

## DISCIPLINE, DISABILITY, AND RACE: DISPROPORTIONALITY IN INDIANA SCHOOLS

M. Karega Rausch & Russell Skiba

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### INTRODUCTION

The Individuals with Disabilities Education Improvement Act (IDEA) contains provisions bringing together all of the regulations that apply to students with disabilities faced with disciplinary action. These provisions sought to bring “a balanced approach to the issue of discipline of children with disabilities that reflects the need for orderly and safe schools and the need to protect the right of children with disabilities to a free appropriate public education.”<sup>1</sup>

Yet educators and policymakers remain divided on the appropriate balance between the individual rights of students with disabilities and the flexibility administrators need in order to ensure school safety.<sup>2</sup> The purpose of this policy brief is to describe the usage and trends of discipline for students with disabilities in Indiana to help inform local and state policymaking. The brief will begin with a review of national and Indiana studies, followed by data that illustrate (1) how general and special education students compare with respect to suspension and expulsion; (2) the extent of use of the special disciplinary provisions under IDEA; (3) differences in suspension and expulsion rates for students in different disability categories, and (4) racial disparities in the use of IDEA disciplinary provisions.

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### WHAT DO WE KNOW ABOUT THE DISCIPLINE OF STUDENTS WITH DISABILITIES?

#### Extent of Disciplinary Use

Data on the discipline of students with disabilities are not extensive.<sup>3</sup> Most, but not all studies, find that students with disabilities typically represent between 11% and 14% of the total school, district, or state population, but represent between 20% and 24% of the suspended and expelled population.<sup>4</sup> In a study commissioned by the Kansas Department of Education, students with a disability were almost three times more likely to be suspended or expelled than students without a disability.<sup>5</sup> The one exception to this pattern is the 21<sup>st</sup> Annual Report to Congress on the implementation of the Individuals with Disabilities Education Act. That report cited a 1994 Office of Civil Rights report finding no evidence of disproportionality in discipline for students with disabilities.<sup>6</sup>

#### Disciplinary Equity by Disability Category

Students identified with an emotional disability (ED) are at a high risk to be referred to the office, suspended, or expelled. A nationally representative study on students with ED found that 47% of elementary/middle school, and 72.9% of high school students with ED reported being suspended or expelled.

These percentages are significantly higher than students with non-ED disabilities, in which 11.7% students at the elementary/middle school level and 27.6% of students at the secondary school level reported being suspended or expelled.<sup>7</sup> In an investigation of office referrals and suspensions in middle schools, students with ED were more likely to receive an office referral compared to any other students in special or general education.<sup>8</sup> Finally, students in Kansas who were identified with ED were 7.5 times more likely to receive a suspension or expulsion than their non-ED disabled peers, and 12 times more likely to be suspended or expelled than all other students with and without disabilities.<sup>9</sup>

#### Disciplinary Equity by Race

Very few studies have examined the extent of racial disparity in discipline within the disabled student population; of these, all have shown that Black students with a disability are more likely to be suspended or expelled when compared to

#### What is Disproportionality in Special Education?

*Disproportionality exists when a specific group is over or under represented in a specific category or area. The Individuals with Disabilities Education Improvement Act (IDEA) entitles all individuals with disabilities to a free and appropriate public education, and mandates nondiscriminatory assessment, identification, and placement of children with disabilities.*

other students with a disability. Anna McFadden and her colleagues found that Black students with a disability were more likely to receive office referrals, corporal punishment, and out-of-school suspensions, and less likely to receive milder punishments (e.g., student conferences) when compared to other students with a disability.<sup>10</sup> In a state report on minority disproportionality in special education and school discipline in the state of Indiana, Black students made up 12% of the special education population, but accounted for 22% of students receiving at least one of the special disciplinary provisions stipulated by IDEA.<sup>11</sup>

