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*Research, Practice,
and Contemporary Issues*

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Zero Tolerance, Suspension, and Expulsion: Questions of Equity and Effectiveness

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INTRODUCTION

There can be no question that schools need sound disciplinary systems to maintain school safety and promote student learning. Indeed, in the face of multiple-victim homicides in the late 1990s, schools have been increasingly motivated to address issues of disruption and violence. Pressure from teachers who are concerned about the safety of their classrooms (Public Agenda, 2004) and from parents who wish to ensure school safety (Pew Research Center, 2000) have motivated schools and communities to search for methods that can promote safe school climates maximally conducive to learning.

Yet the climate of fear that has prevailed in recent years has also generated support for more punitive methods of school discipline, often under the broad rhetoric of *zero tolerance* (Noguera, 1995). Zero tolerance emerged from national drug policy of the 1990s and mandates severe punishments, typically out-of-school suspension and expulsion, for both serious and relatively minor infractions (Skiba & Peterson, 1999). The rise of zero tolerance philosophy has led to substantial increases in rates of out-of-school suspension and expulsion (Michigan Public Policy Initiative, 2003; Potts, Njie, Detch, & Walton, 2003; Wald & Losen, 2003).

Thus, schools face what is an apparently profound dilemma. To fulfill their responsibility to promote safe climates conducive to learning many schools and school districts increased their use of procedures that remove some children from the opportunity to learn. Under federal education legislation, No Child Left Behind, schools are under a mandate to use "only practices that are evidence-based, so only the best ideas with proven results are introduced into the classroom" (No Child Left Behind Act Fact Sheet, 2001). The purpose of this chapter is to examine what we know about the use of school exclusion as a disciplinary strategy. Are zero tolerance, out-of-school suspension, and expulsion effective methods for promoting safe and effective school climates? Are there effective alternatives that can keep schools safe without removing students from the opportunity to learn?

CONTEXT, HISTORY, AND CURRENT STATUS

Purposes of School Discipline

Although school discipline has increasingly come to be associated in the public mind with the use of punishment and school exclusion (Skiba & Peterson, 1999), there are in fact a number of important instructional and organizational purposes to any school disciplinary system:

- **Ensuring the safety of students and teachers.** Incidents of deadly school violence in the 1990s have drawn acute attention to the need to guarantee the safety of students and teachers. The most recent national data on school safety suggest that there has been a 50% drop in violent crimes committed at schools since 1992 (DeVoe et al., 2004), yet one in three teachers still report that physical violence is a very or somewhat serious problem at their schools (Public Agenda, 2004). Clearly, a primary purpose of school disciplinary systems must be to prevent incidents that could threaten the safety of students or staff.
- **Creating a climate conducive to learning.** Even beyond issues of physical safety, students cannot learn and teachers cannot teach in a school environment characterized by disruption, chaos, or frequent behavioral interruptions. Research in educational psychology has shown that student learning is largely a direct result of the amount and quality of instruction that students receive (Brophy, 1988; Fisher et al., 1981; Hattie, 2002; Reynolds & Walberg, 1991; Wang & Haertel, 1994; Wang, Haertel, & Walberg, 1997). Effective disciplinary systems should improve academic outcomes by increasing the amount and quality of time teachers can spend teaching, rather than responding to behavioral disruptions.
- **Teaching students needed skills for successful interaction in school and society.** It is interesting to note that the word *discipline* comes from the same Latin root as the word *disciple*: *discipere*, to teach or comprehend. *Webster's Revised Unabridged Dictionary* (1998) defines discipline as "The treatment suited to a disciple or learner; education; development of the faculties by instruction, and exercise; training, whether physical, mental, or moral." Recent survey research indicates that a large majority of both teachers (93%) and parents (88%) believe one fundamental element of a school's mission is to "teach kids rules so they are ready to join society" (Public Agenda, 2004, p.8). Children will always require socialization, instruction, and correction that shapes fundamentally egocentric behavior into interpersonal skills that make them capable of interacting successfully with others in school and beyond.
- **Reducing rates of future misbehavior.** Behavioral psychology defines the term *punishment* as something that reduces the probability of occurrence of some behavior (Alberto & Troutman, 2003; Driscoll, 2000; Maag, 2001; Skinner, 1953). One might then expect that those disciplinary interventions that are effective will lead to reduced rates of inappropriate or disruptive behavior in the school setting.

It is important to note that zero tolerance is not simply a strategy, but also a philosophy of school discipline (Skiba & Knesting, 2001). As such, there are a number of purposes for school discipline that are associated specifically with the philosophy of zero tolerance:

- **A belief in the deterrent function of school punishment.** An implied purpose of severe punishment is the deterrent effect on others who may witness that punishment (Noguera, 1995). Ewing (2000) argued that zero tolerance "appropriately denounces violent student behavior in no uncertain terms and serves as a deterrent to such behavior in the future by sending a clear message that acts which physically harm or endanger others will not be permitted at school under any circumstances."

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Zero Tolerance: Background

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State legislatures are beyond the federal mandate. Many school boards experiment with permanent Others have begun to apply outside of school.

