A Mixed Methods Approach Examining Disproportionality in School Discipline

Pamela Fenning, Therese Pigott, K., Elizabeth Engler, Katie Bradshaw, Elizabeth Gamboney, Stephanie Grunewald, and Tamanna Haque

Loyola University Chicago

K. Brigid Flannery and Mimi McGrath Kato

University of Oregon

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Abstract

Based on analysis of discipline referrals for infractions and the content of written discipline policies as part of a larger study of Schoolwide Positive Behavior Support (SWPBS) at the high school level, we argue that district-administered school discipline policies need to be better aligned with prevention-oriented practices, such as SWPBS and must integrate alternatives to suspension, particularly for minor behaviors, such as tardies. SWPBS focuses on teaching expected behaviors to the entire student population, but our findings are that these practices are not aligned with discipline policies, even in schools that received professional development and technical assistance in SWPBS implementation as part of a larger funded project.

Hierchical linear modeling techniques indicated that, on the average, African-American and Latino(a) students and males in our sample were the most likely to generate discipline referrals to the office across the ten high schools that were included in the analyses. These findings were consistent for three years (2008-2009; 2009-2010 and 2010-2011) of discipline referrals analyzed. Statistical variation was found across schools in ethnic and gender disproportionality in referrals. However, the school level variables of SWPBS implementation status or type of discipline policy (punitive or proactive) did not account for this variation.

Because the discipline policies for each school were categorized as punitive, regardless of the degree of SWPBS implementation, we argue that in order for multi-tiered systems of support, such as SWPBS to be effective, formally adopted discipline policies need to align with these practices. At the high school level, SWPBS requires additional time to implement and the foundational of district-level buy-in to the effort must be evident formally as well as informally.

KEY WORDS: Discipline Policies; SWPBS, High Schools

Statement of the Problem

For nearly five decades, ethnic disproportionality in discipline referrals and suspension has been consistently documented among African-American males with less consistency for Latino(a) students. Starting with early studies, such as the Children's Defense Fund (1975) to more recent writings (e.g., see Skiba et al. 2011), disproportionality in school discipline has been clearly shown in numerous publications and policy statements (e.g., see APA Task Force on Zero Tolerance, 2008; Losen & Skiba, 2010; Skiba et al., 2011). For many years, researchers have focused on continuing to show that ethnic disproportionality in discipline is a real finding related to race/ethnicity rather than being primarily explained by other factors, such as the type of statistical tests used, socioeconomic status, or that children of color commit more serious offenses than their White counterparts to warrant referrals to the office and/or exclusionary discipline, such as suspensions and expulsion from school (Skiba et al., 2000).

Over the last decade, researchers and policy makers have slowly begun to work towards recognizing that the problem of ethnic disproportionality in discipline does indeed exist as a significant social issue and are moving towards solutions in addressing this issue. During the same general time frame, due to concern about the ineffective, yet overused practice of suspension for all students, school-based practitioners and researchers have begun to consider prevention-oriented practices, such as Schoolwide Positive Behavior Support (SWPBS) (Sugai & Horner, 2007) that focus on teaching expected behaviors rather than relying on punishment and exclusion after the behavior problems happen.

In the current paper, we present the findings from an analysis of discipline referrals by ethnicity in ten high schools, seven of which were implementing SWPBS to some degree and three that

served as comparison schools as part of a larger federally funded grant. Two of the schools were dropped from the study for reasons described later in the paper. We also provide a content analysis of each school's discipline policy, evaluated as either punitive in response to behavior (relying on exclusion and punishment) or proactive when problems occur (focused on the direct teaching of expected behavior). We anticipated that the high schools in the study would have ethnic disproportionality in the number of referrals to the office. We also expected this to be the case regardless of SWPBS implementation status. Further, because discipline policies have consistently been found to be quite punitive in nature, we did not anticipate any variability across schools in the nature of their written policies, regardless of SWPBS implementation status or setting. We conducted a study of this nature because we believe that our findings demonstrate the need for aligning written discipline policies (e.g., codes of conduct) with prevention-oriented practices, such as SWPBS, that are being implementing in schools. Schools spend a significant amount of time and well-intentioned energy as they develop prevention-oriented practices, such as SWPBS. To have written policies that contradicts such practices, such as allowing suspension for tardy behavior in written discipline policies, is a missed opportunity for instituting a comprehensive approach to school discipline. We assert that a comprehensive approach to discipline considers the content of formal policy and engages those that develop such policies (e.g., district level administrators, school board members, school attorneys) in each step of the planning and delivering of prevention-oriented system-wide discipline practices, such as SWPBS.

Schoolwide Positive Behavior Support

Schoolwide Positive Behavior Support (SWPBS) has been offered as an example of a prevention-oriented practice that can serve as an alternative to punitive and exclusionary

practices that disproportionately impact students of color (Sugai & Horner, 2007; Vincent et al. 2011). Stated succinctly, SWPBS is a behavioral example of multi-tiered systems of support, consistent with response to intervention, in which decisions are made along a continuum using data to drive necessary supports for students. These behavioral supports are delivered for all students (universal supports), some students (secondary supports), and a few students with the most intensive needs (tertiary supports) (Sandomierski, Kincaid, & Algozzine, 2007). At the universal level, SWPBS behavioral practices include defining and teaching expectations across locations on a system-level basis, acknowledging students for engaging in the desired behavior and consistently delivering agreed-upon consistent corrective actions for undesirable behaviors. Foundational components of SWPBS include the formation of a team that oversees the delivery of practices and communicates with the larger faculty, the organization of discipline data to drive interventions and evaluate outcomes and buy-in among all key stakeholders, including students, staff, faculty, parents, administrators and the larger community.

