

## The Black and White of It: The Harmful Effects of Unequally Applied Discipline

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The disproportionate discipline of African-American boys, vis-à-vis, other ethnicities, has contributed to years of disparities in academic achievement. Thus, student discipline and behavior expectations are an overarching theme in middle school. The Every Student Succeeds Act helps school districts reduce the overuse of exclusionary discipline practices, a key factor in the school-to-prison-pipeline. While educators have studied the racial achievement gap for years, the concern related to its elimination is unresolved. In this review, I suggest that school discipline plays a critical role in this national disparity. Several things contribute to the punishment gap (Morris & Perry, 2016). However, questions remain concerning Black and Hispanic boys' being sent out of class based on discipline referrals compared to their White peers. For the purposes of this paper, I identify student demographics as African-American or Black, and Hispanic or Latino, interchangeably.

This topic is important to study for several reasons. Office referrals based on behavior can hinder academic growth, negatively impact student motivation and confidence, and contribute to the perception that students of color are aggressive. This paper discusses the racial achievement gap, beliefs and perceptions associated with student discipline, school staff behaviors, behavioral supports, and professional development that respond to culturally competent environments. Disruptive student behavior is associated with factors such as teacher/student relationships, poor classroom management, and teachers' perceptions and beliefs. Additional influences on students' behavior and teachers' responses are lack of parental and behavior supports, zero-tolerance policies, and issues of mental illness. If attempts to reduce office referrals are successful, and school staff understand their roles in managing behavioral concerns, perhaps student achievement will improve, and punishment disparities will be eliminated.

I hypothesize that racial disparities in office referrals contribute to the achievement gap,

negative school connections for African-American and Hispanic boys, and increase the amount of out-of-school suspensions (Skiba, Peterson & Williams, 1997). Furthermore, negative perceptions in the media, lack of staff training, and adolescent development should be considered in the racial disparities in discipline. One study reveals that school suspensions account for approximately one-fifth of Black-White differences in school performance, indicating that discipline may be a key driver of the racial achievement gap. This particular study suggests that increased discipline referrals in the school can result in severe academic consequences for minority students. (Morris & Perry, 2016)

### Historical Evolution

Before answering the question of racial disparities in school discipline, it is important to understand historical development of the African-American and Hispanic boys in the American educational system. Knowing this information is instrumental in understanding perceptions and experiences of adolescent students who have endured discrimination and poor teaching. The perception of young African-American and Hispanic men who do not believe that their school was a nurturing, caring, and happy place have frequently been cited in the news, in research and in casual conversations in the community. Their fight for equality and fairness has been a struggle for decades even after *Brown v. Board of Education* in 1954. In Virginia, for example, Senator Harry F. Byrd, Sr. and Delegate James M. Thompson organized a Massive Resistance movement that included closing schools rather than desegregating them. The men united White politicians and leaders in a campaign to enact new policies and laws to prevent public schools from accepting students of color. Many school districts were shut down from 1958 to 1959 in an attempt to obstruct integration. (Bonastia, 2009). That was less than 60 years ago, meaning that it was within the experience of the grandparents of many of today's students.

### **History of School Discipline-Gun Free Zones, Zero Tolerance, a Gathering Storm**

In the 1980's, an increase in juvenile crime rates fueled American fear. The term "Super Predator" was coined by political scientist John Dilulio as he referred to the spike in youth homicides. (In today's heated political climate Super Predator has taken on an especially pejorative meaning.) Dilulio predicted that violent crimes committed by youth would continue to increase when the murder rate peaked in 1990's (Drum, 2016). However, by then the media had already scared the nation by highlighting African-American youths' violent crimes and inappropriate behavior (Drum, 2016). By 1999, the public believed that juvenile crime was still out of control, and they demanded stricter penalties for all types of crimes ranging from extreme violence to trespassing. Changes in the crimes of minors and education laws led to zero-tolerance policies and increased law enforcement responses to typical teenage behaviors at school and in the community (Morris & Perry, 2016). Beginning in the 21st century, the juvenile arrest rate for Black youth continued to be disproportionately higher than their White peers, following the same patterns as school-based arrests (Morris & Perry). In 2000, a school district in Florida reported that Black students represented 30% of the enrollment, but 65% of the arrests. That same year, South Carolina's Black students represented approximately 42% of student enrollment, but 75% of the disorderly conduct arrests were African-American. Disorderly charges are subjective and are open to misinterpretation or discrimination (Morris & Perry).

