How Has the Baltimore County Public School System Addressed Disproportionate Minority Suspensions?
HOW HAS THE BALTIMORE COUNTY PUBLIC SCHOOL SYSTEM ADDRESSED DISPROPORTIONATE MINORITY SUSPENSIONS?

Alicia J. Davis, M.S.
2014 Alumni Professional Fellow
johnson2davis@gmail.com

Heather Pfeifer, Ph.D.
Faculty Mentor

Schaefer Center for Public Policy
University of Baltimore – College of Public Affairs
1420 N. Charles Street
Baltimore, MD 21201
410.837.6188
http://scpp.ubalt.edu
ACKNOWLEDGEMENTS

This research was funded through a generous UB 21 Catalyst Grant from the Office of the Provost. UB Alumni Professional Fellows submitted proposals that were reviewed by a selection committee. Each UB Alumni Professional Fellow worked with a Faculty Mentor during the course of their research.

The UB Alumni Professional Fellows Initiative was developed by Ann Cotten, Director, Schaefer Center for Public Policy and Ed Gibson, Associate Professor, School of Public and International Affairs.

ABOUT THE SCHAEFER CENTER FOR PUBLIC POLICY

Established in 1985 with a mission to bring the University of Baltimore’s academic expertise to bear in solving problems faced by government and nonprofit organizations, the Schaefer Center has grown into one of Maryland’s preeminent policy centers offering invaluable assistance in support of Maryland’s public sector.

Housed in the University of Baltimore’s College of Public Affairs, the Schaefer Center is able to complement its professional staff by drawing upon the expertise of faculty and students in its three schools Criminal Justice, Health and Human Services, Public and International Affairs in its research, consulting, and professional development work.

The Center offers program evaluation, policy analysis, survey research, strategic planning, workload studies, opinion research, management consulting, and professional development services. It is through the Schaefer Center that the University of Baltimore and the College of Public Affairs meet a central component of the University’s mission of applied research and public service to the Baltimore metropolitan area and to the state of Maryland.

Since its creation more than 25 years ago, the Schaefer Center has completed hundreds of research and professional development projects for various local, state and federal agencies, as well as nonprofit organizations. Through our newest program, the Maryland Certified Public Manager® Program offered to nonprofit and government managers, the Center is building the management capacity in Maryland’s public organizations.

For information about contracting with the Schaefer Center, please contact the Center director, Ann Cotten, at 410-837-6185 or acotten@ubalt.edu.
<table>
<thead>
<tr>
<th>ACRONYM</th>
<th>EXPLANATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>BCPS</td>
<td>Baltimore County Public Schools</td>
</tr>
<tr>
<td>CLD</td>
<td>Culturally and linguistically different</td>
</tr>
<tr>
<td>DOJ</td>
<td>Department of Justice</td>
</tr>
<tr>
<td>ED</td>
<td>U.S. Department of Education</td>
</tr>
<tr>
<td>MSA</td>
<td>Maryland School Assessment</td>
</tr>
<tr>
<td>MTP</td>
<td>My Teaching Partner</td>
</tr>
<tr>
<td>MTP-S</td>
<td>My Teaching Partner-Secondary</td>
</tr>
<tr>
<td>ODRs</td>
<td>Office Discipline Referrals</td>
</tr>
<tr>
<td>OJJDP</td>
<td>Office of Juvenile Justice and Delinquency Prevention</td>
</tr>
<tr>
<td>PBIS</td>
<td>Positive Behavioral Interventions and Supports</td>
</tr>
<tr>
<td>RRI</td>
<td>Relative Rate Index</td>
</tr>
<tr>
<td>SSDI</td>
<td>Supportive School Discipline Initiative</td>
</tr>
<tr>
<td>STPP</td>
<td>School-to-prison pipeline</td>
</tr>
<tr>
<td>SWIS</td>
<td>School-Wide Information System</td>
</tr>
</tbody>
</table>
INTRODUCTION

Disproportionate minority contact refers to the higher proportion of minority youth who come into contact with the juvenile justice system (Office of Juvenile Justice and Delinquency Prevention [OJJDP], 1999). Researchers have found overrepresentation at every point of contact, from arrest to referral to adjudication (Hamparian & Leiber, 1997; Kakar, 2006). Furthermore, research has shown that the school system is yet another point of contact, where minority students are disproportionately arrested or referred to the juvenile justice system. Nicholas-Crotty, Birchmeier, and Valentine (2009) argue that the disproportionate use of exclusionary discipline by schools has created patterns of disproportionate minority contact, which ultimately are replicated, at least in part, by referrals to juvenile courts. They examined school disciplinary data from 53 Missouri counties and found that schools disproportionately targeting African American students for exclusionary sanctions also experienced higher rates of juvenile court referrals for African American youth. This trend has been defined as the school-to-prison pipeline (STPP), which is a system of educational public safety policies that pushes students out of school and into the criminal justice system (N.Y. Civil Liberties Union, n.d.).

The STPP is fueled by zero-tolerance school policies. Zero-tolerance policies have been blamed for many of the disparities in school disciplinary actions. These policies, initially intended to deter serious offenses from occurring in schools, now include mostly minor offenses leading to more suspensions and expulsions (Johnson-Davis, 2012; Skiba, 2004). According to Skiba and Knesting (2001), 94 percent of schools now have some form of zero-tolerance policy in effect. In addition, although all races and genders are affected by these strict policies, researchers find that children of color are impacted the most (Advancement Project, 2005).
For years, researchers and advocates have attempted to expose the negative consequences of zero-tolerance policies, such as the STPP. Studies across the nation—notably in Florida, Maryland, North Carolina, and Oregon public schools—have proven that minority students are overrepresented in the use of out-of-school suspensions (Florida State Conference NAACP, 2006; Johnson-Davis, 2012; Langberg & Brege, 2009; Portland Public Schools, 2002–03). Consequently, students are directly and indirectly being filtered into the juvenile justice system. Studies also have shown that children who have been suspended are more likely to be retained in grade, to drop out, to commit a crime, and/or to end up incarcerated (Johnson-Davis, 2012).

Johnson-Davis (2012) conducted a study on Maryland’s Baltimore County Public Schools (BCPS) for the 2008–09 school year and found that out of 103,180 students, 20,178 (19.5 percent) were suspended out of school. Of this number, 13 percent were in elementary school, 28 percent were in middle school, and 55 percent were in high school. At all school levels, suspensions were given most for disrespect/insubordination/disruption offenses. For these minor infractions, the percentage of suspensions given in elementary school, middle school, and high school were 24 percent, 44 percent, and 41 percent, respectively.

