Volume 17 Issue 45
Originally issued as G10

Global Journal of human-social science: G
Linguistics & Education
Volume 17 Issue 10 Version 1.0 Year 2017
Type: Double Blind Peer Reviewed International Research Journal
Publisher: Global Journals Inc. (USA)
Online ISSN: 2249-460x & Print ISSN: 0975-587X

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By Jamie Heintz Benson & John R. Slate

Sam Houston State University

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GJHSS-G Classification: FOR Code: 930199

DISCIPLINEASSIGNMENTINEQUITIESBYTHEGENDERANDETHNICITYRACEOFGRADE9STUDENTSWITHALEARNINGDISABILITY

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Discipline Assignment Inequities by the Gender and Ethnicity/Race of Grade9 Students with a Learning Disability

Jamie Heintz Benson [α] & John R. Slate [σ]

Abstract- The extent to which differences were present in the receipt of in-school suspension and out-of-school suspension assignments as a function of gender and ethnicity/race for Texas Grade 9 students who had a Learning Disability in the 2008-2009 school year was addressed in this investigation. An analysis of Texas statewide data revealed the presence of statistically significant differences in the receipt of both in-school suspension and out-of-school suspension to boys and girls. Boys who had a Learning Disability received statistically significantly more instances of both discipline consequences than did girls with a Learning Disability. With respect to ethnicity/race, Grade 9 Black students who had a Learning Disability were assigned in-school suspensions and out-of-school suspensions at statistically significantly higher rates (i.e., 1 to 2 times more often) than their Hispanic and White counterparts. Clear disproportional ties were established in the assignment of both in-school suspensions and out-of-school suspensions by the gender and ethnicity/race of Texas Grade 9 students who had a Learning Disability.

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I. Introduction

In astudy of students in a large, diverse Florida school district, Mendez and Knoff (2003) examined archival data to ascertain whether inequities might be present in out-of-school suspensions by ethnicity/race, gender, school level, and discipline infraction. Mendez and Knoff (2003) documented that in the 1998-1999 school year boys exceeded girls in suspensions and Black boys exceeded White boys in suspensions by almost 16 percentage points. Mendez and Knoff (2003) also determined that in Austin, TX during that same school year Black students were four times more likely to be suspended then were White students. Students in Maryland from Kindergarten through Grade 12 experienced suspensions at a rate of 7.8%.

In a recent study conducted in Texas, the state of interest in this investigation, Curtiss and Slate (2013) examined disparities in discipline assignments of Texas Grade 4 and Grade 5 boys and girls in the 2012-2013 school year. They established that Grade 5 boys were assigned out-of-school suspensions at statistically significantly higher rates than Grade 5 girls. The number of discipline assignments given to Grade 4 and 5 boys was also statistically significantly higher than the number of discipline assignments given to Grade 4 and 5 girls. Students who qualify for special education were included in the sample of students whose data they analyzed in their study. Of the students in Texas who qualify as having a disability, the highest portion of students with disabilities are learning disabled.

In a study on data from students who were enrolled in special education, Allman (2010) conducted a Texas statewide investigation of Texas Grade 9 and Grade 10 students with disabilities during the 1998-1999 school year. Of the 33,389 Grade 9 students analyzed in the study 24,723 were identified as having a learning disability. Of the 23,832 Grade 10 students with disabilities, 18,194 of those students were identified as learning disabled. Allman (2010) established the presence of statistically significant differences in the reading and mathematics achievement of students with disabilities who were assigned an in-school suspension and/or an out-of-school suspension in comparison to the reading and mathematics achievement of students with disabilities who were not assigned suspensions. In all cases, students with disabilities who had received a discipline consequence had statistically significantly lower average reading and mathematics test scores than their peers with disabilities who had not been assigned such consequences.

