A CRITICAL POLICY ANALYSIS: THE IMPACT OF ZERO TOLERANCE ON OUT-OF-SCHOOL SUSPENSIONS AND EXPULSIONS OF STUDENTS OF COLOR IN THE STATE OF TEXAS BY GENDER AND SCHOOL LEVEL

A Dissertation

by

EARNESTYNE LASHONNE SULLIVAN

Submitted to the Office of Graduate Studies of
Texas A&M University
in partial fulfillment of the requirements for the degree of

DOCTOR OF PHILOSOPHY

August 2007

Major Subject: Curriculum and Instruction

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ABSTRACT

A Critical Policy Analysis: The Impact of Zero Tolerance on Out-of-School Suspensions and

Expulsions of Students of Color in the State of Texas by

Gender and School Level. (August 2007)

Earnestyne LaShonne Sullivan, B.S., Prairie View A&M University;

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This study focused on the disciplining actions given to students of color after the implementation of the zero tolerance (ZT) policy in Texas' schools. Out-of-school suspension and expulsion data were analyzed to depict trends and/or patterns across school levels as well as gender and race/ethnicity. More specifically, the disciplinary action of 34,047 elementary, middle and high school students of color suspended out-of-school and expelled in Texas' public schools during the 1999-2000 and 2002-2003 academic school years were statistically analyzed then evaluated via specific tenets of critical race theory (CRT). A critical policy analysis, as defined by the researcher, was discussed using the results of the data analysis.

In addition, the predictive power of the variables school level, gender and race/ethnicity on the disciplinary action given to students of color were analyzed during the school terms under study. The most statistically significant finding of the study was the influence of ethnicity on out-of-school suspension and expulsion rates of students of color

in the State of Texas after the implementation of the policy known as ZT during the

selected school terms. Furthermore, of the students enrolled in public schools in Texas

during the 1999-2000 and 2002-2003 school years, African-American students comprised

14.3 and 14.4 percent of the population; yet, they received more than one-third of all

disciplining actions, second to European Americans who comprised 43 and 40 percent of

the enrolled population. When compared to other students of color, African-American

students received 53.6 and 53.9 percent of the out-of-school suspensions and 64.3 and 65.1

of the expulsions. Even though the data presented were aligned with previous research

studies, the view of disciplinary actions for students of color from a critical race theory

(CRT) lens highlights the deficiencies outlined via a critical policy analysis of the ZT

policy as it is used to fortify the safety of schools.

DEDICATION

All of us have to live with ourselves, so we should

see to it that we are always in good company.

~Mencius~

To my company of friends, I say thank you for your unswerving support. Although you are

few in number, you have inspired me to persevere.

To the company of educational professionals whom I have chosen to call friends,

I say thank you for allowing me to vent philosophically on your shoulders.

To the company of family members, extended and immediate, I say thank you for enduring

the personal difficulties I have encountered during the pursuit of a study of this magnitude.

I thank God for allowing me to have all of you during this part of my life's journey.

Lastly, but foremost, to the company of the man who has shared my fears, joys,

disappointments and exonerations, Kevin Michael Sullivan.

To my husband I say that I honor you as the man who conveys

a gentle strength that your quietness belies; I honor you as the one man who holds, for

always, my love and my utmost respect.

This study is dedicated to the company I keep.

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Through contemplation and reflection, I am convinced that this professional journey began long before I entered a doctoral program. Educationally, I have been fortunate to be taught by professionals who believed that the mere application of a set of skills and acquired techniques were only a part of the complex factors inherent to the process of learning. It is here that I acknowledge those teacher/educators:

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Mr. William Chapman, Prairie View A&M University

Dr. Frank Hawkins, Prairie View A&M University

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CHAPTER I

INTRODUCTION

Background of the Study

Projected during the 1990s as an impetus to improve school safety by decreasing

and eliminating the escalation of aggressive and disruptive incidents, Zero Tolerance

(ZT) policies became the accepted method for the reduction of gun and drug related

violence on U.S. public school campuses (Morrison & D'Incau, 1997; Skiba & Peterson,

1999; The Harvard Civil Rights Project & Advancement Project, 2000). Combined with

headlined reports of disruptive behaviors and the proliferation of drugs on public school

campuses, the nation has been concerned with the state of public school discipline for

decades (Hyman, Weiler, Dahbany, Shamrock & Britton, 1994; National Institute of

Education-NIE, 1977; Price & Everett, 1997; Wayne & Rubel, 1982). As 16 of the first

20 surveys conducted by the Gallup/Phi Delta Kappa Polls indicated, the American

public had voiced increasing distress about disorder on public school campuses and

believed that discipline had become a central challenge for teachers and administrators in

schools (Elam & Rose, 1995; Maughan, 1999; Metropolitan Life, 1993; Nichols, 2004).

The public's perception of violence and disorder in schools, coupled with heinous school

tragedies, has been a significant factor related to policy changes for discipline and safety

in U.S. public schools.

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The style and format for this dissertation follow the journal *Educational Evaluation and Policy Analysis*.

School policies, while intended to be impartial, are powerful mechanisms that are necessary for organizational structure (Epp & Epp, 1998). Since schools affect the lives of its students, it is essential to examine policies that school organizations implement. Primarily, policy research considered the role of the analyst and policy functions or policy origins (Bowers, 1988; Prunty, 1985). Subsequent policy research has been conducted to assess methods that enhance policy design to augment the behavior of those implementing the policy as a way to clarify policy problems (Chalip, 1995, 1996; Hadderman, 2000). Lincoln and Guba (1986) explained the various realities that may be associated with an analysis of policy. Depending on the intent of the analysis, they maintained that research might be constructed to make statements about intentions of the policy, defined as behaviors by those implementing the policy, or statements that highlight the experiences of a target group that receives the policy. In a review of educational policy, Prunty (1985) cautioned policy researchers to avoid traditional approaches to an analysis by inserting an ethical framework for social justice. He declared that an analysis of educational policy had heretofore overlooked the role of education that favors the privileged and the elite (p.134). A critique of ZT policies set forth in this study attempts to judge it in terms of its quantified desirability. Adhering to Prunty (1985), this study deviates from traditional modes of policy analysis and is concerned with the statistical results of the 'policy in action' (Lincoln & Guba, 1986) known as ZT and its impact among students of color in the State of Texas.

Zero Tolerance as Management of Discipline

School administrators must take steps to protect students and staff members, while maintaining an atmosphere conducive to learning, and yet, because students of color are overrepresented in suspension and expulsion data, the consequences associated with ZT policies may be racially motivated (Gordon, Piana & Keleher, 2000; Nichols, 2004). Management of discipline becomes problematic when contrasting teacher and student demographics lead to cultural mismatches in which large numbers of teachers lack familiarity with the cultural values, norms and belief systems of their students (Ford & Dillard, 1996; Gay, 2000; Ladson-Billings, 1999; Noguera, 1995). As a result, ZT substantiates discipline policies within schools where personnel demonstrate a lack of control over students (Hyman & Snook, 2000; The Harvard Civil Rights Project & Advancement Project, 2000). The major culprit may be cultural differences and/or misunderstandings between teachers and students, which in turn contributes to inappropriate discipline referrals, as teachers may perceive students of color as aggressive (Neal, McCray & Webb-Johnson, 2001). An approach to control discipline and inferred aggressiveness based on the ideology that ZT purports (i.e. identical punishment for major and minor offenses) prevents a significant number of children from obtaining an appropriate education (Browne, 2003; Noguera, 1995; Skiba & Peterson, 1999), increases academic failure (American Academy of Pediatrics, 2003) and criminalizes youth (Noguera, 1995, 2003).

By emphasizing punitive measures for disorder in schools, Hyman, Weiler, Dahbany, Shanock and Britton (1994) asserted that policymakers ignored the value of

research that recommends prevention above punishment. Prophetically, school violence once again became the primary focus of concern for the public when two students shot and killed 12 of their peers and a teacher before committing suicide at Columbine High School in Littleton, Colorado, on April 20, 1999. Headlined violence in America's public schools reappeared in March 2005. A student from Bemidji, Minnesota, began a shooting rampage at his grandparents' home, killing them, and then entered his school, Red Lake High, and murdered seven people. More recently, in October 2006, an Amish community was devastated as a gunman entered the community's one-room schoolhouse and killed five female students. It was the nation's third deadly school shooting in less than a week. Even though the assailant was not a student, the incident has served to highlight the need for effective school safety. Nevertheless, of all the mass killings, none has been committed by students of color, and yet, ZT policies have been instituted more often against students of color than European American students (Bennett & Harris, 1982; Morrison & D'Incau, 1997; The Harvard Civil Rights Project & Advancement Project, 2000; Skiba, Michael, Nardo & Peterson, 2000). Via ZT policies, the U.S. public school system creates the perception of protection when, in reality, the system educates one group of students while identifying and banishing another group of students (Giroux, 2001; Skiba, Michael, Nardo & Peterson, 2000).

Statement of the Problem

Educators and the American public have insisted that lack of discipline in public schools is of the foremost concern (Elam & Rose, 1995; Maughan, 1999; Metropolitan

Life, 1993; Nichols, 2004). Decades of research results emphasized the importance that the topic of discipline and safety bears on the nation and the school community (Hyman, Weiler, Dahbany, Shamrock & Britton, 1994; National Institute of Education-NIE, 1977; Price & Everett, 1997; The Harvard Civil Rights Project & Advancement Project, 2000; Wayne & Rubel, 1982). Apprehension surrounding safety in U.S. public schools led Congress to pass the Gun Free Act in 1994 (Morrison & D'Incau, 1997; Skiba & Peterson, 1999; The Harvard Civil Rights Project & Advancement Project, 2000). As a result, school districts utilized the federal government's sanction for drug and gun violations by adopting the stance of treating student transgressions as criminal offenses. Consequently, school districts became increasingly inflexible in applying punishments such as expulsions and suspensions (Noguera, 1995; Skiba & Peterson, 1999).

From its inception as a federal drug policy of the 1980s, ZT has been implemented as a school discipline policy. Primarily, the policy is used as a method of sending a message that certain behaviors will not be tolerated by punishing both major and minor offenses severely (Keleher, 2000; Noguera, 1995; Skiba & Knesting, 2002; Skiba & Peterson, 1999). Maintaining an atmosphere conducive to learning is imperative; however, overrepresentation of students of color in the discipline data suggests that race is a defining component regarding the implementation of the ZT policy (Gordon, Piana, & Keleher, 2000; Nichols, 2004; The Harvard Civil Rights Project & Advancement Project, 2000).

Purpose of the Study

The disproportionately high rate of African-American males in suspension and expulsion data has been cited consistently throughout the research literature (Bennett & Harris, 1982; Morrison & D'Incau, 1997; Skiba, Michael, Nardo & Peterson, 2000; The Harvard Civil Rights Project & Advancement Project, 2000). The purpose of this study was to investigate the extent of the disproportionality by analyzing the out-of-school suspension and expulsion trends among students of color across school levels in Texas during the 1999-2000 and 2002-2003 school terms. By integrating a customized critical policy analysis with specific tenets of critical race theory (CRT), the research conducted in this study sets the stage for future studies as it explores the extent of race/ethnicity and gender disproportionality trends and patterns. Secondly, a micro-perspective regarding the intent versus the implementation of the policy is given as the study ventured beyond the observable to focus on the practical issues for educators living through the actuality of policy intentions.

Research Questions

The guiding research question for this study asks, 'What can be determined when critical race theory (CRT) and critical policy analysis are integrated to evaluate the quantitative data related to the out-of-school suspension and expulsion rates of students of color?' As such, this study sought to determine what statistically significant differences exist in the out-of-school suspension and expulsion results by race/ethnicity, gender and school level in Texas' public schools after the implementation of ZT policies. Additionally,

the study investigated the relationship and predictive power of the variables race/ethnicity, gender and school level on the disciplinary action of students of color while responding to the following questions:

Question 1: What are the differences in the out-of-school suspension and expulsion rates of African American students when compared with other students of color in Texas after the implementation of ZT?

Question 2: What are the differences in the out-of-school suspension and expulsion rates of male and female students of color after the implementation of ZT?

Question 3: What are the differences in the out-of-school suspension and expulsion rates of students of color in Texas on the elementary, middle and high school levels after the implementation of ZT?

Question 4: What is the comparative predictive power of the variables race/ethnicity, gender and school level on disciplinary actions (out-of-school suspension and expulsion) of students of color after the implementation of ZT?

Significance of the Study

In 2001, the Governor of Texas became the President of the United States, and education became an integral part of the national agenda when the new President appointed the superintendent of one of Texas' largest school districts as the nation's Secretary of Education. The U.S. educational system has continued to be affected by Texas' educational policy as the model for the 2001 federal education plan, *No Child Left Behind*, was based primarily upon Texas' Senate Bill 7 that holds schools and districts accountable for student

performance on assessment tests and dropout rates (Texas Education Agency, 2004). With Texas' reputed "tough on crime" reputation (Axtman, 2005), it is appropriate to analyze out-of-school suspension and expulsion rates of public schools in the State of Texas.

State level research, such as this study, expands the research regarding the rates of out-of-school suspension and expulsion across school levels for students of color in Texas as an investigation of the extent of gender and race/ethnicity disproportionality among students of color is explored. Additionally, this study may aid in the development of a method that specifically would analyze the demarcation of students of color while contributing to the literature on policy analysis and critical race theory via quantitative data to demonstrate the hegemonic nature of a public school policy framed by the dominant discourse regarding discipline and safety.

Definition of Significant Terms

A Critical Policy Analysis: an evaluation of plans, programs and/or procedures operating in public schools that may use quantitative data in at least one component of the policy being assessed to highlight educational inequities that specifically affect students of color.

> N.B. Primarily, critical policy analysis consists of various modes for evaluation that may focus on, for example, contents of a policy that specify recommendations and/or process issues regarding the development of a policy (Prunty, 1985, Lincoln & Guba, 1986, Musick, 1998; Woodside-Jiron, 2003).

Of the modes employed, quantitative data is not used as the principle method of evaluation (Lynn & Parker, 2006). For this study, the researcher selected two primary tenets of critical race theory (CRT) to deconstruct the quantitative results of the ZT policy used in Texas' schools.

CLEED (Culturally, linguistically, economically, and educationally diverse) students: Public school students whose culture, language, socio-economic status and educational backgrounds differ from mainstream perspectives of the dominant White culture which is wholly represented and characterized by a historical European American ideology that venerates conformity and derides differences (Larke, 1990).

*Expulsion***:** Punishment that may permanently remove a student from school because the student's actions are potentially dangerous to himself or others in the school. Expulsion requires a hearing before implementation.

In-School Suspension: Punishment that removes the student from regular school activities or classes for a determined period during the school day. Students are assigned to a designated area on school premises.

Out-of-School Suspension: Punishment that removes the student from regular school activities, classes or school for at least one school day or a determined period not to exceed 10 days.

Students of Color: American public school students who are designated racially/ethnically by one or more of the following combinations: Asian, African, Latino and/or Native American.

Violence: In the context of schooling and safety, this term was referred to as disorder (Harris, Fields & Carter, 1983). Violence in schools has morphed from traditional major activities such as assault, possession of drugs and weapons to traditionally minor activities of disorder, such as tardiness, lack of homework, sharing aspirin and cough drops, and using a plastic knife to spread peanut butter at lunch (Skiba & Peterson, 1999; The Harvard Civil Rights Project & Advancement Project, 2000).

Zero Tolerance Policy: A school or district policy that mandates predetermined consequences or punishments for specific offenses (Heaviside, Rowand, Williams & Farris, 1998). Generally, results are suspension or expulsion from school, regardless of circumstances and/or without due process procedures.

Assumptions

The data on school discipline analyzed for this study came from the Texas Education Agency (TEA) databases. The collected data are deemed accurate and reliable.

Limitations

Although the National Institute of Education (NIE), now defunct, began collection

of school discipline data in 1975 (Wu, Pink, Cram & Moles, 1982), which included

measuring school violence (Kingery, Coggeshall & Alford 1998), nationally uniformed and

comprehensive data on school violence did not exist before the inception of ZT policies

(Texas Education Agency, 1994). The data collected from school districts in Texas may not

be representative of all or any other part of the United States. Furthermore, this study used

data regarding out-of-school suspensions and expulsions only for the school years 1999-

2000 and 2002-2003.

Delimitations

SDFSCA, 1994 required the National Center for Education Statistics (NCES) to

collect data regarding student misbehavior as reflected via discipline referrals on all

elementary and secondary public school campuses; this excludes charter and private

schools from reporting.

Organization of the Study

Chapter I included the statement of the problem followed by the purpose and the

significance of the study. The chapter introduces the research questions and defines key

terms related to the study. The literature review, in Chapter II, begins with a synopsis of

government-funded reports regarding disorder in U.S. public schools that is followed by an

overview of the American publics' perceptions of discipline in schools. The inception of the ZT discipline policy used by schools is chronicled next followed by a discussion of the suspension and expulsion research as it relates to all students and, in particular, students of color. Afterwards, a summation of the theoretical concepts used to evaluate the data for this study is given. Finally, a synopsis of Texas' history on educational reform and discipline management is given. Chapter III, an overview of the procedures for data gathering and analysis, reveals the steps taken for the research study. A summary of research procedures concludes this chapter. Chapter IV reveals the analytical results of out-of-school suspension and expulsion rates for the State of Texas as it relates to gender, race/ethnicity and school level for the school years 1999-2000 and 2002-2003. A discussion of policy acts in education and an overview of critical policy analysis begin in Chapter V. After which, a critical policy analysis that integrates the statistical results of this study is conducted. Chapter VI contains the findings, a discussion, conclusions and implications of the study regarding a critical policy analysis, as defined by the researcher, of ZT followed by recommendations for further study.

CHAPTER II

REVIEW OF THE LITERATURE

This review begins with a synopsis of government-funded reports that introduced the issue of disorder in U.S. schools to the nation. Next, an overview of the public's perceptions over time of discipline in schools is given because as Silver (1990) noted, education is a public service and educational institutions are necessarily concerned with the "…proper functions and public esteem of the state or public institutions" (p. 74). Then, legal decisions that have influenced the discipline policy in U.S. schools and a synopsis of the reports concerning school violence and disorder are presented. Next, the inception of ZT as a discipline policy used by schools is chronicled followed by a discussion of the suspension and expulsion research as it relates to U.S. public schools and, particularly, students of color. After which, an overview of educational research policy is given followed by a summary of education in the State of Texas. Finally, a summation of the concepts used to evaluate the out-of-school suspension and expulsion data is given.

National Reports on Discipline in Schools

When the National Institute of Education (NIE) released an executive summary of its 1977 report, *Violent Schools--Safe Schools*, disorder on school campuses sparked public interest. The report's conclusion that "… 40 percent of robberies and 36 percent of the assaults on urban teenagers occurred at school" (p. 2) spurred national attention. Among the statistics, 29 % of victims reported that they occasionally brought weapons to school.

According to the report, approximately 5,200 teachers were assaulted physically in a typical month (NIE, 1977). Almost a decade later, Wayne and Rubel (1982) noted the national data from the NIE report were an aggregate of various types of districts but that the emphasis for responses was on urban districts. While never discounting the racial implications of the report (i.e. public perceptions of urban neighborhoods), they contended that because the public focus was on other issues of the times (the Vietnam War, economic recession and Watergate), a generalized conclusion of violence in schools may have exacerbated the public's perception of urban schools and communities.

Two decades after the NIE report, Menacker and Mertz (1994) purported the report, "marked the formal recognition of a serious national concern with the increasingly crime-ridden, unsafe conditions of American public schools" (p. 57). Once the NIE released its executive summary to a national audience, a prior report resurfaced with parallel accounts about whether school violence had increased or decreased. *Our Nation's Schools--A Report Card: 'A' in School Violence and Vandalism* (United States Senate Committee, 1975), investigated juvenile delinquency from 1971-75. Concluding that trends of violence and vandalism had increased, the report stated the "…level of violence …is reaching crisis proportions, which seriously threaten the ability of our educational system to carry out its primary function" because of the prevalence of a "climate of fear" (p. 3). While citing several surveys that had been conducted by various organizations, in summation, the report indicated the lack of adequate record keeping on these issues. A determination was made that further Congressional investigation was warranted for, among other things, increased use of drugs and

alcohol by students and bias against African Americans and other ethnic groups

regarding expulsion, a fact not alluded to in the 1977 NIE report.

Although not a direct contradiction to the 1977 NIE report, *Disruptive Youth in*

School (Jordan, Sabatino & Sarri, 1980), also funded by the NIE, indicted schools for

contributing to juvenile delinquency by labeling students as culturally deprived,

troublesome and apathetic (p. viii-ix). The report begins with the following statement:

> Concern with disruptive, delinquent, and/or predatory and violent behavior of youth is prevalent throughout the United States, as well as in several other Western countries. School dropout rates are said to have doubled in the past decade. A recent study…emphasized that the public school has become a custodial holding enterprise, much like a prison, in many U.S. communities (p. viii).

Purported to identify trends of crimes on school campuses, Moles (1987) examined

national data from the early 1970s to the mid 1980s. All victimization data contradicted the

notion of popular belief, at the time, that school crime had increased. Results of the Moles

(1987) study suggested that although schools in large/urban cities are likely to have more

crimes of personal violence than schools in other locations, societal forces rather than

school factors may explain the overall trends. Although future research extolled the validity

of these claims (Curwin & Mendler, 1999; Casella, 2003; Hyman, Weiler, Dahbany,

Shamrock & Briton, 1994; Noguera, 1995), national reports of the time did not.

Public Opinion of Discipline in Schools over Time

What the public thinks of education peripherally has influenced policy for

American public schools (Silver, 1990). Over time, the public has demanded punitive

measures regarding drugs, discipline and violence on school campuses; school districts, state legislatures and the federal government responded. While the public's perception of schools may be predicated on media reports (Elam, Rose & Gallup, 1994), those perceptions have become the impetus for policy changes that affect discipline in schools. In effect, legislators and policy-makers view the results of polls as the public's call for action. Where education is concerned, educational policy-makers view the Gallup poll results.

For most Phi Delta Kappa/Gallup polls, the target population is limited to 18-year olds or older civilians who are not campus-bound college students, military-based personnel, prisoners or others assigned to group institutions (Sourcebook, 2003). Sample sizes for major polling organizations are between 1,000 and 1,500 respondents. Margin of error results are estimated to be accurate within plus or minus three percentage points (Sourcebook, 2003). The integrity of the samples used has been scrutinized and proven acceptable by a host of agencies for decades. Poll results have been reported and used in the literature for business/economics, politics, governmental studies and education (See Table 2.1). Throughout the 1970s, the annual Gallup poll of the public's attitudes toward public schools revealed concern growing for lack of discipline (Gallup, 1970).

The 1970s

Gallup noted that more than 50% of the parents of school-aged children used their high school and college experience to judge the schools. The 1972 poll indicated the public began to make the connection of discipline and academics as respondents

indicated their experiences in public school influenced their answers. As subsequent

polls indicated, the public's idea of the purpose of education included the attainment

of better jobs as well as the teaching of how to manage life among diverse

populations (Gallup, 1971). Even though the public listed teaching students to respect

law and authority as the top goal for students (Gallup, 1972), fewer parents wanted

their children to pursue a teaching career because schools were perceived as

dangerous (p. 40). When respondents were asked the source of their information on

schools, Gallup pollsters concluded that first-hand information yielded favorable results

(Gallup, 1973). In other words, parents of school-aged children were more inclined to

support the schools their children attended; on the other hand, people who depended on the

media for information on schools were more critical of schools and the schooling process.

News coverage on schools during this period consisted of reports of racial disorder

(Gallup, 1973, p.39), but the highlights of news coverage during this time were of the

Vietnam War. In 1965, the United States sent troops to South Vietnam to prevent its

government from collapsing. The first combat troops arrived in 1965 and fought the

war until the cease-fire of January 1973. Ultimately, the United States failed to

achieve its goal. Beginning in 1974, respondents' concerns regarding crime in schools

began to increase. Emphasis on discipline spurred respondents to suggest teaching morals

and implementing dress codes for all students (Gallup, 1975). Of special note, the Supreme

Court ruled in *Goss v. Lopez* (1975) that school officials must provide at least an oral

notice of charges for suspensions of up to 10 school days (Zirkel, 2002). In the event of a

student appeal, evidentiary explanations and an opportunity for the accused to tell his or

her side of the story must occur. When queried on the court ruling, 45% of respondents

believed that students have too many rights (Gallup, 1975, p. 231).

