A LESSON IN INEQUALITY: AN EXAMINATION OF RACIAL AND GENDERED DISPARITY IN EDUCATIONAL DISCIPLINE

BEN SWANSON

During my senior year at Henry Clay High School, a new principal implemented an unpopular policy of stricter enforcement of hall-pass rules. At the beginning of the year, universal application of this rule prevented anyone from being out of class without a signed pass. As the year went on, the list of exceptions to the rules grew longer and enforcement of the rules slackened such that I was soon able to find ways to circumvent them: walking with purpose, wearing a backpack, carrying a brightly colored slip of paper that could be mistaken for a hall pass, and knowing which teachers enforced which hallways. Within a month of school starting, I did not worry about hall-pass restrictions.

Many of my fellow white classmates followed suit, but when black students attempted to do so, and particularly black males, the rules suddenly seemed to be enforced again. Hall passes were strictly required, black students were informed. When I walked with black friends, I found that the rules suddenly applied to me again even when passing through hallways I had walked through unbothered the previous day. As hall-pass enforcement became more discretionary, so, too, it became more discriminatory.

The Fayette County Board of Education, the governing body for the public education system where I received my K-12 education, proudly echoes federal nondiscrimination language on its website: "The Fayette County Board of Education does not discriminate on the basis of race, color, national origin, age, religion, sex, genetic information (in employment activities) or disability in employment, educational programs or activities" (Board of Education). The Student Code of Conduct for the district explicitly bans "Limiting student access to educational tools, such as computers, based on the student's gender, race, color, religion, national origin, or disability" (Board of Education 42). Yet the Board of Education in Fayette County supervises a disciplinary system that engages in disciplinary actions that violate its own nondiscrimination statement and rules by disproportionately punishing black male students: "while black students made up about 28 percent of Fayette County's enrollment, they accounted for more than 60 percent of suspensions" and "black students were about six times more likely to get sent to the office than white students" (Honeycutt Spears). Hall-pass enforcement is but one visible manifestation of a broader system of unequitable discipline.

In many ways, Fayette County, which contains the small city of Lexington, is not an unusual place. Situated in Kentucky, a Southern and Appalachian state with Midwestern ties, Lexington is a university town, with racial diversity roughly equivalent

to national levels (United States Census Bureau). The Fayette County educational system is seen as respectable because it is one of the strongest county school systems in a state with overall poor education indicators. Yet Fayette County displays the same patterns of disciplinary inequity found to a more extreme degree in places like Chicago and Los Angeles. Black males across the country consistently receive more punishment than any other group, "even after controlling for the socioeconomic status of the students" (Booker and Mitchell 195). The demographic factors with the most explanatory power for the discipline gap and the ones on which this essay will focus are gender and race, with Fayette County Public Schools (FCPS) used to demonstrate a typical manifestation of the discipline gap. Data demonstrate that pronounced disparities exist for Latino male students as well, but this paper will focus on black male students because of limited evidence on Latino students and because of certain qualitative differences between black and Latino populations, most notably the prevalence of non-native English speakers among Latino populations and issues relating to immigration within Latino populations, including in Lexington's Latino populations.

In examining the experiences of black male students within the discipline system, it is useful to employ intersectional analysis, which attempts to explain the circumstances of a particular subgroup through the combined and interactive effects of their multiple identities. Kimberlé Crenshaw, originator of much of the scholarship on intersectionality, explains that while identity politics "frequently conflates or ignores intragroup differences," intersectional recognition of the multidimensionality of identity allows for more complete analyses (1242). Peggy McIntosh, a feminist scholar, tracks her transition to intersectional thinking in a personal essay about her coming to terms with her white privilege, beginning with her realization of how she is disadvantaged as a woman, "I realized . . . the extent to which men work from a base of unacknowledged privilege," and progressing to a later realization that she, too, "enjoy[s] unearned skin privilege" (2). Crucially, intersectionality differs from aggregating identity analyses—in other words, the experiences of women of color cannot be summed up from the experiences of women plus the experiences of people of color. Crenshaw explains that intersectional subordination "is frequently the consequence of the imposition of one burden that interacts with preexisting vulnerabilities to create yet another division of disempowerment" (1249). In other words, intersectional analysis is not merely a matter of discerning who has the most disadvantages. As McIntosh notes, "hierarchies in our society are interlocking," which helps explain why black men fare worse than black women in the school educational system (1).

