2019 Fiscal year able to maintain salary and maintenance of operations. The ability to reduce debt was largely due to downsizing the district through closing Forest Elementary School (K-1), absorbing the K-1 students in the remaining elementary schools and an extensive Reduction in Force (RIF) process. Since Forest Elementary School closed, only the remaining elementary schools, middle school and high school will be included in the study. Current enrollment numbers for the 2019-2020 School year reflect: North Pine Elementary (503), Cypress Elementary (270), Willow Elementary (498), Oakwood Middle School (719), and Maple Cove High School (908).

Maple Cove School District consists of 241 teachers and 12 administrators. Of the employees who serve at Maple Cove School District, with the exception of 6% of White teachers and two White assistant superintendents, all employees are Black. In 2017-2018 there was noted 3,310 incidents of Out-of-School Suspension (OSS), 12 Expulsions (EXPs) and 3,322 Exclusionary Disciplinary Actions (EDAs) also known as In-School-Suspension. The 2018-2019 school year noted 3,119 incidents of OSS, 27 EXPs and 3,146 EDAs. Although there was noted decline between years, special education students accounted for 39% of all OSS disciplinary actions in 2017-2018 and 38% in 2018-2019.

### **Data Collection Methods**

Office Discipline Referrals were reviewed using SmartData Dashboard, a digital platform that collects information from eSchool, the state data-collection system. SmartData Dashboard allowed specific information to be pulled from eSchool and filtered as it related to disproportionality (e.g., multiple incidents of discipline per student). Data included grades served by individual teachers and administrators, ethnicity break downs of students and staff, average class size, percentage of students receiving free/reduced lunch, percentage of students eligible to receive special education services, average years of teaching experience and the current letter grade based upon the school’s overall performance. Teacher ethnicity and percentage of teachers serving on alternative, provisional license, and 1240 waivers was collected through Maple Cover Human Resource office.

### **Interviews**

Administrators were interviewed on a voluntary basis and each participant was asked to sign a consent form which complied to the University’s Review Board (IRB) and federal guidelines. No monetary compensation was given for participating in the study. All building level administrators in the district were invited to participate and nine out of 11 did participate fully in the study. Interview questions were designed to gain insight about principals’ perceptions of root causes

regarding discipline disproportionality; specifically factors which may contribute to Black students with disabilities having a higher risk ratio for exclusionary practices than their non-disabled peers. Interview transcripts were open coded, then a second round of axial coding was done to determine similarities in responses and interrelated themes.

## Findings

Administrators indicated that the five most common reasons for students being sent to the office: 1) fighting, 2) disrespect 3) refusing to work 4) talking back and 5) failing to follow directions. When asked, principals responded that the three major reasons they received referrals for what would be deemed severe were: 1) fighting, 2) inappropriate language and 3) bullying. Note that in both scenarios, administrators listed fighting as not only the top reason students are sent to the office, but also one of the three major reasons.

Elementary leaders responded that non-disabled students were more likely to have behavioral issues which resulted in an ODR than their disabled peers. In contrast, secondary administrators noted that students with disabilities were more likely to have behavioral problems which resulted in an ODR than their non-disabled peers. According to Smartdata Dashboard, the top five categories for student infractions in 2019-2020 for General Education (GE) students were: 1) insubordination, 2) disorderly conduct, 3) cutting class, 4) fighting and 5) other. The top five categories for student infractions for special education are: 1) insubordination, 2) cutting class, 3) fighting, 4) disorderly conduct and 5) tardy. While principals reported fighting at the top level, data does not support that fighting is one of the major reasons for students being referred to the Office.

## Teacher Effectiveness

Building level administrators noted that the primary reason they perceived students experienced Office Discipline Referrals (ODRs) was lack of teacher effectiveness. Specifically, they pointed to the importance of classroom management and the teacher providing engaging lessons. According to the U.S. Commission on Civil Rights, *Beyond Suspensions*:

A teacher's skill in classroom management and providing engaging instruction has been found to be a correlating factor when looking at rates of classroom disruption. Data suggest that as teacher-student engagement increases, misbehavior and suspensions tend to decrease. Studies reflect that teachers having less classroom management and instructional skills contributes to higher risks of students—as a whole—being suspended from school (US Civil Rights, 2019. p. 79-80).