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- **Remove troublemakers in order to improve the school climate for others.** Central to the idea of suspension and expulsion is the notion that removing the most persistently disruptive students will lead to substantial improvements in the learning climate for others. A large majority of middle and high school teachers agree with this proposition, noting that if persistently troublemaking students were removed from school, teaching and learning would be much more effective for the remaining students (Public Agenda, 2004).
- **What happens if we don't punish?** This assumption is in some ways the inverse of a belief in the deterrent capability of punishment. Zero tolerance suggests that failure to punish misbehavior sufficiently will "send a message" that a school is not serious enough about safety (Larson & Ovando, 2001).

Before examining whether the disciplinary practices favored by a zero tolerance approach have been effective in meeting the primary purposes of school discipline, we review the background and definition of zero tolerance.

Zero Tolerance: Background and Definition

Zero tolerance first received national attention as the title of a program developed in 1986 by U.S. Attorney Peter Nuñez in San Diego, impounding seagoing vessels carrying any amount of drugs. U.S. Attorney General Edwin Meese highlighted the program as a national model in 1988, and ordered customs officials to seize the vehicles and property of anyone crossing the border with even trace amounts of drugs, and charge those individuals in federal court. Beginning in 1989, school districts in California, New York, and Kentucky picked up on the term *zero tolerance* and mandated expulsion for drugs, fighting, and gang-related activity. By 1993, zero tolerance policies had been adopted across the country, often broadened to include not only drugs and weapons, but also smoking and school disruption. This tide swept zero tolerance into national policy when the Clinton administration signed the Gun-Free Schools Act of 1994 into law. The law mandates a 1-calendar-year expulsion for possession of a firearm, referral of these students to the criminal or juvenile justice system, and the provision that state law must authorize the chief administrative officer of each local school district to modify such expulsions on a case-by-case basis (Public Law 103-227, 1994).

State legislatures and local school districts have broadened the mandate of zero tolerance beyond the federal mandates of weapons, to drugs and alcohol, fighting, threats, or swearing. Many school boards continue to toughen their disciplinary policies; some have begun to experiment with permanent expulsion from the system for some offenses (Potts et al., 2003). Others have begun to apply school suspensions, expulsions, or transfers to behaviors that occur outside of school.

Since the passage of the Gun-Free Schools Act, some form of zero tolerance policy appears to have become prevalent in public schools. Defining zero tolerance as a policy that mandates predetermined consequences or punishments for specified offenses, the National Center on Education Statistics report, *Violence in America's Public Schools: 1996-1997* (Heavyside, Rowand, Williams, & Farris, 1998), found that 94% of all schools have zero tolerance policies for weapons or firearms, 87% for alcohol, 79% for tobacco, and 79% for violence. It is important to note, however, that the NCES definition of zero tolerance is quite broad. One would expect that there are few school disciplinary policies that do not mandate some predetermined consequences for specific behaviors, and it is possible that the high prevalence rates reported for zero tolerance in the NCES study were due to an overly broad definition. A more typical and more limited definition of zero tolerance is as a disciplinary policy that is "intended primarily as a method of sending a message that certain behaviors will not be tolerated, by punishing all offenses severely, no matter how minor" (Skiba & Peterson, 1999, p. 373).

Frequency of Use of Suspension and Expulsion

Out-of-school suspension and expulsion are often viewed as a relatively linear response progressing from student disruption to office referral to school removal. It is important to note however, that any disciplinary action is the culmination of a complex process, not an isolated event (Morrison et al., 2001). Disciplinary actions are multiply determined by student behavior, teacher tolerance, school and classroom characteristics, and local and state policy. In addition, the length of out-of-school suspension can vary widely from a few hours or a day to 10 or more days. The most common cutoff in state law differentiating suspension and expulsion appears to be that removal of 10 days or less constitutes suspension, whereas removal for more than 10 days constitutes expulsion, but this is by no means universal (Skiba, Eaton, & Sotoo, 2004). Finally, because of the federal protections of free and appropriate public education (FAPE) for students with disabilities, those students are subject to a somewhat different set of disciplinary regulations for school removals exceeding 10 days (Yell, 1998).

These multiple sources of variation in the application of suspension and expulsion make it difficult to precisely estimate the exact frequency of out-of-school suspension¹ and expulsion. Available national estimates suggest that 1.5 million American students missed at least 1 day of school because of out-of-school suspension or expulsion in the 1970s; over the past decade, that number had doubled and reached an estimated 3.1 million or approximately 7% of the student population (Brooks, Schiraldi, & Ziedenberg, 1999; U.S. Department of Education, 2000). Both state and local district reports suggest increases in out-of-school suspension rates at the local level (Raffaele-Mendez & Knoff, 2003; Rausch & Skiba, 2004a; Richart, Brooks, & Soler, 2003).

