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A CLOSER LOOK AT RACIAL DISPARITY RATES IN MICHIGAN SCHOOLS

Victor Torres

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ABSTRACT

Racial disparity in disciplinary actions has long been an issue in American public education. The United States Department of Education has collected data on this for over 35 years. Wright, Weekes and McGlaughlin (2000) claim, “research evidence indicates that those who are at disproportionate risk of exclusion are African-Caribbean boys of both primary and secondary schooling age.” With a closer focus on Michigan public schools, national research will also support data collected on racial disciplinary disparity rates by the American Civil Liberties Union of Michigan. In addition, contributing factors and issues associated with unfair disciplinary sanctions on minorities will be examined to determine their effect on multi-cultural education.

INTRODUCTION

Published data on disciplinary disparity rates for the state of Michigan have been available since 1996. Table 1.a. represents the suspension rates by race/ethnicity in the state of Michigan for 1990. From this, it is clear that students of Afro-Caribbean descent were getting hit the hardest. The disciplinary rate of these students surpassed their enrollment population for the participating, surveyed school districts.

The document suggests that poverty has a strong correlation with disciplinary rates during this time period (1990-1995). Since then, other possible contributing factors have surfaced and raised issues in direct relation to educational inequality and justice. For example, the zero-tolerance policy, which will be discussed, is very controversial, due to harsh sanctions on minor offenses and the opportunity for mistreatment due to teacher biases. Language barriers and communications issues in relation to a culturally diverse classroom can also become problematic, as demonstrated in table 1.a.

Table 1.b presents rates in disciplinary disparities by providing student population and suspensions rates by race/ethnicity. This chart will be analyzed independently of the other, due to it being a smaller sample compared to the surveyed schools from 1990. In this district, the Ann-Arbor Public Schools, every minority group except Asians has a disciplinary rate that surpasses its student enrollment rate for the district.

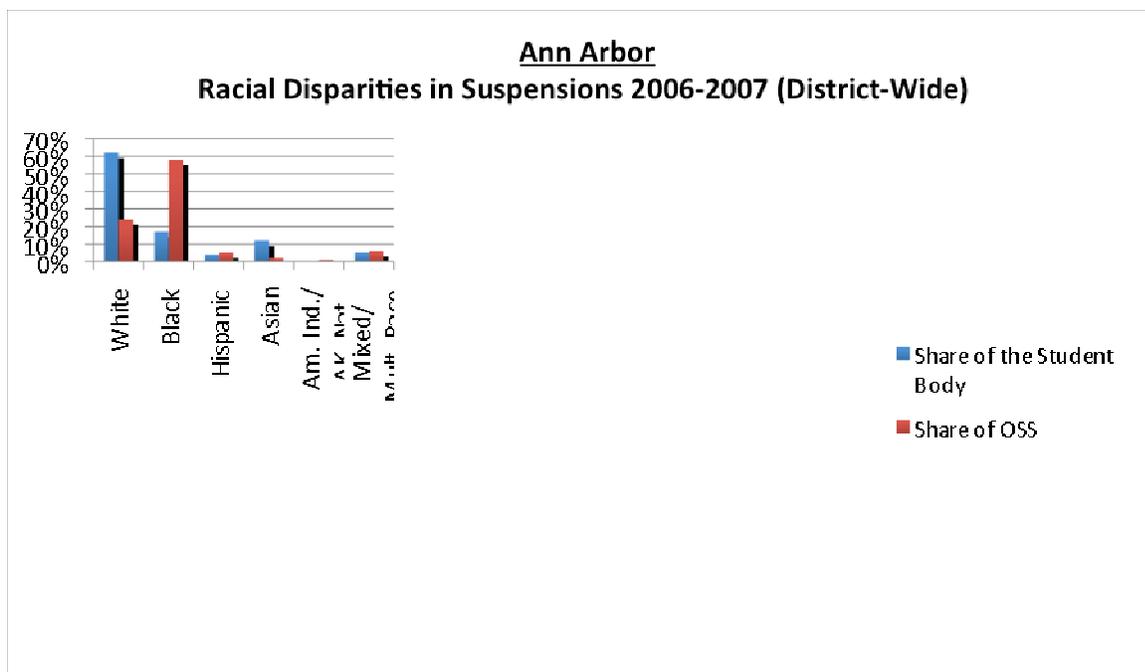
According to the U.S. Census Bureau (2000), 74.7% of the Ann Arbor population is considered White; the other 25% consists of African-Americans, Hispanics and Asians. With that in mind, the probability of a controlled factor causing the incline in disciplinary rates among minorities is likely. Since both the city and school district are predominantly white, there is a question as to why the minority disciplinary rate surpasses the enrollment rate and has for nearly twenty years. Possible explanations for this continuing trend will be presented, using a national perspective in the form of data and relevant research.