Black, Hispanic, students who were economically disadvantaged, and students with disabilities arereceiving exclusionary disciplinary consequences which result in their removal from the classroom at a higher rate than their peers. The removal of students from the classroom setting results in students missing instruction along with academic and social opportunities for growth. Removal from the classroom due to disciplinary consequences primarily affects Black, Hispanic, students in poverty, and students with disabilities. This disproportionality is especially concerning because Black and Hispanic students constitute half of the student population of the United States (Vidal-Castro, 2016). Black students represent 17% of student population across the nation, yet they accounted for 33% of suspensions in the 2000 school year (Mizel et al., 2016). Students with disabilities are afforded protections through the Individuals with Disabilities Act to protect them from excessive

Author α σ: Sam Houston State University. e-mail: profslate@aol.com

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disciplinary actions which may be related to their disability.

Zirkel (2011) conducted an investigation in 2009 to examine each state's statues and regulations for the definition of Functional Behavior Assessment and Behavior Intervention Plan and the procedures and requirements for school districts required by that state above the federal requirements of the Individuals with Disabilities Education Act. Zirkel (2011) determined the presence of limited requirements for the utilization and requirements for implementation for functional behavior Assessments and behavior intervention plans across the nation. Of the 56 states, 19 states had no mention of the federal requirements of the Individuals with Disabilities Act for behavioral assessment and plans to address the behavior and the remaining 31 states had limited explanation of requirements and vague definitions which leave much to interpretation in school districts. Overall, state law requirements for functional behavior assessments and behavior intervention plans in 2009 was relatively limited.

The Texas Education Agency indicates school districts in Texas must report long term suspensions or expulsions of students with disabilities as a whole and by ethnicity/race. Data provided by school districts are identified as Indicator 4A and 4B in the State Performance Plan. The Texas Education Agency defines a long-term expulsion or suspension to be longer than 10 school days. If a student has been outside the placement decided by the Admission, Dismissal, and Review committee for more than 10 cumulative school days, an Admission, Review, and Dismissal meeting is called to determine if the student's behavior which resulted in the consequence which displaced the student was a manifestation of the student's disability. These meeting are called Manifestation Determination Reviews. The committee will determine if the consequence is appropriate for the student. In Texas, special education rules are established by the State Board of Education and the Commissioner. These rules are made available by the Texas Education Agency and updated after every legislative session.

II. Statement of the Problem

Students with learning disabilities struggle with academic tasks more than most students considered typically developing or without disabilities. Learning disabilities influence behavior less than students identified as Autistic or Emotionally Disturbed. With learning deficits in the classroom, it would be unlikely these students would benefit from suspension as a consequence for non-preferred behavior. In Texas, exclusionary discipline is a common consequence given to both students with and without disabilities. Exclusionary disciplinary practices, however, negatively influence student achievement (Allman, 2010).

III. Significance of the Study

Inequities in student discipline are attracting the attention of many researchers and policymakers across the United States. In this study, data on in-school suspensions and out-of-school suspensions of Texas Grade 9 students who had a Learning Disability were analyzed to ascertain the extent to which inequities were present with respect to gender and ethnicity/race. Limited research, thus far, existsin regard to discipline inequities for students with learning disabilities. Findings of this investigation could provide evidence to help support school administrators, teachers, and members of the Admission, Review, and Dismissal committee to consider equitable disciplinary assignments and possible alternatives to exclusionary discipline assignments.

IV. Purpose of the Study

The purpose of this study was to ascertain the degree to which differences were present in the assignment of in-school suspension and/or out-of-school suspension to Grade 9 boys and girls with learning disabilities. A second purpose of this study was to determine the extent to which differences existed in the assignment of in-school suspension and/or out-of-school suspension by the ethnicity/race of Grade 9 students with learning disabilities. Disciplinary assignments included in this study were limited to in-school suspension and to out-of-school suspension.

a) Research Questions

The following questions we readdressed in this study: (a) What is the difference in in-school suspension assignments between Grade 9 boys and girls with learning disabilities?; (b) What is the difference in out-of-school suspension assignments between Grade 9 boys and girls with learning disabilities?; (c) What is the difference in in-school suspension as a function of ethnicity/race for Grade 9 students with learning disabilities?;and (d) What is the difference in out-of-school suspension as a function of ethnicity/race for Grade 9 students with learning disabilities?

