

Stated Briefly

Disproportionality in school discipline: An assessment of trends in Maryland, 2009–12

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This study of Maryland State Department of Education data on K–12 public school students in Maryland for 2009/10, 2010/11, and 2011/12 examines whether exclusionary discipline (suspension and expulsion) is given out in a way that has a disproportionate impact on Black and other racial/ethnic minority students relative to White students and on students in special education relative to other students.

Why this study?

In the United States exclusionary discipline (suspension and expulsion)¹ is commonly used to remove disruptive students from the classroom and school environment (Forsyth et al., 2013). Since the early 1970s the national suspension rate has doubled, from 3.7 percent in 1973 to 7.4 percent in 2010 (Losen & Gillespie, 2012). Any disciplinary action should be applied fairly and consistently to all groups, but for more than 35 years research has highlighted the discipline gap between racial/ethnic minority students and White students (Anfinson, Autumn, Lehr, Riestenberg, & Scullin, 2010; Children's Defense Fund, 1975; Losen, 2011; Losen & Skiba, 2010; Moreno & Gaytán, 2013; Skiba, Michael, Nardo, & Peterson, 2002; Vincent, Sprague, & Tobin, 2012). Recently, the literature has identified a gap in the rates of

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exclusionary discipline between students in special education and other students (Fabelo et al., 2011; Losen, 2011; Losen & Gillespie, 2012; Sullivan, Klingbeil, & Van Norman, 2013).

These disparities are a concern because exclusionary discipline has been linked to poor academic achievement, grade retention, recurrent misbehavior, dropout, juvenile delinquency, and other undesirable outcomes (Anfinson et al., 2010; Fabelo et al., 2011; Forsyth et al., 2013; Gregory, Skiba, & Noguera, 2010; Kinsler, 2011).

In 2012 the Maryland State Board of Education proposed a regulation (Code of Maryland Regulations 13A.08.01.10.21) requiring the Maryland State Department of Education to “analyze local school system discipline data to determine whether there is a disproportionate impact on minority students” and a “discrepant impact” on students in special education (Maryland Register, 2013).² The department sought assistance from Regional Educational Laboratory Mid-Atlantic’s School Completion and Engagement Research Alliance in developing a method for analyzing local school system discipline data to determine whether and to what extent disproportionalities existed.

This study uses Maryland State Department of Education data on K–12 public school students for 2009/10, 2010/11, and 2011/12 to answer two questions on disproportionality in student discipline in the 24 Maryland school systems:

- Is exclusionary discipline (suspension and expulsion) given out in a way that has a disproportionate impact on Black and other racial/ethnic minority students relative to White students?
- Is exclusionary discipline given out in a way that has a disproportionate impact on students in special education relative to other students?

The study found that during these three school years:

- The percentage of Maryland students receiving out-of-school suspension or expulsion dropped from 5.6 percent in 2009/10 to 5.0 percent in 2011/12.
- Because rates of out-of-school suspension and expulsion decreased more rapidly for White students than for Black students, disproportionality between Black and White rates increased in 2011/12, the most recent year examined.
- For the same type of infraction, Black students had higher rates of out-of-school suspension or expulsion than did Hispanic and White students.
- In all 24 Maryland school systems Black students received out-of-school suspension or expulsion at more than twice the rate of White students.
- Statewide, students in special education were removed from school at more than twice the rate of other students, even though the number of out-of-school suspensions and expulsions decreased for both groups over the three years.

What the analysis shows about disproportionality and race/ethnicity

This section reports on rates of out-of-school suspension and expulsion by race/ethnicity for students not receiving special education services.

