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AN INVESTIGATION INTO UNITARY STATUS AND
THE OVERREPRESENTATION OF BLACK STUDENTS IN SCHOOL DISCIPLINE
AS MEASURED BY OUT-OF-SCHOOL SUSPENSIONS IN SECONDARY
SCHOOLS WITHIN THE 67 FLORIDA PUBLIC SCHOOL DISTRICTS

by

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A dissertation submitted in partial fulfillment of the requirements
for the degree of Doctor of Education
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ABSTRACT

While many school districts in the state of Florida have achieved unitary status and are no longer under court jurisdiction, evidence that school districts continue to practice discipline policies that result in the disproportionate suspension of Black students can be found. Despite decades of desegregation, Black students continue to experience the devastating consequences of suspension and expulsion from school. The overrepresentation of Black students in the administration of school discipline is a serious concern for school districts.

This study investigated if the attainment of unitary status resulted in equity in school discipline for Black students. Additionally, the study investigated the overrepresentation of Black students in the administration of school discipline as measured by out-of-school suspensions in the secondary schools of the 67 Florida public school districts in 2005-2006. The study compared the representation of Hispanic and Multiracial students to Black students in the administration of school discipline. The study also examined the effects of grade level (6, 7, 8, and 9) on Black, Hispanic, and Multiracial students in the administration of school discipline.

Analysis of the data derived from the Florida Department of Education database for school year 2005-2006 led to the following findings: (1) there was overrepresentation of Black students in secondary schools in the state of Florida and that 42 school districts were not in compliance with unitary status guidelines; (2) Black students were overrepresented in school discipline when compared to Hispanic and Multiracial students; (3) the effect of grade (6, 7, 8, and 9) was not significant in the representation of

Black students in school discipline; (4) 18 Florida public school districts have attained unitary status, 16 public school districts remained under court jurisdiction, and 33 public school districts were never subject to desegregation litigation; and, (5) Black students were overrepresented in the administration of school discipline in school districts that have attained unitary status.

Dedicated to my husband, Charles A. Dehlinger, Sr.

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My family has supported me for many years as I have grown professionally. My husband Charlie, sons Charlie, Jr. and Adam, and daughter Erin never asked why I had to work so much and spend so much time away from them. Instead, they supported and loved me through it all. I love you very much.

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CHAPTER 1: INTRODUCTION

The importance of education is one of the underlying foundations of American democracy. An educated populace is deemed of such great importance that American children of all races, religions, abilities, and colors are entitled to a public education in every state in the nation. In order to guarantee that all children enjoy this valuable privilege, many legal battles, court settlements, and court-supervised school district plans have been undertaken to insure that every American child enjoys the benefits of an equal educational opportunity.

In last 50 years, the United States Supreme Court has played an active role and eliminated barriers that prevent equal access to opportunity within America's public school systems. Most particularly, with the assistance of the courts, public education has made great gains in providing equal access and opportunity for Black students. The fact that school systems continue to operate under the supervision of the Department of Justice is a red flag indicating the United States still has progress to make related to providing equal educational opportunities for all children.

The historical foundation of the belief that all children are entitled to equitable educational opportunities began with *Brown v. Topeka Board of Education*, 347 U.S. 483 (1954). Considered the most significant and far-reaching decision by the United States Supreme Court in the twentieth century, this momentous decision reversed the long held doctrine of "separate but equal" and gave true meaning to the concepts of "equal protection" and "due process." Over the course of the succeeding fifty years, school

districts throughout the United States undertook the process of desegregation in order to meet the challenges of this decision.

In the fifty years since 1954, numerous court decisions, as well as state and federal legislation, formed the means by which school districts eliminated dual systems of education and constructed unitary systems of education for all students. The passage of the Civil Rights Act of 1964 and the Elementary and Secondary Education Act (1965) added considerable pressure to school districts to accelerate their efforts to desegregate schools. Throughout the 1960s and early 1970s, the courts heard many desegregation cases and ordered a variety of solutions including the use of busing, transfer policies, new school construction, changes in attendance zones, and the creation of magnet schools to reverse intentional segregation policies (The Civil Rights Project, 2001). Additionally, in *Keyes v. School District No.1*, 413 U.S. 189 (1973), the Supreme Court recognized the rights of Hispanic students, as these students suffered the same educational inequities as Black students, when compared to the treatment afforded White students.

One of the most significant of the cases to reach the United States Supreme Court was *Green v. County School Board of New Kent County, Virginia*, 392 U.S.430 (1968). This decision established six “Green” factors that would be used in determining if a school district can be declared unitary. These factors require the elimination of segregation in six areas: (1) student assignments, (2) faculty and staff assignment, (3) transportation, (4) facilities, (5) resources and staff allocation, and (6) extracurricular activities. Districts were required to show evidence they did not discriminate against Black students in these areas in order to meet unitary status requirements.

In *Freeman et al. v. Pitts et al.* (1992), a seventh factor, quality of education, was added to those required to meet unitary status. Some quality of education issues might include (1) representation of minorities in advanced classes, (2) overrepresentation of minorities in special education classes, (3) overrepresentation of minorities in student discipline statistics, and (4) disparities in drop out, retention and graduation rates. Subsequently, many school districts were required to produce evidence their discipline policies did not discriminate disproportionately against Black students.

The fact that Black students are disciplined at a disproportionate rate has been well established. The most common indicators of disparity in discipline are the rates of suspensions (Skiba, Peterson, & Williams, 1997). It has been reported that while African American children only represent 17% of public school enrollment, they receive 33% of out-of-school suspensions. Concurrently, White students represent 63% of public school enrollment but receive 50% of suspensions (The Civil Rights Project-Harvard University, 2002).

Additionally, research indicates that low socioeconomic students, minority, and special education students appear to be at greater risk for receiving harsh disciplinary practices, including suspensions, expulsions, and corporal punishment (Skiba, Peterson, & Williams, 1997). Studies also indicate there is a relationship between socioeconomic status and discipline within schools (Ratcliff, 1980). Data indicated that if a student was poor, his chance of receiving corporal punishment was four or five times greater than that of a student who was not poor.

Many studies used the rate of suspensions and expulsions as indicators of concern regarding discipline problems in schools. In examining placement of students in special

education programs, Harry and Anderson (1994) stated disproportion means that a group is represented in a program in a greater percentage than in the school population as a whole. Another method for determining overrepresentation of Black students in special education programs utilized a “representation ratio” (England, Meier, & Fraga, 1988). This ratio is the proportion of Black students in a program divided by the proportion of Black students in the total population. The same ratio has also been utilized to identify overrepresentation of Black and Hispanic students in the administration of school discipline. According to England et al. (1988), the theory behind this ratio was one of equity. For example, if the ratio equals 1.0, then Black students are assigned to a program in the exact proportion to their numbers in the school district. Based on these definitions, overrepresentation, or disproportion, of a group would be assumed if the representation of a group was outside a range either less than or greater than 10% of the percentage of the group in the total population (Chinn & Hughes, 1987). When using the representation ratio definition in one Florida public school district seeking unitary status, the Department of Justice defined disproportion in discipline to exist for Black students, as compared to Non-Black students, when the representation ratio is greater than 2.0 (Consent Decree, 2000).

School districts throughout the United States have continued to seek to eliminate the judicial supervision imposed by court desegregation orders over their actions by gaining unitary status and returning control to local and state authorities. In the state of Florida, many districts achieved this distinction throughout the decades. Several districts have gained this distinction in recent years including St. Lucie County (1997), Hillsborough County (2001), Duval County (2001), and Seminole County (2006).

However, the attainment of unitary status does not necessarily ensure the administration of racially neutral discipline practices.

A recent study in Hillsborough County Public Schools, Florida, found Black males were suspended more frequently than other students (Raffaele Mendez et al., 2002). At the middle school level, almost half of Black males experienced suspension compared to 25% of White males and 34% of Hispanic males. At the high school level, 36% of Black males, 19% of White males, and 27% of Hispanic males were suspended. In general across all levels, Black students were suspended much more frequently than White or Hispanic students.

In another selected Florida school district, a 2006 study of discipline data revealed that, as a result of suspensions, Black students were losing instructional time at a rate greater than their White counterparts (Camilleri, 2006). Additionally, the same study revealed the highest rate of disparity for Black students was the rate of out-of-school suspensions.

Clearly, the attainment of unitary status does not ensure current discipline practices result in racially neutral consequences for Black students. Such disparities in this “quality of education” factor are a major concern that might lead to judicial supervision, as in past years. As a result of the achievement of unitary status, districts are generally required to monitor such practices to demonstrate evidence of “good faith” in order to insure discriminatory practices do not reoccur.

Problem Statement

For school districts, the attainment of unitary status should guarantee that the school district no longer operates a dual, or segregated, educational system, and that all children receive an equal educational opportunity. Once a district has achieved unitary status, all factors, including quality of education factors, should continue to be monitored to insure that all students are treated fairly and equitably. Despite judicial oversight and the attainment of unitary status by some districts, data indicates some school districts are still suspending Black students at rates greater than their percentage in the school districts' population.

To date, there has been little, if any, follow-up by school districts to determine if racially neutral disciplinary practices are in place in order to maintain fidelity to providing equity in discipline. School districts and states must take steps to insure students are not subject to discriminatory discipline practices that result in the loss of instructional time.

Purpose of the Study

The purpose of this study is to determine if the attainment of unitary status has resulted in equity in school discipline for Black students in secondary schools in the 67 Florida public school districts. Additionally, the study will investigate if Black students are overrepresented in the administration of school discipline as measured by out-of-school suspensions in the secondary schools of the 67 Florida public school districts in 2005-2006. The desired outcome of this investigation is to provide information to the educational leaders of Florida public school districts that will assist in the development of

programs to provide education and support to schools to insure students are treated equitably and fairly in school discipline.

Definition of Terms

The following definitions are provided for terms that have applications for this study.

Black: A person having origins in any of the black racial groups in Africa (Florida Department of Education, 2006).

Consent decree: An order or judgment of the United States District Court that adopts an agreement between the United States of America, as represented by the United States Department of Justice, and the School Board, that resolves an issue or issues involved in the dispute, as the decision of the court on those issues.

De jure segregation: Segregation that is permitted by law (Black, 1999). Florida's "dual system" of public education was a "*de jure* system," mandated by law.

De facto segregation: Segregation that occurs without state authority, usually on the basis of socioeconomic factors (Black, 1999).

Desegregation: The assignment of students to public schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance (Title IV, SEC. 401 of the Constitution of the United States).

Discipline: Punishment intended to correct or instruct (Black, 1999).

Disparity ratio: Comparison of the Black student suspension representation ratio and the Non-Black student suspension representation ratio in the administration of school discipline utilizing out-of-school suspension.

Dual system: A system of public education in which White and Black students attend separate schools.

Green factors: Declaration of a unitary status that a system achieves by eliminating vestiges of segregation “to the extent practicable” in the areas of student assignments, faculty and staff assignments, transportation, facilities, resources and staff allocation, and extracurricular activities (*Green v. New Kent County*, 1968).

Hispanic: A person of Mexican, Puerto Rican, Cuban, or South or Central American origin or other Spanish culture or origin, regardless of race (Florida Department of Education, 2006).

In-school suspension: Student placed in in-school suspension for a period not to exceed ten days (Florida Department of Education, 2006).

Jim Crow law: A law enacted or purposely interpreted to discriminate against Blacks, such as a law requiring separate restrooms for Blacks and Whites (Black, 1999).

Multiracial: A person having parents of different racial/ethnic categories (Florida Department of Education, 2006).

Non-Black: Group includes White, Hispanic, Asian/Pacific Islander, American Indian/Alaskan Native, and Multiracial students, as defined by the Florida Department of Education.

Other: Group includes White, Asian/Pacific Islander, American Indian/Alaskan Native, and Multiracial students, as defined by the Florida Department of Education.

Out-of-school suspension: Temporary removal of a student from a school and the school program for a period not exceeding ten days (Florida State Department of Education , 2006).

Overrepresentation: A situation in which the proportion of a racial group represented in a given category exceeds the proportion of that racial group in the school population at the school, district, or national level (MacMillan & Reschly, 1998).

Quality of education factors: Factors influencing the attainment of unitary status including the representation of minorities in advanced classes, overrepresentation of minorities in special education classes, overrepresentation of minorities in student discipline statistics, and disparities in drop out, retention and graduation rates (*Freeman et al. v. Pitts et al.*, 1992).

Representation ratio: A method of measuring the presence of a racial group determined by calculating the proportion of the group in the total population divided by the proportion of the group in the category measured. A ratio of 1.0 indicates students exist in the designated category in exact proportion to their numbers in the total population. When the ratio is less than 1.0, underrepresentation exists. If the ratio is greater than 1.0, overrepresentation exists (England, Meier, and Fraga, 1988).

Segregation: The act or process of separating or the unconstitutional policy of separating people on the basis of color, nationality, religion, or the like (Black, 1999).

School district: A public school district.

Socio-economic status: An indicator measured by the percentage of enrolled students who are receiving free or reduced lunch for the school year 2005-2006 as reported by the Florida Department of Education database.

Unduplicated count: In the Florida Department of Education database, out-of-school suspensions are counted only once; i.e., if a student is suspended more than once, he or she is still counted only once (Florida Department of Education, 2006).

Unitary status: The status a school system achieves “when it no longer discriminates between school children on the basis of race” or the status of a school system when it affirmatively removes all vestiges of race discrimination of the formerly dual system (Alexander and Alexander, 1992).

White: White, Non-Hispanic person having origins in any of the original peoples of Europe, North Africa, or the Middle East (Florida Department of Education, 2006).

Delimitation

This study was limited to include all 67 public school districts in Florida. Data were obtained from the Florida Department of Education database for school year 2005-2006. The data collected included data from all 67 Florida public school districts for secondary schools, including grades 6, 7, 8, 9, 10, 11, and 12. Data for out-of-school suspensions was unduplicated data. Data for districts’ elementary schools were not investigated.

Limitations of This Study

The categories for ethnicity were those utilized by the Department of Education of the state of Florida. Parents self-select the racial/ethnic category for schoolchildren upon enrollment in school. When reporting demographic data, school districts must utilize only

those categories provided by the state. The study is limited to racial/ethnic categories utilized by the state of Florida education database.

Data provided by the state of Florida education database is gathered from all 67 school districts in the state. Many processes for verification of accuracy are undertaken by school districts and the state. However, it is possible that errors in entering data could occur at the school, district, and state levels.

Certain districts' data might have distorted the results of the research analysis but these districts were not excluded as the analysis was intended to include all 67 public school districts.

Conceptual Framework

The concept of equitable education opportunities for all students, regardless of race, in the United States was cemented with *Brown v. Topeka Board of Education*, 347 U.S. 483 (1954).

School districts have struggled to attain this standard over the course of the last fifty-four years. In 2002, No Child Left Behind set the goal that all students would achieve high standards of learning by 2014.

Despite this lofty goal, recent data on student performance from the National Center for Education Statistics reveals Black students lag behind on measures of student achievement. Nationally, on the 2005 National Assessment of Educational Progress, 12th grade Black students scored an average of 25.2 scale score points less than White students on the reading test. A difference of 27.4 points less was scored on the 8th grade reading test. In the state of Florida, 12th grade Black students scored an average of 25.2

points less and 8th grade students averaged 26.4 points less than White students (NCES, 2005). This achievement gap has persisted since the implementation of the National Assessment of Educational Progress in 1973. During this period, school districts throughout the country and in the state of Florida have implemented many processes to provide equitable educational opportunities for Black students. Despite the progress in desegregation and the fact that many school districts have achieved unitary status, major inroads to eliminate or substantially reduce the achievement gap have not materialized.

During the same period, Black students continue to receive out-of-school suspensions and expulsions at disproportionate rates (Skiba, Peterson, & Williams, 1997, Civil Rights Project, 2002, Raffaele Mendez et al., 2002, Camilleri, 2006). The subsequent result is that many of these students are not in school to take advantage of the educational opportunities offered and, thus, are negatively impacted in terms of academic achievement.

School districts must investigate disciplinary practices and the results and impact of these practices on the academic achievement of Black students. If disparity in discipline practices is found, steps must be taken to change the practices that negatively impact the youngest, and most vulnerable, American citizens.

Research Questions

The study was guided by the following research questions:

1. To what degree are Florida school districts in compliance with the unitary status guideline disparity ratio of 2.0 regarding the overrepresentation of Black students

in the administration of school discipline, as measured by out-of-school suspensions in the secondary schools of the 67 public school districts of Florida?

2. To what degree are Black students, as compared to Hispanic and Multiracial students, represented in the administration of school discipline as measured by out-of-school suspensions in the 67 public school districts of Florida?
3. To what degree is the school level (6, 7, 8, and 9) a factor in the representation of Black students as compared to Non-Black students in the administration of school discipline as measured by out-of-school suspensions in the 67 public school districts of Florida?
4. To what degree is the school level (6, 7, 8, and 9) a factor in the representation of Black students as compared to Hispanic and Multiracial students in the administration of school discipline as measured by out-of-school suspensions in the 67 public school districts of Florida?
5. How many of the 67 school districts in the state of Florida have been legally challenged by judicial oversight regarding desegregation since 1954 and have attained unitary status?
6. What is the difference between those Florida school districts that have attained unitary status and those school districts that have not attained unitary status in the representation of Black students in the administration of school discipline as measured by out-of-school suspensions in the secondary schools of the 67 public school districts of Florida?

Hypothesis 1: The representation of Black students is not significantly greater than the unitary status guideline disparity ratio of two Black students for every one Non-Black student receiving an out-of-school suspension as measured in the secondary schools of the 67 public school districts at the .05 significance level.

Hypothesis 2: There is no statistically significant difference in the representation of Black students as compared to Hispanic and Multiracial students in the administration of school discipline as measured by out-of-school suspensions in the secondary schools of the 67 public school districts of Florida at the .05 significance level.

Hypothesis 3: There is no statistically significant difference in the representation of Black students as compared to Non-Black students in the administration of school discipline as measured by out-of-school suspensions in the 67 public school districts of Florida when ethnicity is the within-subject factor and school level (grades 6, 7, 8, and 9) is the grouping factor at the .05 significance level.

Hypothesis 4: There is no statistically significant difference in the representation of Black students as compared to Hispanic and Multiracial students in the administration of school discipline as measured by out-of-school suspensions in the 67 public school districts of Florida when ethnicity is the within-subject factor and school level (grades 6, 7, 8, and 9) is the grouping factor at the .05 significance level.

Hypothesis 5: There is no statistically significant difference in the representation of Black students in the administration of school discipline as measured by out-of-school suspensions in the secondary schools of the 67 public school districts of Florida when unitary status (unitary, still under court supervision, never under court supervision) is the independent factor of measurement at the .05 significance level.

Methodology

Data were collected from all secondary schools of the 67 public school districts in Florida as reported to the Florida Department of Education database for the school year 2005-2006. The Statistical Package for Social Science (SPSS) Graduate Package (15.0) was used to analyze the data. Additional calculations were completed to analyze the school districts' variables measured in the study. These variables included school level (grades 6, 7, 8, and 9) and the attainment or non-attainment of unitary status. Further analyses were completed using the general linear model with repeated measures.

Data Collection and Analysis

SPSS Graduate Package (15.0) was the software used to analyze the data collected from the Florida Department of Education database. The first purpose of the research was to determine the degree to which Black students are overrepresented in the administration of school discipline as measured by out-of-school suspensions in the secondary schools of the 67 public school districts in the state of Florida when unitary status disparity ratio of 2.0 is the standard. Second, the researcher sought to determine if Black students were overrepresented, as compared to Hispanic and Multiracial students, in the administration of school discipline, as measured by out-of-school suspensions. Third, the researcher sought to identify if the school level (grades 6, 7, 8, and 9), was a factor in the representation of Black students as compared to Non-Black students in the administration of school discipline, as measured by out-of school suspensions. Fourth, the researcher sought to identify if the school level (grades 6, 7, 8, and 9) was a factor in the representation of Black students, as compared to Hispanic and Multiracial students, in the

administration of school discipline, as measured by out-of-school suspensions. Fifth, the researcher sought to identify those school districts, among the 67 Florida public school districts, that had not attained unitary status and those districts that had attained unitary status. Finally, the researcher sought to determine if the attainment or non-attainment of unitary status by school districts was a factor in the representation of Black students in the administration of school discipline, as measured by out-of-school suspensions in the secondary schools of the 67 public school districts in the state of Florida.

Significance of the Study

The findings of this study should serve as a signal to school districts that large numbers of their students are not being served equitably in terms of school discipline, that students are not receiving the quality education that is their right, and that school districts must take bold steps to insure all students enjoy the benefits of an equitable educational opportunity. The recommendations provided in the study should challenge school districts to immediately implement discipline plans with the intent of reducing racial disparity in school discipline. Districts must monitor discipline data to insure the effectiveness of such plans and target resources to those schools that demonstrate disparity. School districts must improve staff development for teachers and staff so that these groups understand the need for cultural awareness and also monitor faculty and staff assignment to schools so they reflect the diversity of the student populations.