V. Method

a) Research Design

In this study, a non-experimental, causal-comparative research design was used (Creswell, 2009). The independent variables in this study were gender and ethnicity/race (i.e., Black, White, and Hispanic). The dependent variables in this study were in-school suspension and out-of-school suspension disciplinary assignments. Archival data were utilized and, as such, the independent and dependent variables in this study had occurred in the past and could not be manipulated. The population of students whose data were analyzed herein were students who were

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determined to meet the State of Texas definition for a Learning Disability.

b) Participants

Participants in this study were Grade 9 students in the State of Texas who qualified as having a learning disability. The archival data that were analyzed in this investigation were obtained through a Public Information Request form submitted by the instructor of a statistics course.

c) Definition of Terms

In-School Suspension (ISS). In this study, in-school suspension was defined by the U.S Department of Education and Hilberth and Slate (2014a) to be "Instances in which a child is temporarily removed from his/her regular classroom(s) for disciplinary purposes but remains under the direct supervision of school personnel" (p. 46).

Out-of-School Suspension (OSS). For this study, out-of-school suspension was defined by the U.S Department of Education and Hilberth and Slate (2014a, 2014b) to be "instances in which a child is temporarily removed from his/her regular school for disciplinary purposes to another setting (e.g., home, behavior center)" (p. 46).

d) Learning Disability

A student who qualifies as having a learning disability is defined by the Texas State Board of Education and defined in the Commissioners Rules asa student who:

> Does not achieve adequately for the student's age or meet state-approved grade-level standards in oral expression, listening comprehension, written expression, basic reading skill, reading fluency skills, reading comprehension, mathematics calculation, or mathematics problem solving when provided appropriate instruction, as indicated by performance on multiple measures such as in-class tests; grade average over time (e.g. six weeks, semester); norm- or criterion-referenced tests; statewide assessments; or a process based on the student's response to scientific, research-based intervention; and does not make sufficient progress when provided a process based on the student's response to scientific, research-based intervention, as indicated by the student's performance relative to the performance of the student's peers on repeated, curriculum-based assessments of achievement at reasonable intervals, reflecting student progress during classroom instruction; orexhibits a pattern of strengths and weaknesses in performance, achievement, or both relative to age, grade-level standards, or intellectual ability, as indicated by significant variance among specific areas of cognitive function, such as working memory and verbal comprehension, or between specific areas of cognitive function and academic achievement. (Chapter 89)

VI. Results

To ascertain whether a difference was present in in-school suspension and out-of-school suspension assignments as a function of gender and/or ethnicity race of Grade 9students who were identified as being learning disabled, a Pearson chi-square analysis was conducted. This statistical procedure was viewed as the optimal statistical procedure to use because frequency data were present for the independent variables of gender and ethnicity/race and for the dependent variables of in-school suspension and out-of-school suspension. As such, chi-squares are the statistical procedure of choice when both variables are categorical (Slate & Rojas-LeBouef, 2011). In addition, with the large sample size, the available sample size per cell was more than five. Therefore, the assumptions for utilizing a chi-square were met.

For the research question in which the focus was placed on the assignment of in-school suspension of Grade 9 boys and girls with learning disabilities, the result was statistically significant, $\chi^2(1) = 282.33$, $p < .001$. The effect size for this finding, Cramer's V, was small, .10 (Cohen, 1988). As presented in Table 1, Grade 9 boys who had a learning disability were assigned to an in-school suspension at a statistically significantly higher rate than Grade 9 girls who had a learning disability. The percentage of Grade 9 boys who were assigned to an in-school suspension was about10 percentage points higher than the in-school suspensions assigned to Grade 9 girls in Texas during the 2008-2009 academic school year.

Table 1: Frequencies and Percentages of In-School SuspensionPlacement by Gender

	Did Not Receive an In-school Suspension	Did Receive an In-school Suspension
Gender	*n* and %age of Total	*n* and %age of Total
Boys	(*n* = 10,082) 54.20%	(*n* = 8,523) 45.80%
Girls	(*n* = 6,327) 64.50%	(*n* = 3,475) 35.50%

For the research question in which the focus was placed on the assignment of out-of-school suspension to Grade 9 boys and girls with learning disabilities, the result was statistically significant, $\chi^2(1) = 426.78$, $p < .001$. The effect size for this finding, Cramer's V, was small, .12 (Cohen, 1988). As revealed in Table 2, Grade 9 boys who had a learning disability were assigned out-of-school suspension at a statistically significantly higher rate than Grade 9 girls who had a learning disability. Grade 9 boys who had a learning disability were assigned to an out-of-school suspension at a rate that was almost twice as much as the out-of-school suspension rate for Grade 9 girls with a learning disability in the 2008-2009 academic school year.