When implemented with fidelity, SWPBS is associated with reductions in discipline referrals and improved academic performance in elementary and middle school settings (Bradshaw et al., 2009; Horner et al., 2009; McIntosh, Horner, Chard, Boland, & Good, 2006). There is less data about the implementation of SWPBS at the high school level. Preliminary case study data at the secondary level has documented that when implemented with fidelity, SWPBS is associated with reductions in discipline referrals and improved school climate (Bohanon et al., 2006).

SWPBS and Ethnic Disproportionality

Because SWPBS is associated with positive outcomes, such as a reduction in referrals likely to lead to suspension, it seems logical that this approach might be helpful in addressing ethnic

disproportionality in school discipline. However, there is not yet empirical evidence that SWPBS is associated with disproportionality in discipline (Skiba et al., 2011, as cited in Fenning & Sharkey, 2012). Vincent et al (2011) articulated a conceptual model that integrates the standard components of SWPBS implementation with culturally responsive professional development and practices. In the same study, Vincent and colleagues reported a slight decrease in discipline referrals of Latino students to the office following professional development in SWPBS, review of discipline data disaggregated by ethnicity and additional components beyond standard SWPBS training. These additional components included professional development in diversity and culturally sensitive practices. In an earlier study, Jones et al (2006) integrated culturally responsive practices into standard SWPBS implementation in an elementary school that had a 99% Native American population. The culturally responsive practices incorporated honoring key Native American leaders in the design and teaching of expectations and respecting the heritage and values of the community. The analyses of the findings in Jones et al. were that discipline referrals were much lower than the state average after implementation of SWPBS, but these findings were not empirical in nature. Collectively, the findings of Vincent et al. and Jones et al. suggest that SWPBS, in combination with other efforts, such as culturally responsive professional development and practices, shows promise in addressing the issue of ethnic disproportionality in discipline. While these efforts are promising, we would argue that a comprehensive system of school discipline, that incorporates SWPBS practices in conjunction with culturally responsive efforts, must attend to the role that written discipline policies may have in generating more referrals to the office than necessary. Once referrals are generated, school responses tend to focus on exclusion through suspension (Skiba et al., 2000). It has been argued that ethnic minority students tend to generate more referrals in the first place (Skiba et al.,

2011). If we can minimize the number of referrals to the office for minor behaviors, we argue that we have the potential to minimize the number of referrals generated for all students, included students of color. It is our contention that our school discipline policies may actually be contributing to the disproportionate referrals that we see for students of color (Fenning & Rose, 2007). We also articulate that key stakeholders at the district level, such as school board members, district level administrators, school attorneys, need to be informed and active in aligning district-level written policy with the prevention-oriented practices for behavior a particular school is engaged in. We next consider the potential role of written discipline policy as counterproductive to the efforts schools are engaging in to create more proactive discipline environments through system level practices, such as SWPBS.

Content Analysis of Written Discipline Policies (Codes of Conduct)

Written discipline policies, often termed "codes of conduct" have been found in schools almost since their inception (Lally, 1982). It has been argued that discipline codes of conduct, which convey to students, parents and the larger community, expectations for behavior and the resulting consequences of noncompliance (often exclusion/suspension), became prevalent when compulsory education laws were passed in the mid to late 1800's and were used as mechanisms for socializing large numbers of immigrant children to the dominant cultural Anglo-Saxon values (e.g., see Noguera, 1995). A secondary purpose was instilling values of compliance, punctuality and respect for authority in a work force suited for factories and industry (Fenning et al., 2010; Noltemeyer & Fenning, 2012).

The origins of discipline codes were based on punishment for noncompliance, particularly corporal punishment in the earlier years (late 1800's to mid 1960's), which has fallen partially

out of favor, but is still found in schools and school policies today (Fenning et al., 2012). In their earliest origins, discipline codes were used primarily as methods of control and socialization for a compliant work force. In the 1970's and 1980's, in response to public perceptions of youth being violent and out of control in schools, the National Institute of Education (NIE) (1978) completed a study of discipline in schools. Around the same time, a publication was disseminated by the National School Resource Network (NSRN, 1980). The NIE and NSRN findings supported the notion that discipline policies, inclusive of codes of conduct, need to be developed on a preset and prevention-oriented basis in which behaviors were explained to students before problems occurred.

Despite calls for creating proactive discipline codes of conduct several decades ago, and their mandated existence in every school through the No Child Left Behind Act (NCLB, 2001), written discipline policies have continued to reflect the punitive and control oriented content reflecting evident in their earliest reiterations. Attention has been given to the content of discipline in descriptive studies over the last several years. Beginning in 2000, a series of content analyses of the policies for a range of behaviors and consequences found within discipline codes of conduct were completed. The results of one of the earliest pilot study of this type revealed that codes of conduct drawn from urban, suburban and rural environments were promulgated with punitive content (Fenning, Wilczynski, & Parraga, 2000). Fenning et al. (2000) also reported preliminary data indicating that policies drawn from middle to upper-middle class suburban schools were more likely to have therapeutic intervention as an option response for behavioral infractions (e.g., substance abuse counseling) relative to policies drawn from inner-city urban environments. As a follow-up to the 2000 study, Fenning and colleagues completed two additional similar follow-up studies. For example, Fenning et al. (2008) evaluated the content of

