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

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## Key findings

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During school years 2009/10, 2010/11, and 2011/12:

- The percentage of students in Maryland who received out-of-school suspension or expulsion declined from 5.6 percent in 2009/10 to 5.0 percent in 2011/12.
- Of students suspended or expelled for the same type of infraction, Black students were more likely to receive out-of-school suspension or expulsion than were Hispanic or White students.
- Black students received out-of-school suspension or expulsion at more than twice the rate of White students.
- Students in special education were removed from school at more than twice the rate of other students. While the number of removals fell for both groups over the three school years, it fell more slowly for students in special education than for other students.

REL 2014–017

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March 2014

This report was prepared for the Institute of Education Sciences (IES) under Contract ED-IES-12-C-0006 by Regional Educational Laboratory Mid-Atlantic administered by ICF International. The content of the publication does not necessarily reflect the views or policies of IES or the U.S. Department of Education nor does mention of trade names, commercial products, or organizations imply endorsement by the U.S. Government.

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Porowski, A., O’Conner, R., & Passa, A. (2014). *Disproportionality in school discipline: An assessment of trends in Maryland, 2009–12*. (REL 2014–017). Washington, DC: U.S. Department of Education, Institute of Education Sciences, National Center for Education Evaluation and Regional Assistance, Regional Educational Laboratory Mid-Atlantic. Retrieved from <http://ies.ed.gov/ncee/edlabs>.

This report is available on the Regional Educational Laboratory website at <http://ies.ed.gov/ncee/edlabs>.

## Summary

In the United States exclusionary discipline (suspension and expulsion) is commonly used to remove disruptive students from the classroom or school. While any disciplinary action should be applied fairly and consistently to all groups, for more than 35 years the research literature has highlighted a discipline gap between racial/ethnic minority students and White students. Recently, the literature has identified a gap in the rates of exclusionary discipline between students in special education and other students. These disparities are a concern because exclusionary discipline has been linked to poor academic achievement, grade retention, recurrent misbehavior, dropout, juvenile delinquency, and other undesirable outcomes.

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

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

The study found that during these three school years:

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

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## Why this study?

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In the United States exclusionary discipline (suspension and expulsion) is commonly used to remove disruptive students from the classroom and school environment (Forsyth et al., 2013; see box 1 for definitions of key terms). For school administrators, out-of-school suspension has become the most common response to student infractions (Skiba & Rausch, 2006). Indeed, since the early 1970s the national suspension rate has doubled, from 3.7 percent of students in 1973 to 7.4 percent in 2010 (Losen & Gillespie, 2012). Among public school students in grades 6–12, 21.6 percent reported ever having been suspended and 3.4 percent ever having been expelled (Aud, Fox, & KewalRamani, 2010).

In 2012 the Maryland State Board of Education proposed a regulation (Code of Maryland Regulations 13A.08.01.10.21) requiring the Maryland State Department of Education to “analyze local school system discipline data to determine whether there is a disproportionate impact on minority students” and a “discrepant impact” on students in special education (Maryland Register, 2013).<sup>1</sup> The department sought assistance from Regional Educational Laboratory Mid-Atlantic’s School Completion and Engagement Research Alliance in developing a method for analyzing local school system discipline data to determine whether and to what extent disproportionalities existed. Given that the purpose of

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### Box 1. Key terms related to exclusionary discipline

**Discipline gap.** The difference in the number of suspensions and expulsions between students in racial/ethnic minority subgroups and their White classmates and between students in special education and other students (Gregory, Skiba, & Noguera, 2010).

**Exclusionary discipline.** Removing students from the classroom for disruptive behavior, including referrals to the principal’s office, suspensions, and expulsions (Noltemeyer & Mcloughlin, 2010).

**Expulsion.** The procedural removal of a student from school for a longer period, typically involving a decision by the superintendent and school board (Skiba & Sprague, 2008). The Maryland State Department of Education defines expulsion as the removal of a student from the student’s regular school program; the definition may be further refined by a local board of education (Code of Maryland Regulations, 2011). Although the typical dividing line between suspension and expulsion is 10 days (Skiba & Sprague, 2008), Maryland does not define expulsion by the length of removal. In the 2011/12 school year the length of removal through expulsion averaged 46 days and ranged from 1 day to 180 days.

**Suspension.** The short-term removal of students from the classroom or the school for a disciplinary infraction (Skiba & Sprague, 2008). The Maryland State Department of Education distinguishes three types of suspension:

- Extended suspension is the temporary removal of a student from school for a specified period longer than 10 school days for disciplinary reasons by the local superintendent or the local superintendent’s designated representative.
  - Short-term suspension is the removal of a student from school for up to 10 school days for disciplinary reasons by the principal (Code of Maryland Regulations, 2011).
  - In-school suspension is the removal within the school building by the principal of a student from the student’s education program for up to 10 school days for disciplinary reasons.
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the proposed regulation was “to keep students in school” (Maryland State Board of Education, 2012, p. ii), the department requested that this analysis focus on out-of-school suspension and expulsion.

The method outlined in this study, as well as results of the analysis, will be shared with local school systems. If a school system’s rate of out-of-school suspension and expulsion is identified as having a disproportionate impact on minority students or students in special education, the school system must present a plan to the State Board of Education to reduce the impact within one year and eliminate it within three years. The local school system will also report its progress to the board annually.

### **The relationship between exclusionary discipline and negative student outcomes is a concern**

The increasing frequency of exclusionary discipline is a concern, as research indicates a connection between discipline and negative student outcomes, such as poor academic achievement (Fabelo et al., 2011; Forsyth et al., 2013; Gregory et al., 2010). Students who are suspended or expelled miss classroom instruction time and fall behind in their coursework; they are twice as likely as other students to repeat a grade (Fabelo et al., 2011). Being suspended has also been associated with a greater likelihood of recurring misbehavior and future suspension (Anfinson, Autumn, Lehr, Riestenberg, & Scullin, 2010). Moreover, students receiving exclusionary discipline are more likely to report having a negative school experience, which may lead to disengagement (Moreno & Gaytán, 2013).

*The increasing frequency of exclusionary discipline is a concern, as research indicates a connection between discipline and negative student outcomes, such as poor academic achievement*

Attendance, behavior, and course grades/academic achievement have been widely identified as important predictors of dropping out of school (Bridgeland, DiIulio, & Morison, 2006; Gleason & Dynarski, 2002; Rumberger, 2001). Each of these predictors is negatively associated with exclusionary discipline. Exclusionary discipline has also been related to dropping out (Anfinson et al., 2010; Kinsler, 2011). Students who have been suspended or expelled are 10 times more likely to drop out of high school than other students (Lamont et al., 2013).