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Table 2: Frequencies and Percentages of Out-of-School Suspension Placement by Gender

	Did Not Receive an Out-of-School Suspension	Did Receive an Out-of-school Suspension
Gender	*n* and %age of Total	*n* and %age of Total
Boys	(*n* =13,620) 73.20%	(*n* = 4.985) 28.80%
Girls	(*n* = 8,240) 84.10%	(*n* = 1,562) 15.90%

For the research question in which the focus was placed on the assignment of in-school suspension to Grade 9 students with learning disabilities by their ethnicity/race, the result was statistically significant, $\chi^2(2) = 381.58$, $p < .001$. The effect size for this finding, Cramer's V, was small, .12 (Cohen, 1988).As delineated in Table 3, Grade 9 Black students who had a learning disability were assigned out-of-school suspension at a statistically significantly higher rate than either Grade 9 Hispanic or White students who had a learning disability. Grade 9 Black students who had a learning disability were assigned to an in-school suspension almost one and a half times more than Grade 9 White students who had a learning disability. Almost half of the Black Grade 9 students who were part of the sample were assigned to in-school suspension in the 2008-2009 academic school year. Grade 9 Hispanic students who had a learning disability were assigned to an in-school suspension at a rate almost one and a third times more than Grade 9 White students who had a learning disability.

Table 3: Frequencies and Percentages of In-School Suspension Placement by Ethnicity/Race

	Did Not Receivean In-School Suspension	Did Receive an In-School Suspension
Ethnicity/Race	*n* and %age of Total	*n* and %age of Total
White	(*n* = 4,861) 66.70%	(*n* = 2,431) 33.30%
Hispanic	(*n* = 8,248) 55.90%	(*n* = 6,498) 44.10%
Black	(*n* = 3,067) 50.70%	(*n* = 2,988) 49.30%

For the research question in which the focus was placed on the assignment of out-of-school suspension to Grade 9 students with learning disabilities by their ethnicity/race, the result was statistically significant, $\chi^2(2) = 772.20$, $p < .001$. The effect size for this finding, Cramer's V, was small, .17 (Cohen, 1988). Table 4 contains the frequencies and percentages for this analysis. Grade 9 Black students who had a learning disability were assigned to an out-of-school suspension almost three times more than Grade 9 White students who had a learning disability and one and a half times more than Grade 9 Hispanic students who had a learning disability. Grade 9 Hispanic students who had a learning disability were assigned to an out-of-school suspension almost two times more than Grade 9 White students who had a learning disability.

Table 4: Frequencies and Percentages of Out-of-School Suspension Placement by Ethnicity/Race

	Did Not Receive an Out-of-School Suspension	Did Receive an Out-of-School Suspension
Ethnicity/Race	n and %age of Total	n and %age of Total
White	(n = 6,308) 86.50%	(n = 984) 13.50%
Hispanic	(n = 11,273) 76.40%	(n = 3,473) 23.60%
Black	(n = 4,006) 66.20%	(n = 2,049) 33.80%

VII. Discussion

In this investigation, data were analyzed for the 1998-1999 school year to determine the extent to which inequities were present in the assignment of in-school suspension and out-of-school suspension for Grade 9 students with learning disabilities by their gender and ethnicity/race. Statistically significant differences were clearly documented by this investigation. As illustrated in Figure 1, Texas Grade 9 boys who were learning disabled exceeded Grade 9 girls with learning disabilities in both in-school suspension and out-of-school suspensions by approximately 10-11%. Tiger and Slate (2017) determined that Grade 4 boys were more than three times more likely to be assigned anin-school suspension than girls regardless of their economic status.