64 Illinois codes of conduct using a coding sheet (the Analysis of Discipline Codes Rating Form-Revised –ADCR-R) to guide the process. Once reliability was established with the ADCR-R, a research team utilized the form to determine the presence and existence of behaviors ranging in severity from nonviolent (e.g., tardies/truancies) to more violent in nature (e.g., fighting, vandalism). Regardless of the severity of the behavior, school policies were most likely to list "suspension" or other exclusionary means as a school response to the infraction. In addition, there were very limited proactive alternatives, defined as those which directly teach alternative proactive behaviors to replace the infraction, to the traditional school consequences. When present, proactive alternatives focused on global means, such as counseling and did not specifically address the nature of the behavioral infraction. More recently, (see Fenning et al., 2012), a content analysis of discipline codes of conduct was replicated with 120 discipline policies from six states. Similarly, a revised version of the ADCR- was used to evaluate the language within the codes of conduct. The findings of the 2012 study were consistent with the previous two content analyses. Suspension was the most likely school response for all types of behaviors, including nonviolent ones, such as tardies and truancies. In essence, school discipline policies appear to reflect a "one size fits" all approach with a focus on punitive responses that mirror those in place in their earliest known written policies in the late 1800's. Students of color are more likely to generate referrals in the first place, and not because of engaging in more severe behavior (Skiba et al., 2011). It stands to reason that students of color would then be more likely to be caught in the web of exclusionary discipline and experience school exclusion, such as suspension, because these are the most commonly employed discipline responses in schools and the most likely sanctioned responses found in written policy (Fenning et al., 2012). Despite calls for action in adopting alternatives to traditional discipline responses and the disparities in

the use of such practices with ethnic minority students, the content of discipline policies have not changed markedly over the past forty years. We would argue that a sociocultural perspective needs to be taken as we move toward an honest examination of how our school policies have likely promulgated methods of control in schools that unequivocally isolate and marginalize segments of our population who have historically been recipients of discrimination through other societal mechanisms (Noltemeyer & Fenning, 2012).

Current Study

The purpose of the current study is to build upon prior research on SWPBS and ethnic disproportionality in discipline as applied to the high school setting. Another aim of the study is to examine the content of the discipline policies (e.g., codes of conduct) in high schools that vary along a continuum with respect to SWBPS implementation status. We expected that our findings will replicate prior research related to SWPBS and ethnic disproportionality in elementary and middle school settings (Jones et al., 2006; Vincent et al., 2011). In essence, we anticipate limited direct impact of SWPBS on ethnic disproportionality. We also expect, based on past research, that the written policies found in the schools will continue to reflect punitive practices, across the board, inclusive of those implementing SWPBS and as well as comparison schools in the sample.

Larger Context of Current Study

The current study is part of a larger four-year federally funded project with the objective of designing professional development materials and technical assistance specifically for the needs of high schools implementing the universal components of SWPBS (Flannery, Mc-Grath-Kato, Frank, & Fenning, in submission). Four high schools in Illinois and four high schools in Oregon were identified as "implementation sites", while two high schools in Illinois and two high

schools in Oregon were identified as "comparison sites". Schools in Illinois had no prior SWPBS implementation experience, while those in Oregon had some implementation experience. During the first two years of the project (2007-2008 and 2008-2009) before any professional development was delivered, focus groups and interviews were completed with high school personnel and national experts with experience in SWPBS at the high school level. The qualitative findings from the earlier years of the project were used to inform the tailoring of professional development modules specifically for high schools. Ultimately, the professional development materials integrated more general SWPBS training with additional instruction designed for the high school context. During the 2009-2010 academic year, professional development modules were delivered to teams in the implementation Illinois and Oregon high schools, but not in the comparison schools. Oregon high school teams implemented SWPBS practices to varying degrees during this year, while Illinois high schools received the professional development, but did not implement SWPBS practices in a systematic manner. During the 2010-2011 academic year, implementation teams in both states engaged in the planning and delivery of SWPBS practices to varying degrees. Comparison schools did not receive any professional development or technical assistance from grant personnel, but continued any practices related to behavior supports that were already engaging in at their schools.

Current Study

The current study was focused on analyzing a subset of the data collected under the auspices of the larger project described above. The first type of data analyzed was the most recent codes of conduct available on each partner schools web site. The second data set analyzed was office discipline referrals collected as part of school records provided by the school to the researchers. In the presentation of data that follow, we first provide some descriptive information about our

sample, including demographic information and the findings of the most recent 2010-2011 Schoolwide Evaluation Tool (SET) for each school, which is a measure of SWPBS implementation fidelity. Following this, we describe our data collection efforts and results related to the content of discipline policies. After this, we provide our data collection efforts and analysis related to ethnic disproportionality in office discipline referrals, including a hierarchical linear model which included variables that were evaluated as accounting for any potential differences found in ethnic discipline disproportionality across schools.

Description of Sample

***Demographic information*.** The demographic information about the school sample is found in Table 1. As noted, two sites were removed from the analyses because the data referrals were considered unreliable. In one case, the referrals generated were much higher than any other site and our determination was that the process for referrals was much different than the other schools, making this site an outlier for which analyses could not be conducted. In the second case, the data for at least one year of the project was corrupted. The researchers determined that the potential existed for the entire data set to be unreliable. As can be seen in Table 1, the high schools were relatively large in terms of student enrollment, particularly in Illinois. The percentage of minority student represented ranged from 12.2% to 53.6%, representing considerable range across schools with respect to diversity.