The main focus of the BCPS study was to determine if a relationship existed between African American students and disproportionate school discipline practices in the system. The study explored the relationship between African American students and suspensions (in and out of school), and attempted to determine if that relationship varied based on students’ academic performance. Results of a correlation and chi-square analysis showed that there was a significant relationship between African American students and suspension rates in BCPS (Johnson-Davis, 2012). The data revealed the strongest relationship in elementary schools. Specifically, a significant relationship was observed between the percentage of African American students and both in-school (0.328) and out-of-school (0.634) suspensions. Also, in high
schools, a significant relationship was revealed between the percentage of African American students and in-school (0.465) suspensions.

Additionally, a logistic regression analysis was used to determine if the percentage of African American students significantly predicted school suspensions when controlling for the effects of gender and student performance on standardized math tests (Johnson-Davis, 2012). Again, in elementary schools, the percentage of African American students was significantly and positively related to out-of-school suspensions even after controlling for gender and student performance on standardized math tests. Furthermore, the analysis revealed that performance on the standardized math test was significantly and negatively related to out-of-school suspensions in elementary schools, suggesting that African American youth who scored high on the standardized math test were less likely to receive an out-of-school suspension than African American youth who performed poorly (Johnson-Davis, 2012).

**FEDERAL MANDATES**

Federal law prohibits public school districts from discriminating in the administration of student discipline based on certain characteristics (U.S. Department of Education [ED], n.d.). The Office of Civil Rights of the Department of Justice (DOJ) has the responsibility of enforcing the Civil Rights Act of 1964, Title IV, which prohibits discrimination in public elementary and secondary schools and in receiving federal financial aid assistance on the basis of race, color, or national origin, among other bases (42 U.S.C. §§ 2000c et seq., 42 U.S.C. §§ 2000d et seq.). Moreover, students are protected over the entire course of the disciplinary process—from behavior management in the classroom, to being referred to an authority outside the classroom for misconduct, to resolution of the disciplinary incident (ED, n.d.). Losen, Hewitt, and Toldson (2014) note that new federal guidance calls attention to the disparate harm that results and the possibility that failure to change harsh policies and practices in the face of more effective alternative approaches could constitute a violation of civil rights.
One of the biggest initiatives in education reform has been provided by federal agencies. The Supportive School Discipline Initiative (SSDI) is a collaborative effort between the ED and the DOJ specifically to address the issues of the STPP (ED & DOJ, n.d.). Its purpose is to coordinate federal actions to provide schools with effective alternatives to exclusionary discipline and to provide support in efforts to reduce disproportionality for students of color and students with disabilities. The goals of the initiative are to build a consensus, invest in research and data collection, issue guidance, and promote awareness and knowledge (OJJDP, 2011). In addition, as part of this effort, the ED and DOJ collaborate with other agencies on projects to help reduce the use of disciplinary practices, such as suspensions and expulsions (ED, n.d.).

In their efforts to build a consensus, DOJ has awarded $840,000 to the Council of State Governments to initiate the “School Discipline Consensus Project.” This project brings together practitioners from the fields of education, juvenile justice, behavioral health, and law enforcement—as well as state and local policy makers, researchers, advocates, students, and parents—to develop a comprehensive set of recommendations for change (ED, n.d.). Their research investment includes utilizing the ED’s Civil Rights Data Collection system to track the total number of students receiving in-school and out-of-school suspensions/expulsions, the number of students referred to law enforcement, the number of students with school-related arrests, and the number of students expelled under zero-tolerance policies. Data collected for 2011–12 was to be released in 2014 for all school districts in the country. With regard to research, the DOJ awarded nearly $1.5 million through the 2012 Field Initiative Research and Evaluation Program to focus on research and evaluation studies of school-based practices that relate to reducing student victimization and risk of delinquency.

In addition to the above, the ED and DOJ have released legal guidance to assist public schools and districts in administering student discipline. They also offer a resource guide for schools that outlines principles for improving school climate and discipline practices. Lastly, their goal to build awareness
includes supporting other agencies and advocates in knowledge sharing for their causes. For example, the SSDI cohosted the 2012 National Leadership Summit, assembling 45 states, territories, and the District of Columbia to undertake the work of improving policy and practice related to school discipline. Furthermore, the initiative launched a web-based community for state leaders to share information and has conducted webinars designed to increase awareness and understanding of the STPP.

In December 2012, a United States Senate hearing was held for the first time to address “Ending the School to Prison Pipeline.” Senator Durbin opened the hearing and noted the critical nature of disparities in school discipline practices (Ending the School to Prison Pipeline, 2012). Other speakers made mention of the need for interventions. Representative Davis proposed that the United States examine school discipline data within civil rights data collection and use that data to direct interventions, as was done by the Positive Behavioral Interventions and Supports (PBIS) initiative (discussed below). In fact, ED’s Assistant Secretary for Elementary and Secondary Education Deborah Delisle stated that data showed an overreliance on disciplinary practices leading to justice system involvement based on minor acts of misconduct that could be more effectively handled through PBIS.

Melodee Harris, the acting administrator at OJJDP, also spoke at the Senate hearing. She mentioned other programs and initiatives that have been established, including the Supportive School Discipline Initiative, the Defending Childhood Initiative, the National Forum on Youth Violence Prevention, and the Federal Interagency Reentry Council. Judith Browne from the Advancement Project argued for schools to end the STPP by focusing on preventing misbehavior and providing non-punitive supportive and effective interventions when misbehaviors occur. Ms. Browne gave credit to advocacy groups such as Padres & Jóvenes Unidos in Denver, Youth United for Change in Philadelphia, and VOYCE in Chicago for their efforts to revise school disciplinary codes. She noted that some school districts have started to limit unnecessary exclusionary discipline to address racial disparities.
STATE MANDATES

In light of the demands and efforts to end disproportionality in school discipline, school districts across the country are responding by changing school discipline policies and implementing interventions to reduce suspensions and expulsions. Some schools are moving away from zero-tolerance policies and reevaluating their school disciplinary practices. For example, some school districts have amended their School Conduct Codes and changed laws to include less punitive disciplinary practices. The Advancement Project (n.d.) highlighted the unanimous passing of a new Code of Conduct by Philadelphia’s School Reform Commission. Their codes state that students can no longer be suspended out of school for minor infractions such as disrupting class, using profanity, skipping class, and violating the dress code. Interventions and consequences are to be implemented only for specific acts of misconduct, and out-of-school suspensions are only to be given as a last resort (Advancement Project, n.d.).

Moreover, Chicago’s Board of Education approved a new Student Code of Conduct that reduces suspensions and eliminates their mandatory two-week suspension for minor offenses. Colorado also passed a bill in May 2014 to achieve common-sense school discipline that supports academic achievement (Advancement Project, n.d.). For example, every school district in Colorado is now required to implement proportionate discipline that reduces the number of out-of-school suspensions, expulsions, and referrals to law enforcement. In addition, districts are required to implement prevention strategies, restorative practices, peer mediations, counseling, and other approaches designed to minimize student exposure to the juvenile and criminal justice systems. Furthermore, the bill substantially improves the collection of data around school-based arrests, tickets, and court referrals (Advancement Project, n.d.).