### **The Complexity of Data and the Challenges of Disciplining Students with Disabilities**

Do students with disabilities engage in more severe misbehavior that may make higher rates of disciplinary removal necessary? The available evidence to date is limited, and mixed in its conclusions on this question. A survey conducted by the General Accounting Office (GAO) of middle and high school principals reported that students with disabilities engaged in serious misbehavior (primarily fighting) at a rate of 50 incidents for every 1,000 students, as compared to 15 incidents for every 1,000 students without disabilities.<sup>12</sup> In contrast, a study conducted in a school district in Florida reported that the most significant behavioral differences between students with and without a disability were that students with a disability were much less truant and defiant, and bothered others and engaged in unacceptable physical contact more often than their non-disabled peers.<sup>13</sup> Finally, a study of Kansas schools found that there were no significant differences in the reasons for which special and general education students were suspended/expelled.<sup>14</sup>

The evidence is also mixed with respect to the severity of punishments assigned to students with disabilities. McFadden and colleagues reported that, given the same offense, students with disabilities were significantly more likely to receive harsher punishments and less likely to

receive milder punishments compared to their non-disabled peers. In contrast, principals surveyed by the GAO reported that general and special education students are disciplined similarly for serious misbehavior, and are suspended out of school for roughly the same number of days.<sup>15</sup>

The disciplinary provisions of IDEA have generated some controversy due to the concerns among principals that the protections for students with disabilities may create an unfair and dual system of discipline. Surveys of school principals both at the national level and in Indiana have shown that about a third of principals agree that students with disabilities account for a disproportionate and undue amount of time on discipline.<sup>16</sup> Similarly, approximately two thirds of principals in the GAO study and in Indiana said that federal disciplinary provisions do not create a separate disciplinary system for students with disabilities that makes the administration of discipline more difficult.

### **SUMMARY**

In summary, the current research base on the discipline of students with disabilities is very limited. Thus, the following conclusions should be interpreted with caution:

- Students with disabilities are typically disciplined more often than expected based on their proportion in the overall enrollment, and at rates higher than general education students, although this finding is not entirely consistent.
- Students identified with an emotional disability are at a high risk of being disciplined compared to other students with and without a disability.
- Black students with a disability are more likely to be disciplined compared to other students with a disability.
- Data are inconsistent on whether students with disabilities engage in more severe behavior or are punished more severely than their non-disabled peers.

### **WHAT DO INDIANA'S CURRENT DATA TELL US?**

These findings provide a context for considering Indiana's current data with respect to the discipline of students with disabilities. In the following sections, we will present information on the discipline of students with disabilities obtained from the Indiana Department of Education for the 2004-2005 school year.<sup>17</sup> A number of questions are addressed by these data:

- How does the discipline of students with disabilities compare to students without disabilities?
- Are students identified in certain disability categories (e.g., students with ED) disciplined more frequently than others, and if so, to what extent?
- Are Indiana's minority students with disabilities being disciplined at higher rates than we might expect?
- How has the use of discipline, and disproportionality in discipline for students with disabilities, changed over time?

### **How Do General and Special Education Discipline Rates Compare?**

Figure 1 presents statewide incident rates of out-of-school suspension and expulsion for general and special education students. It also includes the relative risk of special education students being disciplined compared to general education students.<sup>18</sup> In 2004-2005, students with disabilities were suspended out of school more than twice as often as the general education population, but were only 75% as likely to be expelled.

