

Marginalized, Exceptional, and Disproportionately Disciplined: Using an Intersectional Framework to Analyze Discipline Data for Black Girls with Disabilities in an Urban District in Texas

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Abstract

Ample evidence exists to show that the practice of exclusionary discipline is counterproductive, yet the practice continues. Although multiple changes and attempts to overhaul national policy and guidance to promote equity have occurred over the last decade, disparities continue to exist, particularly for Black students and students with disabilities. Using data from the National Center for Education Statistics, this study examined the discipline rates of Black girls with disabilities as compared with other student groups. Students with disabilities were twice as likely to be recipients of exclusionary discipline. Black girls (with and without disabilities) were second only to Black boys in receiving exclusionary discipline. Findings suggest that despite changes in national policy, Black girls continue to be pushed out by policies that marginalize and discount their identities through multiple points of intersection. Suggestions are provided for alternatives to exclusionary discipline and future research.

Key Words

Black girls, disability, disproportionality, intersectionality, school discipline

Preferred Citation

O'Neal, L. (2025, April 4). Marginalized, Exceptional, and Disproportionately Disciplined: Using an Intersectional Framework to Analyze Discipline Data for Black Girls with Disabilities in an Urban District in Texas. *Texas Journal for Multicultural Education*, 2(1), 14-34. <https://doi.org/10.70144/lo020103es>

The federal government has undertaken a review and overhaul of national policy regarding student discipline three times within the last decade (United States Department of Education [DOE] & United States Department of Justice [DOJ], 2014a; United States DOE & United States DOJ, 2017). In 2014, the Obama Administration issued guidance on disciplining students of color. The Dear Colleague Letter, issued jointly by the Department of Education (DOE) and Department of Justice (DOJ), focused on

school suspensions, threatening federal action if school discipline policies resulted in disparate impact on racial minorities (United States DOE & United States DOJ, 2014b). Then, in 2017, the DOE and DOJ issued a joint letter regarding the nondiscriminatory treatment of students with disabilities (United States DOE & United States DOJ, 2017). In recent years, policymakers, regulators, and lawmakers have given more attention to the identification of students of color referred to special education and students with

disabilities disproportionately referred for discipline (United States DOE, 2016). Most recently, the Secretary of Education and the Assistant Secretary of Civil Rights provided guidance to administrators on the discipline of students with disabilities to ensure that these students receive a free and appropriate public education (FAPE), and that discipline is administered in a nondiscriminatory manner (United States DOE, Office of Civil Rights, 2022a).

Since the mid-1970s, concern has continued to rise for the overidentification of Black students for special education and the use of exclusionary practices that adversely affect these students (Blake et al, 2011; Skiba & Losen, 2016). Exclusionary discipline practices are those practices that remove students from their regular school settings or placements and include expulsion, in- and out-of-school suspensions, and alternative school placements (Eddy et al., 2020; Camacho & Krezmien, 2020; Maeng et al., 2019). Since the federal government passed Gun Free Zone legislation in the 1990s, schools have also been implementing zero tolerance policies that contribute to the use of exclusionary discipline practices (Johnson et al., 2019; Skiba & Losen, 2016). Gonzalez, Etow, and De la Vega (2022) suggest that the school discipline policies and policing of Black and Indigenous people of color and students with disabilities create public health issues due in part to the mental health concerns that arise, as well as the likelihood for future entanglements with law enforcement, higher probability of dropping out from school, and deleterious effects associated with unemployment and underemployment, including hypertension, obesity, and poor diet.

Although the amount of attention given to the discipline of Black girls has increased in recent years (Blake et al., 2011; Morris & Berry, 2017),

possible solutions and strategies are needed to curtail the adverse effects of school discipline policies and the policing of Black girls. Hines, King, and Ford (2018) noted the overrepresentation of Black girls receiving special education that were suspended and expelled at rates higher than their peers despite legislation intended to prevent such occurrences. Nowicki (2024), in his analysis of the condition of education, specifically the perspective on discipline of girls in K-12 schools, found that Black girls received more and harsher discipline than other groups.