Dropping out of school is strongly related to juvenile delinquency, and both are related to exclusionary discipline (Forsyth et al., 2013). Students who are in the juvenile justice system are likely to have been suspended or expelled (Fabelo et al., 2011). Some researchers believe exclusionary discipline is a key component of the “school to prison pipeline” since the link between school discipline and criminal activity is strong (Anfinson et al., 2010).

### **The discipline gap between racial/ethnic minority students and White students is well established**

For more than 35 years research has highlighted the discipline gap between racial/ethnic minority students and White students. A seminal 1975 study found that Black students were two to three times more likely than White students to be suspended from school (Children’s Defense Fund, 1975). Since then, many studies have observed similar gaps at the national, state, and district levels (for example, Anfinson et al., 2010; Losen, 2011; Losen & Skiba, 2010). A recent analysis of national data showed that the discipline gap has not narrowed (Losen & Gillespie, 2012). In 2009/10, 17 percent of Black students nationwide were suspended, compared with 8 percent of American Indian students, 7 percent of Hispanic students, 5 percent of White students, and 2 percent of Asian students.<sup>2</sup> Data for Maryland reveal similar disparities. In 2010/11, 11 percent of Black students received out-of-school suspension or expulsion, compared with 7 percent of American Indian students, 4 percent of White students, 4 percent

of Hispanic students, and 1 percent of Asian students (Maryland State Department of Education, 2011, 2012).

Black, Hispanic, and American Indian students tend to be excluded from school for longer periods than White students (Vincent, Sprague, & Tobin, 2012). While the research has established that Black students are suspended or expelled at higher rates than White students, fewer studies focus on the rates of exclusionary discipline for Hispanic and American Indian students (Brown & Di Tillio, 2013). A summary of research findings on each of these three racial/ethnic groups appears below.

*Black students.* Black students receive more disciplinary actions than students of all other racial/ethnic groups (Anfinson et al., 2010; Gregory, Cornell, & Fan, 2011; Losen, 2011; Losen & Skiba, 2010; Raffaele-Mendez & Knoff, 2003; Skiba et al., 2011; Skiba, Michael, Nardo, & Peterson, 2002). Black students are significantly more likely to be referred to the principal's office than students of other racial/ethnic groups (Rocque, 2010; Skiba et al., 2011; Skiba et al., 2002). Black students also have the highest rate of out-of-school suspension (Anfinson et al., 2010; Fenning & Rose, 2007).

*Hispanic students.* Like Black students, Hispanic students are over-represented in exclusionary school discipline (Anfinson et al., 2010; Jones, Slate, & Hilberth, 2012; Moreno & Gaytán, 2013; Skiba et al., 2011). Hispanic students receive more suspensions (both in-school and out-of-school) than do White students (Jones et al., 2012; Skiba et al., 2011). Hispanic students are also considerably more likely to be referred for disciplinary actions for lesser offenses than are White students (Moreno & Gaytán, 2013). One study found that Hispanic students were more likely to be suspended for minor offenses (such as non-compliance) than were White students (Skiba et al., 2011).

*American Indian students.* American Indian students receive more disciplinary actions than do White students (Anfinson et al., 2010; Forsyth et al., 2013; Vincent et al., 2012). While Black students receive the most out-of-school suspensions, American Indian students receive the most expulsions compared with all other racial/ethnic groups (Anfinson et al., 2010; Forsyth et al., 2013).

#### **Variables other than race also affect disciplinary practices**

Aside from race/ethnicity, other student variables (such as gender and socioeconomic status) are also related to disciplinary practices. Male students are more likely than female students to be suspended or expelled (Skiba et al., 2002; Sullivan, Klingbeil, & Van Norman, 2013). When exclusionary discipline cases are evaluated by gender and race/ethnicity, the rate is higher for female Black students than for female White students (Blake, Butler, Lewis, & Darensbourg, 2011).

One possible explanation for these disparities is that exclusionary discipline is correlated more with lower socioeconomic status than with race (McLoughlin & Noltemeyer, 2010; Skiba et al., 2002). However, one study found that statistically significant racial disparities remained even after controlling for socioeconomic status (Skiba et al., 2002). Another study found that even after controlling for 83 variables (including indicators of socioeconomic status), Black students still had a 31 percent higher likelihood of being disciplined than otherwise similar White and Hispanic students (Fabelo et al., 2011).

**While the research has established that Black students are suspended or expelled at higher rates than White students, fewer studies focus on the rates of exclusionary discipline for Hispanic and American Indian students**

Another explanation suggested for the disparity in suspensions and expulsions is that Black students engage in more incidents of disruptive behavior than do White students, and as a result are legitimately subject to more disciplinary actions. However, research has found that Black students are frequently disciplined more harshly for less serious or more subjective disciplinary incidents (Gregory et al., 2010; Raffaele-Mendez & Knoff, 2003; Skiba et al., 2002). Black elementary school students were more likely to receive out-of-school suspension for minor misbehaviors (such as inappropriate language, defiance, noncompliance, and disruption) than were White students (Skiba et al., 2011). Black middle school students were more likely than White students to be suspended or expelled for abusive language, bullying, lying and cheating, and tardiness or truancy (Skiba et al., 2011).

Other explanations for the disparity in suspensions and expulsions focus on school- and teacher-level factors. At the school level some administrators have limited options for disciplining students (Fenning & Rose, 2007). An analysis of discipline codes of conduct for 64 secondary schools in Illinois found that reactive measures<sup>3</sup> were the most commonly listed response to a discipline code violation (Fenning et al., 2008). Similarly, a study of all grade 7 public school students in Texas in 2000/01–2002/03 found that although racial/ethnic minorities were disciplined at higher rates than White students for school code violations, rates of school removals for mandatory violations (violations that require the administrator to remove the student from the classroom) were comparable (Fabelo et al., 2011). Other research indicates that even when administrators have options, students labeled as troublemakers are likely to receive more severe consequences for the same type of infraction than other students (Bowditch, 1993). Teachers also differ greatly in their rate of disciplinary referrals, with some teachers referring more students than others (Skiba et al., 2002).