MARYLAND STATE MANDATES

The Maryland State Board of Education is actively participating in the movement to abolish zero-tolerance policies and eliminate the disparities in discipline. For example, in 2012, it proposed a new regulation that will reduce the number of long-term and out-of-school suspensions for nonviolent
offenses, proposed amendments to school discipline regulations, and collected data on school arrests and referrals to the criminal justice and juvenile justice systems, including specific data on referrals of special education students. More importantly, the board proposed a regulation that requires any school system with disciplinary actions having a disproportionate impact on minorities to develop a corrective action plan to reduce the impact within one year, eliminate it within three years, and report to the board annually.

Overall, the board is seeking a more rehabilitative approach to school discipline, directing schools to find alternative methods of discipline for nonviolent offenses (Maryland State Board of Education, 2012). It proposes that each school adopt a set of regulations reflecting a rehabilitative disciplinary philosophy based on the goals of fostering, teaching, and acknowledging positive behavior; keeping students in school so that they may graduate and be ready for college/career; prohibiting disciplinary policies that allow automatic disciplines without using discretion; and using long-term suspensions/expulsions as last-resort options (Maryland State Board of Education, 2012). Local school boards asked the board to let them impose the appropriate disciplinary actions (Maryland State Board of Education, 2012). The board agreed, stating they “trust that their education partners will use out-of-school suspension judiciously, appropriately, and with discretion, as the punishment of last resort for serious offenses” (p. 4).

Amendments to the Code of Maryland Regulations (COMAR 13A.08.01.11) were adopted on February 17, 2014, and by the beginning of school year 2014–15, each local board was required to review and revise its student discipline policies and regulations (COMAR 13A.08.01.11A). One objective of these amendments was to eliminate the ambiguity in the definitions used for suspensions and expulsions (Johnson-Davis, 2012). Previously, the exact definitions of a few of the terms used were very vague. For example, the terms *extended suspension* and *expulsion* were so similar it was confusing. *Extended suspension* was defined as the temporary removal of a student from school for a specified period of time longer than ten days for disciplinary reasons by the local superintendent or the local superintendent’s
designated representative. Similarly, the term *expulsion* was defined as, at a minimum, the removal of a student from the regular school program and could be further defined by a local board of education.

The new regulations have clarified these definitions, defining extended suspension as the exclusion of a student from the regular program for a time period between 11 and 45 school days (COMAR 13A.08.01.11(2)). Expulsion is defined as the exclusion of a student from the regular school program for 45 school days or longer (COMAR 13A.08.01.11(3)). The new regulations and recommendations from the board are intended to help districts as they update their own local codes of conduct to incorporate the shift in Maryland’s thinking (St. George, 2014).

**BCPS ADDRESSING NEW STUDENT DISCIPLINE REGULATIONS**

Since the new student discipline regulations have been in effect, BCPS has reviewed its own policies, rules, and procedures to address the state’s new regulations (BCPS, n.d.). Maryland mandates require each local board to review and revise its student discipline policies and regulations with the goal of maintaining an environment of order, safety, and discipline necessary for effective learning (COMAR 13A.08.01.11(A)). In compliance, BCPS has revised its policies and rules on student behavior and discipline, effective for the school year 2014–15. For example, it has decreased the length of suspensions and included minimum education services for students expelled from school. Table 1 summarizes some of the changes made to BCPS student conduct policies according to state mandates (COMAR 13A.08.01.11) (BCPS Policy & Rule 5560).

BCPS has also revised their 2014–15 Student Handbook to eliminate zero-tolerance policies. This handbook is designed to inform all students and their families of behavior expectations in accordance with law, policies, and procedures. It contains descriptions of all offenses and the possible disciplinary actions to be taken. For example, in the BCPS 2008–09 Student Handbook, it states that “students who violate the provisions of the *Board of Education Policy 5550, Disruptive Behavior*, are subject to suspension, long-term suspension, assignment to an alternative program, or expulsion in accordance with
the procedures outlined in *Board of Education Policy 5560, Suspensions, Assignment to Alternative Programs or Expulsions*” (p. 8). However, this language has been removed from the BCPS 2014–15 Student Handbook, which agrees with state mandates to prohibit automatic suspensions.

### Table 1. Comparison Chart of State-Mandated BCPS Student Conduct Policies

<table>
<thead>
<tr>
<th>NEW REGULATIONS (COMAR 13A.08.01.11) adopted 2/17/14</th>
<th>OLD BCPS POLICIES (Policy 5560) last dated 10/2/07</th>
<th>NEW POLICIES (Policy 5560) last dated 8/4/14</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>DEFINITIONS:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Expulsion</em> – exclusion from regular school program for 45 days or longer</td>
<td><em>Expulsion</em> – required transfer from day school…; subject to review for readmission to day school program</td>
<td><em>Expulsion</em> – the exclusion of a student for 45 days or longer</td>
</tr>
<tr>
<td><em>Extended suspension</em> (temporary removal) – exclusion from regular school program for time period between 11–45 days</td>
<td><em>Extended suspension</em> – the exclusion of a student for a time period between 11–45 school days</td>
<td><em>Extended suspension</em> – the exclusion of a student for a time period between 11–45 school days</td>
</tr>
<tr>
<td><em>In-school suspension</em> – removal within the school building from the student’s current education program for up to but not more than 10 school days</td>
<td><em>In-school suspension</em> – removal from school for a time period between 4–10 days</td>
<td><em>In-school suspension</em> – removal from school for up to but not more than 10 school days</td>
</tr>
<tr>
<td><em>Long-term suspension</em> – removal from school for a time period between 4–10 days</td>
<td><em>Long-term suspension</em> – temporary suspension for a period not to exceed 10 school days</td>
<td><em>Long-term suspension</em> – removal from school for a time period between 4–10 school days</td>
</tr>
<tr>
<td><em>Short-term suspension</em> – removal from school for up to but not more than 3 school days</td>
<td><em>Short-term suspension</em> – temporary suspension for a period not to exceed 10 school days</td>
<td><em>Short-term suspension</em> – removal from school for up to but not more than 3 school days</td>
</tr>
<tr>
<td><em>Assignment to alternative programs</em> – transfer from the day school program…; subject to review for readmission to the day school program</td>
<td><em>Assignment to alternative programs</em> – required transfer from the day school program…; subject to review for readmission to day school program</td>
<td><em>Assignment to alternative programs</em> – required suspension from the day school program…; subject to review for readmission to the day school program</td>
</tr>
<tr>
<td><em>Minimum education services</em> –</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Each local school board shall institute educational services that provide…daily class work and assignments…which shall be reviewed and corrected by teachers</td>
<td>• Minimum education services are to be provided to students who have been suspended or expelled</td>
<td>• Minimum education services are to be provided to students who have been suspended or expelled</td>
</tr>
<tr>
<td>• Each principal shall assign a school staff person to be the liaison between teachers, students, and parents</td>
<td>• Provisions are for students that are not placed in an alternative education program</td>
<td>• Provisions are for students that are not placed in an alternative education program</td>
</tr>
<tr>
<td>• Short-term suspension – students shall be provided the opportunity to complete academic work missed, make up tests, complete assignments...as would any other excused absent student, without penalty</td>
<td>• Students are to receive and complete the academic work missed during suspension period without penalty</td>
<td>• Students are to receive and complete the academic work missed during suspension period without penalty</td>
</tr>
</tbody>
</table>
The Board of Education Policy 5550, Disruptive Behavior includes three categories of offenses (Board of Education Policy 5550, 2012). These policies authorize suspensions, assignment to an alternative program, or expulsion for all categories of offenses. However, the BCPS 2014–15 Student Handbook encourages the use of interventions and supports as disciplinary responses, particularly for Category I offenses. It is noteworthy to state that BCPS included interventions and supports before the student disciplinary regulations changed, prior to the 2014–15 school year. Table 2 shows the categories of offenses, in accordance with Policy 5550, and the changes made to the BCPS 2014–15 Student Handbook to include suggestions for interventions and supports as responses for disciplinary offenses.