### **How Often Are the IDEA Disciplinary Provisions Used and How Has Use Changed?**

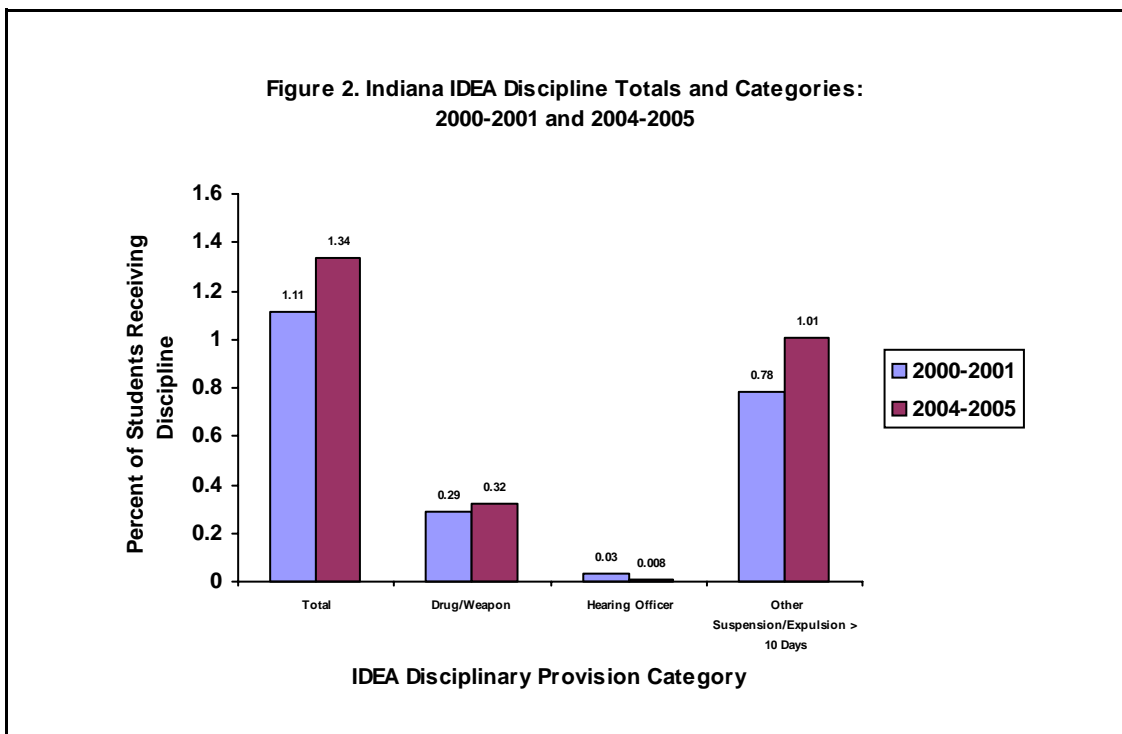
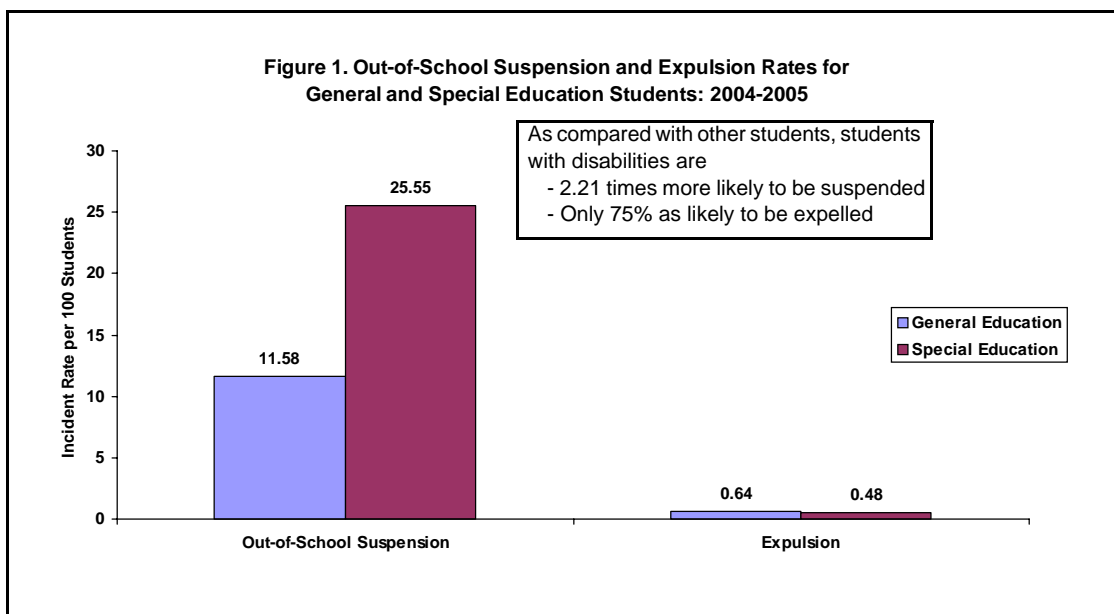
Students with disabilities may also be subject to the special disciplinary provisions of IDEA.<sup>19</sup> What is the extent of and change in use of these provisions in Indiana school corporations?