One of the principal mechanisms by which maleness interacts with blackness to disadvantage black boys in the discipline system is threat perception. Jim Sidanius and Rosemary Veniegas, social theory researchers, argue that the "double-jeopardy hypothesis," which posits that people are disadvantaged principally on the basis of

which disadvantaged classes they belong to (and, therefore, black women face greater disadvantage than black men by virtue of belonging to a subordinated gender), does not reflect the realities of criminal justice, education, health care, and the labor market (12). Instead, Sidanius and Veniegas provide a framework within social dominance theory of the "subordinate male target hypothesis" (13). Under this framework,

> it is primarily outgroup males rather than outgroup females who will be the primary targets of arbitrary-set [racial] discrimination. . . . The reasoning behind this expectation is that arbitrary-set discrimination is primarily a form of intrasexual competition perpetrated by males and directed against males. (13)

Sidanius and Veniegas ultimately conclude that the reason that outgroup men are targeted moreso within these sectors than outgroup women is the perception that outgroup men threaten the dominant social hierarchy: "they [ingroup men] will regard subordinate males as potentially dangerous rivals and threats" (22). In other words, the additional power held by black men that black women do not hold operates as a liability, exposing black men to fear-motivated discrimination.

Threat perception is evident in media coverage of racially charged issues such as crack cocaine and gang violence, through overt racism in the public sphere—for instance, when Stanford graduate and professional football player Richard Sherman, a black man, was labelled a "thug"—and within the educational discipline gap (Wilson). Language targeted at this perceived threat permeates educational literature and school behavioral codes. In *A Notion at Risk*, an anthology edited by Richard Kahlenberg, the chapter on discipline, written by Paul Barton, employs threat response language. Schools in "poor neighborhoods," Barton argues, "have higher levels of disorder, disruption, and fear" (Kahlenberg 223). While Barton rightly points out the effects of poor behavior on the academic achievement of those behaving well, he neglects the welfare of students accused of behaving poorly. Additionally, in generally categorizing schools in "poor neighborhoods" as adverse educational environments, he perpetuates a communal threat perception whereby certain schools, generally those populated by students of color, are seen by the broader community as dangerous and dysfunctional. The solution to disciplinary issues, he argues, is more "disciplinary control" and an increasingly strict disciplinary regime (Kahlenberg 230). In other words, he fails to recognize that the way in which disciplinary codes are written and enforced influences the data he cites as evidence that low-income schools are hotbeds of disruption and criminality. When he does turn to the factors that lead to misbehavior, he adopts a valuable and insightful "public health viewpoint" in which various cultural and individual "risk factors" increase the likelihood of student misbehavior (Kahlenberg 241). Yet by failing to recognize inadequacies in codes of conduct and inequities in the enforcement of codes of conduct, Barton neglects two important factors in the discipline gap.

Explanations for the discipline gap can be provided on three levels. First, as Barton does, we must deal with the behavior of students. While teacher bias and problematic discipline codes play important roles in disciplinary disparity and will be addressed later, there does exist a behavioral gap that contributes to the disciplinary gap. This behavioral gap must be analyzed very carefully. First, as sociologist Pedro Noguera points out, most black male students do not misbehave: "Although it is true that many Black males are confronted with a vast array of risks, obstacles, and social pressures, the majority manages to navigate these with some degree of success" (435). The issue, then, is not that black males behave poorly, but rather that a disproportionate number of students who behave poorly are black males. In concrete terms, this means that although only 11% of Henry Clay High School students are black males, my observations suggest that far more than 11% of the students who walk the halls during class in violation of school policy are black males (Fayette County Public Schools "Henry Clay"). Importantly, the principle that black males are not inherently likelier to misbehave than any other demographic group is not merely an ideological conclusion but also "a conclusion drawn from a vast body of research on human development and from research on the learning styles of Black children" (Noguera 433). Accepting, then, that a disproportionate amount of students misbehaving are black males, and that this misbehavior is not inherent, we turn to its causes.