Studies of school discipline (Bowditch, 1993; Mansfield & Farris, 1992; Rose, 1988; Skiba, Peterson, & Williams, 1997; Uchitelle, Bartz, & Hillman, 1989) have consistently found that suspension is among the most widely used disciplinary techniques, and at the office level, perhaps the most frequently used response to office referrals. Reported schoolwide rates of suspension at the high school level vary widely, from a low 9.3% of enrolled students (Kaeser, 1979), to 33.6% of the students in a given high school (Morgan-D'Atrio, Northrup, LaFleur, & Spera, 1996), to a reported suspension rate of 92% in one high school in East Baton Rouge, Louisiana (Thornton & Trent, 1988). Skiba et al. (1997), studying disciplinary referrals across all middle schools in one large urban school district, reported that one third of all referrals to the office resulted in a 1- to-5-day suspension, and 21% of all enrolled students were suspended at least once during the school year. In contrast, school expulsion appears to be used relatively infrequently relative to other disciplinary techniques (Heaviside et al., 1998). National and state data on the implementation of the Gun-Free Schools Act (Sinclair, 1999) show that fewer than 1 in 1000 students have been expelled for weapons violations under that law.

Rates of usage of suspension and expulsion also appear to be dependent on location and level served (e.g., elementary, middle, or high school), and do not appear to be spread evenly across schools. Out-of-school suspension rates appear to be highest in urban schools compared to usage rates at suburban, town, or rural locales (Massachusetts Advocacy Center, 1986; Rausch & Skiba, 2004a; Wu, Pink, Crain, & Moles, 1982). Specific to school level, suspension rates

¹In addressing suspension in this manuscript, we refer only to out-of-school suspension, not in-school suspension, for two primary reasons. First, zero tolerance discipline has tended to rely on school exclusionary punishments such as out-of-school suspension and expulsion, rather than in-school consequences, for its presumed deterrent effect. Second, the apparent disciplinary paradox of exclusionary approaches in terms of threatening academic engaged time does not necessarily apply in the case of in-school suspension.

appear to be lowest in elementary schools and drop from middle to high school. The slight drop in suspension rates in high schools (Mendez & Knoff, 2000). Students who had been suspended or expelled do not appear to be at risk of dropping out of school in the top 10% of schools in the top 10% of districts (Rausch & Skiba, 2004a).

Why Is Consideration Given to Suspension and Expulsion?

Oftentimes, controversial decisions are made by removing an otherwise successful student from school for an infraction. In response to a letter to the editor in the *St. Petersburg Times* (1998),

Zero tolerance policies are like a cup of sangria for a group of people who have lost their property. . . . Bringing a zero tolerance policy to a school as totting a loaded magazine to a classroom. . . . In the name of severity, the system loses sight of the fact that the system is designed to teach.

Strictures against cruel and unusual punishment will be that school punishment is a violation of basic perceptual-motor skills.

Important as such concerns are, ensuring the safety of students and ensuring the safety of students from personal violations of student rights are essential to maintain safe and productive learning environments. The ability to use any and all available resources to ensure learning.

Yet out-of-school suspension and expulsion pose some risk to educational outcomes. The psychology of the last 20 years has shown that the loss of engaged time in academic activities (Greenwood, 1990; Wang et al., 1997) is a significant factor in school alienation-school failure (Hawkins, Doueck, & Johnson, 1998). Expulsion that removes a student from school must be viewed as a significant loss of engaged time.

Thus, questions about the cost-benefit of suspension and expulsion are a significant part of forming a school climate and school bonding that is consistent with the literature on the effectiveness of the question.

appear to be lowest in elementary school, increase and peak during middle school, and slightly drop from middle to high school (Raffaele Mendez & Knoff, 2003; Rausch & Skiba, 2004a). The slight drop in suspension rates from middle to high school has been hypothesized (Raffaele Mendez & Knoff, 2003) as being due to what has been termed the "pushout" phenomena: Students who had been suspended multiple times in middle school and early high school may have dropped out and thus not been present to be suspended in high school. Finally, rates of suspension do not appear to be evenly distributed across schools. One analysis found that schools in the top 10% of out-of-school suspension use accounted for 51% of all suspension incidents (Rausch & Skiba, 2004a).

Why Is Consideration of Efficacy Important?

Oftentimes, controversies about zero tolerance focus on the civil rights controversies aroused by removing an otherwise "good student" from school for what appears to be a relatively minor infraction. In response to the long-term suspension of an honors student for a sip of sangria, the *St. Petersburg Times* wrote in an editorial:

Zero tolerance policies are inherently unjust and irrational because they conflate harms. Accepting a cup of sangria for a good-bye toast is punished as severely as a student who gets drunk on school property. . . . Bringing a butter knife to school to cut an apple for lunch carries the same expulsion as toting a loaded magnum. Those harms are not equivalent, and if they are punished with equal severity, the system looks both unfair and nonsensical. ("Zero sense," 1998)

Strictures against cruel and unusual punishment are fundamental to our legal system. It may well be that school punishments greatly out of proportion to the offense arouse controversy by violating basic perceptions of fairness inherent in our system of law.

Important as such concerns are, they may be less important to frontline educators than ensuring the safety of school environments. It might well be argued that, unfortunate as occasional violations of students' rights are, out-of-school suspension and expulsion are necessary to maintain safe and productive school climates. Certainly, schools have the right and responsibility to use any and all effective procedures to ensure a school climate that is conducive to learning.