Table 2. Offenses by Category and Student Handbook Changes

<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Category I</strong> – Examples of offenses that may result in suspension:</td>
<td><strong>Category I</strong> – Offenses are followed by a suggested list, not all inclusive, of interventions, supports, and disciplinary responses that may be used when students commit Category I offenses:</td>
</tr>
<tr>
<td>• Arson/fire/explosives</td>
<td>• Arson/fire/explosives</td>
</tr>
<tr>
<td>• Attacks/threats/fighting</td>
<td>• Attacks/threats/fighting</td>
</tr>
<tr>
<td>• Attendance</td>
<td>• Attendance</td>
</tr>
<tr>
<td>• Dangerous substances</td>
<td>• Dangerous substances</td>
</tr>
<tr>
<td>• Disrespect/insubordination</td>
<td>• Disrespect/insubordination</td>
</tr>
<tr>
<td>• Personal health</td>
<td>• Personal health</td>
</tr>
<tr>
<td>• Other (academic dishonesty; gambling; unauthorized sale or distribution in school of items, goods, or services; use of electronic communication devices...which are not part of the educational program)</td>
<td>• Other (academic dishonesty; gambling; unauthorized sale or distribution in school of items, goods, or services; use of personal telecommunication/electronic communication devices...except when the use of the device is authorized by...and used in conjunction with the instructional program)</td>
</tr>
</tbody>
</table>

Suggested interventions and supports (see handbook)

Range of possible disciplinary responses:
- a. Suspend student temporarily from bus transportation for bus-related offenses
- b. Exclude the student from participating in extracurricular/co-curricular programs or activities (temporarily or permanently)
- c. Assign student to attend school on Saturday
- d. Assign student an in-school suspension
- e. Suspend student from school when appropriate interventions or supports did not result in positive behavioral changes
- f. Warn student and parent of Category II disciplinary action
### Category II – Examples of offenses for which the student may be suspended, assigned to an alternative program, and result in expulsion:
- Arson
- Attacks/threats/fighting
- Dangerous substances
- Disrespect/insubordination
- Sex offenses
- Weapons
- Other (destruction and/or vandalism of school property, personal property of students and/or faculty; exchange of money for an illegal purpose; reckless endangerment resulting in injury to a person; theft; trespassing; violation of the Telecommunications Acceptable Use Policy)

### Category II – Examples of offenses for which the student may be suspended, assigned to an alternative program, and result in expulsion:

Offenses are followed by a suggested list, not all inclusive, of interventions, supports, and disciplinary responses that may be used when students commit Category II offenses:
- Arson
- Attacks/threats/fighting
- Dangerous substances
- Disrespect/insubordination
- Sex offenses
- Weapons
- Other (destruction and/or vandalism of school property, personal property of students and/or faculty; exchange of money for an illegal purpose; reckless endangerment resulting in injury to a person; theft; trespassing; violation of the Telecommunications Acceptable Use Policy)

Suggested interventions and supports (see handbook)

Range of possible disciplinary responses:
- a. Exclude the student from participating in extracurricular/co-curricular programs or activities (temporarily or permanently)
- b. Assign student to an in-school suspension
- c. Suspend student temporarily from bus transportation for bus-related offenses
- d. Suspend student to pupil personnel worker
- e. Suspend student from school
- f. Suspend student to the superintendent’s designee with the recommendation for reassignment to an alternative program when deemed appropriate by the school administrator

### Category III – Examples of offenses that shall result in assignment to an alternative program or expulsion:
- Arson
- Attacks/threats/fighting
- Dangerous substances
- Disrespect/insubordination
- Sex offenses
- Weapons
- Other (robbery)

### Category III – Examples of offenses that shall result in assignment to an alternative program or expulsion:

Offenses are followed by a suggested list, not all inclusive, of interventions, supports, and disciplinary responses that the school administrator may use when students commit Category III offenses:
- Arson
- Attacks/threats/fighting
- Dangerous substances
- Disrespect/insubordination
- Sex offenses
- Weapons
- Other (robbery)

Suggested interventions and supports (see handbook)

Range of possible disciplinary responses:
- a. Exclude student from participating in extracurricular/co-curricular programs or activities (temporarily or permanently)
- b. Suspend student from school
### Interventions Addressing Disproportionality

As noted, school districts are starting to take action with regards to the overuse of suspensions and expulsions by changing laws, revising school conduct codes, and revamping disciplinary policies. This is certainly a step in the right direction, as it is making school districts responsible for their actions and decisions when excluding students from school, particularly for minor offenses. The National School Boards Association (2013) stated that “in recent years, state and district policy trends have started to become more aligned with what research has been telling lawmakers for decades: punitive and reactive disciplinary measures heighten the incidence and severity of the behaviors they are designed to reduce” (p. 12). Not to mention that minorities are overrepresented in the use of exclusionary and punitive consequences (Skiba, Michael, Nardo, and Peterson, 2002). Thus, although changing laws and revising school codes are necessary steps in reforming school disciplinary policies, implementing interventions, developing professional development strategies, and offering cultural relevancy and responsiveness can aid in reducing disparities in school disciplinary actions (Gregory, Bell, & Pollack, 2014).