#### **A discipline gap between special education students and other students has also been found**

While the research literature on the discipline gap between racial/ethnic minority students and White students is extensive, less research has been conducted on disparities in school disciplinary practices related to students in special education. However, studies have found that students in special education experience higher rates of out-of-school suspension than students not in special education (Losen, 2011; Sullivan et al., 2013).

For example, a recent study found that students with disabilities were suspended at twice the rate of other students (Losen & Gillespie, 2012). In one large study of grade 7 students in Texas, 75 percent of students who had a disability that qualified them for special education services were suspended or expelled at least once by grade 12, compared with 55 percent of students without disabilities (Fabelo et al., 2011). In a summary of national surveys and studies in Delaware, Kansas, Kentucky, and Minnesota, students with disabilities made up 11 percent of the student population but accounted for about 20 percent of students suspended (Skiba, 2002). Moreover, Black, Hispanic, and American Indian students are overrepresented in special education and certain disability categories (Coutinho & Oswald, 2000; Skiba, Poloni-Staudinger, Simmons, Feggins-Azziz, & Chung, 2005).

Students in special education received longer out-of-school suspensions than other students for some behaviors (such as hitting a teacher or committing a felony) and less severe punishments for other behaviors (such as bringing weapons to school or fighting; Rose, 1988). However, a consistent finding across all these studies is that students whose disability is classified as emotional or behavioral are more likely than students with other

***While the research literature on the discipline gap between racial/ethnic minority students and White students is extensive, less research has been conducted on disparities in school disciplinary practices related to students in special education***

types of disability (such as hearing or speech impairments or intellectual disabilities) to face exclusionary disciplinary action. Students with attention deficit/hyperactivity disorder and emotional behavioral disorder are more likely to be suspended than students with a learning disorder (Bowman-Perrott et al., 2013).

In determining disciplinary actions for students with disabilities, the Individuals with Disabilities Education Improvement Act (2004) requires schools to ask detailed questions about an incident to determine the cause of a student's actions (Noltemeyer & McLoughlin, 2010). When a student's misbehavior is a manifestation of a disability, schools must adjust the student's individualized education program to address the behavior rather than issuing disciplinary consequences.

### **What the study examined**

The study addressed two questions on disproportionality in student discipline in each Maryland school system for the school years 2009/10 through 2011/12:

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

The Maryland State Department of Education furnished attendance and discipline data for three school years (2009/10, 2010/11, and 2011/12). All personal identifiers were removed prior to data transmittal. The data include detailed records of each disciplinary infraction for all students in grades K–12, including type of infraction, disposition (in-school suspension, out-of-school suspension, expulsion, or health-related exclusion<sup>4</sup>), and total number of days a student was removed from school. Since the discipline data were merged with attendance and demographic data, rates of disciplinary infractions could be calculated for each racial/ethnic group and special education status. Comparing removal rates<sup>5</sup> by race/ethnicity can show the extent of any disproportionalities (see appendix A for a list of offense and disposition codes). However, it should be noted that discipline data in Maryland do not permit assessment of the severity of a given infraction.

### **There are several ways to measure disproportionality**

The federal Office of Special Education Programs requires state education agencies to determine whether the identification, placement, suspension, or expulsion of students in special education is racially/ethnically disproportionate within the state and local school districts. There are three common ways to measure disproportionalities in special education (Bollmer, Bethel, Garrison-Mogren, & Brauen, 2007):

- The *composition index* gives the proportion of students by race/ethnicity in special education or in a particular disability category. For example, if Black students account for 5 percent of total enrollment and 17 percent of special education enrollment, Black students might be considered to be overrepresented.
- The *risk index* (sometimes referred to as the classification rate) identifies the rate at which students of a particular racial/ethnic group are being classified as in need of special education services. For example, if 50 American Indian students are enrolled in the district and 10 of them are identified as needing special education

*The study addressed whether exclusionary discipline is meted out in a way that has a disproportionate impact on Black and other racial/ethnic minority students relative to White students or on students in special education relative to other students*

services, the risk index would be 20 percent. This risk index is compared with that of a comparison group (for example, White students) to assess whether the risk index is disproportionate. The most common way to compare risk indexes is the relative rate ratio (see next).

- The *relative rate ratio* compares the risk for classification of one group with the risk for other groups. A relative rate ratio of 1 means that there is an equal risk of classification, while a ratio larger than 1 indicates a greater risk and a ratio smaller than 1 indicates a reduced risk.

Traditionally, disproportionalities by race/ethnicity have been measured in two ways (Reschly, 1997):

- Comparing the proportion of target-group students in the general population with the proportion of target-group students in the population of students who received a particular disciplinary action. For example, Black students account for 36 percent of student enrollment in Maryland but 60 percent of the out-of-school suspensions and expulsions (Maryland State Department of Education, 2012).
- Comparing the proportion of target-group students receiving a particular disciplinary action with the proportion of referent-group students receiving the same disciplinary action. For example, approximately 11 percent of Black students in Maryland were suspended in 2010/11, compared with 4 percent of White students.

***The Maryland State Department of Education considers a “discrepant impact” for students in special education to occur when suspension rates are at least two times the rate for other students***

The first method is analogous to the composition index. The second directly measures disproportionalities between groups, creating a relative rate ratio. These ratios are comparable to the relative rate index used by the Office of Juvenile Justice and Delinquency Prevention to determine subgroup differences in juvenile justice contact (Booth, Marchbanks, Carmichael, & Fabelo, 2012).

The Maryland State Department of Education considers a “discrepant impact” for students in special education to occur when suspension rates are at least two times the rate for other students (Maryland State Board of Education, 2012); however, this may not be the ideal threshold for racial/ethnic minority students. While it may be appealing to apply this threshold to determine disproportionate impact among racial/ethnic minority students, doing so ignores important differences. Racial/ethnic disproportionalities may have very different causes than special education discrepancies, and thus the thresholds may differ as well. For example, for students in special education, exclusionary discipline may reflect problems related to a student’s disability, as in the case of higher rates of suspension for students with emotional disabilities than for other students (Fabelo et al., 2011; Rose, 1988). By contrast, for racial/ethnic minority students, exclusionary discipline may indicate problems of perception on the part of those meting out the punishment (for example, if Black students are more likely to be suspended for subjective offenses such as insubordination; see Skiba et al., 2011).