Figure 2 illustrates that the IDEA disciplinary provisions continue to be used relatively infrequently. Of Indiana's 140,153 students with disabilities, just over one percent received at least one of the IDEA disciplinary provisions during the 2004-2005 school year. Removals for drugs or weapons, hearing officer determination of dangerousness, and other long-term suspension or expulsion

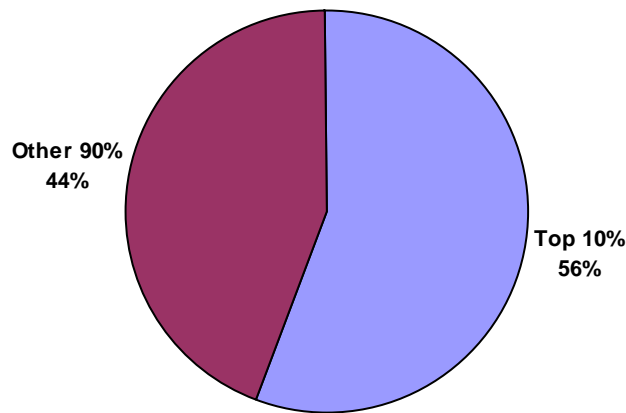
(greater than 10 days) are all used relatively infrequently.

While overall use remains low, usage rates may have increased slightly compared to the 2000-2001 school year. The largest increase is found in the other suspension/expulsion greater than 10 days provision, while removals for hearing officer determination have decreased somewhat.<sup>20</sup>

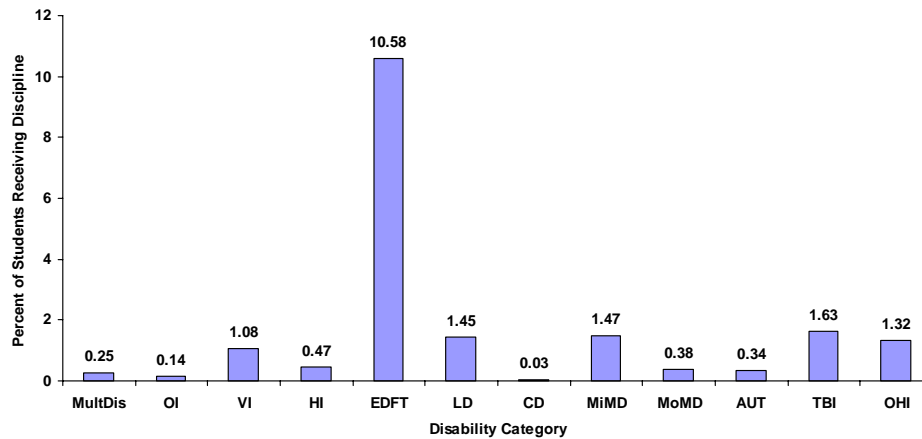
The use of IDEA disciplinary provisions does not appear to be uniform across Indiana's school corporations. Figure 3 shows that school corporations in the top 10% of total IDEA disciplinary provision rates account for more than half of all IDEA disciplinary provision use in the state of Indiana.<sup>21</sup> Further, 39.68% of school corporations reported not using any of the IDEA disciplinary provisions.



**Figure 3. Comparison of Districts in the Top 10% of IDEA Disciplinary Use to Other 90%: 2004-2005 School Year**



**Figure 4. Indiana IDEIA Discipline by Disability Category: 2004-2005**



Note: Some disability categories (e.g., Developmental Delay, Severe Mental Disability, Deaf-Blind) were omitted due to zero enrollments and/or zero number of students receiving discipline under IDEA. MultiDis: Multiple Disabilities; OI: Orthopedic Impairment; VI: Visual Impairment; HI: Hearing Impairment; EDFT: Emotional Disability Full Time; LD: Learning Disability; CD: Communication Disorder; MiMD: Mild Mental Disability; MoMD: Moderate Mental Disability; AUT: Autism Spectrum Disorder; TBI: Traumatic Brain Injury; OHI: Other Health Impaired.