Principals further shared that when considering which teachers needed more support than others, Novice teachers, or teachers who had changed content (possibly serving under an alternative licensure plan or ALP), were more likely to struggle.

When looking at an ODR potentially resulting in suspension, "Losen and colleagues found that the risk of suspension increased for students in all K–12 grade levels when they were taught by less-experienced and novice (i.e., new) teachers," (US Civil Rights, 2019. p.80). With 18% of all teachers within the district considered to be Novice teachers, (having less than three years teaching experience), the building level administrators' perceptions may be supported.



Refusal to work (insubordination) was cited by 66.67% of administrators interviewed as one of the reasons a student would be likely to receive an office referral. They also noted that the majority of the time, when they asked students why they refused to work, students would say it was because they didn't understand how to do the work. Lack of meeting the student's academic needs along with teachers leaving students unsupervised were two factors that principals credited to students having behavioral issues.

While the teacher's strength of pedagogy and content were factors principals believed impacted ODRs, the ability to construct an environment conducive to learning was not solely centered around academic skill. Principals noted that teachers who were able to connect with students on an emotional level, teachers who were perceived to be, "compassionate," "caring," "concerned," who "mentored" students, all the while communicating and holding students to set high expectations, were less likely to make an office referral. The authoritative discipline theory proposes that learning environments that demonstrate high levels of structure and support along with clearly established academic and behavioral expectations, tend to have lower suspension rates, (Konold et al., 2017). Diana Baumrind deems these types of teachers "warm demanders," (Baumrind, 1968).

Principals communicated that effective teachers were more likely to build positive relationships with students and parents, which in turn they believed allowed teachers to create classrooms environments that were more conducive to learning. Principals noted that effective teachers knew "how to de-escalate situations," and "finds root causes of behavior." Effective teachers were credited with "rarely make(ing) an office referral." Instead, of sending students to the office, effective teachers "try to handle discipline in their classrooms by themselves," and were more likely to encourage students to "redirect their own behavior." The belief that a positive teacher-student rapport assisted in securing a safe and engaging classroom resulting in students remaining in the classroom was shared by all principals.

In contrast, ineffective teachers were described as being "combative with students," and more likely to "yell" at the student. As stated by the MCHS principal, "Ineffective teachers respond by hollering and screaming... by belittling the person who is misbehaving...and making the student feel less adequate or trying to shame them into correcting themselves."

Ineffective teachers, according to principals, "spend more time with behavior than teaching," and "let behavior (issues) take over the classroom." One principal even stated that ineffective teachers usually, "make it (behavior issues in the classroom) worse," resulting in the student being removed from the classroom. Another principal commented that ineffective teachers, "send the child out for every little thing...not having a pencil, materials," while another principal shared that in regard to student behavior issues, ineffective teachers just "want administration to fix it." Four administrators noted that ineffective teachers were more likely to use their past experience or knowledge of a student against the student. They further stated that teachers treat students differently because they have a predetermined idea about the student, which they gain from looking at the student's previous records.

Some principals contend that suspension disproportionality of students with a disability versus those without a disability is because general education teachers, "don't know how to modify," or that "teachers don't understand how to implement the IEP." Still other administrators point out that general education teachers often, "don't want to deal" with the additional paperwork or the student and therefore, are "quick to write those students up." One

administrator commented that lack of a strong foundational reading program has resulted in students being overly identified. With a higher percentage of students in special education, "...we are more likely to flag in discipline." While each of those theories may have merit, data related to teacher attendance and qualifications may shed light on the issue of disproportionality. A random sample review of student files reflects that during 2019-2020, approximately 67% of ODRs for students with disabilities originated from the special education classroom. Most of those referrals written by the substitute teacher noted that the student was, "disrespectful," "noisy," "won't sit still," "disrupting the class," or that the student was, "tardy," or "skipped class" altogether. Although not written in policy, per schools' practice, substitute teachers are permitted to write student referrals. Due to the district's struggle to obtain substitutes, administrators generally handle ODRs from substitutes harsher than the regular teacher.