#### **Relative rate ratios can be used to identify disparities in exclusionary discipline**

Disproportionalities in out-of-school suspension and expulsion can be measured at the student level or at the incident level. To give a sense of how widespread these incidents are at the student level, disproportionalities can be measured by comparing the rates at which students of different races/ethnicities receive at least one out-of-school suspension or expulsion in a school year.

Because many students are removed from school more than one time in a given school year, however, incident-level reporting is important for capturing the total number of times in a school year that students of a given race/ethnicity were removed from school. Comparing removal rates (total number of out-of-school suspensions and expulsions) for White students and students of other racial/ethnic groups (relative rate ratios) provides the central measure of disproportionality in meting out punishment for disciplinary infractions.

Of the three measures for assessing disproportionalities described in the literature (composition index, risk index, and relative rate ratio), this study used the relative rate ratio because it is measured at the incident level (taking multiple suspension or expulsion episodes into account) and because it provides an intuitive metric for understanding disproportionalities. Details on how to calculate relative rate ratios are in box 2.

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### **Box 2. Measuring disproportionalities**

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

In measuring disproportionalities by race/ethnicity, the rate of out-of-school suspension and expulsion for White students is the basis of comparison (the denominator). For example, the overall relative rate ratio for Black students for a given year would be calculated as follows:

Relative rate ratio for Black students =

$$\frac{(\text{Number of out-of-school suspensions} + \text{expulsions for Black students}) / \text{Total number of Black students}}{(\text{Number of out-of-school suspensions} + \text{expulsions for White students}) / \text{Total number of White students}}$$

In measuring disproportionalities for students in special education, students who are not in special education are the basis of comparison:

Relative rate ratio for students in special education =

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

A relative rate ratio of 1 means that there is an equal rate of classification, while a ratio larger than 1 indicates a greater rate and a ratio smaller than 1 indicates a reduced rate.

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***Comparing school removal rates for students of other racial/ethnic groups and for White students provides the central measure of disproportionality in meting out punishment for disciplinary infractions***

## What the analysis shows about disproportionality and race/ethnicity

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

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

The percentage of Maryland students receiving out-of-school suspension or expulsion declined overall, from 5.6 percent in 2009/10 to 5.0 percent in 2011/12 (table 1), and for each racial/ethnic group except students of more than one race (table 2). But despite progress in keeping students in school, school removal rates still vary considerably across racial/ethnic groups. In 2011/12 Black students had the highest rate of school removal, at 8.8 percent, while Asian students had the lowest rate, at 1.0 percent. Black students were suspended or expelled almost a day longer than White students in 2009/10 and 2010/11, but this difference dropped to less than half a day (0.4 day) in 2011/12.

*The percentage of Maryland students receiving out-of-school suspension or expulsion declined overall, from 5.6 percent in 2009/10 to 5.0 percent in 2011/12, and for each racial/ethnic group except students of more than one race*

**Table 1. Out-of-school suspensions and expulsions in Maryland school systems for students not in special education, 2009/10–2011/12**

Category	2009/10	2010/11	2011/12
Total number of students not in special education	791,280	797,212	778,750
Number of exclusionary disciplinary actions for students not in special education (incident-level data)			
Out-of-school suspensions	73,201	71,489	62,651
Expulsions	616	816	581
Number of students receiving out-of-school suspension or expulsion (student-level data)	44,495	43,343	39,284
Percentage of students receiving out-of-school suspension or expulsion (student-level data)	5.6	5.4	5.0

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

**Table 2. Percentage of students not in special education receiving out-of-school suspension or expulsion and average length of removal, by race/ethnicity, 2009/10–2011/12**

Race/ethnicity	Students suspended or expelled (percent)			Average length of removal (days)		
	2009/10	2010/11	2011/12	2009/10	2010/11	2011/12
American Indian	6.8	6.3	5.5	3.4	3.2	3.7
Asian	1.2	1.1	1.0	3.9	3.9	4.2
Black	9.3	9.1	8.8	4.1	4.0	3.9
Hispanic	3.6	3.5	3.1	3.7	3.7	3.7
More than one race	4.4	4.5	4.4	3.0	3.0	3.3
Pacific Islander	4.5	3.1	3.2	4.5	2.6	4.0
White	3.8	3.7	3.2	3.2	3.1	3.5

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

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

When considering exclusionary discipline, administrators generally have three options: in-school suspension (ostensibly a lesser punishment), out-of-school suspension, or expulsion. One way to uncover disproportionalities in discipline is to compare how infractions of a specific type are handled. Results are presented for three of Maryland’s eight infraction types—attacks, disrespect/insubordination, and other—since they accounted for 89 percent of infractions in 2011/12 that resulted in suspension or expulsion.

In 2011/12 Black students experienced higher rates of out-of-school suspension than did Hispanic or White students for all three infraction types (table 3). Of students disciplined for attacks, threats, or fighting, 89.7 percent of Black students received out-of-school suspension or expulsion, compared with 86.8 percent of Hispanic students and 82.9 percent of White students. Patterns were similar for students disciplined for disrespect/insubordination (69.0 percent of Black students, 64.4 percent of Hispanic students, and 63.7 percent of White students received out-of-school suspension or expulsion) and for other infractions (69.7 percent of Black students, 63.9 percent of Hispanic students, and 59.8 percent of White students). Because sample sizes were much smaller for other racial/ethnic groups (Pacific Islander, American Indian), the discussion here focuses on comparisons of Black, Hispanic, and White students.

**Black students experienced higher rates of out-of-school suspension than did Hispanic or White students for attacks, disrespect/insubordination, and other infractions**

**Black students had the longest average length of removal for four of the seven infraction types punishable by out-of-school suspension or expulsion**

For four of the seven infraction types for which out-of-school suspension or expulsion is given (no suspensions or expulsions were given for the eighth infraction category, attendance), the average length of removal was longer for Black students than for other students. The difference between Black and White students was less than 1 day for disrespect/insubordination/disruption and sex offenses, 1 day for attacks/threats/fighting, 5.2 days for arson/fire/explosives, and 7.4 days for weapons (table 4).

