

Springer Series on Child and Family Studies

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Disproportionality and Social Justice in Education



Springer

Springer Series on Child and Family Studies

Series Editor

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The Springer Series on Child and Family Studies addresses fundamental psychological, educational, social, and related issues within the context of child and family research. Volumes published in this series examine clinical topics with an additional focus on epidemiological, developmental, and life span issues. Leading scholars explore such factors as race and immigration, parenting, and the effects of war and violence on military families and unite a vast literature into a comprehensive series of related research volumes.


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Disproportionality and Social Justice in Education

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*For our mentors, colleagues, and students
who have pushed and inspired us to work
toward a more just and equitable future
for all.*

Preface

This book examines disproportionality in education through a compilation of chapters focusing on issues of social justice for diverse and marginalized students in United States. It addresses disproportionality as an indicator of biased practices, on the part of systems and individuals, and it uses social justice as the frame for conceptualizing disproportionality—both historically and as a means to improve educational practice now and in the future. Chapters included in this book explore the historical roots of disproportionality in education, outcomes experienced by racially and ethnically diverse students and students with disabilities, and how social justice can inform policy and practice to make a positive impact and reduce disproportionality in education.

The first section of the book provides foundational knowledge and perspectives on the study of disproportionality in education. Chapters included in this section address disproportionality through historical, legal, theoretical, and methodological lenses. As such, these chapters provide an overview of the origins and the current state of disproportionality studies in education, while also questioning certain aspects of disproportionality studies. In sum, these chapters lay the groundwork for contextualizing past and current disproportionality studies in education.

The second section of the book serves as a survey of disproportionality in education using contemporary data. Drawing on data collected through the 2017–18 Civil Rights Data Collection, chapters in this section examine disproportionality across a range of outcomes, with specific attention to disproportionality across ethnic-racial, gender, and disability status lines. Individually, chapters address disproportionality in terms of disciplinary exclusions, bullying victimization and perpetration, seclusion and restraints, corporal punishment, school-based law enforcement referrals and arrests, and academic achievement. Read together, this section of the book provides a comprehensive and current view of disproportionality for students in American schools.

The third section of the book considers disproportionality in its current state while envisioning a possible alternative future where disproportionality is no longer an issue for our youth. Framed through a lens of social justice, and with a view toward equity, the chapters in this section consider how educational practice,

research, policy, and intervention might be applied in order to shape conditions that are supportive of more equitable and just outcomes for ALL youth.

This book is a useful tool for policy makers, applied researchers, and advanced graduate students interested in understanding and addressing disproportionality in education. It is also useful for practitioners and interventionists working in schools, community-based organizations, and other youth settings. We hope this work benefits all those who support students in the current education climate—one where equity and justice are sorely needed, perhaps now more than ever.

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Clemson, SC, USA
West Lafayette, IN, USA
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Part I
Foundations: Understanding
Disproportionality in Historical, Legal,
Theoretical, and Methodological Terms

Chapter 1

Ever Since Little Rock: The History of Disciplinary Disparities in America's Schools



Russell Skiba and Ashley White

On September 24, 1957, Minnijean Brown-Trickey was one of nine Black students attempting to enter Central High School in Little Rock, Arkansas, the first Black student to attend that all-White school.¹ This was their third attempt. This time, supported by Federal troops, they successfully entered the school building.

But for them, the struggle to integrate Central High was by no means over. That day and every day for the next year, they were harassed, verbally and even physically assaulted. They were called “nigger” regularly, told that they did not belong there, tripped, spat upon—in some cases so badly that their shirts were soaked and yellowed—sprayed in the face with a squirt gun filled with what was said to be acid, threatened by boys with knives, and pushed down the stairs.

The Little Rock Nine had been well prepared for what they faced. They were chosen out of a group of over 80 original volunteers because their records and reputations at their all-Black high school were beyond question—top grades, student leaders, athletes, and absolutely no behavioral issues. Their trainer and mentor, Daisy Bates, emphasized repeatedly that they could not allow themselves to respond to any provocation, no matter how severe. The Nine responded with a level of restraint that can hardly be imagined. Throughout the fall, none of them responded to even the most virulent and punishing acts of racism.