Table 1.a.

	Student enrollment rate	Student suspension rate
White	82.7	68.4
Black	10.8	27.2
American Indian	0.8	0.8
Asian	1.8	0.4
Hispanic	2.7	3.2
Other	1.2	0

Source: Midwestern Regional Office, USCCR, from OCR survey data.

Table 1.b.



LITERATURE REVIEW

Suspensions and expulsions have a strong correlation with the zero-tolerance policy in most Michigan schools, which in turn affects disciplinary actions and decisions of school boards and their administrators. As defined by the National Center of Education Statistics, “*Zero-tolerance* is a disciplinary policy intended primarily as a method of sending a message that certain behaviors will not be tolerated, by punishing all offenses severely, no matter how minor.” This disciplinary policy began in the late 80’s when Peter Nunez, a United States Attorney in California, originally intended to develop the model for ongoing issues in drug importation. What began with drug enforcement influenced school policy. A few years later, the states of New York, California and Kentucky adopted this model for schools and mandated its implementation immediately. This led to a ripple effect across the country in which districts not only adopted the model, but made slight revisions to it as well.

In several cases throughout the country, minor offenses have led to out-of-school suspensions and even expulsions. As confirmed by Skiba and Knesting (2001), suspension and expulsion are used inconsistently in schools nationwide, often primarily as a function of classroom over-referral or poor

school climate. Its ubiquity and mismanagement have yielded incoherent results based on the severity of the offense committed by students. Consistency and fairness of school discipline varies by student behaviors, and with district-wide characteristics such as region, funding and socio-economic status. In fact, Skiba and Knesting present an interesting finding in claiming that students are infrequently being suspended for serious offenses like drugs, weapons, graffiti and assaults, and more commonly are punished for minor offenses. The rationale for this can be explained through a study conducted between the years 1994 and 1998. Skiba and Peterson (2000) found that the zero-tolerance philosophy varies in legislation and meaning on the national, state and local levels. School districts are over-utilizing the power of zero-tolerance, therefore inflicting suspensions and expulsions on infractions not considered as severe by neighboring districts. By carefully analyzing data provided by the U.S. Department of Education, Skiba and Peterson concluded that applications of zero-tolerance have dramatically increased the use of school suspensions and expulsions in most school districts across the country.

Does the zero-tolerance policy keep schools safe? As Skiba and Knesting contend, although high rates of school discipline may suggest the school is making safety a priority, it ultimately indicates a negative trend in disciplinary management. Specific findings by Skiba and Noam (2001) hold that zero-tolerance has failed to demonstrate effectiveness in reducing school violence or improving the behavior of students. Several alternatives to school disciplinary measures and actions have proven to be more effective (See Recommendations and Reform).

Two very important findings by Skiba and Noam validate the ineffectiveness of zero-tolerance, as listed below:

- Zero-tolerance is a political, not an educational, solution;
- Practices and policies used for school discipline and school safety prevention must be evaluated as an educational intervention.

The first finding, in regard to zero-tolerance being a political solution, is on point with its ineffectiveness and lack of educational efficacy. Skiba and Noam claimed this policy was intended for

political purposes, not as a proactive, educational philosophy for disciplinary management. Rapid implementation of this policy, however, has resulted in opportunities for its utilization, regardless of the infraction.

The second major finding notes the importance of suitable educational philosophies and practices proven effective for disciplinary management. Adopting strategies and models that address problems based on the severity of infractions while limiting educational/disciplinary exclusion is thought to be most effective.

The increased use of suspensions and expulsions, both in Michigan and across the country over the past 25 years, has created a disarray of disciplinary management. One such significant problem is disciplinary exclusion. Exclusion itself is school-driven, meaning a student does not choose whether or not to attend a school function. Exclusion, as defined by Blyth and Milner (1996), is the means by which the head-teacher of a school can prevent a child or young person from attending school, either for a fixed period or permanently, depending on the state disciplinary legislations. As previously noted, according to Michigan Department of Education Office of Dispute Resolution (2004), the state of Michigan allows suspension of ten days or less (short term) and more than ten days (long term). Suspensions adding up to or surpassing the ten-day (long term) period may result in expulsion.