Yet out-of-school suspension and expulsion, by their very nature, are interventions that pose some risk to educational opportunity. One of the most important findings of educational psychology of the last 30 years is the positive relationship between the amount and quality of engaged time in academic learning and student achievement (Brophy, 1988; Fisher et al., 1981; Greenwood, 1996; Greenwood, Delquardri, & Hall, 1984; Greenwood, Horton, & Utley, 2002; Wang et al., 1997). In addition, models of youth violence and delinquency have identified school alienation-school bonding as one of the strongest variables in predicting delinquency (Hawkins, Doueck, & Lishner, 1988). Thus procedures such as 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.

Thus, questions about the usefulness of school suspension and expulsion are essentially questions of cost-benefit. Does the removal of troublesome students from school through suspension and expulsion provide sufficient benefits in terms of reducing disruption and affording a school climate conducive to learning to offset the risks to educational opportunity and school bonding that are inherent in disciplinary removal? The following sections review the literature on the efficacy of out-of-school suspension and expulsion in order to address that question.

HOW WELL DOES DISCIPLINARY REMOVAL WORK?

How effective is school disciplinary removal in preserving safe school climates conducive to learning, teaching students the behaviors they need to succeed in school, or deterring students from disruptive behavior? In the following sections, we examine the extent to which disciplinary removal might be considered an effective intervention, in terms of three criteria: (a) treatment fidelity, (b) educational outcomes, and (c) nondiscriminatory application.

Treatment Fidelity

Treatment fidelity, also referred to as quality of implementation (Gottfredson & Gottfredson, 2002) or treatment integrity (Lane, Bocian, MacMillan, & Gresham, 2004), refers to the extent to which an intervention is implemented as planned, and has been increasingly viewed as a key factor in judging the effectiveness of behavioral interventions (Lane et al., 2004). Unless an intervention can be implemented with some degree of consistency, it is impossible to attribute any changes in school climate or student behavior to that intervention.

For traditional disciplinary interventions, one might expect two indicators of treatment fidelity or treatment integrity. First, because removal from the opportunity to learn is in most cases the most extreme form of punishment a school could administer, one measure of treatment fidelity would be whether out-of-school suspension and expulsion are reserved for those offenses for which they are intended, that is, the most serious offenses. Second, because disciplinary techniques are intended as methods to change student behavior, one would expect that variations in the use of suspension and expulsion would be based largely on variations in student behavior, not on idiosyncratic characteristics of schools or school staff. Both of these aspects of the treatment integrity of disciplinary removal are reviewed next.

Are Suspension and Expulsion Reserved for Most Serious Offenses? What types of infractions are suspension and expulsion used for? Are they reserved for only the most serious and severe of school disruptions?

Looking across studies of school discipline, it is clear that school suspension tends not to be reserved for serious or dangerous behaviors. Fights or physical aggression among students are consistently found to be among the most common reasons for suspension (Costenbader & Markson, 1994; Dupper & Bosch, 1996; Imich, 1994; Skiba et al., 1997; Stone, 1993). Yet the majority of offenses for which students are suspended appear to be nonviolent, less disruptive offenses (Children's Defense Fund, 1975; Raffaele Mendez & Knoff, 2003). After fighting, the most common offenses appear to be attendance issues (cutting class, tardiness, truancy) (Kaeser, 1979; Morgan D'Atrio et al., 1996; Richart et al., 2003) and abusive language (Imich, 1994; Kaeser, 1979). Other common reasons for school suspension are disobedience and disrespect (Bain & MacPherson, 1990; Cooley, 1995; Raffaele Mendez & Knoff, 2003; Skiba et al., 1997), and general classroom disruption (Imich, 1994; Massachusetts Advocacy Center, 1986; Morgan D'Atrio et al., 1996; Rausch & Skiba, 2004a; Raffaele Mendez & Knoff, 2003), often framed as a "catch-all category" (Dupper & Bosch, 1996). Figure 41.1 represents the relative distribution of out-of-school suspensions in a single state, as reported by Rausch and Skiba (2004a); the data show that 5% of all out-of-school suspensions are in categories such as weapons or drugs that are typically considered more serious or dangerous, the remaining 95% of suspensions fell into two categories: disruptive behavior and other. These data are consistent with Stone's (1993) conclusions in reporting the results of a national survey of 35 school districts representing over a million students: "It appears clear that on reviewing the data to determine if the crime fits the punishment, the answer is no" (p. 367).

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Out-of-School Suspension Incidents by Category