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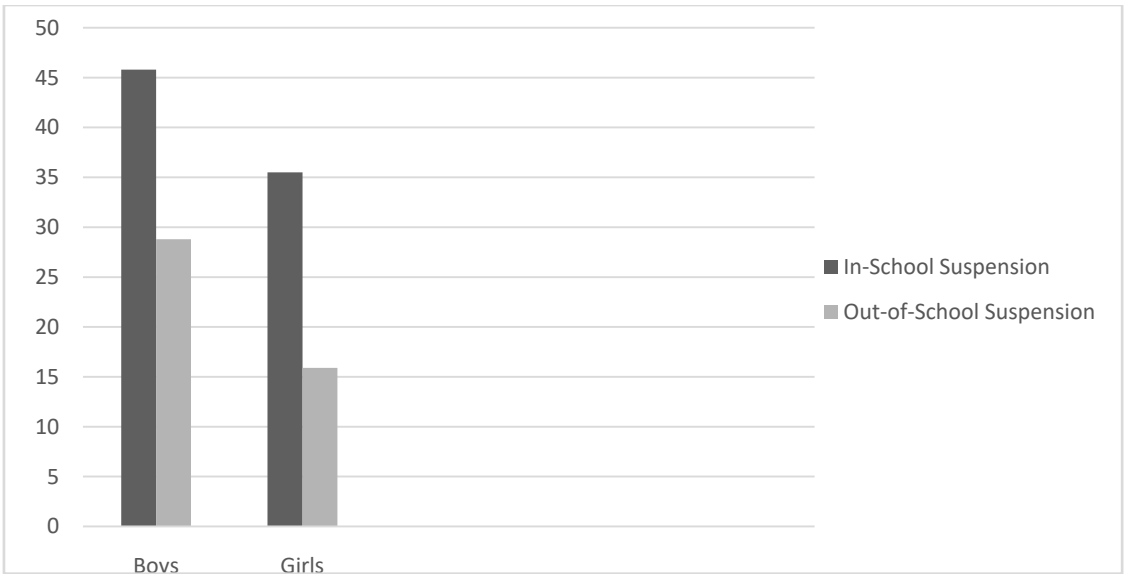


Figure 1: Percentage of Texas Grade 9 boys and girls who were Learning Disabled and assigned in-school suspension and /or an out-of-school suspension in the 1998-1999 school year.

In this study, inequities clearly existed in disciplinary assignments of Grade 9 Black students with learning disabilities when compared to the disciplinary assignments of their White and Hispanic peers. Grade 9 Black students who were learning disabled exceeded White students who were learning disabled by 16 percentage points in-school suspension assignments, and exceeded Hispanic students who had a learning disabilities by 10 percentage points in in-school suspension assignments. When examining out-of-school suspensions assigned to Grade 9 students who had learning disabilities, Black students exceeded White students by 20 percentage points and Hispanic students by 10 percentage points in out-of-school suspension assignments. As depicted in Figure 2, Black students who had learning disabilities were assigned in-school suspension and out-of-school suspension at statistically significantly higher rates than White and Hispanic Grade 9 students.