Noguera provides a valuable framework for analyzing these causes. First, he describes the dichotomy of culturalism versus structuralism, where culturalism attributes misbehavior or failure to "beliefs, values, norms, and socialization" while structuralism emphasizes "political economy, the availability of jobs and economic opportunities, class structure, and social geography" (Noguera 438-39). These two frameworks, however, are inadequate. Culturalism embraces a "blame-the-victim" mentality and discounts the influence of external factors, concluding that low-income and other "problem" communities are destined to stay as such because of their own intransigence. Structuralism, conversely, deprives these same communities of agency, positioning them as utterly powerless in the face of a larger, oppressive system. Because neither approach fully satisfies the issue of misbehavior and failure, Noguera follows in a recent tradition of synthesizing the two frameworks that proves helpful for our analysis as well. He explains, "Both structural and cultural forces influence choices and actions, but neither has the power to act as the sole determinant of behavior because human beings also have the ability to produce cultural forms that can counter these pressures" (Noguera 440). Winburn Middle School, the second poorest middle school in the Fayette County system, has implemented a disciplinary policy centered on an understanding of both cultural and structural challenges. As a result, Winburn Middle is one of two middle schools in the district, which contains 12 middle schools, that has successfully reduced its suspension rate (Honeycutt Spears; Fayette County Public Schools "Middle schools"). Teachers and administrators work with students with the understanding that these students generally come from

challenging backgrounds, with higher-than-average rates of poverty, single parenthood, poor health indicators, and other stressors, and with the understanding that the Winburn area community deals with problems like rates of violent crime and drug abuse that far exceed Lexington averages. With that recognition, teachers and administrators nevertheless expect and encourage students to transcend these deterministic limitations in order to succeed in school.

Tragically, structuralism at times seems to win, as when my former classmate Patrick Puckett was fatally shot in May 2013 (Honeycutt Spears, Fields, and Eads). I remember Patrick as a student from the low-income neighborhood immediately surrounding Winburn Middle who struggled in school and, though socially and athletically successful, became academically disengaged. I later heard that he had become involved in drug abuse; the altercation in which he ultimately lost his life was drug related. Like the poor decisions of so many others, Patrick's poor decisions were heavily influenced by his adverse situation. Yet Patrick's story need not be typical, and at Winburn Middle, the experiences of students like Patrick and an understanding of structuralism do not engender fatalism: by recognizing the tension between challenging backgrounds and the need to transcend these limitations, Winburn Middle has taken steps towards reducing its discipline gap. To more fully understand how the discipline gap is linked to student behavior, we now move to analyzing how these cultural and structural factors influence students.

Psychologists Duane Thomas and Howard Stevenson provide a mechanism by which injustice, particularly racial, translates into misbehavior: confronted by regular discrimination, some black male students turn to "anger expression" and "rejection sensitivity," both means of protecting themselves from psychological harm (170-171). As Thomas and Stevenson point out, "The expression of anger is a reality among African Americans who are frustrated with their racial status in life, and it is used in different ways to mediate the psychological effects of racial provocation" (169). Sometimes, this manifests in "hypervigilance," or extreme care to not be seen as angry or dangerous (169-170). Conversely, it can manifest as hypermasculinity and "more outward displays of anger, such as noncompliance, insubordination, and direct physical aggression" (Thomas and Stevenson 170). Relatedly, rejection sensitivity can cause "a lowered threshold for perception of negativity, an increased propensity for personalizing negative cues, and intense affective reactions—all of which can lead to an anxious, hostile, and aggressive interpersonal style" (Thomas and Stevenson 171). Both hypervigilance and hypermasculinity can be understood as responses to threat perception, where hypervigilance is an attempt to minimize the perceived threat and hypermasculinity is an acceptance that one is perceived as threatening and a belief that avoiding this perception is futile. In summary, the injustices experienced by black boys within and outside of the educational system can increase their misbehavior at school.