According to the Advancement Project (n.d.), suspension rates are decreasing in some schools. However, Gregory, Bell, and Pollack (2014) argue that it is possible to reduce suspensions and expulsions without changing racial disparities in those outcomes. Nishioka (2013) admits that there will be challenges to eliminating these disparities, but they can be overcome. She argues that prevention is the most effective way to eliminate disparities. She also contends that it is important to have a culture that embraces diversity and school leaders that promote equity. It is also important to collect data, because
this effort can help school leaders find the sources of disciplinary problems and monitor the effectiveness of intervention strategies (Nishioka, 2013). Therefore, intervention efforts should include a commitment to equity in order to succeed in reducing discipline disparities. There are many efforts taking place to reduce suspensions and expulsions, but more research is needed to show effective evidence-based practices that are making an impact on the disproportionate number of minorities being suspended out of school, arrested, and referred to the juvenile justice system.

Skiba, Arredondo, and Rausch (2014) argue that school perspectives and practices are among the most powerful predictors of suspensions. They also find that disparity-reducing intervention efforts would be more productive if focused on changing the dynamics at the school level. Such strategies would include relationship building, structural interventions, and emotional literacy. Researchers emphasize that relationship building is a key factor in reducing disparities. Skiba, Arredondo, and Rausch note that interventions focused on student-teacher relationship building and the strengthening of student engagement can lead to a reduction in the use of exclusionary discipline, particularly for African American students.

Nishioka with Fitch and Stepanek (2012) did their own extensive study to find out what practices are associated with reducing racial and ethnic disparities in school discipline. They researched several programs and categorized them as follows: multicomponent programs, social and emotional learning programs, alternatives to suspensions, and professional development on educational equity. For example, the multicomponent programs included (a) positive behavior interventions and supports and (b) Safe and Responsive Schools; social and emotional learning programs included Responding in Peaceful and Positive Ways (RiPP); alternatives to suspensions included restorative justice practices; and professional development included Courageous Conversation and Double Check.

Although these programs are aimed at reducing suspensions/expulsions, Nishioka with Fitch and Stepanek (2012) found that most did not examine their impact on racial disproportionality in disciplinary
practices. Only one, RiPP, examined its impact on suspension rates for students of color. The experiment found statistically significant decreases in in-school suspension rates, but it did not examine the program’s impact on disproportionate suspension rates (Nishioka with Fitch & Stepanek, 2012). More studies are needed to provide evidence-based interventions that not only will reduce out-of-school suspension rates but will make an impact on disproportionality in exclusionary disciplinary practices. Despite the paucity of research in these areas, this study seeks to highlight effective strategies that are currently being practiced in school districts and whether or not the BCPS system is using the most effective strategies necessary to make an impact on disproportionality in school disciplinary practices.

**MY TEACHING PARTNER**

Student-teacher relationship building is a strategy that many researchers find to be effective in reducing disproportionality (Gregory, Bell, & Pollack, 2014; Skiba, Arredondo, & Rausch, 2014; Tobin & Vincent, 2011). Skiba, Arredondo, and Rausch (2014) state that strong student-teacher and parent-teacher relationships are related to decreased suspension rates and an increased sense of safety. For this reason, researchers find that teachers benefit from professional development that teaches cultural awareness. Teachers of diverse classes need training to understand how their personal biases may cause them to misinterpret the communication or behaviors of students whose cultures are different from their own (Nishioka, 2013).

Patterson and her colleagues (2011) surveyed teachers regarding their self-perception and self-efficacy in guiding students who are culturally and linguistically different (CLD) from the majority. The outcomes of the study indicate that teachers realize their need for more professional development in order to help CLD youth, as they do not have the skills or resources to present culturally competent instruction to diverse students. According to some researchers, it is urgent that colleges of education and public schools prepare teachers to be culturally competent, and this may be an opportunity to intervene on the STPP (Gay & Howard, 2000; Howard, 2003; Shippen, Patterson, Green, & Smitherman, 2012).
Furthermore, Shippen, Patterson, Green, and Smitherman (2012) note that implementing culturally relevant teaching may have an effect on high-stakes testing in public schools.

My Teaching Partner (MTP) is a teacher professional development program aimed at improving teachers’ interactions with their students when implementing instruction and managing behavior (Gregory et al., 2014b). It was originally developed for Pre-K and early elementary classrooms. A secondary version (MTP-S) was designed as a follow-up to the program. Here, teachers and their assigned coaches reflect on video recordings of their instruction throughout the year. Studies show that teachers participating in the MTP program relied less on exclusionary discipline with their students compared with teachers in the control group. Equally important, reduced exclusionary discipline in these instances was most pronounced for African American students (Skiba, Arredondo, and Rausch, 2014, p. 4).

One study showed that, compared to control teachers, MTP teachers made improvements in positive climate, teacher sensitivity, teacher regard for adolescent perspectives, instructional learning formats, and analysis and problem-solving (Gregory et al., 2014a). It was also observed that patterns of student-teacher relations were characterized by warmth and responsiveness to students’ academic, social, and emotional needs. Teachers engaged youth and allowed for student leadership, peer sharing, and autonomy; facilitated student engagement using novel materials and a variety of teaching strategies; and pushed students to engage in synthesis, higher-order thinking, and problem-solving of challenging material (Gregory et al., 2014a).

The study demonstrated evidence of positive student changes. For instance, students in classrooms with teachers assigned an MTP Pre-K coach scored four to five percentile points higher on standardized tests than students in other conditions (Gregory et al., 2014b). The secondary version of the program also received empirical support (Gregory et al., 2014a). A randomized control trial of MTP-S was conducted with 78 middle and high school teachers. Out of more than 1,400 students, 22 percent were African American. For MTP-S intervention teachers, students’ end-of-course, standardized state exam
scores were higher (0.22 SD) than students in the teacher control group following a year of intervention. In sum, researchers found that teachers receiving training used less exclusionary discipline with their students than teachers not in the program. Moreover, they found that the training significantly reduced exclusionary discipline most for African American students (Gregory et al., 2014a).

RESTORATIVE PRACTICES

Restorative practices are another initiative that has great potential to reduce disparities. Restorative practices seek to replace punitive punishments with a more humane approach, addressing the needs of the whole community, including the offender. Losen, Hewitt, and Toldson (2014) note that the central concept of accountability is repairing any harm done to victims and making the community whole, and, in doing so, including the needs of the offenders so they are less likely to misbehave in the future (p. 7). Shippen, Patterson, Green, and Smitherman (2012) note that restorative justice brings together victims and offenders to reach a collective determination of what can be done to “right” past wrongs and identify accountability and responsibility. The restorative process often takes place in a circle arrangement with a skilled facilitator and can be implemented in school and community settings (Hopkins, 2002; Shippen, Patterson, Green, & Smitherman, 2012). Skiba, Arredondo, and Rausch (2014) find evidence lacking on the effectiveness of restorative practices, but they note that there are some state and district examples suggesting that restorative practices may be linked to reduced suspensions and expulsions, decreased disciplinary referrals, and improved academic achievement. This study found two pilot programs with optimistic findings.