During 2009/10–2011/12 the percentage of Maryland students receiving out-of-school suspension or expulsion dropped across all racial/ethnic groups except students of more than one race/ethnicity

The percentage of Maryland students receiving out-of-school suspension or expulsion declined overall, from 5.6 percent in 2009/10 to 5.0 percent in 2011/12, and for each racial/ethnic group except students of more than one race/ethnicity (table 1). But despite progress in keeping students in school, school removal rates still varied

Table 1. Percentage of students not in special education receiving out-of-school suspension or expulsion, by race/ethnicity, 2009/10–2011/12

Race/ethnicity	2009/10	2010/11	2011/12
American Indian	6.8	6.3	5.5
Asian	1.2	1.1	1.0
Black	9.3	9.1	8.8
Hispanic	3.6	3.5	3.1
More than one race/ethnicity	4.4	4.5	4.4
Pacific Islander	4.5	3.1	3.2
White	3.8	3.7	3.2
Total (all students)	5.6	5.4	5.0

Source: Maryland State Department of Education, attendance and discipline records, 2009/10–2011/12.

considerably across racial/ethnic groups. In 2011/12 Black students had the highest rate of school removal, at 8.8 percent, while Asian students had the lowest, at 1.0 percent.³ This is consistent with the national research literature showing that Black students receive more disciplinary actions, including out-of-school suspension, than students from all other racial categories (Anfinson et al., 2010; Losen, 2011; Losen & Skiba, 2010).

For the same type of infraction, Black students had higher rates of out-of-school suspension or expulsion than did Hispanic and White students

One way to uncover disproportionalities in discipline is to compare how infractions of a specific type are handled. Results are presented here for three of Maryland’s eight infraction types—attacks, threats, or fighting; disrespect, insubordination, or disruption; and other—which accounted for 89 percent of infractions in 2011/12 that resulted in suspension or expulsion.

The discussion here focuses on comparisons of Black, Hispanic, and White students, because sample sizes were much smaller for other racial/ethnic groups (American Indian, Asian, more than one race/ethnicity, and Pacific Islander).

In 2011/12 Black students experienced higher rates of out-of-school suspension than did Hispanic or White students for all three infraction types (table 2). Of students disciplined for attacks, threats, or fighting, 89.7 percent of Black students received out-of-school suspension or expulsion, compared with 86.8 percent of Hispanic students and 82.9 percent of White students. Patterns were similar for students disciplined for

Table 2. Percentage of students not in special education receiving out-of-school suspension or expulsion and in-school suspension, by infraction type and race/ethnicity, 2011/12

Race/ethnicity	Attacks, threats, or fighting		Disrespect, insubordination, or disruption		Other	
	Out-of-school suspension or expulsion	In-school suspension	Out-of-school suspension or expulsion	In-school suspension	Out-of-school suspension or expulsion	In-school suspension
Black	89.7	10.3	69.0	31.0	69.7	30.3
Hispanic	86.8	13.2	64.4	35.6	63.9	36.1
White	82.9	17.1	63.7	36.3	59.8	40.2

Note: Health-related exclusions were not included in this analysis.

Source: Maryland State Department of Education, attendance and discipline records, 2011/12.

disrespect, insubordination, or disruption (69.0 percent of Black students, 64.4 percent of Hispanic students, and 63.7 percent of White students received out-of-school suspension or expulsion) and for other infractions (69.7 percent of Black students, 63.9 percent of Hispanic students, and 59.8 percent of White students). This finding is consistent with research showing that for similar offenses Black students receive more serious disciplinary actions than do White students (Gregory et al., 2010).

Although the rate of out-of-school suspension or expulsion fell during the three years, disproportionalities between Black and White students rose in the most recent school year studied

The relative rate ratio for Black students (the rate of out-of-school suspension and expulsion for Black students compared with the rate for White students) rose to 2.8 in 2011/12, meaning that Black students received out-of-school suspension and expulsion at 2.8 times the rate of White students. Although the proportion of Black students removed from school has decreased in recent years, the decline has been faster among White students. Relative rate ratios dropped for all racial/ethnic groups between 2009/10 and 2011/12 except for Black students and students of more than one race/ethnicity (figure 1).