TABLE 2.1

Sample of Phi Delta Kappa/Gallup Poll Users

Industry/Field	Topic	Journal/Article
Business/Economics	Consumer Habits	Independent Restaurants, 1984 46 (2), 13-14
Government/Politics	Traffic Safety	National Traffic Safety Administration, 2003 Final Report, Washington, DC http://purl.access.gpo.gov
Education	School Programs	School Administrator, 2005 62 (5), 10

Note. General internet search on December 15, 2006 for *Gallup* revealed an excess of
100 hits. Researcher arbitrarily chose the four items listed in Table 2.1.

As the 1970s ended, the Gallup poll bore witness to the addition of

crime/vandalism as a top ten problem of public schools as well as the widespread use

of marijuana and alcohol by high school and junior high school students (Gallup,

1978). With the longest military conflict in U.S. history at an end, the public's

interests in issues at home were renewed. In addition, the last Gallup poll of this

series (1979) revealed that a significant number of respondents cited low standards

and school curriculum as major problems. As a result, the succeeding decade would

bring widespread research regarding curriculum standards, and Americans in the

United States were about to be told their nation was at risk.

The 1980s

Criticism of schools escalated as research from various fields reported the schools' failure to educate students for competition in the world market as purported by *A Nation at Risk* (National Commission on Excellence in Education, NCEE, 1983), thus support for a national curriculum began to arise (Elam & Gallup, 1989). Although the 1980s heralded a period of extensive research regarding academic achievement (Kretovics, Farber & Armaline, 1991), the number one spot in the *Annual Gallup Poll of the Public's Attitudes Toward Public Schools* continued to be lack of discipline (Gallup, 1983, 1984). According to respondents of the 1983 poll, the top three causes for discipline in schools were 1) lack of discipline in the home, 72%, 2) lack of respect for law and authority, 54% and 3) lack of the ability to remove student troublemakers from school, 42% (Gallup, 1983, p.37).

Use of drugs rose to first place in 1986 and remained there until 1989 (Elam & Gallup, 1989). During this time, Ronald Reagan was President of the United States, and the First Lady, Nancy Reagan became the spokesperson for the "Just-Say-No" campaign to end drug use. The President's Deputy Undersecretary of Education suggested that public schools in the United States were in a disciplinary crisis exacerbated by due process gained by students (Hyman & D'Alessandro, 1984). When the National Commission on Excellence in Education (NCEE) recommended that, "the burden on teachers for maintaining discipline should be reduced" (NCEE, 1983, p.29), it set the stage for ZT, as a discipline policy, to become the accepted venue to alleviate the 'burden' of disciplining students by their respective teachers.

New concerns relating to discipline and disorder in schools would reveal themselves in the next decade as the advent of crack cocaine and the use of other drugs caused alarm regarding juvenile involvement in crime and the connections of those crimes on U.S. public school campuses. When police departments and school districts in the U.S. implemented the Drug Abuse Resistance Education (DARE) program, legislators looked for ways to improve schools, including a governors' summit that convened in 1989 under the auspices of a newly elected President of the United States, George H. W. Bush, which resulted in the establishment of six national achievement goals. In brief, the achievement goals primarily centered on academics as they related to high school graduation rates, beginning with the goal that all children in America will start school ready to learn. In connection with the belief that America's drug epidemic had affected academic achievement in public schools, the sixth goal stated, "By the year 2000, every school in America will be free of drugs and violence and will offer a discipline environment conducive to learning" (National Education Goals Panel, 1993, p.3). As a result, the next decade would usher in a policy to address the public concerns regarding drugs and violence. It would be called zero tolerance.

The 1990s

Slightly more than 50% of respondents to the 1990 Gallup poll were somewhat satisfied with the efforts being made toward addressing the drug problem in schools. Furthermore, the public strongly supported automatic suspension for students caught with drugs, alcohol and/or weapons (Rose & Gallup, 1997). Regarding the discipline policy, ZT,

the 1997 polled respondents were asked whether violations involving alcohol and drugs should bring automatic suspension; at that time, the ZT policy for drugs and alcohol was supported by 86% of the respondents (Rose & Gallup, 1997).

Although the ZT question was posed first in 1997, it was repeated only when incidents involving ZT policies attracted media attention. Nevertheless, the public was not swayed in their beliefs regarding safety in U.S. public schools. In 1999, two questions regarding school safety indicated the public felt that schools generally were safe. Given the concern with student discipline and the media coverage of the shootings at Columbine High School in 1999, 24% of the respondents felt that the schools in their community were very safe and orderly, while 62% believed they were somewhat safe and orderly (Rose & Gallup, 1999). As a result, the next decade has proven, so far, to be less concerned with issues of safety and discipline on America's public school campuses.

During 2000-2006

Although lack of discipline remained one of the top five concerns of 2006, lack of financial support has been unchallenged as the top problem since 2000 (Rose & Gallup, 2005). Issues involving overcrowding, violence and drugs have been included in the top five (Rose & Gallup, 2005). Nevertheless, public support for education has remained strong although reform is viewed as an action that must occur at the school level not the federal level as prescribed by the *No Child Left Behind* legislation of 2001(Rose & Gallup, 2006). Surprisingly, during the span of time after the Columbine incident in 1999, the Minnesota incident of 2005 and the October 2006 Amish community tragedy, the issue of

school safety did not appear in the top five concerns of the American public. This anomaly may be because, as was the case in the 1970s, the United States has sent troops to another country to prevent its government from collapsing, and America once again is at war.

<div align="center">Trend Assessment on Public Opinion of Discipline over Time</div>

Since the first poll in 1969, Gallup respondents have been asked to identify their perception of the biggest problem the schools in their communities face. This trend question continued to be asked during the 2000-2006 poll series. Throughout the 1970s, the public consistently ranked discipline as the major problem plaguing U.S. education (Gallup, 1972, 1973, 1975, 1978). Coupled with the media attention given to reports of violence in schools, legislative responses to those reports and criticism of the school's failure to educate students for competition in the world market voiced in the NCEE (1983) report, the public perception on schools throughout the 1980s, in general, was of a failing system (Gallup, 1984, Elam & Gallup, 1989). Where discipline and safety were concerned, the public perceived that the drug problem in society precipitated the drug problem and, subsequently, violence in schools (Elam & Gallup, 1989; Gallup, 1984).

During the 1990s, Gallup respondents continued to perceive 'use of drugs' as one of the biggest problem facing schools (Elam, 1990, Elam, Rose & Gallup, 1994, Elam & Rose, 1995). Fighting, violence and the growth of youth gangs replaced 'use of drugs' as a major concern during the 1994 and 1998 polls. Nevertheless, in 1994, the public did not blame the school. When asked what caused the increased violence in schools, 70% of the

respondents listed, among other things, a breakdown in the American family. Aside from not blaming schools for the increase, the respondents did expect schools to curb the problem by offering classes on parenting skills for parents of teenagers as well as conflict resolution to reduce racial/ethnic tensions, and drug and alcohol abuse programs for all public school students (Elam, Rose & Gallup, 1994). Regarding increased violence, researchers have noted that data on crime during the 1990s, in general, pointed to male students of color in large urban populations as the primary source of and victims of violence (Casella, 2003; Curwin & Mendler, 1999; Hyman, Weiler, Dahbany, Shamrock & Briton, 1994; Noguera, 1995).

Nevertheless, in what could be construed as a fait accompli, the biggest problems in America's public schools, according to Gallup respondents during these infant years of the 21st century, was lack of financial support followed by overcrowding, lack of discipline and use of drugs (Rose & Gallup, 2005, 2006). If the trend of the polls continues to follow form, as they have in the past, then for the time being, issues of war will overshadow disorder in schools.

Legal Decisions that Influenced Discipline Policy in Schools

Notwithstanding the public's opinion of disorder in schools, the U.S. Supreme Court has examined the issue of school discipline on several occasions. Since the late 1980s, the Court has emphasized the need to ensure school order. Suspension and expulsion from school first was addressed by the U.S. Supreme Court in 1975. The case, *Goss v. Lopez*, involved nine high school students who alleged that their constitutional

right to due process had been violated when they each were suspended for 10 days without

a formal hearing for participating during a demonstration (U.S. Supreme Court Education

Cases, 1993). In this case, the students prevailed. The Court ruled that students' rights to

attend school superseded a school's rights to exclude students for misconduct, and schools

must provide evidence of a student's misconduct prior to or immediately following the

suspension (Zirkel & Richardson, 1988). Although school suspensions for disciplinary

purposes are allowable, the process must include oral or written notice of the offense and

the right to be heard (Zirkel & Richardson, 1988). Lower court rulings have expanded these

protections for a wide range of situations that may include short-term suspensions (Zirkel

& Richardson, 1988). Although *Goss v. Lopez* dealt specifically with suspension and

expulsion as a matter of free speech and not physical violence, this issue directly affected

due process concerns associated with the current policy known as ZT.

A second punishment issue brought to the Court on behalf of a student occurred in

1977. The Court examined the constitutionality of corporal punishment in *Ingraham v.*

Wright (1977). Under the Eighth Amendment, the Court decided that corporal punishment

did not constitute cruel and unusual punishment and that a hearing prior to administering

corporal punishment was not required. In this case, two students were punished by being

paddled with a wooden board. Each student required medical attention, a fact that

corroborated their arguments that the paddling they received constituted cruel and unusual

punishment (Zirkel & Richardson, 1988). Although the legal status of corporal punishment

remained unchanged, the fact that the Supreme Court heard the case influenced legislative

ratification of additional laws governing the use of corporal punishment (Zirkel, 2002),

hence setting the stage for other issues governing student disorder and punishment to be presented to the Court. One of which involved an incident as a precursor for punishment.

The Supreme Court ruled on the issue of student searches in *New Jersey vs. T.L.O.* (1985). Upon entering a school lavatory, a teacher discovered a 14-year old female student smoking cigarettes, a school violation. A search of the student's purse by the school principal produced a pack of cigarettes and rolling papers that were commonly associated with marijuana and evidence of drug dealing (Zirkel & Richardson, 1988). Because of the *T.L.O.* decision, Fourth Amendment protection for students against unwarranted searches and seizure of property was established. An expansion of the ruling indicated that, depending on the objectives of the search, the age and gender of the student and the nature of the infraction, public school authorities need have only reasonable suspicion to initiate such searches.

Although this review does not include specific research literature on the discipline of students who receive special education services, the *Honig v. Doe* (1988) decision has influenced the discipline policies for all students. Superintendent of Instruction for California schools, Bill Honig, argued that the disability law was flawed, and schools could exclude students forthwith who threatened the safety of others. The Court ruled that the stay-put provision of the Individuals with Disabilities Education Act (IDEA) held and that schools could not unilaterally remove students considered dangerous while their change of placement was being appealed (Zirkel & Richardson, 1988). According to IDEA, students who receive special education services who had been identified as behavioral problems could be removed from their original placement only through an agreement between the

school and the student's parents or via a preliminary injunction from a court when it was

found that a student was prone to injure self or others (Zirkel, 2002).

Prior to this ruling, students with disabilities were vulnerable to harsh disciplinary

tactics (The Harvard University Civil Rights Project & Advancement Project, 2000;

Townsend, 2000).The IDEA requirement clarified what constituted removal of students

who receive special education services. In *Honig*, the stage was set for state and local

education agencies to modify school disciplinary codes that focused on eliminating

weapons and controlled substances on school grounds (Skiba & Peterson, 1999; Skiba, et

al., 2000) as it relates to the safety of others.

The Gun-Free Schools & Safe and Drug-Free Schools

and Communities Acts

In an effort to curb seemingly out-of-control gun violence and the influx of drugs

on public school campuses, Congress passed PL 103-227, the Gun-Free Schools Act of

1994 (hereafter, GFSA, 1994) and the Safe and Drug-Free Schools and Communities Act

of 1994 (hereafter SDFSCA, 1994). ZT became public law when President Clinton signed

PL 103-227 and PL 103-382, known as GFSA, 1994 and SDFSCA 1994, respectively.

Both Acts, additional amendments to the Elementary and Secondary Education Act of

1965, provided funding for the adoption of programs for violence prevention, peer

remediation and conflict resolution. Adherence to the guidelines within GFSA, 1994

continued the flow of supplemental government funding to school districts and included

mandatory expulsion for any student who brought a weapon on a public school campus

(GFSA, 1994). Parts of the funding were to be used for drug and violence prevention (Furlong & Morrison, 1994; The Harvard Civil Rights Project & Advancement Project, 2000; Nichols, 2004). Researchers confirmed that programs focused on violence prevention and conflict resolution became the focal point for many school districts in an effort to comply with SDFSCA, 1994 and GFSA, 1994 mandates (Furlong & Morrison, 1994; Gottfredson & Gottfredson, 1997; The Harvard Civil Rights Project & Advancement Project, 2000). Furthermore, SDFSCA, 1994 required the National Center for Education Statistics (NCES) to collect data regarding violence and student misbehavior on all elementary and secondary public school campuses; however, compiling national data on school violence proved to be problematic. A Congressional Research Service report (White & Stedman, 1994) found problems in data collection regarding school violence as it related to, among other things, wording of indicators and inconsistent definitions. Overtime, these inconsistencies have been rectified (NCES, 2004).

Coupled with funding imperatives, passage of GFSA, 1994 and SDFSCA, 1994 prompted public school officials across the nation to pursue measures to protect students, faculty and staff (Gausted, 1992; National Center for Educational Statistics, 1998). These protective steps evolved into a catalyst for events that, in the view of some researchers, have and remain a negative effect on students, their families and society as it applies to equity in the educational system (Curwin & Mendler, 1997; Giroux, 2001; The Harvard Civil Rights Project & Advancement Project, 2000).

Historical Overview of Zero Tolerance

The phrase zero tolerance was introduced into the United States' culture during the early 1980s shortly after the nation publicized its proposed war-against-drugs campaign during Ronald Reagan's presidency. The first use of the term 'zero tolerance' was recorded in the Lexis-Nexis national news database in 1983 when the Navy reassigned 40 submarine crews for suspected drug use (Henault, 2001; Skiba & Peterson, 1999). The phrase grew from the use of policies that would punish all state and federal drug offenses no matter how inconsequential the offense. The United States government instituted a war on drugs; thus, ZT, as a national policy, was conceived. Under the auspices of Attorney General Edwin Meese and without due process, custom agents were allowed "…to seize the boats, automobiles and passports of any persons crossing American borders who were found with even trace amounts of drugs" (Henault, 2001, p 537).

Since offenders would be charged with federal possession for residual amounts of drugs, the American Civil Liberties Union intervened on behalf of private citizens (Skiba & Peterson, 1999). Serious questions of due process and fairness surfaced when, in 1990, United States Customs officials seized two research vehicles (Henault, 2001). Consequently, the United States Customs Service discontinued its initial ZT program (Henault, 2001; Skiba & Peterson, 1999). Nonetheless, the ZT concept was being applied to other facets of U.S. society, such as environmental concerns, homelessness, sexual harassment and public schools (Skiba & Peterson, 1999). School districts in California, Kentucky and New York were the first states to propose ZT programs to control students who caused school disorder (Skiba & Peterson, 1999).

Initially, school boards embraced the policy to curtail the influx of weapons and drugs on school campuses (Ayers, Dohrn, & Ayers, 2001) while other concerns began to impose themselves (testing, teacher accountability, etc.). By emulating state and federal laws, school boards implemented their own policies on weapons and violence based on mandatory sentencing and 'three strikes and you're out' policies against students who brought guns to schools which had been fueled by the high profiled media coverage of school shootings in the mid-1990s (Giroux, 2001; The Harvard Civil Rights Project & Advancement Project, 2000). Of special note were the inclusion of violence infractions and their interpretations; violations usually were linked to student clothing, inappropriate language and disrespectful attitudes toward teachers (The Harvard Civil Rights Project & Advancement Project, 2000). Despite the fact that youth crime on campus may have decreased, policies shaped by the belief that school crime had escalated have contributed to an increase in programs based on punitive policies that incorporated traditional disciplinary policies (Skiba, Michael, Nardo & Peterson, 2000; The Harvard Civil Rights Project & Advancement Project, 2000).

Under the auspices of ZT, school boards instituted disciplinary policies that mandated the suspension of students from school for a wide range of behavioral infractions that included threats of violence, possession of weapons and the use or possession of drugs on school property (Skiba & Peterson, 1999; The Harvard Civil Rights Project & Advancement Project, 2000). Principals and school administrators have used ZT, a one-size-fits all philosophy (The Harvard Civil Rights Project & Advancement Project, 2000), to manage discipline. As a result, students have been suspended for sharing aspirin and

cough drops, for using a plastic knife to spread peanut butter at lunch, and for sharing a prescription inhaler with a student experiencing anaphylactic shock (Skiba & Peterson, 1999; The Harvard Civil Rights Project & Advancement Project, 2000).

Advocates of ZT regarded the policy as a necessity for safety and effective instruction (Feldman, 1998; Shanker, 1995, 1997). Other reasons given for strict adherence to the policy included deterring misconduct, limiting legal liability by treating all disorder the same, creating and environment conducive to learning and, considering the violent events of recent years, averting tragedy (Advancement Project, 2005; Casella, 2003). Given time, Litke (1996) postulated that ZT would lead to fewer expulsions and suspensions as students become accustomed to the policy. On the other hand, Blair (1999) admitted the construction of safe schools must not be predicated solely on ZT policies and conceded that the policy needs refinement. He advocated for an evaluation of systemic conditions to supplement ZT, one of which included knowledge of pitfalls of the policy in other states. Still others viewed the intent of the policy as well meaning while acknowledging the ineffectiveness associated with its implementation (Noguera, 1995; Stader, 2004). Stronger admonitions regarding the policy pointed to its propensity to perpetuate structural racism that resulted in the incarceration and victimization of students of color (Advancement Project, 2005).

Traditionally, public school education has been considered an imperative for all citizens, allowing parents to relinquish their children to the system and expecting the school to act in *loco parentis*, an English common-law practice that means that the teacher takes the place of the parent regarding discipline during school hours (Hyman, Bilus,

Dennehy, Feldman, Flanagan, Lovoratano, Maital & McDowell, 1979). Overtime, this

precedent has allowed school personnel a wide range of disciplinary action and control

(The Harvard Civil Rights Project & Advancement Project, 2000). Since all children must

attend school, and schools are influenced or controlled by events, laws and attitudes in

society, students inherently experience the flaws embedded within various policy

transformations. One such 'flaw' has been documented repeatedly: African American

students represent the greatest population of suspended and expelled students (Bennett &

Harris, 1982; Costenbader & Markeson, 1998; Morrison & D'Incau, 1997; Skiba, Michael,

Nardo & Peterson, 2000; The Harvard Civil Rights Project & Advancement Project, 2000).

Although far below the percentage of their male counterparts, the number of females under

the age of 18 charged with violent crime has increased (Center for Women Policy Studies,

1998; Weiler, 1999). Multiple factors (e.g., family, peers, neighborhood, and community

contexts) contribute to and shape antisocial behavior over the course of development

(Weiler, 1999). Consequently, official reports of female delinquency and crime indicated

that young women have lower rates of offending even though their numbers increased

(Weiler, 1999). Even so, an 'offending' occurrence does not necessarily constitute a violent

event.

Violence or Disorder on School Campuses

Contemporary definitions of violence, disorder and crime on school campuses

differ considerably from historical definitions. Spurred by civil rights unrest in the 1960s,

large cities began to institute security operations within school systems (Burgan & Rubel,

1980). During the 1970s, research outside the arena of education focused on young people

who committed crimes generally associated with adult behavior such as robbery, theft and

assault (Furlong, & Morrison, 2000). As noted by Gallup polls during the 1970s, parents

began to perceive schools as dangerous (Gallup, 1972 p. 40). Health and juvenile

justice professionals increased their concern about youth violence as extreme forms of

juvenile crime and youth homicide increased (Furlong & Morrison, 2000). The media

began to document various disciplinary infractions that occurred on school campuses,

and those who depended on the media for information on schools were more critical of

schools and the schooling process than were parents of school-aged children. Subsequently,

any action to alleviate the tension occurred when affluent neighborhoods were affected

(Burgan & Rubel, 1980). Prior to this period, discipline violations were not differentiated

as infractions to school rules or crimes (Burgan & Rubel, 1980; Harris et. al, 1983).

Nevertheless, the term 'school violence' reflects a broad spectrum of infractions. Although

it lacks a clear definition, this term is highly unlikely to be replaced with another more

specific one (Furlong & Morrison, 2000). As a result, reporting violent crimes has been

subjectively referred to as serious or non-serious.

School Reports on Disorder and Discipline

Even though more high school principals reported serious discipline problems than middle

or elementary school principals did, serious violent crimes, such as possession or use of a

weapon and sexual assault, were problems that seldom occurred; yet, these were the

infractions for which ZT policies were instituted (Heaviside, Rowand, Williams & Farris,

1998; The Harvard Civil Rights Project & Advancement Project, 2000). Due to principals'
positions of authority on school campuses, a national report asked them to report on the
major discipline issues occurring in their schools (Heaviside, et al., 1998). During 1996-
1997, 16% of all public school principals surveyed reported that one or more discipline
issues had been a serious problem in their school (NCES, 1998). The report revealed that
these issues included student tardiness, truancy, fighting, theft, vandalism, alcohol, drug
and tobacco use, possession of weapons, trespassing, defiance, racial tension and gangs.
Student tardiness (40%), truancy (25%) and fighting (21%) were the three most serious
discipline issues cited by public school principals (Heaviside, et al., 1998).

Violence and the Gender Gap

News reports of incidents involving the arrests of girls and young women increased
during the early 1990s, and from 1985 to 1994, the number of young girls under the age of
18 who were charged with violent crimes increased by 133% (Center for Women's Policy,
1998). Even so, official reports of female delinquency and crime indicated that young
women have lower rates of offending even though their numbers increased (Weiler, 1999).
Changes in the way girls are charged account for part of the increase in arrests for violence
that has narrowed the gender gap. Most girls and young women who are exposed to the
juvenile justice system do so because of a status offense (truancy, curfew violations, etc.)
For example, a girl who may shove a parent in an attempt to run away may be arrested for
assault (Chesney-Lind, 1988; Chesney-Lind & Shelden, 1998Girls Incorporated, 2004).

While violence has been studied primarily as a male phenomenon, it has been noted that violent crimes committed by young women differ significantly from those committed by young men (Artz, 1998; Chesney-Lind & Shelden, 1998; Weiler, 1999). For instance, girls are more likely to murder someone because of a personal conflict, unlike boys who are more likely to murder while committing a crime (Girls Incorporated, 2004). In contrast to overt aggression, inflicting physical damage or physical harm is more common in boys; social aggression by girls harms through damage to peer relationships (Weiler, 1999). Adolescent girls use indirect aggression such as gossip, spreading false stories and telling secrets. This form of violence has been categorized by those who study delinquent girls as relational aggression. Relational aggression, perpetrated by girls against other girls, usually begins in second grade and peaks in middle school (Chesney-Lind & Shelden, 1998).

Multiple factors contribute to and shape antisocial behavior over the course of development. Some factors relate to characteristics within the child, but many others relate to factors within the social environment (e.g., family, peers, school, neighborhood, and community contexts) that enable, shape, and maintain aggression, antisocial behavior, and related behavior problems (Weiler, 1999). However, studies on violent girls rarely examined racial differences (Holsinger & Holsinger, 2005). Purporting the fallacy of homogeneous grouping of delinquent girls, research on the race/ethnicity of female juvenile delinquents reveals differing experiences resulting in an inadequate explanation of crime and delinquency committed by girls from all racial/ethnic categories (Holsinger & Holsinger, 2005).

African-American and Hispanic girls and young women 12 to 17 years of age represent 34% of the population but account for 52% of the girls and young women incarcerated for juvenile offenses (Girls Incorporated, 2004). Redefining an argument with a parent as assault may have had a direct impact on the increasing numbers of females of color drawn into the juvenile justice system, while their White counterparts are deinstitutionalized (Chesney-Lind, 2001; Girls Incorporated, 2004). In other words, instead of being placed in a mental health or substance abuse treatment center, African-American and Hispanic girls and young women are more likely than White girls and young women to be detained in a juvenile facility.

Juvenile Justice and ZT

Nationally, youth incarceration rose as did "…growing support among the American public for policies that abandon young people…to the dictates of a society that increasingly addresses social problems through the police, courts, and prison system" (Giroux, 2001, p. 32). The growing involvement of law enforcement agencies in the discipline of students for nonviolent conduct in school indicates that students are treated as criminals; once criminal charges have been filed against students, some are brought before juvenile courts (Bickerstaff, Leon & Hudson, 1997; The Harvard Civil Rights Project & Advancement Project, 2000). In most instances, in-school suspension was a sufficient punishment for what was no more than an altercation, posing no serious threat to safety (Noguera, 1995, 2003, The Harvard Civil Rights Project & Advancement Project, 2000).

