An Equity Audit of Special Education Student Discipline Rates

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An Equity Audit of Special Education Student Referral Rates

In modern day school settings, students regularly face a complex combination of educational, social, and behavioral situations (Monroe, 2005). Students with emotional and behavioral disorders are often placed into self-contained settings to provide more academic support (Maggin, Wehby, Partin, Robertson, & Oliver, 2011).

Wagner, Newman, Cameto, and Levine (2006) released a report based upon data obtained from the National Longitudinal Transition Study-2 and found that nationally, approximately 20% of secondary-age students with disabilities exhibited problems with inappropriate behavior. Wagner and Davis (2006) further analyzed the data and determined that emotional and physical maladies interfere with a child’s educational experience and often manifest in form of classroom disruptions. Wagner and Davis also stated that students with special needs have emotional and behavioral issues that often result in either in-school or out-of-school suspensions.

Both in-school suspension (ISS) and out-of-school suspension (OSS) programs offer little, if any, positive behavior results (Stone & Stone, 2011). Stone and Stone (2011) emphasized that ISS programs are not limited to the number of days for student placement, whereas OSS programs have a ten day limit. Additionally, the majority of ISS programs are not staffed with a certified teacher who can deliver quality instruction.

Stone and Stone (2011) argued that for any student, failure to behave in accordance with accepted school norms and rules will typically result in disciplinary action. They later discussed how national research has shown that students suspended multiple times are more apt to drop out of school and commit crimes. When students are away from school, they often fall behind academically and socially, which often leads to dropping out of school.
Background of the Problem

Students with disabilities are more likely to commit offenses resulting in exclusion to ISS or OSS because of poor social skills, judgment, and planning (Zhang, Katsiyannis, & Herbst, 2004). According to Zhang, et al. (2004), students with disabilities were disproportionately represented in disciplinary exclusions.

Nationally, students from ethnically and racially diverse backgrounds are reported to have disproportionately higher rates of suspension than others (Verdugo, 2002). In Texas, data are collected and released annually by the Texas education Agency (TEA) concerning disciplinary actions as stated in Chapter 37 of the Texas Education Code (1985).

Purpose Statement

The purpose of this study was to examine the DAEP placement rate of special education students of a select independent school district in southeast Texas for the 2010-2011 school year. Incidents of referral were disaggregated between special education students and the general education population. Data obtained from the TEA were used for this analysis.

A Review of the Literature

Booth, et al. (2011), scrutinized Texas public schools for the inequitable application of disciplinary dispositions, especially for special education students. They noted that many schools have failed to effectively and fairly implement discipline to their special education students. The authors concluded that school districts must adopt student code of conduct guidelines yearly and ensure that discipline is applied appropriately to each student.

Disciplinary alternative education practices in Texas. All Texas public school districts have been required to provide disciplinary alternative education programs since adoption of Chapter 37 of the Texas Education Code (TEC), also known as the Texas Safe
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Schools Act (Texas Education Agency, 2007). Disciplinary alternative education programs (DAEPs) serve as an alternative education environment for students temporarily removed from their school environment for disciplinary purposes (Booker & Mitchell, 2011). Chapter 37 of the Texas Education Code (1985) stipulates that school districts must meet the educational and behavioral needs of students assigned to DAEPs. Chapter 37 leaves program design and content to the discretion of each individual school district.

Placement in a DAEP was initially considered mandatory for conduct punishable under zero tolerance policies (Foley & Pang, 2006). Foley and Pang (2006) explained how zero tolerance policies were implemented by the federal government in 1994 as a disciplinary mechanism to reduce violence in U.S. schools. According to Foley and Pang (2006), zero tolerance programs allowed multiple forms of discipline including ISS, OSS, placement in DAEP, placement in juvenile justice programs, and expulsion.

In recent years, writers and groups such as the American Civil Liberties Union (ACLU) (School to prison, 2012) and the Texas Appleseed Project (Fitzgerald, 2007) have targeted DAEP programs as destructive to students and coined terms such as the “school to prison pipeline” (p.1). Geronimo (2011) wrote that DAEP programs often promote marginalization and disproportionately include minorities, students with special needs, and economically disadvantaged students. Geronimo concluded that, “If the United States is to become a true meritocracy, it is critical that the education system be reformed with an awareness of the systemic issues that promote inequality” (p.465).

**IDEA legislation.** Conroy, Yell, Katsiyannis, and Collins (2011) explained the Individuals with Disabilities Education Act (IDEA) was originally signed into law by President Ford in 1975 as the Education for all Handicapped Children Act (EAHCA). The original act has
been amended four times since 1975 and was renewed as the Individuals with Disabilities Education Act in 1990. The purpose of the act was to provide procedural safeguards and support for parents of children with disabilities and to ensure that children covered under IDEA would receive a Free Appropriate Public Education (FAPE) as a key provision of the legislation. IDEA defines a child with a disability as a child with mental retardation; hearing, speech, or language impairments; visual impairments, orthopedic impairments; serious emotional disturbance; autism; traumatic brain injury; other health impairments; or specific learning disabilities that require the services of special education (GAO, 2010).