**Table 3. Percentage of students not in special education receiving out-of-school suspension or expulsion, by infraction type and race/ethnicity, 2011/12**

Race/ethnicity	Out-of-school suspension or expulsion (percent)			In-school suspension (percent)		
	Attacks/ threats/ fighting	Disrespect/ insubordination/ disruption	Other	Attacks/ threats/ fighting	Disrespect/ insubordination/ disruption	Other
American Indian	90.0	63.2	63.6	10.0	36.8	36.4
Asian	88.8	73.4	71.2	11.2	26.6	28.8
Black	89.7	69.0	69.7	10.3	31.0	30.3
Hispanic	86.8	64.4	63.9	13.2	35.6	36.1
More than one race	80.9	61.2	60.1	19.1	38.8	39.9
Pacific Islander	75.0	62.1	75.0	25.0	37.9	25.0
White	82.9	63.7	59.8	17.1	36.3	40.2

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

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

**Table 4. Average length of out-of-school suspension and expulsion for students not in special education, by infraction type and race/ethnicity, 2011/12 (days)**

Race/ethnicity	Dangerous substances	Weapons	Attacks/threats/fighting	Arson/fire/explosives	Sex offenses	Disrespect/insubordination/disruption	Other
American Indian	5.2	a	4.7	a	a	2.2	2.5
Asian	11.4	8.9	3.6	a	a	2.3	2.3
Black	8.8	14.9	4.6	13.6	4.4	2.6	3.0
Hispanic	9.7	7.3	3.9	6.6	3.0	2.4	2.8
More than one race	9.1	6.6	3.9	4.6	4.4	2.2	2.3
Pacific Islander	a	a	a	a	a	1.6	2.9
White	8.6	7.5	3.6	8.4	4.4	2.4	2.4

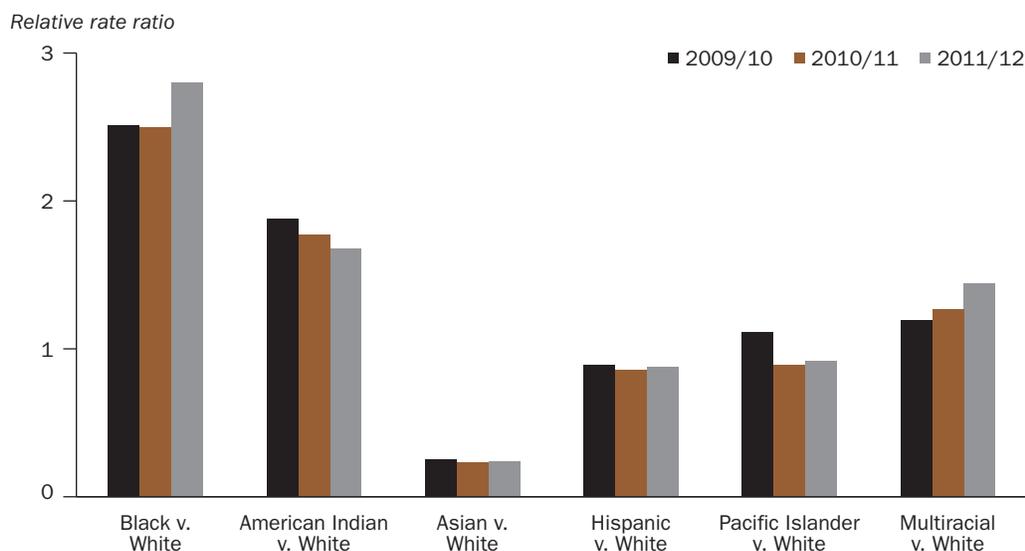
a. Data suppressed because the number of students committing infraction is less than 10.

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

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

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

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



Note: See box 2 for details on how to calculate the relative rate ratio.

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

**In all 24 Maryland school systems, Black students received out-of-school suspension and expulsion at more than twice the rate of White students**

Black students were removed from school for disciplinary infractions at least twice as often as White students in all 24 Maryland school systems (table 5). Relative rate ratios ranged from 2.20 in Carroll County to 5.55 in Montgomery County. Asian students, by contrast, were less likely than White students to be removed from school in all but two districts. Hispanic students were less likely to be removed from school than White students in 11 of the 24 school systems and were more likely to be removed in 12 school systems. In one school system Hispanic and White students were removed from school at the same rate. In all 24 local school systems in Maryland, students of more than one race were less likely than Black students to be removed from school. However, in only 3 of the 24 school systems were students of more than one race removed from school at a lower rate than White students. (For relative rate ratios by race/ethnicity and district for the 2009/10 and 2010/11 school years, see appendix B.)

**Black students were removed from school for disciplinary infractions at least twice as often as White students in all 24 Maryland school systems**

**Table 5. Relative rate ratios for students not in special education receiving out-of-school suspension and expulsion, by school system and race/ethnicity, 2011/12**

Local school system	Asian–White	Black–White	Hispanic–White	More than one race–White
Allegany County	<sup>a</sup>	2.33	0.46	0.63
Anne Arundel County	0.37	3.25	1.18	1.08
Baltimore City	0.54	2.93	0.49	1.19
Baltimore County	0.32	2.79	1.16	1.31
Calvert County	0.50	2.63	1.15	1.21
Caroline County	<sup>a</sup>	2.66	0.58	1.75
Carroll County	0.41	2.20	0.93	1.02
Cecil County	0.17	2.68	1.07	1.19
Charles County	0.22	2.47	1.00	1.15
Dorchester County	1.52	3.81	1.37	2.18
Frederick County	0.34	4.18	2.21	3.03
Garrett County	<sup>a</sup>	<sup>a</sup>	1.11	<sup>a</sup>
Harford County	0.54	4.37	1.62	2.71
Howard County	0.53	5.19	2.10	1.88
Kent County	<sup>a</sup>	2.34	0.58	0.74
Montgomery County	0.58	5.55	2.34	2.16
Prince George's County	0.39	3.25	0.99	1.52
Queen Anne's County	0.25	2.37	0.32	1.11
St. Mary's County	0.25	4.08	0.87	1.36
Somerset County	1.53	2.70	0.65	1.47
Talbot County	0.68	3.66	0.59	2.29
Washington County	0.10	3.95	1.90	2.89
Wicomico County	0.05	4.61	1.70	2.10
Worcester County	<sup>a</sup>	5.10	0.90	0.84

<sup>a</sup>. Data suppressed because fewer than 10 students committed infractions.

**Note:** Relative rate ratios are not presented for American Indian or Pacific Islander students since these groups received less than 10 out-of-school suspensions and expulsions in all districts. A ratio of 1 means that there is an equal rate of classification, while a ratio larger than 1 indicates a greater rate and a ratio smaller than 1 indicates a reduced rate.