Organization of the Study

Chapter 1 contains an introduction to the study, a statement of the problem, the purpose of the study, a definition of terms, delimitations, limitations, the conceptual framework of the study, research questions, hypotheses, methodology, a description of the data collection and analysis, and the organization of the study. Chapter 2 provides a review of the literature and court cases associated with school desegregation, as well as a review of the literature on school discipline and research relevant to the problem. Chapter 3 describes the research design and statistical methodology of the study. Chapter 4 contains a detailed analysis of the data findings. Chapter 5 includes a summary, conclusions, and implications of the study, as well as recommendations for future research.

CHAPTER 2: REVIEW OF THE LITERATURE

The purpose of this review of literature is to seek information related to school desegregation in general and school districts in the State of Florida, in particular, as these districts sought to achieve unitary status. Also included is a review of literature to explore possible connections in the area of school discipline policies, race, and the attainment of unitary status.

Historical Overview of Desegregation

Brown v. Topeka Board of Education, 347 U.S. 483 (1954) was the most significant and far-reaching decision by the Supreme Court in the twentieth century. This momentous decision reversed the long held doctrine of “separate but equal” and finally gave true meaning to the concepts of “equal protection” and “due process.” Chief Justice Earl Warren announced the unanimous decision of the Court:

We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other “tangible” factors may be equal, deprive the children of the minority groups of equal educational opportunity? We believe it does. (*Brown v. Board of Education*, 347 U.S. 483 (1954) pp. 493).

“...we conclude that in the field of public education the doctrine of ‘separate but equal’ has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and other similarly situated for whom the actions have been brought are, by reasons of segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment. (*Brown v. Topeka Board of Education*, 347 U.S. 483 (1954) pp. 495).

In 1955, believing school districts were not acting quickly enough to desegregate schools, the NAACP again brought suit against the Topeka Board of Education. In a

second decision, *Brown v. Board of Education of Topeka et al.*, commonly referred to as *Brown II*, the United States Supreme Court issued a declaration that public schools must “make a prompt and reasonable start toward full compliance . . . on a racially non-discriminatory basis . . . with all deliberate speed” (*Brown v. Board of Education*, 349 U.S. 294 (1955), p. 301). This decision helped speed the course of desegregation by making it the responsibility of school districts to terminate dual systems of education immediately and to operate only unitary schools. An additional component to this action was to order school districts to supervise school boards that had practiced *de jure* segregation so that school systems could be desegregated quickly. Across the country, however, school districts continued to encounter great difficulty in desegregating schools.

The passage of the Civil Rights Act of 1964 and the Elementary and Secondary Education Act (1965) added considerable pressure to school districts to accelerate their efforts to desegregate schools. The Civil Rights Act of 1964 provided injunctive relief against discrimination in public education by authorizing the Attorney General for the United States to initiate suits to protect the constitutional rights of individuals in public education. The Civil Rights Act of 1964 further allowed the federal government to deny financial aid to state programs practicing discrimination. Additionally, the Court would retain jurisdiction over any school district under scrutiny of the United States.

The 1965 Elementary and Secondary Education Act, part of President Lyndon B. Johnson’s “war on poverty,” authorized considerable federal funds for distribution to local school districts to meet the needs of educationally deprived children. Thereafter, the United States Office of Education required school districts desiring federal aid to submit and implement plans for desegregation of school faculties and students. As a result of the

Civil Rights Act of 1964, suits were filed against numerous school boards that continued to operate dual systems of education.

In *Alexander v. Holmes County Board of Education*, 396 U.S. 19 (1969), the Supreme Court unanimously held school districts must not continue to operate dual school systems based on race or color and directed districts to begin operating as unitary systems immediately.

Unitary Status Court Cases

In the 52 years after *Brown v. Board of Education*, numerous court cases were brought to test the parameters of the decision. School districts that did not have laws in place but, through policy, created segregated schools, challenged the definition of school “segregation.” Throughout the 1960s and early 1970s, the courts heard many desegregation cases and ordered a variety of solutions including the use of busing, transfer policies, new school construction, changes in attendance zones, and the creation of magnet schools to reverse intentional segregation policies (The Civil Rights Project, 2001).

The Department of Justice supervises those districts under federal court order to end all vestiges of segregation and arrive at "unitary" status. Unitary is the term the courts use to refer to a school system that has made a successful transition from a segregated system to one that is desegregated, or no longer discriminates against children on the basis of race.

In *Keyes v. School District No.1*, 413 U.S. 189 (1973), the Supreme Court, for the first time, addressed segregation outside the southern states in areas where statutes

requiring racial segregation did not exist, in this case, the Denver public schools. The Supreme Court addressed the difference between state-mandated segregation (*de jure*) and segregation that was the result of choice (*de facto*). The Court held there was no difference, for the purposes of the Fourteenth amendment as applied to school cases, between *de facto* and *de jure* segregation. This case also recognized the rights of Hispanics, in addition to Blacks, to attend desegregated school settings, as both groups suffered the same educational inequities when compared to the treatment afforded White students.

Despite progress made by some school districts, others school districts still continued to struggle with the vestiges of desegregation. One of the most significant of the cases to reach the United States Supreme Court was *Green v. County School Board of New Kent County, Virginia*, 392 U.S.430 (1968). In its decision, the Court held that “freedom of choice” plans did not effectively promote school integration and also established the principle of “unitary status,” indicating a school has eliminated all vestiges of segregation, as measured by the *Green* factors. The Court established six *Green* factors that would be used in determining if a school district could be declared unitary. These factors require the elimination of segregation in six areas: (1) student assignments, (2) faculty and staff assignments, (3) transportation, (4) facilities, (5) resources and staff allocation, and (6) extracurricular activities. Subsequent rulings determined that a district could be declared unitary and free from court supervision once it eliminated the vestiges of desegregation to the extent practical (Education Week, 2002).

In *Swann v. Charlotte-Mecklenburg Board of Education et al.*, 402 U.S. 1 (1971), the Supreme Court affirmed the District Court's judgments and further held district courts had the power to design remedies to insure a unitary school system; normal policies of the school system should produce schools of like quality; facilities and staff, the court could order faculty assignment to reflect faculty desegregation; and future school construction could not perpetuate or reestablish a dual system. The Court further addressed student assignment issues concerning one-race schools, racial quotas, attendance zones, and transportation. Additionally, the Court explained, once a school system was declared unitary, it could not be required to remake racial compositions on a year-by-year basis.

In *Milliken, Governor of Michigan, et al., v. Bradley et al.*, 418 U.S. 717 (1974), the United States Court for the Sixth District Court of Appeals held it could demand compensatory or remedial educational programs for school children who have been subjected to past acts of de jure segregation, and the Court could require state officials to bear part of the cost of those programs.

In *Board of Education of Oklahoma City Public Schools v. Dowell et al.* (1991), the Supreme Court recognized the important value of local control of public school systems and allowed that the federal court's supervision of such systems should not extend beyond the time required to remedy the effects of past intentional discrimination.

In *Freeman et al. v. Pitts et al.* (1992), a seventh factor, quality of education, was added to those required to meet unitary status. Quality of education issues might include (a) representation of minorities in advanced classes, (b) overrepresentation of minorities in special education classes, (c) overrepresentation of minorities in student discipline

statistics, and (d) disparities in drop out, retention and graduation rates. The Supreme Court also allowed incremental withdrawal from court supervision for a school district to be declared “partially unitary.” This was a major step forward for districts seeking to meet the requirements imposed by the *Green* factors. Further, *Freeman* allowed incremental withdrawal from court supervision once a district had completed the following: (a) compliance with one *Green* factor for a period of time, (b) some indication that retention of jurisdiction was necessary to insure compliance with other factors, and (c) a demonstration of good faith to the whole of the court’s conditions. *Freeman* also defined “practicable” to mean a district can be declared unitary before full compliance has been achieved in every area of school operations. Three Supreme Court requirements must be met in order to be declared unitary: (1) Has the district complied with the desegregation order for a period of time, (2) Have the vestiges of segregation been eliminated to the extent practicable, and (3) Is the district committed in good faith to its constitutional obligations?

Coalition to Save our Children v. State Board of Education of the State of Delaware (1996) brought an end to court supervision after more than four decades of litigation designed to desegregate the public schools of Delaware. The United States District Court for the District of Delaware declared the school districts of Northern New Castle County, Delaware had achieved unitary status and the plaintiff organization, Coalition to Save our Children, appealed. The Court of Appeals held that the District court had properly addressed the issues and found Delaware school districts had achieved unitary status, having addressed all of the *Green* factors. Additionally, Delaware school districts included programs of “ancillary remedial relief” in the area of school discipline,

such as providing codes of conduct providing for nondiscriminatory guidelines for discipline. In testimony the school district's expert explained that the district's suspension indices reflected less racial imbalance than indices calculated from national suspension indices compiled by the Office of Civil Rights. This case was just one of many where disparity in discipline was named as one of the factors that a school district had to consider when striving to achieve unitary status.

School Discipline

There is considerable evidence to support that disparity in discipline based on race and/or social and economic factors continues to exist in schools today (Harry & Anderson, 1995; Skiba, Peterson, & Williams, 1997; Costenbader & Markson, 1998; Raffaele Mendez, 1999; Keleher, 2000; The Civil Rights Project, 2002) . Student discipline has been identified as one of the most important components of the educational process. Regardless of the size, location, setting, or grade levels taught, student discipline is an integral part of the educational environment. In seeking to gain unitary status, the School Board of one Florida county states that "the District is committed to ensuring that its discipline policies and practices are implemented fairly and consistently so that: all students are disciplined equitably; disciplinary sanctions are imposed on students fairly and consistently; and a student's race is not a factor in any disciplinary action" (Consent Decree, 2000, p. 51).

The role of discipline in school effectiveness is well documented. In order for schools to be effective, they must also be safe schools. Administrators are charged with the responsibility of maintaining order and safety by district, state, and federal policies,

laws and statutes. However, what discipline is can be very subjective. Discipline is defined by Jones (1979) as the “business of enforcing simple classroom rules that facilitate learning and minimize disruption.” Teachers cannot teach and students cannot learn in a school climate that is unsafe or rife with disruption. It is generally agreed by teachers and parents that “schools have the right and responsibility to use all effective means at their disposal to maintain the integrity, productivity, and safety of the learning climate” (Skiba, 2004). Appropriate discipline preserves a climate conducive to teaching and learning.

Usually, the first step in disciplining a student is the generation of a student discipline referral. The discipline referral is a standard form prepared by a district and utilized whenever a student is to be held responsible for certain violations of the district code of conduct. The discipline referral usually contains all of the pertinent information regarding the student and the violation, sanctions or consequences, and other actions taken. In one Florida school district, sanctions can range from a minor consequence such as “verbal reprimand,” to serious consequences such as “suspension” and “expulsion” (Student Conduct and Discipline Code, 2006). The use of discipline referrals makes it possible to keep records of students involved, the violations incurred, and the subsequent consequences. Data generated can also provide for useful monitoring and analysis of a school or district discipline profile. Additionally, discipline referrals have also been used to predict student behaviors, including future violence in schools (Tobin & Sugai, 1999).

Suspensions and Expulsions

Of particular interest in assessing discipline practice is a review of suspension and expulsion practices. Suspension and expulsion are considered to be the most punitive of consequences imposed on students but deemed necessary when student misconduct is inappropriate to such a degree that it threatens school security and the learning environment for all students. The result for the students receiving these consequences, however, is their removal from the classroom or even the school, often contributing to detrimental academic consequences.

Two Supreme Court cases have addressed the issue of students' property rights and liberty issues when facing suspension from school. The first decision, *Goss v. Lopez*, 419 U.S. 565 (1975) mandated due process regarding disciplinary procedures and established that suspensions may last a maximum of 10 days. The second case, *Wood v. Strickland*, 95 S. Ct. 992 (1975) made school boards liable for damages in school suspension cases.

The fact that Black students are disciplined at a disproportionate rate has been well established. The most common indicators of disparity in discipline are the rates of suspensions (Skiba, Peterson, & Williams, 1997). It has been reported that while African American children represent only 17% of public school enrollment, they receive 33% of out-of-school suspensions. Concurrently, White students represent 63% of public school enrollment but receive 50% of suspensions (The Civil Rights Project-Harvard University, 2002).

In an analysis of suspension and expulsion data in twelve school districts in the United States, in all districts except one (data was not provided for one district), data

indicated that Black students were suspended and expelled in proportions greater than their proportion in the total population (Gordon, Piana, & Keleher, 2000). In Austin, Texas and Los Angeles, California, Black students were suspended or expelled at two times their proportion in the population. In San Francisco, the overrepresentation for Black students was three times their proportion in the population and in Salem, Oregon, the overrepresentation of Black students was at four times their proportion in the population (Gordon, Piana, & Keleher, 2000).

Additionally, research indicates that low socioeconomic students, minority, and special education students appear to be at greater risk for receiving harsh disciplinary practices, including suspensions, expulsions, and corporal punishment (Skiba, Peterson, & Williams, 1997). Studies also suggest there is a relationship between socioeconomic status and discipline within schools (Ratcliff, 1980; Hyman, 1990, Stader, 2004)). Data revealed that if a student was poor, his chance of receiving corporal punishment was four or five times greater than that of a student who was not poor (Skiba, Peterson, & Williams, 1997).

Causes of Suspensions and Expulsions

In 1997, Skiba, Peterson, and Williams published a dual study titled Office Referrals and Suspension: Disciplinary Intervention in Middle Schools. Study I examined data from the entire middle school population in a large, urban Midwestern public school district, serving over 50,000 students. The results of the study identified disobedience as the most frequent cause for disciplinary referrals, followed by misconduct, disrespect, and fighting. The study also revealed that African American students received a higher

number of referrals on average than students from any other ethnic background except Native Americans. Study II examined detailed descriptive information about one middle school in the same district. Study II also revealed that the most common reasons for referrals were lack of cooperation, and insubordination/verbal abuses, followed by excessive tardiness/absences and inappropriate/profane/abusive language. Both studies indicated that problems with authority, such as insubordination and noncompliance, were the most frequent reasons for disciplinary referral in middle schools, rather than behaviors that place others in danger. Edelman, Beck, and Smith (1975) reported that almost two thirds of the suspensions reported in The Office of Civil Rights data were for “non-serious” offenses. The data were also consistent with findings that noncompliance and defiance were among the least well tolerated of student behaviors in the classroom (Cooley, 1995; Landon & Mesinger, 1989; Safran & Safran, 1984; Raffaele Mendez, Knoff, & Ferron, 2002). In a report evaluating Indiana schools, Skiba, Rausch, and Ritter reported over 90% of out-of-school suspensions were dispensed for infractions in the categories Disruptive Behavior and Other; secondary schools have higher rates of both out-of-school suspension and expulsion; and schools in urban locales have significantly higher rates of out-of-school suspension (Skiba, Rausch, & Ritter, 2004). Skiba et al. also reported that African American students were four times as likely as White students to be suspended out-of-school and Hispanic students were twice as likely as Whites to be suspended.

In a study of suspension and expulsion data involving disaggregated data from twelve school districts across the country, researchers found African American and

Latino students were suspended or expelled at a significantly higher proportional rate than White students (Gordon, Piana, & Keleher, 2000).

In a study of out-of-school suspension rates in a large, ethnically diverse urban district in Florida, Raffaele Mendez et al. (2002) discovered disobedience and insubordination comprised 20% of the infractions resulting in suspensions. Disruptive behavior and fighting were the next most common infractions resulting in suspensions at 13% each. Another 11% of suspensions were for inappropriate behavior, and 7% were for noncompliance with assigned discipline (i.e. not reporting to Saturday School or after school detention). Serious infractions such as weapons possession and drug possession comprised less than 1% of all infractions resulting in suspension. Additionally, further analysis indicated Black males experienced a much greater percentage of suspensions across all but three of the infraction categories. For example, “while Black males made up only 12% of the student population, these students made-up one-third or more of the total suspensions for disruptive behavior, fighting, inappropriate behavior, battery, threat/intimidation, left class or campus without permission, and sexual harassment” (Raffaele Mendez & Knoff, 2003). On the other hand, data also indicated White males were over-represented in suspensions related to tobacco, narcotics, alcohol, and weapons possessions (Raffaele Mendez & Knoff, 2003).

In a study of suspensions and expulsions in the state of Indiana in 2002-2003, the out-of-school suspension rate for African American students was four times higher than the rate for White students. The rate for Hispanic students was two times greater than the rate for Whites (Rausch & Skiba, 2004).

In the Annual Discipline and Placement Actions Report for School Year 2002-2003, the state of Georgia reported 28% of all discipline actions were out-of-school suspensions. While Black students comprised 38% of the total school population, they received 53% of out-of-school suspensions, while White students, totaling 52% of the total population, earned 41% of out-of-school suspensions (Georgia Department of Education, 2004).

Frequency of Suspensions

The reason students were suspended from school were many and well documented; furthermore, there was a noticeable increase in student violent and disruptive behaviors in and around schools which had, in turn, resulted in a proportionate increase in the number of suspensions and expulsions (Ingersoll & Boeuf, 1977). The Children's Defense Fund (1975) declared that the suspension of children in schools across all levels had become a problem of national proportion. Other research indicated that the most commonly administered forms of discipline used in public schools were both in-school suspension (ISS) (Costenbader & Markson, 1994) and out-of-school suspension (OSS) (Costenbader & Markson, 1994; Dupper & Bosch, 1996). With the passage of legislation such as the 1994 Federal Gun-Free Schools Act, the implementation of zero tolerance policies, the impact of Supreme Court decisions, and the lack of viable alternatives, suspensions, and expulsions were likely to increase significantly (Bumbarger, 1999).

Using national level data from a Safe School Study, Wu, Pink, Crain, & Moles (1982) found that about 11% of students surveyed (31,103) had been suspended at least once during their enrollment in public school. In 1987 The Harvard Education Letter

estimated that nearly two million students were suspended each year nationally. The United States Department of Education (1993) estimated that 1.5 million students miss one or more days of school per year because they have been suspended or expelled. Later estimates continued to show a marked rise in the number of suspensions and expulsions.

Costenbader and Markson (1998) analyzed the results of 620 surveys from both middle and high school students in public schools. Of the students who responded to the survey, 41% indicated that they had been suspended at least one time in their educational history, 18% had received in-school suspension, and 22% had been suspended out-of-school. Recent figures regarding suspensions from the U.S. Department of Education, Office for Civil Rights, 1999, indicated that over 3.1 million students were suspended during the 1998 school year, and another 87,000 were expelled (The Civil Rights Project, 2001b).

Individual states and school districts reported a marked increase in suspension rates for students in public schools. In the State of Wisconsin, suspensions were reported to have increased 34% from the 1991-92 to the 1997-1998 school years (State of Wisconsin Department of Instruction, 1999). Chicago Public Schools experienced a similar dramatic increase in the number of expulsions from 14 in 1992-1993 to 737 in 1998-1999 (Chicago Public Schools, 2000).

In a study of suspensions and expulsions from 1996-2003 in Indiana, researchers found urban schools utilize out-of-school suspensions more than any other locale, with an out-of-school suspension rate (incident rate per 100 students) of 24.28 for urban schools, 13.31 for suburban schools, 11.56 for town schools and 7.00 for rural schools. The same study reported out-of-school suspension rates are highest in secondary schools, with rates

of 23.95 for middle schools and 21.40 for high schools in 2003. The Indiana study documented disproportionality for both Black (40.47) and Hispanic (18.77) students, as compared to White (10.11) students. Black students were four times more likely to be suspended than White students (Rausch & Skiba, 2004).

Disparity in Discipline

Disparity in the administration of discipline exists for all ethnic backgrounds but is especially disproportionate for Black students (Gregory, 1995; Harry & Anderson, 1995; Skiba, Peterson, & Williams, 1997; Raffaele Mendez, 1999; Gordon, Piana, & Keleher, 2000). Even in desegregated schools, researchers found Black students were overrepresented in disciplinary actions (Wu, 1982). When compared to other ethnic groups, Black students received a disproportionate number of disciplinary actions (Harry & Anderson, 1995; Skiba, Peterson, & Williams, 1997; Raffaele Mendez, 1999; Gordon, Piana, & Keleher, 2000; Gregory, 1995).

The most common indicator of disparity in discipline used in research studies was the rate of suspensions (Wu et al., 1982). In a study of an urban school district, Skiba, Peterson, and Williams (1997) reported Black children received more office referrals and subsequent suspensions than any other ethnic group. In the Chicago Public Schools Black students represented 73% of those expelled but only 53% of the total enrollment (Chicago Public Schools, 2000). Overall, it has been reported that, while Black students make up only 17% of public school enrollment nationwide, these students received 33% of out of school suspensions. On the other hand, White students compose 63% of public school enrollment and received 50% of suspensions (Civil Rights Project, 2000a).

An analysis conducted by the National Coalition of Advocates for Students (1988) revealed national data on suspension rates. The overall suspension rate in the United States for Black students was 9.07% as compared to 4.05% for White Students. Costenbader and Markson (1998) reported that 45% of Black students, 12% of White students, and 18% of Hispanic students surveyed reported having been suspending out-of-school. A report published by the U.S. Department of Education (1997) found that almost 25% of Black male students were suspended at least once over a four-year period.