Beyond the psychological components of misbehavior, sociocultural forces impact behavior as well. Low expectations of black boys, adopted by their communities and

by the boys themselves, as well as by teachers and administrators, devalue good behavior. Noguera points to the all-too-common "location of Black males within school, in remedial classes or waiting for punishment outside the principal's office," which creates an expectation of misbehavior or at least erodes the expectation of good behavior (445). In Fayette County, the SAFE program (Suspension and Failure Eliminated), the most serious in-school disciplinary measure available, creates these corrosive norms of black male misbehavior. SAFE is held in a single room in each school, and I noticed in both middle school and high school that SAFE was disproportionately and visibly populated by black males. Seeing this discrepancy affects the expectations of the students themselves. This erosion of norms of good behavior couples with a structural perception that academic success does not operate as a means of improving one's life: often presented with unfavorable odds and limited visible role models, black males may struggle to motivate themselves based on their (often accurate) perceptions of "an ominous array of social and economic hardships" (Noguera 432). Therefore, black males may struggle with motivation because their payoffs do not seem to match those of their white counterparts.

Disciplinary codes themselves, while very rarely overtly discriminatory, permit ambiguity in what constitutes a violation and how violations should be punished; this ambiguity in turn permits disparate application of discipline. Take, for instance, the disciplinary violation of "willful disobedience" or disruption. In the Fayette County Public School system, failure to follow directions or rules is defined as "Willful refusal by a student to follow directives of authorized school personnel (including failure to identify oneself when requested) or to accept in-school disciplinary measures" (Board of Education 14). In this language, teachers and administrators are presumed to be acting either correctly or at least reasonably; in the reality of an often arbitrary and discriminatory enforcement regime, this rule penalizes resistance or a failure "to accept" punishment regardless of the justice of that punishment. In many school district behavior codes, "willful defiance" is punishable by suspension, and this rule, unsurprisingly, is applied disproportionately to males of color. As Christina Hoag of the Associated Press notes:

> In California, defiance is a key reason behind high suspension rates, particularly for black and Latino students. A University of California Los Angeles report found students of color are most often suspended for infractions relating to disrespect, defiance and disobedience.

"Defiance" reflects the threat perception that exposes black males to discipline from school authorities; under the subordinate male target hypothesis, it is unsurprising that black males are often sanctioned for the nebulous and vague act of defiance. "Disruptive behavior," similarly, is ill-defined in the FCPS Student Code of Conduct as "Disruptions that impede the delivery of instruction or alter the flow or

school or district related business" (Board of Education 51). Defining "disruptive behavior" as "disruptions" does little to concretize this unclear disciplinary violation, which is grounds for discretionary punishments running the gamut from classroom discipline to short- and long-term suspensions. The terms disruption and defiance both demonstrate ambiguities in codes of conduct and disciplinary guidelines that expose black male students to the full force of threat perception and other discriminatory attitudes held by teachers and administrators.

These teachers and administrators do, indeed, often hold discriminatory attitudes. A survey from the National Center for Education Information in 2011 found that teachers were eighty-four percent white and eighty-four percent female (Feistritzer 11). While formal data on the racial and gender breakdown of FCPS teachers does not publicly exist, my informal observations suggest that Fayette County specific data appear similar. Teachers often hold significant racial and gender biases that strongly influence their interactions with students. According to a study of seventh-grade public school students, white students "received the most favorable treatment by teachers and initiated the most student-teacher contact" while even in predisciplinary stages, "teachers tended to interact less positively with the African American boys" (Thomas and Stevenson 167–168). Teachers expect lower achievement and poorer behavior from black boys, and these "negative teacher perceptions have also been associated with teachers' use of inflexible and punitive classroom management strategies" and with "unnecessary disciplinary and special education referrals" (Thomas and Stevenson 167). Teachers' poor expectations of black boys both contribute to worse behavior in those students, similarly to how black boys' poor expectations of themselves can have the same effect, and also skew the application of discipline. Furthermore, a particular brand of threat perception born of racial ignorance by teachers can disadvantage black boys in the application of discipline: "White teachers perceived African American male students' movement styles and cultural expressions (e.g., stroll walk and neighborhood jargon) to be higher in aggression" (Thomas and Stevenson 168). Teachers thus conclude that black boys are acting up because of their threat perceptions and racial misinterpretation, intentional or otherwise, and apply discipline more readily to black males than to anyone else.