### Does IDEA Provision Removal Vary by Disability Category?

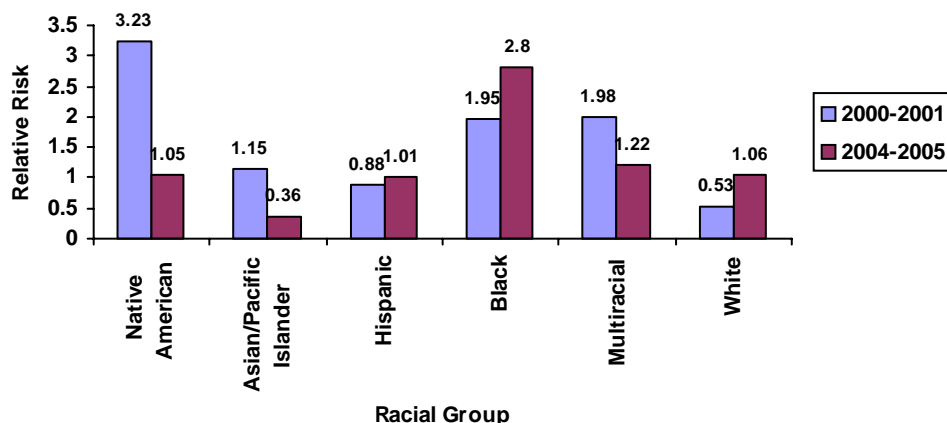
Figure 4 shows that students in most disability categories received IDEA discipline very infrequently. For all disability categories except one, the percent of students receiving IDEA discipline is less than 1.7%, and most categories show rates below 0.5%.

In contrast, students identified with an emotional disability (ED full time) were found to be at high risk of being removed from school under IDEA disciplinary provisions. Students with ED account for 4.7% of the disabled population, but account for 35.5% of all IDEA disciplinary provision use. Compared to other students with a disability, students with ED were 11.13 times more likely to receive discipline under the special IDEA provisions.

### Does IDEA Disciplinary Removal Differ by Race?

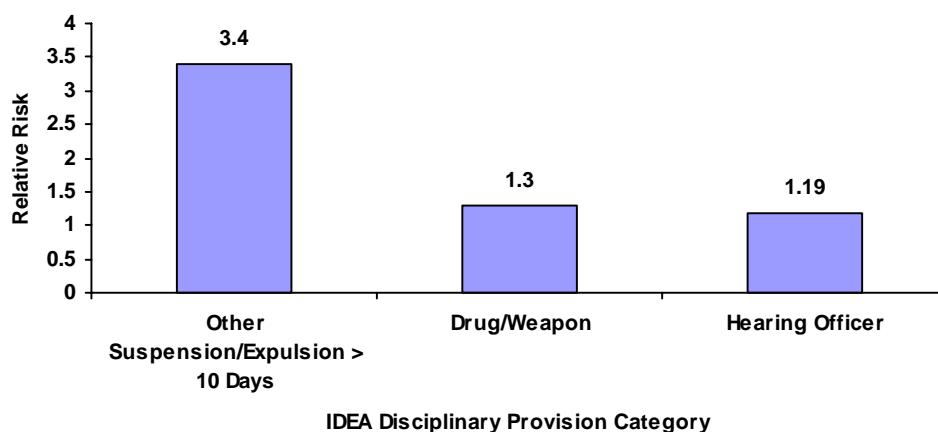
Black students with disabilities continue to have higher IDEA discipline rates compared to other students with disabilities (Figure 5). For the 2004-2005 school year, about 3% of Black students received at least one of the IDEA disciplinary provisions, a rate 2.8 times higher than all other students with disabilities.

**Figure 5. Indiana IDEA Discipline by Race: 2000-2001 and 2004-2005**



Note: The relative risk compares the proportion of a particular racial group receiving IDEA discipline to the proportion of all other racial groups combined. A relative risk value around 1.0 suggests no difference between the racial groups.

**Figure 6. Black Student Relative Risk for IDEA Discipline: 2004-2005 School Year**



Note: The relative risk compares the proportion of Black students receiving IDEA discipline to the proportion of all other racial groups combined. A relative risk around 1.0 indicates no difference between Black students and all other students. Values greater than 1.0 suggest the Black students are more likely than other students to receive IDEA discipline.