Disproportionality is defined utilizing varied methods in studies, often dependent on data available. The disproportionate placement of students in a particular group or category means that the group is represented in a greater percentage than their proportion in the total population. In assessing disproportion, one must note the percentage of the group in the population as a whole and then compare it to the percentage of that group in the category measured (Harry & Anderson, 1994). Chinn and Hughes (1987) define disproportion as plus or minus 10% of the percentage that would be expected on the basis of the school age population. Any placement outside of the range of plus or minus 10% would be considered disproportionate.

A representation ratio is the proportion of Black students in a category (for the purposes of this study, the category would be out-of-school suspensions) divided by the proportion of Black students in the school district, or school, whichever is being measured (England, Meier, & Fraga, 1988). If the ratio equals 1.0, then Black, Hispanic, or White students are assigned to the category in exact proportion to their numbers in the school district (or school). When underrepresentation exists, the ratio is less than 1.0. Conversely, if students are assigned to the category in a greater proportion than their

percentage in the total population, overrepresentation exists. In disciplinary indicators, England et al. (1988) discovered overrepresentation ratios for Blacks increase as “one moves from the least severe form of discipline (corporal punishment) to the most severe (expulsion).” When using the representation ratio definition in one Florida public school district seeking unitary status, the Department of Justice determined disproportion in discipline existed for Black students, as compared to Non-Black students, when the representation ratio was greater than 2.0 (Consent Decree, 2000).

Another method of determining disparity is to compute the incident rate per 100 students in the population. Incident rates are calculated by dividing the total number of incidents in a population with that population’s student enrollment then multiplying by 100, yielding a standardized and comparable index (Rausch & Skiba, 2004).

Race

A study in Hillsborough County Public Schools, Florida, found Black males were suspended more frequently than other students (Raffaele Mendez et al., 2002). At the middle school level, almost half of Black males experienced suspension compared to 25% of White males and 34% of Hispanic males. At the high school level, 36% of Black males, 19% of White males, and 27% of Hispanic males were suspended. In general, across all levels, Black students were suspended much more frequently than White or Hispanic students.

A later study conducted by Raffaele Mendez et al. (2003) confirmed that Black males were twice as likely to experience a suspension as White males, but also revealed

Black females were more than three times as likely to experience a suspension as White females.

A California study analyzed student discipline data from several school years and revealed African American students were overrepresented across several discipline sanctions in what the researchers labeled a “racialized trend” (Gregory & Mosely, 2004). In 1999-2000 African American students represented 37% of enrollment yet represented 80% of students sent to on-campus suspensions. On the other hand, White students represented approximately 37% of enrollment but contributed 9% of students sent to on-campus suspension. In the same study, African American students comprised 68% of out-of-school suspensions (Gregory & Mosely, 2004).

Socioeconomic Status

Green and Brydon (1975) reported that in urban schools, students from low socioeconomic backgrounds were often perceived as intellectually deprived and unlikely to achieve. This stereotypical outlook often influenced the classroom atmosphere and the student-teacher relationship. Green and Brydon (1975) concluded that the racial views and middle class orientation of many teachers had obstructed communication between teachers and low socioeconomic students; consequently, students of low socioeconomic status were disciplined more frequently.

Neill (1976) attributed the higher rate of suspensions of minorities to their low socioeconomic status, not racial bias. When compared to White children, African American children were twice as likely to be poor, lived with a parent who had been separated, and lived in a female-headed household. Female’s headed 71% of all Black

families living below the poverty line, and 44% of all Black children lived in households where the father was absent. The lack of a middle class orientation for the low socioeconomic minority student increased their chances of encountering problems in school.

Ratcliff (1980) conducted a survey of 116 schools in the states of Delaware, Maryland, Pennsylvania, Virginia, and West Virginia and found that Blacks received a significantly higher proportion of punishment than their White classmates. The data also indicated that if a student were poor, his chance of receiving corporal punishment was about four or five times greater than those of a student who was not poor. Wu et al. (1982), using data from the Safe School Study, found that students with fathers who had no full-time job and those who were on free and reduced lunch were the most likely to be suspended.

According to Irvine (1990), many educators speculated that low-income Black children bring to school a set of anti-social behaviors and traits that emanated from a culture of poverty. Educators often justified their harsh treatment of these students by claiming students came from an undisciplined and unstructured home life, lacked a positive role model, and disrespected adult authority figures. Irvine further stated that such a view distorted a teacher's perception and could realistically lead to subjectivity in dispensing punishment unequally. Skiba, Peterson & Williams (1997) examined issues related to discipline in 19 middle schools and concluded that the number of disciplinary actions received by students was based on race, socioeconomic status, and gender.

In a district-wide study of a large urban school district in Florida, Raffaele-Mendez et al. (2002) found a statistically significant ($p < .05$) semi-partial correlation of .56

between students receiving free lunch and out-of-school suspension rates. The researchers reported this semi-partial correlation might be greater due to the under-identification of secondary students eligible to receive free lunch.

Zero Tolerance

The term “zero tolerance” was adopted in education circles after it gained popularity in the United States’ war on drugs in the 1980s. Initially, zero tolerance generally referred to a discipline policy that mandated predetermined consequences or punishments for drug and weapons violations. The policy was based on the belief that schools would send a message that certain behaviors would not be tolerated by punishing offenses severely.

Zero tolerance policies gained greater attention and popularity after school shootings appeared on the increase in the 1990s. The horrifying images of students under gunfire at schools gave the impression that there was a dramatic increase in school-related violence. In 1994, the Gun-Free Schools Act became law. Passed in an attempt to reduce violence in schools, the law mandated a one-year calendar expulsion for possession of a firearm, a referral of law-violating students to the criminal or juvenile justice system, and the provision that state law must authorize the chief administrative officer of each local school district to modify such expulsions on a case-by-case basis. Since the passage of the law, state legislatures and school districts have increased the requirements of zero tolerance policies beyond the federal definition of weapons to include drug and alcohol offenses, fighting, threats, and other less serious offenses. Some school districts have begun to apply school suspensions, expulsions, or transfers to

behaviors that occur out of school (Skiba, 2000). In a study of codes of conduct for 66 of the 67 public school districts in the state of Florida, it was found that as many as one-third of districts included infractions such as bomb threat, vandalism of school property, extortion, trespassing, burglary of school property, grand theft, and inappropriate use of technology as zero tolerance discipline infractions (Johnson, 2001). The same study also found the use of out-of-school suspensions did not result in a change in the behaviors of students; thus “this form of punishment cannot be interpreted as a deterrent to future misconduct. This finding is contradictory to the intent of zero tolerance policy being a deterrent to serious misconduct” (Johnson, 2001).

Recent research belies the rationale for the implementation of zero tolerance policies and points out their failure to reduce school discipline issues (Skiba, 2000; Johnson, 2001; Verdugo, 2002). It has also been documented in the research that the implementation of zero tolerance policies results in the disproportionate punishment of students of color. Students of color are suspended at rates two to three times that of other students and are overrepresented in office referrals, corporal punishment, and school expulsion. Since the passage of the Gun-Free Schools Act, racial disparities in school discipline have increased (Gordon, Piana, & Keleher, 2000; Verdugo & Green, 2002; Skiba, 2004). Verdugo et al. (2002) reported that the greater the percent of minority students in schools, the more likely are zero tolerance policies found. Zero tolerance policies are more likely to exist in predominantly Black and Latino school districts and have policies addressing violence, firearms, other weapons, and drugs than White school districts. This disparity in the adoption of zero tolerance policies may also contribute to some of the resulting racial disparities, at least on a national level, in disciplinary actions

taken (Civil Rights Project, 2000). In fact, Skiba (2004) reported that “the use, and especially the overuse, of disciplinary removal carries with it an inherent risk of racial bias.” “The data suggests that zero tolerance tends to be associated with a number of negative school outcomes, including school dropout, negative school climate, and racial disparities” (Rausch & Skiba, 2004).

In the Chicago Public Schools, zero tolerance policies were implemented following the passage of the 1994 Gun-Free Schools Act. From 1993-2000, the number of expulsions increased from 10 to 1,500 (Gordon, Piana, & Keleher, 2000). Data indicates zero tolerance policies have a disproportionate adverse impact on students of color. Additionally, studies indicate zero tolerance policies are being implemented in unfair and unreasonable ways, influenced by racial prejudice (Keleher, 2000). Finally, there appears to be little evidence that supports the effectiveness of suspension or expulsion for improving school safety (Keleher, 2000; Skiba, 2000; Verdugo, 2002).

Parental Support

One of the most significant influences on any child is the quality of family life. Parental involvement, in almost any form, produces measurable gains in student achievement (Dixon, 1992). Students with discipline problems often lack parental or family support. As students advance into secondary school, parental involvement generally declines. In many cases, parents feel alienated from schools, perhaps because of their own experiences, or because school officials do not make attempts to reach out to them (Charles, 1981). Oftentimes, the children who do not receive adequate social and

emotional support towards being successful in school are the students who seek attention in inappropriate ways (Ciminillo, 1980)

In a study of a large, ethnically diverse, urban district in Florida, researchers discovered a relationship between two variables (Life Involvement and Educational Involvement) and the out-of-school suspension rate. Data implied that at schools where administrators perceive stronger family involvement, there tend to be lower out-of-school suspension rates (Raffaele Mendez et al., 2002).

Bias, Stereotyping, and the Cultural Argument

Teachers are the most common dispensers of discipline and research indicates teachers' beliefs about race can impact their participation in the definition and creation of discipline incidents (Gregory & Mosely, 2004). Gregory and Mosely's research indicates teachers' cultural norms could lead to disproportionate disciplining of certain students. In a landmark study, researchers utilized national level data to answer the question, "Why are students suspended from school?" Researchers analyzed the data from six perspectives: (a) the extent of suspensions, (b) the relationship between student misbehavior at school and suspension from school, (c) the possibility of teachers' judgments and attitudes as potential factors in suspensions, (d) whether student suspension is related to the administrative structure of school in handling disciplinary matters, (e) the possibility of academic ability as a potential factor in suspensions, and (f) a discussion of the possibility of the interference of racial bias (Wu, Pink, & Crane, 1982). The findings of the study concluded that Black students were disproportionately disciplined due to blatant racism (Wu, et al., 1982). Further study emphasized the

statistical reality of the extent of racial disparity in discipline in public schools was sufficient evidence to conclude that disproportionate discipline and discriminatory practice were synonymous (Larkin, 1982).

Black students perceived that their White teachers did not care about them and were intimidated by them. Research indicates students of color conclude that “although racism was ‘under cover,’ it was intentional, deliberate, and conscious” (Sheets, 1996).

In a study examining cultural differences in European American teachers’ explanations for the causes of school problems among African American, European American and Hispanic American children, teachers tended to use situational explanations for European American youth problems (Jackson, 2001). For example teachers attributed European American students’ inappropriate behavior to divorce, poverty, and family influences, implying the students were not personally responsible for their actions. On the other hand, teachers tended to use personal explanations for non European American students’ problems, such as aggression, hostility, and defiance (Jackson, 2001).

The portrayal of Black Americans in the media has frequently depicted them as over-aggressive, violent, and dishonest. These persistent characterizations and negative images have pervaded U.S. society for a long time (Schwartz, 2001). In a research study conducted in the top two largest urban districts in the Midwest, both identified as exhibiting pervasive problems involving minority students and discipline, indications emerged that overall causes of disproportionality in discipline could be related to institutional and individual racism (Bennet & Harris, 1982). Despite the fact that school discipline policies are designed to be racially neutral, evidence suggests that schools are

more willing to mitigate circumstances when they perceive the student involved in a discipline incident as having “a real future” that would be ruined by suspension or expulsion (Keleher, 2000).

Additionally, research indicates school disciplinary actions are not solely the result of student behavior. School and classroom characteristics strongly influence rates of suspension. In a study of middle school classrooms, 25% of teachers were found to be responsible for two-thirds of the referrals to the office (Skiba et al., 1997).

The cultural argument proposes that Black, Hispanic, and lower class White students have become disaffected from school as a result of their belief that it will not make any difference for their futures. These students have developed cultural mores that allow them to earn respect on the street and these “street” characteristics require them to demonstrate behavior that frequently results in poor academic performance and adverse discipline consequences. Verdugo & Glenn (2002) explain that institutions raise barriers for these kinds of students which lead to lower academic achievement and greater dropout rates. Verdugo et al. (2002) argue that schools fail to support these students, thus leading to disengagement on the part of the students, usually from an early age.

Serious equity issues arise when students receive disciplinary sanctions unfairly or as a result of racial animus. Research indicates that Black students, especially males, are more likely to be suspended because they appear threatening or are disrespectful. On the other hand, White students are suspended disproportionately for serious offenses such as weapons and drug violations (Skiba, 2000). The fact that minority students are sanctioned for ambiguous reasons implies there are breaches in equity in practice (Verdugo et al., 2002). A study conducted by the Applied Research Center concluded that

even though the discrimination evident across the nation in public schools may not be intentional, it is persistent and pervasive, and amounts to a “deep pattern of institutional racism in U.S. public schools”(Gordon, Piana, & Keleher, 2000).

Effectiveness of Suspension and Expulsion

How effective are suspension and expulsion in changing behavior of those students who violate school rules? Every year, millions of schoolchildren miss one or more days of school because they have been suspended or expelled. The research indicated that suspensions were generally given for minor infractions of school rules rather than for violent acts or serious misconduct and that minority students, most notably Black students, were disproportionately suspended or expelled.

A review of research literature did not produce any studies demonstrating a positive impact of expulsion or out-of-school suspension in terms of reducing school violence (Bumbarger, 1999). There was also little evidence that suspension and expulsion are effective in changing students’ behavior (Children’s Defense Fund, 1985). The same study indicated that students assigned out-of-school suspension missed instruction, were unsupervised out of school, minority students were overrepresented among those suspended, and little or no assistance was given to students to address the underlying problems of students’ misbehavior. Research also has shown that high school sophomores who dropped out of school were three times more likely to have been suspended than those who stayed in school (Fix, 2000). A high rate of repeat offenders among students who have been previously suspended indicates the consequence is not effective. In fact, research indicates repeat suspensions and expulsions may increase the

risk for both dropping out and juvenile delinquency (Skiba & Leone, 2001). In most cases, suspensions have negative consequences on academic performance, including failing grades in classes missed during the suspension. The results can be the alienation of the students from the educational process (Civil Rights Project, 2000).

The Civil Rights Project of Harvard University (2000) also revealed the devastating consequences of suspension and expulsion. These students were (a) sitting at home alone without educational alternatives, (b) likely to be labeled troublemakers, (c) likely to fail academically, (d) likely to drop out, and (e) likely to be sent to the juvenile justice system. Students are often referred to law enforcement, subjecting them to criminal or juvenile delinquency for conduct that does not pose a serious danger to the safety of others. For example, in 1998-1999 in the State of Florida, 3831 students were referred to the juvenile justice system for misconduct in school (Florida Department of Education, 1999).

Academic Achievement Gap

Maintaining safety is only one purpose of a school discipline system; appropriate discipline also contributes to a school climate conducive to teaching and learning. In a study of Indiana schools, the relationship between school discipline approaches and academic outcomes revealed that the use of out-of-school suspensions is negatively related to school achievement. After controlling for poverty rate, percentage of African American students, school size, school type, and school locale, the study indicated that schools with higher rates of out-of-school suspensions have lower scores on statewide measures of achievement in math and English/language arts sections of the Indian State

Test of Educational Progress (Rausch and Skiba, 2004). Researchers reported that, regardless of demographic factors, schools with higher rates of out-of-school suspensions have lower average passing rates on ISTEP+ (Rausch & Skiba, 2004).

In a study of a large, urban, ethnically diverse school district in Florida, Raffaele-Mendez et al. (2002) reported that secondary schools with higher levels of writing achievement tended to have a lower duplicated OSS rate.

In another selected Florida public school district, a 2006 study of discipline data revealed that, as a result of suspension, Black students were losing instructional time at a rate greater than their White counterparts (Camilleri, 2006). Additionally, the same study revealed the highest rate of disparity for Black students was the rate of out-of-school suspensions.

In 2002, the No Child Left Behind Act set the goal that all students would achieve high standards of learning by 2014. However, recent data on student performance from the National Center for Education Statistics reveals Black students lag behind on measures of student achievement. Nationally, on the 2005 National Assessment of Educational Progress, 12th grade Black students scored an average of 25.2 scale score points less than White students on the reading test. A difference of 27.4 points less was scored on the 8th grade reading test (NCES, 2005). In the state of Florida, 12th grade Black students scored an average of 25.2 points less and 8th grade students averaged 26.4 points less than White students (NCES, 2005). This achievement gap has persisted since the implementation of the National Assessment of Educational Progress in 1973. During this period, school districts throughout the country and in the state of Florida have implemented many processes to provide equitable educational opportunities for Black

students. Despite the progress in desegregation and that fact that many school districts have achieved unitary status, major inroads to eliminate or substantially reduce the achievement gap have not materialized.

During the same period, Black students continue to receive out-of-school suspensions and expulsions at disproportionate rates (Skiba, Peterson, & Williams, 1997; Civil Rights Project, 2002; Raffaele Mendez, Knoff, & Ferron, 2002; Camilleri, 2006). The subsequent result is that many of these students are not in school to take advantage of the educational opportunities offered and thus, are negatively impacted in terms of academic achievement.

Changing Demographics

The 2000 census revealed the changing demographics of American society. The projections of the resident population by race indicates the Hispanic population at 13.5% of the total population with Black, Non-Hispanics comprising 12.4% of the total population as of July 1, 2006. Projections indicate that by July 1, 2025, Hispanics will comprise 15.8% of the total population with Black, Non-Hispanics comprising 12.7% of the population. By July 1, 2100, Hispanics will comprise 33.3% of the total population and Black, Non-Hispanics will comprise 13.0% of the total population. In the same time period, the White population will decline from 81.3% of the total population in 2006 to 70.7% in 2100 (U.S. Census, 2000). Hispanics will become the United States' largest minority group and the percentage of Hispanics in the population will grow dramatically over the course of the century to comprise 1/3 of the total population by the century's end.

The change in race and ethnicity demographics of American schools is much more dramatic and has already begun, however. In the 2003-2004 school year, the national totals for the school age population showed Hispanics were the largest minority group at 19%, followed by 16% Black students, 4 % Asian students and 1% American Indian students (Orfield & Lee, 2006). It is predicted that, within a decade, there will be fewer than half White students in public schools, which serve nearly 9 of 10 students. When this occurs, schools will be without a majority of any one racial group (Orfield et al., 2006)

These changing demographics have resulted in a new way of thinking regarding desegregation. The *Brown v. Board of Education* decision was handed down in a society where the perception was there were two races--Black and White. The interaction of race, ethnicity, and culture contributes to a complex society that presents challenges when providing equitable educational opportunities. Gaps in educational attainment for Hispanic students are increasing and there is strong evidence “that segregated schools are not preparing the rapidly growing Hispanic student population to succeed in a predominantly non-Hispanic society” (Fields, 1989). In the *Keyes* decision, the United States Supreme Court held that Hispanic students are entitled to both a desegregated education experience and bilingual education programs. However, the rapid growth of the Hispanic student population combined with the fact that Hispanic students are concentrated in large, urban, largely minority, high-poverty schools, has resulted in a situation where “Hispanic students are more segregated today than they were 20 years ago” (Fields, 1989).

The literature suggests that school desegregation efforts must now address the inequalities present for Hispanic students, and it is likely this will occur through the democratic process rather than through exclusive reliance on the courts. “To achieve the goal of equal education opportunity for all students, including Latinos, the responsibility for ensuring racial and ethnic equality must not end with a judge” (Bowman, 2001).

Resegregation

School segregation is sometimes thought of as an obsolete issue. Many believe, having lived through the period from 1954 to the present, that the problems of segregation were resolved by integrating the schools and by insuring that all schools were of equal quality. A review of the literature and research, however, indicates that segregation still exists throughout the country, particularly in some regions, and although some districts achieved high levels of desegregation, a new type of segregation involving primarily the largest growing minority group, Hispanics, and Blacks, is occurring (Orfield & Lee, 2006). In fact, data indicates that both Black and Hispanic students attend segregated schools in significant numbers. This process is sometimes referred to as resegregation (Orfield et al., 2006).

Hispanics are now the largest minority group and their proportion in the population is expected to climb to one-third by 2100 (U.S. Census, 2000). However, despite the desegregation movement, “most nonwhite groups experience less exposure to White students than one would expect given the racial composition of the nations’ public schools” (Orfield et al., 2006). In fact, the average Black student attends a school that is 30% White and the average Hispanic student attends a school that is 28% White (Orfield

et al., 2006). Desegregation for Black students reached its zenith in the late 1980s, when 44% of Black students attended majority White schools. The case for Hispanic students was different, however, because the right of Hispanic (Latino) students to attend desegregated schools was not established until the *Keyes* decision in 1973. During this period, Hispanics concentrated mainly on acquiring language education. Today, on average, 77% of Hispanic students attend majority minority schools (50-100% minority) (Orfield et al. 2006).