Table 1. Implementation and comparison sites demographic

	Oregon						Illinois			
	Implementation				Comparison		Implementation			Comparison
	102	101	103	104	202	201	112	113	114	211
Total Students	1982	1149	775	1907	1475	1049	2559	1976	2583	2144
Total	82.2	53.4	46.3	89.1	58.8	56.9	137	140	139	128

Teachers										
Percent Minority	14.4	29.2	24.9	27.2	21.0	12.2	37.4	53.6	30.7	52.1
Percent FRL	27.2	23.1	25.8	30.	19.86	7.53	26.2	na	14.2	24.7

*Sites 111 and 212 removed due to unreliable discipline data referrals

Schoolwide Evaluation Tool (SET) Findings. The most recent 2010-2011 Schoolwide Evaluation Tool (SET) overall and teaching subscale scores collected from each school is presented in Table 2. The SET (Sugai, Lewis-Palmer, Todd, & Horner, 2001) is a measure of SWPBS implementation fidelity, which is administered through interviews and observations of the degree to which the universal components of SWPBS is in place. The SET is comprised of 28 items divided into seven subscales. The items reflect critical components of the universal components of SWPBS, such as having an established SWPBS team, administrative support for the effort, system level data and the key practices of positively stated behavioral expectations, evidence of teaching and acknowledgment of the expectations and an overall system level approach for addressing behavior. Fidelity of SWPBS implementation if often characterized as an overall score of 80% and a teaching subscale score of 80% (termed 80/80, The SET scores for each school is found in Table 2. The schools highlighted in blue reflect full implementation fidelity, while two other schools (sites 103 and 114) indicate a total score above 80%, but additional work needed in the area of teaching to attain full implementation fidelity.

Overall, these scores reflect high schools at varying stages of implementation. Illinois schools, in general, reflected an implementation status less advanced than the Oregon schools. As Flannery et al. (in submission) note, these data suggest that it is possible for high schools to implement SWPBS with fidelity, but that implementation likely takes more time in secondary schools relative to elementary and middle school settings.

Table 2. Schoolwide Evaluation Tool Results for 2010-2011 by School

	Oregon						Illinois			
	Implementation				Comparison		Implementation			Comparison
	101	102	103	104	201	202	112	113	114	211
Expectations Taught	90	50	60	100	70	0	40	0	50	50
Total SET Score	94.6	66.07	80.3	98.2	87.5	26.79	76.79	55.36	87.5	21.43

***Data are reported in percentages**

Content Analysis of Codes of Conduct

Coding of discipline policies. Building upon prior studies of content analyses of written discipline policies (e.g., codes of conduct) (Fenning et al., 2012), the lead researcher obtained the most recent discipline code of conduct available for the seven implementation and three comparison schools retained in the current study. Using the Analysis of Discipline Codes Rating Form-Revised (ADCR-R) as a template, the researcher read each of the policies and coded the presence (coding a "1") or absence (coding a 0) of each behavior and consequence found in the policy. The ADCR-R was slightly revised from the prior version used in Fenning et al., 2012 and is located in Appendix A. The revisions from the prior version of the ADCR-R found in Fenning et al. were the addition of a category for "prevention", which included any instance of direct teaching of behavior prior to any offense, and clarification of the following categories: electronic devices and misuse of school property.

Behavior and consequence categorization. Each behavior within the ADCR-R was categorized as "mild" or "severe". The prior studies conducted with the ADCR-R categorized behaviors along three dimensions (mild, moderate and severe) in terms of the degree to which

the educational environment was disrupted or school safety was a concern. The decision was made to collapse the behaviors into two categories for consistency with other systems that categorize behaviors into dichotomous categories, such as classroom-managed versus office-managed referrals (Sugai & Horner, 2007). The mild and severe categories were retained from the prior content analyses completed in other research (Fenning et al., 2012). A decision was made by the researcher for categorizing behaviors considered "moderate" in the earlier version of the ADCR to the category of either "mild" or "severe" in the version of the ADCR-R used in the current study. The decisions for categorizing a particular behavior were based on the level of significant school disruption and safety concerns at the school. If the behavior was viewed as leading to significant school disruption, it was categorized as "severe", whereas behaviors not considered to be at a level of serious disruption were rated as "mild".

The consequences were categorized into proactive or reactive/punishment, consistent with prior studies of content analyses completed by the researcher. Proactive consequences were those that had a teaching or restorative component, while reactive consequences were those solely based on punishment. Another departure from prior content analyses of discipline policies was that school responses of natural consequences (e.g., grade loss for missing class or repaying vandalism), parent conference or student conference (e.g.., focus on notification of behavioral infractions) were not categorized as proactive responses as in past research and not included in the tabulation of the results. This decision was made because it was determined that these responses do not necessarily have a teaching or restorative component for the student. The final categorization of behaviors is found in Table 3, while the final categorization of consequences is found in Table 4.

Table 3. Mild versus Severe Behavior Categorization

Mild Behaviors	Severe Behaviors
Cheating	Alcohol Offenses
Class/School Disruption	Assault/Threat
Swearing	Battery
Dress Code Violation	Bomb Threat
Electronic Devices: Unauthorized Use	Bullying
General Staff Disrespect	Drug Offenses
Loitering	Arson
Misuse of School Property	Fighting
Student ID Violation	Fireworks/Explosives
Tardies	Gang Behavior
Tobacco	Hazing/Intimidation
Truancy	Misuse of Fire Alarm
	Racial Slurs
	Sexual Harassment
	Social Exclusion
	Theft/Burglary
	Vandalism
	Weapons

Table 4. Proactive and Reactive/ Punitive Consequences

Proactive	Punitive Consequences
Teacher Conference	Saturday Detention
Community Services	In-School Suspension
Counseling	Out of School Suspension
Skill Building	Expulsion
Peer Mediation	Classroom Removal
Substance Abuse Intervention	Alternative School Placement