The claim by Blyth and Milner of certain groups being at a considerably greater risk of exclusion than others is confirmed by findings indicating that the following are experiencing disciplinary/educational exclusion:

- Secondary aged students;
- Boys, especially minorities;
- Students involved with special education and/or who possess a disability;
- Young students in local authority care, and/or orphans.

There is much controversy about the issue of exclusion due to disciplinary actions. Disciplinary exclusion threatens the Free Appropriate Public Education Act (FAPE), raises issues of classroom management and concerns about at-risk students engaging in criminal activities.

Carlen (1985) asserts that there has been “concern about the adverse effects of children missing school in both the short and longer term.” Out-of-school suspensions and expulsions provide students the opportunity to engage in and experience uncivil behavior. As corroborated by Farrington and West (1990), juvenile delinquency has explicit links between delinquency and certain aspects of school behavior such as truancy, dishonesty, aggressiveness and bullying. Students excluded from school due to disciplinary actions often drop out and do not return. According to Condon (1995), “these students who get to experience the feeling of “rejection” are often of Afro-Caribbean descent and/or are not employed.” Racial disparities in discipline are evident in many areas, especially in Michigan, as noted above.

Due to a disciplinary form of tracking (labeling students), these students may have extreme difficulty returning to the classroom. A variety of presumed explanations for this may be related to factors contributing to the disciplinary problem. Some of these factors can be directly controlled, while others cannot. Parsons (1995) claims that head-teachers appear increasingly reluctant to accept students excluded from other schools, and relatively few permanently excluded students are readmitted to another mainstream school. In continuing to exclude students from educational settings via disciplinary actions, specifically minority students, educators/administrators are informally labeling these children at-risk and creating uncertainty for their educational futures.

Exclusion is a direct reflection of policy-driven management that seeks control over access. Disciplinary rules and regulations vary by school, making some suitable environments for some students, and not so suitable for others. There are plenty of problems with school environments catering to certain students other than the sole issue of inequality, however, the United States government and the Department of Education have done very little to address exclusion. As Blyth and Milder note, the national lack of concern about school exclusions is an issue within itself; these researchers also support the idea of diversity (or disparity) being a necessity in a market of competition for control over

educational access. This, in turn, presents a systematic problem. Referring back to school environments and suitable placements, administrators and policy-makers are creating a “lowerarcy” (termed by Blyth and Milner) system of schooling, which negates the theoretical system of fairness.

Results in the research on exclusion are relatively broad and intertwine with many sub-categorical subjects that concern deficiencies in school discipline. Racial disparities and exclusion are often placed together, because exclusion signifies the end result of these disparities.

Inequality is an issue in every educational system across the country. Inequality can represent many things, both inside and outside the classroom, including equal educational access, resources and growth. In Michigan, data supports research confirming that, in schools where the population is mostly white students, black students are being suspended or expelled at rates that exceed their headcount (*Michigan Throwaway Kids*, 2007). An interesting way to sum up the issue of inequality in American schools is presented by Nieto (2004), as she claims education differs little from society in general, which regularly distributes rewards and privileges along lines of race, class, gender and other differences. Nieto asserts that schools produce their own versions of inequality, which often are no different from those in society at large. Anyon (2005) agrees with Nieto’s statement, stating that “in the discourse of inequality, there has been a deafening silence concerning the institutional barriers that make it almost impossible for some to ‘make it,’ while they virtually guarantee success for others.” Anyon’s statement notes a direct relationship between inequality and exclusion. Inequality can, very simply, be explained as the “silent/invisible” form of exclusion that leads us again, to Anyon’s concern about “suitable school environments.”

Out-of-school suspensions and expulsions are viewed by many as practices that restrict students’ access to education. Inequality is a controlled issue within our educational system where teachers and administrators choose which students to sanction. Nieto claims that “failure to learn does not develop out of thin air; it is scrupulously created through policies, practices, attitudes, and beliefs.” If Nieto’s claim proves true, then inequality through exclusion represents a lack of organizational values and beliefs regarding educational barriers. These “barriers” can be found both inside and outside the classroom, and

characterize the factors contributing to disparity in disciplinary rates, not only in Michigan, but in the nation as a whole.