Today, there is some agreement that desegregation cases decided in the United States Supreme Court in the 1990s, namely *Board of Education of Oklahoma City Public Schools v. Dowell* (1991), *Freeman v. Pitts* (1992), and *Missouri v. Jenkins* (1995), allowed districts to terminate desegregation plans and resegregate. In each of the districts affected by these rulings, segregation is increasing and “the increase is the most dramatic in districts that achieved the most for a substantial period of time with area-wide desegregation policies that were initially the most opposed but, in the long run, the most successful” (Orfield et al., 2006).

In the 2005-2006 school year, Orfield and Frankenberg found that about two-thirds of Black and Latino students in major urban areas attended intensely segregated schools where “zero to ten percent of their fellow students were white” and “only in rural areas do about half of black and Latino students attend majority white schools” (Orfield & Frankenberg, 2008).

In a study conducted in 2005, Rumberger and Palardy analyzed data from the National Education Longitudinal Survey of 1988 to estimate models of achievement growth between grades 8 and 12. Their findings indicated “what appears to matter most is

the socioeconomic, not the racial composition of schools” (Rumberger & Palardy, 2005). These researchers found, in a multilevel analysis, that the effects of school socioeconomic status were almost as large, and sometimes, much larger, than the effects of students’ socioeconomic status on achievement growth in math, science, reading and history. The researchers suggested that school desegregation may not result in equalization of opportunity for students.

As the changing demographics of the nation’s schools lead towards a multiracial education system, Orfield et al. (2006) recommends policies that build on successful models across all levels be constructed to insure an equal and equitable educational opportunity for American students.

A Selected Florida Public School District

The following is a summary of the pursuit of the unitary status by the selected Florida public school district and the policy and laws related to this endeavor.

On July 10, 1970, the U.S. Department of Justice filed a suit against the selected Florida public school district for the purpose of ending its “dual” system of education. According to the court document, the action was brought by the Attorney General, John N. Mitchell, for violation of Section 407 of the Civil Rights Act of 1964 and the Fourteenth Amendment to the Constitution of the United States. The United States alleged that the district had traditionally operated and continued to operate a segregated school system, a dual system based on race. Prior to 1965, the district assigned students and faculty in accordance with Florida’s *de jure* laws of segregation. From 1965 to 1970,

the district continued to assign students to schools based on race, which resulted in the continuance of a dual system for Black and White students.

In the 1970 document, the United States proposed that the district use educationally sound alternatives for student assignment and offered the district technical assistance through the Department of Health, Education, and Welfare for the preparation, adoption, and implementation of a desegregation plan that would meet with the requirements of federal law. The district was ordered to develop and implement a plan for the 1970 – 1971 school year that would eliminate the dual system of education and help correct the effects of past discrimination based on race. This order initiated the first Consent Decree between the Department of Justice and the selected Florida public school district. From August 5, 1996, to July 10, 2000, the selected Florida public school district entered into five Consent Decrees with the Justice Department. In a December 2, 1996, letter to Attorney Michael O'Connor of the Civil Rights Division, the Superintendent of the selected school district stated that the mission of the selected Florida Public School system was to ensure that all students received a quality education.

On December 13, 1999, the Justice Department sent a letter to the district's school board that outlined areas of concern. These areas included the following: (a) student assignment, (b) faculty recruitment and hiring, (c) discipline, (d) facilities and equipment at a specific school of choice, and (e) extracurricular activities, specifically, cheerleading. The Supreme Court identified specific standards that a school district must meet to obtain a decree of unitary status as the following: (a) compliance with the court's decrees to the extent practicable for a reasonable period of time; (b) elimination of past vestiges of

segregation to the extent practicable; and (c) demonstration of a good faith commitment to all of the court's decrees

The selected Florida public school district continued to reach for its goal of unitary status and on July 10, 2000, entered into a fifth agreement with the Department of Justice. This Consent Decree considered the following: (a) procedural history, (b) profile of the selected Florida public school district, (c) current status of unitary status goals, (d) legal standards, (e) injunctive relief, (f) additional remedial measures (facilities at two specified high schools), (g) good faith commitment (faculty recruiting and hiring, gifted programs, higher level courses at secondary level, special education and discipline), and monitoring and reporting.

In the 2000 Consent Decree, the Department of Justice referenced cases such as *Dowell v. Okalahoma* (1991), *Freeman v. Pitts* (1992), and *Missouri v. Jenkins* (1995) and stated that the selected Florida public school district must not only show past good faith compliance, but must also demonstrate a commitment to the future operation of a unitary school system.

Based on the legal standards outlined by the Supreme Court, the district was declared unitary in two areas: (a) faculty assignment and (b) transportation; however, the district was not granted unitary status in the following areas: (a) student assignment, (b) facilities, and (c) extracurricular activities, specifically, cheerleading. Additionally, the Justice Department indicated that the district had met its obligations regarding facilities with the exception of the two specified high schools. The District engaged in remedial measures to address the concerns of the Justice Department and was committed in good

faith to implement actions and strategies to remove any remaining vestiges of past *de jure* segregation.

One of the areas of concern for the Justice Department was disparity in discipline. In the July 10, 2000, Consent Decree, the District reported that it was committed to ensuring that its discipline policies and practices were implemented fairly and consistently so that all students were disciplined equitably, disciplinary sanctions were imposed on students fairly and consistently, and a student's race was not a factor in any disciplinary action. Therefore, the District initiated the actions listed below to decrease the current disparity in discipline rates between Black and non-Black students.

1. Ensure that the District's discipline policies and practices are implemented fairly and consistently so that all students are treated equitably and that a student's race is not a factor in any disciplinary action by undertaking the following actions
 - (a) Reviewing and recommending for revision, as appropriate, the School Board's Discipline Policy and Student Code of Conduct;
 - (b) Preparing an annual Student Discipline Report that analyzes and provides data for the District and by school, disaggregated by race and ethnicity, the following: the number of students receiving disciplinary sanctions (duplicated and unduplicated); the number of students receiving in-school and out-of-school suspensions (duplicated and unduplicated); the infractions for which the disciplinary sanctions were imposed; the sanctions imposed by infraction; trend lines from year-to-year; the reason or reasons for black students being disproportionately disciplined and recommendations for addressing any disparities in disciplining black students;
 - (c) Submitting the annual Student Discipline Report to the Board by July 23rd of each school year.
 - (d) Monitoring implementation of the recommendations in the annual Student Discipline Report;
 - (e) Reviewing current student discipline school-based procedures and practices by analyzing the data in the Student Discipline Report;
 - (f) Establishing school-based, racially and ethnically diverse Discipline Teams as part of the School Advisory Council, which will analyze the school's data

in the Discipline Report to determine whether any racial or ethnic group is disproportionately disciplined and the reasons for any racial or ethnic group being disproportionately disciplined;

- (g) Developing discipline objective or objectives in each school's action plan to address any trends or issues raised by the discipline data;
 - (h) Monitoring implementation of each school's action plan discipline objective or objectives for the purpose of ensuring progress toward achieving the objective or objectives; and
 - (i) Basing each principal's annual evaluation in part on his or her school's progress toward achieving the discipline objective or objectives in their respective action plan and basing each executive director's annual evaluation on each of their school's progress in achieving the discipline objectives in the action plan.
2. Develop a process for including parent and community input in the development of discipline strategies and procedures, including:
- (a) Forming a racially and ethnically diverse District Discipline Advisory Committee that includes parents, community members, and school and administrative staff;
 - (b) Reviewing and discussing the Discipline Policy, the Code of Student Conduct, and the annual Student Discipline Report; and
 - (c) Recommending strategies to the Superintendent based on review of the Discipline Policy, the Code of Student Conduct, and the annual Student Discipline Report to ensure that students are disciplined fairly and consistently.
3. Provide annual discipline training to faculty and staff involved in the discipline process, including:
- (a) Training regarding discipline strategies for faculty and staff at all schools annually.
 - (b) Training to targeted groups of district employees, such as teachers and bus drivers. Target groups may be identified by an executive director and/or the principal and school discipline team based on analysis of the Student Discipline Report; and
 - (c) Training for new teachers and relevant administrators.

Additionally, the court required that representation ratios in discipline should not be greater than 2.00 (Black/Non-Black). Data indicating a ratio higher than 2.00 would signal inequities in the administration of school discipline that are indicative of discriminatory practice and would violate the good faith effort to eliminate all vestiges of discrimination.

In the period after 2000, the selected Florida school district engaged in a district-wide effort to achieve unitary status (Jenkins, 2002). A district Discipline Committee was formed to revise and update the code of conduct to insure racially neutral practices. Quarterly reporting by each school was undertaken in order to monitor the implementation of district discipline policies and procedures. Schools developed school discipline committees and established discipline goals and objectives to insure racially neutral practices were in place. In March 2006, the selected Florida district was granted unitary status and the jurisdiction of the Court over the district was relinquished and the matter dismissed with prejudice.

The State of Florida

At the time of the *Brown* decision in 1954, every public school district in the state of Florida operated a racially segregated school system. Throughout the period from 1970 to the present day, many school districts throughout the state of Florida desegregated schools and achieved unitary status at various times, with 10 districts achieving unitary status after 1990. In 2006, the Florida Advisory Committee to the U.S. Commission on Civil Rights investigated the status of school desegregation in the state of Florida. The committee's findings revealed that 34 of the 67 public school districts in Florida had been

subject to litigation in the courts over the course of the previous 40 or more years. For example, Miami-Dade, the largest school district in Florida with 369,578 students (2004), first became involved in litigation seeking desegregation in 1956. In 2001, 45 years later, the District court declared Miami-Dade unitary and ended its supervision over the school district in 2002 (Florida Advisory Committee, 2006). Eighteen of the 34 districts involved in litigation received unitary status from the courts and were released from further jurisdiction by 2006. Sixteen school districts still remained under court supervision. In six of the 16 districts, the Court declared the districts unitary but the districts still operate under a permanent injunction prohibiting discrimination in a variety of areas of school operation. Of the 16 districts still under court supervision, only four indicated they plan to pursue unitary status (Florida Advisory Committee, 2006).

Implications for the Future

Researchers have suggested methods and ideas for reducing the negative and often devastating consequences of the disproportionate suspension of minority students in the nation's public school systems. The problems are deeply entrenched and, despite the desegregation efforts in place across the country, the evidence suggests discrimination is deeply embedded in practice. One possible indicator of this discrimination is the disproportionate rate of suspension for Black students. Additionally, there is considerable evidence that other groups, particularly Hispanics, students from poverty, and special education students, are disciplined disproportionately (Gregory, 1995; Harry & Anderson, 1995; Skiba, Peterson, & Williams, 1997; Raffaele Mendez, 1999; Gordon, Piana, & Keleher, 2000). According to The Civil Rights Project (2000), the "adverse

impact” doctrine, promulgated through the regulations incorporated into Title VI of the Civil Rights Act of 1964, implies discrimination need not be intentional to violate the law. Particularly in districts under desegregation orders, but also applying to districts that have achieved unitary status, discipline practices may be scrutinized very closely to insure districts eliminate the effects of their prior dual system. If, what is held to be a racially neutral policy or practice produces a disproportional harmful impact on students of color, the burden shifts to the school system to justify its policy or practice to a very high standard. The focus, in this case, would be on the results rather than the intent of the policy or practice. It would be difficult to prove a policy or practice was racially neutral and not intentionally discriminatory when the protected class experienced a disproportionately adverse impact (Civil Rights Project, 2000).

Whether or not school districts have attained unitary status and are free from oversight by the courts does not necessarily insure racial equity. In fact, according to Orfield et al. (2006), school districts which once achieved high degrees of integration are reverting to segregation very rapidly. In the state of Florida, The Florida Advisory Committee (2006) analyzed enrollment data for school year 2003-2004 from elementary schools in the 67 districts of Florida. Values for an Index of Dissimilarity were computed for those districts that had obtained unitary status, those districts still subject to court jurisdiction, and those districts that never litigated for desegregation. When accounting for the size of the school district and the percent of White students enrolled, it was determined that those districts that have attained unitary status and have a higher number of elementary schools (hence, larger districts), have a higher Index of Dissimilarity than districts still subject to court jurisdiction and districts never subject to litigation. The

higher the index, the greater the number of Black students that would have to switch schools in order for the two groups, Black and White, to be equally distributed. However, the study also noted the Index of Dissimilarity is calculated utilizing only Black students and White students, when many districts in Florida have high proportions of Hispanic students, in some cases, larger proportions than either White or Black students.

Calculating an Index of Dissimilarity without taking into consideration the large proportions of Hispanic students may result in a flawed analysis. The Florida Advisory Committee concluded “We find no substantial difference among the three groups of districts regarding ...their current pattern of integration” (Florida Advisory Committee, 2006). In the years ahead, it will be necessary for districts seeking to address the issues of disproportionality in discipline to carefully monitor the effects of policies and, when designing policies, to constantly monitor these policies to insure equity for all students.

CHAPTER 3: METHODOLOGY

Introduction

The purpose of this chapter is to describe the methods and procedures used in the collection and analysis of data for this study. The sections of this chapter are organized as follows: (1) statement of the problem, (2) research questions, (3) methodology, (4) data collection and analysis of data.

Problem Statement

The overrepresentation of Black students in the administration of school discipline is a serious concern for school districts. The Civil Rights Project of Harvard University revealed devastating consequences of suspension and expulsion for Black students. Students receiving these consequences were (1) sitting at home alone without educational alternatives, (2) likely to be labeled as troublemakers, (3) likely to fail academically, (4) likely to drop out of school, and (5) likely to be sent to the juvenile justice system (Civil Rights Project, 2002). Indeed, 3,831 students were referred to the juvenile justice system for misconduct in school in the state of Florida during the 1998-1999 school year (Florida Department of Education, 1999). In addition in a national study seeking to determine why students were suspended from school, results concluded Black students were disproportionately disciplined due to blatant racism (Wu, Pink, & Crane, 1982).

For school districts, the attainment of unitary status should guarantee that the school district no longer operates a dual, or segregated, educational system, and that all

children receive an equal educational opportunity. Once a district has achieved unitary status, all factors, including quality of education factors, should continue to be monitored to insure all students are treated fairly and equitably. Despite judicial oversight and the attainment of unitary status by some districts, however, data indicates some school districts are still suspending Black students at rates greater than their percentage in the school districts' population.

Overrepresentation of Black students in the area of school discipline is unacceptable in a country dedicated to providing equal educational opportunities for all schoolchildren. With the passage of No Child Left Behind (2002), the federal government set the goal that all children meet high standards of academic achievement by 2014. Certainly, in order for this dream to come to fruition, students must remain in school in order to benefit from every educational opportunity. Thus, school districts must insure students are not subject to discriminatory discipline practices resulting in the loss of instructional time and yielding lifetime, adverse, effects.

Research Questions

The study was guided by the following research questions:

1. To what degree are Florida school districts in compliance with the unitary status guideline disparity ratio of 2.0 regarding the overrepresentation of Black students in the administration of school discipline, as measured by out-of-school suspensions in the secondary schools of the 67 public school districts of Florida?

2. To what degree are Black students, as compared to Hispanic and Multiracial students, represented in the administration of school discipline as measured by out-of school suspensions in the 67 public school districts of Florida?
3. To what degree is the school level (6, 7, 8, and 9) a factor in the representation of Black students as compared to Non-Black students in the administration of school discipline as measured by out-of-school suspensions in the 67 public school districts of Florida?
4. To what degree is the school level (6, 7, 8, and 9) a factor in the representation of Black students as compared to Hispanic and Multiracial students in the administration of school discipline as measured by out-of-school suspensions in the 67 public school districts of Florida?
5. How many of the 67 school districts in the state of Florida have been legally challenged by judicial oversight regarding desegregation since 1954 and have attained unitary status?
6. What is the difference between those Florida school districts that have attained unitary status and those school districts that have not attained unitary status in the representation of Black students in the administration of school discipline as measured by out-of-school suspensions in the secondary schools of the 67 public school districts of Florida?

Hypothesis 1: The representation of Black students is not significantly greater than the unitary status guideline disparity ratio of two Black students for every one Non-

Black student receiving an out-of-school suspension as measured in the secondary schools of the 67 public school districts at the .05 significance level.

Hypothesis 2: There is no statistically significant difference in the representation of Black students as compared to Hispanic and Multiracial students in the administration of school discipline as measured by out-of-school suspensions in the secondary schools of the 67 public school districts of Florida at the .05 significance level.

Hypothesis 3: There is no statistically significant difference in the representation of Black students as compared to Non-Black students in the administration of school discipline, as measured by out-of school suspensions, in the secondary schools of the 67 public school districts of Florida, when ethnicity is the within-subject factor and school level (grades 6, 7, 8, and 9) is the grouping factor at the .05 significance level.

Hypothesis 4: There is no statistically significant difference in the representation of Black students as compared to Hispanic and Multiracial students in the administration of school discipline as measured by out-of-school suspensions in the 67 public school districts of Florida when ethnicity is the within-subject factor and school level (grades 6, 7, 8, and 9) is the grouping factor at the .05 significance level.

Hypothesis 5: There is no statistically significant difference in the representation of Black students in the administration of school discipline as measured by out-of-school suspensions in the 67 public school districts of Florida when unitary status (unitary, still under court supervision, never under court supervision) is the independent factor of measurement at the .05 significance level.

Methodology

Data were collected from all 67 public school districts in Florida as reported to the Florida Department of Education database for the school year 2005-2006. The Statistical Package for Social Science (SPSS) Graduate Package (15.0) was used to analyze the data. Percentages and proportions were calculated for each combination of ethnicity and level to determine representation of out-of-school suspensions (unduplicated count) as compared to the total number of students in that group. These values will be used throughout the study to constitute the sample dataset.

To test the hypothesis regarding the representation of Black students in the administration of school discipline as compared to the unitary status guideline disparity ratio of two Black students for every one Non-Black student receiving an out-of-school suspension, two measurement variables were created:

- Number of suspensions of Black students
- Number of suspensions of Non-Black students (includes students identified as White, Hispanic, Asian/Pacific Islander, American Indian/Alaskan Native, and Multiracial)

For each district, the suspension figure for each category was compared to the total enrollment of students in the category to obtain the suspension proportion for each ethnic category. The Black suspension proportion was then compared to the Non-Black suspension proportion to create the test statistic for the one-sided, one-sample t-test, where the test statistic will be compared to the unitary status guideline disparity ratio of two Black students for every one Non-Black student receiving an out-of-school suspension.

To test the hypothesis regarding the representation of Black students as compared to Hispanic and Multiracial students in the administration of school discipline as measured by out-of-school suspensions, data were grouped into three categories:

- Black: includes Black students only
- Hispanic: includes Hispanic students only
- Multiracial: includes Multiracial students only

The number and percentage of students in each category were determined. A one-way ANOVA with repeated measures was used to analyze the data to determine if there was a statistically significant difference between the proportions of students receiving out-of-school suspensions when ethnicity grouping (Black, Hispanic, and Multiracial categories) was the independent factor of measurement.

To test the hypothesis regarding the representation of Black students, as compared to Non-Black students and the degree to which the school level (grades 6, 7, 8, and 9) was a factor in the representation of students in the administration of school discipline as measured by out-of-school suspensions, school level data were grouped by grade level into four categories:

- Grades 6
- Grade 7
- Grade 8
- Grade 9

The number and percentage of Black and Non-Black students receiving out-of-school suspensions as a discipline consequence was determined for each grade level, 6-9.

A two-way ANOVA with repeated measures was used to analyze the data to determine if there was a statistically significant difference between the proportions of Black and Non-Black students receiving out-of-school suspensions, where ethnic group was the within-subject factor and school level was the grouping factor.

To test the hypothesis regarding the representation of Black students, as compared to Hispanic, and Multiracial students and the degree to which the school level (grades 6, 7, 8, and 9) was a factor in the representation of students in the administration of school discipline as measured by out-of-school suspensions, school level data were grouped by grade level into four categories:

- Grade 6
- Grade 7
- Grade 8
- Grade 9

The number and percentage of Black, Hispanic, and Multiracial students receiving out-of-school suspensions as a discipline consequence was determined for each grade level, 6-9. A two-way ANOVA with repeated measures was used to determine if there was a statistically significant difference between the proportions of Black, Hispanic, and Multiracial students receiving out-of-school suspensions, where ethnic group was the within-subject factor and school level was the grouping factor.

Research pertaining to research question 5 was examined to determine which of the 67 public school districts in the state of Florida were legally challenged by judicial oversight regarding desegregation since 1954. An examination of district records, legal

records, and court cases was undertaken to discover which of the 67 public school districts had never been under judicial oversight, which districts had achieved unitary status, and which districts had not achieved unitary status.

To test the hypothesis regarding the degree to which Black students were represented in those Florida school districts that had attained unitary status and those school districts that had not attained unitary status, data were grouped into three categories:

- School districts that have attained unitary status
- School districts still under court jurisdiction
- School districts never subject to court jurisdiction

A one-way ANOVA was used to determine if there was a statistically significant difference in the percentage of Black students in the administration of school discipline as measured by out-of-school suspensions, when unitary status (attained, under court jurisdiction, never subject to court jurisdiction) is the independent factor of measurement at the .05 significance level.

Data Collection and Analysis

The SPSS Graduate Package (15.0) was the software used to analyze the data that were collected from the Florida Department of Education database for school year 2005-2006. Each observation consisted of the total number of students in a category and the total number of unduplicated suspensions accumulated by those students, where “category” was constituted by some combination of district, ethnicity, and school level.