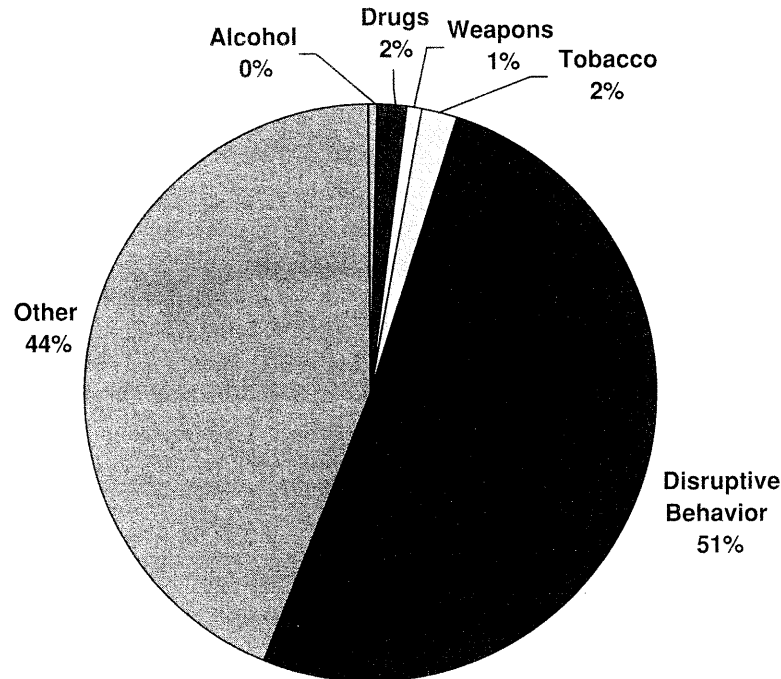


FIGURE 41.1. The distribution of out-of-school suspension incidents by category of infraction in one midwestern state for the 2002–2003 school year (Rausch & Skiba, 2004a).

One might expect that, used less frequently, expulsion would be reserved for more serious infractions. In one of the few reported studies of school expulsion in American education, Morrison and D’Incau (1997) found that student offenses resulting in expulsion tended to be offenses of moderate to high severity. The authors reported, however, that the majority of offenses in the sample they investigated were committed by students who would not generally be considered dangerous to the school environment. In the same statewide investigation reported earlier, Rausch and Skiba (2004a) found that 70% of all expulsions in the state fall into the categories of disruptive behavior and other. Some have suggested that zero tolerance and the increased involvement of law enforcement in schools has led to the “criminalization” of some relatively minor misbehavior (Richart et al., 2003; Wald & Losen, 2003). In general, although it appears that expulsion is reserved for serious infractions to a greater extent than suspension, the data are insufficient to assess whether that intervention tends to be reserved only for the most dangerous or serious of infractions.

Are Suspension and Expulsion Primarily a Response to Student Misbehavior?

There can be little doubt that certain students are at increased risk for office referral and school suspension, and account for a disproportionate share of disciplinary effort (Tobin, Sugai, & Colvin, 1996; Wu et al., 1982). Eckenrode, Laird, and Doris (1993) reported that students with substantiated reports of abuse or neglect were significantly more likely to be referred for school discipline and somewhat more likely to be suspended, especially at the middle and high school level. Morgan-D’Atrio et al. (1996) reported that, of students who were suspended, 43% at the

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high school level and 38% at the middle school level had clinically elevated scores on one or more student and teacher subscales of the Child Behavior Checklist (Quay, 1983).

Yet explorations of suspension and expulsion at the school district level (Massachusetts Advocacy Center, 1986; Skiba et al., 1997) have also found the use of disciplinary removal to be extremely inconsistent from school to school, suggesting that there are other sources of variation than student characteristics or behavior in school rates of disciplinary removal. Investigations have found possible contributions to rates of school disciplinary exclusions at both the classroom and school level. At the classroom level, Skiba et al. (1997) described one middle school in which 25% of classroom teachers were responsible for 66% of all referrals to the office. There also appear to be a variety of ways in which schools contribute to out-of-school suspension. Wu et al. (1982) tested the contribution of both student and school characteristics to a student's likelihood of being suspended at least once during high school. As noted earlier, student behavior and attitude did make a significant contribution to the probability of suspension in that model. Regression analyses, however, showed that a number of nonbehavioral characteristics also made a significant contribution to the probability of being suspended, independent of other variables, including overall school suspension rate, teacher attitudes, administrative centralization, school governance, perceptions of achievement, socioeconomic disadvantage, and racial status. In the final model, including both student and school characteristics, Wu et al. (1982) reported that school and nonbehavioral student characteristics (e.g., race) made a more significant contribution to predicting school suspension than student behavior and attitude. This finding led them to conclude:

One could argue from this finding that if students are interested in reducing their chances of being suspended, they will be better off by transferring to a school with a lower suspension rate than by improving their attitudes or reducing their misbehavior. (pp. 255–256)

At least some of the variance in school rates of out-of-school suspension and expulsion appear to be attributable to differences in principal attitudes toward the disciplinary process. Qualitative findings in the national report *Opportunities Suspended* (Advancement Project/Civil Rights Project, 2000) suggest that building principals used out-of-school suspension in direct proportion to their stated support for zero tolerance policies and procedures. In a comprehensive study of the relationship of principal attitudes and disciplinary outcomes, Skiba et al. (2003) surveyed 325 principals regarding their attitudes toward zero tolerance, suspension and expulsion, and violence prevention strategies. They found principal attitude and school disciplinary outcomes to be correlated: Rates of out-of-school suspension were lower, and the use of preventive measures more frequent, at schools whose principals believed that suspension and expulsion were unnecessary given a positive school climate.