Presentation and Analysis of Discipline Codes: Description of Selected Behaviors

A subset of behaviors (including mild and severe) and consequences (proactive and reactive/punitive) were analyzed in relation to the overall sample (n=10) and by each school in the sample. The findings for reactive consequences are presented in Table 5, while the findings for proactive consequences are found in Table 6. As can be seen, suspension was a response commonly found in the policies for behaviors of ranging severity, from minor ones, such as tardies and truancy to more severe infractions such as drug and weapons offenses. For example, 80% of the school policies listed suspension as a possible response for tardies and truancy. As

one might expect, suspension was a response offered for more serious behavior infractions, such as drugs, weapons offenses and vandalism. A visual inspection of these data suggests that there is not a clear pattern for responses in school policy among schools implementing SWPBS. It might be noted that the three comparisons schools all offered suspension as a response for tardy and truant behavior, but given the low number of schools studied, these patterns would need to be explored further in future work.

In contrast, there were much lower instances of proactive consequences for the behaviors studied, including minor ones, such as tardies and truancies as well as more severe sanctions. If the written policies offered any of five proactive consequences within the ADCR-R, they were noted as including a proactive response. Even when allowing for any of the proactive responses on the ADCR-R to be included as an instance of proactive responses, less punitive responses were still extremely low in frequency. These results suggest a limited focus on any proactive options in response to student misbehavior in written formal discipline policies.

Table 5. Mention of Suspension in Policy for Selected Behaviors

	Oregon Sites						Illinois Sites				
Behavior	101	102	103	104	201	202	112	113	114	211	Overall
Tardies	n	y	n	y	y	y	y	y	y	y	80%
Truancy	n	y	n	y	y	y	y	y	y	y	80%
Bullying	y	n	n	y	n	y	n	y	n	n	40%
Fighting	n	n	y	n	y	y	y	y	y	y	70%
Vandalism	y	y	y	y	y	y	y	y	y	y	100%
Drugs	y	y	n	y	y	y	y	y	y	y	90%
Weapons	y	n	y	y	n	y	y	y	y	y	80%

Notes. The behaviors selected for visual inspection in this table mirror those selected in a prior study by Fenning et al., 2012. Sites 112, 114 (intervention) and Site 211 (comparison) are high schools from the same district. n= not present in policy; y=present in policy.

Table 6. Mention of any Proactive Consequences* in Policy for Selected Behaviors

	Oregon Sites						Illinois Sites				
Behavior	101	102	103	104	201	202	112	113	114	211	Overall
Tardies	n	n	n	n	y	y	n	n	n	n	20%
Truancy	n	n	n	n	n	n	n	n	n	n	0%
Bullying	n	n	n	n	n	n	y	n	y	y	30%
Fighting	n	n	n	n	n	n	n	n	n	n	0%
Vandalism	n	n	n	n	y	n	n	n	n	n	10%
Drugs	n	n	n	y	n	n	y	y	y	y	50%
Weapons	n	n	n	n	n	n	n	n	n	n	0%

***Notes**. The behaviors selected for visual inspection in this table mirror those selected in a prior study by Fenning et al., 2012. Sites 112, 114 (intervention) and Site 211 (comparison) are high schools from the same district. Proactive consequences included citing any of the following responses in the policy: teacher conference, community service, counseling, skill building, peer mediation and substance abuse intervention. . n= not present in policy; y=present in policy.

Presentation and Analysis of Discipline Codes: Determination of Punitive Versus Proactive Policies

Each of the 10 discipline codes of conduct were evaluated to assess whether the overall policy would be evaluated as "reactive/punitive" versus "proactive". In order to make this assessment, instances of four types of options in the policy were recorded: proactive responses for minor behaviors, proactive responses for severe behaviors, reactive/punitive responses for minor behaviors and reactive/ punitive responses for severe behaviors. When a response to a particular behavior was found in the policy, it was categorized into one of these four categories. The percentages of each of the four types of responses were evaluated and a table was created. The tables for each of the ten policies reviewed (three policies were the same, as they were drawn from three schools in the same district) are found in Appendix B. For each of the policies, the percentage of proactive consequences for both mild and severe behavioral subtypes was substantially less than the percentage of punitive consequences for both mild and severe behavioral subtypes for every policy in the sample. Therefore, each code of conduct in the study was given an overall rating of "reactive/punitive" versus "proactive" and "punitive" policy was placed in the model described below which further examines factors related to ethnic disproportionality in discipline found in the sample. Finally, evidence of any prevention-oriented practices, defined as directly teaching expected behaviors before the occurrence of a behavioral violation, was considered when each code of conduct was read. Evidence of prevention-oriented practices was found in two of the ten policies reviewed (20%). One of the two sites with any reference to prevention-oriented practices was a SWPBS implementation site, while the other school served as a comparison for the larger project. Examples of prevention-oriented practices

found was instruction for students in tobacco and drug-use, which was provided on a schoolwide basis in the absence of any specific problem or incident in the area.

Overall, the content analysis of the discipline codes of conduct drawn from the high schools that were part of the larger SWPBS implementation project reflect a punitive focus as a response for behaviors ranging from mild to more severe. Evidence of proactive alternatives as a response to student misbehavior or any mention of prevention-oriented practices was very uncommon. We turn next to an analysis of the discipline referrals generated by the project high schools as part of an examination of ethnic disproportionality in discipline and, whether the schools in the project differ from one another with respect to disproportionality. Modeling techniques will be employed to examine whether SWPBS implementation status or the type of policy explain any possible differences found across schools with respect to ethnic disproportionality in discipline.