The first purpose of the research was to determine if there was an overrepresentation of Black students in the administration of school discipline as measured by out-of-school suspensions in the 67 public school district of Florida, using the unitary status guideline disparity ratio of 2.0 to define overrepresentation. Second, the researcher sought to determine if there was a significant difference in the representation of Black students, as compared to Hispanic and Multiracial students, in the administration of school discipline as measured by out-of school suspensions in the 67 public school districts of Florida. Third, the researcher sought to determine if there was a significant difference in the representation of Black students, as compared to Non-Black students, in the administration of school discipline, as measured by out-of-school suspensions, when school level (grades 6, 7, 8, and 9) was a factor. Fourth, the researcher sought to determine if there was a significant difference in the representation of Black students, as compared to Hispanic and Multiracial students, in the administration of school discipline, as measured by out-of-school suspensions, when school level (grades 6, 7, 8, and 9) was a factor. The researcher also sought to determine which of the 67 Florida public school districts had been legally challenged by judicial oversight regarding desegregation since 1954 and had attained unitary status and which districts had not attained unitary status. Finally, the researcher sought to determine if there was a significant difference in the representation of Black students in the administration of school discipline as measured by out-of-school suspensions between those Florida school districts that had attained unitary status and those that had not attained unitary status.

The first hypothesis was that the representation of Black students is not significantly greater than the federal guideline disparity ratio of two out-of-school

suspensions for Black students for every one out-of-school suspension for Non-Black students as measured in the secondary schools of the 67 public school districts at the .05 significance level. The second hypothesis was that there was no statistically significant difference in the representation of Black students as compared to Hispanic and Multiracial students in the administration of school discipline as measured by out-of-school suspensions in the secondary schools of the 67 public school districts of Florida. The third hypothesis was that there was no statistically significant difference in the representation of Black students as compared to Non-Black students in the administration of school discipline as measured by out-of-school suspensions, in the secondary schools of the 67 public school districts of Florida, when school level (grades 6, 7, 8, and 9) was the independent factor of measurement. The fourth hypothesis was that there was no statistically significant difference in the representation of Black students as compared to Hispanic and Multiracial students in the administration of school discipline as measured by out-of-school suspensions in the 67 public school districts of Florida when ethnicity is the within-subject factor and school level (middle school or high school) was the grouping factor. The fifth hypothesis was that there was no statistically significant difference in the representation of Black students in the administration of school discipline as measured by out-of-school suspensions in the secondary schools of the 67 public school districts of Florida when unitary status (unitary, still under court supervision, never under court supervision) is the independent factor of measurement.

Summary

Chapter 3 presented the methodology used in the collection of data for this study. The research design and method of analysis were also explained. Chapters 4 and 5 contain the data analysis, findings of the data analysis, a discussion of the quantitative data gathered, and the implications of the results of this study for further research.

CHAPTER 4: DATA ANALYSIS

Introduction

This study examined the representation of Black students in the administration of school discipline as measured by out-of-school suspensions in the secondary schools of the 67 public school districts of Florida. The study also investigated the unitary status of the 67 public school districts of Florida. The analysis of data from the Florida Department of Education database for school year 2005-2006 is presented in this chapter.

Description of the 67 Public School Districts

Computation from the public school districts in Florida for school year 2005-2006 revealed interesting results concerning the number and percentages of secondary school students suspended out-of school. Appendix A presents data on total student enrollment disaggregated by ethnicity.

The district with the largest total number of students enrolled in grades 6-12 was district 13 with 190,892 secondary students enrolled. The district with the smallest number of students enrolled in grades 6-12 was district 34 with 551 secondary students enrolled. The district with the largest percentage of Black students enrolled in grades 6-12 was district 20 where 82.81% of students enrolled were Black. District 30 enrolled the smallest percentage of Black students at 3.63%. Forty-four districts enrolled between 3.63% and 20% Black students in grades 6-12 while 20 districts enrolled between 21 and 50% Black students in grades 6-12. In 3 districts, more than 50% of students enrolled in grades 6-12 were Black.

Research Question 1

To what degree are Florida school districts in compliance with the unitary status guideline disparity ratio of 2.00 regarding the overrepresentation of Black students in the administration of school discipline as measured by out-of-school suspensions in the secondary schools of the 67 public school districts of Florida?

Overrepresentation of a given racial group occurs when the proportion of a racial group in a particular category exceeds the proportion of the racial group in the total school population at the local, state, district, or national level. A representation ratio is the proportion of a racial group of students in a category (for the purposes of this study, the category was out-of-school suspensions) divided by the proportion of that group of students in the local, state, district or national level (England, Meier, and Fraga, 1988). If the ratio equals 1.00, then the group of students is assigned to the category in exact proportion to its numbers in the group measured. When underrepresentation exists, the ratio is less than 1.00. Conversely, if students are assigned to the category in a greater proportion than their percentage in the total population, overrepresentation exists.

When using the representation ratio definition to determine overrepresentation in one Florida public school district seeking unitary status, the Department of Justice determined Black students were overrepresented in the administration of discipline when the representation ratio for Black students compared to the representation ratio for Non-Black students was greater than 2.00 (Consent Decree, 2000). For the purposes of this study, this comparison ratio is referred to as “disparity ratio.” Appendix B presents the data for the 67 public school districts indicating the disparity ratios for out-of-school

suspension for Black students as compared to Non-Black students in the total school population (grades 6-12) for school year 2005-2006.

For example, for district 36 in school year 2005-2006, the following calculations determined the disparity ratio for out-of-school suspension for Black secondary students (6-12) for the district. First, the representation ratio for Black students was computed by dividing the number of Black students suspended out-of-school by the total number of Black students enrolled in the district: $1745 / 5211 = .3348$. This proportion was divided by the number of Non-Black students suspended out-of-school divided by the number of Non-Black students enrolled in the district: $4452 / 33,519 = .1328$. The disparity ratio for out-of-school suspension was calculated by dividing the Black representation ratio by the Non-Black representation ratio: $.3348 / .1328 = 2.52$. For district 36, a Black student enrolled in grades 6-12 was 2.52 times more likely to receive an out-of-school suspension than a Non-Black student.

For school year 2005-2006, one of the 67 Florida public school districts had a disparity ratio of less than 1.00, district 39, with a disparity ratio of 0.41. Five districts had disparity ratios less than or equal to 1.50. Nineteen school districts had disparity ratios between 1.51 and 2.00. Thirty-seven districts had disparity ratios between 2.01 and 3.00 and five districts had disparity ratios greater than 3.00

SPSS – 15.0 was used to analyze the data. The disparity ratio for each of the 67 public school districts was compared to the federal compliance disparity ratio of 2.00 using a one-sample t test to determine if the mean disparity ratio was significantly greater than 2.00, the disparity ratio used by the Department of Justice in unitary status cases.

The sample mean of 2.20 ($SD = .5622$) was significantly greater than 2.00 ($t_{66} = 2.919, p < .05$). Therefore, we can reject Hypothesis #1 and conclude that the representation of Black students is significantly greater than the unitary status guideline disparity ratio of two Black students for every one Non-Black student receiving an out-of-school suspension as measured in the secondary schools of the 67 public school districts at the .05 significance level. The results support the conclusion that Black students were overrepresented in school discipline when compared to Non-Black students as measured by out-of-school suspensions in the secondary schools of the 67 public school districts of Florida when the federal guideline disparity ratio of 2.00 is the standard.

Research Question 2

To what degree are Black students, as compared to Hispanic and Multiracial students, represented in the administration of school discipline as measured by out-of-school suspensions in the 67 public school districts of Florida?

Overrepresentation of a given racial group occurs when the proportion of a racial group in a particular category exceeds the proportion of the racial group in the total school population at the local, state, district, or national level. A representation ratio is the proportion of a racial group of students in a category (for the purposes of this study, the category was out-of-school suspensions) divided by the proportion of that group of students in the local, state, district or national level (England, Meier, and Fraga, 1988). If the ratio equals 1.00, then the group of students is assigned to the category in exact proportion to its numbers in the group measured. When underrepresentation exists, the

ratio is less than 1.00. Conversely, if students are assigned to the category in a greater proportion than their percentage in the total population, overrepresentation exists.

For example, for district 36, the representation ratio for Black students was computed by first dividing the number of Black students suspended out-of-school by the total number of Black students enrolled in the district: $1745 / 5211 = .3348$. This proportion was divided by the number of all students suspended out-of-school divided by the number of all students enrolled in the district: $6197 / 38,730 = .1600$. Finally, the Black representation ratio was calculated by dividing the proportion of Black students suspended out-of-school by the proportion of the total student suspended out-of-school: $.3348 / .1600 = 2.09$. Representation ratios were also calculated for Hispanic and Multiracial students resulting in the Hispanic representation ratio of 1.09 and the Multiracial representation ratio of 1.08. In Appendix C, data are presented depicting the suspension representation ratios for White, Black, Hispanic, and Multiracial students in grades 6-12 in the 67 public school districts of Florida in 2005-2006.

SPSS – 15.0 was used to analyze the data. The representation ratio among Black, Hispanic, and Multiracial students in grades 6-12 was used as the dependent variable for a one-way ANOVA with repeated measures. This analysis determined if the repeated measure of race yielded a significant difference in the mean representation ratio. A significance level of .05 was selected. Greenhouse-Geisser was utilized to adjust the degrees of freedom for the repeated measures analysis.

Table 1: Mean Representation Ratios for Black, Hispanic, and Multiracial Students Grades 6-12 in the 67 Florida Public School Districts 2005-2006

Race	Mean	Std. Error
Black	1.84	.027
Hispanic	.90	.025
Multiracial	1.15	1.145

When comparing the means, we found that race did serve as a significant factor in the representation ratio among Black, Hispanic, and Multiracial students ($F_{1.55, 725.50} = 166.69, p < .001$). The strength of the relationship between race and representation ratio as assessed by η^2 was strong, with race accounting for 26% of the variance in representation ratio. Post-hoc pairwise comparisons were run to determine which mean representation ratio differed significantly from the others. All three mean representation ratios differed significantly from one another with $p < .001$. The Black mean representation ratio ($M = 1.84, SE .027$) differed significantly from both the Hispanic mean representation ratio ($M = .90, SE .025$) and the Multiracial mean representation ratio ($M = 1.15, SE 1.145$) with the greatest difference occurring between the Black and Hispanic mean representation ratios.

Research Question 3

To what degree is the school level (6, 7, 8, and 9) a factor in the representation of Black students as compared to Non-Black students in the administration of school discipline as measured by out-of-school suspensions in the 67 public school districts of Florida?

Representation ratios for Black and Non-Black students for grades 6, 7, 8, and 9 were calculated for all 67 Florida public school districts. Appendix D presents data depicting the suspension representation ratios for Black and Non-Black students in grades 6, 7, 8, and 9 in the 67 public school districts of Florida in 2005-2006.

SPSS -15.0 was used to analyze the data. The representation ratios for Black and Non-Black students were the dependent variables in a two-way ANOVA with repeated measures when race was the within-subjects factor and grade (6, 7, 8, and 9) was the between-subjects factor. It was hypothesized that there would be no statistically significant difference in the representation of Black students as compared to Non-Black students in the administration of school discipline as measured by out-of-school suspensions when race and grade were analyzed.

Table 2 presents the descriptive data for the analysis of variance.

Table 2: Representation Ratio Statistics of Black and Non-Black Students in Grades 6-9 in Florida's 67 Public School Districts 2005-2006

Ethnicity	Grade	Mean	Std. Deviation
Black	6	1.96	.77
	7	1.83	.66
	8	1.75	.53
	9	1.61	.40
	Total	1.79	.62
Non-Black	6	.79	.16
	7	.82	.13
	8	.84	.12
	9	.85	.11
	Total	.83	.13

The mean difference in representation ratios between Black ($\underline{M} = 1.79$, $s = .62$) and Non-Black ($\underline{M} = .83$, $s = .13$) students was statistically significant ($F_{1, 264} = 572.351$, $p < .001$). Approximately 68% ($\eta^2 = .684$) of the variance in the representation ratio between Black and Non-Black students can be attributed to race. The between-subjects effect of grade was also significant ($F_{3, 264} = 2.939$, $p < .05$); however, the strength of η^2 was weak, with 3% of the variance between means attributable to grade. The interaction effect of race and grade ($F_{3, 264} = 4.367$, $p < .01$) was significant; however, the strength of η^2 was weak, with 4% of the interaction attributable to race and grade.

The plot in Figure 1 illustrates the estimated marginal means of the representation ratios of Black students were greater than the estimated marginal means of the representation ratios for Non-Black students, with the greater difference at grade 6. As grade increases, the estimated marginal means of representation ratios for Black students decreased while the estimated marginal means of representation ratios for Non-Black students increased slightly.

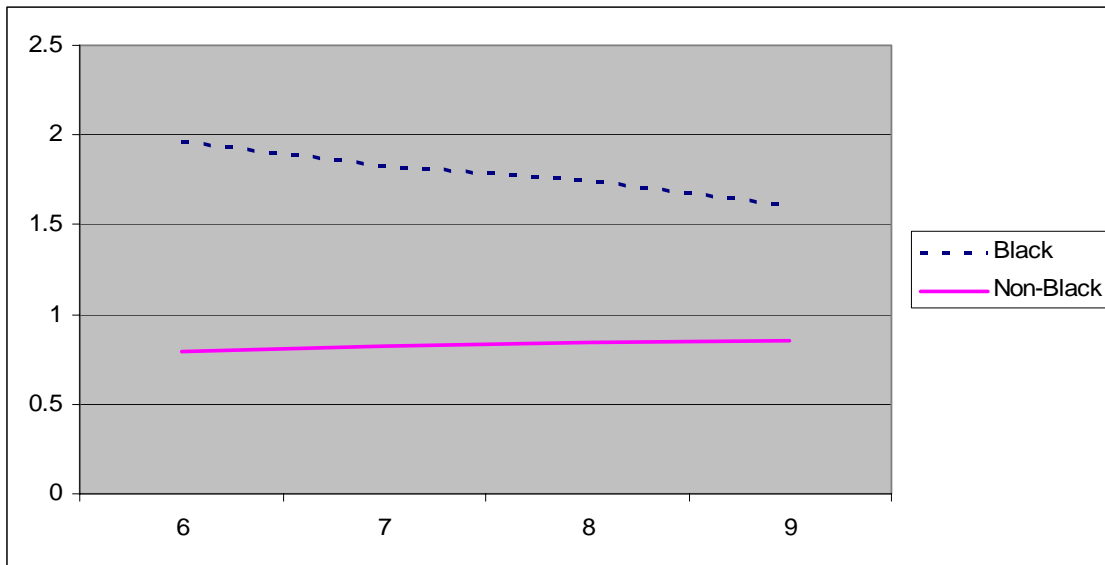


Figure 1: Plot for the Estimated Marginal Means of Representation Ratios of Black and Non-Black Students in Grades 6-9 in the 67 Florida Public School Districts 2005-2006

Therefore, we can reject the hypothesis that there is no statistically significant difference in the representation of Black students as compared to Non-Black students in the administration of school discipline, as measured by out-of school suspensions, in the secondary schools of the 67 public school districts of Florida, when ethnicity is the within-subject factor and school level (grades 6, 7, 8, and 9) is the grouping factor at the .05 significance level.

Research Question 4

To what degree is the school level (grades 6, 7, 8, and 9) a factor in the representation of Black students as compared to Hispanic and Multiracial students in the administration of school discipline as measured by out-of-school suspensions in the 67 public school districts of Florida?

Representation ratios for Black, Hispanic, and Multiracial students were calculated for all 67 Florida public school districts. Appendix E presents data depicting the suspension representation ratios for Black, Hispanic, and Multiracial students in grades 6, 7, 8 and 9 in the 67 public school districts of Florida in 2005-2006. SPSS -15.0 was used to analyze the data. The representation ratios for Black, Hispanic, and Multiracial students in grades 6, 7, 8, and 9 were the dependent variables in a two-way ANOVA with repeated measures when race was the within-subjects factor and grade (6, 7, 8, and 9) was the between-subjects factor. It was hypothesized that there would be no statistically significant difference in the representation of Black students as compared to Hispanic and Multiracial students in the administration of school discipline as measured by out-of-school suspensions when race and grade were analyzed. Greenhouse-Geisser was utilized to adjust the degrees of freedom for the repeated measures analysis. Table 3 presents the descriptive data for the analysis of variance.

Table 3: Mean Representation Ratios of Black, Hispanic and Multiracial students in Grades 6-9 in Florida's 67 Public School Districts 2005-2006

Ethnicity	Grade	Mean	Std. Deviation	N
Black	6	2.00	.78	61
	7	1.86	.67	63
	8	1.78	.52	61
	9	1.64	.39	59
	Total	1.82	.62	244
Hispanic	6	.87	.46	61
	7	.81	.47	63
	8	.93	.50	61
	9	.86	.45	59
	Total	.87	.47	244
Multiracial	6	.16	.16	61
	7	.21	.25	63
	8	.29	.38	61
	9	.22	.20	59
	Total	.22	.27	244

The mean difference in representation ratio between Black (\underline{M} = 1.82, s = .77), Hispanic (\underline{M} = .87, s = .47), and Multiracial (\underline{M} = .22, s = .27) students was statistically significant ($F_{1.80, 424.68} = 734.92$, $p < .001$). Approximately 75% ($\eta^2 = .754$) of the variance in representation ratio between Black, Hispanic, and Multiracial students was attributed to race. The between-subjects effect of grade was not significant ($F_{3, 240} = 1.689$, $p > .05$). The interaction effect of race and grade ($F_{5.3, 424.68} = 3.206$, $p < .01$) was significant; however, the strength of η^2 was weak, with 3% of the interaction attributable to race and grade.

The plot in Figure 2 illustrates that the estimated marginal means of the representation ratios of Black students were greater than the estimated marginal means of the representation ratios for Hispanic and Multiracial students, with the greater difference at grade 6. As the grade increased, the estimated marginal means of representation ratios

of Black students decreased slightly while the estimated marginal means of representation ratios for Hispanic and Multiracial students increased slightly in grade 8, then decreased to previous levels in grade 9.

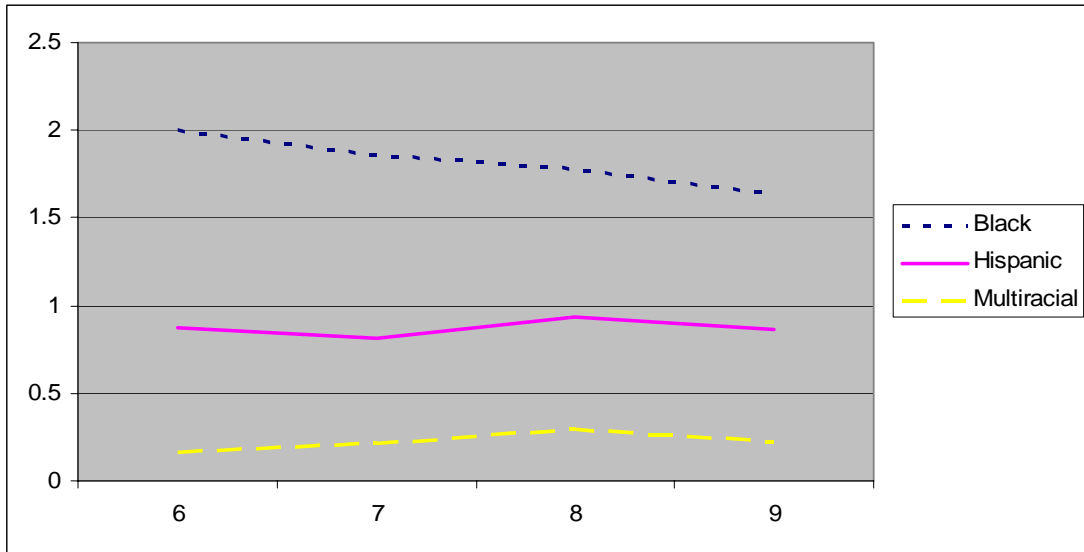


Figure 2: Plot for the Estimated Marginal Means of Representation Ratio of Black, Hispanic, and Multiracial Students in Grades 6-9 in the 67 Florida Public School Districts 2005-2006

Therefore, the hypothesis that there is no statistically significant difference in the representation of Black students as compared to Hispanic and Multiracial students in the administration of school discipline as measured by out-of-school suspensions in the 67 public school districts of Florida when ethnicity is the within-subject factor and school level (grades 6, 7, 8, and 9) is the grouping factor at the .05 significance level was rejected.

Research Question 5

How many of the 67 school districts in the state of Florida have been legally challenged by judicial oversight regarding desegregation since 1954 and have attained unitary status?