¹This account is drawn from a number of sources including Jacoway and Trickey (2005). Bates (1986), and Beals (1994).

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On December 17, after a semester of such harassment, Minnijean was attempting to get to her seat in the cafeteria, carrying her tray with a bowl of chili. She was confronted by a group of White boys who had been harassing her there for days. On this day, they set a ring of chairs between her and her chair and began taunting, encircling, and trying to trip her. For some time, she stood stock still, but finally tipped her tray, dumping her bowl of chili down the front of one of the boys' shirt. As a result of the incident, Minnijean was suspended, while the boy was sent home to change his clothes. The rest of the Nine were confronted by chants from other students as they walked down the halls: "One nigger down and eight to go!"

On January 13, after Christmas break, Minnijean returned to Central High. In the following weeks, she had a bowl of hot soup dumped on her by one of the boys involved in the chili incident. While leaving school one day, she was kicked in the back so viciously that she had to remain at home for several days until she could sit without pain. On February 6, she was being followed to homeroom by a White girl who for a period of 2 weeks had continually harassed her, stepping on the back of her shoes, kicking her in the legs, and calling her "nigger" repeatedly. As they entered the classroom, the girl hit Minnijean on the back of the head with her purse. Minnijean turned and screamed, "Leave me alone, White trash!" Since she was on probation after the first incident, she was expelled for the remainder of the school year, while the White girl received no punishment. Minnijean Brown-Trickey never returned to Central High, moved to New York and, with a scholarship from the NAACP Legal Defense Fund, and begun school at New Lincoln High School.

Although she could not have known it at the time, Minnijean Brown-Trickey's experience has served as the paradigm for the use of exclusionary discipline for Black students from that moment on. Disciplinary disproportionality for Black students is *ubiquitous*: Minnijean was among the first Black students ever to enter an all-White school. Within months, she became the first Black student to be suspended from a majority white school and, only 2 months later, the first Black student in a White-dominated school to be expelled. The severity of disparate punishment was clearly *out of proportion* with the seriousness of the offense: Both her suspension and expulsion occurred in response to behaviors on her part that could in no way be viewed as safety threatening. She received a vastly *different level of consequence* than the two White students who were involved in the same incidents, a phenomenon that has been repeatedly replicated. Finally, disciplinary disparities are *intersectional*: It is not surprising that the victim of the first two Black school exclusions was a girl (see, e.g., Blake et al., 2017). While the disciplinary gap for boys receives more media and research attention, the suspension gap between White girls and Black girls is greater than the gap between Black and White boys (Wallace et al., 2008).

History and Structural Racism

The murder of George Floyd and 1555 other Black men, women, and children at the hands of police since 2016 created a profound reaction in the areas of community policing and school discipline. Over 15 million people marched in over 7000 demonstrations protesting police violence and in support of Black lives in summer, 2020. Widely disseminated videos of police killings of Black men and women, along with extensive evidence of the harms of school policing to Black and Brown students, led 33 American cities to reduce or eliminate police presence in schools (Schwartz et al., 2021).

The period following Floyd's murder has also seen increased attention to the structural and institutional aspects of racism in both the popular press and in academic writing. Popular press mentions of either *structural racism* or *systemic racism* increased from 54,900 hits in Google News in the 10 years before Floyd's death, to 154,000 in the year following his murder (Skiba et al., [In press](#)). Similarly, mentions of the two terms went from 948 citations prior to 2015 to 5940 citations since the murder.

Since there is no consensual definition of those terms in either the popular press or in peer-reviewed publications, Skiba et al. ([in press](#)) scanned academic publications' uses of the terms *systemic racism* or *structural racism*. They synthesized previous definitions into the following definition:

Structural racism is the interlocking constellation of institutional policies and practices and individual beliefs and behaviors, developed over at least 400 years that fabricated, and continues to fabricate, a racialized hierarchy that maintains the social and economic dominance of those with lighter skin color over those with darker skin color.