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

## What the analysis shows about disproportionality and students in special education

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

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

As was the case for other student subgroups, the percentage of students in special education who were removed from school for disciplinary infractions declined from 2009/10 to 2011/12 (table 6), falling from 11.9 percent to 11.3 percent. However, the decline was not as great (in percentage terms) as it was for students not in special education, which fell from 5.6 percent to 5.0 percent (see table 1). Students in special education were thus removed from school for disciplinary infractions at slightly more than twice the rate of other students.

*Students in special education were removed from school for disciplinary infractions at slightly more than twice the rate of other students*

The Maryland State Department of Education uses 14 disability categories to track students in special education. Three disability categories account for a majority of students in special education who were removed from school for disciplinary reasons: emotional disturbance, other health impairment, and specific learning disability (table 7).<sup>6</sup> In the data received from the department, disability codes were recorded only for students who committed infractions, so it was not possible to identify the proportion of students in special education who have each type of disability.

In 2011/12, among the three types of disabilities that accounted for most out-of-school suspensions and expulsions, students with specific learning disabilities had the longest average removal time per infraction (3.6 days). Students with emotional disturbance and students with other health impairments had an average removal time of 3.3 days. Of all disability categories, students with visual impairments had the longest average removal time for disciplinary incidents (5.1 days). However, the number of out-of-school suspensions and expulsions among students with this type of disability was too small (25) to draw broad conclusions about this pattern.

**Table 6. Out-of-school suspensions and expulsions in Maryland school systems for students in special education, 2009/10–2011/12**

Category	2009/10	2010/11	2011/12
Total number of students in special education	104,783	105,302	103,200
Number of exclusionary disciplinary actions for students in special education (incident-level data)			
Out-of-school suspensions	23,344	23,101	21,882
Expulsions	231	326	218
Number of students receiving out-of-school suspension or expulsion (student-level data)			
	12,473	12,348	11,648
Percentage of students receiving out-of-school suspension or expulsion (student-level data)			
	11.9	11.7	11.3

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

**Table 7. Number of out-of-school suspensions or expulsions and average length of removal for students in special education, by disability category, 2009/10–2011/12**

Disability category	2009/10		2010/11		2011/12	
	Number of out-of-school suspensions/expulsions	Average length of removal (days)	Number of out-of-school suspensions/expulsions	Average length of removal (days)	Number of out-of-school suspensions/expulsions	Average length of removal (days)
Autism	651	2.0	682	1.9	767	2.0
Deaf/blindness	0	na	0	na	a	a
Deafness	12	2.8	a	a	a	a
Developmental delay	129	1.8	149	2.1	215	2.0
Emotional disturbance	6,179	3.5	6,258	3.2	5,948	3.3
Hearing impairment	44	2.2	35	2.8	15	4.0
Mental retardation	732	3.6	701	3.1	610	3.4
Multiple disabilities	570	2.6	648	2.1	689	2.2
Orthopedic impairment	a	a	a	a	a	a
Other health impairment	5,728	3.3	6,068	3.3	5,889	3.3
Specific learning disability	8,519	3.5	7,944	3.5	6,963	3.6
Speech/language impairment	925	2.8	874	3.0	926	2.5
Traumatic brain injury	52	2.3	35	3.9	36	4.1
Visual impairment	29	5.7	18	12.9	25	5.1

a. Data suppressed because the number of students committing infraction is less than 10.

na is not applicable because no infractions were committed.

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

**Black students in special education had the highest rates of out-of-school suspension and expulsion and the longest average removal time**

Black students in special education were more than twice as likely as White students in special education to be removed from school in 2010/11 and 2011/12 (table 8). In 2011/12, 16.5 percent of Black students in special education received at least one out-of-school suspension or expulsion, compared with 7.8 percent of White students in special education. The average length of removal for Black students in special education was 3.6 days in

**Table 8. Percentage of students in special education receiving out-of-school suspension or expulsion and average length of removal, by race/ethnicity, 2009/10–2011/12**

Race/ethnicity	Students suspended or expelled (percent)			Average length of removal (days)		
	2009/10	2010/11	2011/12	2009/10	2010/11	2011/12
American Indian	15.5	13.8	13.0	2.6	2.2	2.7
Asian	3.1	2.5	2.7	2.3	2.4	2.8
Black	16.7	16.9	16.5	3.8	3.7	3.6
Hispanic	6.7	6.6	6.2	3.8	3.4	3.2
More than one race	9.6	10.7	9.9	2.4	2.5	2.3
Pacific Islander	10.1	5.8	3.5	16.0	2.6	2.5
White	8.9	8.2	7.8	2.3	2.3	2.5

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

2011/12, more than a day longer than the average length of removal for White students in special education of 2.5 days. Hispanic students in special education had lower rates of removal (6.2 percent) than did White students in special education (7.8 percent); however, Hispanic students had a longer average removal time (3.2 days) than did White students (2.5 days).

#### **The percentage of students in special education receiving out-of-school suspension or expulsion dropped during 2009/10–2011/12 for students of all races/ethnicities except more than one race**

The percentage of students in special education who received out-of-school suspension or expulsion declined slightly for all races/ethnicities between 2009/10 and 2011/12, with the exception of students of more than one race (see table 8). Students of more than one race had a removal rate that increased slightly during the same period, from 9.6 percent in 2009/10 to 9.9 percent in 2011/12.

#### **The relative rate ratio is rising for students in special education**

The relative rate ratio for students in special education (the rate of out-of-school suspension and expulsion for students in special education relative to the rate for other students) is increasing. The ratio rose from 2.41 in 2009/10 to 2.45 in 2010/11 and to 2.64 in 2011/12. Although the number of out-of-school suspensions and expulsions among students in special education declined, the relative rate ratio rose because school removal rates declined faster for students not in special education.

#### **In 2011/12 students in special education had higher rates of out-of-school suspension or expulsion than other students in 23 of 24 Maryland school systems**

In 2011/12 students in special education had higher rates of out-of-school suspension and expulsion than did other students in 23 of the 24 local school systems in Maryland (table 9). Cecil County is the only school system that had a relative rate ratio below 1 for the past three years. In 2011/12 students in special education were removed from school at more than twice the rate of other students in 19 local school systems. Between 2009/10 and 2011/12 relative rate ratios rose in 16 of 24 local school systems and declined in 8.