The Gun-Free School Zone Act of 1990 was a federal law that prohibited any unauthorized individual from knowingly possessing a firearm in a school zone. This law led to an inappropriate number of searches of minority students based on their physical appearances (Franklin, 2005). After much controversy and challenges, the act was amended in 1995 because government representatives started violating student's civil rights by conducting illegal searches. However, the damage was done, and many African-American male students were targeted because the law

facilitated racial profiling. African-American male students felt disconnected from school, and this led to an increased public school drop-out, high prison rates, low rate of attendance among African-American boys, and high placement in special education (Franklin, 2005).

The metaphors used to describe this phenomenon have changed, but the message is the same. "Derailed: The Schoolhouse to Jailhouse Track" (Browne, 2003) used a train metaphor, while 13 later, the School-to-Prison-Pipeline became the metaphor used to describe patterns of students entering the juvenile justice system. The Department of Justice and the Department of Education have collaborated in an effort to support good discipline practices and increase productive learning environments. Both studies focused on the same concern surrounding a disproportionate number of students of color being placed on the school to jail track. This study was created after a highly publicized report that young African-American boys were severely punished for non-offensive incidents, e.g., failure to be prepared for class.

The Palm Beach School District came under heavy criticism for failing to provide an adequate education for children of color. Parents and community advocates felt that the educational system failed students of color. A series of reports entitled "A Gathering Storm: How Palm Beach County Schools Fail Poor and Minority Students," by the National Coalition of Advocates for Students and Community Alliance for Reform in Education (CARE) documented the chronic problems that plagued the school district. The report found evidence that students of color were most likely to be tracked away from quality academic programs, more likely to be enrolled in low-performing schools, and more likely to be suspended and liable to drop out of school (Morris & Brown, 2016). A Gathering Storm II documented the rising numbers in school suspensions and racial disparities in school discipline (Browne, 2003). The study showed that an African-American student was more likely to get suspended than their White peers no matter what grade level they were in (Browne, 2003). An example of this racial inequality is

stressed when African-American boys make up 30% of middle school enrollment in Palm Beach County Public Schools, but account for 58% of the out-of-school suspensions for disobediences and insubordination. And, African-American boys make-up a large number of the out of school suspensions for disruptive behavior (Morris & Brown, 2016).

Every school district studied in the United States had significant racial disparities in suspensions (Keleher, 2000). According to the Applied Research Center a non-profit group that focuses on race and civil rights, African-American and Latino students are more likely to be suspended from school than their White counterparts. In cities such as Los Angeles and Austin, students of color were suspended at least twice their proportion of the school population. In areas such as Durham and Salem, Latinos were expelled or suspended in numbers two to four times their proportion of the population (Keleher, 2000). Zero-Tolerance policies were being implemented in unfair ways. One report stated that an African-American boy in Rhode Island was helping a teacher to extract a disk from a computer. When he pulled out his Swiss army knife, he was automatically suspended under the no tolerance/weapon in school policy. On the other hand, a White boy from Vermont was able to bring a loaded shotgun to school because it was hunting season.

Zero Tolerance policies were designed to be racially neutral (Keleher, 2000), but the research from various studies shows that the system can be applied subjectively. Because incidents are not exactly alike, it is challenging to prove that students were treated differently because of their race. The evidence in various reports shows racial disparities in discipline. When Zero-Tolerance policies began, recommendations were made from different groups to Congress and the US Department of Education to issue a mandate, to school districts demanding that they to report all suspensions and expulsions. In the 1990's, state reports were called "atrocious" (Keleher) because they lacked significant reporting information such as demographics, nature of the offense, duration of the punishment, and police notification. It was thought that the data could be

used to make improvements and reform the current practices. Another recommendation to the federal government was to provide funding incentives to the school district so that they could form supports geared toward reducing the number of suspensions and eliminating racial disparities (Keleher). Zero-tolerance policies were implemented to protect school communities from serious safety hazards and threats. The recommendations for suspension and expulsion should be reserved for extreme situations (Keleher). Especially, since too many students of color are missing instruction due to behavioral infractions.