Discipline Referrals by Ethnicity

Office discipline referrals (ODRs). School records data were collected from the ten schools that participated in the project. The researchers asked each school partner to provide its referral form and to document how decisions were made as to which behaviors were referred to the office and which ones were handled in the classroom (Sugai & Horner, 2007).

Once the raw data for referrals was provided to the researchers, a formula was written to quantify the referrals and to align them with the fields found within the Schoolwide Information System (SWIS) (May, Ard, Todd, Horner, Glasgow, & Sugai, 2003). SWIS is a systematic database that schools utilize to organize their discipline systems in such a way that formal decisions are made about explicitly writing behavioral definitions on a schoolwide basis, which guides decisions as to how behavioral infractions are handled. In addition, other information about the behavior is

recoded, such as the location, time, student name, motivation for the behavior and the consequence. SWIS is a widely used database for systematically tracking office discipline referrals. In the case of the dataset to be presented, the discipline referrals in the school records data set were recoded to align with SWIS procedures and categories for behavior. In the current data set, as previously stated in the discipline policy analysis described above, one Illinois high schools had such significant disparities from the other high schools in terms of typical procedures for generating referrals; they were eliminated from the data set. This particular school generated a significantly higher number of referrals due to issues subsequent referrals for students who failed to serve consequences. Therefore, it was not possible to compare them in any measurable way to the other schools because their procedures were so discrepant from the other schools in the sample. A second comparison high school was also eliminated because the data were corrupted for the 2008-2009 school year, which is the academic year that was considered in these analyses.

Race/ethnicity. Race/ethnicity data for each student was gathered through the school records data that were provided by each school. Current NCES definitions were used to arrive at the specific categories for each student in the sample.

Ethnic Disproportionality in Sample High Schools

In order to answer the questions about whether ethnic disproportionality exist in the number of discipline referrals, hierarchical linear modeling was used (Raudenbush & Bryk, 2001). The outcome of the analysis was the number of referrals for any disciplinary infraction. The analysis examined the differences in rates of referrals across schools. The level 1 model examines the rates of disciplinary referrals by racial groups and gender. This model can be written as

$$Y_{ij} = \beta_{0j} + \beta_{1j} Native_{ij} + \beta_{2j} Asian_{ij} + \beta_{3j} Latino_{ij} + \beta_{4j} Black_{ij} + \beta_{5j} Other_{ij} + \beta_{6j} Male_{ij} + r_{ij}$$

The intercept in the model is the expected number of referrals for white female students. The coefficients for the racial categories give the expected difference in number of referrals between a given racial group and whites. At level 2, the first model fit examines the variation across schools in the rates of referrals by racial group and gender. This random coefficient model can be written as

$$\begin{aligned} \beta_{0j} &= \gamma_{00} + u_{0j} \\ \beta_{1j} &= \gamma_{11} + u_{1j} \\ &\vdots \\ \beta_{6j} &= \gamma_{66} + u_{0j} \end{aligned}$$

A second model used level 2 predictors to examine potential correlates of variation in referral rates across schools.

The analysis was conducted for each year of the study. Table 7 provides the results for 2008-09, which is the year prior to SWPBS professional development and technical assistance. Model 1 is the unconditional model, examining the variation in the average number of referrals within and across the ten schools in the sample. The intraclass correlation for 2008-09 is 0.06, indicating that 6% of the variation in the number of referrals is across schools. Model 2 is the random coefficients model, examining how the number of referrals differs across gender and racial groups. The intercept is the estimated average of referrals across schools for white females. On average, males controlling for race have an average of 0.83 more referrals. Latino/a and black students all have higher rates of referrals on average across schools. Looking at the variance components, we see that the rates for white females (intercept), Asians, Blacks, and males all differ significantly across schools. Thus, though the average across schools is 0.83 more

referrals for all males than females controlling for race, this value differs significantly across schools. None of the school-level predictors such as SET total scores, Expectations Taught, or presence of preventative measures in discipline policies were significantly related to the differences across schools in the rates of referral by gender or race.

Table 7. Results for Analysis: 2008-2009 Prior to SWPBS Professional Development

	Model 1		Model 2	
Fixed Effect	Coefficient	SD	Coefficient	SD
Intercept	1.62*	0.33	0.81	0.25*
Native American			0.16	0.35
Asian			-0.33	0.14*
Latino			1.20	0.40*
Black			1.88	0.55*
Other			0.58	0.43
Male			0.83	0.20*
Level-1 Variance	17.61		15.49	

	Model 1	Model 2
Random Effect	Variance Component	Variance Component
Intercept	1.21*	0.59*
Native American		0.25
Asian		0.07
Latino		1.53*
Black		2.57*

Other		0.80*
Male		0.35*

Table 8 provides results for the 2009-2019 school year. The direction and interpretation of results for 2009-10 is essentially the same as for 2008-2009 with the exception of a significant variation across schools in the difference between students coded as other race and white students on number of referrals. Though the average number of referrals for students of other races was not different from zero (in fixed effects table), the variation in this difference is significant across schools. As in the 2008-2009, none of the school-level variables were related to racial and gender differences in referral rates.