Social justice includes the tenet of equal opportunity in education. Many issues in our educational system stem from inequality and exclusion, and are often the results of suspensions and expulsions. Nieto (2009) claims that social justice in education is comprised of three main themes, controlled by teachers/administrators, which include but are not limited to:

- Providing ALL students with the resources necessary to reach their full academic potential, such as:
 - *Material resources*: books, curriculum, financial support (if applicable), and
 - *Emotional resources*: a belief in their ability and worth; care; high expectations and rigorous demands; the necessary social and cultural capital to negotiate the world;
- Drawing on the resources, talents, and strengths students bring to their education;
- Creating a learning environment that promotes critical thinking and agency for social change.

Of Nieto's themes for social justice in the classroom, *Emotional Resources* has, by far, the largest impact on reducing both suspensions and expulsions in Michigan schools. If classroom teachers raised expectations for all students, respected and understood cultural differences, while treating students equally, then disparity in disciplinary rates would plummet; this is what Nieto describes as "social justice as solidarity." In outlining how social justice can limit disciplinary disparities by creating a universally accessible classroom, she notes that justice-as-solidarity must possess these four main tenets:

- Solidarity as high expectations
- Solidarity as trust
- Solidarity as humility
- Solidarity as a deep connection with students' identities

The importance of social justice resounds with reforming philosophical disciplinary systems in schools. It certainly should not be a one-size-fits-all solution, but rather, a step in reducing racial disparities in disciplinary rates while promoting equality for all students. Building relationships with students provides opportunities for teachers to understand their students culturally, thus creating “culturally responsive education.” Nieto defines this as “an approach based on using students’ cultures as an important source of their education.” With the ability to recognize culturally-related attitudes, beliefs and behaviors from students of diverse backgrounds, teachers might better understand the importance of social justice in education.

Several factors may cause racial disparity in discipline rates among Michigan schools. Research indicates that four contributing factors directly influenced those rates over the past 25 years. Those four factors are socio-economic status or social class, disability, teacher bias and language deficiencies. These four factors not only increase and promote disparity in disciplinary actions, but tend to widen the achievement gap.

Social class has long been tied to issues of discrimination, deprivation and inequality in American education. Nieto claims that social status has more to do with poverty, malnutrition, lack of support in the home environment and the parent’s educational level than it does with finance alone. Blyth and Milner have conducted research on exclusion- based education due to disciplinary procedures in schools, and confirmed that, “social class is an additional factor to consider in relation to Afro-Caribbean exclusions, in that there is an overrepresentation of this group in semi-skilled and unskilled occupations.” Nieto agrees with Blyth and Milner, stating that “although poor and working-class students have not been treated equally, poor and working-class students of color have fared the worst. In effect, inequalities are multiplied by students’ differences from the dominant culture, gender, and social class.” Nieto confirms Blyth and Milner’s findings by specifically detailing how inequality is rooted by such elements, including social class. Social class can be identified with culture, living conditions, political status and with urban identifiers, or lifestyle characteristics associated with urban settings. Most of these students, especially

when first coming into school, not only lack access to resources but the etiquette for organizational learning, which in turn may be misunderstood and addressed by disciplinary actions.

Disability is another great concern among the disparities in suspension and expulsion rates in Michigan. Varied reasons explain how and why disability can contribute to the disparity in discipline. For example, Skiba and Knesting have confirmed that “suspension and expulsion are used inconsistently across schools, often primarily as a function of classroom over-referral or poor school climate.” Such contexts are usually controlled by classroom teachers, who could be the reason for the overrepresentation of students with disabilities in expulsion rates, as confirmed by Skiba and Knesting.

There seems to be an interesting link between being a minority and having a disability in terms of the disparity in disciplinary rates. Skiba and Noam suggest that students identified as having a disability, or therefore receiving special education services, were caught in what they term the “web of zero-tolerance.” Zero-tolerance, as noted above, opens possibilities for teachers/administrators to neglect these students via discipline.