### **Subjective Office Referrals**

When the teacher can no longer manage the negative behaviors in the classroom, they record the information so the administrator can follow-up with the student and issue a consequence. Many times African-American boys had more referrals for aggression in grades K-6 and disrespectful behavior in middle school (Kaufman, Jaser, Vaughan, Reynolds, Di Donato, Bernard & Hernandez-Brereton, 2010). These students were being sent to the office for offenses such as disrespect, defiance, disorderly conduct, or disruption. These offenses are subjective and left to the teacher's interpretation. Subjective offenses are defined as those suspensions where an adult uses their judgment to determine if a student's behavior warrants an office referral (Greflund, McIntosh, Mercer, & May, 2014). Objective offenses are tangible in nature: theft, possession of a weapon, assault. Prior research on this topic shows that African-American students are sent to the office for subjective offenses and punished more severely than their white peers (Noltemeyer & Mcloughlin, 2010a; 2010b). Data collected from an on-line Discipline Referral system presents metrics that include self-identified ethnicity and comparison of reported infractions. Based on a middle school, for example, 21 White students were reported for disruptive classroom behavior; 78 Black students were reported for disruptive classroom behavior. To put these numbers in perspective, 34% of this school's students are White and 15% of the students are Black.

## **Discipline in Virginia**

Several school policies and practices set African American and Hispanic males on a trajectory of dropping out before high school graduation. “In comparison with their female and other racial group counterparts, African American males experience higher rates of grade-level retention, school suspension, and alternative school placement” (Townsend-Walker, 2012). Also, African-American boys are subjected to more severe disciplinary consequences than their White peers. According to one study, African-American boys are suspended 2.6 times more frequently than White boys or other ethnic groups (Wald & Losen, 2003). Although the outcomes in racial/ethnic disparity are not specific to Virginia, to illustrate the impact at the state level, its broad, national implications must be stressed up front.

Since the 1991 academic year, public schools in Virginia were required by the state to record all student infractions that resulted in in and out of school suspensions. The incident-based reporting system was consistent with federal standards. The reporting process lists a set of nearly 139 offense codes and data elements that are similar to those recommended throughout the United States (VDOE, 2015). “Incidents” range from criminal acts that result in law enforcement action to minor acts of misbehavior. This report focuses on numbers of incidents based on types of offense and the disciplinary outcomes. In the academic year 2013-2014, a total of 145,636 incidents were reported (VDOE, 2015). The incidents that are classified as subjective incidents; defiance, classroom/campus disruption, disruptive demonstrations, obscene language/gestures, minor physical altercations, and disrespect combined accounted for 61.54 % of all incidents in 2013-2014. By contrast, the objective infractions such as drugs, and weapons offenses combined accounted for less than 5 % of all incidents in 2013-2014 (VDOE, 2015). The most frequently reported incidents were defiance, 14.29 %, classroom/campus disruption 12 %, disruptive demonstrations 9.9 % minor physical altercation, 8.71 %, using obscene, inappropriate language/gestures 8.54 %, and disrespect/walking away 8.1 % (VDOE, 2015).

According to VDOE’s Discipline, Crime, and Violence Annual Report (VDOE, 2015), school boards are required to develop student conduct policies, typically referred to as “codes of conduct.” Local districts have the flexibility to define some offenses based on their priorities or strategic plans. These differences can affect how certain behavior is classified (offense codes used), and the disciplinary outcome imposed (disciplinary issues reported). Administrative discretion also contributes to differences in the classification of a behavior and the resulting disciplinary action.

Many scenarios impact disciplinary consequences. Differences in student conduct policy and administrative discretion can affect reporting. For example, the VDOE report of “incidents involving one student shoving another student. In the first incident, a sixth grader shoves another sixth grader while they are walking in to the cafeteria. In the second incident, a tenth grader shoves another tenth grader in the hallway during a change of classes. Although the behaviors are identical, the local student conduct policies and administrative discretion could result in different disciplinary outcomes. The incident involving the sixth grader could be viewed as an altercation, and unless it led to a suspension or expulsion, would not be required to be reported to the VDOE. The incident involving the tenth grader could be deemed a fight or even assault, depending on the circumstances. The altercation incident would be reported if it resulted in a suspension; the assault offense would be required to be reported to the VDOE regardless of disciplinary sanction. In both examples, local student conduct policies and administrative discretion would affect reporting.” (VDOE, 2015)

There are significant racial disparities between African-American students and White students in both short-term and long-term suspensions in Virginia (Cornell, 2013). Not surprisingly, these data for Virginia is similar to the national data: African-American boys are suspended at approximately twice the rate as white males at all levels. Several studies have found that high rates of minority suspension, including African-American and Latino, are linked with

minor and subjective infractions. Once again, conduct such as loud talking and disruptive behavior are getting students sent out of class (Skiba, Michael, Nardo & Peterson, 2002). Researchers hypothesize that African-American students are victims of inequities and that they do not misbehave more than their White peers (Cornell, 2013).