In that paper, the authors examined the ways in which disciplinary disproportionality provides an exemplar of structural racism in each of the four parts of the definition: (a) *common beliefs and rules shared across institutions*, (b) *expressed through both individual actions and institutional policies*, (c) *which are rooted in history yet adapting to current circumstances*, and (d) *which serve to maintain a racialized hierarchy of human value based on skin color*.

In this chapter, we add to the literature on structural racism through a focus on the historical antecedents of current disparities in the administration of exclusionary discipline—suspension and expulsion. We track the massive resistance of the South in the wake of *Oliver Brown et al. v. Board of Education of Topeka, Kansas* (1954) and its success in delaying the implementation of meaningful school desegregation. Thereafter, we show how desegregation, when it finally occurred, yielded a significant increase in both the rates of disciplinary exclusion and the size of the Black–White disciplinary gap. Finally, we trace how the importation of War on Drugs into schools through the implementation of 1990s zero tolerance policies created a further widening of Black–White discipline gap, a gap that has not narrowed to this day.

The Ordeal of Desegregation: America After *Brown*

1954–1964: Massive Resistance

The Supreme Court ruling in *Brown v. Board of Education* is rightly hailed as a landmark, setting the country on a course toward the end of legalized segregation. Yet, as the US Commission on Civil Rights noted in 1976, *Brown* “was not the end of segregation so much as the beginning of desegregation. The court’s work was not over—the question of implementation remained” (Hope III, 1975, p. 6).

Perhaps, the greatest obstacle to that implementation was the tremendous resistance to *Brown*, resistance that began almost immediately after the verdict. Within a month, a group of Virginia legislators and civic leaders formed an organization dedicated to resisting *Brown* that they called the *Defenders of State Sovereignty and Individual Liberties*; by September 1955, the group had 28 chapters and 12,000 members throughout the state (Hershman, 2022). The first Citizens’ Council, composed primarily of middle-class Whites, often community leaders, who had as their goal preserving racialized segregation, was organized in Mississippi 2 months after the *Brown* decision; by December 1955, there were 253 chapters and 65,000 members in the southern states (Day, 2014). In Congress, Senator Robert Byrd coined the term that characterized the Southern backlash, “massive resistance.” By the end of 1955, 20% of Virginia’s schools had closed in defiance of *Brown* (Day, 2014).

The extent of that resistance clearly had an effect on further Supreme Court deliberations. To maintain the unanimity it achieved in *Brown*, the Court elected not to specify remedies in the initial decision, but rather to hear from the parties to the original cases before coming to a separate decision on strategies. Arguing for the plaintiffs during that second phase of hearings, Thurgood Marshall urged swift and decisive action, setting deadlines for immediate desegregation, while the Southern defendants urged a gradual strategy relying on the discretion of local district judges (Edelman, 1974). Unwilling to buck the tide of resistance without support of the President or Congress, the Court sided with the defendants in recommending a gradualist strategy, deferring to local courts who “may find that additional time is necessary to carry out the ruling in an effective manner” (*Brown v. Board of Education II*, 1955), and closing with the now-famous dictum that desegregation should proceed “with all deliberate speed.” Scholars have suggested that the Supreme Court’s hesitancy in *Brown II* contributed significantly to the slow pace of desegregation; by leaving enforcement of desegregation in the hands of local school officials, “The door was open to obstruction and delay” (Edelman, 1974, p. 34).

That compromise, however, was in no way sufficient to assuage Southern resistance to desegregation. On March 12, 1956, 101 Congressmen and Senators from the south issued the *Southern Manifesto*, calling the *Brown* decision “a clear abuse of judicial power” (Humphrey, 1964, p. 32) that was “destroying the amicable relations between the white and Negro races that have been created through 90 years of patient effort by the good people of both races” (p. 34). The signers pledged to “use all lawful means to bring about a reversal of this decision” (p. 34).