In summary, treatment integrity is a key precursor to the effectiveness of an intervention (Lane et al., 2004): If an intervention is not implemented with sufficient fidelity, it may be impossible to even test whether it can be effective in changing student behavior. Findings about the implementation of out-of-school suspension raise questions about the integrity with which the interventions of suspension and expulsion are delivered. Contrary to expectations, suspensions and perhaps even expulsions are not reserved for the most serious or dangerous behaviors. Further, there is a very high level of inconsistency in the application of suspension and expulsion, and this variability appears to be due as much to classroom, school, or principal characteristics as to student behavior. Together, these findings raise concerns about whether the quality of implementation of out-of-school suspension and expulsion are sufficient to know whether they could be effective in changing behavior.

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Outcomes of Disciplinary Removal

As is the case with any frequently used educational intervention, consideration of effectiveness is of central importance. Federal educational legislation has increasingly mandated the use of only those educational interventions that are "evidence-based." Disciplinary removal could be judged an effective educational or behavioral intervention if it led to improvements in either (a) individual rates of disruptive or violent behavior or (b) overall school safety or school climate. Data on the outcomes of exclusionary disciplinary approaches are reviewed in the following sections.

Do Zero Tolerance Suspensions and Expulsions Improve Student Behavior? Behavioral psychology defines an effective punisher as one that reduces the future probability of responding (Skinner, 1953). Yet descriptive studies of school discipline have found no evidence of reductions in misbehavior as a result of the application of out-of-school suspension. Rather, studies of suspension have found high rates of repeat offending in out-of-school suspension, ranging from 35% (Bowditch, 1993) to 42% (Costenbader & Markson, 1998). A recent longitudinal investigation revealed that the strongest predictor of a middle school student's number of out-of-school suspensions was the number of out-of-school suspensions she or he received in late elementary school (fourth and fifth grade), even after statistically controlling for student socioeconomic status (SES), racial categorization, special education status, teacher ratings of student behavior, and academic achievement (Raffaele Mendez, 2003). In a study of school discipline records for middle school students, Tobin et al. (1996) showed that students who were suspended in the first term of grade 6 were *more likely* to have discipline problems over the next four terms. Such results led the authors to conclude that for some students "suspension functions as a reinforcer (variable interval schedule) rather than as a punisher" (p. 91).

In the long term, school suspension has been found to be a moderate to strong predictor of dropout and not graduating on time. Analysis of data from the High School and Beyond study, a national longitudinal sample surveying 30,000 high school students, revealed that 31% of sophomores who dropped out of school had been suspended, as compared to a suspension rate of only 10% for their peers who had stayed in school (Ekstrom, Goertz, Pollack, & Rock, 1986). In a multivariate analysis of the same data base, discipline emerged as one of the strongest factors, along with poor academics and low SES, predicting school dropout (Wehlage & Rutter, 1986). Further, Raffaele Mendez (2003) reported that the number of out-of-school suspensions a student received as a 6th-grade student was negatively correlated with the probability that the student would graduate with his or her cohort of students 6 years later as a 12th-grade student. This relationship was stronger for African American students than White students.

Unfortunately, there is evidence that the relationship between school suspension and school dropout may not be entirely accidental. Ethnographic field studies of school discipline, interviewing administrators and observing the school discipline process, have noted that disciplinarians in troubled urban schools often view their role in large measure as dealing with persistent "troublemakers" who challenge the institution's authority (Bowditch, 1993). Over time, as such students develop a reputation, disciplinary contacts afford administrators the opportunity to rid the school of its most troublesome students:

In this high school, the practice of cleansing the school of "bad kids" was quite widely acknowledged and equally appreciated by administrators, teachers, and counselors. Criticisms of the practice were voiced rarely, quietly, and confidentially behind closed doors. (Fine, 1986, p. 403)

In such a context, suspension may be used as a "pushout" tool to encourage low-achieving students and those viewed as "troublemakers" to leave school before graduation.

Improved School Climate? Rather than making a contribution to school safety, the increased use of suspension and expulsion seems to be associated with student and teacher perceptions of a less effective and inviting school climate. Schools with higher rates of suspension have been reported to have higher student-teacher ratios and a lower level of academic quality (Hellman & Beaton, 1986), spend more time on discipline-related matters (Davis & Jordan, 1994), and pay significantly less attention to issues of school climate (Bickel & Qualls, 1980). Wu et al. (1982) found that less satisfactory school governance was a significant predictor of the probability of a student being suspended at least once in his or her school career.

As noted, an important part of the purpose of school discipline is to maintain a school climate that is conducive to learning; thus one would in general expect a positive correlation between effective school discipline and levels of academic achievement. Emerging data, however, have revealed a negative relationship between the use of school suspension and expulsion and academic achievement. Skiba et al. (2003) reported that states with higher rates of out-of-school suspension had lower average scores on the National Assessment of Education Progress (NAEP), and Raffaele Mendez, Knoff, and Ferron (2002) found that student achievement in writing was negatively associated with out-of-school suspensions for middle and high school students.

The simple correlation between achievement and discipline could of course be due to a number of factors. For example, schools in more disadvantaged areas might have a higher percentage of difficult students who were both suspended and exhibited lower achievement. To test this hypothesis, Skiba and Rausch (2004) constructed a multivariate analysis investigating the relationship of school discipline and academic achievement, controlling for a number of demographic variables including the school's percentage of free- and reduced-lunch students (poverty), enrollment of African American students, and school type (elementary or secondary). Results indicated that higher school rates of out-of-school suspension were associated with lower passing rates on the state accountability test, regardless of the demographic, economic, or racial makeup of the school.