Research suggests that African-American students as young as age five are suspended from schools for minor infractions like talking back to teachers or writing on their desks. The characteristic use of “zero-tolerance” policies gets all the blame, but some believe that the problem is much deeper and complex than students behaving inappropriately in the class (Rudd, 2013). Contrary to the assumption that African American boys are just getting “what they deserve” when they are disciplined, research shows that these boys do not “act out” in the classroom any more than their White peers. (Rudd, 2013). Additional contributory factors are the teacher’s social class, cultural competencies, and experiences.

### **Preventing Discipline Issues**

Inequities in school discipline are most evident in the discipline administered to African-American boys (Ferguson, 2000). Numerous studies have linked school experiences and adverse outcomes, such as suspension (Noguera, 2003). The overrepresentation of African-American males in the U.S. justice system combined with racial disparities in school discipline (Keleher, 2000) provide reasons for alarm. Less is known as to how societal forces may inform teachers’ perceptions of the African-American students’ behavior (Monroe, 2005). However, we cannot ignore images of African-American men and boys in the news (Monroe, 2005), social and print media, and reality television shows. There are high possibilities that the negative images influence teachers’ perception and office referrals (Monroe, 2005).

Eliminating the punishment gap requires reforming individual and institutional practices. One former middle school teacher made the following recommendations:

- “1) Provide opportunities for teachers to interrogate their beliefs about African American students;
- 2) Incorporate and value culturally responsive disciplinary strategies;
- 3) Broaden the discourse around school disciplinary decisions; and
- 4) Maintain learners’ interest through engaging instruction” (Monroe, 2005).

Student behavior is connected to the quality of teaching and expectations. Ladsen-Billings, (1994) studied the effectiveness of teachers who instruct in high minority settings. She found that teachers could make better connections when they link the home environment with school. Engagement increases and students feel valued. When the academic environment feels safe, learning become relevant, meaningful and affirming (Ladsen-Billing, 1994). When students believe that their lives and experiences are important, they are less likely to misbehave according to current behavioral standards.

Recent studies imply that the punishment gap can be closed if school systems address teachers’ perceptions and professional development (Monroe, 2005). Teachers need to learn culturally competent approaches to all student groups. These new approaches may initially seem to conflict with their beliefs and values. However, it’s important to acknowledge the existence of biases and address behavior and attitudes that impact academic achievement. We can better educate African-American boys and keep them out of the office, by implementing a systematic approach to delivering practical instruction, participate in the continuous professional development, and facilitate annual interactive workshops.

Disciplinary related concerns can be reduced, and punishment inequities can be eliminated if recommendations are put into action:

- “1) Provide a respectful learning environment with challenging and culturally appropriate curricula;
- 2) Providing professional development to teachers and administrators to expand their repertoire of practices to accommodate different styles and paces of learning;

- 3) Provide adequate classroom resources and facilities, with reduced class sizes; and
- 4) Provide the full expectation and opportunity for all students to excel and succeed (Keleher, 2000).”

Based on observation and feedback from stakeholders – students, teachers, parents – mutual respect, high expectations and a sense of belonging contribute to a positive classroom. I find that engaging learning environments, structured and consistent rules, and rigorous instruction are the teaching practices that reduce the need to apply discipline.

Discipline problems and classroom management can challenge the novice teachers. Those teachers that adapt the quickest to the classroom experiences are those who can build authentic relationships and trust, are organized, and have structured learning environments. School problems for new teachers occur when they set unrealistic expectations and are insecure with the content. Studies have found that African-American students are much more likely than their White peers to receive new teachers (Clotfelter, Ladd & Vigdor, 2005).