"Over the last four decades, racial inequality among African Americans and other minorities is evident in the adjudication process, arrest, detention, prosecution and commitment to detention…over-identification of youth of color in juvenile confinement continues to soar..." (Drakeford & Garfinkel, 2000, p. 51). Consequently, punitive disciplinary policies cumulate into a pattern of disparity in the treatment of students of color in the criminal justice system. The first step is suspension. Once they are suspended, students of color are more likely to be involved in the juvenile justice system than are White youth (American Bar Association-ABA, 2004; Weissman, Wolf, Sowards, Abate, Weinberg & Marthia, 2005). Students who perform acts that would traditionally be considered childish (i.e., talking back, temper tantrums, playing cops and robbers) are now ticketed by police, referred to a juvenile detention center, or arrested (Advancement Project, 2005; Children's Defense Fund, 2005; The Harvard Civil Rights Project, 2000). Implementing ZT, an approach based on the perception that students in public schools experience a high level of violence, prevents a significant number of children from obtaining an appropriate education (Browne, 2003; Noguera, 1995; Skiba & Peterson, 1999), intensifies academic failure (American Academy of Pediatrics-AAP, 2003) and criminalizes youth (Noguera, 1995, 2003).

Public Schools and Zero Tolerance

Passage of the Gun-Free Schools Act (GFSA, 1994) introduced a new phase of public school student discipline and control. Prior to the enactment of GFSA, 1994, discipline was considered a local issue, and state legislation merely required schools to

have a policy in place for discipline concerns that would include suspensions and expulsions (The Harvard Civil Rights Project & Advancement Project, 2000). Adherence to GFSA, 1994 guidelines continued the flow of supplemental government funding to school districts and included mandatory expulsion for any student who brought a weapon to school (GFSA, 1994). When funding became contingent on a state's ratification of ZT, many school districts added strength to their existing discipline and control policies (Gausted, 1992; National Center for Educational Statistics, 1998). The allocation of funds required reporting compliance, therefore, implying consistency and uniformity across the board for the implementation of the ZT policy. This application alerted researchers to several negative impacts of the policy: consistent application of the policy does not mean the same punishment for all students (Casella, 2003), and punishments often result in grade retentions, dropping out of school, academic failure and recidivism (Costenbader & Markson, 1998, Morrison & D'Incau, 1997, Noguera, 1995).

ZT policies for schools emerged from national initiatives that encouraged the development of programs that attempted to limit the accessibility to guns and prevent violence while addressing conflict resolution and the implementation of punitive, yet judicial, discipline formulas (Casella, 2003). The implication is that a preventative component is included in order to identify problems and stem the tide of violence and drug abuse in schools. Nevertheless, GFSA, 1994 mandated school administrators to expel any student bringing a gun to school, and while schools were not forced to comply, "…the law required that federal funding be withheld from a school in the event that the school did not conform" (Casella, 2003, p. 874).

Subsequent amendments to GFSA, 1994 challenged school districts to provide suspended or expelled students with services that would meet individual needs and required students to continue with their education (Pipho, 1998; The Harvard Civil Rights Project & Advancement Project, 2000). In fact, the law granted school administrators discretionary powers to lessen the consequences, although for most students of color, this was not practiced (The Harvard Civil Rights Project & Advancement Project, 2000). Essentially, GFSA, 1994, represented federal endeavors to restrict firearms on public school campuses and support the practice of expulsions. Requiring mandatory expulsion for gun possession on school property targeted criminally dangerous behavior by students, which was the original focus of the law. Even so, the federal law was never meant to be the sole means of discipline in a school (Blair, 1999; Casella, 2003).

The extension of ZT by school districts included an array of behavioral "…infractions that pose little or no safety concerns. Some of these policies employ sweeping interpretations of the federal law by including violations not intended to be covered by the laws" (Advancement Project & The Harvard Civil Rights Project, 2000, p. 1). Congress drafted GFSA, 1994 with a focus on dangerous criminal behaviors that may be perpetrated by public school students (Dunbar & Villarruel, 2002 & 2004). By 1997, the U.S. Department of Education, National Center for Education Statistics-NCES (Heaviside, Rowand, Williams & Farris, 1998) reported that ZT was enforced in the majority of U.S. public schools, and 87% of the cases involved alcohol use while 79% involved fights between students (see also Curwin & Mendler, 1999). As a result, ZT policies were broadened as the assumption that more students were becoming violent, catapulting school

safety as an educational top priority (Giroux, 2001; The Harvard Civil Rights Project & Advancement Project, 2000). Concurrently, the effects of the ZT policy on students of color have been noted by several research studies and reports (Advancement Project & The Harvard Civil Rights Project, 2000; Browne, 2003; Morrison & D'Incau, 1997; Noguera, 1995; Skiba & Peterson, 1999).

Students of Color and the Implementation of Zero Tolerance

Public schools in the United States have changed dramatically during recent decades. The combined influence of compulsory attendance laws coupled with a growing number of culturally, linguistically, economically, and educationally diverse (CLEED) students (Larke, Webb-Johnson & Carter, 1996) altered the social climate within schools and had an impact on the manner in which schools are governed. Noguera (1995) asserted that large enrollments of African American and Latino students in the public schools have created special challenges for school personnel as they attempt to exercise control over students. Cultural misunderstandings occur when acts committed by students are misinterpreted, resulting in a classroom whose social climate becomes a series of clashes that ultimately impedes the academic learning process (Gay, 1994).

Concurrent with cultural misinterpretations, teachers and administrators must be cognizant of the 'culture of power' (Delpit, 1988) that exists in America's public schools. According to Delpit, students of color have not been socialized according to the rules of the dominant group and, therefore, must be taught the rules of engagement that exist within the school environment. Historically, instruction within U.S. schools has perpetuated the

values and culture of Western ideology, regardless of the students' cultural diversity
(Larke, Webb-Johnson, Rochon & Anderson, 1999). Racism has affected the classroom's
academic and social interactions to the extent that cultural conflict is established and
practiced, a result of bias perpetuated by the dominant culture via, among other things,
rewards and punishments (Gay, 1994).

With an increased focus on school accountability and student achievement,
tolerance of disorder and inappropriate behavior has decreased. Accountability has created
a sense of urgency among school administrators to demonstrate academic gains in their
students' performance (Council of the Great City Schools, 2003). Under these conditions,
disruptive students, particularly those who score poorly on tests that measure the
performance of the school district, are being excluded from the education community (Epp
& Epp, 1998; Blumenson & Nilsen, 2002; Noguera, 1995). Exclusion may result in
suspensions or expulsion; however, the basis of these punishments may involve
interpersonal dynamics and/or cultural misunderstandings (Costenbader & Markson, 1998).

Impact of ZT on Students of Color

Historically, violence has been associated with minority status, specifically African
American (Haberman, 1995; Ryan, 1976); therefore, the relationship between race, class
and violence in America's public schools is strong (Hill-Collins, 1998; Noguera, 1995).
While daily episodes of violence in White middle-class schools receive little attention in
the media, the principal correlate for disciplinary actions and school suspensions in general
has been minority group status (Morrison & D'Incau, 1997; Noguera, 1995).

While tracing the history of institutional disciplinary measures, Noguera (1995) asserts that 'get tough' policies not only fail to create safe environments, but they produce environments of resistance and mistrust. Morrison and D'Incau (1997) suggest that ZT policies increased school exclusion and denied students the right to a free and public education. In a study of the expulsion files of 158 students in one school district, researchers discovered that pertinent risk factors associated with possible school expulsion included family problems, which may include the death of or the abuse by a parent, frequent school moves and poor academic achievement (Morrison and D'Incau, 1997).

While Morrison and D'Incau (1997) highlighted the negative impact associated with ZT, unlike Noguera (1995), they identified the disparate outcomes of the implementation of ZT policies as the outcomes related to patterns (first offense associated with grade point average, history of offenses, etc.). Noguera (1995) emphasized the behavior of those implementing the policy by relating the historical inequities that influenced the implementation of the policy. As an observer to an expulsion hearing involving a gun, Noguera exposed the disconnectedness of those in authority of students and their connectedness to the ideal that discipline is to be used as an exercise of power and control. The expulsion was upheld despite the accidental circumstances and regardless of the evidence of this aberration of the students' routine behavior (Noguera, 1995).

Costenbader and Markson (1998) studied 620 middle and high school students and found that African-American students made up 25% of the school population, but they constituted 40% of the students suspended from school. The study also revealed that 45% of the African-American students had been suspended from school compared to rates of

18% for Hispanics and 12% for Whites. After interviewing 209 suspended students, the researchers found that a majority of the students learned little or nothing at all from being suspended, and only 19% stated they learned their lesson from being suspended. When asked to describe their reactions regarding their suspension, the students reported their anger toward the offending official or their relief at having the situation end. The researchers claimed that their findings point to the limited, unintended and counter-productive outcomes of suspensions. Cartledge, Tillman and Johnson (2001) claimed that more constructive means of bringing the desired effects to ZT regulations is to realize that "…punishment needs to provoke certain internal states that prompt the individual to avoid the misbehavior on subsequent occasions" (p. 27).

Even though both studies made statements about the intentions of the policy and highlighted the experiences of the group that were negatively affected by the implementation of the policy, only one focused on the behaviors of those implementing the policy. Cartledge, Tillman and Johnson (2001) ascertained that the issue of discipline has been abused for CLEED students. They concluded, "Unethical situations emerge when the practices and policies in educational settings are reflective of the culture, mores, and needs of the dominant class (in school administration, European American, middle-class males) and are in opposition to the culture and interests of non-dominant groups" (p.29).

If the desired result of ZT is to reduce school offenses and make schools safer, researchers noted that the outcome of the policy has been an increased population of expelled and suspended students, which indicates that suspensions and expulsions may exacerbate rather than reduce behavior problems (The Harvard Civil Rights Project &

Advancement Project, 2000). Casella's (2003) research summary on the implementation
and impact of ZT policies points to the lack of social capital as the primary culprit because
"… these young people are penalized more severely than those who can bounce back from
a suspension or expulsion. The punishment is different for them; it is not consistent…" (p.
879); neither are the dispensations of disciplining events as they relate to school level.

Elementary, Middle and High School

As noted by Benda and Wright (2002) in a study that examined the effects of
leadership upon the disciplinary climate and culture of schools, elementary school
represents the first public school experience for most children. It may also coincide with a
child's first experience to an organized set of rules and procedures and, in the case of
students of color, their first experience with racial/ethnic discrimination. The researchers
ascertained that school climate and culture are intertwined with the discipline strategies and
leadership styles that influence the success or failure students may experience (Benda &
Wright, 2002). In doing so, they focused on faculty member perception of the leader
regarding requests for disciplinary support. Concurrent with the findings of Skrla and
Scheurich's (2001) research regarding deficit thinking inherent with some school district's
leadership, primary findings from Benda and Wright (2002) supported a direct relationship
between a school's disciplinary climate, culture and the flexibility of its leadership. These
researchers (Benda & Wright, 2002) concluded that leadership style, as an emphasis for
study, should be replaced by the effectiveness of flexibility in leading.

School leadership also was a focus of a study of middle school discipline referrals (Sprague, Sugai, Horner & Walker, 1999). However, these researchers concentrated on an analysis of discipline referral data. Since office referrals are used by all schools, they may provide a source of information to document interventions used and the success of the interventions. How leaders in a particular school interpret the data of office referrals is pivotal to the results and/or effectiveness of a discipline policy. Sprague, Sugai, Horner and Walker (1999) contended that the limitation of office discipline referrals is directly related to the manner each school applies and/or defines the referral procedures. For instance, the identical student behavior may induce different responses from teachers within the same school.

Researchers at Harvard (The Harvard Civil Rights Project & Advancement Project, 2000) reported that during the 1998 school year, at least 3.1 million students were suspended while 87,000 were expelled. Expulsions and suspensions were more likely to occur at middle and high schools. Furthermore, the study ascertained that ZT policies are in direct violation with the appropriate development of healthy children and school-aged youth because these policies conflict with the "…development of strong and trusting relationships with key adults in their lives, particularly those in their school, and the formation of positive attitudes toward fairness and justice" (p.8).

In a study of perceptions between high school students and adults, Thornburg (2001) found that respondents did not perceive any of the interventions as having a strong positive impact or effectiveness on the safety of the school or its environment for learning. ZT policy procedures were perceived by administrators to be effective and fair while the

students and teachers perceptions were opposite. Thornburg (2001) contends that these differences between groups are significant in that they signal a lack of clarity, agreement and cooperation about roles and responsibilities. He concluded that these juxtaposed perceptions exist in schools that confront conflict and violence and that school administrators must exhibit strong and flexible leadership in order to create schools that make violence unlikely. Nevertheless, the intervention of the ZT policy to bolster existing discipline procedures has extended the devastating disparity among students of color receiving a disciplinary action.

Disparity of Zero Tolerance

Historically, African American students represent the greatest population of suspended and expelled students (Costenbader & Markson, 1998; Morrison & D'Incau, 1997; Skiba, Michael, Nardo, & Peterson, 2000; The Harvard Civil Rights Project & Advancement Project, 2000). Data are imprecise and difficult to obtain; therefore, identifying reasons for the disparities are problematic. Skiba and Knesting (2002) questioned the viability of the stance that inequities exist because African-American males commit infractions that are more serious. In fact, they found that students of color are disciplined more often and more severely for less serious and more subjective offenses, such as defiance of authority or disrespect. They concluded that the disproportionate representation of students of color, African-American males in particular, in office referrals, suspension and expulsion is evidence of systematic bias. Consistent with these findings, Morrison and D'Incau (1997) reported that children identified for special

education services in the district they studied were over-represented in expulsions. These findings indicate that children with academic problems are at greater risk of experiencing disciplinary problems in the school setting than their peers. Other investigations revealed that students from lower socioeconomic (SES) home situations have been suspended disproportionately from school (Skiba & Knesting, 2002; Wu, Pink, Crane, & Moles, 1982).

Although schools are obligated legally to protect students from injury (McCarthy & Webb, 2000; Heaviside, Rowand, Williams & Farris, 1998), diverse cultures and complex histories have contributed to the necessity of a multi-faceted approach in understanding the causes and contexts of inappropriate behavior in schools. Nonetheless, students of color are disproportionately disciplined with African-Americans suspended or expelled at much higher rates than Whites within the same schools (Applied Research Center, 2002; Bennett & Harris, 1982; Costenbader & Markeson, 1998; Morrison & D'Incau, 1997; The Harvard Civil Rights Project & Advancement Project, 2000). Conducting reports of violence and criminal behavior on and around public school campuses may occur in many forms (Texas Education Agency, 1994; The Harvard Civil Rights Project & Advancement Project, 2000). National data on school violence come from several sources with varying objectives for reporting. While some sources focus on criminal acts (e.g., Federal Bureau of Investigation), others focus on injuries or behaviors related to health issues (e.g., Center for Disease Control). The FBI Uniform Crime Reporting (UCR) Program gathers reports from law enforcement agencies directly or through respective state agencies (DeVoe, Peter, Kaufman, Miller, Noonan, Snyder & Baum, 2004). Additionally, law enforcement agencies

vary in their reporting of data to the UCR system; therefore, this made comparisons a faulty undertaking (Rand & Rennison, 2002). Highlighting these and other differences, a Congressional Research Service report (White & Stedman, 1994) found problems in data collection regarding school violence as it related to, among other things, wording of indicators and inconsistent definitions.

Violent activity in schools will vary considerably based on the conditions noted thus far. Nevertheless, researchers concluded that students are approximately three times safer in school than away from school (Snyder, Sickmund, Poe-Yamata, 1996), that the majority of school-related injuries were not violence-related, that the majority of school crime was nonviolent theft and available numbers indicate significant discrepancies (Heaviside, Rowand, Williams & Farris, 1998). Researchers have concluded that too many students of color were being suspended for minor, nonviolent offenses, ZT does not address the root of the problem, and ZT targets and criminalizes students of color, particularly African-Americans (Advancement Project, 2005; Applied Research Center, 2002; The Harvard Civil Rights Project & Advancement Project, 2000).

Additional research on disproportionality indicates that not all of the suspended and expelled students are committing chaos in schools. A specifically significant observation of the Morrison and D'Incau (1997) report was that, of the 158 students who might be classified as 'socially delinquent,' only 31 may have presented a threat to school safety. Therefore, the authors concluded, an implementation of the ZT policy might have been warranted for approximately 20% of expelled students. Skiba, Peterson & Williams (1997) analyzed disciplinary data at district and national levels and found that referrals for the

most serious infractions, such as drug and weapon possessions to be infrequent.

Costenbader and Markson (1998) uncovered similar findings. They asserted that most

discipline is levied on students who are tardy, absent, disrespectful or non-compliant. In

other words, the majority of suspensions and expulsions are related to behaviors that

involved interpersonal dynamics and/or cultural misunderstandings (Gay, 1994), concerns

not traditionally addressed via implementation of policy.

Policy and Critical Race Theory

Traditionally, an analysis of policy occurs under a functionalist frame (Prunty,

1985; Schwandt, 2001) that seeks to explain human behavior in terms of the social-cultural

institutions and the functions performed in a society, culture or community (Schwandt,

2001). As such, policy is accepted as a 'given' while analysis is performed to determine the

relationship of the policy and the particular group under examination. In other words, the

development of policy is separated from the process of policy implementation. Prior to the

mid-1980s and as early as the 1960s, policy analysis focused on the effectiveness of social

programs (Musick, 1998). Overtime, an analysis of policy has evolved as a science without

a precise definition and, yet, it has developed into a field of study that concerns itself with

process analysis (Musick, 1998).

Structural functionalism, a derivative of the functionalist frame, delineates function,

the way relations and institutions contribute to the stable functioning of society, from

structure, a network of institutions that incorporate the framework of society (Schwandt,

2001). As such, policy-makers are more concerned with the instruments that direct

compliance (i.e., funding) and the indicators that provide assurance that the policy has

indeed been implemented (i.e., reports of compliance). The problem with this type of

analysis is that it fails to address the many conflicts inherent within any culture or society

(Prunty, 1985; Schwandt, 2001).

Regarding Policy

Conceptually, policy may be viewed as the `authoritative allocation of values' and

this view requires a consideration of not only whose values are represented in policy, but

also how institutions have implemented these values (Prunty, 1985, p.136). Lincoln and

Guba (1986) addressed the multiple realities that may be undertaken in the case of policy

analysis. They asserted an analysis for policy could be manifested in at least three forms:

the policy-in-intention, the policy-in-action and the policy-in-experience. As concepts, they

may be defined, respectively, as:

a) Statements about policy, or the policy as constructed and written down;
b) Activities/behaviors displayed by agents in process of implementing policy;
c) Experiences of the target group for which the policy is manifested upon
(Lincoln & Guba, 1985, p.553).

Therefore, depending on the definition adopted, an analysis of policy may yield various

outcomes. This study utilizes definition b), policy-in-action, as a base to examine the

results of the implementation of the policy known as ZT. Nevertheless, the experiences of

the target group for which the policy is manifested upon, definition c), has been the

impetus for this study (see Ford & Dillard, 1996; Gay, 2000; Hyman & Snook, 2000;

Noguera, 1995 & The Harvard Civil Rights Project & Advancement Project, 2000).

Research, as reviewed in this chapter, supports the evidence that shows there exists a

TABLE 2.2.

A Policy Deconstructed

Policy Goal	Intent	Deconstructed Interpretation for Social Subordination
Provide supplemental education to students eligible for services	Prepare, plan for distribution of funds for select group of students	Identify social class, language proficiencies and/or cultural orientation of all students
Provide additional funding to schools serving high concentrations of children from low-income families	Earmark funding needs for most impoverished public schools and communities	Identify social class, language proficiencies and/or cultural orientation of all schools and communities
Focus educators on the needs of special student populations	Prepare school staff to implement funded programs	Utilize school staff to track and identify social class, language proficiencies and/or cultural orientations within schools
Improve the academic achievement of eligible students, reduce performance gaps between advantaged and disadvantaged students, and assist eligible students in meeting high academic standards	Earmark areas for accountability standards to apply for continued funding	Create programs to assist and maintain identification of social class, language proficiencies and/or cultural orientation of all students within specific communities and schools

Note: Policy goals from DeVoe, Peter, Kaufman, Miller, Noonan, Snyder & Baum, U.S. Department of Education, 2004, p 2.

disproportionately high rate of students of color, particularly African-American males, in

suspension and expulsion data. Additionally, statements about policy, or the policy as

constructed and written down, (definition a) must be considered as the impetus of the

resulting implementation of the policy, (definition b), known as ZT.

Policy statements have constructed social representations (see Table 2.2) that categorize specific racial/ethnic groups (Tate, 1997; West, 2001). Race classification becomes symbolic (Charon, 1992) and undergirds the belief system that triggers human action and perpetrates systemic goals that are culture-specific so that outcomes become the conduit for the maintenance of racial subordination (Noguera, 1995; Tate, 1997). Prunty, (1985) cautioned researchers to differentiate between symbolic and material policy statements. Noguera (1995) argued that disciplinary policies are adopted for their symbolic value so that the public and educators are reassured that strong actions are taken as a response to school disorder. As depicted by Tate (1997), the accepted venue for policy-making in U.S. public schools merges with a critical race theorist's concern with symbolic forms and/or statements of domination. In other words, to assume that a just and equitable policy statement is produced in the policy process is no assurance that material change will occur.

The movement to reform education in the U.S. is fundamentally about improving urban public schools without modifying the traditional structure that sets students to "…succeed or fail based on their class, race, gender and ethnic positioning" (Kretovics & Nussel, 1994, p 5). Policies enacted under the Elementary and Secondary Education Act of 1965 (ESEA) and subsequent reauthorizations assuaged the perception that public schools in the United States were committed to provide education for all students. If one considers the time spent regarding educational access, equality and improvement, "…education for all may be a mirage" (Epp & Epp, 1998). Behavior policies such as ZT provide schools the wherewithal to expel non-conforming students at will without being implicated as the

source of the problem (Epp & Epp, 1998; Ryan, 1976). The 'culture of power' (Delpit, 1988) that exists in America's public schools coupled with the rigidity of ZT policies indicate public schools' propensity to become gateways into the juvenile justice system (Giroux, 2001; Noguera, 2003). If policy is a strategy undertaken to solve or ameliorate some problem, as is the case with ZT, then policy analysis identifies common, special, or recurrent problems (Lincoln & Guba, 1986).

Regarding Critical Race Theory (CRT)

Ladson-Billings and Tate (1995) have been credited for introducing CRT to the field of education (DeCuir & Dixson, 2004; Lynn & Adams, 2002; Sleeter & Bernal, 2003). Since then, CRT has emerged as a powerful theoretical and analytical framework within educational research (e.g., Duncan, 2002; Lynn & Parker, 2006). CRT challenges the American ideal of color blindness, the perception that public institutions are neutral, and assumptions about the role of the dominant culture in setting the plan of action for strategies, expectations, and methodologies (Hobson & Obidah, 2002). CRT involves the following tenets: (a) counter-storytelling, (b) permanence of racism, (c) Whiteness as property, (d) interest convergence and (e) the critique of liberalism (Bell, 1995; Harris, 1995; Lawrence, 1995; Matsuda, 1995).

Counter-storytelling, defined by Delgado and Stefancic (2001), casts "doubt on the validity of accepted premises or myths, especially ones held by the majority" (p. 144). In educational research, counter-stories can be found in various forms that include personal stories and/or narratives, other people's stories/narratives, and composite stories/narratives

(Solórzano & Yosso, 2002). Permanence of racism in society is the acceptance of the idea that hierarchical structures that govern all political, economic, and social domains are racist. Such structures dispense privileges to European Americans while subordination of people of color occurs.

Whiteness as a property interest, according to Harris (1995) has perpetuated itself in the United Sates due to the history of race and racism and the role that U.S. jurisprudence has played in the validation of the negative conceptions of race (p. 280). Ladson-Billings and Tate (1995) suggested that through the myriad policies and practices that restrict the access of students of color to high-quality curricula and well-equipped schools, school districts have served to corroborate this notion of Whiteness as property whereby the rights to possession and use, have been enjoyed almost exclusively by European Americans. While some students of color have penetrated these barriers to educational opportunity such as advanced placement course, they are small in number (Ladson-Billings & Tate, 1995).

An additional tenet of CRT is interest convergence. Believing that America's racial progress occurs when it coincides with conditions and interests of European American elitists in America, Bell examined and analyzed the *Brown v. Board of Education* decision of 1954. At that time, the United States was experiencing the Cold War, and the world press carried stories of lynchings and racists sheriffs (Delgado & Stefancic, 2001), Although criticized for his conclusions, Bell was proven correct as archival research revealed the United States was coerced to reassess its domestic 'face' during this period of

time. In other words, past civil rights gains came only as they converged with the interests of the dominant culture.