Although the signers of the Southern Manifesto acknowledged themselves to be a minority in Congress, their clear signal of support provided confidence and guidance for southern states enacting resistance. Under Governor Thomas Stanley, Virginia accepted a doctrine of interposition²—that the state government had the right to “interpose” itself between its people and the Federal government when it believed that an action being taken by the US government was unconstitutional (MacLean, 2018). Stanley called a special session of the Virginia General Assembly that passed a legislative package that (a) empowered a state Pupil Placement Board to decide on all desegregation requests, thereby taking away any power for local school boards to desegregate, (b) required the governor to seize and close any school facing a desegregation order, (c) provided state funds for tuition for those who sought to move their children from public schools to nonreligious private schools, and (d) gave the governor the authority to suspend state funding to any school that voluntarily desegregated. Soon after, southern governors convened in Richmond to study the interposition strategy—most of them adopted it.

Statutory methods to preserve segregation soon flooded Southern legislatures. By 1957, there were over 100 new state laws or constitutional amendments passed to prevent or delay school desegregation (Edelman, 1974), including the following:

- Prohibitions against using state funds for desegregated schools
- Authorization of the transfer of public school property to private, segregated schools
- The modification of compulsory attendance laws where desegregation was threatened
- Indirect methods of providing financial support to private schools through tuition grants or tax deductions

The most favored method of legislative resistance was pupil placement laws. In theory, those laws provided students “freedom of choice” in selecting which school they would attend. In practice, however, complicated application processes, tests, and court appeals whenever a Black student sought admission to a White school ensured a low level of success (Jones, 1978).

School closings in response to court-ordered desegregation were common. Among the Southern states, only South Carolina did not pass a school closing law (Hope III, 1975). When the Supreme Court ruled against Little Rock’s attempt to put its desegregation plan on hold (*Cooper v. Aaron*, 1958), Governor Orville Faubus closed all four high schools slated for desegregation for the entire 1958–59 school year. In Virginia, in September of 1958, after a federal district court ruled that Blacks must be admitted to nine schools in Norfolk, Charlottesville and Front Royal, the governor closed all nine, locking out nearly 13,000 students (Hershman, 2022). Rather than face desegregation in its schools, Prince Edward County in

²The doctrine of interposition, originally developed by John C. Calhoun in the 1830s and resurrected by *Richmond News-Leader* editor James Kirkpatrick in a series of editorials in the early 1950s, became a central strategy for the South’s campaign of massive resistance to desegregation.

Virginia closed its schools from 1959 to 1964 (Smith, 1965), when the Supreme Court ruled that they must be reopened and desegregated (*Griffin v. County School Board of Prince Edward County*, 1964).

The struggle against massive resistance was made more difficult by restrictions placed on the NAACP and its Legal Defense Fund (LDF) by state legislatures throughout the South. Every southern state except North Carolina enacted anti-NAACP laws:

Southern officials felt that, as the NAACP was handling so many school cases, the organization must have solicited or “stirred up” the litigation, since Southern blacks presumably “knew their places” too well to dare sue for school desegregation. (Hope III, 1975, p. 44)

Restrictions included requiring NAACP officials to register with the state, making it a misdemeanor to employ a member of the NAACP, making membership in the organization grounds for dismissal from public employment, and requiring all public employees to list the organizations to which they belonged (Sarratt, 1966).

At the local level, segregation was often enforced through personal intimidation, terror, and violence. In communities in Mississippi, Black parents who asked their school boards to desegregate the schools had their petitions rejected and were punished by job loss and denial of credit (Jones, 1978). When 53 Black parents in one community in Mississippi petitioned their school board to admit their children into all-White schools, the local chapter of the Citizens’ Council published their names in a full-page ad in the local paper as a “public service,” resulting in the signers being denied service at local businesses until they removed their names from the petition (Day, 2014). While national attention to Emmett Till’s brutal murder in 1955 provoked international outrage over the horrors of lynching, intimidation of Black residents seeking to desegregate neighborhoods and schools continued, through vandalism, murder, and bombings. In the wake of *Brown*, the Ku Klux Klan saw its greatest resurgence since the 1920s (Oxford University Press, 2015).