Table 8: Results for Analysis: 2009-2010 During First Year of SWPBS Professional Development

	Model 1		Model 2	
Fixed Effect	Coefficient	SD	Coefficient	SD
Intercept	1.47*	0.33	0.74	0.20*
Native American			-0.08	0.32
Asian			-0.41	0.14*
Latino			1.27	0.41*
Black			2.12	0.55*
Other			1.30	0.41
Male			0.74	0.17*
Level-1 Variance	17.66		16.21	

	Model 1	Model 2
Random Effect	Variance Component	Variance Component
Intercept	1.04*	0.36*
Native American		0.04
Asian		0.07
Latino		1.60*
Black		2.59*
Other		1.13*
Male		0.27*

The results for 2010-2011 follow the same pattern as the prior two years.

Table 9: Results for Analysis: 2010-2011 During Second year of SWPBS Professional Development

	Model 1		Model 2	
Fixed Effect	Coefficient	SD	Coefficient	SD
Intercept	1.42*	0.30	0.73	0.18*
Native American			0.58	0.49
Asian			-0.52	0.15*
Latino			1.04	0.35*
Black			1.57	0.50*
Other			0.47	0.19*
Male			0.78	0.20*
Level-1 Variance	17.03		15.87	

	Model 1	Model 2
Random Effect	Variance Component	Variance Component
Intercept	0.90*	0.31*
Native American		1.15
Asian		0.11
Latino		1.13*
Black		2.11*
Other		0.05
Male		0.35*

Summary of Findings Using Modeling Techniques

The findings of the modeling reported above indicate that SWPBS implementation status and the type of policy (reactive/punitive versus proactive) did not have a bearing on the differences found across the schools with respect to ethnic disproportionality in discipline. These findings were consistent across all three years of data analyzed, which incorporated the year prior to professional development and technical assistance in SWPBS (2008-2009), the year in which professional development was formally delivered (2009-2010) in both states and the final year of the project (2010-2011), in which schools across both states were implementing SWPBS to some degree. Regardless of SWPBS implementation status, each school in the study had a written policy that was characterized as "punitive/reactive". Therefore, the type of written policy did not distinguish the schools and those would not plausibly account for any differences in ethnic disproportionality across schools since there was no variance in the policy content across schools. The results of the modeling indicate that the schools differ from one another in ethnic

disproportionality in discipline. However, these differences cannot be accounted for by SWPBS implementation status or the type of policy, but other unknown factors not testing in the current model. Taken together, the results of the modeling techniques used to analyze discipline referrals by ethnicity and the content analysis of the discipline polices found in each school lend support to a number of policy recommendations that could logically address the significant issue of ethnic disproportionality in school discipline. The policy recommendations are as follows: (1) align written school discipline policies with prevention-oriented practices, such as SWPBS, (2) ensure that schools allow enough time for foundational features of prevention-oriented practices, such as SWPBS, to develop in high schools, which include the buy-in of key district level administrators, school attorneys and school board members, (3) allow enough time for foundational features be fully in place in high schools, and allow adequate time for practices to be implemented and evaluated, using data to guide the effort.

Aligning Written School Discipline Policies with Prevention-Oriented Practices

As was found in the current study, the discipline policies (e.g., codes of conduct) were largely punitive in nature, even for minor behavioral infractions. This was the case even in schools that expended significant energy implementing prevention-oriented practices, such as SWPBS. Having a disconnect between teaching expected behaviors on a universal basis, which is aligned with SWPBS, and distributing a punitive written discipline policy to all in a school environment with limited to no prevention-oriented features reflects a significant disconnect. It would seem that in order for prevention-oriented practices, such as SWPBS to have an impact on referrals to the office, particularly among ethnic minority students, who tend to be caught in subjective offenses (Skiba et al., 2000), then written discipline policies need to be greatly reconfigured. Simple changes, such as removing the possibility of suspension for minor behaviors, such as

tardies and truancy, would potentially go a long way in reducing referrals to the office, which disproportionately are given to students of color. Further, describing the prevention-oriented practices that the school might be instituting in the written policy will be beneficial. A review of the discipline policies found in the SWPBS implementation schools revealed punitive practices that are counterproductive for all students, but unfortunately differentially impact students of color who are more likely to receive discipline referrals for nonviolent and subjective offenses (Skiba et al. 2011).

Ensure Time for Foundational Features of Buy-in to Be Established as Part of Prevention-Oriented Practices

The data reviewed, particularly the policy data, indicate that buy-in to schoolwide prevention-oriented practices, need to be inclusive of district-level administrators, school-board members and school attorneys who often have significant power in making decisions related to school discipline. School board members, for example, are the individuals who approve board policy for discipline. However, they tend not be consulted or considered as ex-officio members of teams that are engaged in implementing efforts, such as SWPBS. It is critical that the efforts building-based teams engage in related to discipline are aligned with the policies and decisions made by district-level administrators and school board members. Providing professional development with respect to the philosophy of prevention-oriented system-level practices, such as SWPBS would be an important activity. In addition, school board members may have limited knowledge of research related to the negative outcomes of suspension, such as the notion of the school to prison pipeline (Wald & Losen, 2003) and the potentially very damaging effect of policy decisions made at the district level.

Allow Enough Time for Foundational Features to Be in Place and Practices to Be Implemented at the High School Level

Those who work in high schools often acknowledge the amount of time it takes to implement system-level change, including those associated with SWPBS (Bohanon et al., 2006; Flannery et al., in submission). The findings of the current study were that SWPBS implementation status was a school level variable that did not account for any of the variability found across schools with respect to disproportionality in discipline. It should be noted that SWPBS practices were implemented for two years in the Oregon schools and for one year in the Illinois schools. Given that most school change efforts require three to five years, it is not surprising perhaps those SWPBS implementation efforts could not contribute to our understanding of the differences across schools with respect to ethnic disproportionality in discipline (Sarason, 1996). We would argue that SWPBS implementation efforts, and other prevention-oriented practices, might have a stronger potential to work more quickly if the foundation of buy-in to the effort among all key stakeholders, including parents, students, teachers, and the district-level personnel, school board members, school attorneys previously mentioned are all part of the effort.