According to Skiba and Noam, the General Accounting Office (GAO) surveyed a total of 272 schools about their disciplinary actions, with detailed questions on regular and special- education students. Principals of these schools noted that an average of 29% of those students were either placed in special education services or had a disability. This number could be lowered if tracking and labeling were removed from American public school systems. Skiba and Noam write that “controlling the students in schools, the ratio of serious misconduct by students is 15 per 1,000 for regular education students and 50 per 1,000 for special education students. These incidents include both suspensions and expulsions.” Also, principals often referred to students with documented disabilities as kids in the “troubled group,” meaning they were repeat offenders in terms of school disciplinary actions. Whether or not these students are being fairly assessed and disciplined on an individual basis is open for debate, but administrators must develop and implement plans of action to eliminate this disparity.

Students disciplined unfairly due to disability issues are being deprived of FAPE, along with many other things. Skiba and Noam write:

Lack of consistent and appropriate programming, education, and treatment exacerbates the student's developmental problems. School expulsions can act either an exit or entrance to appropriate education...One common situation was when students were decertified, that is, found ineligible for special education services; these students often had conduct problems. The decertification made it easier for school officials to expel without the constraints of the process required in the Individuals with Disabilities Act (IDEA).

That statement directly relates disability with the next factor, teacher bias. Allowing schoolteachers and administrators to discipline at will, without going through the necessary legal steps, is unfair and continues to perpetuate the disparity.

Teacher bias is, by far, the most frequent contributing factor to disparity by race among disciplinary actions. There are many reasons for teacher bias, such as racism, cultural differences and simple misunderstandings. Wright, Weeks and McLaughlin (2002) claim that, often, relationships between Afro-Caribbean students and white female teachers are viewed as confrontational. They continue:

The issue of Afro-Caribbean masculinity has explored the expressions of male identities and the way these can often embody exaggerated heterosexuality, aggression and confrontation, either with peers or teachers.

This is a prime example of misunderstanding cultural differences. Many teachers either are not trained or have had few experiences in working with students from diverse backgrounds. Teachers working in rural and suburban settings with populations consisting of mostly white students are most vulnerable to allowing biases to dictate their disciplinary sanctions, and at times form unfair stereotypes. Wright, Weeks and McGlaughlin also assert that, within the school environment, these misunderstood relationships are based on power and powerlessness. Teachers feel the need to establish authority and power with students of Afro-Caribbean descent, which in turn leads to unfair sanctions of questionable offenses.

The last factor contributing to racial disparity in disciplinary rates is language and communication differences. This can be better explained by breaking it down into two sections. The first is language difference. Students from diverse backgrounds, especially those who are linguistically different or not

fluent in English, are often disciplined for cultural misunderstandings or a lack of patience on the part of the instructor.

Communication itself is very broad and can vary in its form, culturally, in both verbal and non-verbal sequences. Teachers and administrators often see the use of African American English, or differentiated dialects in the school environment, as a form of disrespect. For example, Townsend (2000) claims:

Some African-American students speak nonstandard English, school personnel unfamiliar with that dialect may misunderstand the speakers' unintended meaning or tone...The slang popular among African-American children and youth may also contribute to misinterpretation...Thus African-American modes of verbal communication may appear non-compliant, increasing the risk of suspension and expulsion.

Townsend's explanation details the issue of teacher bias, contending that "language used among these youth may have meanings that appear to hold the meanings opposite of their intent." Differentiated dialects are an issue in schools across the country, especially in urban settings. Again, some teachers working in largely rural and suburban settings lack the knowledge, skills and strategies to address this issue. One last and interesting claim made by Townsend is that African-American students may naturally talk in a louder tone than those in the mainstream culture. Teachers may view this as offensive behavior, and as previously noted, "confrontational."

RECOMMENDATIONS

Reform in American public education has been an ongoing issue in this country for over a century. For the purpose of this research, disciplinary reform will be examined both from a national and local (Michigan) perspective. Disciplinary reform can be advanced by several methods, respecting different philosophies on how to manage and reduce undesirable behaviors. Skiba and Noam present five recommendations for disciplinary reform in American Public education. Their recommendations are:

- Replace zero-tolerance policies with a reasoned and appropriate approach to school discipline;
- Support and implement comprehensive prevention programs to enhance the protective nature of schools;
- Develop alternative discipline strategies to replace school expulsion, and offer educational options when expulsion may be necessary;
- Develop clear policies and procedures for school expulsion and support the accuracy of reporting procedures;
- Encourage and expand the research interest in expulsion practices and its impact.