In 2006, the Florida Advisory Committee to the U.S. Commission on Civil Rights investigated the status of school desegregation in the state of Florida. The committee's findings revealed that 34 of the 67 public school districts in Florida were subject to litigation in the courts over the course of the previous 40 or more years. Thirty-three districts were not involved in school desegregation litigation. Eighteen of the 34 districts involved in litigation received unitary status from the courts and were released from further jurisdiction by 2006. Sixteen school districts still remained under court supervision. In six of the 16 districts, the Court declared the districts unitary but the districts continued to operate under a permanent injunction prohibiting discrimination in a variety of areas of school operation. Of the 16 districts remaining under court supervision, only four indicated they plan to pursue unitary status (Florida Advisory Committee, 2006). Appendix F presents data outlining the status of all 67 public school districts: districts attaining unitary status, districts remaining under court supervision, and districts never subject to court jurisdiction (Florida Advisory Committee, 2006). Data in Appendix G indicates the Florida Public School districts with unitary status, the year litigation was initiated, and the year unitary status was achieved (Florida advisory Committee, 2006). Appendix H indicates the Florida Public School districts still under court jurisdiction and the year litigation was initiated, and whether the district intended to pursue unitary status (Florida Advisory Committee, 2006).

Research Question 6

What is the difference between those Florida school districts that have attained unitary status and those school districts that have not attained unitary status in the representation of Black students in the administration of school discipline as measured by out-of-school suspensions in the secondary schools of the 67 public school districts of Florida?

According to the Florida Advisory Committee to the U.S. Commission on Civil Rights, 34 of the 67 public school districts in Florida were subject to litigation in the courts over the course of the previous 40 or more years. Thirty-three districts were not involved in school desegregation litigation. Eighteen of the 34 districts involved in litigation achieved unitary status from the courts and were released from further jurisdiction by 2006 (Florida Advisory Committee, 2006). To investigate data regarding the representation of Black students and their representation in school discipline in secondary schools of the 67 public school districts of Florida, three groups were defined: districts under court jurisdiction, districts that have achieved unitary status, and districts never subject to court jurisdiction.

Overrepresentation of a given racial group occurs when the proportion of a racial group in a particular category exceeds the proportion of the racial group in the total school population at the local, state, district, or national level. A representation ratio is the proportion of a racial group of students in a category (for the purposes of this study, the category was out-of-school suspensions) divided by the proportion of that group of students in the local, state, district or national level (England, Meier, & Fraga, 1988). If the ratio equals 1.00, then the group of students is assigned to the category in exact

proportion to its numbers in the group measured. When underrepresentation exists, the ratio is less than 1.00. Conversely, if students are assigned to the category in a greater proportion than their percentage in the total population, overrepresentation exists.

When using the representation ratio definition to determine overrepresentation in one Florida public school district seeking unitary status, the Department of Justice determined Black students were overrepresented in the administration of discipline when the representation ratio for Black students compared to the representation ratio for Non-Black students was greater than 2.00 (Consent Decree, 2000). This ratio is the disparity ratio. Appendix B presents the data for the 67 public school districts indicating the disparity ratios for Black students as compared to Non-Black students in the total school population (grades 6-12) for school year 2005-2006.

For example, for district 36 in school year 2005-2006, the following calculations determined the disparity ratio for Black secondary students (6-12) for the district. First, the representation ratio for Black students was computed by dividing the number of Black students suspended out-of-school by the total number of Black students enrolled in the district: $1745 / 5211 = .3348$. This proportion was divided by the number of Non-Black students suspended out-of-school divided by the number of Non-Black students enrolled in the district: $4452 / 33,519 = .1328$. The disparity ratio was calculated by dividing the Black representation ratio by the Non-Black representation ratio: $.3348 / .1328 = 2.52$. For district 36, a Black student enrolled in grades 6-12 was 2.52 times more likely to receive an out-of-school suspension than a Non-Black student.

SPSS-15.0 was used to analyze the data. A one-way analysis of variance was conducted to evaluate the relationship between the representation of Black students in the

administration of school discipline in the secondary schools of the 67 public school districts and the unitary status of school districts. The independent variable, unitary status, included three levels: unitary, not unitary and still under court jurisdiction, and not contested, or never under court jurisdiction. The dependent variable was the disparity ratio. Appendix I presents data regarding disparity and unitary status. It was hypothesized there would be no statistically significant difference in the representation of Black students in the administration of school discipline as measured by out-of-school suspensions in the 67 public school districts of Florida when unitary status (unitary, still under court jurisdiction, never under court jurisdiction) was the independent factor of measurement at the .05 significance level. Table 4 depicts the descriptive data for the analysis of variance.

Table 4: Disparity Ratio Statistics of Black and Non-Black Students in Grades 6-12 by Unitary Status in Florida's 67 Public School Districts 2005-2006

Unitary Status	Mean	Std. Deviation	N
Not Unitary	2.29	.46	16
Unitary	2.47	.49	18
Never Contested	2.00	.58	33
Total	2.20	.56	67

The results of the one-way analysis of variance was significant, ($F_{2,64} = 5.110, p = <.05$). The strength of the relationship between the disparity ratio and the status of school districts, as assessed by η^2 was moderate, with the unitary status factor accounting for 13.8% of the variance of the disparity ratio. Post Hoc tests were run and

found the mean difference in the disparity ratios between Unitary and Never Contested was significant at the .05 level.

The hypothesis that there is no statistically significant difference in the representation of Black students in the administration of school discipline as measured by out-of-school suspensions in the 67 public school districts of Florida when unitary status (unitary, still under court supervision, never under court supervision) was rejected.

CHAPTER 5: SUMMARY, CONCLUSIONS, IMPLICATIONS, AND RECOMMENDATIONS

Introduction

This chapter provides an overview of the problem statement, methodology, and data analysis. In addition, a summary and discussion of the findings regarding each research question is included, as well as conclusions drawn from the findings, related implications, recommendations for practice, and suggestions for future research.

Purpose of the Study

This study sought to investigate relevant data to determine if the attainment of unitary status resulted in equity in school discipline for Black students in secondary schools in the 67 Florida public school districts. Additionally, the study investigated if Black students were overrepresented in the administration of school discipline as measured by out-of-school suspensions in the secondary schools of the 67 Florida public school districts in 2005-2006.

Methodology

Population and Data Collection

Data were collected from all secondary schools of the 67 public school districts in Florida as reported to the Florida Department of Education database for the school year 2005-2006. Data related to the total number of students receiving out-of-school

suspensions (unduplicated count) for each racial/ethnic category in grades 6-12 were collected.

Data Analysis

Data analysis in this study was conducted using the Statistical Package for Social Science (SPSS) Graduate Package (15.0). Additional calculations were completed to provide the school districts' variables measured in the study. These variables included racial and ethnic categories, school level (grades 6, 7, 8, and 9), and the attainment or non-attainment of unitary status. Further analyses were completed including the one-sample t test, one-way analysis of variance with repeated measures, and two-way analysis of variance with repeated measures. Plots were included in the analysis to provide a visual display of the findings for two of the research questions.

Summary and Discussion of Findings

Research Question 1

To what degree are Florida school districts in compliance with the unitary status guideline disparity ratio of 2.00 regarding the overrepresentation of Black students in the administration of school discipline as measured by out-of-school suspensions in the secondary schools of the 67 public school districts of Florida?

Total enrollment in the state of Florida for secondary students in grades 6-12 during the school year 2005-2006 was approximately 1.4 million students. Black students comprised 23.3% of the secondary student population while Non-Black students

comprised 76.6% of the secondary student population. However, 39.7% of out-of-school suspensions were received by Black students contrasted to 60.2% received by Non-Black students. Clearly, Black students were disciplined disproportionately.

The unitary status guideline disparity ratio of 2.00 indicates that, for every Non-Black student that received an out-of-school suspension, two Black students received an out-of-school suspension. While a disparity ratio of 2.00 or less is the standard for federal compliance, it is important to understand that even a 2.00 disparity ratio allows disparity to exist. For school year 2005-2006, forty-two of the 67 public school districts had disparity ratios greater than 2.00 with a mean disparity ratio for the state of Florida for out-of school suspensions of 2.20, which was significantly greater than the federal guideline disparity ratio of 2.00. This analysis indicated that there was overrepresentation of Black students in secondary schools in the state of Florida and that 42 school districts, when compared to the unitary status guideline, were not in compliance. Nineteen school districts had disparity ratios between 1.51 and 2.00. While in compliance with the federal unitary standard, ratios in this range still indicate overrepresentation for Black students. Five districts had ratios greater than 3.00, indicating that for every Non-Black student disciplined, three Black students were disciplined. Of the five districts with disparity ratios greater than 3.00, three have attained unitary status. In 61 of the 67 public school districts in Florida, discipline in the form of out-of-school suspension, is administered to Black students in proportions greater than their proportion in the student population.

One would hope that 52 years of desegregation would result in equity in school discipline and that Black students would no longer be overrepresented in the administration of school discipline. However, during the last 52 years, school districts

have undergone extensive litigation and implemented numerous racially neutral policies and procedures that have not resulted in a reduction of the “discipline gap.” This indicates that the discipline policies designed to attain unitary status are not in place, are not effective, are not monitored, or have been abandoned.

Research Question 2

To what degree are Black students, as compared to Hispanic and Multiracial students, represented in the administration of school discipline as measured by out-of-school suspensions in the 67 public school districts of Florida?

Total enrollment in the state of Florida for secondary students in grades 6-12 during the school year 2005-2006 was approximately 1.4 million students. Black students comprised 23.3% of the secondary student population while Hispanic and Multiracial students comprised 22.3% and 2.1%, respectively. Regarding out-of-school suspensions, 39.7% were administered to Black students, 18.7% were administered to Hispanic students, and 2.2% were administered to Multiracial students. Black students were overrepresented in the administration of discipline when compared to Hispanic and Multiracial students. When the mean representation ratios were compared, the Black representation ratio mean of 1.84 was significantly greater than the Hispanic representation ratio mean of .90 and the Multiracial representation ratio mean of 1.15. Twenty-six percent of the variance in mean representation ratio was attributed to race. Black students were overrepresented while Hispanic and Multiracial students were represented approximately equal to their proportion in the population, in terms of the administration of out-of-school suspensions.

A closer examination of representation ratios presented in Appendix C reveals additional information. If the representation ratio for a group equals 1.00, then the group of students is assigned to the category in exact proportion to its numbers in the group measured. When underrepresentation exists, the ratio is less than 1.00. Conversely, if students are assigned to the category in a greater proportion than their percentage in the total population, overrepresentation exists. When reviewing the representation ratios for Hispanic students, twenty-eight districts had representation ratios greater than 1.00 with the highest ratio at 1.72. In thirty-nine districts, representation ratios for Hispanic students were less than 1.00. While there was overrepresentation in school discipline for Hispanic students in 28 districts, the degree of overrepresentation was less than that of Black students.

When one reviews the representation ratios for Black students presented in Appendix C, the disparity between Black and White students became more apparent. In all 67 public school districts, White secondary students were underrepresented in the administration of out-of-school suspensions. Three districts approached a ratio of 1.00 with ratios of .91 and .93, but the remainder of the districts had representation ratios considerably less than 1.00. Conversely, only district 39 had a representation ratio of less than 1.00 for its Black students. District 39 was a very small district with a total secondary enrollment of less than 800 students, with approximately 25% of student enrollment comprised of Black students. In the remaining 66 public school districts, the representation ratios for Black students were more than 1.00. Sixteen districts had representation ratios greater than 2.00 with the highest at 2.99, and 50 districts had representation ratios between 1.00 and 1.99.

That Black students continued to be overrepresented in school discipline, when compared to Hispanic and Multiracial students, is consistent with the research. For example, Raffaele Mendez et al. (2002) reported that Black males in Hillsborough County, Florida comprised only 12% of the student population yet accounted for one-third or more of total suspensions. Rausch and Skiba reported the suspension rate for Black students was four times higher than the rate for White students (Rausch and Skiba, 2004). The same study, however, indicated Hispanic students were suspended at two times the rate than White students. In Georgia, Black students received 53% of out-of-school suspensions, yet comprised only 38% of the population (Georgia Department of Education, 2004).

The overrepresentation of Black students in the administration of school discipline persists regardless of how student groups were defined. This finding supports previous research that Black students continue to experience persistent and pervasive discrimination, whether intentional or unintentional (Gorden, Piana, & Keleher, 2000). The findings beg the question, “Why do Black students continue to experience discrimination in the administration of school discipline?” In conversations with colleagues regarding student discipline, school administrators consistently endorse the idea that all students are disciplined fairly and receive appropriate consequences for disruptive and/or dangerous behavior. However, administrators also fail to identify the root causes of student misconduct and utilize interventions to decrease referrals for misconduct. Few administrators are knowledgeable of the research regarding attitudes, cultural bias, and disparity in discipline that exists for Black students. Thus,

administrators rely on following policies and procedures designed to be racially neutral when, in fact, the policies continue to have an adverse impact on Black students.

Research Question 3

To what degree is the school level (6, 7, 8, and 9) a factor in the representation of Black students as compared to Non-Black students in the administration of school discipline as measured by out-of-school suspensions in the 67 public school districts of Florida?

Analysis of the data revealed the mean difference between Black and Non-Black students was statistically significant with 68% of the variance in mean representation ratio attributable to race. While the effect of grade was significant, only 3% of the variance between means was attributable to grade. However, the greater mean difference for Black students occurred at grade 6 and then declined slightly by grade 9. The mean representation ratio for Non-Black students increased slightly by grade 9. However, the mean representation ratio for Non-Black students remained less than 1.00 (.85) at grade 9. The mean representation ratio for Black students was 1.61 at grade 9, indicating Black students were still overrepresented almost 2 to 1 when compared to Non-Black students, even at grade 9. While grade has a small effect on the rate of out-of-school suspensions, the analysis supports the conclusions of previous researchers that evidence of disparity in discipline can be found in the rates of suspension (Skiba, Peterson & Williams, 1997).

Research Question 4

To what degree is the school level (grades 6, 7, 8, and 9) a factor in the representation of Black students as compared to Hispanic and Multiracial students in the administration of school discipline as measured by out-of-school suspensions in the 67 public school districts of Florida?

When the categories of race are altered to compare Black, Hispanic and Multiracial students by grade, the mean difference in representation ratio between the three groups was statistically significant, with the total Black representation ratio mean of 1.82, and total Hispanic mean representation ratio mean of .87, and total Multiracial representation ratio mean of .22. Approximately 75% of the variance in means was attributable to race. The effect of grade was not significant and, while the interaction effect of race and grade was statistically significant, only 3% of the interaction was attributable to race and grade.

The greater mean difference for Black students (2.00) occurred at grade 6 and then declined to 1.64 by grade 9. The mean for Hispanic students at grade 6 was .87 and remained fairly constant at .86 by grade 9. The mean for Multiracial students actually increased from .16 at grade 6 to .29 at grade 8 and then .22 at grade 9. The overall analysis supports previous conclusions that Black students were overrepresented in the administration of school discipline as measured by out-of-school suspension when compared to Hispanic and Multiracial students, with the greater disparity at grade 6. However, at grade 9, Black students were suspended out-of-school at a rate of almost 2 times the rate of Hispanic students and 7 times the rate when compared to Multiracial

students. This is an astonishing finding that further reinforces the research suggesting discrimination is widespread and institutionalized.

Research Question 5

How many of the 67 school districts in the state of Florida have been legally challenged by judicial oversight regarding desegregation since 1954 and have attained unitary status?

According to the Florida Advisory Committee (2006), of the 67 districts in Florida, 34 were subject to litigation in the courts with some districts becoming involved in litigation as early as 1956. Of the 34, eighteen school districts have attained unitary status, with one attaining this status as recently as 2006. Seven of the 16 districts still under court jurisdiction have been found unitary but their cases remain open with ongoing monitoring by the Department of Justice. Four of the 16 are still seeking unitary status while the remaining 4 either have never applied for unitary status or are not actively pursuing unitary status. Thirty-three school districts have never been subject to desegregation litigation.

The Florida Advisory Committee (2006), using Florida Department of Education data from 2003-2004, reported the unitary districts were those with a median enrollment of 64,000 and a median minority percentage of 41.5. Districts still under court jurisdiction and those never subject to litigation were smaller districts, with median enrollments of 8,107 and 6,511, respectively. The median minority percentage of districts under court jurisdiction was 24.3 and for those districts never subject to litigation, the median minority percentage was 21.5 (Florida Advisory Committee, 2006).

Five of the 18 unitary districts initiated unitary litigation in 1970 and 13 of the 16 districts remaining under court jurisdiction initiated unitary status litigation in 1970 or later. There is some belief that desegregation cases decided in the United States Supreme Court in the 1990s allowed districts to terminate desegregation plans and resegregate. According to Orfield et al., many of these districts are experiencing dramatic increases in segregation (2006). Additionally, there is concern that Hispanic students, the largest growing student minority group in the state of Florida and the United States, are concentrated in large, urban, largely minority, high-poverty schools where segregation is increasing (Fields, 1989).

It is interesting to note the varying lengths of desegregation litigation for those school districts in Florida that achieved unitary status. The periods during which school districts were involved in litigation range from seven to 45 years. Districts that were released from court supervision fairly early in this period were able to experience success with “freedom of choice” plans. Once their plans were accepted by the courts, the districts were removed from court supervision. However, after the 1968 U.S. Supreme Court decision in *Green v. County School Board of New Kent County, Virginia*, the Court ruled that “freedom of choice” plans did not effectively promote school integration and established the *Green* factors. In 1970, the Department of Justice filed suit against several Florida school districts for the purpose of ending their dual systems of education. Over the course of the next 36 years, five of these districts attained unitary status. The length of the court battles varied, in part due to the fact that, under the *Green* decision, the Supreme Court required any school district involved in desegregation litigation to present evidence that all vestiges of segregation for each *Green* factor had been eliminated. If a

district presented an acceptable plan, the district would be removed from active litigation yet would remain “under court supervision for years and decades” (Florida Advisory Council, 2006). Districts could also be declared unitary in some areas, but not in others, and continue to remain under court supervision.

Finally, one might ask why all 67 of Florida’s public school districts were not involved in desegregation litigation? Although all 67 Florida school districts operated dual, segregated systems of education, thirty-three were never involved in litigation. According to the Florida Advisory Council, the Office of Civil Rights utilized 441 (b) desegregation plans to insure school districts complied with non-discrimination regulations. The Office of Civil Rights is responsible for monitoring these formerly segregated school districts and insuring compliance with the Civil Rights Act of 1964 (Florida Advisory Council, 2006).

Research Question 6

What is the difference between those Florida school districts that have attained unitary status and those school districts that have not attained unitary status in the representation of Black students in the administration of school discipline as measured by out-of-school suspensions in the secondary schools of the 67 public school districts of Florida?

The results of the analysis was statistically significant, indicating there was a difference between those Florida school districts that have attained unitary status and those that have not attained unitary status, with the unitary status factor accounting for approximately 14% of the variance in the mean disparity ratio. However, the results are

in contrast to what would be expected, if it were thought unitary districts would effectively reduce disparity in discipline. In fact, the results of the analysis indicate the opposite. The mean disparity ratio for those districts that attained unitary status was 2.47, while the mean disparity ratio of districts that have not attained unitary status and districts never under litigation were 2.29 and 2.00, respectively. Of the eighteen unitary districts, three districts had disparity ratios of less than 2.00 at 1.81, 1.92 and 1.99. Twelve of the unitary districts had disparity ratios between 2.00 and 2.99 and 3 of the unitary districts had disparity ratios greater than 3.00 at 3.11, 3.44 and 3.45. Clearly, the attainment of unitary status does not insure equity in the administration of school discipline for Black students. It is important to remember that a disparity ratio of 2.00 indicates Black students are receiving out-of-school suspensions at twice the rate of Non-Black students. While a disparity ratio of 2.00 was acceptable to the Department of Justice for districts seeking unitary status, it was acceptable if districts continued to monitor discipline rates and pursue racially neutral policies and practices that would insure equity in discipline.

Clearly, this ideal has not come to fruition. The analysis supports previous research that suggests that whether or not school districts have attained unitary status and are free from oversight by the courts does not necessarily insure racial equity and that school districts which once achieved high degrees of integration are reverting to practices associated with segregation very rapidly (Orfield et al., 2006). Previous research also indicates that despite desegregation efforts, Black students continue to receive out-of-school suspensions and expulsions at disproportionate rates (Skiba, Peterson, & Williams, 1997; Civil Rights Project, 2002, Raffaele Mendez, Knoff, & Ferron, 2002, Camilleri, 2006).

Additionally, school districts that were never subject to litigation but operate under the supervision of the Office for Civil Rights through 441(b) plans also demonstrate disparity in school discipline for Black students. Seventeen of these districts have disparity ratios of 2.00 and greater while 12 have disparity ratios between 1.50 and 1.99. Supervision by the Office for Civil Rights does not insure equity in the administration of school discipline for Black students.

Why have practices and procedures failed to bring about equity in school discipline for Black students? Districts pursuing unitary status were required to implement practices that should insure equity for Black students. These included providing training for teachers and staff in cultural awareness, hiring staff reflective of the ethnic makeup of the student population, monitoring discipline procedures, providing codes of conduct that outline procedures and policies to reduce unfair practices, analyzing data to monitor results, and providing resources to schools with need. However, in order for these practices to impact the disparity in discipline for Black students, districts and the state must remain diligent and insist on ongoing accountability.

Conclusions

This study sought to determine if the attainment of unitary status resulted in equity in school discipline for Black students in secondary schools in the 67 Florida public school districts. Additionally, the study investigated if Black students were overrepresented in the administration of school discipline as measured by out-of-school suspensions in the secondary schools of the 67 Florida public school districts in 2005-2006.