Colorblindness does not eliminate acts of racism. To accept that the law is colorblind is sorely "disingenuous" (DeCuir & Dixson, 2004) given the history of racism in U.S. history where the conferring of rights and opportunities were based on race. The concept of colorblindness fails to take into consideration the persistence and permanence of racism and the construction of people of color as 'Other' (Delpit, 1988). In fact, CRT scholars argue that the idea of colorblindness has been adopted as a way to justify race-based policies that were designed to address societal inequity (DeCuir & Dixson, 2004; Delgado & Stefancic, 2001; Hobson & Obidah, 2002; Ladson-Billings, 1999; Ladson-Billings & Tate, 1995; Solórzano, 1997). In other words, a colorblind society ignores the historical artifacts that produce "inequity, inopportunity, and oppression" (DeCuir & Dixson, 2004).

Given that racism is embedded in the cultural fabric of U.S. society (Delgado & Stefancic, 2001; Hobson & Obidah, 2002; Ladson-Billings, 1999; Ladson-Billings & Tate, 1995; Solórzano, 1997), and colorblindness has been used to perpetuate injustices, researcher have concluded that cultural misunderstandings occur in schools across this country when acts committed by students of color are misinterpreted (Neal, McCray & Webb-Johnson, 2001; Noguera, 1995). An examination of the racial/ethnic interactions within schools across the U.S. shows that, more likely than not, when the teaching force largely consists of European American females and the student population is represented by culturally, linguistically, economically, educationally diverse or CLEED students

(Larke, Webb-Johnson & Carter, 1996), behavioral misinterpretation will occur. Educators and administrators who are not sensitive to the needs of students of color and economically disadvantaged students often are unaware of the cultural conflicts that cause barriers in the learning processes of these students. Many times, teachers and administrators who perceive that they are equipped to address critical issues of diversity effectively are unprepared to acknowledge the cultural differences and educational inequalities that schools often perpetuate (Larke, 1992). An analysis of ZT policies set forth in this study attempts to judge it in terms of its quantified desirability via a framework substantiated by CRT tenets critique of liberalism and permanence of racism.

Policy Research and Education

The process of schooling in America was scrutinized with the advent of *A Nation at Risk* (National Commission on Excellence in Education-NCEE, 1983) which ignited prolonged debates on educational excellence. While acknowledging the public perception of problems in schools (p.1), the study venerated their perception by conceding that the existing system of education had "…lost sight of the basic purposes of schooling, and of the high expectations and disciplined effort needed to attain them" (p.5). In effect, education in America was in crisis mode.

When an educational crisis is perceived, policy-making will occur (Silver, 1990). The achievement gap evident in schools with high enrollments of economically disadvantaged students (Linn, 2005; Sunderman, 2006) has emerged as an area of concern for public school administrators and teachers (Levine, 1990; Silver, 1990). As such, policy-

making occurred to alleviate the situation. In its original form, the Elementary and Secondary Education Act (ESEA) of 1965 advocated minimum testing requirements coupled with compensatory educational programs for children of low-income families (Linn, 2005; Sunderman, 2006). For the most part, children of low-income families attend urban schools; therefore, unfortunately, many urban schools have become symbolic representations of communities that emulate violence and other heinous behaviors, a somewhat microcosm of societal problems (Haberman, 1995; Ryan, 1976).

Since 1965, the federal government has formulated grants to states and local education agencies (LEAs) for the education of elementary and secondary students with low academic achievement who are enrolled in schools serving low-income areas (DeVoe, Peter, Kaufman, Miller, Noonan, Snyder & Baum, 2004). Known as Title I, these grants were designed to reform educational outcomes by accomplishing four primary goals:

- Provide supplemental education to students eligible for services
- Provide additional funding to schools and LEAs serving high concentrations of children from low-income families
- Focus educators on the needs of special student populations
- Improve the academic achievement of eligible students, reduce performance gaps between advantaged and disadvantaged students and assist eligible students in meeting high academic standards (DeVoe, Peter, Kaufman, Miller, Noonan, Snyder & Baum, 2004, p 2).

Throughout the 1980s, educational research, regarding improving schools, identified characteristics of effective schools, beginning an era of standard-based reforms

(Kretovics & Nussel, 1994; Levine, 1990). Most informative for educational practitioners were studies of schools that enrolled high proportions of economically disadvantaged students who demonstrated high academic achievement in reading and/or mathematics (Levine, 1990). Most overlooked in the research findings were the differences in the meaning of an effective school characteristic such as an 'orderly environment' in that any method to strengthen 'order' varied significantly from school to school (Levine, 1990, 1991). Often overlooked in any policy reformation process involving schools is the notion that "...teachers bring to the learning event their own intentions, interpretations and perspectives that influence the way in which needs of students will be perceived" (Ford & Dillard, 1996). In other words, addressing that which substantially affects the intellectual lives of teachers and their students (i.e. teaching, learning and the content of schooling) becomes problematic (Ford & Dillard, 1996; Noguera, 1995).

The focus of Title I was changed in 1994 and again in 2001. In 1994, Congress reauthorized ESEA as The Improving America's Schools Act (IASA). IASA demanded schools "…to set high standards for all students, to assess all students relative to these standards, to report results to the public and to make instructional and structural changes to ensure that all students have the opportunity to meet these standards" ((DeVoe, Peter, Kaufman, Miller, Noonan, Snyder & Baum, 2004, p 2). This movement, a continuation of the standards-based reform of the 1980s, heralded a shift away from providing disadvantaged students with minimum skills and toward more advanced content and performance standards for all students (DeVoe, et al., 2004). According to Tate (1997), the following have become the accepted venue for policy-making in U.S. public schools:

(a) White middle-class American (male) serves as the standard against which other groups are compared,

(b) Instruments used to measure differences are universally applied across all groups, and

(c) Social class, gender, cultural orientation and proficiency in English, are viewed as extraneous (p.199).

The aforementioned socially constructed representations have justified the production of oppressive social policy (see Table 2.2) that has categorized specific groups (Tate, 1997; West, 2001). Historically, students of color have been characterized as the sole authors of their own academic deficiencies. In essence, the United States' public educational system has been embroiled in policy-making in order to assist disadvantaged students to meet standards of academic improvement for more than four decades; during the same period, racial/ethnic disparities in school discipline have been documented (Advancement Project, 2005).

The movement to reform education in the U.S. is fundamentally about improving urban public schools without modifying the traditional structure (Kretovics & Nussel, 1994). Policy reforms meant to cultivate meaningful change have become problematic as they often reinforce present behavior patterns and attitudes concerning all children and students of color in particular (Neal, McCray & Webb-Johnson, 2001; Noguera, 1995). The complexity involved with the schooling process has been exacerbated by traditional methods that enhance social constructs of power, domination and subordination (Freire, 1970; Kretovics & Nussel, 1994; Noguera, 1995). Reformation of education in U.S. urban schools has heretofore "…created illusory programs simply used …to justify the continuation of current routines and arrangements" (Goodman, 1995, p 6).

Using a social and ethical frame, Prunty (1985) advised analysts of educational policy to analyze policy outcomes that favor the privileged and the elite (p.134). To do so contends that educational research combined with policy structures contribute to social frameworks that result in educational inequities for students of color (Tate, 1997; West, 2001). While failing "…to address and redress historical inequalities, [U.S. culture] has …restructured social relations in ways that… criminalize… facets of social life" (Robbins, 2005, p.4). In *Blaming the Victim*, Ryan (1976) discussed this phenomenon at length. As a policy issue, it coincides with the conclusions of critical race theory (CRT) scholars that belief systems regarding racial classification have become conduits for the subordination of non-European American members of the schooling process (Robbins, 2005; Tate, 1997; West, 2001). Critical race theory (CRT) asserts racism is embedded in American society and emphasizes using race analytically, therefore, effectively lending itself as a theoretical framework for the analysis of quantitative data, as this study purports to accomplish, derived from schools to "…examine how race…gender and nation collectively shape a particular theme or topic…" (Hill-Collins, 1998, p.35).

Based on the nature and structure of the legal system in the United States, the primary research method the founders of CRT used was qualitative, via historical documentation (e.g., Derrick Bell and *Brown v. Board of Education*). According to Sleeter and Bernal (2003), CRT may offer a way to analyze the events situated around a group (i.e. students of color), without "…essentializing their various experiences" (p. 246). Critical research, an avenue to explore the dynamics of a situation or program, can be used as an attempt to illuminate the injustice of a particular group or segment of society (Hill-Collins,

1998; Sleeter & Bernal, 2003), and is needed. CRT challenges the American ideal of color blindness, the perception that public institutions are neutral, and assumptions about the role of the dominant culture in setting the plan of action for strategies, expectations and methodologies (Hobson & Obidah, 2002).

"CRT implies that *race* should be the center of focus and charges researchers to *critique* school practices and *policies* that are both overtly and covertly racist" (DeCuir & Dixson, 2004, p.30-emphasis in original). CRT scholars have made important contributions to the field utilizing counter-storytelling and examining the permanence of racism. Inherent to its tenets, CRT contributes to the analysis of policies that are offered as remedies to students classified as underachievers and expose the educational disparities that are purported to be in the best interests of marginalized groups, but rather serve the elite (DeCuir & Dixson, 2004; Prunty, 1985). The contributions that CRT may make in the future of educational research lies in the expansion of the way analysis is made (DeCuir & Dixson, 2004; Lynn & Parker, 2006). Instead of using race as a categorical variable in which to compare and contrast conditions, this study uses CRT to examine statistical inequities by using race/ethnicity, gender and school level as an analytical tool to assess discipline as punishment as it relates to the ZT policy in Texas.

Texas-the Leader State

Texas has more than 1,000 school districts. Houston Independent School District (HISD) is the largest and Divide Independent School district is the smallest (Texas Education Agency, 2004). The administration of Texas' public school systems is carried

out via the Texas Education Agency (TEA), which is divided into 20 regions that are

serviced by an Educational Service Center (see Figure 3.1). The Lone Star State, "one of

the nation's toughest-minded states when it comes to crime and discipline" (Axtman, 2005,

p.1), has been documented for its racial and ethnic disparities surrounding incarceration of

its minority citizens (Steward Research Group, 2003; Texas League of United Latin

American Citizens, 2004). When the governor of Texas became the President of the United

States in 2001, Texas' political arena became the focal point of national headlines.

Education became an integral part of the national focus when the new President appointed

the superintendent of one of Texas' largest school districts (HISD) as the nation's Secretary

of Education. Under this presidential regime, other states reaffirmed their efforts to follow

in the footsteps of the reputed leader-state in urban educational reform (Axtman, 2005).

An Overview of Public Education in Texas

The 150th anniversary of the creation of the Texas public school system was

celebrated in 2004. Part of the celebration included the acknowledgment that the Texas

Legislature had provided state support for schools and had created an endowment known as

the Permanent School Fund with the passage of the Common School Law of 1854 (Texas

Education Agency, 2004). To commemorate the event, the TEA website provided

information on activities for schools and other interested entities. Included were reports

titled *The Texas Public Schools Handbook* and *An Overview of the History of Public

Education in Texas*. The following is a synopsis of those reports.

Approximately 20 years after the passage of the Common School Law of 1854 (CSL, 1854), the Texas public school system was organized in 1871. Initially, as with most public schools of the period, the system segregated African American and European American students. Prior to CSL 1854, funding disparities were the norm as Texas spent one-third less for the education of African American students than for European American students. This trend continued despite efforts between 1873 and 1893 of African Americans from various parts of the state who attempted to voice their concerns and influence the educational policies of the time. Influence on Texas' education policies regarding African American students would wait until the United States Supreme Court decision in *Brown v. Board of Education* (1954) outlawed segregated education. Shortly after the 1954 decision, the process of desegregation began with the 1955-56 school year. By 1964, 60 percent of the desegregated school districts in the South were in Texas.

Amid the standard-reform movement of the 1980s, public school finance in Texas was redistributed when the Texas Legislature passed House Bill 72. With the intent of supporting those school districts crippled with low tax bases, House Bill 72 proved insufficient as Senate Bill 7 was passed in 1993 that, among other things, targeted influential school districts and set limits on the amount of property wealth that could be allocated per student. While establishing a platform for financial equity for all school districts in the state, Texas' Senate Bill 7 set the stage for the federal education plan that is known as *No Child Left Behind*.

Race/Ethnicity in Texas

The United States Census Bureau projects that, by 2030, Hispanics will become the majority population for the State of Texas. The U.S. Census Bureau state population predictions can be retrieved via http://www.census.gov/popest/states/asrh/SC-EST2004-03.html. Presently, Texas is the fourth minority-majority state in the nation with more than one-third of its residents of Hispanic origin. Only Hawaii, New Mexico and California out rank the State of Texas in minority-majority status. Recently, the cities of Houston and Dallas, Texas have seen a rise in their Asian population. Whereas the majority of European American Texans reside in the northern, eastern and central regions of the state, the African American population is primarily located in the Dallas-Fort Worth, Houston metropolitan areas and East Texas. Dallas and Houston boast of a significant number of Hispanics who also dominate the population of South, South Central and West Texas.

Discipline in Texas Public Schools

"Texas has embarked on an ambitious experiment with a system designed to achieve zero tolerance of misconduct in a school classroom, while assuring an education safety net for students who otherwise could become an even greater cost to society as an undereducated, potentially criminal element of the population" (Bickerstaff, Leon & Hudson, 1997, p. 39). In 1995, the State of Texas adopted the Safe Schools Act, more commonly referred to as Chapter 37. Over 200 sections are contained in this portion of the Texas Education Code (TEC), and it was designed to assure that students who were

removed from classes via suspensions or expulsions would be provided an opportunity to continue their education (Bickerstaff, Leon & Hudson, 1997).

Furthermore, Chapter 37 requires that each school district must annually adopt a student code of conduct that outlines the conditions under which a student may be suspended, expelled and/or transferred to an alternative education program (AEP) placement facility. It also stipulates that a teacher must file a report to an administrator if he/she has knowledge of a violation. After which the administrator must contact a parent/guardian within 24 hours of the reported violation. After a revision in 1997, the principle component of Chapter 37 revolved around the ZT objective and specified the authority of educators to remove disruptive students and prevent them from returning. However, students must be provided transportation to an AEP facility conducive to their learning needs (Bickerstaff, Leon & Hudson, 1997). According to Sections 37.006 and 37.007, students "shall" be placed in the school district's AEP or expelled if they have engaged in certain conduct. Among other things, mandatory placement in an AEP is required by Chapter 37 for students who engage in the following "…on or within 300 feet of school property or while attending a school-sponsored or school-related activity" (Texas Education Code, 1993):

- Engages in conduct punishable as a felony;
- Engages in conduct that contains the element of assault that causes bodily injury or a terrorist threat;

- Sells, gives or delivers to another person, or possesses or uses, or is under the influence of marijuana, a controlled substance or a dangerous drug;

- Sells, gives or delivers an alcoholic beverage to another person, or possesses, uses, or is under the influence of an alcoholic beverage;

- Engages in conduct with the elements of an offense relating to abusable glue or aerosol paint or relating to volatile chemicals; or

- Engages in conduct with the element of the offense of public lewdness or indecent exposure; or

- Engages in conduct that contains the elements of the offense of retaliation against a school employee.

Under section 37.002, teachers are authorized to remove any student who has interfered seriously and/or repeatedly with the instructional process. In some cases, the student may not return to school without the teacher's consent. In the event teacher consent is not given, a three-member review committee determines placement, which, according to available alternatives, may be the same classroom. Expulsion of students under the age of 10 is prohibited. If a student under the age of 10 has committed an offense that warrants expulsion under Chapter 37, he/she must be placed in an AEP. Other prohibitive standards are in place for students who receive special education services. Removal of students who receive special education services to alternative education settings is contingent upon an Admission, Review and Dismissal (ARD) committee that must develop an individual educational plan (IEP) so that services continue to be provided during expulsion. While the

standards in place seem to be equitable, an evaluative component to correct the

documented disproportionately high occurrences of discipline events that have continued to

be perpetuated against students of color does not exist. As noted earlier, the greatest

population of suspended and expelled students is African American males (Costenbader &

Markson, 1998; Morrison & D'Incau, 1997; Skiba, Michael, Nardo, & Peterson, 2000; The

Harvard Civil Rights Project & Advancement Project, 2000). Through the lens of CRT and

a variation of a critical policy analysis, this study evaluated discipline as a punishment

regarding students of color after the implementation of the ZT policy in Texas.

CHAPTER III

METHODOLOGY

The purpose of this study was two-fold. First, an investigation of the out-of-school suspension and expulsion trends of students of color in the State of Texas was conducted. More specifically, the researcher explored the effects of the variables race/ethnicity, gender and school level on the out-of-school suspension and expulsion rates of students of color in the State of Texas after the implementation of ZT policies. Secondly, a perspective regarding the implementation of the policy is given as it relates to specific tenets of critical race theory (CRT) and a critical policy analysis (ACPA) as defined by the researcher. This version of critical policy analysis (CPA), which is outlined and discussed in Chapter V, constituted an evaluation of plans, programs and/or procedures operating in public schools that may use quantitative data in at least one component of the policy being assessed to highlight educational inequities that specifically affect students of color. After a synopsis of the research that bred the guiding question, discussions in this chapter are divided into five major areas; they are: (1) Research Design; (2) Population; (3) Data Source; (4) Data Collection Procedure and (5) Statistical Analysis.

As discussed in Chapter II, violence has been associated with racial/ethnic status, specifically African American (Ryan, 1976; Haberman, 1995), which prompted researchers to note that the relationship between race, disorder and violence in America's public schools is strong (Hill-Collins, 1998; Noguera, 1995). Regarding disorder and violence, classifications of race have become symbolic (Charon, 1992). Consequently, culture-specific belief systems become the conduit for the maintenance of racial subordination (Noguera,

1995; Tate, 1997). Since a 'culture of power' (Delpit, 1988) exists in U.S. public schools that perpetuates racism (Delgado & Stefancic, 2001; Hobson & Obidah, 2002; Ladson-Billings, 1999; Ladson-Billings & Tate, 1995; Solórzano, 1997), the research for this study is guided by the question, 'What can be determined when critical race theory (CRT) and critical policy analysis are integrated to evaluate the quantitative data related to the out-of-school suspension and expulsion rates of students of color?' To this end, answers to the following questions were sought:

Question 1: What are the differences in the out-of-school suspension and expulsion rates of African American students when compared with other students of color in Texas after the implementation of ZT?

Question 2: What are the differences in the out-of-school suspension and expulsion rates of male and female students of color after the implementation of ZT?

Question 3: What are the differences in the out-of-school suspension and expulsion rates of students of color in Texas on the elementary, middle and high school levels after the implementation of ZT?

Question 4: What is the comparative predictive power of the variables race/ethnicity, gender and school level on disciplinary actions (out-of-school suspension and expulsion) of students of color?

Research Design

This investigation was a quantitative study that utilized descriptive statistics to determine if statistically significant differences existed between the demographic variables

and school levels of the population studied. Use of data sets that had been compiled by the State of Texas, in effect, renders the design as non-experimental or ex post facto (Gall, Borg & Gall, 1996; Hinkle, Wiersma & Jurs, 2003). As such, this study did not seek to discover causal factors. An analysis of data was used to develop generalizations that may be used to explain phenomena and discover whether a relationship existed between the non-manipulated variables utilized in this study.

An ex post facto research paradigm provided the investigator with the opportunity to examine independent variables that could not be manipulated, while identifying variables worthy of experimental investigation (Gall, Borg & Gall, 1996). Thus, the advantage offered by the ex post facto design provided the investigator with the best methodological foundation to analyze the influence of the implementation of ZT policies on the out-of-school suspension and expulsion rates of elementary, middle and high school students of color in the State of Texas. This research design allowed at least two groups of individuals who were different regarding independent variables and who were comparable on a dependent variable (Gall, Borg & Gall, 1996; Hinkle, Wiersma & Jurs, 2003) to be analyzed in order to show uniformity or regularity of some phenomena. In other words, the ex post facto design provided the most effective, efficient and economical mean for studying the influence of the implementation of ZT concerning the variables race/ethnicity, gender and school level on the out-of-school suspension and expulsion rates of students of color in the State of Texas. While frequency counts were included as a part of this investigation, an analysis of the disciplinary action (out-of-school suspension and expulsion) rates were used to evaluate the data that demonstrated the racial implications

regarding discipline and safety by an expansion of a critical policy analysis as defined by the researcher.

Population

The most appropriate sample for an educational investigation is the total population. The population for this study included all 13,407 elementary, middle and high school students of color expelled and suspended out-of-school in Texas' public schools during 1999-2000 academic school year and all 14,921 elementary, middle and high school students of color expelled and suspended out-of-school in Texas' public schools during the 2002-2003 academic school year.

The 1999-2000 school span was chosen since it represented not only the first five-year signpost of the implementation of ZT policies in the State of Texas but the first year that all data had been compiled uniformly for Texas' public schools (P. Weirich, personal communication, January 20, 2006). The 2002-2003 school term was selected because it yielded the highest occurrences of out-of-school and expulsion rates of the compiled six-year data set.

Data Source

During 1994, the Safe Schools Act of Texas was enacted which mandated the Texas Education Agency (TEA) to administer a data collection system on public school safety systems (Texas Education Agency, 1994). This mandate included the compilation of disciplinary data for all students enrolled in Texas' schools. Discipline data for this study

were requested and obtained from TEA's Office of Research and augmented via the TEA

website and the Educational Service Centers (ESC) that support the 20 regions for the State

of Texas (see Figure 3.1).
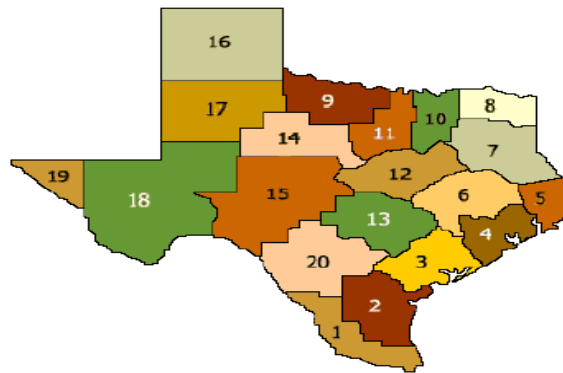
FIGURE 3.1. *Education Services Center Regions in the State of Texas, (TEA 2005)*

Data Collection

A request for raw data regarding expulsions and out-of-school suspension prior to

the implementation of ZT policies originally was requested from TEA's Division of

Accountability Research department and the National Center for Education Statistics

(NCES). The research intent was to compare national data to the Texas data regarding

expulsions and out-of-school suspensions. The researcher was informed that data collection

on the national level had not been compiled in a manner feasible to answer the questions

that were formulated for this study. Furthermore, the researcher was told that until the year

2000, the variation among states in the definition, as well as the context, of school

suspensions and expulsions prohibited accurate compilation of the data sets (J. Sietsema,

personal communication, December 5, 2005). The researcher was guided to explore other avenues to obtain the raw data.

Initial data requests for data prior to the implementation of GFSA, 1994 and, subsequently, ZT produced the same results: none of the available sources provided data prior to 1994. Further inquiries yielded information regarding State Comparisons of Education Statistics, 1969-1970 to 1996-1997, which covered the same material (T. Snyder, personal communication, December 20, 2005), but these data were reported from samples and did not yield the raw data sought for this study. Nevertheless, once the researcher received a communiqué from TEA requesting a clarification of the public information request (PIR), the parameters of the data collection for the study began to take shape.

The request was written as follows:

Primarily, I am requesting expulsion and out-of-school suspension (OSS) data prior to GFSA, 1994 for the State of Texas. The district data compiled should contain:

- Yearly parameters (1983-1988; 1988-1993)
- Demographics (race/ethnicity/gender—by student count)
- Offense (with action to out-of-school suspension or expulsion)
- School Level (elementary 1-5); middle (6-8); high school 9-12)

The student count must not reflect repeat offenses (P. Weirich, personal communication, January 20, 2006). Secondly, I am requesting non-repetitive

expulsion and out-of-school suspension events after the passage of GFSA, 1994

for the State of Texas. The district data should contain:

- Yearly parameters (1994-1999; 2000-2005)

- Demographics (race/ethnicity/gender—by student count)

- Offense (w/action to out-of-school suspension or expulsion)

- School Level (elementary 1-5); middle (6-8); high school 9-12)

Finally, if the data count reflects students disciplined under IDEA guidelines,

the actions (out-of-school suspension and/or expulsion) should be clearly

indicated for possible extraction.

As TEA could not uniformly compile all discipline data for the State of Texas until the

1999-2000 school year and campus level data for the same information, a second request,

could not be provided because of FERPA, the Family Education Right to Privacy Act, (P.