With national support from its most recognized leaders, extensive state legislation, local intimidation and terror, and little or no Federal enforcement from Congress or the President, the Southern strategy of massive resistance was highly successful in its goal of slowing or preventing school desegregation. By 1964, only 1.2% of the nearly three million Black students in Southern states attended school with White students; 10 years after *Brown*, no Black students attended schools with Whites in Mississippi, ten students of 259,000 Black students in South Carolina were in desegregated schools, and only 21 of more than 287,000 Black students in Alabama attended schools with Whites (Hope III, 1975; US Commission on Civil Rights, 1976).

1964–1972: The Beginnings of Desegregation

From the *Brown* decision until well into the 1960s, there was little enthusiasm from any administration for federal enforcement of civil rights that might back up Supreme Court decisions. President Eisenhower attempted as much as possible to remain uninvolved with desegregation or civil rights struggles: According to

journalist Edward Morrow, Eisenhower “could never bring himself to take the one gigantic step of coming to grips with this very important and dangerous problem in American life” (Day, 2014, p. 46). President Kennedy remained similarly aloof from civil rights issues until 1963 when, after televised attacks on protesters in Birmingham with fire hoses and attack dogs and the March on Washington led to a sweeping change in public opinion, his administration introduced and advocated for the Civil Rights Act of 1963. Upon his assassination, his successor Lyndon Johnson continued and amplified that support until, after the longest filibuster in Senate history, the Civil Rights Act of 1964 passed with bipartisan support.

The passage of the Civil Rights Act marked the first stirrings of true desegregation in the United States. Unlike his predecessors, Johnson put the full weight of the Federal government behind civil rights enforcement. Soon after the implementation of regulations for the Civil Rights Act became effective, teams of attorneys from the Department of Justice began filing suit (Ogletree Jr., 2005). Under Title VI of the Civil Rights Act of 1964, federal funds could be cut off for school districts that resisted desegregation; over 200 such termination orders were issued by January 1969 (Edelman, 1974). As a result, there was a 30–40% increase in desegregation from 1964 to 1969, a tenfold increase in five years over what *Brown* had produced in ten (Jones, 1978). By the 1968–1969 school year, 20% of Black students in the south attended majority White schools (Edelman, 1974).

It was the Supreme Court, however, in rulings at the end of the decade, that finally signaled an end to “all deliberate speed.” In *Green v. County School Board of New Kent County* (1968), the Court ruled that “freedom of choice” plans could be a valid means of desegregation only if they effectively eliminated dual systems, stating: “The burden of a school board today is to come forward with a plan that promises realistically to work, and promises realistically to work now.” A year later in *Alexander v. Holmes County Board of Education* (1969), the Nixon Administration Justice Department, arguing *against* the Black student plaintiffs, joined 33 Mississippi districts in requesting a postponement for the submission of their desegregation plans. The Court decisively denied the request, concluding:

...a standard of allowing “all deliberate speed” for desegregation is no longer constitutionally permissible. Under the explicit holdings of this Court the obligation of every school district is to terminate dual school systems at once and to operate now and hereafter only unitary schools.

The End of Massive Resistance: The Beginning of Disproportionality

Segregation's New Form?

Thus, by the end of the Johnson Administration in January 1969, the participation of all three branches of government in promulgating and enforcing desegregation orders had resulted in the initiation of desegregation, 15 years after *Brown*. As a

result, the representation of Black students in White schools in the Southern states rose from 18.4% in 1968 to 47.1% in 1976 (Bullock, 1980).