According to IDEA, students with disabilities may be disciplined for violating student codes of conduct so long as students without disabilities would receive similar disciplinary actions. The procedural safeguards require a manifestation of disability and functional behavior assessments for such reasons as students reaching 10 consecutive days of discipline and a change in placement (Individuals with Disabilities Act, 2004). Rynders (2019) suggests that there is implicit bias within the language of IDEA that contributes to disproportionate discipline for African American students.

As with other forms of civil rights legislation passed since the mid-twentieth century, IDEA and Section 504 of the Rehabilitation Act of 1973 (Section 504) have language and provisions that result in significant inequities adversely affecting people of color (Beratan, 2006; Johnson et al., 2019; Tefera & Fischman, 2020). Beratan (2006) argues that IDEA contributes to and maintains existing discrimination through institutional ableism and covert racism. Black girls who have often been devalued and silenced (Crenshaw et al., 2015a) must also contend with the exclusionary disciplinary practices that have been shown to adversely affect their academic achievement without regard to their individual

education plans or procedural safeguards (Annamma et al., 2019; Carter et al., 2017). Despite efforts by state legislatures and the federal government to address inequities, Black girls continue to be victimized by exclusionary discipline practices (Cruz et al., 2021; Curran & Finch, 2021; Baker-Smith, 2018). Questions abound regarding whether changes in laws, legislation, and regulations are having the intended effect or perpetuating the cycle of disparate impact and disproportionality (Anderson & McKenzie, 2024; Adler-Greene, 2019; Evans-Winters et al., 2018). However, it has been noted that policy makers must be willing to confront issues of race and gender to fully address the inequities that Black girls with disabilities face (Gregory et al., 2021; Kramarczuk Voulgarides et al., 2021; Carter et al., 2017).

Purpose

The purpose of this study was to examine the effect of educational policies on Black girls with disabilities in K-12 settings within a large urban district located in the South-Central region of the United States utilizing data from the United States Department of Education Office of Civil Rights Database. The district would be considered urban intensive using Milner's definition of urban education (2012). The district, located in a large metropolitan city, experiences challenges in terms of resources, qualifications of teachers, and academic development of students. This paper sought to measure if changes in national policy before and during the Obama administration regarding the use of exclusionary discipline had any influence on this large, urban district in Texas.

The research question guiding this study was, "How do federal discipline policies influence outcomes for Black girls with disabilities?" To this end, I examined national and state data, along with

national and state policies, using an intersectional framework as the experiences of Black girls intersect at race, gender, and disability (United States Department of Education, Office of Civil Rights, 2021). According to Crenshaw (2015), intersectionality occurs at the multiple levels of discrimination that overlap for Black women. In the following sections, I include a literature review, followed by a definition of Intersectional Theory and a discussion of how it is employed for discussing the findings. After discussing findings, I put forth recommendations for future research and approaches that policy and decision makers can implement in the short and long term to improve outcomes for students.

Review of the Literature

The literature review focused on the analysis of three topics. The first was research related to the racialized problem of school discipline, particularly the use of exclusionary discipline practices. The second focused on Black girls and discipline policies. Within this topic, the researcher reviewed Texas policies for discipline and special education. The third topic was disciplining students with disabilities, with specific emphasis on Black girls as they provide the context for this study.

The Racialized Problem of School Discipline

For nearly 50 years, beginning with the report from the Children's Defense Fund (1975) to the present, researchers have found that children of color, specifically Black and Native American students, are disproportionately disciplined compared to their White peers (Children's Defense Fund, 1975; Losen, 2011; Skiba et al., 2022; Nowicki, 2024). Moreover, these students are more often the recipients of expulsions and suspensions, though their behavior is not more serious than their White counterparts (Barrett et al., 2021; Riddle & Sinclair, 2019; Skiba et al, 2011).