Weirich, personal communication, January 20, 2006), the request was amended for data on

the school years that were available. Campus level information could not be provided

because confidential data could be derived by merging the two data sets together, which

would be in violation of TEA's policy of protecting student confidentiality. The amended

request (PIR#5556) was granted after TEA received the appropriate fee for the compilation

of data. The disk with the appropriate data recorded in delimited text format arrived and

contained the following:

- Yearly parameters

    1999-2000 through 2004-2005

- Demographics

Race/Ethnicity; Gender

- Offense

    Out-of-school suspension

    Expulsion

- School level

    Elementary (grades 1-6)

    Middle School (grades 7-8)

    High School (grades 9-12)

Each year of data was in excess of 1,900 pages once it was exported from a text file into a Microsoft Word document. This was done in order to facilitate a page count and perusal of data, line by line, for errors and/or discrepancies. A data legend accompanied each data year (see Table 3.1).While the legend for the data was explicit, nevertheless, two areas needed clarification: Position #8 and #10. Position #8 (Ethnicity) listed numbers without explaining which ethnicity was assigned what number (i.e., 1= AA, 2= Asian, etc.) Position #10 (District Count) listed -999 for practically every entry (see Table 3.2).

When the number -999 was present, position #10 was left blank. The explanation given was as follows (F. Garcia, personal communication, February 16, 2006):

A) The legend for ethnicity is as follows:

1. Native American

2. Asian American

3. African American

    4. Hispanic American

    5. European American

B) Any counts that are blank indicate "0," and those that are -999 indicate that the count is greater than zero (0) and less than five (5). This masking is done to protect student confidentiality.

C) The 'District Count' represents the Student Count for that district, grade level, ethnicity, gender, disciplinary action and disciplinary action reason. Grade level 1= Grade 01 thru Grade 06, Grade level 2= 07-08 and Grade level 3= 09-12.

Once the data legend was clarified, data were exported into a Microsoft Excel spreadsheet, and then examined further for any errors and/or inconsistencies. A preliminary analysis of data produced the following results:

A) Grade 6 was included in the Elementary School category (see original PIR information)

B) Enrollment figures for each year were needed and retrieved from the TEA website.

C) Regional data delineated by the Educational Service Centers (see Figure 3.1) were not pertinent to the present study; therefore,

D) District Counts were not needed as enrollment counts were more valuable for this study

E) A school year emerged that had a significant number of out-of-school suspensions and expulsions.

TABLE 3.1

TEA Data Legend for Out-of-School Suspensions and Expulsions

Position Name	Type	Length	Description
001 District	Character	00006	District Number
002 Disc_Act	Character	00002	Disciplinary Action
003 Disc_Actx	Character	00030	Disciplinary Action Reason Description
004 Disc_Act_Reas	Character	00002	Disciplinary Action Reason
005 Disc_Act_Reasx	Character	00030	Disciplinary Action Reason Coded
006 Year	Character	00009	School Year
007 Sex	Character	00001	Gender
008 Ethnic	Character	00001	Ethnicity
009 Grade Level	Character	00001	Grade Level
010 Distcnt	Numeric	00015	District Count

Note: This legend accompanied each of the six data files (1999-2000, 2000-2001, etc.). When converted to a Word document for line-by-line perusal, each file contained at least 1,900 pages.

TABLE 3.2
Modified Excerpts of TEA Out-of-School Suspension and Expulsion Data

" 001XXX","05","OUT-OF-SCHOOL SUSPENSION","21","VIOLATED LOCAL CODE OF CONDUCT","1999-2000","F","5","1",-999

" 001XXX","05","OUT-OF-SCHOOL SUSPENSION","21","VIOLATED LOCAL CODE OF CONDUCT","1999-2000","F","5","3",-999

" 001XXX","05","OUT-OF-SCHOOL SUSPENSION","21","VIOLATED LOCAL CODE OF CONDUCT","1999-2000","M","3","1",5

" 001XXX","05","OUT-OF-SCHOOL SUSPENSION","21","VIOLATED LOCAL CODE OF CONDUCT","1999-2000","M","3","2",-999

" 001XXX","05","OUT-OF-SCHOOL SUSPENSION","21","VIOLATED LOCAL CODE OF CONDUCT","1999-2000","M","3","3",-999

" 001XXX","01","EXPULSION W/O PLACEMENT","20","SERIOUS/PERSISTENT MISCONDUCT","1999-2000","M","5","3",-999

Note: Position #1, District Identification Number, has been masked by researcher

After this process was completed, the data were imported to the Statistical Package for Social Science (SPSS) software. The data were categorized by out-of-school suspensions and expulsions and then, categories were delineated by school years, amended grade level, race/ethnicity and gender.

Statistical Analysis

Inasmuch as the dependent variables in the study were measured on a nominal scale, two non-parametric methods, the Chi-Square Goodness-of-Fit test and Logistic Regression, were used to treat the data. The Chi Square test is a statistical procedure that allows an examination of the differences in observed and expected frequencies. It is a test of significance. However, in the usual configuration of Chi-Square, one looks to the total of a population to infer an expected outcome. At first glance, the 'expected' versus the observed implies a distribution based on enrollment. For this study, the goodness-of-fit procedure of the Chi-Square test was used to examine one or more samples on a dependent variable that is categorical in nature (i.e. race/ethnicity, gender and school level).

Logistic regression, an extension of multiple regression, can be utilized for an analysis of data when the dependent variable is categorical or discrete with at least two values (i.e., out-of-school suspension and expulsion). Although similar in methodology, logistic regression has several distinct advantages over multiple regression. First, the researcher need not make any assumptions about the distributions of the predictor or, in this case, independent variables. Secondly, the (predictor) variables need not be normally

distributed, linearly related or have equal variances within each group. Next, it cannot

produce negative predictive probabilities; all probability values will be positive and will

range from zero to one (0 to 1). Furthermore, logistic regression has the capacity to analyze

predictor variables of all types (continuous, discrete and dichotomous) and is able to

produce non-linear models (Hinkle, Wiersma & Jurs, 2003; Tabachnick & Fidell, 1996). In

other words, the goal of logistic regression analysis is to predict the category of outcomes

for specific cases.

Summary of Research Procedures

Data obtained from TEA to determine the rates of expulsion and out-of-school

suspension of students of color in Texas' public elementary, middle and high schools were

screened for inconsistencies and coded by using categories that represented gender, grade

level, race/ethnicity and the 1999-2000 through the 2004-2005 school years. As the data

were processed, a determination was made to retrieve enrollment data for the years under

the purview of the study. Further review of the data was made, and it was determined to

limit the analysis to the 1999-2000 and 2002-2003 school years.

The 1999-2000 school term represented not only the first five-year signpost of the

implementation of ZT policies in the State of Texas but the first year that all data had been

compiled uniformly for Texas' public schools (P. Weirich, personal communication,

January 20, 2006). The 2002-2003 school term initially was selected because it yielded the

most out-of-school and expulsion occurrences of the six-year data set the researcher

received from TEA. With those two factors established, it was noted that the yearly

parameters selected created a pattern for further study. For example, after the sign-post period (1999-2000) had been evaluated, the next segment for this study occurred three years later (2002-2003), prompting further study to occur three years from that point, during the 2005-2006 school term. Finally, the data were analyzed via the Chi Square Goodness-of-Fit and Logistic Regression tests to determine statistically significant differences, trends and/or patterns between race/ethnicity, gender and school level as it related to the implementation of ZT policies in the State of Texas.

CHAPTER IV

ANALYSIS OF THE DATA

The purpose of this study was to investigate the out-of-school suspension and expulsion trends of students of color in the State of Texas and evaluate the results of the data via specific critical race theory (CRT) tenets intertwined with a derivative critical policy analysis. This chapter discussed the effects of the variables race/ethnicity, gender and school level on the out-of-school suspension and expulsion rates of students of color in the State of Texas after the implementation of ZT policies. Lastly, this chapter presented the results of the relationship and predictive power of the variables race/ethnicity, gender and school level on the disciplinary action for students of color.

In the 1999-2000 school term, a sample population of 21,828 who received either out-of-school suspension or expulsion was evaluated; likewise, a sample population of 23,318 students who were suspended out-of-school or expelled during the 2002-2003 school year were included in this study. During the same school terms, students of color, the target group for study, accounted for 10,729 and 12,736 of out-of-school suspensions and expulsions levied in the State of Texas. The data were obtained via direct correspondence with TEA and enrollment data were collected from the websites of TEA and, for comparison, the Educational Service Centers (ESC) of Texas. The data analysis for this study was accomplished under two major areas: the demographic profile of all students who received a disciplining action of expulsion or out-of-school suspension during the school terms under study and the research questions postulated in the study. The Chi-Square Goodness-of-Fit and the Logistical Regression tests were used to treat the data.

The guiding research question for this study asked, 'What can be determined when critical race theory (CRT) and critical policy analysis are integrated to evaluate quantitative data related to the out-of-school suspension and expulsion rates of students of color?' Analysis regarding the guiding question is presented in Chapter VI. First, specific data were retrieved and answers to the following questions were sought:

Question 1: What are the differences in the out-of-school suspension and expulsion rates of African American students when compared with other students of color in Texas after the implementation of ZT?

Question 2: What are the differences in the out-of-school suspension and expulsion rates of male and female students of color after the implementation of ZT?

Question 3: What are the differences in the out-of-school suspension and expulsion rates of students of color in Texas on the elementary, middle and high school levels after the implementation of ZT?

Question 4: What is the comparative predictive power of the variables race/ethnicity, gender and school level on disciplinary actions (out-of-school suspension and expulsion) of students of color?

Participant's Demographic Profiles

European Americans are partially included in this study; however, statistical analysis of the descriptive data were computed by race/ethnicity, gender and school level for all students of color, the target group studied. According to TEA (as requested by researcher), there were 21, 828 students during the 1999-2000 school term and 23,318

students during the 2002-2003 school term who received a disciplining action of out-of-

school suspension or expulsion throughout the State of Texas (See Table 4.1 and the next

five tables).

TABLE 4.1
Percentage of Enrolled Population in Texas by Race/Ethnicity for 1999-2000 and 2002-2003

	1999-2000		2002-2003	
	Population Enrolled	Percentage of Overall Population	Population Enrolled	Percentage of Overall Population
Native Americans	11,293	.03	13,162	.03
Asian Americans	103,686	2.60	122,485	2.90
Hispanic Americans	1,582,538	39.45	1,818,531	42.77
African Americans	576,977	14.42	608,045	14.30
European Americans	1,727,733	43.50	1,693,598	40.00
TOTAL	4,002,227	100.0	4,255,821	100.0

Note: 1999-2000 and 2002-2003 Texas' Public School Enrollment, TEA (2005);
Discipline Data from TEA as requested by researcher.

Race/Ethnicity

Table 4.2 depicts the race/ethnicity of the students disciplined in the State of Texas

for the two school years selected for this study. During 1999-2000, 429 students or 2.0%

were Native American, 642 or 2.9% were Asian American, and 4,868 or 22.3% were

reported as Hispanic American. Additionally, 7,468 or 32.2% were identified as African

American while 8,421 or 38.6% were European American. Five hundred thirty-seven (537), or 2.3%, of the respondents' race/ethnicity were categorized as Native American and 761 or 3.3% were Asian American. Additionally, 5,338 or 22.9% of students were Hispanic Americans and 8,285 were African American. Finally, 8,397 or 36.0% of the students for this study were identified as European American.

Of the students suspended out-of-school or expelled during the 1999-2000 school term, 13,407 were students of color. Fourteen thousand nine hundred twenty-one (14,921) students of color were suspended out-of-school or expelled during the 2002-2003 school term.

TABLE 4.2
*Distribution of Disciplined Population **in Texas** by Race/Ethnicity for 1999-2000 and 2002-2003*

	1999-2000		2002-2003	
	Number	Percentage	Number	Percentage
Native Americans	429	2.0	537	2.3
Asian Americans	642	2.9	761	3.3
Hispanic Americans	4,868	22.3	5,338	22.9
African Americans	7,468	34.2	8,285	35.5
European Americans	8,421	38.6	8,397	36.0
TOTAL	21,828	100.0	23,318	100.0

A comparison of the racial/ethnic percentage of the population enrolled juxtaposed to the racial/ethnic percentage of the population suspended out-of-school or expelled in Table. 4.3 reveals that African-American students (13 per 1000) are so disciplined at more than double the rate compared to the overall population (5 per 1000) and to all other racial/ethnic groupings with the exception of Native-American students. Curiously, the rate for Hispanic-American students (3 per 1000) is less than two-thirds that of the overall population.

TABLE 4.3

Comparison of 1999-2000 and 2002-2003Racial/Ethnic Percentage Enrolled in Texas versus Racial/Ethnic Percentage Disciplined

	1999-2000		2002-2003	
	Percentage of Overall Population	Percentage of Enrolled Population Disciplined	Percentage of Overall Population	Percentage of Enrolled Population Disciplined
Native Americans	.03	3.80	.03	4.10
Asian Americans	2.60	0.62	2.90	0.62
Hispanic Americans	39.45	0.31	42.77	0.30
African Americans	14.42	1.29	14.30	1.40
European Americans	43.50	0.49	40.00	0.50
TOTAL	100.00	0.55	100.00	0.55

Note: 1999-2000 and 2002-2003 Texas' Public School Enrollment, TEA (2005)

Gender

Regarding the variable gender as it relates to out-of-school suspensions and expulsions, during 1999-2000, 14,666 or 67.2 percent were male and 7,162 or 32.8 percent were female. During and 2002-2003, 15,181 or 65.1 percent of the students were male. Likewise, there were 8,137 or 34.9 percent female participants (See Table 4.4).

TABLE 4.4
Distribution of Population Disciplined in Texas by Gender for1999-2000 and 2002-2003

	1999-2000		2002-2003	
	Number	Percentage	Number	Percentage
Male	14,666	67.2	15,181	65.1
Female	7,162	32.8	8,137	34.9
TOTAL	21,828	100.0	23,318	100.0

School Level

Three school level groups, elementary school (grades 1-6), middle school (grades 7-8) and high school (grades 9-12), were designated for this study. Respectively, the groups were separated via the 1999-2000 and 2002-2003 school terms as 3,491 or 16.0 percent enrolled as elementary students, 6,200 or 28.4 percent enrolled as middle school students and 12,137 or 55.6 enrolled as high school students. Three thousand four hundred seventeen (3,417) or 14.7 percent of the participants were identified as

elementary students, 6,584 or 28.2 percent of them were identified as middle school

students, and 13,317 or 57.1 percent of students in this study were recorded as high

school students (See Table 4.5).

TABLE 4.5
Distribution of Population Disciplined in Texas by School Level for 1999-2000 and 2002-2003

	1999-2000		2002-2003	
	Number	Percentage	Number	Percentage
Elementary School	3,491	16.0	3,417	14.7
Middle School	6,200	28.4	6,584	28.2
High School	12,137	55.6	13,317	57.1
TOTAL	21,828	100.0	23,318	100.0

Disciplinary Action

For this study, the variable disciplinary action was categorized as out-of-school

suspension or expulsion. During the1999-2000 school term, 4,365 or 20.0 percent of the

students received expulsion as a disciplinary action, and 17,463 or 80.0 percent of the

students received OSS as punishment. Twenty-thousand nine hundred thirty (20,930) or

16.6 percent of students had received expulsion as a disciplinary action, and 105,425 or

83.4 percent of the participants received out-of-school suspension during the 2002-2003

school term (See Table 4.6).

TABLE 4.6
*Distribution of Disciplined Population in Texas by Disciplining Action for
1999-2000 and 2002-2003*

	1999-2000		2002-2003	
	Number	Percentage	Number	Percentage
Out-of-School Suspension	17,463	80.0	20,015	85.8
Expulsion	4,365	20.0	3,303	14.2
TOTAL	21,828	100.0	23,318	100.0

Examination of Research Questions

Research Question 1:

What are the differences in the out-of-school suspension and expulsion rates of African

American Students when compared with other students

of color in Texas during the 1999-2000 and 2002-2003 school terms?

Out-of-School Suspension Among Students of Color for 1999-2000

Shown in Table 4.7 are the one-sample Chi-square results pertaining to the effect

of race/ethnicity on the out-of-school suspension of students of color during the 1999-

2000 school term in Texas. Native American students consisted of 3.7 percent of the

students of color who received out-of-school suspensions as a disciplinary action, and 5.5

percent of the students of color who received this type of disciplinary action were Asian

Americans. In contrast, 37.3 percent of Hispanic American students received out of

school suspension, as compared with 53.6 of African American students. A statistically

significant difference was found between the out of school suspension rate of students of

color (X^2 = 7737.422, df = 3, p<.001) at the .001 level. Thus, African American students

were more likely to receive out of school suspension as a disciplinary action than were

other students of color.

Out-of-School Suspension Among Students of Color for 2002-2003

Table 4.7 also reveals the one-sample Chi-square results pertaining to the effect of

race/ethnicity on the out-of- school suspension of students of color in Texas. Native

American students consisted of 4.1 percent of the students of color who received out of

school suspension as a disciplinary action, whereas 5.6 percent of the students of color

who received this type of disciplinary action were Asian Americans. In contrast, 36.4

percent of Hispanic American students in Texas received out of school suspension, as

compared with 53.9 of African American students. A statistically significant difference

was found between the out of school suspension rate of students of color in Texas (X^2 =

9,062.72, df = 3, p<.001) at the .001 level. As in the 1999-2000 school term, African

American students were statistically more likely to receive out of school suspension as a

disciplinary action than were other students of color.

Expulsion Among Students of Color for 1999-2000

Shown in Table 4.8 are the one-sample Chi-Square results relative to the influence of ethnicity on the expulsion rate of students of color during the 1999-2000 academic term in Texas. Native American students consisted of 1.2 percent of the students of color who received expulsion as a disciplinary action, whereas 2.1 percent of the students of color who received this type of disciplinary action were Asian Americans. In comparison, 32.3 percent of Hispanic American students in Texas received expulsion, as compared with 64.3 percent of African American students. A statistically significant difference was found between the expulsion rate of students of color in Texas (X^2=2877.755, df=3, p<.001) at the .001 level. Accordingly, African American students were statistically more likely to receive expulsion as a disciplinary action than were their peers who were students of color.

TABLE 4.7
Out-of-School Suspension Rates of Students of Color in Texas for 1999-2000 and 2002- 2003

	1999-2000		2002-2003	
	Observed Frequencies	Percentages	Observed Frequencies	Percentages
Native Americans	396	3.7	522	4.1
Asian Americans	585	5.5	711	5.6
Hispanic Americans	4,002	37.3	4,641	36.4
African Americans	5,746	53.6	6,682	53.9
TOTAL	10,729	100.0	12,736	100.0

1999-2000 X^2=7737.422   df =3 p=.000***   **2002-2003** X^2=9,061.72 df=3 p=.000***
             ***p<.001   ***p<.001

Expulsion Among Students of Color for 2002-2003

Table 4.8 also provided the one-sample Chi-Square results relative to the influence of ethnicity on the expulsion rate of students of color in Texas during the 2002-2003 academic term. Native American students consisted of .7 percent of the students of color who received expulsion as a disciplinary action, whereas 2.3 percent of the students of color who received this type of disciplinary action were Asian Americans. In comparison, 31.9 percent of Hispanic American students in Texas received expulsion, as compared with 65.1 percent of African American students. A statistically significant difference was found between the expulsion rate of students of color in Texas (X^2=2,416.31, df=3, p<.001) at the .001 level. Accordingly, African American students were statistically more likely to receive expulsion as a disciplinary action than were their peers who were students of color.

TABLE 4.8
Expulsion Rates of Students of Color in Texas for 1999-2000 and 2002-2003

	1999-2000		2002-2003	
	Observed Frequencies	Percentages	Observed Frequencies	Percentages
Native Americans	33	1.2	15	.7
Asian Americans	57	2.1	50	2.3
Hispanic Americans	866	32.3	697	31.9
African Americans	1,722	64.3	1,423	65.1
TOTAL	2,678	100.0	2,185	100.0

1999-2000 X^2=2877.755 df=3 p=.000***   **2002-2003** X^2=2,416.31 df=3 p=.000***
***p<.001   ***p<.001

Research Question 2

What are the differences in the out-of-school suspension and expulsion rates of male and female students of color after the implementation of ZT?

Out-of-School Suspension & Gender for 1999-2000

Table 4.9 presents the Chi-Square Test Goodness-of-Fit results regarding the differences in the out of school suspension rate of male and female students during the 1999-2000 academic term. Males consisted of 65.0 percent of the students of color who received out of school suspension as a disciplinary action whereas females consisted of 35.0 percent of students who received this type of disciplinary action. A statistically significant difference was found in the out of school suspension rate of students of color at the .001 level (X^2=971.80, df=1, p<.001). Therefore, male students of color are statistically more likely to receive out of school suspension rate as a disciplinary action than were female students of color.

Out-of-School Suspension & Gender for 2002-2003

Table 4.9 includes the Chi-Square Test Goodness-of-Fit results regarding the differences in the out of school suspension rate of male and female students during the 2002-2003 school term. Males consisted of 63.2 percent of the students of color who received out of school suspension as a disciplinary action whereas females consisted of 36.8 percent of students who received this type of disciplinary action. A statistically significant difference was found in the out of school suspension rate of students of color at

the .001 level (X^2=885.38, df=1, p<.001). As in the 1999-2000 school term, male students of color are statistically more likely to receive out of school suspension rate as a disciplinary action than were female students of color.

Expulsion & Gender for 1999-2000

Revealed in Table 4.9 are the Goodness-of-Fit Chi-Square results with regard to the influence of gender on the expulsion rate of students of color in Texas during the 1999-2000 academic term. The male students of color who received expulsion as a disciplinary action comprised 75.0 percent. In comparison, female students of color consisted of 25.0 percent of those who received expulsion as a disciplinary action. A statistically significant difference was found in the expulsion rate of students of color (X^2=668.50, df=1, p<.001) at the .001 level. Consequently, male students of color were statistically more likely to be expelled than were female students of color.

TABLE 4.9
Out-of-School Suspension Rates of Students of Color in Texas by Gender for 1999-2000 and 2002-2003

	1999-2000		2002-2003	
	Observed Frequencies	Percentages	Observed Frequencies	Percentages
Male	6,979	65.0	8,047	63.2
Female	3,750	35.0	4,689	36.8
TOTAL	10,729	100.0	12,736	100.0

1999-2000 X^2=971.80 df=1 p=.000***   **2002-2003** X^2=885.38 df=1 p=.000***
        ***p<.001   ***p<.001

Expulsion & Gender for 2002-2003

Table 4.10 also includes the Goodness-of-Fit Chi-Square results with regard to the influence of gender on the expulsion rate of students of color in Texas during the 2002-2003 academic school year. The male students of color who received expulsion as a disciplinary action comprised 74.2 percent. In comparison, female students of color consisted of 25.8 percent of those who received expulsion as a disciplinary action. A statistically significant difference was found in the expulsion rate of students of color (X^2=511.33, df=1, p<.001) at the .001 level. Just as it occurred during the 1999-2000 academic term, male students of color were statistically more likely to be expelled than were female students of color.

TABLE 4.10
Expulsion Rates of Students of Color in Texas by Gender for 1999-2000 and 2002-2003

	1999-2000		2002-2003	
	Observed Frequencies	Percentages	Observed Frequencies	Percentages
Male	2,008	75.0	1,621	74.2
Female	670	25.0	564	25.8
TOTAL	2,678	100.0	2,185	100.0

1999-2000 X^2=668.50 df=1 p=.000***   **2002-2003** X^2=511.33 df=1   p=.000***
         ***p<.001   ***p<.001

Research Question 3

What are the differences in the out-of-school suspension and expulsion rates

of students of color in Texas on the elementary, middle, and high school

levels after the implementation of ZT?

Out-of-School Suspension & School Level for 1999-2000

The Chi-Square test goodness-of-fit results regarding the influence of ethnicity on

the expulsion rate of students of color in Texas during the 1999-2000 academic school term

are indicated in Table 4.11. Elementary students comprised 19.3 percent of the students of

color who received expulsion as a disciplinary action and 30.6 percent of middle students

received this method of disciplinary action. On the other hand, 50.1 percent of high school

students received out of school suspension as a disciplinary action. Statistically significant

differences were found in the expulsion of students of color at the .001 level (X^2=1564.456,

df=3, p<.001). Therefore, high school students were statistically more likely to receive out

of school suspension as a disciplinary action than were elementary and middle school

students of color.