Sumner, Silverman, and Frampton (2010) argue that restorative justice is an alternative to retributive zero-tolerance policies and address STPP in their study. They state that under zero-tolerance policies, suspensions and expulsions can directly or indirectly result in referrals to the juvenile justice system where African American and Latino youth are also disproportionately represented. According to Sumner and his colleagues, students assumed greater responsibility and autonomy because of restorative
justice. The authors suggest that school-based restorative justice shows promise as a disciplinary method to reduce suspension and expulsion rates and can help keep students, especially students of color and those from low-income families, in schools and out of the juvenile justice system.

Sumner, Silverman, and Frampton (2010) studied a pilot restorative justice school-based program implemented at Cole Middle School in West Oakland, California. Cole Middle School primarily served students of color from low-income families. In 2008, the student body was 63 percent African American, 15 percent Latino, 13 percent Asian/Pacific Islander, 0 percent White, and 9 percent multiple races or ethnicities. The authors examined trends in suspensions and expulsion rates over a five-year period at the school. Restorative justice practices were implemented during the final two years of the study. The average suspension rate in the first three years before restorative justice was implemented was 50 suspensions per 100 students. Two years after restorative justice was implemented the rate fell to only six suspensions per 100 students.

Sumner, Silverman, and Frampton (2010) found that after restorative justice practices were implemented, the suspension and expulsion rates were sharply reduced. However, they could not prove a causal link between the implementation of restorative justice and the considerable decline in suspension and expulsion rates. Suspensions declined by 87 percent and expulsions declined to zero during the implementation of restorative justice. Before restorative justice, Cole Middle School had a higher suspension rate than the district average. After restorative justice was introduced, it had a comparable suspension rate to the district average.

Models for Change (Szanyi, 2012), along with local juvenile justice and school officials, initiated a pilot project to address fights and other incidents on the campus of one public high school in Peoria, Illinois, using the principles of Balanced and Restorative Justice. This initiative came about after the Juvenile Justice Council conducted an in-depth study of detention admissions and found that African American youth represented almost 80 percent of those admissions, with aggravated battery serving as
the leading reason for referrals (Szanyi, 2012). Furthermore, it found that almost half of those aggravated battery arrests came from one public school in the city of Peoria—Manuel High School. Youth were overrepresented at each stage of the process. For example, in 2009, African Americans and Latinos represented 28 percent of the youth population in Peoria County, but they comprised 85 percent of referrals to secure detention. Once the pilot program was implemented, interventions resulted in a 35 percent reduction in school-based referrals to detention for all youth, and a 43 percent reduction for African American youth (Szanyi, 2012).

**SCHOOL-WIDE POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORTS**

School-wide Positive Behavioral Interventions and Supports, also referred to as PBIS as noted previously, is an initiative adopted by more than 13,000 schools nationwide (Boccanfuso & Kuhfeld, 2011). PBIS refers to a systems change process for an entire school or district (www.pbis.org et seq). It is a framework for assisting school personnel in adopting and organizing evidence-based behavioral interventions into an integrated continuum that enhances academic and social behavioral outcomes for all students. This framework has also benefited youth in alternative education, day treatment, and juvenile corrections programs. Such programs are utilizing PBIS as an alternative to traditional disciplinary practices and seeing the same beneficial effects that have been observed in public schools. Nelson and Liaupsin (2014) describe PBIS as a framework for thinking differently and positively about behavior and discipline. They argue that discipline should not be used as punishment but as an opportunity to teach kids how to be successful (Nelson & Liaupsin, 2014).

PBIS is designed to teach behavioral expectations, reward positive behavior, collect data for decision-making purposes, and provide individualized interventions for more serious behavioral issues (Boccanfuso & Kuhfeld, 2011; Johnson-Davis, 2012). PBIS focuses on improving behavior by teaching students prosocial skills and redesigning school environments to discourage behavioral problems (McIntosh et al., 2014). Core features of PBIS include defining and teaching positive behavioral
expectations, establishing a pattern where all adults reward appropriate student behavior, minimizing the likelihood of inadvertently rewarding problem behaviors, and collecting and using discipline and implementation data to guide efforts.

PBIS uses a multi-tiered approach to combat behavioral problems. The first tier exposes every student to a school-wide social skills program that promotes good behavior and prevents bad behavior (Sugai, 2014). Tier 2 is designed to provide intensive or targeted interventions to support students who are not responding to Tier 1 efforts. Tier 3 is used to support children with more serious behavioral problems, including more intense and individualized interventions. Sugai (2014) argues that schools should first invest in Tier I primary interventions, and this will lead to fewer children needing Tier II and Tier III supports.

Does PBIS address the issues of disproportionality in school discipline? Researchers believe that PBIS can be a foundation and useful tool for three reasons (McIntosh et al., 2014). First, it focuses on establishing a clear, consistent, and positive social culture. By identifying and teaching clear expectations for behavior, it can reduce ambiguity for both students and adults. Second, PBIS focuses on clear disciplinary definitions and procedures, which can reduce ambiguity in disciplinary decisions, decreasing the effects of implicit biases (McIntosh et al., 2014). Third, the focus of PBIS on instructional approaches to discipline and integration with academic systems can keep students in the classroom instead of removed from instruction (McIntosh et al., 2014).

With the implementation of PBIS, researchers have found specific strategies leading to the reduction of disproportionate disciplinary exclusions of African American students. These include positive reinforcement, student-teacher relationship building, reporting of disciplinary referral data to school-wide teams, conducting behavioral assessments, and identifying what triggers and maintains problem behaviors (Tobin & Vincent, 2011). Tobin and Vincent (2011) argue that the most important strategy is positive reinforcement. They find that schools where teachers reported improving their use of praise and
reinforcement as opposed to negative remarks were those that also had reductions in disproportionate disciplinary exclusions of African American students.

**DOUBLE CHECK**

Double Check was created to serve as a framework for reducing disproportionate special education and disciplinary referrals among CLD students and for improving educational opportunities for minority students with learning disabilities (Hershfeldt et al., 2009). According to Bottiani and her colleagues (2012), “the intended outcome is for school teams and individual teachers to apply the Double Check framework when encountering persistent academic and behavior problems, in order to ensure that the behaviors were not the result of factors related to mismatch between student culture and school norms” (p. 97). Henceforth, this framework was used to create a professional development series (1) to encourage school personnel to recognize cultural inconsistencies in disciplinary practices and identify CLD students with learning disabilities, and (2) to develop and maintain culturally responsive practices to improve student behavior and learning (Bottiani et al., 2012).

The Double Check framework is to be used as a self-assessment tool that allows school personnel to self-assess potential cultural responsive disconnects in the classroom (Hershfeldt et al., 2009). The program emphasizes both culturally proficient instruction and classroom behavior management, including five core components:

- reflective thinking about social and cultural relationships;
- authentic cross-cultural relationships;
- effective cross-cultural communication;
- connecting cultural sensitivity with curricula;
- sensitivity to students’ cultural and situational messages.