Asian/Pacific Islander students have the lowest risk of coming into contact with IDEA discipline, being only 0.36 times as likely to receive IDEA disciplinary provisions. Compared to the 2000-2001 school year, use of IDEA disciplinary provisions has declined for some groups (Native American, Asian/Pacific Islander, and Multiracial) and increased for others (Black, Hispanic, and White).

Since the greatest degree of disproportionality appears to involve Black students, we investigated rates for Black students within each of the IDEA disciplinary provisions (i.e., drug or weapon offense, hearing officer removal, and other suspension/expulsion greater than 10 days). The greatest racial disparities are in the category other suspension/expulsion greater than 10 days, which Black students are 3.4 times more likely

to receive (Figure 6). Relatively proportional rates were found in the drug and weapon offense category and removal based on hearing officer determination, with Black students being 1.30 and 1.19 times more likely to be removed respectively.

As in extent of use of IDEA disciplinary provisions, the degree of racial disparity in the use of those provisions varies sub-

stantially across school corporations.<sup>22</sup> School corporations ranged from 1.74% to 10.2% of Black students with disabilities being removed under IDEA. Further, in some school corporations, there was almost complete proportionality (relative risk of 1.03) for Black students, while in others, Black students with disabilities were more than 10 times as likely to receive one of the IDEA disciplinary provisions when compared to other students with disabilities.

## SUMMARY

Information reported in this policy brief has shown that:

- Indiana's special education population is suspended out-of-school more often than the general education population, but they are less likely to be expelled.
- Use of IDEA disciplinary provisions continues to be relatively infrequent, but may have increased slightly compared to four years ago.
- Students identified with an emotional disability full-time are at a relatively high risk of being removed compared to other students with a disability.
- Black students with a disability continue to be overrepresented in IDEA disciplinary provision use, and these disparities have increased compared to four years ago.
- Racial disparity for Black students is most likely to be found in the IDEA disciplinary category other suspension/expulsion greater than 10 days; Black students are relatively proportionally disciplined in the weapons/drugs and hearing officer determination categories.
- Some Indiana school corporations account for a highly disproportionate share of IDEA disciplinary use overall and for Black students in particular.

## Conclusions

Indiana's data add to the small but growing body of literature on the discipline of students with disabilities. Higher out-of-school suspension rates are consistent with previous research showing higher rates of overall removal for special edu-

cation students compared to general education students,<sup>23</sup> but lower expulsion rates do not support this general conclusion. This information suggests that Indiana's schools may use out-of-school suspension and expulsion differently for special and general education students. IDEA disciplinary provision use and disproportionality in use are not equally distributed throughout Indiana; that is, some corporations clearly use IDEA disciplinary provisions to a much greater extent than most other corporations.

To what degree should we expect disciplinary equality between students with and without disabilities, and between students with ED and other students with disabilities? To date, these critical questions have not been answered locally or nationally. When a student is diagnosed with a disabling condition, typically implying some cognitive or social-behavioral deficit, it may be reasonable to expect higher incidents of inappropriate or disruptive behavior, in particular for students with ED. Alternatively, some have suggested that students with disabilities may simply get caught more often due to problems of poor judgment and planning.<sup>24</sup> Future research should more closely examine reasons for higher rates of removal for students with disabilities, especially for students with ED.

Indiana has high and growing racial disparities for Black students in the use of IDEA disciplinary provisions, specifically in the category other suspension/expulsion greater than 10 days. These data in and of themselves, however, only describe the extent of disproportionality, not why we observe such differences. Previous research on disciplinary disproportionality for general education students has found that Black students do not act out more than other students, and may be referred to the office for less serious and more subjective reasons.<sup>25</sup> Additional data will be necessary to identify contributing factors producing racial disproportionality among students with disabilities.

In a post-Columbine and No Child Left Behind era, sound and effective disciplinary systems supportive of important edu-

cational goals have never been more essential. Ensuring the safety of students and teachers, creating a climate conducive to learning for all students, teaching students important skills for successful interaction in school and society, and reducing rates of future misbehavior are among the critical goals that Indiana school disciplinary systems must support. These data suggest disparities in some locales in the way discipline is applied, especially for Black students; but the data are not yet sufficient to say why that is the case. Both research and practice must continue to work to understand how Indiana's schools can create safe learning environments that maximize the opportunity to learn for all students.