While the disproportionate presence of whites and females in the teaching profession certainly augments the level of bias to which black boys are subjected, it is important to note that even black teachers and black male teachers can apply discipline in an inequitable manner. Thomas and Stevenson point out that:

> Irrespective of the teacher's race, teachers often misinterpret culturally relevant movement and language styles as being aggressive and disrespectful . . . although African American teachers recognized styling behaviors associated with African American males, they were less favorable toward these students when they engaged in culturally sanctioned behaviors. (168)

This phenomenon likely exists as a function of broader restrictions placed on black behavior; while the perception that black boys are a threat, a risk, or destined to fail may not be held by black teachers themselves, their acceptance that society holds black boys as unlikely to succeed may bias black teachers' application of discipline. Indeed, the chapter on discipline in Ann Ferguson's *Bad Boys*, a sociological study of black males in one public school, positions black disciplinarians as reluctant enforcers of societal sanctions placed on black males. School resource coordinators, one male and one female, apply discipline in a detention room, while a third disciplinarian applies discipline in a special "Jailhouse" reserved for particularly difficult students. All three staff are black, and while they recognize that most of the students they discipline are black and express frustration with this fact, they nevertheless act as authority figures in these students' lives (Ferguson 34-35). The men are tall, muscular, and deep-voiced; the woman "fusses, exhorts, despairs, and chides"; in attempting to correct and, indeed, to help these black boys, the disciplinarians of Rosa Parks Elementary School participate in a system designed to do quite the opposite (Ferguson 33). At my high school, we had five administrators charged with discipline: one female, the rest male; one white, one Latino, and the rest black. All the men were above six feet tall, and all but one of them had played college or professional athletics. With booming voices, stern manners, and imposing physiques, these men acted as the enforcers of a system they did not design or control—yet nevertheless, one which they perpetuated.

At the confluence of behavior socialization that leads to worse behavior, ambiguous discipline codes, and uneven enforcement by school employees exists a tremendous educational discipline gap. While several factors influence which students receive the most discipline, blackness and maleness are more associated with punishment than any other indicators, and indeed, the challenges faced by this population extend beyond educational discipline. This phenomenon within the educational system mirrors the criminal justice system, also disproportionately populated by black men. One in fifteen black men is incarcerated, as compared to one in 106 white men (Kerby). While criminal justice disparities reflect a broader range of factors such as drug policy and employment discrimination, the factors that lead to the educational discipline gap also contribute to the criminal justice gap. And indeed, the educational discipline gap itself may contribute to the criminal justice gap. Similar rhetoric further links the disparities in the two systems. At the sixty-eight percent black Martin Luther King Jr. Academy for Excellence, a school for Fayette County students "who have caused disciplinary problems at their assigned schools," "the perception is that they don't leave," just as criminal recidivism fosters the same perception of hopelessly cyclical punishment and violation (Honeycutt Spears).

Reactions to the prejudices that inform discrimination in criminal justice and in education were most visible in the 1960s, when James Baldwin gave his "A Talk to Teachers." In the talk, Baldwin describes children as starting from a point of naïveté

but not stupidity, and "it isn't long—in fact it begins when he is in school—before he discovers the shape of his oppression." School is a place where black students, and especially black boys, learn about this oppression by experiencing it, whether by being checked more often for hall passes or suspended more easily than their non-black and non-male counterparts for disciplinary violations. The inequities in the discipline system soon provide a lesson to black boys more powerful than anything formally taught: a lesson of criminalization, discrimination, and injustice.

WORKS CITED

Baldwin, James. "A Talk to Teachers." 16 Oct. 1963. Address.

Board of Education. "Statement on Rights and Responsibilities and Student Code of Conduct 2012–2013." Web. 9 Nov. 2014.