### **Avoidance Practices of the Principal**

When asked who had the greatest impact on student behavior, 78% of principals interviewed responded that the classroom teacher had the greatest impact. They stated that the classroom teacher spent more time with the student, therefore had greater opportunity to build rapport. Only two of the nine administrators stated that they believed that administrators had the greatest impact, and both contributed that administrator impact to being able to mold how the classroom teacher interacted with students. Administrators believed that most behavior which results in disciplinary action is most likely because of two reasons: the teacher failed to deescalate the situation in the classroom or students lacked needed social skills to be able to interact with their peers.

Principals were asked to describe a typical behavior scenario from beginning to end. In all scenarios, principals depicted a student being non-compliant and a teacher unable to de-escalate the situation. Once students reached the office, all principals communicated that they spent time with the student to determine the root cause of the behavior. Their depiction described interactions as compassionate, focused on problem-solving and with intent to maintain the dignity of the student. Only one of the nine administrators remarked that they would contact a parent while providing the behavior scenario. The majority of the administrators shared that unless the incident involved a weapon, physical altercation or drugs, they did not communicate with the parent. When asked at what point they would contact the parent, they stated that parents were generally not contacted until the student became a repeat offender, or if the child needed to be taken home. Not only did the majority of principals avoid contacting parents for minor disciplinary actions, but secondary principals also stated that they often allowed students who had been sent to the office to remain there until time to go to the next period without a referral to the counselor or any follow up with the classroom teacher. This practice is permissible per the district's student policy handbook.

Elementary principals reported that when they did contact parents, they were likely to take parental input into consideration when considering consequences for students. One elementary principal stated, "If the parent says they will handle it at home, I am more lenient at school." Another elementary principal stated, "Sometimes the parent handling it is enough and sometimes I need the student to know there are consequences in the building." Secondary

principals shared while they did occasionally seek parental assistance in addressing a behavior issue, most of the time, they had already decided what disciplinary steps would be taken next.

While the majority of disciplinary actions occur due to ODRs which originate from the classroom, building level administrators ultimately determine the outcome. With the exception of student possessing a gun, a building level administrator has discretion to suspend or not to suspend students. So, what factors do administrators consider when determining to use exclusionary practices? Half of administrators reported considering ensuring the safety of the school by suspending a student. Administrators noted they considered if the student's behavior was due to their disability and stated they reviewed the student's IEP before making any determination regarding removal from school.

Critical to note is that the number one factor principals considered when determining to utilize an exclusionary practice was if the student was a "repeat offender." Defined by principals as having two or more office referrals for the same or similar incident, repeat offenders, according to principals, tend to receive harsher consequences, despite the fact that parents may not have been contacted the first few times the student was seen in the office.

### **Lack of Multi-Tiered System of Support**

Not to be confused as an academic or behavioral curriculum, MTSS is a framework that provides teachers with a clear understanding of how to ensure students receive targeted interventions for their academic, behavioral, and social-emotional needs, and should assist in building "teacher's capacity to reach varied learners," (Hollingsworth, 2019, p 35). Comprised of three tiers: 1) Tier I – whole class, 2) Tier II – small group, and 3) Tier III – intensive individualized support, MTSS should guide teachers towards a systematic approach to teaching and supporting students.

Principals noted that given the district's novice and waived teacher rates, teachers needed additional training and support in working with challenging students. They also expressed that lack of teacher skill and available resources to implement student interventions, along with limited disciplinary options, often resulted in In-School Suspension (ISS) and Out of School Suspension (OSS) being heavily used.

Under the umbrella of the MTSS framework, Positive Behavioral Interventions and Supports, focus on teaching students appropriate school behavior. In *Beyond Suspension*, Skiba and colleagues are quoted as stating, "positive behavior supports, and social-emotional learning strategies show promise" (U.S. CCR, 2019, p.93), and that schools who implement PBIS not only see positive results related to reading and safety ratings but that they also "decreased their number of discipline referrals and reduced student aggression" (U.S. CCR, 2019, p.93).

Per the District's Comprehensive Coordinating Early Intervening Services (CCEIS) application, Maple Cove School District conducted a root cause analysis and as a result focused their CCEIS plan of action around the design and implementation of MTSS to include training all staff (teachers, paraeducators, bus drivers and office staff).