### **Implications of study findings**

Educators and policymakers in Maryland can use the study findings to understand the size of disproportionalities in out-of-school suspensions and expulsions among racial/ethnic minority students and students in special education. While the findings indicate some large disproportionalities in discipline—especially among Black students and students in special education—the data cannot establish the source of these disparities. As a practical matter, however, these disparities are large enough to warrant further investigation, as well as further efforts to ensure that disciplinary practices are applied fairly and consistently.

Discipline data in Maryland do not permit assessment of the severity of a given infraction. For example, although the discipline category disrespect/insubordination/disruption is subdivided into infraction types such as disrespect, harassment, classroom disruption, insubordination, and inciting/participating in a disturbance, the severity of each type of infraction still could not be ascertained. While it is possible that Black students commit

*The average length of removal for Black students in special education was 3.6 days, more than a day longer than the average for White students in special education of 2.5 days*

**Table 9. Relative rate ratios for students in special education receiving out-of-school suspension or expulsion, by school system, 2009/10–2011/12**

Local school system	2009/10	2010/11	2011/12
Allegany County	2.44	2.86	2.61
Anne Arundel County	2.39	2.32	2.56
Baltimore City	2.26	2.38	2.32
Baltimore County	2.86	2.42	2.63
Calvert County	2.92	2.84	2.46
Caroline County	1.85	0.76	1.88
Carroll County	2.82	2.71	3.49
Cecil County	0.76	0.34	0.20
Charles County	1.58	2.37	2.44
Dorchester County	2.48	1.62	1.82
Frederick County	3.59	4.14	3.98
Garrett County	6.22	3.04	3.94
Harford County	2.61	2.43	2.99
Howard County	2.97	3.39	4.36
Kent County	1.70	3.34	2.47
Montgomery County	3.15	3.32	3.45
Prince George's County	2.43	2.66	2.93
Queen Anne's County	2.44	2.88	3.20
St. Mary's County	1.99	1.84	2.75
Somerset County	1.43	1.84	2.78
Talbot County	3.33	3.51	2.60
Washington County	2.50	3.61	3.80
Wicomico County	1.31	1.35	1.22
Worcester County	2.06	2.24	1.71

**Note:** A ratio of 1 means that there is an equal rate of classification, while a ratio larger than 1 indicates a greater rate and a ratio smaller than 1 indicates a reduced rate.

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

more severe infractions than White students, which may result in disproportionalities, it is also possible that Black students commit less severe infractions.

Once the Maryland State Department of Education has reviewed the findings, the next step will be to identify the most appropriate “tipping point” in disproportionality that will require school districts to develop remediation plans. The ultimate goal is to bring disproportionalities to the attention of school districts to ensure fair and equitable disciplinary practices for all students.

## **Appendix A. Data sources and disciplinary infraction codes**

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The Maryland State Department of Education currently collects data on school suspensions and expulsions. Local school systems send information for the previous academic year to the department's Division of Assessment and Accountability, Information Management Branch, on or before September 1. Student discipline records include:

- Information on suspensions, including in-school suspensions, out-of-school suspensions, and expulsions.
- A description of the behavior that resulted in the disciplinary action.
- Disposition codes and data on the length of suspensions:
  - 910: Out-of-school short-term suspension (10 days or fewer), educational services provided.
  - 911: Out-of-school extended suspension (11 or more days), educational services provided.
  - 913: Out-of-school suspension, educational services rejected by student or parent.
  - 940: Expulsion, educational services provided.
  - 941: Expulsion, educational services rejected.
  - 942: Expulsion, no educational services offered.
- Disposition codes that apply only to students with disabilities include:
  - 912: Out-of-school suspension, misconduct determined to be a manifestation of disability.
  - 920: Out-of-school suspension, 45 school day unilateral removal.
  - 930: Out-of-school suspension, hearing officer removal.
- A disability code as well as offense codes (table A1).

The Maryland State Department of Education's Special Education Division uses the data to assess the discrepancy between dispositions for students in special education and dispositions for other students, as required by the Individuals with Disabilities Education Improvement Act.

The student record data are available for three school years: 2009/10, 2010/11, and 2011/12. The record provides information on student demographic characteristics, such as race/ethnicity; English language learner indicator; eligibility for free or reduced-price meals; and special education services that the student received during each school year.

**Table A1. Maryland State Department of Education offense codes**

Category	Offense codes and description
Attendance	101 Class cutting 102 Tardiness 103 Truancy
Dangerous substances	201 Alcohol 202 Inhalants 203 Drugs 204 Tobacco 891 Sells or solicits sale of controlled substance 892 Possesses or uses illegal drugs
Weapons	301 Firearms 302 Other guns 303 Other weapons 893 Carries a weapon to school or school function
Attacks/threats/fighting	401 Physical attack—teacher/staff 402 Physical attack—student 403 Verbal or physical threat to teacher, staff, or others 404 Verbal or physical threat to student 405 Fighting 406 Extortion 407 Bullying 408 Serious bodily injury
Arson/fire/explosives	501 Arson/fire 502 False alarm/bomb threat 503 Explosives
Sex offenses	601 Sexual assault 602 Sexual harassment 603 Sexual activity
Disrespect/insubordination/disruption	701 Disrespect 702 Insubordination 703 Harassment 704 Classroom disruption 705 Inciting/participating in disturbance
Other	801 Academic dishonesty/cheating 802 Portable communication devices 803 Theft 804 Trespassing 805 Unauthorized sale or distribution 806 Vandalism/destruction of property 807 Refusal to obey school policies

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

**Appendix B. Relative rate ratios for students not in special education receiving out-of-school suspension or expulsion, by school system, 2009/10–2011/12**

**Table B1. Relative rate ratios for students not in special education receiving out-of-school suspension or expulsion, Asian students relative to White students, by local school system, 2009/10–2011/12**

Local school system	2009/10	2010/11	2011/12
Allegany County	0.48	a	a
Anne Arundel County	0.44	0.33	0.37
Baltimore City	0.82	0.31	0.54
Baltimore County	0.34	0.29	0.32
Calvert County	0.15	0.30	0.50
Caroline County	0.77	a	a
Carroll County	0.55	0.35	0.41
Cecil County	0.33	0.17	0.17
Charles County	0.30	0.32	0.22
Dorchester County	0.33	0.44	1.52
Frederick County	0.49	0.37	0.34
Garrett County	1.94	a	a
Harford County	0.28	0.24	0.54
Howard County	0.43	0.55	0.53
Kent County	a	a	a
Montgomery County	0.60	0.65	0.58
Prince George's County	0.68	0.56	0.39
Queen Anne's County	0.70	a	0.25
St. Mary's County	0.14	0.27	0.25
Somerset County	0.22	0.31	1.53
Talbot County	0.20	0.20	0.68
Washington County	0.08	0.42	0.10
Wicomico County	0.37	0.11	0.05
Worcester County	0.32	a	a

a. Data suppressed because the number of students committing infraction is less than 10.