Researchers argue that to be culturally responsive teachers must reflect both on how they teach and interact with their students and on how they respond to students’ behaviors (Howard, 2003). Other
researchers agree that self-reflection gives teachers insight into the importance of their role in the classroom and their impact on the learning process. Thus, teachers who engage in self-reflection will most likely try new strategies that match the needs of their students (Hershfeldt et al., 2009).

The Double Check professional development series was piloted in three Maryland elementary schools to examine the feasibility of the model and to collect some preliminary data regarding program acceptability and potential integration with school-wide and coaching elements. The overall feedback at all three schools was very favorable. Data from the pilot study suggested that the professional development series was perceived as acceptable and feasible, but its social validity and effectiveness could be improved upon with some programmatic enhancements (Bottiani et al., 2012). As a result, researchers have begun to integrate the Double Check professional development series with tiered systems of school-wide positive behavior supports and individual coaching for specific teachers related to student engagement and culturally sensitive classroom management (Bottiani et al., 2012). Moreover, their goal is to combine the following three different models: school-wide PBIS, Double Check professional development series, and Classroom Check-Up (a coaching management classroom system).

According to researchers, the professional development series is a complementary extension of the school-wide training that occurs for teachers through PBIS. Classroom Check-Up provides a structure for coaching classroom management and student engagement, also complements the school-wide PBIS coaching, and fills a gap in the current PBIS model in Maryland (Barrett, Bradshaw, & Lewis-Palmer, 2008). Bottiani and her colleagues (2012) “[believe] the integration of these three elements will strengthen their ability to reduce disproportionality beyond what they are able to do through professional development alone” (p. 100).

**INTERVENTIONS/STRATEGIES USED IN BCPS**

One of the changes made to the Code of Maryland Regulations in education requires schools to reduce and eliminate disproportionate/discrepant impact (COMAR 13A.08.01.21). The regulation states
that if the Maryland State Department of Education identifies a school’s disciplinary process as having a disproportionate impact on minority students or a discrepant impact on special education students, the local school system must prepare and present to the state board a plan to reduce the impact within one year and to eliminate it within three years (COMAR 13A.08.01.21). To date, the Maryland State Department of Education is still in the process of determining which schools have been identified as having a disproportionate impact on minority students. However, as noted, previous studies have shown that the BCPS system has been disproportionate in school disciplinary practices (Johnson-Davis, 2012).

Although current data show that suspension rates have declined over the past several years, data also show that BCPS is still suspending minority students at a disproportionate rate. For example, current data show that overall suspension rates declined during the period 2012–14 from 8.3 percent to 4.9 percent. White student suspension rates fell from 5.3 percent to 2.6 percent; Hispanic student suspension rates fell from 5.9 percent to 3.5 percent; and African American student suspension rates fell from 13.3 percent to 8.5 percent (www.bcps.org). On that account, BCPS will have to present an action plan to reduce disproportionality in school discipline.

BCPS has implemented a large number of interventions and practices to address positive behaviors and reduce suspensions. PBIS has served as the framework for the development of multi-tiered systems of behavior support in the schools and has also been integrated with other interventions or practices at the school-wide, targeted group, or intensive levels (Kidder, 2014). Examples include character education programs, peer mediation programs, and social skills training programs, such as the Second Step program, the Skill Streaming Program, and the Stop and Think Program. These programs have focused on positive behaviors, character building, good decision-making, and the like. As noted, significant progress has been made in reducing suspension rates, but they remain very high for middle and high school students within the African American, Free and Reduced Price Meals, and special education subgroups (Kidder, 2014).
The Maryland State Department of Education has adopted the PBIS framework to address both the academic and social-emotional needs of students. According to Austin and her colleagues (2014), it is a decision-making framework that is easily adapted to the needs of each unique school. As of 2013, 62 percent of Maryland public schools had implemented PBIS (Austin et al., 2014). BCPS has implemented PBIS since 1999, and 78 schools are presently participating, including 49 elementary schools, 17 middle schools, eight high schools, and four special education schools and centers (Parr, Kidder, & Cullen, 2014). As of June 2014, 62 schools received the PBIS School Recognition Award from the Maryland State Department of Education for meeting high standards for implementation of core PBIS features and improved outcomes related to academic achievement and/or suspensions.

One of the key actions in BCPS Blueprint 2.0 (2013–18) is to identify schools through a review of school-level data and include in their progress plans strategies to decrease suspension rates (www.bcps.org). A school-wide data tracking program is one of the features of the Maryland PBIS framework. This program is called the School-Wide Information System (SWIS) and is often used by PBIS schools to collect information on subjects such as major and minor Office Discipline Referrals (ODRs) (Austin et al., 2014). The collection of these data allows PBIS schools to view their progress in reducing referrals and provides a method to address negative student behavior in a timely manner (Austin et al., 2014).

According to BCPS (2003), discipline data continued to show decreases in office referrals, in suspensions, and in the aggressive nature of behavioral offenses. Additionally, student suspension rates for PBIS schools between the school years 2008–09 and 2012–13 decreased for elementary, middle, and high schools. Moreover, data showed that student performance rates steadily increased between 2003 and 2013 (Parr & Kidder, 2013). For example, third grade students attending PBIS schools and scoring proficient or advanced in reading on the Maryland School Assessment (MSA) test had an increase of 28.34 percentage points, and third graders scoring proficient or advanced on the math MSA had an increase of
31.31 percentage points. Additionally, fifth grade students attending PBIS schools and scoring proficient or advanced on the reading MSA had an increase of 28.41 percentage points, and fifth graders scoring proficient or advanced on the math MSA had an increase of 36.73 percentage points. Furthermore, eighth grade students attending PBIS schools and scoring proficient or advanced on the reading MSA had an increase of 29.16 percentage points, and eighth graders scoring proficient or advanced on the math MSA had an increase of 38.5 percentage points.

Another strategy mentioned in the BCPS Blueprint 2.0 (2013–18) is to develop a Multi-Tiered Systems of Support program, which is PBIS, that is informed by cultural competence; integrates all climate, behavior, and intervention programs within and across schools; and ensures that supports are provided equitably. There are not many strategies documented on how BCPS plans to use the PBIS framework to provide cultural competence. Researchers argue that interventions should offer cultural relevancy and responsiveness in instruction and interaction with students (Gregory, Bell, & Pollack, 2014). According to Vincent and her colleagues (2011), PBIS might provide a useful framework for culturally responsive behavior support delivery, and they propose an expansion of the key features of PBIS. Their recommendations include systematically promoting staff members’ cultural knowledge and self-awareness, supporting a commitment to culturally relevant student support practices, and encouraging culturally valid decision making to enhance culturally equitable student outcomes.