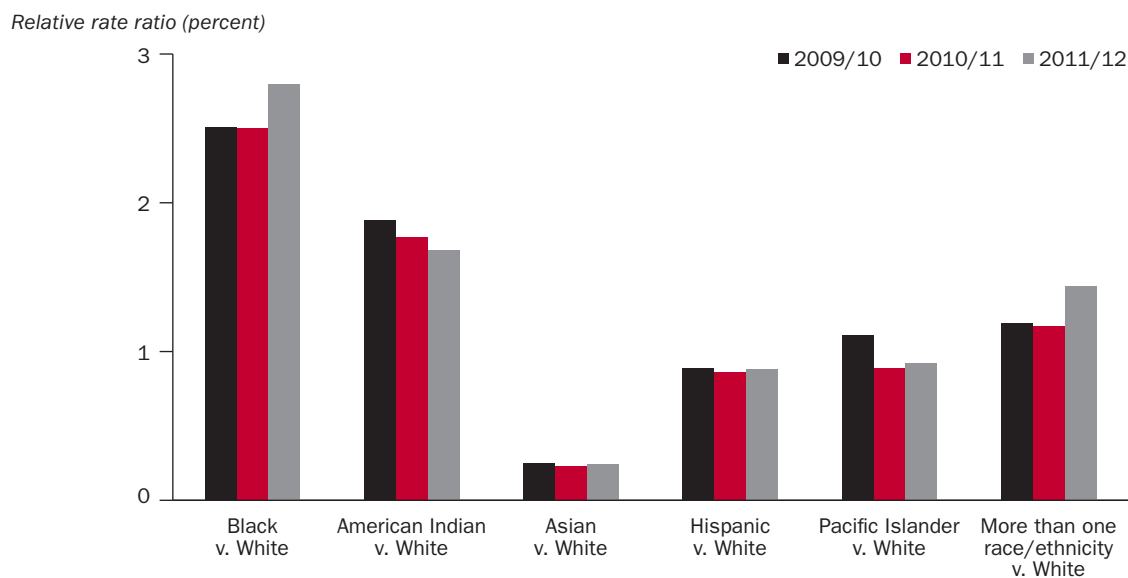
What the analysis shows about disproportionality and students in special education

This section reports on rates of out-of-school suspension and expulsion for students in special education. The findings for students in special education are further broken down by race/ethnicity.

Students in special education were removed from school at more than twice the rate of other students

The percentages of students in special education and students not in special education who were removed from school for disciplinary infractions declined from 2009/10 to 2011/12 (figure 2). However, students in special education were removed from school for disciplinary infractions at slightly more than twice the rate

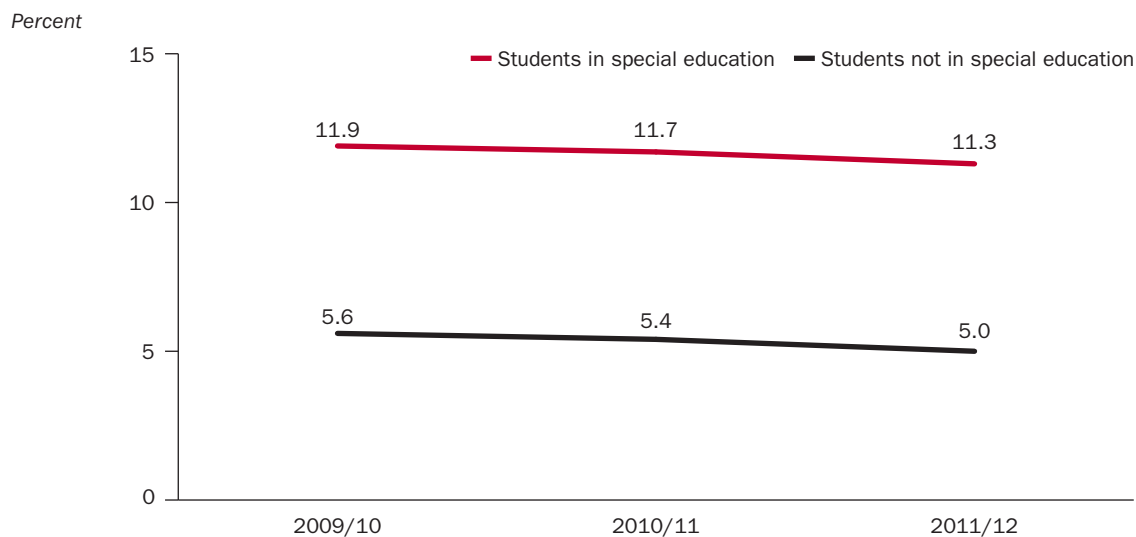
Figure 1. Disproportionalities in out-of-school suspension or expulsion rose between Black and White students not in special education, 2009/10–2011/12



Note: See appendix for details on how the relative rate ratio is calculated.