Out-of-School Suspension & School Level for 2002-2003

The Chi-Square test goodness-of-fit results regarding the influence of ethnicity on the

out-of-school suspension rate of students of color in Texas during the 2002-2003 are also

indicated in Table 4.11. Elementary students comprised 16.8 percent of the students of

color who received expulsion as a disciplinary action and 30.2 percent of middle students

received this method of disciplinary action. On the other hand, 53.1 percent of high school students received out of school suspension as a disciplinary action. Statistically significant differences were found in the expulsion of students of color at the .001 level (X^2=2,580.63, df=3, p<.001). Once again, high school students were statistically more likely to receive out of school suspension as a disciplinary action than were elementary and middle school students of color.

TABLE 4.11
Out-of-School Suspension Rates of Students of Color in Texas by School Level for 1999-2000 and 2002-2003

	1999-2000		2002-2003	
	Observed Frequencies	Percentages	Observed Frequencies	Percentages
Elementary School	2,073	19.3	2,134	16.8
Middle School	3,728	30.6	3,840	30.2
High School	5,378	50.1	6,762	53.1
TOTAL	10,729	100.0	12,736	100.0

1999-2000 X^2=4.456 df=2 p=.000***   **2002-2003** X^2=12,395.00 df=2 p=.000***
                      ***p<.001   ***p<.001

Expulsion & School Level for 1999-2000

Illustrated in Table 4.12 are the Chi-Square results with respect to the effect of school level on the expulsion rate of students of color in Texas during the 1999-2000 academic school year. Students of color at the elementary level consisted of 5.0 percent of the expulsion rate in Texas, as compared to 26.4 at the middle school level. In addition,

68.6 percent of the students of color that received expulsion as disciplinary actions were

high school students. A significant difference was found between the expulsion rates of

students of color by grade level (X^2=1679.86, df=2, p<.001) at the .001 level. Thus,

students of color at the high school level were statistically more likely to receive expulsion

as a means of disciplinary action than were their peers in elementary or middle school.

TABLE 4.12
Expulsion Rates of Students of Color in Texas by School Level for 1999-2000 and 2002-2003

	1999-2000		2002-2003	
	Observed Frequencies	Percentages	Observed Frequencies	Percentages
Elementary School	134	5.0	61	2.8
Middle School	708	26.4	562	25.7
High School	1,836	68.6	1,562	71.5
TOTAL	2,678	100.0	2,185	100.0

1999-2000 X^2=1679.86 df=2 p=.000***   **2002-2003** X^2=1603.66 df=2 p=.000***
            ***p<.001   ***p<.001

Expulsion & School Level for 2002-2003

Table 4.12 illustrates the Chi-Square results with respect to the effect of school

level on the expulsion rate of students of color in Texas during the 2002-2003 academic

school term. Students of color on the elementary level consisted of 2.8 percent of the

expulsion rate in Texas, as compared to 25.7 on the middle school level. In addition, 71.5

percent of the students of color that received expulsion as disciplinary actions were high school students. A statistically significant difference was found between the expulsion rates of students of color by grade level (X^2=1,603.66, df=2, p<.001) at the .001 level. Thus, yet again, students of color on the high school level were statistically more likely to receive expulsion as a means of disciplinary action than were their peers on the elementary or middle school levels.

Research Question 4

What is the comparative predictive power of the variables race/ethnicity,

gender and school level on disciplinary actions (out-of-school suspension and expulsion)

of students of color?

Predicted Disciplinary Action for 1999-2000 and 2002-2003

Direct (standard) logistic regression was conducted to determine which independent variables (gender, ethnicity, and grade level) were predictors of disciplinary action (expulsion and out of school suspension). Regression results for both terms indicated the overall model of three predictors (gender, ethnicity and grade level) was statistically reliable in distinguishing between expulsion and out-of-school suspension For 1999-2000 the statistical results are -z Log Likelihood = 12646.218, Goodness-of-Fit = 762.140; df=6, p<.001. (See Table 4.13). For 2002-2003, statistical results are -z Log Likelihood = 3724.600, Goodness-of-Fit = 40.901; df=6, p<.001. (See Table 4.14).

TABLE 4.13
1999-2000 Overall Model Fit Results

Model	-z Log Likelihood	Chi Square	df	P
Intercept	12646.218			
Final	3724.600	262.140	6	.000***

X^2 = 262.140; df=6, P=.000*** McFadden Rho =.049
*** = Significant at the .001 Level

TABLE 4.14
2002-2003 Overall Model Fit Results

Model	-z Log Likelihood	Chi Square	df	P
Intercept	3917.478			
Final	192.878	3724.600	17	.000***

X^2 = 40.901; df=17, P=.000*** McFadden Rho =.049
*** = Significant at the .001 Level

With regard to McFadden's Rho (=.05), the variance in disciplinary action accounted for is small (See Tables 4.15 and 4.16). Prediction of disciplinary action was impressive regarding out-of-school suspension but not in terms of expulsion with 100% of the students correctly predicted in out-of-school suspension and 0% in reference to expulsion, for an overall disciplinary action in 1999-2000 of 80% (See Table 4.15) and an overall disciplinary action in 2002-2003 of 83% (See Table 4.16).

TABLE 4.15
1999-2000 Classification Table Results

	Expulsion	OSS	Percent Correct
Expulsion	0	2628	0
Out-of-School Suspension	0	10729	100.0
		Overall Correct 80.0%	

TABLE 4.16
2002-2003 Classification Table Results

	Expulsion	OSS	Percent Correct
Expulsion	0	13674	0
Out-of-School Suspension	0	66734	100.0
		Overall Correct 83.0%	

Moreover, according to the Wald Criterion (See Table 4.17 and Table 4.18) of all three variables, grade level had the most predictive power regarding disciplinary action and gender has the second most predictive power with respect to disciplinary action. However, odd ratios for the aforementioned independent variables indicated little change in the likelihood of disciplinary action.

TABLE 4.17
1999-2000 Regression Coefficients Regarding the Relationship between Race/Ethnicity, Gender, School Level and Disciplinary Action

Variable	B	S.E.	Wald	df	P	Exp(B)
Ethnicity (1)	1.340	.185	52.718	1	.000	3.820
Ethnicity (2)	1.191	.143	69.498	1	.035	3.290
Ethnicity (3)	.265	.048	31.191	1	.000	1.304
Gender	-.519	.050	107.885	1	.000	.595
School (1)	1.688	.094	325.007	1	.000	5.407
School (2)	.470	.049	88.387	1	.000	1.600

TABLE 4.18
2002-2003 Regression Coefficients Regarding the Relationship between Race/Ethnicity, Gender, School Level and Disciplinary Action

Variable	B	S.E.	Wald	df	P	Exp(B)
Ethnicity (1)	-1.260	.089	198.582	1	.000	.284
Ethnicity (2)	-.701	.058	148.007	1	.000	.496
Ethnicity (3)	.273	.018	234.715	1	.000	1.314
Gender	.535	.017	949.962	1	.000	1.708
School (1)	-1.704	.035	2348.520	1	.000	.182
School (2)	-.518	.018	820.010	1	.000	.596

CHAPTER V

POLICY AND ANALYSIS

This chapter begins with a discussion of policy acts in education and provides an overview of critical policy analysis that includes a review of analytical procedures. Next, the researcher combined tenets of critical race theory (CRT) with a critical policy analysis, as defined by the researcher. Lastly, the assessment was integrated within the results of the analysis of the expulsion and out-of-school suspension rates of students of color in the State of Texas after the implementation of the zero tolerance (ZT) policy.

Policy Acts

Policy, in general, can be defined as a program or course of action adopted by an individual, group or government (Prunty, 1985). More often than not, policy-making in education has occurred when a perceived crisis has been revealed or headlined (i.e. *A Nation at Risk*; Tragedy at Columbine). "Events that are nationally traumatic can symbolize a policy issue and focus policymakers' attention on proposals professing to redress the issue" (Chalip, 1995, p. 5). In effect, when a catastrophe in education or the schooling process has been exposed to a national audience, then policy-making will occur to reform educational practices related to the issue of concern. For example, *A Nation at Risk* (National Commission on Excellence in Education-NCEE, 1983) ignited prolonged debates on educational excellence in the United States. The debates became the precursor to changes in methodology, techniques and strategies used in public schools and a plethora of research on education in general (Levine, 1990; Kretovics & Nussel, 1994; Linn, 2005;

Silver, 1990; Sunderman, 2006). Nevertheless, it was the Elementary and Secondary

Education Act (ESEA) of 1965 that first proposed funding to improve academic

achievement for schools serving low-income communities (Advancement Project, 2005).

In retrospect, the United States' public educational system has been embroiled in

policy-making to improve the academic success rates of disadvantaged students for more

than four decades; during the same period, racial/ethnic disparities in school discipline

have been documented (Advancement Project, 2005). Prior to the heinous acts that

occurred at Columbine High School in Littleton, Colorado, the ZT policy had been in place

since the Guns Free Schools Act (GFSA) and the Safe and Drug-Free Schools and

Communities Act (SDFSCA) of 1994; its primary purpose of eliminating gun and drug

related incidents on U.S. public school campuses did not succeed in Littleton. This pivotal

event has served to highlight the inadequacy of a national educational policy directed at

safety issues within public schools in the U.S.

Acts of Analysis

Policy analysis has developed as a collection of methods used to enhance the design

and implementation of policy (Chalip, 1995). A single definition regarding the act of

analysis cannot encompass all facets involved within the concepts of any educational

policy (Berkhout & Wielemans, 1999; Lincoln & Guba, 1986; Prunty, 1985). Nevertheless,

policy design is concerned with an identifiable issue or concern and the forecasting of an

outcome suited to the issue or concern (Bowers, 1988). As a function, policy in education

is used primarily to provide those persons in authority the wherewithal needed to direct

educational practices (Musick, 1998); therefore, policy implementation involves the authoritative binding of the resolutions set forth in the policy design, rendering the policy 'legitimized' (Chalip, 1995). As a task in terms of its function, policy operates to serve a particular purpose or perform a specific role. Nonetheless, an analysis of policy may be conducted via different perspectives or processes that would render differing realities.

Lincoln and Guba (1986) recognized at least three processes that an analysis of policy may undergo. Furthermore, they contended that each of the processes might produce other perspectives depending on the analysis definition chosen for study. One definition's perspective, *policy-in-experience*, would capture the knowledge of a target group's encounters regarding the policy implementation. From this viewpoint, an examination would include anecdotes or the accounts of those who have been affected by the execution of the policy. Counter-storytelling, a tenet of critical race theory (CRT), utilizes this method to highlight inequities that may have been invisible to those employing a program, procedure or policy (DeCuir & Dixson, 2004). Another standpoint for policy investigation would consider the statements of the policy as written, *policy-in-intention*. An analysis from this position would presume that the nature of the language in print influences the policy being practiced. Discourse analysis has been used to scrutinize historical and contemporary documents in an effort to deconstruct implied meanings and the ways in which the interpretations of programs, procedures or policies have been utilized beyond the scope of their intent (Woodside-Jiron, 2003).

Lastly, the activities, *policy-in-action*, of those implementing the policy could be evaluated. Policy analysis from this perspective would explore the methods used by those

in authority as they implement the policy. Although in a deviated form, this study

examined the ZT policy from this perspective. More specifically, instead of methodology,

the statistical results of the policy as implemented by those in authority were explored.

What is 'critical'?

Analysis as a 'critical' undertaking within scientific research "is the assessment of

knowledge claims" (Hammersley, 2005, p. 176). In this manner, scholarly research is

reviewed and comments or judgments are given concerning the claims of the study. In

other words, the study has been critiqued. When 'critical' becomes the objective of the

research, another perspective is given regarding the study and/or its intent. 'Critical'

research is not limited to claims of knowledge or an assessment of those claims; it is more

about analyzing policies and forms of social practice (Hammersley, 2005). As such, critical

policy analysis (CPA) scrutinizes policy from a social vantage point; it is critical of social

organizations, programs and/or procedures that privilege some at the expense of others.

Subsequently, CPA aspires to improve the human condition by empowering people to

ameliorate difficult or oppressive social circumstances (Chalip, 1995).

Prunty (1985) advised critical policy analysts to realize that "values, interests and

power permeate the dimensions of schooling, and that, as a result, select groups and social

classes benefit or suffer" (p.135). Therefore, an analysis of school policies, as did this

study, must proceed from a racial/ethnic point of view so that biases are uncovered. As

stated previously, acts of analysis may manifest themselves in various forms. According to

Chalip (1995), CPA investigates the conception of social problems or the results of social

policies and is concerned with the following:

(1) Critique the assumptive bases of problem definition;

(2) Explain why inadequacies of problem definitions persist;

(3) Suggest how the assumptive bases of problem definitions should be

corrected;

(4) Identify those facets of social circumstances that require change to redress

social problems (p. 311).

A problem definition specifies the purpose of the policy. In the case of ZT, its intent was to

improve school safety via the elimination of guns and drug related violence on U.S. public

school campuses (Casella, 2003; Morrison & D'Incau, 1997; Skiba & Peterson, 1999; The

Harvard Civil Rights Project & Advancement Project, 2000).

A Critical Policy Analysis

Critical policy analysis (CPA) may consist of various modes for evaluation that

would focus on, for example, contents of a policy that specify recommendations or the

processes regarding the development of a policy (Lincoln & Guba, 1986, Musick, 1998;

Prunty, 1985; Woodside-Jiron, 2003). Of the approaches employed, quantitative data is not

used as the primary method of evaluation (Lynn & Parker, 2006). The research impetus of

this study was borne from a definition of critical policy analysis that would evaluate

programs and/or procedures operating in public schools using quantitative data in at least

one component of the critique to highlight educational inequities that specifically affect students of color. To this end, the researcher selected two tenets of critical race theory (CRT) to deconstruct the quantitative results of the ZT policy used in Texas' schools, permanence of racism and critique of liberalism. A third CRT tenet, interest convergence, was discussed regarding social change.

Permanence of racism implies that hierarchical structures that govern all political, economic, and social domains are racist (DeCuir & Dixson, 2004; Delgado & Stefancic, 2001). These structures and/or institutions have been a part of U.S. jurisprudence in such a way that it has dispensed privileges to European Americans while subordination of people of color occurred (Bell, 1995). As a result, racism is ordinary in that it is common and entrenched in everyday occurrences so that acts of racism become invisible to those who are not victimized.

Critique of liberalism explores the idea of colorblindness that has justified race-based policies designed to address societal inequity (DeCuir & Dixson, 2004; Delgado & Stefancic, 2001). At face value, colorblindness seems desirable. Nevertheless, a colorblind society ignores the historical artifacts that have produced "inequity, inopportunity, and oppression" (DeCuir & Dixson, 2004). When a policy, program or procedure is implemented from a colorblind perspective, it assumes that the people affected have the same experiences and opportunities. In other words, a procedure or policy that employs a stance that resembles equality fails to take in account that inequities persist because racial differences produce different experiences. Consequently, to be equitable is to recognize

that inequalities exist; therefore, actions or decisions made from this stand should be implemented accordingly.

The belief that America's racial progress occurs when it coincides with the conditions and interests of European American was the basis for the CRT tenet of interest convergence (DeCuir & Dixson, 2004; Delgado & Stefancic, 2001). This national perspective required an understanding of conditions at different periods in history. In turn, an analysis has to account for changes that affect circumstances of those in authority. As noted earlier, a perceived crisis in education ignites policy-making. Interest convergence asserts that policy-making occurs if, and only if, the crisis allows the dominant culture to seize advantage and exploit subordinating cultures. In other words, equitable gains for communities of color will not occur unless the gains coincide with the self-interest of European Americans (Delgado & Stefancic, 2001).

Derivation of a Method

"If policy is a *strategy undertaken to solve or ameliorate some problem*, then policy analysis identifies common, special or recurrent problems and the development and exploration of sets of strategies for dealing with each" (Lincoln & Guba, 1986, p. 559-emphasis in original). To assess the dominant conceptions of social problems and the results of social policies, the researcher modified Chalip's (1995) four-step method of critical policy analysis, then integrated statistical data and CRT tenets. Specifically,

permanence of racism and critique of liberalism (tenets of CRT) were integrated with these four steps, an altered form for a critical policy analysis:

(1) Critique the Assumptive Basis of the ZT Policy

(2) Explain Why the Inadequacies of the ZT Policy Persist

(3) Suggest Why the Assumptive Basis of the ZT Policy Should be Corrected

(4) Recognize Instructional/Behavioral Outcomes and Administrative Strategies that Can Change

Further discussion was added in order to highlight inequities (critical) of the quantitative results of the ZT policy outcomes of out-of-school suspension and expulsion that were intentionally disaggregated and analyzed by race/ethnicity, gender and school level.

Four Steps

Critique the Assumptive Basis of the ZT Policy

The initial step of this analysis must begin with a historical synopsis of school crime, for the impetus of the ZT policy can be found in the past. Consequently, the results of the data for this study are not integrated into this portion of the critique.

Assumption One: Policy Needed to Eliminate Violence in Schools. Disorder on U.S. public school campuses was highlighted and presented to a national audience when the

National Institute of Education (NIE) released the executive summary of its 1977 report,

Violent Schools--Safe Schools. National data from that time was revisited when Moles

(1987) reexamined the data from the early 1970s to the mid-1980s. According to Moles, all

victimization data contradicted the notion of popular belief at the time that school crime

had increased. In addition, Moles' (1987) study suggested that although schools in

large/urban areas were likely to have more crimes of personal violence than schools in

other locations, societal forces rather than school factors may explain the overall trends.

Even though national reports of the time did not, future research extolled the validity of

these claims, (Casella, 2003; Curwin & Mendler, 1999; Hyman, Weiler, Dahbany,

Shamrock & Briton, 1994; Noguera, 1995).

This distorted view of crimes of violence on U.S. school campuses was exacerbated

by *A Nation at Risk* (1983) that, among other things, condemned the way in which

discipline had been handled in public schools. When the President and the nation's

governors met to discuss ways of improving America's schools, the discussions were

predominated by drug abuse and weapons violence concerns, not discipline and classroom

management. During the 1990s, drugs and gangs spread from urban locales into suburbia.

Soon afterwards, mandatory sentencing for drug related offenses became the norm

followed by the notion that a minor could be tried as an adult. In 1994, the U.S. Congress

met to review reported weapon and drug problems on U.S. public school campuses.

The Gun-Free Schools Act (GFSA) of 1994, drafted by the U.S. Congress, focused

on the elimination of dangerous criminal behaviors that may be perpetrated by public

school students (Dunbar & Villarruel, 2002 & 2004). With funding as an incentive, many

school districts embraced the ZT policy and added strength to their existing discipline policies (Ayers, Dohrn, & Ayers, 2001; Gausted, 1992; National Center for Educational Statistics, 1998; Skiba & Knesting, 2002). In and of itself, the policy has not been able to eliminate gun violence in schools. Since 1996, with 2004 as the exception, a national audience has been informed of a shooting death on a U.S. school campus (See Appendix I).

Assumption Two: One-Size-Fits-All. The intent of the ZT policy may seem equitable and fair; yet, the implementation of the policy has proven to be detrimental to students of color (Casella, 2003). This structural functionalism (a network of institutions that incorporate a framework) of the ZT policy precipitated an allocation of funds that required the reporting of compliance, therefore, implying an across-the-board consistency and uniformity for the implementation of the ZT policy.

The idea of uniformity espouses a one-size-fits-all philosophy and is tantamount to the idea of colorblindness, a pivotal component of liberalism. Acts of racism are not eliminated by colorblindness. A 'just' and equitable policy statement does not produce the assurance that substantial change will occur ethically. In other words, a colorblind society ignores historical events that continue the perpetuation of oppression, inopportunity and inequity (DeCuir & Dixson, 2004), and fails to address the many conflicts inherent within U.S. society (Prunty, 1985; Schwandt, 2001).

As a discipline policy, ZT implies that the consequences are the same for each individual, and belies the fact that consistent application of the policy does not mean the same punishment for all students (Casella, 2003). More often than not, punishments in the form of out-of-school suspension and expulsion for students of color often result in grade

retention, dropping out of school, academic failure and recidivism (Costenbader &

Markson, 1998, Morrison & D'Incau, 1997, Noguera, 1995).

Step One Conclusions

Assessment of Assumptive Basis of ZT Policy

As a function, the intention of the ZT policy is infallible, regardless of the

unreliability of the historical data on school crime, school disorder and/or school violence.

Schools should not be places for drug deals and weapons violence.

> "Absent from the legalistic paradigm is any method for determining
> how—or whether—the goals can actually be attained; there is no referent
> for assessing the nature and content of educational practice or how it
> affects the child. It is possible that this omission is due to the fact that
> policy makers do not yet possess the tools for legislating about the
> educational process or, alternatively, because policymakers think that
> legislating something to occur is sufficient to cause it to occur" (Darling-
> Hammond & Wise, 1981, p. 19).

Maintaining an atmosphere that is conducive to the learning process is crucial. It is the

extension of the policy as a discipline management tool that has raised concerns among

educational researchers. Part of the problem must be placed in the definition of school

crime and violence as it relates to safety on U.S. public school campuses.

"Definitions of violence lie not in acts themselves but in how groups controlling

positions of authority conceptualize such acts" (Hill-Collins, 1998, p. 922). In other words,

those with power protect their interest and define defiance to suit their own needs. The term

'school violence' has evolved to include not only criminal acts (theft, assault, etc.) that occur around school campuses, but displayed rebellion and/or disobedience (talking back, tardiness, talking loud, lack of homework) on the part of students. In 1992, 'school violence' was first used to describe disorder on school campuses (Furlong & Morrison, 2000). As such, it has value as a policy term in that the words 'school violence' conjure images that transmit into concerns for school security.

Nevertheless, disregard for school behavior rules should not be misconstrued as violence. Instead, the term 'school violence,' under the auspices of ZT, has been used to enforce relationships of power and subordination. In other words, students of color become victims of preconceived notions that are directly related to historical conceptions of their academic and behavioral patterns. As such, they are subjected to punishments based solely on their racial/ethnic heritage. For example, because students of color socialize differently in schools via their clothing and/or manner of speech, they are categorized as violent. Consequently, any misstep such as talking back, tardiness, talking loud, lack of homework, becomes proof of a definition of violence asserted by those in authority.

Explain Why Inadequacies of the ZT Policy Persists

U.S. public schools are mirrors of society and operate from a position of class, power and control (Silver, 1990). As such, education continues to reveal itself as the arena where racial/ethnic discrimination is perpetrated regularly (Lynn & Parker, 2006). For example, the ways that selection occurs regarding high-quality curriculum courses, honors

or gifted programs guarantees limited access for students of color (DeCuir & Dixson, 2004; Gay, 1994). While traditional forms of overt racism have declined, events of daily racism have increased. It perpetrates itself in ways that are hidden amongst commonplace practices that seem fair and equitable but have disproportionately negative outcomes for people of color (Ladson-Billings & Tate, 1995; Lawrence, 1995; Lynn & Parker, 2006).

Inadequacy One: Safety or Instructional Mismanagement Tool? Instruction within U.S. schools disseminates the values of the dominant culture, in spite of students' cultural diversity (Larke, Webb-Johnson, Rochon & Anderson, 1999). Schools in the U.S. have had an extensive history of structural racism. In fact, the 1954 *Brown v. Board of Education* decision was based on the fact that race in the U.S. determined whether students received a quality education. Since then, racial disparities in school discipline efforts have been documented (Advancement Project, 2005; Casella, 2003; Children's Defense Fund, 2005).

Today, an increased focus on school accountability and student achievement has decreased the level of tolerance for disorder and inappropriate behavior. Under these conditions, disruptive students, particularly those who score poorly on tests that measure the performance of the school district, are being excluded from the education community (Epp & Epp, 1998; Blumenson & Nilsen, 2002; Noguera, 1995). If students are not performing to the expectations of their teachers (lack of homework, failing grades, etc.), students will act out (tardiness, talking out, etc.). Incompetence regarding classroom management has extended the use of ZT as a disciplining procedure. It is no longer a program used to enhance the safety of students and staff members; instead, it has become an extension of institutionalized racism.

Inadequacy Two: Bias Accountability. Another concern regarding discipline management and ZT must be placed solely on the interpersonal dynamics and/or cultural misunderstandings that occur in America's public schools. Cultural misunderstandings transpire when actions performed by students are misinterpreted (Gay, 1994). After recommending that teachers be alleviated from the burden of maintaining discipline, the National Commission on Excellence in Education (NCEE, 1983) inadvertently helped to expand the practice of disproportionality and bias regarding subordination, control, and discipline management. This stance failed to take into account what teachers and/or administrators bring to the table such as the information that is conveyed to students through non-verbal clues. These clues may manifest themselves via disdain, indifference or exclusion. Given that racism is embedded in the cultural fabric of U.S. society (Delpit, 1988; Ladson-Billings, 1999; Noguera, 1995; Solórzano, 1997), teachers and administrators should be held accountable for the injustices perpetuated via their authority. Nevertheless, covert injustices regarding discipline management may never be known unless another form of school data is reported and publicized.