Nondiscriminatory Application

Federal education policy prohibits discrimination in the application or outcomes of educational interventions. The right not to be discriminated against on the basis of race, color, or national origin is explicitly guaranteed by the Equal Protection Clause of the Fourteenth Amendment and Title VI of the Civil Rights Act of 1964 (Browne, Losen, & Wald, 2002). Yet almost 30 years of research has documented racial and socioeconomic disparities in the use of out-of-school suspension and expulsion. These concerns become especially acute if, as suggested by the previous findings, the intervention to which some students are disproportionately exposed appears to be associated with a host of negative educational outcomes.

Disproportionality Due to Socioeconomic Status. Studies of school suspension have consistently documented disproportionality due to socioeconomic status (SES). Research has found that students who receive free school lunch are at greater risk of school suspension (Skiba et al., 1997; Wu et al., 1982). Wu et al. (1982) also found that students whose fathers did not have a full time job were significantly more likely to be suspended than students whose fathers were employed full time.

In a qualitative study of student reactions to school discipline, Brantlinger (1991) interviewed adolescent students from both high- and low-income residential areas about their

reactions to school discipline. He reported that the lower rates of suspension were associated with serious disciplinary incidents, such as class discrimination, and that suspension depends on student reputation. Students who appeared to be different from the other social classes. Where moderate consequences were received (e.g., yelled at in front of others), students from lower social classes received more severe consequences (e.g., yelled at in front of others, suspended).

Disproportionality by District, Building, and Gender. Research has reported that suspension rates are 2 to 3 times that of other students in the same district, and school building, and school gender. Concern in the administration is especially African American. In one of the earliest studies, Children's Defense Fund (CDF) (OCR) data on school suspension rates that exceeded White students were between 2 and 3 times that of middle, and high school students.

Since that report, research has shown that African American students has been disproportionately suspended (Skiba et al., 1978; Gregory, 1986; Center, 1986; McCart, 1992; Raffaele Mendez & Hwang, 1992; Raffaele Mendez & Hwang, 1992; Skiba, 2004a; Richart, 1986; Thornton & Trevisan, 1986). A recent study of a large urban district found that African American students were suspended 2 to 3 times more often than White students during 1 school year (Raffaele Mendez & Hwang, 1992). In another study, suspensions for African American students were greater than White students (Raffaele Mendez & Hwang, 1992). An increase from elementary school to high school.

Few investigations have examined ethnic backgrounds and overrepresentation of African American students (Knoff, 2003; Rausch, 2004; see e.g., Gordon, Delgado-Gaitaneri, & Skiba, 2004).

Although minority students are disproportionately suspended, there have been only a few studies that have examined disproportionality. Those studies have found that suspension is associated with disproportionality to disciplinary decisions.

reactions to school climate and school discipline. Both high- and low-income adolescents reported that the lower-SES students were more likely to commit more frequent and more serious disciplinary infractions. At the same time, both groups pointed to systematic social class discrimination, agreeing that whether a student is punished for a given infraction depends on student reputation, achievement, and socioeconomic class status. There also appeared to be differences in the nature of punishment meted out to students of different social classes. Whereas high-income students were more likely to receive more mild and moderate consequences (e.g., teacher lecture, moving desk), low-income students reported receiving more severe consequences, sometimes delivered in a less professional manner (e.g., yelled at in front of class, made to stand in hall all day, going through one's personal belongings).

Disproportionality Due to Minority Status. For over 25 years, in national-, state-, district-, and building-level data, students of color have been found to be suspended at rates 2 to 3 times that of other students, and similarly overrepresented in office referrals, corporal punishment, and school expulsion (Skiba, Michael, Nardo, & Peterson, 2002). Of particular concern in the administration of school discipline is the overrepresentation of minorities, especially African American students, in the use of exclusionary and punitive consequences. In one of the earliest presentations of statistical evidence concerning school suspension, the Children's Defense Fund (1975) studied U.S. Department of Education Office for Civil Rights (OCR) data on school discipline, and reported rates of school suspension for Black students that exceeded White students on a variety of measures. Rates of suspension for Black students were between 2 and 3 times higher than suspension rates for White students at the elementary, middle, and high school levels.

Since that report, documentation of disciplinary overrepresentation for African American students has been highly consistent (Costenbader & Markson, 1994, 1998; Glackman et al., 1978; Gregory, 1997; Kaeser, 1979; Lietz & Gregory, 1978; Massachusetts Advocacy Center, 1986; McCarthy & Hoge, 1987; McFadden & Marsh, 1992; McFadden, Marsh, Price, & Hwang, 1992; Raffaele Mendez & Knoff, 2003; Raffaele Mendez et al., 2002; Rausch & Skiba, 2004a; Richart et al., 2003; Skiba et al., 1997; 2002; Streitmatter, 1986; Taylor & Foster, 1986; Thornton & Trent, 1988; U.S. Department of Education, 2000; Wu et al., 1982). In one recent study of a large and diverse school district, 50% of African American male and 30% of African American female middle school students experienced out-of-school suspension during 1 school year (Raffaele Mendez & Knoff, 2003), rates that were substantially higher than White male (25%) and White female (9.3%) middle school students. Further, recent analyses (Raffaele Mendez & Knoff, 2003; Rausch & Skiba, 2004a) have found rates of out-of-school suspensions for African American elementary school students that are between 4 and 7 times greater than White students. The magnitudes of these disproportionate rates tend to remain or increase from elementary through high school.