**Disciplinary guidelines under IDEA.** Classroom discipline is a significant concern to educators and is viewed by the American public as an ongoing issue in public school education settings (Tidwell, Flannery, & Lewis-Palmer, 2003). Tidwell et al. (2003) suggested that many students with disabilities, that are included in regular classrooms, are the source of considerable disruptions in schools. According to Tidwell et al., the inability of special education students to conform often leads to frequent frustration over learning activities. When combined with the recognition by their peers that they are different, the result often leads to disruptive situations.

Conroy et al. (2011) noted that students who are served under IDEA are afforded specific guidelines when it comes to the application of discipline in education. IDEA requires schools to follow certain procedures when they make a change in a student's educational placement because of his or her behavior (General Accounting Office [GAO], 2010). The discipline provisions in IDEA give school officials reasonable flexibility to deal with minor infractions of school rules while insuring special education students continue to receive educational services (GAO, 2010). The GAO (2010) reported that, under IDEA, schools are permitted to suspend a special education student for up to 10 school days in a given school year without providing educational
services. If the misconduct is not a manifestation of the student's disability then the student may be suspended beyond the 10 day limit and must be provided educational services. There is a perception among some educators that IDEA insulates special education students from consequences related to their infractions and sets them apart from the school's regular disciplinary procedure (Taylor & Baker, 2002). It is the opinion of Taylor and Baker (2002) that the US Congress has made it clear that schools should not allow children with disabilities to disrupt learning environments.

**Race and ethnicity discipline gap.** Skiba, Eckes, and Brown (2010) explained how student discipline is one of the more complex issues facing educators today. School discipline has been defined as having two main purposes; one being that of ensuring the safety of all students; and two being that to create an environment conducive to learning. School districts have adopted zero tolerance policies in response to dealing with disruptive behaviors. According to Skiba, et al., zero tolerance policies (as implemented) have failed to achieve the goals of an effective system of school discipline. One criticism of zero tolerance policies is that they disproportionally impact students of color. Nationally, African American students are targeted for disciplinary action in the greatest numbers according to Monroe (2005). Black students are two to five time more likely to be suspended than their white counterparts, and male students account for the largest inequities in school discipline.

A recent empirical study revealed that Black students were either suspended or expelled at a rate 250% higher than White students (Skiba, et al., 2010). Skiba, et al., (2010) also found that White students were referred to the office more frequently for objective offenses such as smoking, vandalism, and obscene language; whereas, Black students were referred to the office for subjective offenses such as excessive noise, disrespect, threat, and loitering. It was
discovered that teachers regularly interpret Black student behaviors as inappropriate when the actions are not intended as such. Monroe (2005) concurred when he explained how similar actions such as speech deemed as disrespectful, play fighting viewed as aggression, and ethnic humor and insults were often misinterpreted by educators and resulted in office referrals.

Ending racial disparities in school discipline is a formidable task. School discipline inequities involving minorities are best addressed through race-conscious approaches at the teacher preparation and staff development levels (Conroy, et al, 2011; Monroe, 2005; Skiba, et al., 2010; Taylor & Baker, 2002).

Special education discipline gap. Special education students are subject to higher scrutiny when it comes to the effective implementation of discipline (Zirkel, 2011). The majority of findings for special education students and discipline disparity focus on specific practices such as functional behavior assessments (FBA) or behavior intervention plans, (BIP) as used in public schools. A recent study revealed serious shortcomings in BIP and FBA development of not including best practices and within the state’s legal guidelines when it came to the creation of these instruments for special education students (Zirkel, 2011).

Special education students must understand that they are subject to the same disciplinary measures as other students (Taylor & Baker, 2002). As long as the discipline does not create a change in placement, then special education students can be assigned after-school detention, additional written work, community service, or other punitive measures for discipline (Taylor & Baker, 2002).

Methodology

An equity audit was conducted to investigate the percentage of special education students in a southeast Texas Independent School District (ISD) that were required to attend a DAEP
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campus for at least a portion of the 2010-2011 school year when compared to the percentage of
non-special education students from the same ISD. Harris and Hopson (2008) wrote of the moral
responsibility that we, as educators, have to meet the needs of all learners. According to Harris
and Hopson, an equity audit is a quick and effective method to identify areas of inequity with
data that are readily available.

**Population.** All data utilized in the equity audit were obtained from the Texas Education
Agency Discipline Data Products – Discipline Action Group Summary Reports website
(http://ritter.tea.state.tx.us/adhoc rpt/Disciplinary_Data_Products/DAG_Summaries/DAG_SUM
MARY.html). The test population was taken from a mid-sized Texas ISD located in the Houston
Metropolitan Area (Sample ISD). The Sample ISD included all students enrolled in grades K –
12. The data were disaggregated by race, ethnicity, sex, special education status, at-risk, and
economic factors. For the purpose of the equity audit, only data for students classified as
receiving special education services and data for “All Students” were utilized.