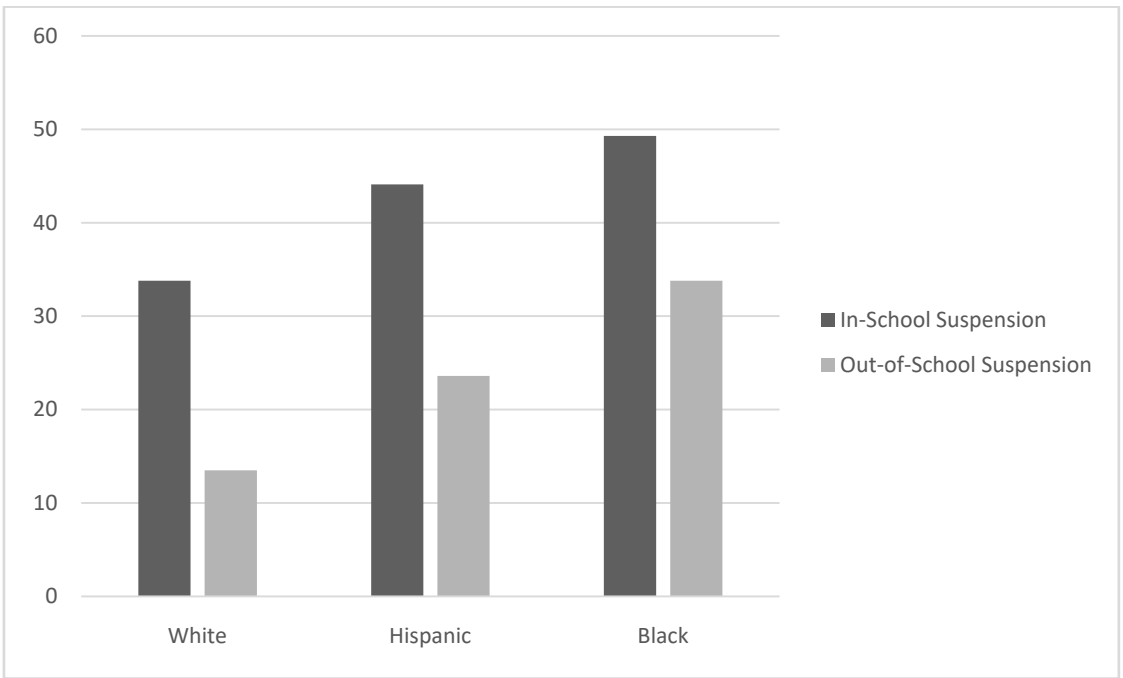


Figure 2: Percentage of Texas Grade 9 students who were Learning Disabled and assigned in-school suspension and/or anout-of-school suspension by ethnicity/race in the 1998-1999 school year.

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a) Implications for Policy and Practice

Students who qualify as learning disabled are provided rights through the IDEA. Students who are assigned exclusionary disciplinary assignments which exceed 10 school days are examined by an Admission, Review, and Dismissal committee which includes an adult student, parent, License Education Agency representative, Special education and General Education teachers. This committee determines if the behavior the student exhibited to receive a consequence which would result in a change of educational placement was a manifestation of the student's disability. Black students who had learning disabilities were assigned in-school suspension and out-of-school disciplinary assignments at statistically significantly higher rates than White and Hispanic Grade 9 students who were learning disabled. As a result, school administrators, teachers, and parents should investigate the frequency of manifestation determination reviews and the process of determining if a discipline assignment is appropriate. Grade 9 Black students with learning disabilities were assigned out-of-school suspensions two and a half times more than White students with learning disabilities. The behavior resulting in disciplinary assignments should be investigated. Skiba (2002) established most out-of-school disciplinary assignments are assigned for student aggression, disrespect, and noncompliance. School administrators should examine why Grade 9 Black students who were learning disabled were likely to be identified as aggressive or disrespectful at such a higher rate than White students. School administrators should review their programs to insure interventions and behavioral strategies are utilized to reduce exclusionary disciplinary assignments. Students with learning disabilities likely struggle with academic tasks, this could contribute to non-preferred behaviors. Forcibly leaving to classroom and missing instruction would likely only increase non-preferred behavior and academic deficits.

b) Recommendations for Further Research

Investigated in this current study was the degree to which inequities were present in the discipline consequences that were assigned to Grade 9 students with learning disabilities in the 1998-1999 school year. Data from the last several school years should be analyzed to determine if the degree to which inequities continue to exist in the assignment of disciplinary consequences to students with learning disabilities. Moreover, only data on students in Texas were analyzed in the current study. The extent to which results of this Texas statewide investigation would be generalizable to students with learning disabilities in other states is not known.

Additional research should be considered to investigate Manifestation Determination Review meetings. The current study reflects Black students who had a learning disability exceeded White students with learning disabilities at a statistically significantly higher rate. It is likely the students who were assigned suspensions should have been subjects of a Manifestation Determination Review. Very little research exists regarding the utilization of required meetings to determine appropriate discipline consequences of a student with disabilities. A Boolean search for "Manifestation Determination Review" or "MDR" was conducted through Ebsco Host and yielded one scholarly, peer reviewed article, dated 1997. Additional research could be conducted in this area to assist Admission, Review, and Dismissal committees, parents, and teachers in appropriately assigning disciplinary consequences to a student with a disability.

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