Few investigations have explored disciplinary disproportionality among students of other ethnic backgrounds and those studies have yielded inconsistent results. Although disciplinary overrepresentation of Latino students had been reported in some studies (Raffaele Mendez & Knoff, 2003; Rausch & Skiba, 2004a), the finding is not universal across locations or studies (see e.g., Gordon, Della Piana, & Keleher, 2000).

Although minority disproportionality in school discipline has been widely documented, there have been only a few studies that have provided data on the reasons for that disproportionality. Those findings are presented next, categorized by factors that appear *not* to be associated with disproportionality in discipline, and those that appear to make some contribution to disciplinary disparities.

Factors Not Associated With Disciplinary Disproportionality

Socioeconomic Status. Race and socioeconomic status are unfortunately highly connected in American society (Duncan, Brooks-Gunn, & Klebanov, 1994; McLoyd, 1998), increasing the possibility that any finding of disproportionality due to race is primarily a by-product of disproportionality associated with SES. As noted, low SES has been consistently found to be a risk factor for school suspension (Brantlinger, 1991; Skiba et al., 1997; Wu et al., 1982). In its statement before the United States Commission on Civil Rights, the National Association of Secondary School Principals (2000) thus argued that racial disproportionality in the application of zero tolerance policies

is not an issue of discrimination or bias between ethnic or racial groups, but a socioeconomic issue. . . . A higher incidence of ethnic and racial minority students being affected by zero tolerance policies should not be seen as disparate treatment or discrimination but in terms of an issue of socioeconomic status. (p. 3)

Yet it is clear that race makes a contribution to disciplinary outcome independent of socioeconomic status. Using a regression model controlling for school socioeconomic status (percentage of parents unemployed and percentage of students enrolled in free lunch program), Wu et al. (1982) reported that, even with socioeconomic effects accounted for, non-White students still reported significantly higher rates of suspension than White students in all locales except rural senior high schools. Similarly, Skiba et al. (2002) found that effect sizes describing the size of the disparity between Black and White school discipline remained virtually unchanged when SES was statistically controlled, and that in fact, SES proved to be a far less significant and consistent predictor when both SES and race were considered simultaneously.

Higher Rates of Disruption Among Students of Color. Implicit in the poverty hypothesis for disparities in discipline is the assumption that African American students may engage in higher rates of disruptive behavior than other students. If so, disproportionate punishment would not be an indicator of bias, but rather an appropriate response to disproportionate misbehavior.

Investigations of student behavior, race, and discipline, however, have yielded no evidence that African American overrepresentation in school suspension is due to higher rates of misbehavior. Multivariate studies have shown that students from schools with more non-White students tended to have higher rates of suspension, even *after* statistically controlling for student attitudes and behavior (Wu et al., 1982). In a survey study involving 1,125 students in the 7th, 9th, and 11th grades in a mid-Atlantic city, McCarthy and Hoge (1987) collected self-report data concerning both rates of school misbehavior and rates of receiving school sanctions. Results indicated that Black students were in general more likely to be punished, and more likely to report having been punished, on three particular sanctions: told to bring parents to school, sent to principal's office for bad behavior, and suspended. Although there was no significant difference between the two groups on total school misconduct, two items (skipped class and carved desks) showed significant Black-White differences; both indicated levels of misbehavior that were significantly higher for the White students.

Indeed, it may be that African American students are suspended and punished for behavior that is less serious than other students. McFadden et al. (1992) reported that Black pupils in a Florida school district were more likely than White students to receive severe punishments (e.g., corporal punishment, school suspension) and less likely to receive milder consequences (e.g., in-school suspension). Further analysis of the data suggested that the African American students tended to receive these harsher punishments for less severe behaviors. These results are

consistent with finding for less serious behavior.

In a study specific to Skiba et al. (2002) desegregated setting, and tested alternative analysis revealed differences in higher rates of teacher referrals. Analyses by race revealed the results for gender did not show a pattern significantly more frequent: smoking, vandalism, African American students and loitering, behavior of the referring agent. In addition, be explained through behavior available evidence suggest disciplinary consequences.

Factors Associated With

African American overrepresentation in enrollment of African American related to changes in enrollment immediately after school (1988).

The disproportionate overreliance on exclusion in general also have higher suspension (Advancement analyses (Felice, 1981) of suspension, minority (1993) argued that the on negative consequences youth; for such students a natural response to a

There is some evidence that African students originate in middle schools, Skiba et al. students in measures of suspended, probability that racial disparities in by the fact that African office by classroom teacher

Qualitative studies of racial disparities. In a study Cole (2002) analyzed many office referrals for flagrant violation of discipline to what the authors de