Skiba and Noam present great recommendations based on current policies in use in districts across the United States of America. Eliminating the zero-tolerance policy would be a tremendous step in the right direction. Implementing a new disciplinary philosophy based on intervention, while promoting a proactive school environment might ultimately reduce unfair and racial disparities in school discipline.

Townsend also presents interesting points on how she envisions disciplinary reform will occur. She offers recommendations based on minimal changes that can start with the classroom teacher.

Townsend claims these four suggestions, or changes, to the disciplinary policies in school can reduce the disparity:

- Teachers must take deliberate steps to better engage African-American students, especially males, in instructions that goes beyond discipline and management;
- Knowing African-American students' cultural styles and preferences is helpful when planning and implementing instructional and management strategies to meet students' academic and social needs;
- Minimizing linguistic barriers;
- Building teacher-student relationships.

Student-teacher relationships are and can be instrumental to the reduction of unfair disciplinary actions against minorities. In building relationships, teachers learn to understand individuals in many aspects, especially culturally. This can help the teacher recognize cultural norms from behavior problems, thus reducing unfair sanctions for misunderstood infractions. This also leads to better communication between students and teachers.

The Michigan Department of Education: *Leading Change* (2006) has implemented a great approach to classroom management known as the Positive Behavior Support System. This program emphasizes reinforcing appropriate behavior in the classroom. To start the program, a functional behavior assessment must be conducted to collect data on the target behaviors of that student. This program ensures validity and reliability by going through the necessary steps to reduce the behavior, which in turn reduces the possibility for teacher bias.

The *Michigan's Throwaway Kids* document provides solid recommendations, as well. There are several listed, but three suggestions for disciplinary reform offer an interesting argument. Those three recommendations include:

- Establish uniform statewide procedural protocols for the discipline of students that ensure that students accused of misconduct have full and fair opportunities to explain their actions and otherwise defend themselves;
- Michigan's expulsion law should be amended to conform more strictly to the scope of federal requirements by making only firearms offenses subject to mandatory automatic expulsions;
- "Alternative Education" should be re-conceptualized when necessary to ensure that these programs do not become dumping grounds for students who have been suspended long-term or expelled. Convenient, useful alternative education programs that provide genuine opportunities for learning should be available for every student who is expelled or suspended long-term.

My first recommendation would have a dramatic and instant impact on school discipline policies in the state of Michigan. Planning, designing and implementing one plan for the whole state could have both advantages and disadvantages. This would be beneficial in not allowing certain school districts to either broaden or narrow a specific policy, but it could also cause complications. It might possibly limit

the chances of accepting a student back into the classroom, thus creating a situation of disciplinary exclusion in which access to FAPE is abolished.

The second suggestion simply argues for the complete elimination of expulsion, unless it deals with a criminal offense. This might be helpful in analyzing every situation with an independent judicial review to determine whether or not expulsion is appropriate for that specific case/offense.

The third suggestion claims that current alternative-education programs in Michigan are “dumping grounds,” and need to be re-conceptualized to provide quality education and opportunities for growth. If planned and implemented properly, this reform might reduce the chances of disciplinary exclusion while providing a free, appropriate and public education to suspended and expelled students.

Disciplinary reform is a long, comprehensive and complicated process that it seems Michigan simply will not consider. Changes and adaptations to current disciplinary guidelines may be made, but not in the form of the serious approach that is warranted. When the positive behavior support system was implemented, it was mainly used as a classroom management technique rather than a disciplinary measure. There was hope that, over the years, it would decrease rates in discipline, and although it has had a tremendous effect in the classroom, it has not yet eliminated the burden placed on children who are harmed by current disciplinary rules and regulations.

CONCLUSION

The real problem with racial disparities in disciplinary actions is the other serious problems that can and will create. In all my research, readings and informal conversations with current schoolteachers and administrators, I learned that the achievement gap stretching wider than it already is has become a great concern in K-12 education. Instead of focusing on what students can and cannot do academically, teachers are too often playing a central role in producing these statistics and in creating future problems.

There is a lot of work to do with our current disciplinary system, specifically in K-12 education. Several root problems must be addressed before these disparities can begin to fade. These include

exclusion, training for teachers focused on understanding diverse classrooms, and most importantly, the complete eradication of the zero-tolerance philosophy in K-12 education.

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