Professional development can reduce the punishment gap between African-American and White students. A new study shows that positive outcomes can occur when teaching practices change (Skiba, Homer, Chung, Rausch, May & Tobin, 2011). Researchers from the University of Virginia, Rutgers University, and the University of British Columbia looked at 86 middle and high school teachers from five Virginia schools. (Will, 2016). This two-year teacher-coaching program did not focus on equity and biases, but focused on skills needed to effectively interacting with students. Findings from this study showed that when students are engaged with high-quality instruction and given high expectations, academic achievement will improve. The findings in this study are parallel to those reported by Tschannen-Moran (2014). “When students and teachers trust each other and work together cooperatively, learning follows from the climate of safety and warmth prevails” (Tschannen-Moran, 2014, p. x).

Based on my and my colleagues’ review of Student Discipline Data, office referrals have increased, especially towards the end of the year. Lack of classroom management and poor relationships with the African-American and Hispanic students often land students in the office. African-American students were twice as likely to be referred at the elementary level and four times as likely in middle school (Skiba et al., 2011). Skiba and his colleagues reported that African-American students received office referrals for offenses, such as defiance and disrespect more often than their White peers. The term defiance and disrespect are subjective and left for the teacher to interpret. However, researchers have found that even when the behavioral infractions were similar, the African-American boy receives a more severe consequence. (Skiba, Michael, Nardo & Peterson, 2002).

School suspensions prohibit students from entering school grounds or participating in any school related activity for a set number of days. In 2000, African-American students comprised 17% of the student population in the United States, but accounted for 34% of out of school suspensions (Kinsler, 2011). The proportion of African-American students receiving at least one day of school suspension increased by 120% from 1972-2000 and for white students only rose to 64% (Kinsler)

### **Teacher-Student Relationships**

African-American teachers rate the behavior of African-American students more favorably than White teachers rate them. Lowered expectations in the classroom may result in differential treatment for students of color, including less praise and more disciplinary action from teachers (Losen, 2010). Several researchers have noted that when given an opportunity to choose disciplinary options for a minor offense, such as disrespectful behavior, teachers and school administrators often opt for a more severe punishment for African-American students than for White students for the same offense. For example, in the 2008-2009 academic year, “Black students in North Carolina public schools were suspended at rates significantly higher than White students: eight times higher for cell phone use, six times higher for dress code violation,

two times higher for disruptive behavior, and 10 times higher for displays of affection” (Losen, 2010).

Kunjufu (1984) stated that developing positive self-images and self-discipline is a prerequisite for the effective education of African-American children. From the beginning of an African-American boy’s education, it is important to develop confidence as well as intellect. To develop self-discipline, boys require that all adults, from home to school, are consistent and use positive reinforcement to cultivate good behavior.

Growing concerns about the experiences and low academic achievement of African-American boys call for hiring and retaining African-American male role models in the classroom. In predominately White suburbs across the nation, African-American boys are accustomed to seeing African-American males working as custodians, instructional assistants, coaches, and support staff. School districts are investigating methods to recruit, hire, and retain African-American male teachers. During his tenure, Arne Duncan, former Secretary of the U. S. Department of Education publicized the importance of placing more Black men in the classroom. The disparity in the educational workforce is just as alarming as the disparity in punishment gap between Black and White boys. Limited research on this topic suggest a link between academic performance and children’s being taught by teachers of their own race.

### **Conclusion**

As shown, the disproportionate discipline of African-American boys has contributed to years of disparities in academic achievement. This group of students are being sent out of class and suspended more than their White peers for similar or less serious offenses. In January of 2014, The U.S. Department of Justice, Civil Rights Division and the U.S. Department of Education, Office of Civil Rights “issued a national guide to assist public elementary and secondary schools in meeting their obligations under federal law to administer student discipline without discriminating on the basis of race, color, or national origin.” (U.S. Department of Education). Outcomes associated with suspensions, low academic achievement, high dropout rate, and

delinquency are directly associated with future economic struggles and incarceration.

The punishment gap is a national concern. The findings in the literature should lead discipline reform and policy changes. However, if there is evidence of racial biases by teachers or schools students, parents, and education advocates may connect biases and inequality to another area of education such as funding and teacher assignments (Kinsler, 2011). The perception of prejudice will jeopardize the relationship between educators and the students and their parents. Trust, commitment, and connection are critical elements in student achievement and success.

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