Source: Maryland State Department of Education, attendance and discipline data, 2009/10–2011/12.

Figure 2. Percentage of students receiving out-of-school suspension or expulsion, by special education status, 2009/10–2011/12



Note: For students in special education $n = 104,783$ in 2009/10, $n = 105,302$ in 2010/11, and $n = 103,200$ in 2011/12. For students not in special education $n = 791,280$ in 2009/10, $n = 797,212$ in 2010/11, and $n = 778,750$ in 2011/12.

Source: Maryland State Department of Education, attendance and discipline records, 2009/10–2011/12.

of other students. These findings echo a recent national study’s finding that students with disabilities were suspended at twice the rate of other students (Losen & Gillespie, 2012).

Between 2009/10 and 2011/12 the percentage of students in special education who were removed from school fell for students diagnosed with autism, deafness/hearing impairment, developmental delay, mental retardation, specific learning disability, traumatic brain injury, visual impairment, and other health impairments (table 3). However, the percentage rose for students diagnosed with emotional disturbance, speech/language impairment, orthopedic impairment, and multiple disabilities. Students diagnosed with emotional disturbance had the highest removal rates. In 2011/12, 35.8 percent of students diagnosed with emotional

Table 3. Percentage of students in special education receiving out-of-school suspension or expulsion, by disability category, 2009/10–2011/12

Disability category	2009/10	2010/11	2011/12
Autism	4.8	4.5	4.6
Deafness/hearing impairment	2.9	2.5	1.7
Developmental delay	1.3	1.2	1.3
Emotional disturbance	34.8	35.8	35.8
Mental retardation	7.3	7.7	7.2
Orthopedic impairment	1.2	1.7	2.3
Specific learning disability	14.9	14.5	13.1
Speech/language impairment	2.9	3.0	3.3
Traumatic brain injury	10.5	9.0	9.5
Visual impairment	6.2	5.0	5.3
Other health impairment	19.5	19.6	19.2
Multiple disabilities	8.8	10.2	9.1

Source: Maryland State Department of Education, attendance and discipline records, 2009/10–2011/12.

disturbances were removed from school, compared with 19.2 percent of students diagnosed with other health impairments and 13.1 percent of students with a specific learning disability. This finding is consistent with research indicating that students with emotional or behavioral disabilities are more likely than students diagnosed with other disabilities (such as hearing impairment, speech impairment, or intellectual disabilities) to face disciplinary action (Rose, 1988).

Black students in special education had the highest rates of out-of-school suspension or expulsion

Between 2009/10 and 2011/12 the percentage of students in special education who received out-of-school suspension or expulsion fell for all racial/ethnic groups except students of more than one race/ethnicity (table 4). The removal rate for students of more than one race/ethnicity rose from 9.6 percent in 2009/10 to 9.9 percent in 2011/12. The rate for Black students in special education was more than twice that for White students in 2010/11 and 2011/12. In 2011/12, 16.5 percent of Black students in special education received at least one out-of-school suspension or expulsion, compared with 7.8 percent of White students in special education. The removal rate for Hispanic students in special education was 6.2 percent.

Study implications

Exclusionary discipline exacerbates behavior and attendance problems and contributes to poor academic performance, all of which make dropping out of school more likely (Bridgeland, DiIulio, & Morison, 2006; Gleason & Dynarski, 2002). Students who are suspended or expelled miss classroom instruction time and thus fall behind in their coursework, becoming twice as likely as other students to repeat a grade (Fabelo et al., 2011). Suspension has also been linked to a greater likelihood of recurring misbehavior and future suspension (Anfinson et al., 2010).

Although the study findings indicate some large disproportionalities in discipline—especially for Black students and students in special education—the data cannot establish the source of these disparities. The research literature has hypothesized various causes, including poverty, racial stereotyping, characteristics of teachers and administrators, and differential rates of disruptive behavior among racial/ethnic minority students (Losen, 2011; Skiba et al., 2011; Skiba et al., 2002). The disparities are large enough to warrant further investigation and efforts to ensure equitable disciplinary practices. Schools and educators may be able to rectify disproportionate rates of exclusionary discipline through culturally relevant instruction and schoolwide positive behavior supports (Losen, 2011; Skiba et al., 2011).