In general, numerical data connotes objectivity. Whether right or wrong, statistics shape perceptions of issues deemed important. Schools across the U.S. highlight academic achievement numerically. The results of the Texas Assessment of Knowledge and Skills (TAKS), administered to students in Texas, are similarly disaggregated via academic areas as well as race/ethnicity, gender and school level. Since statistical data are so readily available for academics, this method should be employed in the same manner for discipline data.

Step Two Conclusions

Critical Quantitative (critquant) Explanation

of Inadequacies of ZT Policy

Although it seems logical to insist that certain behaviors committed by students will not be tolerated, punishing every offense severely neglects the fact that the basis of these punishments may involve interpersonal dynamics and/or cultural misunderstandings (Costenbader & Markson, 1998; Noguera, 1995; Skiba & Knesting, 2002; Skiba & Peterson, 1999). According to the Children's Defense Fund (1975), national suspension rates for African American students were two or three times higher than the suspension rates for European Americans. More than 30 years later, this present study has proved the pattern remains the same in Texas.

If racism is not a factor for Texas' schools, then an explanation does not exist for the following facts:

- During the 1999-2000 and 2002-2003 school years, African American students comprised 14.3 and 14.4 percent, respectively, of the enrolled population in Texas' schools (Texas Education Agency, 2005); and received more than one-third of all disciplining actions (out-of-school suspensions and expulsions) meted out during the school terms under study. When compared to other students of color, African American students received 53.6 and 53.9 percent of the out-of-school suspensions and 64.3 and 65.1 of the expulsions.

- Although Hispanic American students comprised 40 and 43 percent of the total enrolled population during the same school periods, when compared to other students of color, they received 37.3 and 36.4 percent of the out-of-school suspensions and 32.3 and 31.9 percent of the expulsions.

Could it be said that students of color are more of a threat to school safety? Skiba and Knesting (2002) questioned the viability of that stance. They found that students of color were disciplined more often and more severely for less serious and more subjective offenses, such as defiance of authority or disrespect. They concluded that the disproportionate representation of students of color, African-American males in particular, in office referrals, suspension and expulsion is evidence of systematic bias. In other words, everyday racism is cumulative as evidenced via administrative procedures and institutional policies (Lynn & Parker, 2006). In essence, ZT provides schools the wherewithal to expel non-conforming students at will without being implicated as the source of the problem (Ryan, 1976; Epp & Epp, 1998).

Suggest Why the Assumptive Basis of

the ZT Policy Should Be Corrected

As noted in the first section of this analysis, as a function, the intent of the ZT policy is infallible. Specifically, the purpose of ZT was to equip those persons in authority over U.S. schools the wherewithal to eliminate, or at least reduce, criminal behaviors of public school students at or around public school campuses (Dunbar & Villarreal, 2002 & 2004). To that end, two assumptions were denoted. Assumption one surmised that a policy was

needed to eliminate violence in schools. Assumption two inferred that a one-size-fits-all

stance as a discipline policy would be effective.

Assumption One Corrected: *Policy Does Not Eliminate Violence in Schools*. Even

though Weiler's (1999) research centered on gender and violence, her research reaffirmed

what noted child psychologists have confirmed: over the course of a student's

development, a myriad of factors and experiences shape his/her behavior. Most of these

experiences are related directly to the student's social environment (e.g., neighborhood,

family, peers and community contexts). At minimum, family and peer relationships are

inextricably related to student behavior. Although some will do more than others will, all

students will act out. With the implementation of the ZT policy, normal attitudes and

rebellious actions on the part of elementary, middle and high school students have been

interpreted as acts of violence. The application of appropriate consequences at opportune

moments is certainly one tool for teaching students that actions have consequences in a

lawful society; however, unless accompanied by positive consequences or alternative goals,

administrative reaction has caused and will continue to cause dire results (failing grades,

loss of school time, retention, etc.).

Assumption Two Corrected: One-Size Does Not Fit-All. Despite the fact that youth

crime on campuses has decreased, ZT policies were broadened because of the assumption

that more students were becoming violent (Giroux, 2001; Skiba, Michael, Nardo &

Peterson, 2000; The Harvard Civil Rights Project & Advancement Project, 2000). Staunch

advocates of the ZT policy would credit this decrease to the implementation of ZT, and

they may be correct. While the influx of weapons and drugs on U.S. school campuses has been significantly decreased, it is a 'crime' to talk back to authority figures and report to school repeatedly without homework. These incidents of inappropriate behavior may have been reported as 'crimes.' For example, students who are tardy often are considered repeat offenders. Although their 'crime' has not affected school safety, they may be suspended out-of-school for this transgression.

Furthermore, an out-of-school suspension or expulsion of any student with middle to low socioeconomic status directly affects the way families cope with the punishment. The impact of ZT policies on students of color is more devastating because "… these young people are penalized more severely than those who can bounce back from a suspension or expulsion. The punishment is different for them; it is not consistent…" (Casella, 2003, p. 879). In other words, the socio-economic status of a students' family may be viewed to understand that expulsion as a punishment renders difference consequences. For example, if a family's household income exceeds $100,000 and a child is expelled, a tutor can be hired. One the other hand, a student of a single parent making minimum wage has no such recourse.

If not referred to an alternative location, students may be faced with choices and challenges that ultimately lead to behavior that is more inappropriate. Cartledge, Tillman and Johnson (2001) ascertained that the issue of discipline has been abused for culturally, linguistically, economically, ethnically diverse (CLEED) students (Larke, Webb-Johnson & Carter, 1996). They concluded, "Unethical situations emerge when the practices and policies in educational settings are reflective of the culture, mores, and needs of the

dominant class (in school administration, European American, middle-class males) and are in opposition to the culture and interests of non-dominant groups" (p.29). As a result, suspensions and expulsions may exacerbate rather than reduce behavior problems because the implementation of the ZT has increased the population of expelled and suspended students.

Step Three Conclusions

Critical Quantitative (critquant) of Why Assumptive Basis Should be Corrected

The degree of disciplinary actions imposed on students of color since the implementation of ZT in Texas schools indicates that something is seriously wrong with the behavior of those who administer disciplinary actions. Consider the following:

- Enrollment in Texas' schools increased from 4,002,227 in 1999-2000 to 4,255,821 in 2002-2003 (See Table 4.1).

- In 2002-2003, out-of-school suspension and expulsion for European Americans decreased and increased for students of color (See Table 4.2), particularly African American students despite the fact that their enrollment percentage remained relatively the same (see Table 4.1).

Are all students being justly serviced, or is it as Prunty (1985) inferred that educational policies have overlooked the role of educational institutions that favors the dominant culture? An evaluation of these statistical indicators suggests that an intervention or administrative re-programming, accompanied by quantitative accountability, should be

implemented to prevent the continued escalation of suspensions and expulsions of students of color.

Recognize Instructional/Behavioral Outcomes and Administrative
Strategies That Can Change

Heretofore, this analysis has reviewed two assumptive bases of the ZT policy as well as the inadequacies inherent to the assumptive bases presented. Suggestions regarding correcting the assumptions for which the ZT policy was based were also discussed. The issue raised in this portion of the analysis is concerned with the practicality of the structural and/or systemic changes that are required so that educators who are on the front lines of the implementation of the ZT policy may effect social change.

Instructional and Behavioral Outcomes. In part, the framework of teaching and learning is structured by the beliefs and expectations that teachers hold. Unfortunately, stereotypical and biased attitudes concerning class, gender and race/ethnicity are the bases for many of those beliefs (Darling-Hammond, 1990). Nevertheless, social changes that should occur within the school environment for students of color stem from the ways teachers teach and enforce behavior expectations. Within the context of teaching, students are more apt to transform their behavioral shortcomings when they are actively involved in pursuing their world by making inferences, drawing comparisons and analyzing actions (Darling-Hammond, 1990, Delpit, 1988).

Disruptions will occur in classrooms and escalations of the disruptions are directly related to the relationship between students and teachers. More often than not, patterns of

disruptive behavior will develop in classrooms where students are noncompliant with teacher expectations for academic activities (Scott, Nelson & Liaupsin, 2001; Skiba, Petersen & Williams, 1997). Effective instruction, that is, the teaching of concepts that allow students to see themselves and their world reflected in lessons, becomes a precursor to the elimination of class disruptions. In essence, teachers must 'know' the worlds students inhabit and be aware of the cultural barriers the students encounter.

Regardless of pedagogy, situations of difficulty in classrooms tend to be caused when students are expected to fit into a mold of how they are 'supposed' to act. When the cultural knowledge of the authority figure in the classroom is juxtaposed to the students, the students' aptitudes, intent, or abilities are misread and misinterpreted (Delpit, 1988; Gay, 1994). Consciously and unconsciously, matters of behaviors concerning voice tone and pitch as well as gestures and facial expressions of students and teachers make up the social climate of the classroom (Cartledge, Tillman & Johnson, 2001; Delpit, 1988; Gay, 1994). Unfortunately, these transactions contribute to misunderstandings and communication gaps (Cartledge, Tillman & Johnson, 2001). Coupled with the increased focus on accountability for student achievement, social expressions on the part of students are considered shortcomings within the student, and students are subjected to disciplinary actions or labeled behavior problems. As students act out, as is the case for some who are academically deficient, it is not surprising that ZT has become the scapegoat for legally alleviating the burden of discipline.

Administrative Circumstances. During the 1980s educational reform movement, principals of public schools in the U.S. were considered managers (Levine, 1990, 1991).

Lessons in graduate school were geared toward espousing total quality management (TQM) ideals as students, principals, assistant principals and future administrators, were asked to identify their management style. Schooling as a process became a model of a business enterprise with clients to be served and products to be delivered.

As accountability for academic success swept the nation, certification requirements were elevated and principals were encouraged to add instructional leader to their required duties of staffing, overseeing budget constraints and being the face of the school while garnering community partnerships. All the while, as curriculum matters were integrated into the TQM protocols, students of color struggled academically regardless of the myriads of programs mandated for closing the academic achievement gaps. The fact that disciplinary actions for students of color are disproportionate and at alarming levels brings into question the schools' short-comings relative to cultural understandings, ethical treatment, and effective behavior management procedures. There is a real need for school administrators to reassess the disciplinary methods that perpetuate biases among teachers for students within their schools.

School leaders influence the success or failure that students may experience as well as the schools' disciplinary climate (Benda & Wright, 2002). Diverse cultures and complex histories of students have contributed to the necessity of a multi-faceted approach in understanding the causes and contexts of inappropriate behavior in schools. Regardless of a leader's personal stance on racism, administrators must recognize that professional racism exists and may exist on their campuses. As this study has proven, one way that racism persists is via disciplinary dispensations.

Step Four Conclusions

Considerations for Instructional/Behavioral Outcomes and

Administrative Strategies That Can Change

When students consistently exhibit poor academic performance without redirection, the outcome will manifest itself via classroom disruptions on the part of students (Lewis, Sugai & Colvin, 1998; Scott, Nelson & Liaupsin, 2001; Skiba & Peterson, 2000), "while higher academic performance is associated with refraining or desisting from offending in both boys and girls" (Scott, Nelson & Liaupsin, p. 311). Since they are intertwined, preferred social and academic behaviors must be given equal priority and taught to all students with matching pedagogical vigor (Delpit, 1988; Hyman & Perone, 1998; Scott, Nelson & Liaupsin, 2001). Social behaviors should be taught using instructional techniques that represent best practices in teaching academics. It is the instructor's responsibility to present lessons so that all students can experience real multiple academic successes. In doing so, disciplining students becomes a range of academic and behavioral practices that contribute to a classroom that is well managed and where students enjoy learning. Likewise, the behaviors expected of students should also be required of teachers and staff members, and that begins with the practice of leadership.

Strategies Behind the Walls. Addressing the issues regarding racism in U.S. public schools is a formidable task. Nevertheless, unless the concerns are addressed, the issue of racism will remain intact. To this end, it is the school administrator's responsibility to

ensure that a concept of equity is embraced. Bireda (2000) acknowledged that the inequities prevalent in U.S. schools have succeeded in tarnishing the images that students have of those in teaching and leadership positions. While students of color may be victims of racist disciplining procedures, European American students witness the biases (Skiba, Peterson & Williams, 1997). When students of color are victimized, it sends the message to them that those in authority cannot be trusted. As witnesses of the racial injustices, European American students learn that it is acceptable to espouse words of equality and equity while performing in a manner quite the opposite.

Accountability. In Texas, administrative strategies that tackle racial inequality in academic areas began with an accountability system. Research conducted by Skrla and Scheurich (2001) regarding deficit thinking in school district leadership outlined several benefits of accountability. Of special note, accountability makes the problem visible. If leaders in schools would hold teachers and staff members accountable for disciplinary dispensation as is done with testing and academic data, discrepancies and disparities among students will become visible. Therefore, the ways in which school leaders use and interpret the data of office referrals is pivotal to the results and effectiveness of a discipline policy.

Administrative Acts. Bireda (2000) provided several applicable strategies that would enable administrators to construct a school culture that espouses equitable learning environments for each member of the school community. Of the ten that are offered (Bireda, 2000, p.10-11 & 13), two are especially relevant to this critique; they are data analysis and teacher efficacy. Regarding data analysis, school leaders who are committed to the amelioration of inequity must collect and analyze data in order to plan for and sustain

systemic reform (Bernhardt, 1998). As a first step to counteract discrepancies, a pattern must be discerned. Most patterns can be discerned through observation. Hence, administrators need to see the interactions between students and teachers during class, in the hallways and other congregant venues. An inspection of academic programs (i.e., gifted and talented, special education, extra-curricular activities) for racial/ethnic and gender participation would be effective as a means to collect baseline data regarding inequities that may exist. In order to eliminate racial discrimination regarding behavior management, discipline data should be gathered and examined specifically for racial/ethnic and gender inequities.

Teacher efficacy begins with information. In a study of perceptions of discipline concerns between high school students and adults, Thornburg (2001) found that respondents did not perceive any of the interventions as having a strong positive impact or effectiveness on the safety of the school or its environment for learning. ZT policy procedures were perceived by administrators to be effective and fair while the students and teachers perceptions were opposite. Thornburg (2001) contended that these differences between groups are significant in that they signal a lack of clarity, agreement and cooperation about roles and responsibilities. He concluded that school administrators must exhibit strong and flexible leadership in order to create schools that make violence unlikely. Therefore, the disciplining actions on the part of teachers and staff should be monitored in ways that allow for reflection and change. School leaders must first inform staff of their intent to diffuse and discover incidents relating to discrimination as these acts are in violation of professional and ethical behavior (Bireda, 200). Simultaneously, plans

must be in place that will allow for faculty and staff members to dialogue amongst each other in ways that will allow them to manage new information as they attempt to transform old ideas and behavior and to reconstruct relevant ways of teaching and thinking (Darling-Hammond, 1990).

Long-term benefits are created as teachers, staff and administrators develop a critical understanding of their purpose as educators as all are enabled to accommodate diversity across the boundaries of race/ethnicity, socio-economic status and gender. While the process may be slow and requires perseverance, the investment to the future of the youth in U.S. schools is priceless.

CHAPTER VI

FINDINGS, DISCUSSION, CONCLUSIONS, IMPLICATIONS AND

RECOMMENDATIONS

This chapter restates the purpose of the study and includes an evaluation of the guiding research question that stated, 'What can be determined when critical race theory (CRT) and a modified critical policy analysis are integrated to evaluate quantitative data related to the out-of-school suspension and expulsion rates of students of color?' Secondly, the findings and conclusions of the study are presented. Then implications for practice and policy are given followed by recommendations for future research.

Purpose of the Study

The purpose of this study was to examine the effects of the variables race/ethnicity, gender and school level on the out-of-school suspension and expulsion rates of students of color in the State of Texas after the implementation of the zero tolerance (ZT) during the 1999-2000 and 2002-2003 school terms. As such, this study sought to determine what statistically significant differences exist in the out-of-school suspension and expulsion results by race/ethnicity, gender and school level in Texas' public schools after the implementation of ZT policies, and the relationship and predictive power of the variables race/ethnicity, gender and school level on the disciplinary action of students of color. Furthermore, this study went beyond the observable to focus on the practical issues for educators living through the actuality of policy intentions.

Findings

The population consisted of 13,407 students of color who received either an out-of-school suspension or an expulsion as a disciplining action in the State of Texas during the 1999-2000 school term and 14,921 students of color who received the same punishment during the 2002-2003 school term. The data for this study were collected from the Texas Education Agency (TEA), its websites and the Educations Service Centers (ESC) that support the twenty regions for the State of Texas. Moreover, the data were tested through the application of the Chi Square Goodness-of-Fit and Logistic Regression tests. For this empirical study, data gathered regarding the research questions were tested at the .05 significance level or better. Each of significant findings of the study are listed below and discussed in subsequent segments of this chapter:

Question 1:

What are the differences in the out-of-school suspension and expulsion rates of African American students when compared with other students of color in Texas after the implementation of ZT?

1. The race/ethnicity status of a student did produce a statistically significant effect on his/her out-of-school suspension rate.

    During the 1999-2000, 14.3% of the student population in Texas was African American (Texas Education Agency, 2005). Of the 10,729 of out-of-school suspensions that students of color received, 53.6% were

African American students. In 2002-2003, African American students

comprised 14.4% of the student population and received 53.9% of the

12,736 out-of-school suspension dispensed for students of color.

Question 2:

What are the differences in the out-of-school suspension and expulsion rates of

male and female students of color after the implementation of ZT?

1. Gender of students of color was a statistically significant influence on their out-of-school suspension rate.

> Of the out-of-school suspensions recorded during the 1999-2000 and 2002-2003 terms in Texas for students of color, female students of color accounted for 35% in 1999-2000 and 36.8% in 2002-2003. Male students of color accounted for 65% in 1999-2000 and 63.2 % in 2002-2003.

2. The expulsion rate of students of color was statistically significant as it related to gender.

> Of the expulsions recorded during the 1999-2000 and 2002-2003 terms in Texas for students of color, female students of color accounted for 25% in 1999-2000 and 25.8% in 2002-2003. Male students of color accounted for 75% in 1999-2000 and 74.2 % in 2002-2003.

Question 3:

What are the differences in the out-of-school suspension and

expulsion rates of students of color in Texas on the elementary, middle and high

school levels after the implementation of ZT?

1. The out-of-school suspension rate of students of color was statistically significant

    regarding their school level.

    During 1999-2000 and 2002-2003, of the total out-of-school suspensions

    recorded in the State of Texas for students of color, 50.1% and 68.6%,

    respectively, were dispensed to those who attended high school.

2. A student of color's grade level had a statistically significant impact on their

    expulsion rate.

    Of the total expulsions recorded in the State of Texas for students of

    color during 1999-2000 and 2002-2003, 68.6% and 71.5%, respectively,

    were administered to those who attended high school.

Question 4:

What is the comparative predictive power of the variables

race/ethnicity, gender and school level on disciplinary actions (out-of-school

suspension and expulsion) of students of color?

1. The variables gender, ethnicity and school level were reliable predictors of
   disciplinary action.

> During 1999-2000 and 2002-2003, a student in the State of Texas was
> more likely to be suspended out-of-school if the student was a male
> student of color attending high school.

Guiding Question

What can be determined when critical race theory (CRT) and a modified critical policy

analysis are integrated to evaluate quantitative data related

to the out-of-school suspension and expulsion rates of students of color?

The discussion, conclusions and implications that follow extend the findings as they

relate to the pivotal question that guided the study.

Discussion

Race/Ethnicity

One of the most statistically significant findings of the study was the influence of

race/ethnicity on expulsion and out-of-school suspension rates of students of color during

each of the selected school terms. Of the students enrolled in public schools in Texas

during the 1999-2000 and 2002-2003 school years, African American students comprised

14.3 and 14.4 percent, respectively, of the population (see Figures 6.1 and 6.2); and yet,

they received more than double the rate of disciplining actions compared to the overall population with the exception of Native American students. When compared with other students of color, they received 53.6 and 53.9 percent of the out-of-school suspensions and 64.3 and 65.1 of the expulsions.
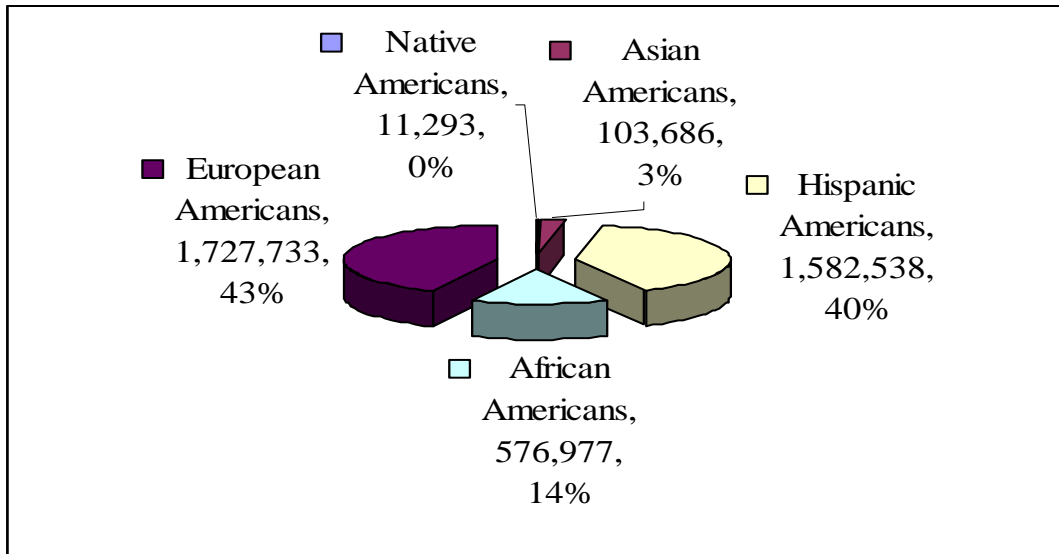

FIGURE 6.1. *1999-2000 Texas' Public School Enrollment, TEA (2005).*

African American students were more likely to receive expulsion or out-of-school suspension as a disciplining action than were other students of color. These findings were consistent with research that concluded biases and/or systemic racism is inherent to the disciplinary actions imposed on students of color (Bennett & Harris, 1982; Costenbader & Markeson, 1998; Morrison & D'Incau, 1997; Skiba, Michael, Nardo & Peterson, 2000; The Harvard Civil Rights & Advancement Project, 2000). The lack of understanding by both teachers and administrators of the many ways that African American students communicate within an environment may be a plausible explanation for the present findings. Because of

these misinterpretations, many educators perceive African American students as having

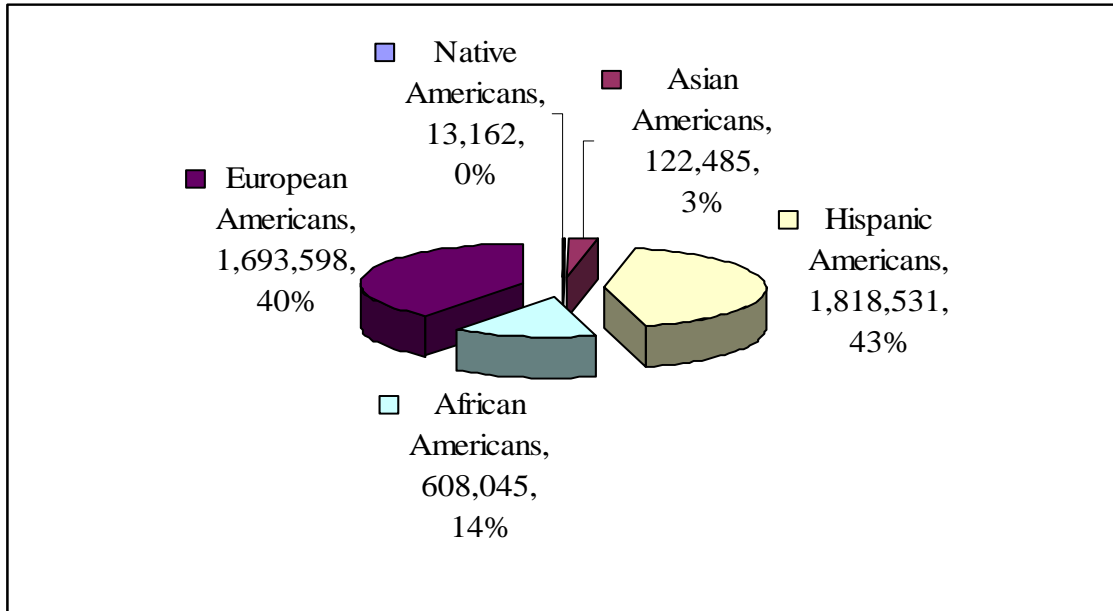behavioral problems at school (Ford & Dillard, 1996; Gay, 2000; Noguera, 1995).