Booker, Kimberly, and Angela Mitchell. "Patterns in Recidivism and Discretionary Placement in Disciplinary Alternative Education: The Impact of Gender, Ethnicity, Age, and Special Education Status." *Education & Treatment of Children* 34.2 (2011): 193-208. Web. 27 Oct. 2014.

Crenshaw, Kimberlé. "Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color." *Stanford Law Review* 43.124 (1993):1241-1299. Web. 28 Dec. 2015.

Cogburn, Courtney D., Tabbye M. Chavous, and Tiffany M. Griffin. "School-Based Racial and Gender Discrimination among African American Adolescents: Exploring Gender Variation in Frequency and Implications for Adjustment." *Race and Social Problems* 3.1 (2011): 25-37. Print.

Fayette County Public Schools. "Henry Clay High School." Fayette County Public Schools, 2015. Web. 28 Dec. 2015.

---. "Middle schools." Fayette County Public Schools, n.d. Web. 28 Dec. 2015.

Feistritzer, C. Emily. "Profile of Teachers in the U.S. 2011." *Edweek*. National Center for Education Information, 29 July 2011. Web. 9 Nov. 2014.

Ferguson, Ann. "Chapter Two: The Punishing Room." *Bad Boys: Public Schools in the Making of Black Masculinity*. Ann Arbor, MI: U of Michigan, 2000. 29-49. Web. 9 Nov. 2014.

Hoag, Christina. "California Advocates Seek To Reduce Student Suspensions By Axing 'Willful Defiance' Charge." *Huffington Post* 7 Apr. 2012. Web. 9 Nov. 2014.

Honeycutt Spears, Valarie. "Fayette County Seeking New Alternatives to School Discipline." *Lexington Herald-Leader* 18 Jan. 2014. Web. 9 Nov. 2014.

Honeycutt Spears, Valarie, Mike Fields, and Morgan Eads. "Lexington High Schooler Killed in Shooting Was a Football Standout with Many Fans." *Lexington Herald-Leader* 23 May 2013. Web. 14 Nov. 2014.

Kahlenberg, R. D. *A Notion at Risk: Preserving Public Education as an Engine for Social Mobility*. New York: Century Foundation Press, 2000. Print.

Kerby, Sophia. "The Top 10 Most Startling Facts About People of Color and Criminal Justice in the United States." Center for American Progress. 13 Mar. 2012. Web. 26 Oct. 2014.

McIntosh, Peggy. "White Privilege and Male Privilege: A Personal Account of Coming to See Correspondences through Work in Women's Studies." Working Paper No. 189. 1988. Web. 9 Nov. 2014.

Noguera, Pedro A. "The Trouble with Black Boys: The Role and Influence of Environmental and Cultural Factors on the Academic Performance of African American Males." *Urban Education* 38.4 (2003): 431-59. Print.

Sidanius, Jim, and Rosemary C. Veniegas. "Gender and Race Discrimination: The Interactive Nature of Disadvantage." *Reducing Prejudice and Discrimination.* Ed. Stuart Oskamp. Mahwah, NJ: Lawrence Erlbaum Associates, 2000. 47-69. Web. 9 Nov. 2014.

Thomas, Duane E., and Howard Stevenson. "Gender Risks and Education: The Particular Classroom Challenges for Urban Low-Income African American Boys." *Review of Research in Education* 33.1 (2009): 160-180. Print.

United States Census Bureau. "Quick Facts: United States, Lexington-Fayette, Kentucky." United States Census Bureau. 2 Dec. 2015. Web. 28 Dec. 2015.

United States Census Bureau. "Quick Facts: United States, USA." United States Census Bureau. 2 Dec. 2015. Web. 28 Dec. 2015.

Wilson, Ryan. "Richard Sherman: 'Thug' Is Accepted Way of Calling Someone N-word." CBS Sports. 22 Jan. 2014. Web. 7 Nov. 2014.

BEN SWANSON '18CC is considering studying economics and history, and is interested in a range of public policy issues. He proudly hails from Lexington, Kentucky. He is involved in various clubs and organizations on campus, including COOP and the Columbia Bartending Agency, and in his free time enjoys being outside and doing crosswords.