Discipline data in Maryland do not permit assessment of the severity of given infractions. For example, although the discipline category disrespect, insubordination, or disruption is subdivided into infraction

Table 4. Percentage of students in special education receiving out-of-school suspension or expulsion, by race/ethnicity, 2009/10–2011/12

Race/ethnicity	2009/10	2010/11	2011/12
American Indian	15.5	13.8	13.0
Asian	3.1	2.5	2.7
Black	16.7	16.9	16.5
Hispanic	6.7	6.6	6.2
More than one race/ethnicity	9.6	10.7	9.9
Pacific Islander	10.1	5.8	3.5
White	8.9	8.2	7.8

Source: Maryland State Department of Education, attendance and discipline records, 2009/10–2011/12.

types such as disrespect, harassment, classroom disruption, insubordination, and inciting/participating in a disturbance, the severity of each type of infraction cannot be ascertained. While it is possible that Black students commit more severe infractions than White students do, which may result in disproportionalities, it is also possible that Black students commit less severe infractions. Research has found that Black students are frequently disciplined more harshly for less serious or more subjective disciplinary incidents (Gregory et al., 2010; Skiba et al., 2002). Collecting discipline data describing the severity of each type of infraction would help administrators and educators move toward more equitable disciplinary practices.

A next step for the Maryland State Department of Education is to identify the most appropriate “tipping point” in disproportionality that will require school districts to develop remediation plans to ensure fair disciplinary practices for all students.

Appendix A. Calculating relative rate ratios

This study measures disproportionalities in disciplinary actions using relative rate ratios: the ratio of the rate at which one group receives out-of-school suspension or expulsion divided by the rate for another group.

In measuring disproportionalities by race/ethnicity for students not in special education, the rate of out-of-school suspension or expulsion for White students not in special education is the basis of comparison. For example, the overall relative rate ratio for Black students not in special education for a given year would be calculated as follows:

Relative rate ratio for Black students not in special education =

$$\frac{(\text{Number of out-of-school suspensions + expulsions for Black students not in special education}) / \text{Total number of Black students not in special education}}{(\text{Number of out-of-school suspensions + expulsions for White students not in special education}) / \text{Total number of White students not in special education}}$$

In measuring disproportionalities for students in special education, students who are not in special education are the basis of comparison. The relative rate ratio for students in special education is calculated as follows:

Relative rate ratio for students in special education =

$$\frac{(\text{Number of out-of-school suspensions + expulsions for students in special education}) / \text{Total number of students in special education}}{(\text{Number of out-of-school suspensions + expulsions for other students}) / \text{Total number of other students}}$$

Notes

1. Suspension is the short-term removal of a student from school for a disciplinary infraction, whereas expulsion is a procedural removal of a student for a longer period of time, typically involving a decision by the superintendent and school board (Skiba & Sprague, 2008).
2. Maryland State Department of Education staff confirmed that the board is interested in examining disproportionate results and patterns in school disciplinary practices, not in establishing a causal link between student demographics and disciplinary practices. The term “impact” used by the Maryland State Board of Education is therefore not intended to be synonymous with the research community’s traditional understanding of that term, which would imply that experimental research was warranted. The Individuals with Disabilities Education Improvement Act, in the annual performance report indicators, uses the term “discrepant impact” for students in special education [20 U.S.C. 1416(a)(3)(A); 1412(a)(22)]. Since the terms “discrepant impact” and “disproportionate impact” are equivalent, the term “disproportionate impact” is used throughout this report to ensure consistency and clarity.
3. Unless otherwise noted, American Indian includes Alaska Native, Asian includes Native Hawaiian and Other Pacific Islander, Hispanic includes Latino, and Black includes African American.