FIGURE 6.2. *2002-2003 Texas' Public School Enrollment, TEA (2005).*

Furthermore, the perspective of disciplinary actions under the auspices of ZT from a CRT

lens highlights the shortcomings of the policy as used to fortify the safety of schools. An

approach to maintain discipline and control inferred aggressiveness based on the ideology

that ZT purports (i.e. identical punishment for major and minor offenses) makes the

category of race/ethnicity an undeniable concern regarding the treatment of students of

color and the discipline process itself.

Since a primary tenet of CRT is guided by race classification and the support and

protection of the status quo, values and beliefs, the expulsion and out-of-school suspension

of African American and other students of color from school has become a legal way to

maintain dominance. As a result, African Americans and other students of color are placed in subordinate positions within a society that promulgates oppression, inopportunity and inequity (DeCuiir & Dixson, 2004). Consider the evidence from this study. When a racial/ethnic population comprises 14.3% of the total population and receives more than one-third of the recorded expulsions, this fact supports the ideology that ZT, as a school disciplining policy, has become a legal method of denying students of color, especially African Americans, the right to a quality education. As a result, students of color are denied the opportunity to live and enjoy all of the life chances of their European American counterparts (Giroux, 2001; Skiba, Michael, Nardo & Peterson, 2000).

Gender

Another notable finding of the study pertained to the influence of the variable gender on the out-of-school suspension and expulsion of students of color. Male students of color received expulsion and out-of-school suspension as a disciplinary action at a much higher rate than did their female peers. These findings parallel those of the Center for Women Policy Studies (1998) and Weiler (1999) whose national research revealed that male students of color, especially African American males, are more likely to be expelled or suspended from school than their female counterparts. While violence has been studied primarily as a male phenomenon, it has been noted that young women categorized as violent commit different kinds of 'violence' (truancy, curfew violations, etc.) than do young men (Artz, 1998; Chesney-Lind & Shelden, 1998; Weiler, 1999). Notwithstanding the disproportionately high rate of African-American males in suspension and expulsion

data (Bennett & Harris, 1982; Morrison & D'Incau, 1997; Skiba, Michael, Nardo & Peterson, 2000; The Harvard Civil Rights Project & Advancement Project, 2000), a reasonable explanation might be due to the perception of aggressiveness associated with African American male students (Neal, McCray & Webb-Johnson, 2001). Historically, African American males tend to clash with teachers and/or administrators because these students are not socialized according to the rule of the dominant culture, and they lack an understanding of the rules of engagement that exists within the school environment (Delpit, 1988; Ford & Dillard, 1996; Gay, 1994).

Cultural differences and/or misunderstandings between teachers and students contribute to inappropriate discipline referrals, as teachers may perceive students of color as aggressive (Neal, McCray & Webb-Johnson, 2001). Students who perform acts that would traditionally be considered childish (i.e., talking back, temper tantrums, playing cops and robbers) are now ticketed by police, referred to a juvenile detention center or arrested (Advancement Project & Harvard Civil Rights Project, 2005; Children's Defense Fund, 2005). The resulting social climate of the classroom becomes a series of clashes that ultimately impedes the academic learning process (American Academy of Pediatrics, 2003; Gay, 1994), especially for African American males in Texas (Fuentes, 2003).

This study has demonstrated that once again students of color have been disproportionately punished regarding out-of-school suspensions and expulsions. For example, in 1999-2000, of the 17,463 out-of-school suspension given in the State of Texas, 10,729 were given to students of color. African Americans received 5,746 or 53.6% of that disciplining action and, during the same period, Hispanic Americans received 37.3% or

4,002 of the out-of-school suspensions given to students of color. The data for 2002-2003 reflects that the pattern repeated itself (See Tables 4.1, 4.2, 4.7, 4.8).

School Level

Regarding school level, there was a statistically significant influence on the expulsion and out-of-school suspension rates of students of color in high school. In Texas, students of color enrolled in high school who received a disciplinary action were more likely to receive expulsion and out-of-school suspension as a disciplinary action than those in elementary and middle schools. In another report, while a large number of high school principals reported more discipline problems (Heaviside, Rowand, Williams & Farris, 1998; The Harvard Civil Rights & Advancement Project, 2000), these principals reported that serious violent crimes, which prompted the impetus of ZT policies in schools, seldom occurred.

How leaders in a particular school 'think' about disciplinary procedures and outcomes (Benda & Wright, 2002) combined with their concerns for academic achievement (Skrla & Scheurich, 2001) exemplifies a direct relationship between a school's disciplinary climate, culture and the flexibility of its leadership. Concurrently, the manner in which school leaders interpret the data of office referrals is pivotal to the results and/or effectiveness of a discipline policy. Sprague, Sugai, Horner and Walker (1999) contended that the limitation of office discipline referrals is directly related to the manner in which each school applies and/or defines the referral procedures. For instance, the identical student behavior may induce different responses from teachers within the same school.

This may be the case for Texas high schools. Another subjective explanation for these findings might be that high school students in Texas, on some level, recognize the 'culture of power' (Delpit, 1988) that exists in their schools and resist. Having been in the 'system' for what amounts to ten years are more, they are more aware of their rights and the perceived injustices that may occur in their schools. Nevertheless, educators are less tolerant of any behavior that is contrary to the status quo regardless of the severity of the infraction (Advancement Project & Harvard Civil Rights Project, 2005; Children's Defense Fund, 2005).

Race/Ethnicity, Gender and School Level

as Predictive Variables

Historically, African American students represent the greatest population of suspended and expelled students (Costenbader & Markson, 1998; Morrison & D'Incau, 1997; Skiba, Nardo, & Peterson, 2000; The Harvard Civil Rights Project & Advancement Project, 2000), and too many students of color have been suspended for minor, nonviolent offenses (Advancement Project, 2005; Applied Research Center, 2002; The Harvard Civil Rights Project & Advancement Project, 2000). The researcher sought to determine which, if any, of the variables gender, race/ethnicity and school level could be used to predict, with a reliable degree of certainty, out-of-school suspension and/or expulsion as a disciplinary action for students of color. For this reason, logistic regression was used because it has the capacity to analyze predictor variables of all types (continuous, discrete and dichotomous) and is able to produce non-linear models (Tabachnick & Fidell, 1996). While the predictive

analysis was inconclusive regarding the expulsion data compiled for this study, the results of the analysis regarding out-of-school suspensions for the years examined were statistically significant. Of the three variables, school level had the most predictive power regarding disciplinary action and gender had the second most predictive power with respect to disciplinary action. In other words, an African American male in high school was more likely to receive out-of-school suspension as a disciplinary action more often than were other students of color in elementary or middle school.

Conclusions

The researcher concluded the following from the findings of this empirical investigation:

ZT in Texas and Race/Ethnicity

- In general, African American students statistically were more likely to receive out-of-school suspension as a disciplinary action than were other students of color.

- African American students were statistically more likely to receive expulsion as a disciplinary action than were other students of color.

ZT in Texas and Gender

- Male students of color were more likely to receive out-of-school suspension as a disciplinary action than were their female counterparts.

- Generally, male students of color were more likely to be expelled than were their female peers.

ZT in Texas and School Level

- Students of color who receive a disciplinary action in high school are statistically more likely to receive out-of-school suspension than were students of color in elementary or middle school.

- Male students of color on the high school level statistically were more likely to receive expulsion as a disciplinary action than those on the elementary and middle school levels.

ZT in Texas and Gender, Race/Ethnicity and School Level
as Predictive Variables

- The data suggest that the gender, ethnicity and grade level of students of color were reliable predictors of their disciplinary action.

Is ZT the policy reform the public will continue to support? Alternatively, is it time for ZT to be reformed? The latter is true. In a blatant violation of culturally, linguistically, economically, ethnically diverse (CLEED) population (Larke, Webb-Johnson & Carter, 1996) principles, it seems that the present system appears to punish with regard to race/ethnicity rather than violations of the law. On the other hand, the system also seems

too reliant on the 'letter of the law.' As this study quantitatively demonstrates, African American male students in Texas receive the greatest amount of disciplinary actions, which indicates that race/ethnicity based programs and procedures need to be put in place to help these and other students of color to minimize their so-called misbehavior so that they may succeed, behaviorally and academically, in school. Nevertheless, to do so would continue the hegemonic educational policy practices that began over forty years ago. While failing "…to address and redress historical inequalities, [U.S. culture] has …restructured social relations in ways that… criminalize… facets of social life" (Robbins, 2005, p.4). As noted by research (Skiba, Nardo & Peterson, 2000; Wu, Pink, Cram & Moles, 1982), race/ethnicity continues to contribute to disciplining actions regardless to socioeconomic status of or behavior by students of color.

To understand the multifaceted pathways of racial subordination, the causes and contexts of disorder in schools require a diversity of perspectives, as well as an interdisciplinary approach. While racial/ethnic subordination has historical roots, a restructuring of the ways to circumvent the devastating consequences of subordination in school discipline is to recall that developmentally students come to the classroom incomplete (Skiba & Peterson, 2000). All students require instruction and correction that enhances their ability to interact with peers and authority figures appropriately. "The crux of school discipline turns on how instruction and correction are to be provided' (Skiba & Peterson, 2000, p. 345).

It is relevant to note that by 1990, the U.S. Customs Service had dismantled its ZT policy because what were considered significant drug busts yielded insignificant results

(Henault, 2001; Skiba & Peterson, 1999). In summation, this governmental agency realized the program failed to stop or deter the influx of drugs coming into the country. It makes sense then, that school districts in Texas and across the country should reevaluate their ZT programs and analyze the 'behaviors of those who implement the policy' (Lincoln & Guba, 1986).

Implications

Regarding Practice

The variables race/ethnicity, gender and school level and their impact on out-of-school suspension and expulsion over two periods of time (1999-2000 and 2002-2003) suggest that some form of intervention needs to be implemented to minimize the disciplinary consequences of students of color, particularly African American male students at the high school level. When students are discipline 'out' of school via suspensions or expulsions for 2-3 days or 2 months, the odds increase that they will fail academically and/or drop out of school. It is from this probability that education and legal experts persist in calling the implementation of the ZT policy as one gateway from the school to the prison pipeline (Advancement Project, 2005). There is an apparent need for school districts in the State of Texas to find better approaches to school discipline, with particular attention given to the influence of cultural differences on perceived disruptive behavior on the part of African American male students by their teachers and other members of the school staff.

What at one time began as a prevention program, ZT has digressed to become a racial-profiling test for disorder, as defined by the dominant culture, in schools. In Texas, students may be suspended for cheating, violating dress codes, creating excessive noise and lack of homework (Advancement Project 2005; Fuentes, 2003). A pattern of discrimination is evident as students of color in Texas have been suspended out-of-school and/or expelled from school more often than students who are members of the dominant culture. More often than not, inexperienced teachers who are not properly prepared to handle 'challenging' behavior exacerbate the problem of discipline by displaying an authoritarian approach to classroom management (Skiba & Peterson, 2000). Therefore, a functional intervention system should include strategies to be implemented regarding teacher awareness about cultural misinterpretations that may occur. Furthermore, teacher accountability should be incorporated as it relates to discipline referrals and discipline management styles.

Regarding Policy

The impetus of educational policy for the current decade can be traced to the reform movement that began more than four decades ago. Notwithstanding a myriad of reports and state initiatives beginning with ESEA, 1965, the tone for current policy-making was re-asserted with the advent of a 1983 report by the National Commission on Excellence in Education (NCEE), *A Nation at Risk*, and the precursor for the construction of students placed *at-risk*. On the surface, the language of the report espouses the liberalistic ideal of equality and colorblindness that is prevalent today.

> "All regardless of race or class or economic status, are *entitled to a fair chance* and to *the tools for developing their individual powers of mind* and spirit to the utmost. This promise means that all children by virtue of their own efforts, *competently guided*, can hope to attain the mature and informed judgment needed to secure gainful employment, and to manage their own lives, thereby serving not only their own interest but also the progress of society itself" (National Commission on Excellence in Education 1983, p.8—emphasis added).

The policy known as ZT does not *entitl*e all students of color a *fair chance* to be academically developed or the opportunity to be *competently guided*. As a policy issue, it coincides with the conclusions of CRT scholars that belief systems regarding racial classification have become conduits for the subordination of non-European American members of the schooling process (Robbins, 2005; Tate, 1997; West, 2001).

> "Law [may be] our highest ideal and our basest nature. Don't look too closely at the law. Do, and you'll find the rationalized interpretations, the legal casuistry, the precedents of convenience" (p. 249).
>   From Dune Messiah
>   Frank Herbert, Author

The extension of ZT by school districts included an array of behavioral "…infractions that pose[ed] little or no safety concerns. Some of these policies employ[ed] sweeping interpretations of the federal law by including violations not intended to be covered by the laws" (Advancement Project & The Harvard Civil Rights Project, 2000, p. 1). Congress drafted GFSA, 1994, with a focus on dangerous criminal behaviors that may be perpetrated by public school students (Dunbar & Villarreal, 2002 & 2004). ZT policies were broadened on the assumption that more students were becoming violent, catapulting school safety as an educational top priority (Giroux, 2001; The Harvard Civil Rights

Project & Advancement Project, 2000). *"CRT* implies that *race* should be the center of focus and charges researchers to *critique* school practices and *policies* that are both overtly and covertly racist" (DeCuir & Dixson, 2004, p.30-emphasis in original).

Schools are the first places where students learn about the mores of society. It is during school time that educators have the opportunity to shape a nation. It is past the time to rely on a philosophy of teaching and learning that deconstructs the ways of the past. As educational history has proven, policy-making occurs during a perceived crisis (Silver, 1990). As an intervention device, ZT has not eliminated the safety issues that ushered in its existence, but it has helped to perpetrate the continued subordination of students of color in Texas and the nation while remaining a symbolic representation of an ideal of equality (Advancement Project & The Harvard Civil Rights Project, 2000; Giroux, 2001; Noguera, 1995, 2003).

Morality cannot be legislated, but ethical behavior can be documented. It is time for another type of accountability. Notwithstanding the conversion of policy into practice assumes that administrators must interpret policy by generating rules and regulations, teachers eventually decipher the rules and regulations within classrooms on a daily basis (Berkhout & Wielemans, 1999). Foremost, school district policy for discipline referrals should be enacted that categorizes infractions by teacher and other staff members that are in daily contact with all students, specifically students of color. As CRT expounds the use of race as analytical tool (Hill-Collins, 1998; Sleeter & Bernal, 2003), this procedure would be a step toward the alleviation of the mythology surrounding the conception of violence and/or misbehavior associated with students of color. Any school policy that

supports students' placed out-of-school for tardiness, lack of homework and similar discrepancies should be abolished, for it is unimaginable to assume that suspending or expelling students 'out' of school will create an impetus for students to return and do well academically or socially. In other words, when solutions or consequences are based on formulas instead of circumstances, needs or motivations, behavior problems worsen (Curwin & Mendler, 1997).

Lastly, an attitude of research should be encouraged for each school within a district. Cadres of culturally relevant research are left unexplored and unwritten as teachers and administrators are burdened with the idiosyncrasies of a profession that does not allow advancements in pedagogy to occur within the schools themselves. In an effort to reduce the occurrences of student mistreatment based on race/ethnicity, an approach should focus on the areas of possible treatment differences (tardiness, lack of homework, etc.). Statistical analysis can be most useful in demonstrating disparities among students who are disciplined under ZT. For example, if Hispanic American students constitute 5% of the student population at a particular school campus and of those students suspended out-of-school or expelled 35% are Hispanic Americans then there is a disproportionate impact on the Hispanic American students. Until a system is devised within schools that will establish a system to treat all students equitably, students of color will continue to be demarcated as behavior problems.

In Texas, when students can be suspended out-of-school and expelled for cheating, violating dress codes, excessive noise and failure to bring homework to class, it is evident that trivial transgressions have been elevated to criminal levels (Fuentes, 2003). ZT as a

discipline policy does little to improve classroom management; nevertheless, it has marginalized the school population with the most need of a quality education (Casella, 2003; Noguera, 1995). In other words, the student population that is most negatively affected by ZT is least likely to be responsible for the most violent events in schools.

It is a discredit to the profession when educators lack the courage to undertake an assignment that involves risk or unforeseeable danger as it pertains to the health and welfare of students. First, acknowledgement that racism persists opens the dialogue. To withdraw from the discussion when it involves the historical inequities that produce racism hinders the expansion and implementation of the ideals of equity. Then, educational leaders must be open and willing to improve methods (present endeavors of teaching and leadership), to restructure, check and recheck current ways of executing and delegating authority.

Although administrators and their leadership teams are subject to the powers that authorize and validate their charge as educators, the profession has rules, directives and guidelines that offer the controlled protection that is needed to complete the task of serving all students via equitable and ethical praxis. Despite considerable evidence to the contrary, ZT remains the primary recourse for the managing of discipline in U.S. public schools. While much is left to be explored in the area of disorder, violence and school safety, this research is meant to be used as a stepping stone to (de)construct one pathway that connects classroom practice to research to scholarly dialogue and, ultimately, to social change.

Recommendations for Future Research

Not everything that is faced can be changed, but
nothing can be changed unless
it is faced.
~James Baldwin~

U.S. American educators must change the way students of color are disciplined, not because scholars have emphasized its importance, but because racism is a poison that must be extracted in order for this nation to reach its full potential. The extraction must begin in classrooms throughout this nation, for this study proves that a policy may have laudable goals and its implementation may not be honorable. Discipline matters will only change when cadres of academies and teachers begin to change they ways in which students of color are viewed. Change will come when teachers and administrators in schools across the country find the ways to develop culturally responsive strategies to student success and design procedures that evaluate expected positive changes in the way all students are disciplined. Then and only then will the institutions that govern schools recognize that they too must change. Based on the findings of this study, the following are suggestions for further research:

1. An examination of the relationship (length and severity) between types of infractions and the types of disciplinary action received by students of color versus their European American counterparts could be conducted.

2. The attitudes/perceptions and behaviors of all teachers, especially European American teachers, with regard to the disciplining of students of color could be examined.

3. A study focusing on the disciplinary action of students receiving special education services versus students not receiving such services could be conducted with attention to the types of infractions, as well as their severity and length.

4. Special attention needs to be paid to the disciplining of students of color at the beginning and end of school events, such as football and basketball seasons, state testing, end-of course and final exams.

5. The disciplining of students of color enrolled in predominantly African American and Hispanic American school districts versus those in predominantly European American school district should be studied and evaluated.

6. An extension of the aforementioned suggestions could include an examination of each via selected ESC regions (i.e. rural, urban, population, demographics, etc.) in the State of Texas.

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APPENDIX A

A Time Line of National Headlined U.S. Public School Shootings *

Feb. 2, 1996 Moses Lake, WA	Two students and one teacher killed, one other wounded when 14-year-old Barry Loukaitis opened fire on his algebra class.
Feb. 19, 1997 Bethel, AK	Principal and one student killed; two others wounded by Evan Ramsey, 16.
Oct. 1, 1997 Pearl, MS	Two students killed and seven wounded by Luke Woodham, 16, who was also accused of killing his mother. He and his friends were said to be outcasts who worshiped Satan.
Dec. 1, 1997 West Paducah, KY	Three students killed, five wounded by Michael Carneal, 14, as they participated in a prayer circle at Heath High School.
Dec. 15, 1997 Stamps, AR	Two students wounded. Colt Todd, 14, was hiding in the woods when he shot the students as they stood in the parking lot.
March 24, 1998 Jonesboro, AR	Four students and one teacher killed; ten others wounded outside as Westside Middle School emptied during a false fire alarm. Mitchell Johnson, 13, and Andrew Golden, 11, shot at their classmates and teachers from the woods.
April 24, 1998 Edinboro, PA	One teacher, John Gillette, killed, and two students wounded at a dance at James W. Parker Middle School. Andrew Wurst, 14, was charged.
May 19, 1998 Fayetteville, TN	One student killed in the parking lot at Lincoln County High School three days before he was to graduate. The victim was dating the ex-girlfriend of his killer, 18-year-old honor student Jacob Davis.

May 21, 1998 Springfield, OR	Two students killed, and 22 others wounded in the cafeteria at Thurston High School by 15-year-old Kip Kinkel. A day earlier, Kinkel had been arrested and released for bringing a gun to school. His parents were later found dead at home.
June 15, 1998 Richmond, VA	One teacher and one guidance counselor wounded by a 14-year-old boy in the school hallway.
April 20, 1999 Littleton, CO	14 students (including killers) and one teacher killed and 23 others wounded at Columbine High School in the nation's deadliest school shooting. Eric Harris, 18, and Dylan Klebold, 17, had plotted for a year to kill at least 500 and blow up their school. At the end of their hour-long rampage, they turned their guns on themselves.
May 20, 1999 Conyers, GA	Six students injured at Heritage High School by Thomas Solomon, 15, who reportedly was depressed after breaking up with his girlfriend.
Nov. 19, 1999 Deming, NM	Victor Cordova Jr., 12, shot and killed Araceli Tena, 13, in the lobby of Deming Middle School.
Dec. 6, 1999 Fort Gibson, OK	Four students wounded as Seth Trickey, 13, opened fire with a 9mm semiautomatic handgun at Fort Gibson Middle School.
Feb. 29, 2000 Mount Morris Township, MI	Six-year-old Kayla Rolland shot dead at Buell Elementary School near Flint, Mich. The assailant was identified as a six-year-old boy with a .32-caliber handgun.
March 10, 2000 Savannah, GA	Two students killed by Darrell Ingram, 19, while leaving a dance sponsored by Beach High School.
May 26, 2000 Lake Worth, FL	One teacher, Barry Grunow, shot and killed at Lake Worth Middle School by Nate Brazill, 13, with .25-caliber semiautomatic pistol on the last day of classes.

Sept. 26, 2000 New Orleans, LA	Two students wounded with the same gun during a fight at Woodson Middle School.
Jan. 17, 2001 Baltimore, MD	One student shot and killed in front of Lake Clifton Eastern High School.
March 5, 2001 Santee, CA	Two students were killed and 13 were wounded by Charles Andrew Williams, 15, as he fired from a bathroom at Santana High School.
March 7, 2001 Williamsport, PA	Elizabeth Catherine Bush, 14, wounded student Kimberly Marchese in the cafeteria of Bishop Neumann High School; she was depressed and frequently teased.
March 22, 2001 Granite Hills, CA	One teacher and three students wounded by Jason Hoffman, 18, at Granite Hills High School. A police officer shot and wounded Hoffman.
March 30, 2001 Gary, IN	One student killed by Donald R. Burt, Jr., a 17-year-old student who had been expelled from Lew Wallace High School.
Nov. 12, 2001 Caro, MI	Chris Buschbacher, 17, took two hostages at the Caro Learning Center before killing himself.
Jan. 15, 2002 New York, NY	A teenager wounded two students at Martin Luther King Jr. High School.
April 14, 2003 New Orleans, LA	One 15-year-old killed, and three students wounded at John McDonogh High School by gunfire from four teenagers (none were students at the school). The motive was gang-related.
April 24, 2003 Red Lion, PA	James Sheets, 14, killed principal Eugene Segro of Red Lion Area Junior High School before killing himself.

Sept. 24, 2003 Cold Spring, MN	Two students killed at Rocori High School by John Jason McLaughlin, 15.
March 21, 2005 Red Lake, MN	Jeff Weise, 16, killed grandfather and companion, then arrived at school where he killed a teacher, a security guard, 5 students, and finally himself, leaving a total of 10 dead.
Nov. 8, 2005 Jacksboro, TN	One 15-year-old shot and killed an assistant principal at Campbell County High School and seriously wounded two other administrators.
Aug. 24, 2006 Essex, VT	Christopher Williams, 27, looking for his ex-girlfriend at Essex Elementary School, shot two teachers, killing one and wounding another. Before going to the school, he had killed the ex-girlfriend's mother.
Sept. 26, 2006 Bailey, CO	An adult male held six students hostage at Platte Canyon High School, shot and killed Emily Keyes, 16, and then shot himself.
Sept. 29, 2006 Cazenovia, WI	A 15-year-old student shot and killed Weston School principal John Klang.
Oct. 3, 2006 Nickel Mines, PA	32-year-old Carl Charles Roberts IV entered the one-room West Nickel Mines Amish School and shot 10 schoolchildren, ranging in age from 6 to 13 years old, and then he shot himself. Five of the girls and Roberts died.
Jan. 3, 2007 Tacoma, WA	Douglas Chanthabouly, 18, shot fellow student Samnang Kok, 17, in the hallway of Henry Foss High School.

* Adapted from Infoplease, Retrieved on April 9, 2007 from Pearson Education, publishing as Infophttp://www.infoplease.com/ipa/A0777958.html.

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