## AUTHORS

**M. Karega Rausch** is a doctoral student and Research Associate with the Equity Project at the Center for Evaluation & Education Policy.

**Russell Skiba** is Director of the Equity Project at the Center for Evaluation & Education Policy.



## END NOTES

1. Office of Special Education Programs (1995). [OSEP Memorandum 95-16, 22 IDELR 531]. Washington, D.C.: Author.
2. See for example Skiba, R.J., & Edl, H.M. (2004). *The disciplinary practices survey: How do Indiana's principals feel about discipline?* (Supplementary Analysis 2-C). Bloomington, IN: Center for Evaluation & Education Policy; U.S. General Accounting Office (GAO) (2001). *Student discipline: Individuals with disabilities education act*. Washington, D.C.: Government Printing Office.
3. Available data come from (1) state reports: Kansas [Cooley, S. (1995). Suspension/expulsion of regular and special education students in Kansas: A report to the Kansas State Board of Education (ERIC Document Reproduction Service, ED 393403; Kansas Department of Education (2004). Biennial performance report: Performance goals and indicators. Available online at <http://www.ksbe.state.ks.us/Welcomes.html>]; Kentucky [Fasko, D., Grubb, D.J., & Osborne, J.S. (1995, November). *An analysis of disciplinary suspensions*. Paper presented at the annual meeting of the Mid-South Educational Research Association. Biloxi, Mississippi (ERIC Document Reproduction Service, ED 393169); Maryland [Maryland State Department of Education (2000, January). *Suspensions from Maryland public schools (1998-1999)*. Baltimore: Maryland State Department of Education Information Management Branch]; and Indiana [Skiba, R.J., Wu, T.C., Kohler, K., Chung, C., & Simmons, A.B. (2001). *Disproportionality and discipline among Indiana's students with disabilities: A status report*. Bloomington, IN: Indiana Education Policy Center]; (2) school district investigations: McFadden, A.C., Marsh, G.E., Prince, B.J., & Hwang, Y. (1992). A study of race and gender bias in the punishment of handicapped school children. *Urban Review*, 24, 239-251; Morrison, G.M., & D'Incau, B. (1997). The web of zero-tolerance: Characteristics of students who are recommended for expulsion from school. *Education and Treatment of Children*, 20, 316-336; Raffaele Mendez, L.M. (2003). Predictors of suspension and negative school outcomes: A longitudinal investigation. *New Directions for Youth Development*, 99, 17-33; Skiba, R.J., Peterson, R.L., & Williams, T. (1997). Office referrals and suspension: Disciplinary intervention in middle schools. *Education and Treatment of Children*, 20, 295-316; (3) school principal surveys: GAO, (2001); Skiba & Edl (2004); and (4) one national study on students with emotional disabilities: Wagner, M., Kutash, K., Duchnowski, A.J., Epstein, M.H., & Sumi, W.C. (2005). The children and youth we serve: A national picture of the characteristics of students with emotional disturbances receiving special education. *Journal of Emotional and Behavioral Disorders*, 13, 79-96.
4. Leone, P.E., Mayer, M.J., Malmgren, K., & Meisel, S.M. (2000). School violence and disruption: Rhetoric, reality, and reasonable balance. *Focus on Exceptional Children*, 33, 1-20.
5. Cooley (1995).
6. U.S. Department of Education. (2000). *21<sup>st</sup> annual report to congress on the implementation of the individuals with disabilities education act*. Washington, D.C.: Government Printing Office.
7. Wagner et al. (2005).
8. Skiba et al. (1997).
9. Cooley (1995).
10. McFadden et al. (1992).
11. Skiba et al. (2001). Under federal law (i.e., IDEA), students with disabilities may be subject to special disciplinary provisions including (1) removal for a drug or weapon offense, (2) removal based on hearing officer determination for likely injury, and (3) other suspension/expulsion of greater than 10 days (one time suspension or expulsion lasting longer than 10 days or multiple short-term suspensions summing to greater than 10 days).
12. GAO (2001).
13. McFadden et al. (1992).
14. Cooley (1995).
15. It is important to note that the GAO survey relied exclusively on principal reports of discipline. There was no attempt to independently verify principal reports of disciplinary action.
16. Skiba & Edl (2004); GAO (2001).
17. Data made available for this brief included the total incidents of suspension and expulsion for students with and without a disability, and use of the special disciplinary provisions under IDEA disaggregated by type of IDEA disciplinary provision, race, and disability category. Recent policy changes in the way Indiana collects disciplinary data (i.e., Public Law 242-2005, SEC.10.; see e.g., IC 20-19-3-4) allow for a disciplinary incident rate comparison between students with and without disabilities for the first time. In contrast to previous state reports on the discipline of students with disabilities in Indiana, disciplinary incident rates account for all disciplinary incidents for students with disabilities, not just the subset of IDEA discipline, and include incidents (the duplicated count), not individual students who were disciplined.
18. The relative risk compares the proportion of a particular racial group being disciplined to the proportion of all other racial groups combined. Relative risk values around 1.0 indicate no differences between the racial groups. Values greater than 1.0 suggest a racial group has a higher likelihood of removal compared to all other racial groups combined, and values less than 1.0 indicate a lower likelihood.
19. IDEA disciplinary provision rates cannot be directly compared to total suspension and expulsion incident rates described previously because IDEA discipline reflects the unduplicated number of students receiving discipline (not the duplicated total of disciplinary incidents), and only contain disciplinary removal for IDEA provisions (not the total number of suspensions and expulsions, including those less than 10 days).
20. For complete 2000-2001 data for Indiana, see Skiba et al. (2001). The percent change from 2000-2001, especially for the removed for drug/weapon and hearing officer determination category should be interpreted with caution due to relatively infrequent occurrences (small numbers).
21. School corporations were broken down into 10 equal groups according to their IDEA disciplinary provision use rates. Similar results were found in specific IDEA disciplinary provision categories: the top 10% of corporations using removal for drugs or weapons accounted for 41.73% of all drug/weapon infractions, and the top 10% of corporations using other suspension/expulsion greater than 10 days accounted for 58.77% of total use.
22. Only school corporations with greater than or equal to five Black students receiving one of the IDEA disciplinary provisions were included in this analysis.
23. Leone et al. (2000).
24. Leone et al. (2000).
25. Skiba, R.J., Michael, R.S., Nardo, A.C., & Peterson, R.L. (2002). The color of discipline: Sources of racial and gender disproportionality in school punishment. *Urban Review*, 34, 317-342.