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

**Table B2. Relative rate ratios for students not in special education receiving out-of-school suspension or expulsion, Black students relative to White students, by local school system, 2009/10–2011/12**

Local school system	2009/10	2010/11	2011/12
Allegany County	3.85	3.61	2.33
Anne Arundel County	2.79	2.59	3.25
Baltimore City	2.70	2.27	2.93
Baltimore County	2.70	2.68	2.79
Calvert County	2.47	2.30	2.63
Caroline County	2.59	2.70	2.66
Carroll County	2.93	3.17	2.20
Cecil County	2.44	2.18	2.68
Charles County	2.59	2.74	2.47
Dorchester County	3.91	4.04	3.81
Frederick County	4.59	4.73	4.18
Garrett County	1.65	a	a
Harford County	4.00	4.43	4.37
Howard County	4.81	4.82	5.19
Kent County	2.31	4.09	2.34
Montgomery County	5.83	5.96	5.55
Prince George's County	3.55	3.40	3.25
Queen Anne's County	2.12	2.26	2.37
St. Mary's County	3.87	3.62	4.08
Somerset County	2.12	2.20	2.70
Talbot County	3.36	3.20	3.66
Washington County	3.65	3.81	3.95
Wicomico County	4.16	4.34	4.61
Worcester County	5.66	4.22	5.10

a. Data suppressed because the number of students committing infraction is less than 10.

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

**Table B3. Relative rate ratios for students not in special education receiving out-of-school suspension or expulsion, Hispanic students relative to White students, by local school system, 2009/10–2011/12**

Local school system	2009/10	2010/11	2011/12
Allegany County	0.72	0.73	0.46
Anne Arundel County	1.09	0.97	1.18
Baltimore City	0.42	0.51	0.49
Baltimore County	1.06	1.01	1.16
Calvert County	1.02	0.87	1.15
Caroline County	0.72	0.90	0.58
Carroll County	1.06	0.93	0.93
Cecil County	1.20	1.21	1.07
Charles County	0.95	0.91	1.00
Dorchester County	0.54	0.98	1.37
Frederick County	3.01	2.30	2.21
Garrett County	5.81	<sup>a</sup>	1.11
Harford County	0.96	1.59	1.62
Howard County	2.21	2.37	2.10
Kent County	0.06	0.71	0.58
Montgomery County	2.74	2.62	2.34
Prince George's County	1.30	1.37	0.99
Queen Anne's County	0.26	0.56	0.32
St. Mary's County	0.69	0.78	0.87
Somerset County	0.80	0.43	0.65
Talbot County	1.39	1.10	0.59
Washington County	1.07	1.51	1.90
Wicomico County	1.74	1.54	1.70
Worcester County	1.42	0.24	0.90

a. Data suppressed because the number of students committing infraction is less than 10.

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

**Table B4. Relative rate ratios for students not in special education receiving out-of-school suspension or expulsion, students of more than one race relative to White students, by local school system, 2009/10–2011/12**

Local school system	2009/10	2010/11	2011/12
Allegany County	1.05	0.96	0.63
Anne Arundel County	1.09	0.95	1.08
Baltimore City	<sup>a</sup>	0.81	1.19
Baltimore County	0.91	1.23	1.31
Calvert County	1.30	1.20	1.21
Caroline County	1.01	1.47	1.75
Carroll County	1.80	2.05	1.02
Cecil County	0.94	0.77	1.19
Charles County	0.77	1.11	1.15
Dorchester County	2.30	2.12	2.18
Frederick County	2.38	2.45	3.03
Garrett County	<sup>a</sup>	0.42	<sup>a</sup>
Harford County	2.15	2.45	2.71
Howard County	1.68	2.13	1.88
Kent County	0.57	0.39	0.74
Montgomery County	2.15	2.07	2.16
Prince George's County	1.16	1.47	1.52
Queen Anne's County	0.75	1.58	1.11
St. Mary's County	0.73	1.16	1.36
Somerset County	1.97	1.92	1.47
Talbot County	2.14	2.24	2.29
Washington County	1.75	2.32	2.89
Wicomico County	1.90	1.97	2.10
Worcester County	0.80	0.97	0.84

a. Data suppressed because the number of students committing infraction is less than 10.

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

## Notes

1. Maryland State Department of Education staff confirmed that the board is interested in examining disproportionate results and patterns in school disciplinary practices, not in establishing a causal link between student demographics and disciplinary practices. The term “impact” used by the Maryland State Board of Education is therefore not intended to be synonymous with the research community’s traditional understanding of that term, which would imply that experimental research was warranted. The Individuals with Disabilities Education Improvement Act (IDEA), in the annual performance report indicators, uses the term “discrepant impact” for special education students [20 U.S.C. 1416(a)(3)(A); 1412(a)(22)]. Since the terms “discrepant impact” and “disproportionate impact” are equivalent, the term “disproportionate impact” will be used throughout this report to ensure consistency and clarity.
2. Unless otherwise noted, American Indian includes Alaska Native, Asian includes Native Hawaiian and Other Pacific Islander, Hispanic includes Latino, and Black includes African American.
3. The authors define reactive measures as those that “are punitive in nature without any direct teaching behavior” (Fenning et al., 2008, p. 124).
4. Health-related exclusions include failure of the parent or guardian to abide by health regulations regarding immunization schedules or failure to provide evidence of appropriate immunizations, and personal health conditions that present a clear and direct health risk to others (for example, lice and measles).
5. The Maryland State Department of Education prefers disciplinary actions that keep children in school, in order to end the cycle of disengagement (resulting from out-of-school suspension and expulsion) that can lead to dropout.
6. These categories are not mutually exclusive. A small number of students in special education who committed multiple infractions received a different disability code for their first and second infractions ( $n = 55$  in 2009/10,  $n = 60$  in 2010/11, and  $n = 63$  in 2011/12).

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