## Policy Issues Contributing to Disproportionality

Seven out of nine administrators cited the district's student handbook policies as being a barrier when it came to implementing discipline. Principals reported that the student handbook, "tied their hands," and was often "too vague," or "too harsh." *Beyond Suspension* reports that, Schools that have experienced higher rates of misbehavior are more likely to adopt stricter discipline codes. Since African American students tend to be over-represented at schools that have adopted such codes, this can have an effect on rates of discipline (US CRR, 2019, p.179).

*Beyond Suspension* further reports that despite the differences in student codes of conduct in those schools, since student discipline is equitably administered, the discipline codes are not discriminatory. School officials at those schools and school districts, who tend to be disproportionately minority themselves, appear to have chosen it for the school or school district based on their judgment of what was useful for maintaining classrooms where students can learn. (US CRR, 2019, p.179).

In examining the Maple Cove Student Policy Handbook, a list of prohibited conduct appears in three separate locations. Though many prohibited behaviors are based upon state laws, the few factors that could be considered low level such as disrespect (insubordination) and truancy (skipping class) are the three highest reasons for ODRs. In an effort to minimize the use of exclusionary practices many schools have looked at minimizing or removing policies related to "catchall behaviors," such as disrespect and failing to comply (Dominus, 2016). All administrators interviewed stated that they believed suspension had an adverse effect on students, citing that not only did suspension cause students to miss out on learning, but that it caused students to have negative feelings about school. One administrator noted that suspension actually teaches students avoidance.

I think it does, especially in the cases where it's a kid that is always being suspended...we are teaching our kids how to handle certain situations such as, they don't have to. You don't have to see him (the teacher) again. Yes, I think it's detrimental to the student.

Since students with disabilities are at a much higher risk to be suspended than their non-disabled peers, multiple suspensions place students with special needs in even graver danger. Not only do these students not receive the academic services they so greatly need to meet their learning goals, but they also often fail to receive support services such as speech and physical therapy. We must ask ourselves, "Is removing students with the greatest needs from the learning environment, the most effective way to change their behavior?"

Despite administrators recognizing that suspending students can do more harm than good, they continue to use exclusionary practices. During the 2019-2020 school year, 70% of all ODRs resulted in either ISS or OSS and were assigned by an administrator. So why do administrators choose to suspend? According to one principal, administrators need "options for removing kids, not just ISS or OSS." He further added, "We need something that will fit our school culture. We have to have more interventions."

## Discussion

Like many school districts across the nation, Maple Cove School District experiences higher rates of exclusionary practices (suspension) for Black students with disabilities. With a student

demographic of 96% African American, high rates of suspension are not surprising since "...a school's percentage of black student enrollment is consistently a strong predictor of school suspensions," and that schools with "a higher percentage of black students compared to white students...is more likely to have more suspensions," (USCCR, 2019, p. 78). Building level administrators noted that while they did not believe that MCSD's disproportionality was related to student race, it was possible that other factors contribute to the disparity between students with and without disabilities.

### **Teacher Effectiveness**

Over the last 15 years, Maple Cove School District (MCSD) has experienced high teacher turnover and an increase in teachers serving without a traditional license such as waivers, emergency teaching permits (ETPs) or serving out of area under an additional licensure plan (ALP). While this may be in part to the national teaching shortage, it could also be due to MCSD's salary schedule being at the state minimum, the city's population decline of 10,592 from 2010 to 2018 or the city having a 26.8% poverty rate compared to the 16.2% state average. Whatever the reason, 18% of MCSD's teaching staff falls under the category of novice teacher and 23% are without a standard teaching license.

Throughout the course of the interviews, building level administrators reiterated that one major reason students were likely to receive an ODR is due to characteristics of the classroom environment such as lack of established classroom procedures, lack of appropriate planning, and lack of student engagement. Principals noted that while novice teachers required greater administrative support with developing classroom management skills and utilizing effective instructional strategies, significantly older teachers also needed additional support in engaging students. Limited research exists on teacher effectiveness and age; however, it is possible that older teachers' technology skills hinder their ability to connect with students. It is also possible that they were not provided needed support when they first entered the field, and their current struggles are a result of lack of professional development.