From a review of the literature and research findings, it was concluded that:

1. Florida school districts were not in compliance with the unitary status guideline disparity ratio of 2.00 regarding the overrepresentation of Black students in the administration of school discipline as measured by out-of-school suspensions in secondary schools. Forty-two school districts had disparity ratios of 2.00 or greater, indicating Black students received out-of-school suspensions at a rate of 2 to 1 or greater. Clearly, the attainment of unitary status has not insured that Black students are disciplined equitably when compared to Non-Black students in the state of Florida.
2. Black students, when compared to Hispanic and Multiracial students, were overrepresented in the administration of school discipline as measured by out-of-school suspensions in the 67 Florida public school districts. The mean representation ratio for Black students was 1.84, indicating that, even when the student population is disaggregated to distinguish between ethnicities, data supports the fact that Black students were overrepresented in the administration of out-of-school suspensions.
3. Black students, when compared to Non-Black students, were overrepresented in the administration of school discipline as measured by out-of-school suspensions, when school level is a factor. The effect of school level on the overrepresentation of Black students was slight. Regardless of grade level, Black students received the severe sanction of out-of-school suspension at approximately twice the rate of Non-Black students.

4. Black students, when compared to Hispanic and Multiracial students, were overrepresented in the administration of school discipline as measured by out-of-school suspensions, when school level is a factor. The effect of school level on the overrepresentation of Black students was slight. Again, data supports the fact that, Black students received school discipline in the form of out-of-school suspensions at a considerably higher rate than other ethnicities.
5. Thirty-four of the 67 Florida public school districts were legally challenged by judicial oversight regarding desegregation since 1954. Eighteen of the 34 school districts attained unitary status. Sixteen school districts remained under court supervision. Thirty-three school districts were never subject to desegregation litigation.
6. Black students are overrepresented in the administration of school discipline in the eighteen school districts that have attained unitary status. When compared to those districts that have not attained unitary status and those districts that were never involved in desegregation litigation, the districts that have attained unitary status have the greatest degree of overrepresentation of Black students in the administration of school discipline as measured by out-of-school suspensions. Clearly, the attainment of unitary status has not resulted in equity in school discipline for Black students. In fact, those districts that attained unitary status have a higher mean disparity ratio than districts that did not attain unitary status as well as those that were never subject to litigation.

Implications and Recommendations for Practice

The following improvements, based on the review of research, conclusions, and limitations of this study, are recommended:

1. Since Black students are overrepresented in the administration of school discipline in the 67 Florida public school district as measured by out-of-school suspensions, districts should develop comprehensive district-wide discipline plans with the goal of reducing disparity in discipline through decreases in the number of referrals earned and the escalation of consequences that result in students being suspended out-of-school. Discipline plans should be created in addition to student conduct and discipline codes, which only define infractions and outline consequences. Discipline plans would have as the stated goal the reduction of discipline consequences for Black students that result in out-of-school suspensions. Every school district in the state of Florida maintains a code of conduct; every school district should also develop discipline plans with the specific purpose of reducing discipline consequences for Black students.
2. The state of Florida should add a school discipline component to its accountability requirements. School districts should report disparity ratios for each of its racial/ethnic groups and document interventions to reduce disparity. Since out-of-school suspension results in the loss of instructional time, school districts must be required to demonstrate they are making substantial efforts to reduce this consequence for Black students.
3. It is essential that, along with the development of comprehensive district-wide discipline plans, school districts develop comprehensive district discipline data

monitoring plans. These monitoring plans should be designed to disaggregate discipline data by school level, ethnicity, types of infractions, sanctions administered, and interventions attempted. In addition, discipline plans should eliminate variation in the dispensation of consequences as well as clearly define infractions so that all students receive discipline utilizing uniform definitions and consequences.

4. Monitoring within school districts should identify schools where the greatest disparity for Black students exists so that specific support and resources can be provided. If disparity exists for other racial/ethnic groups, then schools should receive resources to address the disparity.
5. School-wide discipline plans that have been field tested and shown to be effective in the reduction of incidents of discipline and to improve school and classroom climate should be implemented in schools where disparity in discipline for Black students, and other groups, has been documented. Programs such as The Behavior Leadership Teams Academy based on the research of Dr. Randall Sprick, and the CHAMPS program, are supported by the Florida Diagnostic and Learning Resources System.
6. School districts should research, develop, and implement targeted interventions to reduce the disparity for Black students in the administration of school discipline. School districts should conduct regular reviews, either quarterly, by semester, or annually to determine the impact of the implemented interventions. Interventions should be monitored through the collection of discipline data that is continually gathered and scrutinized by school and district administrators for accuracy.

7. School districts should also identify other variables that are linked to student discipline including, but not limited to, gender, exceptional education status, and free or reduced lunch status and provide support to address interventions for these students.
8. School districts should provide training for school and district staff to assist with the understanding of the causes of student misconduct, to define effective discipline procedures, to insure uniform interpretation of the discipline code, and to reduce the possibility of teachers' and staff members' intentional or unintentional beliefs about a student's race, exceptional student status, or socioeconomic status in influencing discipline decisions. Standardized definitions of infractions and consequences should be utilized at all times to reduce the possibility of unfair administration of school discipline.
9. School districts should attempt to staff schools with teachers and support personnel that reflect the diversity of the schools. Professional development regarding cultural diversity, the impact of poverty, and effective discipline practices should be required of all personnel and be ongoing in nature.

Recommendations for Future Research

This study sought to determine if the attainment of unitary status has resulted in equity in school discipline for Black students in secondary schools in the 67 Florida school districts. Additionally, the study investigated the overrepresentation of Black students in the administration of school discipline as measured by out-of-school

suspensions in the secondary schools of the 67 Florida public school districts in 2005-2006. The following are suggested topics for further research:

1. This research should be expanded beyond the analysis of out-of-school suspensions to include less severe consequences such as referral rates and in-school suspensions. Further research should be conducted to determine if disparity in school discipline exists for Black students in the numbers of referrals for discipline and to determine if Black students receive other discipline consequences at a disproportionate rate.
2. Further research should investigate the reasons Black students were referred for discipline, such as open defiance, disrespect, and class disruptions, etc. Research should be conducted to determine if those administering discipline use uniform definitions in the application of consequences and if individual judgments and interpretations of behavior influence the administration of discipline consequences.
3. Further research should investigate if Black students receive the same consequences for the same offense as other racial groups.
4. Further research should investigate how schools can decrease the disparity in the administration of school discipline between Black students and other racial groups.
5. Further research should investigate if disparity in the administration of school discipline exists for other groups such as students receiving free or reduced lunch and students receiving exceptional education services..

6. Further research should investigate if disparity in the administration of school discipline is influenced by other variables such as the size of the school district, expenditure per pupil, makeup of the school staff, and racial/ethnic makeup of the student body.
7. Further research should be conducted in all states to determine if Black students are disciplined disproportionately.
8. The Office of Civil Rights should monitor school discipline practices to insure the equitable administration of school discipline in all school districts under its supervision.

**APPENDIX A: TOTAL STUDENT ENROLLMENT AND PERCENT
OF STUDENTS BY ETHNICITY FOR FLORIDA'S 67 PUBLIC
SCHOOL DISTRICTS FOR GRADES 6-12 (SECONDARY) FOR SCHOOL
YEAR 2005-2006**

District	Total	Black	White	Hispanic	Asian	Indian	Multiracial
1	15,674	35.96	52.60	5.33	3.43	0.15	2.54
2	2,446	12.43	85.32	0.74	0.37	0.12	1.02
3	14,748	15.24	77.08	2.87	2.22	0.37	2.21
4	1,925	26.91	69.97	1.66	0.88	0.26	0.31
5	40,998	13.38	74.58	6.84	1.89	0.29	3.02
6	143,667	37.19	33.48	24.07	3.21	0.17	1.89
7	1,173	12.87	83.46	1.71	0.94	0.17	0.85
8	10,402	8.29	82.09	5.46	1.54	0.22	2.40
9	8,785	4.10	88.16	3.78	1.32	0.47	2.17
10	18,828	12.28	77.94	5.45	2.46	0.18	1.68
11	22,315	11.13	50.76	35.48	1.08	0.33	1.22
12	5,205	22.31	70.59	3.78	1.08	0.31	1.94
13	190,892	27.86	9.84	60.07	1.21	0.10	0.91
14	2,597	18.44	55.68	24.84	0.62	0.08	0.35
15	1,096	8.21	90.60	0.64	0.00	0.00	0.55
16	63,945	44.08	44.23	5.58	3.60	0.17	2.33
17	23,002	36.14	55.79	2.49	3.09	0.74	1.75
18	5,931	13.03	72.79	8.60	2.38	0.37	2.83
19	677	18.46	77.40	3.40	0.00	0.00	0.74
20	3,065	82.81	4.89	11.55	0.23	0.00	0.52
21	1,468	4.43	92.51	2.18	0.20	0.14	0.54
22	605	23.31	46.94	26.94	0.66	0.99	1.16
23	1,216	16.53	81.83	0.66	0.25	0.25	0.49
24	997	48.75	41.42	8.32	1.000	0.00	0.50
25	2,447	9.69	44.26	44.42	1.35	0.12	0.16
26	3,925	16.66	35.08	45.53	0.36	0.59	1.78
27	11,884	7.00	79.33	9.88	0.92	0.27	2.60
28	6,361	18.90	57.54	20.55	1.16	0.55	1.30
29	99,056	22.58	45.89	24.65	2.75	0.38	3.76
30	1,818	3.63	93.29	1.16	0.99	0.22	0.72
31	9,209	14.86	69.24	12.42	1.30	0.26	1.92
32	3,810	30.21	65.17	1.76	0.66	0.66	1.55
33	618	71.04	26.54	1.46	0.32	0.00	0.65
34	551	10.89	76.95	9.98	1.09	0.18	0.91
35	19,696	16.15	67.27	13.03	1.65	0.43	1.48
36	38,730	13.45	59.19	23.06	1.55	0.36	2.38
37	16,377	38.18	54.71	2.74	2.42	0.09	1.86
38	3,286	16.37	76.87	5.14	0.70	0.03	0.88
39	758	21.37	74.14	2.64	0.13	0.40	1.32
40	1,620	55.93	41.42	2.004	0.12	0.12	0.37

District	Total	Black	White	Hispanic	Asian	Indian	Multiracial
41	21,456	16.22	64.35	16.25	1.34	0.10	1.74
42	22,716	19.86	64.64	11.29	1.27	0.46	2.48
43	9,971	9.24	73.94	13.79	1.08	0.20	1.75
44	4,670	9.34	63.79	22.08	1.39	0.41	3.00
45	5,893	9.27	86.97	1.78	0.76	0.20	1.02
46	17,218	12.30	76.25	4.38	2.78	0.50	3.80
47	3,809	10.63	63.17	22.95	0.50	2.00	0.76
48	91,434	27.93	37.56	28.46	4.31	0.47	1.26
49	26,864	10.78	36.46	46.61	2.54	0.28	3.33
50	93,039	28.66	44.38	20.81	2.52	0.47	3.17
51	32,814	4.77	80.12	10.69	1.66	0.29	2.47
52	61,718	18.65	68.16	6.87	3.49	0.30	2.53
53	45,548	21.97	58.46	16.76	1.38	0.22	1.20
54	6,065	25.66	62.52	9.33	0.58	0.18	1.73
55	13,977	8.99	83.98	3.57	1.89	0.16	1.41
56	18,845	28.83	50.17	16.17	1.55	0.39	2.89
57	13,920	5.04	87.81	2.79	1.82	0.58	1.95
58	22,660	8.89	77.01	9.47	1.62	0.23	2.77
59	37,062	13.63	62.57	16.57	3.25	0.26	3.73
60	3,803	17.99	72.97	7.31	0.71	0.18	0.84
61	3,131	16.64	76.11	4.82	1.31	0.45	0.67
62	1,556	25.58	70.63	1.16	1.03	0.84	0.77
63	1,161	16.45	80.28	2.50	0.26	0.17	0.34
64	35,592	14.46	69.37	12.32	1.39	0.23	2.23
65	2,480	11.13	86.61	0.81	0.40	0.24	0.81
66	3,672	7.63	87.25	3.16	0.57	0.63	0.76
67	1,908	18.50	76.83	1.21	0.68	0.89	1.89

Florida Department of Education (2006)

**APPENDIX B: DISPARITY RATIO FOR OUT-OF-SCHOOL SUSPENSIONS
FOR BLACK STUDENTS AS COMPARED TO NON-BLACK STUDENTS
IN GRADES 6-12 IN THE 67 FLORIDA PUBLIC SCHOOL DISTRICTS
IN 2005-2006***

District	Disparity Ratio
1	3.45
2	1.97
3	1.86
4	2.47
5	2.33
6	2.38
7	1.98
8	1.60
9	1.28
10	2.05
11	1.51
12	2.33
13	2.61
14	1.83
15	2.21
16	2.05
17	2.56
18	2.64
19	1.92
20	1.81
21	2.11
22	1.84
23	2.29
24	1.56
25	1.85
26	2.67
27	2.12
28	2.06
29	1.99
30	1.51
31	2.46
32	2.00
33	1.35
34	2.92
35	2.11
36	2.52
37	3.44
38	2.00
39	0.41
40	2.75

District	Disparity Ratio
41	2.38
42	1.98
43	3.76
44	2.82
45	2.04
46	1.97
47	1.19
48	2.31
49	1.43
50	2.61
51	1.98
52	2.30
53	1.92
54	1.68
55	3.28
56	2.01
57	2.35
58	3.11
59	2.92
60	2.22
61	2.62
62	1.95
63	2.65
64	2.39
65	2.01
66	2.37
67	2.41

* Federal compliance disparity ratio is 2.00 or less

**APPENDIX C: SUSPENSION REPRESENTATION RATIOS FOR WHITE,
BLACK, HISPANIC, AND MULTIRACIAL STUDENTS GRADES 6-12 IN THE
67 PUBLIC SCHOOL DISTRICTS OF FLORIDA 2005-2006**

District	White	Black	Hispanic	Multiracial
1	0.53	1.83	0.67	0.99
2	0.85	1.76	0.28	0.61
3	0.77	1.64	1.02	1.13
4	0.70	1.77	1.07	1.62
5	0.75	1.98	1.27	1.12
6	0.33	1.57	0.76	1.01
7	0.83	1.76	0.00	4.19
8	0.82	1.52	0.90	1.08
9	0.88	1.27	1.21	1.32
10	0.78	1.81	1.07	0.91
11	0.51	1.43	1.17	0.84
12	0.71	1.80	0.72	1.31
13	0.10	1.80	0.73	0.64
14	0.56	1.59	0.75	0.00
15	0.91	2.01	1.72	1.00
16	0.44	1.40	0.92	0.88
17	0.56	1.64	0.75	0.99
18	0.73	2.18	0.97	0.89
19	0.77	1.64	0.00	1.44
20	0.05	1.08	0.38	1.45
21	0.93	2.01	0.51	2.05
22	0.47	1.54	0.67	3.26
23	0.82	1.89	0.89	5.96
24	0.41	1.23	0.55	0.00
25	0.44	1.71	0.98	3.22
26	0.35	2.09	0.92	1.12
27	0.79	1.97	1.13	1.06
28	0.58	1.72	1.07	1.38
29	0.46	1.63	1.08	0.94
30	0.93	1.48	0.47	0.00
31	0.69	2.02	0.91	1.04
32	0.65	1.54	0.81	1.93
33	0.27	1.08	0.00	0.00
34	0.77	2.42	0.79	1.45
35	0.67	1.79	1.00	1.03
36	0.59	2.09	1.09	1.08
37	0.55	1.78	0.59	0.74
38	0.77	1.72	0.86	0.46
39	0.74	0.47	0.00	0.00
40	0.41	1.39	0.94	0.86

District	White	Black	Hispanic	Multiracial
41	0.64	1.94	1.16	1.20
42	0.65	1.66	0.94	1.22
43	0.74	2.99	1.40	1.24
44	0.64	2.41	1.20	1.28
45	0.87	1.86	1.44	0.77
46	0.76	1.76	1.04	0.99
47	0.63	1.17	1.05	1.14
48	0.38	1.69	0.98	0.77
49	0.36	1.36	1.16	1.14
50	0.44	1.79	0.92	0.84
51	0.80	1.89	1.12	1.26
52	0.68	1.85	1.09	1.13
53	0.58	1.60	1.07	1.12
54	0.63	1.41	1.15	1.55
55	0.84	2.72	0.72	1.37
56	0.50	1.56	0.87	0.81
57	0.88	2.20	1.02	1.21
58	0.77	2.62	0.97	1.23
59	0.63	2.31	1.18	1.05
60	0.73	1.82	0.76	1.52
61	0.76	2.07	0.97	2.33
62	0.71	1.57	0.85	1.54
63	0.80	2.08	1.11	3.21
64	0.69	1.99	1.15	1.21
65	0.87	1.80	1.33	0.89
66	0.87	2.14	0.83	1.55
67	0.77	1.91	0.00	1.63

**APPENDIX D: SUSPENSION REPRESENTATION RATIOS FOR BLACK AND
NON-BLACK STUDENTS GRADES 6, 7, 8, AND 9 IN THE 67 PUBLIC SCHOOL
DISTRICTS OF FLORIDA 2005-2006**

District	Grade	Black	Non-Black
1	6	2.10	.44
1	7	1.89	.46
1	8	1.84	.50
1	9	1.63	.57
2	6	2.25	.82
2	7	1.37	.94
2	8	.74	1.03
2	9	1.51	.93
3	6	1.87	.83
3	7	1.76	.86
3	8	1.53	.90
3	9	1.39	.93
4	6	1.97	.58
4	7	1.95	.65
4	8	1.53	.82
4	9	1.62	.79
5	6	2.67	.75
5	7	1.99	.84
5	8	1.92	.86
5	9	1.94	.85
6	6	1.68	.62
6	7	1.62	.64
6	8	1.54	.69
6	9	1.53	.65
7	6	3.95	.69
7	7	.52	1.12
7	8	.98	1.00
7	9	2.03	.86
8	6	1.40	.97
8	7	1.81	.92
8	8	.92	1.01
8	9	1.55	.95
9	6	1.97	.97
9	7	1.07	1.00
9	8	1.23	.99
9	9	.95	1.00
10	6	1.54	.93
10	7	2.25	.82
10	8	1.72	.91
10	9	1.78	.89

District	Grade	Black	Non-Black
11	6	1.78	.92
11	7	1.63	.93
11	8	1.80	.90
11	9	.81	1.03
12	6	1.86	.77
12	7	1.92	.71
12	8	1.46	.88
12	9	1.42	.87
13	6	2.01	.66
13	7	1.74	.71
13	8	1.73	.72
13	9	1.74	.70
14	6	.97	1.01
14	7	.88	1.03
14	8	2.06	.80
14	9	1.32	.93
15	6	1.71	.97
15	7	4.10	.73
15	8	2.35	.89
15	9	.78	1.02
16	6	1.40	.66
16	7	1.43	.64
16	8	1.40	.69
16	9	1.34	.69
17	6	1.85	.55
17	7	1.55	.66
17	8	1.58	.62
17	9	1.48	.70
18	6	2.77	.72
18	7	2.51	.75
18	8	2.13	.83
18	9	1.97	.86
19	6	2.14	.76
19	7	1.86	.85
19	8	1.61	.86
19	9	1.35	.92
20	6	1.11	.45
20	7	1.05	.82
20	8	1.10	.57
20	9	1.07	.59
21	6	2.42	.93
21	7	.56	1.02

District	Grade	Black	Non-Black
21	8	4.04	.92
21	9	.88	1.01
22	6	1.47	.90
22	7	2.44	.67
22	8	1.37	.91
22	9	1.26	.88
23	6	.69	1.04
23	7	1.10	.98
23	8	2.16	.74
23	9	1.83	.85
24	6	1.04	.98
24	7	1.36	.70
24	8	1.26	.65
24	9	1.11	.89
25	6	1.21	.99
25	7	1.42	.96
25	8	1.78	.93
25	9	1.52	.96
26	6	2.13	.78
26	7	2.13	.78
26	8	2.02	.80
26	9	1.96	.81
27	6	2.40	.89
27	7	1.99	.93
27	8	1.89	.92
27	9	1.86	.94
28	6	2.17	.77
28	7	1.50	.88
28	8	1.26	.93
28	9	1.61	.87
29	6	1.85	.76
29	7	1.66	.80
29	8	1.65	.80
29	9	1.48	.85
30	6	.000	1.02
30	7	2.75	.94
30	8	2.21	.95
30	9	1.64	.98
31	6	2.53	.74
31	7	2.22	.80
31	8	1.85	.82
31	9	1.86	.83