References

- Anfinson, A., Autumn, S., Lehr, C., Riestenberg, N., & Scullin, S. (2010). Disproportionate minority representation in suspension and expulsion in Minnesota public schools. *International Journal on School Disaffection*, 7(2), 5–20. <http://eric.ed.gov/?id=EJ970888>
- Bridgeland, J. M., DiIulio, J. J., & Morison, K. B. (2006). *The silent epidemic: Perspectives of high school dropouts*. Washington, DC: Civic Enterprises, LLC.
- Children's Defense Fund. (1975). *School suspensions: Are they helping children?* Cambridge, MA: Washington Research Project. <http://eric.ed.gov/?id=ED115648>
- Fabelo, T., Thompson, M. D., Plotkin, M., Carmichael, D., Marchbanks III, M. P., & Booth, E. A. (2011). *Breaking schools' rules: A statewide study of how school discipline relates to students' success and juvenile justice involvement*. New York, NY; College Station, TX: Council of State Governments Justice Center; Public Policy Research Institute at Texas A&M University. Retrieved September 18, 2012, from <http://justicecenter.csg.org/resources/juveniles>.
- Forsyth, C. J., Howat, H., Pei, L. K., Forsyth, Y. A., Asmus, G., & Stokes, B. R. (2013). Examining the infractions causing higher rates of suspensions and expulsions: Racial and ethnic considerations. *Laws*, 2(1), 20–32.
- Gleason, P., & Dynarski, M. (2002). Do we know whom to serve? Issues in using risk factors to identify dropouts. *Journal of Education for Students Placed at Risk*, 7, 25–41.
- Gregory, A., Skiba, R. J., & Noguera, P. A. (2010). The achievement gap and the discipline gap: Two sides of the same coin? *Educational Researcher*, 39, 59–68. <http://eric.ed.gov/?id=EJ886500>
- Kinsler, J. (2011). Understanding the Black-White school discipline gap. *Economics of Education Review*, 30(6), 1370–1383. <http://eric.ed.gov/?id=EJ944412>
- Losen, D. J. (2011). *Discipline policies, successful schools, and racial justice*. Boulder, CO: National Education Policy Center. Retrieved September 18, 2012, from <http://nepc.colorado.edu/publication/discipline-policies>.
- Losen, D. J., & Gillespie, J. (2012). *Opportunities suspended: The disparate impact of disciplinary exclusion from school*. Los Angeles, CA: The Civil Rights Project/Proyecto Derechos Civiles. Retrieved September 19, 2012, from <http://civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/federal-reports/upcoming-crr-research/losen-gillespie-opportunity-suspended-2012.pdf>.
- Losen, D. J., & Skiba, R. J. (2010). *Suspended education: Urban middle schools in crisis*. Montgomery, AL: Southern Poverty Law Center. Retrieved September 19, 2012, from <http://www.splcenter.org/get-informed/publications/suspended-education>.
- Moreno, G., & Gaytán, F. X. (2013). Focus on Latino learners: Developing a foundational understanding of Latino cultures to cultivate student success. *Preventing School Failure: Alternative Education for Children and Youth*, 57(1), 7–16.

- Rose, T. (1988). Current disciplinary practices with handicapped students: Suspensions and expulsions. *Exceptional Children*, 55, 230–239. <http://eric.ed.gov/?id=EJ382108>
- Skiba, R. J., Horner, R. H., Chung, C. G., Rausch, M. K., May, S. L., & Tobin, T. (2011). Race is not neutral: A national investigation of African American and Latino disproportionality in school discipline. *School Psychology Review*, 40(1), 85–107.
- Skiba, R. J., Michael, R. S., Nardo, A. C., & Peterson, R. L. (2002). The color of discipline: Sources of racial and gender disproportionality in school punishment. *Urban Review*, 34, 317–342. <http://eric.ed.gov/?id=EJ663870>
- Skiba, R., & Sprague, J. (2008). Safety without suspensions. *Educational Leadership*, 66(1), 38–43.
- Sullivan, A. L., Klingbeil, D. A., & Van Norman, E. R. (2013). Beyond behavior: Multilevel analysis of the influence of sociodemographics and school characteristics on students' risk of suspension. *School Psychology Review*, 42(1), 99–114. <http://eric.ed.gov/?id=EJ1007219>
- Vincent, C. G., Sprague, J. R., & Tobin, T. J. (2012). Exclusionary discipline practices across students' racial/ethnic backgrounds and disability status: Findings from the Pacific Northwest. *Education and Treatment of Children*, 35(4), 585–601. <http://eric.ed.gov/?id=EJ999358>

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