Yet defining desegregation as simply improving the racial balance in previously all-White schools did not guarantee that those who entered those schools received an equal education once they arrived; numerous policies within schools and districts supported and maintained the separation of Black and White students, even within the same districts and school buildings. Termed resegregation (Alabama Council on Human Relations, 1972; Rossell et al., 1981) or *second-generation segregation* (Hall, 1978; National Institute of Education, 1975) a number of educational practices—including White flight, tracking, and ability grouping—differential rates of placement in special education, and even segregated extracurricular activities, kept Black students separate from their White peers and reduced their opportunities to access mainstream educational programs on an equal basis.

The problem of second-generation segregation that received the most attention, however, was the sharp increase in the use of and disproportionality in exclusionary discipline associated with districts and schools that had finally begun to desegregate. In the following sections, we trace increases in disciplinary exclusion and disciplinary disproportionality in the wake of school desegregation and examine some of the explanations offered at the time for racialized disparities in school suspension.

Overall Black–White Suspension Disparities

School discipline was often referred to as an important source of second-generation segregation, as the initial period desegregation, from 1969 to 1975, saw concomitant sharp increases in schools' rates of suspension and expulsion, especially for Black students. Increases in the rate of suspension in the early 1970s were noted in media reports for numerous locales, including Boston (Robinson, 1975), Los Angeles (Christmas, 1975), Prince George's County (Colen, 1974), and a number of cities identified in the first OCR nationwide data collection on suspension (see Table 1.1).³ These data were confirmed and extended by reports from advocacy organizations. In 1974, the Children's Defense Fund surveyed five selected

³When newspaper accounts and advocacy organization reports in the early 1970s attempted to provide numerical estimates of racial disparities, standard or consensual methods of disproportionality measurement had not yet been developed. Statistics used to illustrate differences in suspension over time or between racial categories were inconsistent until at least the 1980s. Some of the methods used did in fact reflect approaches that would later become accepted measures of disproportionality, such as what came to be known as the risk index, composition index, the risk difference, or the relative risk/risk ratio. Thus, any approaches that reflect currently accepted methodology (as detailed in Bollmer et al., 2014) or more recent statistical approaches, such as odds ratios drawn from logistic regression, were counted for purposes of this chapter. Simple frequency counts (e.g., Black students received 1100 suspensions and White students 750) were excluded, as they provide no common standard for assessing the extent of disproportionality.

Table 1.1 Comparison of suspension rates: 1972–73 Office for Civil Rights Data

City	% of enrollment	% suspended
<i>Black students^a</i>		
Mobile, AL	46.0	64.0
Indianapolis	41.4	60.3
Pittsburgh	42.4	60.0
Prince George’s County, MD	28.0	43.0
Boston	34.1	47.0
Dade County, FL	26.0	53.0
<i>Minority students^b</i>		
New York	64.4	85.9
Houston	56.4	71.0
Cleveland	59.9	70.8
Memphis	58.0	70.2
Dallas	49.4	68.5

^aData presented by OCR Director Peter Holmes on radio program Options on Education (National Public Radio, 1974)

^bData presented by OCR Director Peter Holmes to a House subcommittee investigating equal opportunity, May, 1974 (Neill, 1976)

states—Arkansas, Maryland, New Jersey, Ohio, and South Carolina—and found that Black students at the secondary level were more than three times more likely than White students to be suspended out of school. A follow-up report called *School Suspensions: Are They Helping Students* (Children’s Defense Fund, 1975) offered a more extensive review of the data, with similar results. Of the 2862 school districts reporting disciplinary data to the Office for Civil Rights (OCR) for the 1972–73 school year,⁴ 67.9% showed rates of suspension that were higher for Black than for White students.