## About The Equity Project

The Equity Project is a consortium of projects dedicated to providing high quality data to educational decision-makers in order to better understand and address issues regarding educational equity and bridge the gap between research and practice. The Equity Project's mission is to provide evidence-based information specific to issues of school discipline, school violence, special education, and equality of educational opportunity for all students. Specifically, the Equity Project (a) provides data on these issues, (b) focuses on understanding the causes and conditions that create inequities, and (c) provides support and technical assistance to educational agencies seeking to create equitable school systems. The Equity Project supports educators and educational institutions in developing and maintaining safe, effective, and equitable learning opportunities for all students. The work of the Equity Project is guided by the following principles:

**Disproportionality is a complex issue that will not respond to simplistic solutions.**

- Although the fact of disproportionality has been well-documented, its causes and the paths to improvement are by no means fully understood. It is important, therefore, to refrain from assigning blame, but instead to work together to understand the data and their implications.

**Data indicating disparity must be taken seriously.**

- Data that reveal continuing disparities for certain groups are remarkably consistent, and deserve serious consideration. Examining local, state, and national data is an important first step in the process of understanding and remediating inequity.

**Creating equitable school systems is a long-term process requiring long-term commitment.**

- Problems of disproportionality and inequity in our nation and our schools were created over long periods of time and will not be resolved quickly. Thus a long-term institutional commitment is required that includes attention to difficult topics like race, and the ongoing integration of cultural competence as a key component in policy and practice.

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