As received, the data were not disaggregated by “non-special education” status. For that
reason, the researchers subtracted the number of students classified as receiving special
education services from the total number of students (“All Students”) to obtain a number of
students who would effectively serve as a “non-special education” population for the purpose of
analysis. The results of our further disaggregation resulted in a useful population that included
9,401 total students, of which, 8,542 were classified as non-special education (non-SPED) and
859 that were classified as special education (SPED).

The same procedure was followed for data of all students enrolled in Texas public
schools for the 2010-2011 school year. The additional disaggregation steps taken resulted in a
population of 4,561,767 non-SPED and 502,096 SPED students. The overall population data were utilized for comparative analysis.

**Data analysis.** For the purpose of the equity audit, the calculations and comparison occurred between two distinct populations. Neither sampling methods nor inferential methods were utilized.

To determine if the DAEP proportion (rate) among special education students in Sample ISD was proportionally equal to the DAEP rate for all special education students in Texas for the 2010-2011 school year, a proportion was calculated by dividing the number of DAEP actions that involved special education students and dividing by the total number of special education students in the Sample ISD population. The same proportional methods were utilized to determine the DAEP proportion (rate) of all students among the special education population in the State of Texas.

**Findings**

As illustrated in Table 1, the rate of DAEP placement for special education students in Texas was 4.30%. The rate of DAEP placement for special education students in Sample ISD was 8.50%. The researchers then divided the rate of DAEP placement for Sample ISD, by the rate of DAEP placement statewide, and subtracted one. The resultant calculation equated to a 97.67% higher rate of DAEP placement for special education students in Sample ISD when compared to the rate of DAEP placement for special education students statewide. An inequality existed in the rate of DAEP actions between special education students in Sample ISD and all special education students in Texas.
### Table 1

*Rate of DAEP Actions between Sample ISD and All Texas K-12 Schools*

<table>
<thead>
<tr>
<th>Data Type</th>
<th>Sample ISD</th>
<th>All Texas Schools</th>
</tr>
</thead>
<tbody>
<tr>
<td>DAEP Actions (x)</td>
<td>73</td>
<td>21,591</td>
</tr>
<tr>
<td>Special Education Students (n)</td>
<td>859</td>
<td>502,096</td>
</tr>
<tr>
<td>Proportion (x/n)</td>
<td>8.50%</td>
<td>4.30%</td>
</tr>
<tr>
<td>Proportional Difference (8.50% / 4.30% - 1)</td>
<td>+ 97.67%</td>
<td></td>
</tr>
</tbody>
</table>

### Implications for Practice

The results of this study suggest that the proportion of DAEP actions among special education students in Sample ISD is considerably greater than for the same population of students statewide. The results call into question the guidelines followed by Sample ISD when DAEP is implemented, especially in light of the research discussed related to the discipline gap among student groups (Conroy, et al, 2011; Monroe, 2005; Skiba, et al., 2010; Taylor & Baker, 2002; Zirkel, 2011). Two questions must be asked of practitioners in Sample ISD as a result of the equity audit:

1. Has the inequity in discipline of special education students as compared to regular education students been addressed?
2. Has adequate research been done by the involved districts to examine the causes of the inequity and the possible solutions to reduce the inequities?
**Recommendations for Future Study**

Due to the limited scope of the equity audit, additional study is definitely indicated. Future investigations should be conducted to compare Sample ISD with other Texas ISDs of similar size, demographics, and geographic similarities (urban vs. rural). Another suggested study would be a comparative analysis among all campuses within Sample ISD to determine if the DAEP proportion was statistically similar across the district, or whether outliers were responsible for the disparity suggested in this study. A longitudinal study would also eliminate the possibility that the results based upon the 2010-2011 school year were a one-time statistical anomaly.

A larger, more generalizable study is indicated for all of Texas. The DAEP proportion among special education populations should be compared when disaggregated for sex, race, ethnicity, age, socioeconomic status, and geographic setting. A large study, as stated, would offer a greater understanding of any discipline gap when additional factors are considered.

For students enrolled in special education programs, group studies should be conducted to compare DAEP placement between those students with a Behavioral Intervention Plan (BIP) and those without. This line of study could also occur on a small or large scale, depending upon the stated goal of the researcher(s).

**Conclusion**

Based upon our findings, the data suggest that there is a difference in the rates of DAEP placement among special education students between Sample ISD and all special education students in Texas public schools. Specifically, the DAEP rate is higher for Sample ISD when compared to statewide data. While the study does suggest an inequality, the results are far from complete.
The causality for the apparent discipline gap should be investigated and addressed directly by Sample ISD. Sample ISD must investigate causality and determine whether or not the inequity can be reversed or whether it is a result of additional factors. Additional factors that could contribute to the inequity include district policy issues, gender, race, ethnicity, age, socioeconomic status, and geographic setting.

The results of this study are not comprehensive and must not be generalized. Specific limitations to the study include a significant size differential between the two samples, no delimitations to account for sex, race, ethnicity, age, socioeconomic status, and geographic setting. Additional study is indicated and has been addressed within the context of this equity audit.
REFERENCES


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