District	Grade	Black	Non-Black
32	6	1.55	.77
32	7	1.66	.74
32	8	1.36	.84
32	9	1.47	.80
33	6	1.15	.39
33	7	1.00	1.00
33	8	.98	1.05
33	9	1.10	.80
34	6	1.28	.97
34	7	1.20	.98
34	8	2.05	.87
34	9	2.10	.85
35	6	1.99	.85
35	7	1.72	.85
35	8	1.69	.87
35	9	1.64	.88
36	6	2.47	.80
36	7	1.92	.84
36	8	1.95	.87
36	9	1.89	.85
37	6	1.81	.41
37	7	1.64	.49
37	8	1.64	.55
37	9	1.77	.48
38	6	1.99	.82
38	7	1.33	.94
38	8	1.55	.91
38	9	1.65	.86
39	6	.000	1.15
39	7	1.00	1.00
39	8	.82	1.05
39	9	1.77	.70
40	6	1.36	.47
40	7	1.22	.68
40	8	1.27	.62
40	9	1.37	.55
41	6	2.42	.75
41	7	2.21	.77
41	8	1.79	.84
41	9	1.78	.84
42	6	1.80	.81
42	7	1.67	.83

District	Grade	Black	Non-Black
42	8	1.72	.83
42	9	1.49	.87
43	6	4.20	.73
43	7	3.83	.70
43	8	2.56	.84
43	9	2.42	.83
44	6	2.96	.75
44	7	2.45	.85
44	8	2.43	.85
44	9	2.04	.90
45	6	1.81	.93
45	7	1.42	.96
45	8	1.24	.98
45	9	1.79	.91
46	6	2.24	.81
46	7	2.25	.83
46	8	1.56	.92
46	9	1.38	.95
47	6	1.82	.92
47	7	1.28	.97
47	8	1.11	.99
47	9	.58	1.06
48	6	2.32	.52
48	7	2.17	.52
48	8	2.00	.63
48	9	1.40	.84
49	6	1.45	.95
49	7	1.53	.94
49	8	1.20	.98
49	9	1.39	.95
50	6	2.00	.61
50	7	1.85	.65
50	8	1.78	.69
50	9	1.65	.72
51	6	2.24	.95
51	7	2.22	.94
51	8	1.84	.96
51	9	1.49	.97
52	6	2.41	.72
52	7	1.98	.76
52	8	1.93	.76
52	9	1.60	.84

District	Grade	Black	Non-Black
53	6	1.61	.83
53	7	1.71	.81
53	8	1.65	.83
53	9	1.44	.87
54	6	1.58	.81
54	7	1.36	.87
54	8	1.19	.94
54	9	1.40	.86
55	6	4.13	.70
55	7	3.31	.78
55	8	2.57	.81
55	9	2.38	.84
56	6	1.83	.71
56	7	1.77	.69
56	8	1.55	.78
56	9	1.37	.84
57	6	3.68	.89
57	7	2.80	.90
57	8	2.26	.93
57	9	2.47	.92
58	6	2.38	.88
58	7	3.27	.77
58	8	2.15	.88
58	9	2.25	.86
59	6	2.98	.69
59	7	2.48	.76
59	8	2.20	.81
59	9	2.03	.82
60	6	2.29	.79
60	7	1.78	.81
60	8	1.43	.91
60	9	1.79	.81
61	6	1.82	.82
61	7	2.46	.74
61	8	2.01	.76
61	9	1.92	.86
62	6	1.34	.90
62	7	1.71	.76
62	8	1.92	.77
62	9	1.24	.70
63	6	1.34	.94
63	7	1.65	.85

District	Grade	Black	Non-Black
63	8	2.05	.79
63	9	2.10	.77
64	6	2.09	.82
64	7	2.08	.83
64	8	1.82	.87
64	9	1.76	.86
65	6	1.76	.93
65	7	1.55	.95
65	8	1.90	.89
65	9	1.59	.91
66	6	1.93	.96
66	7	1.47	.95
66	8	2.91	.84
66	9	2.68	.85
67	6	2.27	.67
67	7	1.71	.84
67	8	2.58	.67
67	9	1.60	.89

**APPENDIX E: SUSPENSION REPRESENTATION RATIOS FOR BLACK,
HISPANIC, AND MULTIRACIAL STUDENTS GRADES 6, 7, 8, AND 9 IN THE
67 PUBLIC SCHOOL DISTRICTS OF FLORIDA 2005-2006**

District Name	Grade	Black	Hispanic	Multiracial
1	6	2.10	1.31	.45
1	7	1.89	.34	1.28
1	8	1.84	.60	1.03
1	9	1.63	.28	1.12
2	6	2.25	.00	1.04
2	7	1.37	--	.00
2	8	.74	.00	.85
2	9	1.51	.91	1.82
3	6	1.87	1.01	.50
3	7	1.76	.88	1.04
3	8	1.53	1.48	.79
3	9	1.39	.47	1.02
4	6	1.97	.75	3.76
4	7	1.95	.88	--
4	8	1.53	1.15	.00
4	9	1.62	.00	--
5	6	2.69	1.59	1.20
5	7	1.99	1.00	.98
5	8	1.92	1.21	1.34
5	9	1.94	1.45	.98
6	6	1.68	.68	.98
6	7	1.62	.72	1.07
6	8	1.54	.79	1.00
6	9	1.53	.79	.75
7	6	3.95	.00	.00
7	7	.52	.00	.00
7	8	.98	.00	--
7	9	2.03	.00	8.46
8	6	1.40	.75	.55
8	7	1.81	.91	1.51
8	8	.92	.47	1.12
8	9	1.55	1.08	1.38
9	6	1.97	1.60	1.87
9	7	1.07	1.44	.82
9	8	1.23	.70	.73
9	9	.95	1.11	2.07
10	6	1.54	1.01	2.10
10	7	2.25	.97	.77
10	8	1.72	1.10	.88

District Name	Grade	Black	Hispanic	Multiracial
10	9	1.78	1.05	1.13
11	6	1.78	1.24	.55
11	7	1.63	1.08	1.47
11	8	1.80	1.10	.57
11	9	.81	1.21	.76
12	6	1.86	.77	1.49
12	7	1.92	1.11	.29
12	8	1.46	1.41	1.19
12	9	1.42	.38	1.88
13	6	2.01	.72	.49
13	7	1.74	.75	.61
13	8	1.73	.76	.62
13	9	1.74	.73	.61
14	6	.97	.95	.00
14	7	.88	1.16	.00
14	8	2.06	.51	.00
14	9	1.32	.77	.00
15	6	1.71	--	5.12
15	7	4.10	.00	.00
15	8	2.35	.00	--
15	9	.78	1.76	--
16	6	1.40	.82	.77
16	7	1.43	.73	.70
16	8	1.40	.90	.81
16	9	1.34	.98	.91
17	6	1.85	.44	1.04
17	7	1.55	.57	.71
17	8	1.58	.70	1.09
17	9	1.48	.74	1.03
18	6	2.77	.82	.84
18	7	2.51	1.36	.24
18	8	2.13	.95	1.30
18	9	1.97	.81	.98
19	6	2.14	.00	--
19	7	1.86	.00	.00
19	8	1.61	.00	1.91
19	9	1.35	.00	--
20	6	1.11	.24	.58
20	7	1.05	.50	2.16
20	8	1.10	.31	.74
20	9	1.07	.35	.00

District Name	Grade	Black	Hispanic	Multiracial
21	6	2.42	.74	2.95
21	7	.56	1.30	.00
21	8	4.04	.00	2.43
21	9	.88	.00	--
22	6	1.47	.52	.00
22	7	2.44	.49	2.77
22	8	1.37	.92	3.32
22	9	1.26	.57	4.82
23	6	.69	.00	.00
23	7	1.10	.00	6.03
23	8	2.16	2.91	11.64
23	9	1.83	--	2.96
24	6	1.04	.00	--
24	7	1.36	.00	.00
24	8	1.26	.34	--
24	9	1.11	1.55	.00
25	6	1.21	1.06	.00
25	7	1.42	1.17	--
25	8	1.78	1.04	8.54
25	9	1.52	.84	--
26	6	2.13	.87	.39
26	7	2.13	.87	1.93
26	8	2.02	.82	1.23
26	9	1.96	1.03	1.28
27	6	2.40	1.15	1.18
27	7	1.20	1.29	.83
27	8	1.89	1.03	1.12
27	9	1.86	1.35	.70
28	6	2.17	1.21	1.40
28	7	1.50	1.08	.51
28	8	1.26	1.17	1.79
28	9	1.61	1.04	1.61
29	6	1.85	1.01	.89
29	7	1.66	1.02	1.04
29	8	1.65	1.08	.86
29	9	1.48	1.14	.84
30	6	.00	.00	.00
30	7	2.75	.00	.00
30	8	2.21	.00	.00
30	9	1.64	.00	.00
31	6	2.53	.97	.67

District Name	Grade	Black	Hispanic	Multiracial
31	7	2.22	.79	1.25
31	8	1.85	.63	1.30
31	9	1.86	1.10	1.12
32	6	1.55	.59	2.65
32	7	1.66	.80	1.29
32	8	1.36	1.81	2.57
32	9	1.47	.00	3.63
33	6	1.16	--	--
33	7	1.00	.00	--
33	8	.98	.00	--
33	9	1.10	.00	.00
34	6	1.28	.47	--
34	7	1.20	.45	2.70
34	8	2.05	1.54	.00
34	9	2.10	.53	.00
35	6	1.99	.99	.84
35	7	1.72	.95	.80
35	8	1.69	1.05	1.17
35	9	1.64	1.09	.78
36	6	2.47	1.02	1.27
36	7	1.92	1.05	1.17
36	8	1.95	1.15	.66
36	9	1.89	1.05	.99
37	6	1.81	.39	.60
37	7	1.64	.55	.49
37	8	1.64	.72	.98
37	9	1.77	.33	.36
38	6	1.99	.71	.50
38	7	1.33	1.16	.00
38	8	1.55	.65	.00
38	9	1.65	.79	.00
39	6	.00	.00	.00
39	7	1.00	.00	.00
39	8	.82	.00	.00
39	9	1.77	.00	.00
40	6	1.36	.81	--
40	7	1.22	.00	4.47
40	8	1.27	2.14	--
40	9	1.37	.00	--
41	6	2.42	1.04	.98
41	7	2.21	1.17	.61

District Name	Grade	Black	Hispanic	Multiracial
41	8	1.79	1.27	1.54
41	9	1.78	1.24	1.18
42	6	1.80	.97	1.08
42	7	1.67	1.00	1.14
42	8	1.72	.95	1.21
42	9	1.49	.96	1.33
43	6	4.20	1.51	.87
43	7	3.83	1.60	1.05
43	8	2.56	1.64	1.60
43	9	2.42	1.40	.90
44	6	2.96	.97	1.08
44	7	2.45	1.17	1.10
44	8	2.43	1.61	1.02
44	9	2.04	1.25	1.13
45	6	1.81	1.42	.76
45	7	1.42	1.40	.46
45	8	1.24	1.00	1.95
45	9	1.79	1.45	.42
46	6	2.24	.81	1.06
46	7	2.25	.90	1.24
46	8	1.56	.84	1.22
46	9	1.38	1.26	1.00
47	6	1.82	1.07	1.98
47	7	1.28	.85	1.50
47	8	1.11	1.29	.80
47	9	.58	.99	1.13
48	6	2.32	.65	.80
48	7	2.17	.76	.88
48	8	1.20	.82	.00
48	9	1.40	1.15	1.04
49	6	1.45	1.13	1.26
49	7	1.53	1.13	1.13
49	8	1.20	1.17	.97
49	9	1.39	1.15	.96
50	6	2.00	.84	.84
50	7	1.85	.85	.86
50	8	1.78	.88	.69
50	9	1.65	.99	.60
51	6	2.24	1.03	1.22
51	7	2.22	1.20	1.53
51	8	1.84	1.27	1.19

District Name	Grade	Black	Hispanic	Multiracial
51	9	1.49	1.06	1.01
52	6	2.41	1.17	.89
52	7	1.98	1.12	1.07
52	8	1.93	1.26	.99
52	9	1.60	1.05	1.39
53	6	1.61	1.07	.99
53	7	1.71	1.03	1.03
53	8	1.65	1.02	.92
53	9	1.44	1.07	.86
54	6	1.58	1.18	1.59
54	7	1.36	.99	1.11
54	8	1.19	.96	1.49
54	9	1.40	1.58	1.62
55	6	4.13	.95	2.07
55	7	3.31	.65	1.51
55	8	2.57	.99	1.29
55	9	2.38	.40	.56
56	6	1.83	.77	.63
56	7	1.77	.77	.68
56	8	1.55	.80	.89
56	9	1.37	.99	.67
57	6	3.68	.29	1.54
57	7	2.80	.66	1.38
57	8	2.26	.76	1.27
57	9	2.47	1.69	.86
58	6	2.38	1.11	1.69
58	7	3.27	.90	1.53
58	8	2.15	1.05	1.02
58	9	2.25	.87	.88
59	6	2.98	1.03	.91
59	7	2.48	1.10	1.13
59	8	2.20	1.11	.98
59	9	2.03	1.34	1.18
60	6	2.29	.94	.54
60	7	1.78	.61	1.35
60	8	1.43	.78	4.34
60	9	1.79	.68	1.09
61	6	1.82	.87	.91
61	7	2.46	.18	3.19
61	8	2.01	1.43	2.01
61	9	1.92	1.10	1.84

District Name	Grade	Black	Hispanic	Multiracial
62	6	1.34	.00	.83
62	7	1.71	.92	1.38
62	8	1.92	.79	2.36
62	9	1.24	.71	2.84
63	6	1.34	2.15	.00
63	7	1.65	1.07	4.82
63	8	2.05	.00	--
63	9	2.10	1.96	--
64	6	2.09	.91	.80
64	7	2.08	1.17	1.24
64	8	1.82	1.36	.98
64	9	1.76	1.15	1.28
65	6	1.76	2.07	.00
65	7	1.55	2.44	.00
65	8	1.90	.00	1.90
65	9	1.59	.00	2.01
66	6	1.93	.97	2.70
66	7	1.47	.00	.00
66	8	2.91	1.07	.00
66	9	2.68	.65	1.50
67	6	2.27	.00	2.63
67	7	1.71	.00	.00
67	8	2.58	.00	1.13
67	9	1.60	.00	2.15

-- indicates either there are no students in this category or no incidents of out-of-school suspension, therefore a suspension representation ratio value could not be calculated.

**APPENDIX F: FLORIDA PUBLIC SCHOOL DISTRICTS AND UNITARY
STATUS: UNITARY, NOT UNITARY, NEVER SUBJECT TO COURT
JURISDICTION**

District Name	Unitary Status
ALACHUA	Unitary
BAKER	Not Unitary
BAY	Not Unitary
BRADFORD	Not Unitary
BREVARD	Unitary
BROWARD	Unitary
CALHOUN	Never Contested
CHARLOTTE	Never Contested
CITRUS	Never Contested
CLAY	Never Contested
COLLIER	Never Contested
COLUMBIA	Unitary
DADE	Unitary
DESOTO	Never Contested
DIXIE	Never Contested
DUVAL	Unitary
ESCAMBIA	Unitary
FLAGLER	Not Unitary
FRANKLIN	Never Contested
GADSDEN	Unitary
GILCHRIS	Never Contested
GLADES	Never Contested
GULF	Not Unitary
HAMILTON	Never Contested
HARDEE	Never Contested
HENDRY	Not Unitary
HERNANDO	Never Contested
HIGHLANDS	Never Contested
HILLSBOROUGH	Unitary
HOLMES	Never Contested
INDIAN RIVER	Not Unitary
JACKSON	Not Unitary
JEFFERSON	Not Unitary
LAFAYETTE	Not Unitary
LAKE	Never Contested
LEE	Unitary
LEON	Unitary
District	Unitary Status
LEVY	Never Contested
LIBERTY	Never Contested

District Name	Unitary Status
MADISON	Never Contested
MANATEE	Not Unitary
MARION	Not Unitary
MARTIN	Never Contested
MONROE	Never Contested
NASSAU	Never Contested
OKALOOSA	Never Contested
OKEECHOBEE	Never Contested
ORANGE	Not Unitary
OSCEOLA	Never Contested
PALM BEACH	Unitary
PASCO	Not Unitary
PINELLAS	Unitary
POLK	Unitary
PUTNAM	Never Contested
ST. JOHN	Not Unitary
ST. LUCIE	Unitary
SANTA ROSA	Never Contested
SARASOTA	Unitary
SEMINOLE	Unitary
SUMTER	Never Contested
SUWANNEE	Never Contested
TAYLOR	Never Contested
UNION	Never Contested
VOLUSIA	Unitary
WAKULLA	Not Unitary
WALTON	Never Contested
WASHINGTON	Never Contested

Florida Advisory Committee (2006)

**APPENDIX G: FLORIDA PUBLIC SCHOOL DISTRICTS WITH UNITARY
STATUS, YEAR LITIGATION INITIATED, YEAR UNITARY STATUS
ACHIEVED**

District Name	Unitary Status	Year Unitary Status Litigation Initiated	Year Unitary Status Achieved
ALACHUA	Unitary	1964	1971
BREVARD	Unitary	1966	1978
BROWARD	Unitary	1970	1996
COLUMBIA	Unitary	1970	1987
DADE	Unitary	1960	2001
DUVAL	Unitary	1960	2004
ESCAMBIA	Unitary	1970	1986
GADSDEN	Unitary	1958	2001
HILLSBOROUGH	Unitary	1964	1999
LEE	Unitary	1962	1974
LEON	Unitary	1956	2001
PALM BEACH	Unitary	1956	1979
PINELLAS	Unitary	1964	2000
POLK	Unitary	1963	2000
ST. LUCIE	Unitary	1970	1997
SARASOTA	Unitary	1963	1970
SEMINOLE	Unitary	1970	2006
VOLUSIA	Unitary	1960	1970

Florida Advisory Committee (2006)

**APPENDIX H: FLORIDA SCHOOL DISTRICTS STILL UNDER COURT
JURISDICTION, YEAR UNITARY STATUS LITIGATION INITIATED, STILL
PURSUING UNITARY STATUS**

District Name	Unitary Status	Year Unitary Litigation Initiated	Still Pursuing Unitary Status
BAKER	Not Unitary	1970	Yes
BAY	Not Unitary	1966	No
BRADFORD	Not Unitary	1970	No
FLAGLER	Not Unitary	1970	Yes
GULF	Not Unitary	1970	Yes
HENDRY	Not Unitary	1970	Yes
INDIAN RIVER	Not Unitary	1965	No
JACKSON	Not Unitary	1970	Yes
JEFFERSON	Not Unitary	1970	Yes
LAFAYETTE	Not Unitary	1970	Yes
MANATEE	Not Unitary	1965	No
MARION	Not Unitary	1978	Yes
ORANGE	Not Unitary	1970	Yes
PASCO	Not Unitary	1970	Yes
ST. JOHN	Not Unitary	1970	No
WAKULLA	Not Unitary	1970	Yes

Florida Advisory Committee (2006)

**APPENDIX I: DISPARITY RATIO FOR OUT-OF-SCHOOL SUSPENSIONS FOR
BLACK STUDENTS AS COMPARED TO NON-BLACK STUDENTS IN
GRADES 6-12 IN THE 67 FLORIDA PUBLIC SCHOOL DISTRICTS IN 2005-
2006 AND UNITARY STATUS***

District	Disparity Ratio	Unitary Status
1	3.45	Unitary
2	1.97	Not Unitary
3	1.86	Not Unitary
4	2.47	Not Unitary
5	2.33	Unitary
6	2.38	Unitary
7	1.98	Never litigated
8	1.60	Never litigated
9	1.28	Never litigated
10	2.05	Never litigated
11	1.51	Never litigated
12	2.33	Unitary
13	2.61	Unitary
14	1.83	Never litigated
15	2.21	Never litigated
16	2.05	Unitary
17	2.56	Unitary
18	2.64	Not Unitary
19	1.92	Never litigated
20	1.81	Unitary
21	2.11	Never litigated
22	1.84	Never litigated
23	2.29	Not Unitary
24	1.56	Never litigated
25	1.85	Never litigated
26	2.67	Not Unitary
27	2.12	Never litigated
28	2.06	Never litigated
29	1.99	Unitary
30	1.51	Never litigated
31	2.46	Not Unitary
32	2.00	Not Unitary
33	1.35	Not Unitary
34	2.92	Not Unitary
35	2.11	Never litigated
36	2.52	Unitary
37	3.44	Unitary
38	2.00	Never litigated
39	0.41	Never litigated
40	2.75	Never litigated
41	2.38	Not Unitary

District	Disparity Ratio	Unitary Status
42	1.98	Not Unitary
43	3.76	Never litigated
44	2.82	Never litigated
45	2.04	Never litigated
46	1.97	Never litigated
47	1.19	Never litigated
48	2.31	Not Unitary
49	1.43	Never litigated
50	2.61	Unitary
51	1.98	Not Unitary
52	2.30	Unitary
53	1.92	Unitary
54	1.68	Never litigated
55	3.28	Not Unitary
56	2.01	Unitary
57	2.35	Never litigated
58	3.11	Unitary
59	2.92	Unitary
60	2.22	Never litigated
61	2.62	Never litigated
62	1.95	Never litigated
63	2.65	Never litigated
64	2.39	Unitary
65	2.01	Not Unitary
66	2.37	Never litigated
67	2.41	Never litigated

*Federal compliance disparity ratio is 2.00 or less
Unitary Status Data Florida Advisory Committee (2006)

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