Increased Disciplinary Disproportionality After School Desegregation

While data that simply showed Black–White disparities in suspension were of concern, they did not allow firm conclusions as to the extent to which these disparate rates were associated with school desegregation. Data collected both pre- and post-desegregation, however, provided a better indication of the extent to which school desegregation led to increases in disciplinary disparities. In a report entitled *The Student Pushout: Victim of Continued Resistance to Desegregation*, the Southern Regional Council and the Robert F. Kennedy Memorial (1974) documented increases

⁴Although expulsion data had been collected for a number of years, this was the first OCR collection that included both expulsion and suspension data.

in Black suspension in multiple cities the year after desegregation. In Little Rock in 1968–69, with little desegregation underway, Black students represented 62.4% of all suspensions; in the first year of major segregation, Black students represented 79.9% of all suspensions. Robinson (1975) reported similar data for Boston: In the year prior to desegregation (1973–74), Black students were 37% of the district's enrollment and represented 46% of the suspensions; during the first year of desegregation (1974–75), their rate of enrollment across the district remained stable (38%), but they now represented 58% of the suspensions across district schools.

More in-depth data analyses found that patterns of disciplinary disproportionality were driven by racial balance and the recency of desegregation. Focusing on changes in suspension rate and disproportionality in the aftermath of court-ordered desegregation in Milwaukee, Larkin (1979) found that, as the proportion of Black enrollment increased after desegregation, so did the difference between Black and White rates of suspension. Bickel (1981) examined school suspensions in Louisville, Kentucky, and the surrounding Jefferson County from the year before desegregation (1974–75) to 5 years later (1979–80), in order to test the widely held belief that racialized suspension disparities increased immediately after desegregation, but then returned to baseline. The results, however, showed that only 1 out of 25 schools had an ending Black suspension rate lower than the pre-desegregation Black suspension rate, suggesting that increased rates of suspension after desegregation did not decrease over time.

More recent research using more rigorous methodology has confirmed those early findings. Using a difference-in-difference methodology, Chin (2022) studied the long-term impact of desegregation on racialized disparities in discipline and special education. The author noted that contact theory (Allport, 1954) predicted that out-group racial attitudes and relationships would improve as contact between Black and White students increased in the wake of integration. Yet if intraschool mechanisms, such as suspension, continued to limit contact, desegregation might be expected to be less effective. Chin compared districts that desegregated under a court mandate (Treated) with comparison districts that had never been so mandated (see Fig. 1.1). The results, confirmed by the difference-in-difference approach, showed that desegregation orders led to increases in Black rates of out-of-school suspension that were significantly greater than those in districts not under a court order. Most strikingly, the increases in the Black–White suspension gap that occurred during initial desegregation did not decrease over time, but have remained stable to this day.

Explanations for Post-segregation Increases in Disproportionality

Thus, the transition from segregated to desegregated schools led to increased rates of exclusionary discipline and the beginnings of Black–White disparities in the application of suspension and expulsion that continue to this day. Those disparities

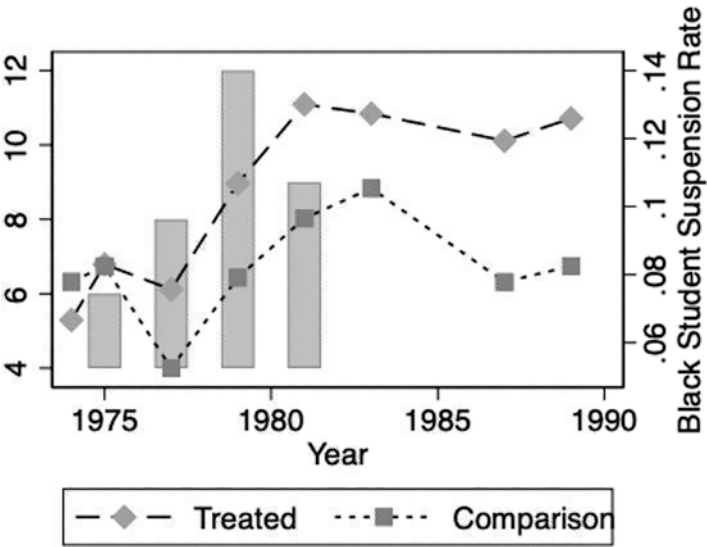


Fig. 1.1 Trends in district-level averages for school desegregation and Black students’ suspensions (dashed lines) and the number of districts newly affected by court-ordered desegregation (gray bars). (From Chin, in press, 2022)