Further, this study was conducted in high schools, which have been described as environments which have unique characteristics, such as departmentalized structure, multiple administrators, students who are at the adolescent stage of development and many more staff than other settings (Flannery et al, in submission). Because of these unique characteristics, high schools are considered environments in which system-level efforts likely take longer and require special consideration. However, high schools are very important environments to implement alternatives to traditional discipline because they are settings in which significantly more referrals are generated in comparison with elementary and middle schools (Spaulding et al., 2009).

Overall Summary

We presented a combined data set that incorporated an analysis of discipline referrals by ethnicity and a content analysis of discipline codes of conduct. By examining both sets of data side-by-side, a number of policy implications follow. Of critical importance, from our perception, is to align prevention-oriented practices, such as SWPBS, with written discipline policies that also feature prevention-oriented practices instead of punishment. Many years ago, discipline codes of conduct were originally recommended as means by which prevention-oriented practices could be established and described in a preset fashion (National Institute of Education, 1978; National School Resource Network, 1980). It is hopefully time that our policies can be realigned to meet the intended purpose for which discipline codes of conduct were instituted many years ago. At this time, it is unfortunate that our written policies likely reinforce punishment and disproportionate representation of students of color by endorsing punitive and exclusionary discipline systems. As we consider prevention-oriented practices in the high school context, we need to be mindful of the time that it takes to truly establish system change efforts. We would argue that by aligning school-based efforts meant to prevent behavioral problems, such as SWPBS, with district-established written discipline policy, we are more likely to move our schools in the direction of more equitable practices for all students, including our students of color who have historically been marginalized through institutionalized policies that include those associated with school discipline.

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Appendix A

Analysis of Discipline Codes-Rating Form

		Policy:__Practice_____				*Date Coded:_____*										*Data Entry:_____*						
Type of Behavior	**Inc**	**Linked**	**Det**	**SAT. Det**	**ISS**	**OSS**	**E**	**CR**	**TC**	**PC**	**SC**	**CS**	**NC**	**C**	**PI**	**SB**	**PM**	**SAI**	**ASP**	**CP**	**Rpt Viol**	**Prevention**
ALCOHOL OFFENSES																						
Arson																						
Assault / Threat (Toward Anyone)																						
Battery																						
Bomb Threats																						
Bullying																						
Cheating /																						
Class / School Disruption (includes disruption in the hallway)																						
Swearing																						
Dress Code Violation																						
DRUG OFFENSES																						
computer, web sites) unauthorized use																						
Fighting with Peers																						
Fireworks / Explosives Offenses																						
Gang Behavior																						
General Staff Disrespect /																						
Hazing/Intimidation/General																						
Loitering																						
Misuse of School Property (e.g. sharing lockers or other assigned materials)																						
Misuse of Fire Alarm																						
Racial Slurs																						
Sexual Harassment																						
Social Exclusion																						
Student ID violation																						
Tardies																						
Theft/Burgarly																						
TOBACCO OFFENSES																						
Truancy from class or school / Cutting																						
Vandalism																						
WEAPONS OFFENSES																						

Appendix B

Tables Portraying Punitive/Reactive and Proactive Responses by Behavioral Sub-Type (Minor and Severe) in Codes of Conduct

Pun=punitive responses; Pro=proactive responses; green shading=responses for minor behaviors; beige/rust shading=responses for severe behaviors

Site 101:

possible pun	possible pro	actual pun	actual pro	pun	pro
126	108	22	0	17.5%	0.0%
84	72	7	0	8.3%	0.0%
210	180	29	0	13.8%	0.0%

Site 102:

possible pun	possible pro	actual pun	actual Pro	pun	pro
126	108	25	2	19.8%	1.9%
84	72	33	0	39.3%	0.0%
210	180	58	2	27.6%	1.1%

Site 103:

possible pun	possible pro	actual pun	actual Pro	pun	pro
126	108	24	0	19.0%	0.0%
84	72	23	0	27.4%	0.0%
210	180	47	0	22.4%	0.0%

Site 104:

possible pun	possible pro	actual pun	actual Pro	pun	pro
126	108	34	2	27.0%	1.9%
84	72	18	1	21.4%	1.4%
210	180	52	3	24.8%	1.7%

Site 201:

possible pun	possible pro	actual pun	actual Pro	pun	pro
126	108	39	1	31.0%	0.9%
84	72	12	1	14.3%	1.4%
210	180	51	2	24.3%	1.1%

Site 202:

possible pun	possible pro	actual pun	actual Pro	pun	pro
126	108	41	0	32.5%	0.0%
84	72	22	1	26.2%	1.4%
210	180	63	1	30.0%	0.6%

Site 112/Site 114/Site 211 (Two Illinois Implementation Sites and One Illinois Comparison Site in the Same District-Had Same District-Based Discipline Policy):

possible pun	possible pro	actual pun	actual Pro	pun	pro
126	108	39	3	31.0%	2.8%
84	72	24	1	28.6%	1.4%
210	180	63	4	30.0%	2.2%

Site 113:

possible pun	possible pro	actual pun	actual Pro	pun	pro
126	108	36	2	28.6%	1.9%
84	72	24	0	28.6%	0.0%
210	180	60	2	28.6%	1.1%