One initiative BCPS is presently implementing is Courageous Conversation. This program was developed by Pacific Educational Group to give comprehensive support to public school districts, independent schools, and higher education in the form of leadership training, coaching, and consultation. Its purpose is to transform educational systems into racially conscious and socially just environments that nurture the spirit and infinite potential of all learners, especially students of color, American Indian students, and their families (Pacific Educational Group, n.d.). To do this, it provides a racial equity systemic transformation curriculum, including introductory and advanced seminars, plus training and professional
development for executive administrators, school board members, principals, and district departmental leadership teams (Pacific Educational Group, 2013).

**RECOMMENDATIONS**

In Johnson-Davis’ (2012) previous study of BCPS (school year 2008–09), findings indicated that disproportionate minority suspension rates existed primarily in elementary and high schools. Furthermore, the findings suggested that when African American students’ performance rates increased, out-of-school suspensions decreased in elementary schools. As mentioned, current studies find suspensions rates remain very high for middle and high school African American students (Kidder, 2014). With that in mind, prevention strategies should be implemented as a school-wide effort.

Johnson-Davis (2012) found that the most common reason listed for suspensions was disrespect/insubordination/disruption. Likewise, Gion, McIntosh, and Horner (2014) studied data collected from 3,092 schools in ten different states for the school year 2011–12. These schools included 2,124 elementary schools (K–5), 630 middle schools (6–8), and 338 high schools (9–12). The study examined the role of minor ODRs in elementary, middle, and high schools. The summary concluded that throughout the set of major and minor ODRs, defiance/disrespect and disruption were the most commonly cited reasons for the ODR, regardless of age group (Austin et al., 2014). Again, this suggests that school-wide interventions are needed to reduce disproportionate suspensions, which are mostly for minor offenses.

Data collection is an important tool for decision making and for selecting the right intervention program. More important is how data are collected to provide the most useful information. According to the National Center for Mental Health Promotion and Youth Violence Prevention (National Center, 2012), disaggregating data can provide measures of the effectiveness and equity of a program or ways to view achievement measures. They ask this question as an example of how disaggregating data can be used to discern the equity of a program: “Is there a gender or racial/ethnic outcome difference among students
who participate in a particular evidence-based intervention?” (p. 2). Researchers state that the OJJDP uses a specific indicator called the Relative Rate Index (RRI) to disaggregate data. The RRI compares rates of contact within the juvenile justice and law enforcement systems at various stages among different groups of youth. It also reveals differences in arrest rates or court sentences—for example, between racial/ethnic groups—that are not explained by simple differences in population numbers.

According to the National Center (2012), the RRI can provide information on disproportionate minority contact by revealing the number of times a youth is involved within the court system. This system can also be used to study disproportionality in school discipline. For example, Tobin and Vincent (2011) relied on the RRI to demonstrate changes in disproportionality of African American students excluded from school compared to their White peers, using data from 46 schools that implemented PBIS. The implementation of PBIS has been associated with overall lower ODR rates. However, researchers assessed disproportionality of exclusions of African American students. The average RRI for African American students to White students excluded from schools (sample size of 46 schools) was 3.11 (SD=2.21). Thus, overall, African American students were 3.11 times more likely to be excluded from school than their peers, concluding that the overall reduction in discipline referrals at the whole level may not be equitably distributed across students from all ethnicities (Tobin & Vincent, 2011).

McIntosh and his colleagues (2014) address the use of disaggregated data through the PBIS framework. They argue that any school district committed to reducing disproportionality should adopt data systems that allow disaggregation of student data by race and provide instantaneous access to these data for both school and district teams (p. 2). Researchers state that the SWIS can automatically produce disproportionality data for identifying and monitoring the extent of disproportionality. The SWIS, as noted earlier, is a web-based information system used to collect, summarize, and use student behavior data for decision-making (www.swis.org). PBIS Maryland (n.d.) is already using the SWIS to improve behavior
support in elementary, middle, and high schools. However, it is unclear if they are using the system to assess disproportionality.

Using data to make informed decisions is central to finding the right strategies in eliminating disproportionate minority suspensions. It is also a useful tool for monitoring the effectiveness of intervention strategies already in place. Perhaps BCPS should use its data tracking program to see if there is a racial/ethnic outcome difference among students who participate in some of the current intervention programs (National Center, 2012). In this study, intervention strategies found to be most effective in reducing disproportionality include student-teacher relationship building, positive reinforcement, regular reporting of discipline referral data, and conducting behavioral assessments (Skiba, Arredondo, & Rausch, 2014; Tobin & Vincent, 2011). Although research is limited on evidence-based interventions that target disproportionate school disciplinary practices, programs such as Double Check are starting to surface and are being piloted. Also, MTP already has proven effective and has received empirical support (Gregory et al., 2014a).

Furthermore, researchers argue that interventions should offer cultural relevancy and responsiveness in instruction and interactions with students (Gregory, Bell, & Pollack, 2014). In one case study, researchers found that a 5 percent decrease in expulsions for Latino students and a 6 percent increase in reading standards demonstrated that the integration of cultural responsiveness in a PBIS framework can produce culturally equitable social and academic student outcomes for all students (Vincent et al., 2011). Culturally responsive PBIS is a framework for integrating issues of race, ethnicity, and culture into the implementation of PBIS in order to ensure that its activities and outcomes are equally beneficial to all groups of students (Equity Project, n.d.). According to the Equity Project (n.d.), the way to create change with culturally responsive PBIS is to look at the data, make sense of it, develop a culturally responsive lens leading to equitable interventions, and evaluate/disaggregate the data.
CONCLUSION

In conclusion, this study explores the issue of how the BCPS system is addressing the issue of disproportionate minority suspensions. It finds that BCPS’ response is a work in progress. BCPS has made many strides in reforming its school disciplinary policies. Maryland schools have complied with state mandates to abolish zero-tolerance policies and revised discipline codes to reduce suspensions. BCPS continues to implement innovative interventions/strategies through PBIS to promote positive behavior and school climate, resulting in decreased suspensions and increased student performance rates. Nonetheless, disproportionate minority suspension rates are unaffected. As noted, researchers find that offering cultural relevancy and responsiveness can aid in reducing disparities in school discipline (Gregory, Bell, & Pollack, 2014). Fortunately, BCPS is moving in the right direction by offering professional development programs, such as Courageous Conversation, to increase awareness of disproportionality in suspensions. Moving forward, BCPS should utilize its data tracking program (SWIS) to evaluate current programs and to implement future programs that target disparities in school discipline.
REFERENCES


*Ending the School to Prison Pipeline: Hearing Before the Subcommittee on the Constitution, Civil Rights, and Human Rights of the Senate Committee on the Judiciary, 112th Cong. (2012).*


Kidder, M. (2014). *Subgroup analysis and curricular initiatives for reduction of suspensions in Baltimore County Public Schools (BCPS)*. Unpublished manuscript, BCPS, Towson, MD.


Page | 32

Johnson: Disproportionate Minority Suspensions