Notes: Dashed lines represent district-level averages over time for Black rates of out-of-school suspension from the Office of Civil Rights (OCR) survey data for districts that are ever under mandate by courts to desegregate (“Treated”) and districts never under mandate (“Comparison”). Included are any Treated districts in Chin (in press, 2022) ($n = 39$) and Comparison districts with data from all OCR surveys ($n = 84$)

and their connection to desegregation did not go unnoticed and were widely considered in the media, in reports by advocacy groups and professional associations and through federal fact-finding reports and Congressional hearings. Explanations of the discipline gaps created in the course of desegregation were numerous and varied but seemed to fall into three general categories,

placing the onus on (a) student behavior and parent/community responsibility, (b) systemic issues, or (c) issues of “cultural mismatch” (Horsford, 2010).

Student Behavior and Parent/Community Failure

One reaction to the increase in Black suspensions caused by desegregation, most often voiced by administrators, was that students were suspended based on their actions and behaviors, not on the color of their skin (Robinson, 1975). Many school officials argued that Black overrepresentation in suspension or expulsion was “simply incident to the fair administration of essential school rules designed to safeguard the integrity of the teaching and learning environment” (U.S. Commission on Civil Rights [USCCR], 1976, p. 308). It is important to note that this argument leads to

the unspoken conclusion that since Black students in newly integrated schools run afoul of the existing rules more often, they must be engaging in misbehavior or disruption more frequently.

Others were less afraid to say that directly. School officials in Hillsborough County, Florida, asserted that disciplinary disparities were due, not to discrimination, but to a larger proportion of Black students disobeying the rules (US Commission on Civil Rights, 1976, p. 311). As part of a series on desegregation and suspension, the *Louisville Times* interviewed principals in Louisville and the surrounding county of Jeffersonville and found them to be focused primarily on Black students' behavior:

Those kids just can't adjust to the fact that you don't leave class when you want to, you don't come to school when you want to. (USCCR, 1976, p. 318)

...those kids tend to talk back more, they tend to be louder, they tend to express themselves with less hesitation and reservation. They tend to fire back at you. (USCCR, 1976, p. 319)

It is interesting to note that both of these rationales focus on reasons for out-of-school suspension—attendance issues and what is currently called “willful defiance”—that have come to be seen as insufficient for removing a student from school (see, e.g., Warren, 2022).

Then as now, the behaviors of those Black students who were suspended at a higher rate were often blamed on deficiencies in their family background or upbringing. Interviews of administrators indicated that they believed that family background (i.e., economic and marital stability) determined the amount of pressure that needed to be applied on a student for them to obey school rules and that therefore family instability created a greater need to apply suspension and expulsion (Neill, 1976, p.13). The vice president of the Boston Teachers' Union agreed that it was difficult to control “poor Blacks and poor Whites” because the parents often did not care and the home situation interfered with learning: “In that sense, it's not a race issue,” he said, “because there are more Black children in that category” (Robinson, 1975, p. 3). Suspension was therefore often used, not because of any belief that it changed behavior, but because it was seen as a tool “to get parents in” (Neill, 1976, p. 14).

Previous schools were also held accountable for the apparently discrepant rates of Black student misbehavior. The argument ran that, since the standards were doubtless lower at their previous all-Black schools, newly arrived Black students were accustomed to behaving in ways that didn't meet the “higher expectations” of the White school they now attended. Said one administrator “Over the years, black youngsters were expected to achieve and behave at a lower level. And if teachers expect poor behavior, they'll get it” (Robinson, 1975, p. 3).

Some claimed that disparate disciplinary treatment was due to more serious and safety threatening behavior on the part of the new arrivals. In Prince George's County, Maryland, White teachers claimed that they did not enforce the rules because they were afraid of the Black students—although one Black counselor called that a “copout” since “the plain and simple fact is that they don't care about these children” (USCCR, 1976, p. 260). The President of Boston's Teachers' Union charged that increased suspension rates were due to increased assaults on teachers,