### **Resource Room Factors**

If the effectiveness of a teacher can impact student discipline, then data may support why students with disabilities at MCSD are more likely to be suspended than their non-disabled peers. Though most special education teachers have greater than three years' teaching experience, the percentage of ALP teachers, coupled with the percentage of long-term substitutes is alarming. Even more concerning is the high rate of absenteeism for special education teachers. On average, MCSD special education teachers miss between two and four weeks of school, which means students in special education are exposed to substitute teachers who are not trained to meet their diverse learning and behavioral needs. Noted as the second highest reason for students with disabilities to receive ODRs, cutting class may be tied to student avoidance of interacting with substitutes. The lack of training to understand student needs and the practice of allowing substitutes to issue ODRs could explain why 67% of office referrals for students with disabilities originate in the special education classroom.

## **Multi-tiered Support System**

Principals communicated that ODRs were often a result of lack of student engagement. They noted that when students did not understand the work presented, they were more likely to misbehave or skip class. Principals also note that current disciplinary options did not take into consideration the need of the student, and that there was a need for structured interventions.

With high teacher turnover rates, an 18% novice teacher population and 23% of teachers serving without a standard license, a district wide Multi-Tiered Support System (MTSS) could assist in not only proactively targeting the academic and behavioral needs of students, but also serve to provide teachers with clear and concise direction. Principals consistently agreed that a program to address academic and behavioral issues would be beneficial. They further communicated that they believed some form of character education and/or social skills training was also needed.

## **Policy and Practice of the Principal**

Though all principals interviewed agreed that suspension can have an adverse effect on students, they continue to suspend students for minor behavioral infractions. This may be due to their perception that there are few choices available for them within the current policy. Some indicated that suspension occurred in order to demonstrate support of the teacher.

When asked if there were any benefits or barriers to policies, principals noted that the policies found in the student handbook were often too harsh or that the handbook offered few options other than In-School-Suspension (ISS) and Out-of-School Suspension (OSS). Again, principals requested specific levels of interventions that they could choose from when working with students. Aside from the principals' request to more deeply examine policy, two factors related to principal practice were noted during interviews – engaging parents and avoidance.

## **Parental Involvement**

Perhaps some of the greatest insight is gained not from what others say but rather from what they fail to speak of. As part of the interview, principals were asked to provide a typical discipline scenario, that would ultimately result in an office referral. All administrators described a classroom interaction where a student failed to comply, and a teacher failed to deescalate the situation. Throughout their scenarios, principals commented on what factors they took into consideration before deciding to suspend a student. These factors included: the student's homelife, if the student's behavior was due to their disability, which teacher made the referral, and if the incident jeopardized the safety of other students. The greatest factor, however, in determining whether to suspend a student was if the student was a repeat offender (having multiple ODRs for the same or similar behavior).

Although all principals provided detailed examples of how they counselled with students, and intentionally attempted to determine the root cause of the behavior once the student was in their office, only one administrator mentioned involving the parent before the student became a repeat offender. Not only did administrators not involve parents, they also did not mention making referrals to school counselors, the School Intervention Team (SIT) or attempting to

mediate the issue with the student and teachers prior to the student returning to the classroom. Principals even indicated that when they did contact parents, it was unlikely that parental input would change the discipline decision which seems to indicate a critical disconnect between what we know about the importance of strong family-school partnerships (Lasater, et al., 2021) and the practice of school administrators.

### **Conclusion**

Many principals mentioned the need for not only policy but district wide program changes. Noting that if teachers were provided additional professional development to become more effective, students would be less likely to misbehave, however it is more often the case that principals don't play an active role in guiding the content of professional development programming (Koonce, et al., 2019). Others contend that by implementing a behavioral system which would explicitly teach desired student behaviors, with a focus of maintaining a positive atmosphere, discipline referrals would decrease, and the overall school culture would improve. If these are the changes principals request to impact their suspension rates, is it possible that suspension rates are not a product of student behavior, but rather a reflection of teacher effectiveness, administrator practices, and school policy?

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