Skiba et al. (2022) cited behaviors, mostly subjective in nature, that resulted in harsh discipline for African American students. These included excessive noise, class disruption, and loitering, while White students were disciplined for such things as vandalism, smoking, and using obscene language (offenses that were more objective in nature). However, Heriot and Somin (2017) questioned if the reason that African American students were being disciplined more was because they were misbehaving more. The General Accountability Office Report of 2018 showed that Black students received more exclusionary discipline than any other race no matter the school setting or socioeconomic status of the school population (Nowicki, 2018). According to the report, Black students accounted for 7.8 million or 15.5% of all students enrolled in public school but comprised more than 39% of all students suspended, indicating an overrepresentation by more than 23%. In instances of discretionary discipline, Black students received harsher discipline, often leading to increased misbehavior and further discipline (Fabelo et al., 2011; Welsh & Little, 2018). The Office of Civil Rights (OCR) Data Collection report published in August 2022 indicated that both Black boys and girls were disproportionately represented in student discipline, specifically suspensions and expulsions, along with American Indian or Alaskan native boys and multiracial boys (United States Department of Education, Office of Civil Rights, 2022b). Black girls were only outnumbered by Black boys in the disproportionality of exclusionary practices reported in the 2017-2018 school year, with more than twice the number of suspensions and expulsions than all other females by race or ethnicity (United States Department of Education, Office of Civil Rights, 2022b).

Educators frequently utilize exclusionary discipline practices for misconduct despite evidence that these practices do not have the intended effects and are counterproductive (Darling-Hammond et al., 2021; Losen et al., 2022). Researchers suggest that the overuse of exclusionary discipline contributes to racial inequity in impeding students' opportunities to learn (Losen et al., 2022). Losen and Martinez (2020) found instances where one in seven Black students lost almost a year's worth of instruction for every 100 students compared with one in 500 White students. In their report, Losen and Martinez (2020) reviewed data from the United States Department of Education (DOE) for the 2015-2016 school year to analyze the impact of suspensions on the loss of instructional time at the state and national levels. Three states were found to have the largest racial gaps in discipline compared with White students: "Missouri (Black students lost 162 more days than White peers), New Hampshire (Latinx students lost 75 more days than White peers), and North Carolina (Native American students lost 102 more days than White students)" (Losen and Martinez, 2020, p. vi).

Skiba, Ferguson and Gregory (2022) concluded that the disproportionate application of exclusionary discipline is "an integral part of the interlocking system of personal beliefs and institutional policies that act in concert with other social systems to maintain and reproduce a hierarchy of racialized disadvantage" (p. 225). Irby (2018) found that providing teachers with opportunities to notice, reflect, and become aware of their racial tendencies could help to disrupt organizational tendencies that contribute to racial inequities in school discipline. Further, Wang, Scanlon, and Del Toro (2023) suggest that replacing exclusionary discipline with more developmentally responsive policies and practices could have positive effects on the academic achievement of students adversely

affected by classroom disruptions and lowered engagement, the tangential effects of witnessing students suspended for minor infractions. Moreover, Clark-Louque and Sullivan (2020) suggest using restorative practices and creating equity through culturally proficient partnerships to reduce the use of exclusionary discipline practices. Ko et al., (2022) suggest that the lack of culturally responsive behavior support systems add to the racial disproportionality students of color experience with exclusionary disciplinary practices.

Finding Black Girls in Discipline Policies

Black girls face a greater chance of suspension and expulsion than their non-Black peers of the same gender (Annamma, et al., 2019; Crenshaw et al., 2015). Crenshaw and colleagues (2015a) reported instances that the rates of suspension and expulsion for Black girls outpace that for boys, regardless of race. Addington (2021) posits that Black girls have disproportionately experienced the punitive legacy of school shootings in the United States that brought about exclusionary discipline policies. The researcher recommended that possible solutions to address the disproportionality include trauma-informed student policies, empowering Black girls, enhanced teacher training, and culturally competent school programs. In the same vein, Gibson and Decker (2019) encouraged teachers and instructional leaders to have courageous conversations with Black girls to better support them and attend to the implicit biases to better protect Black girls. Morris (2007) found that Black girls were often disciplined for what was perceived as unladylike behavior, for things such as blurting out answers or being too loud, with zero tolerance policies often used to subject these students to exclusionary discipline. Similarly, Blake et al., (2011) concluded that Black girls are overrepresented in exclusionary discipline

practices and are frequently given referrals for behaviors that differ from the norm and within the discretion of the teachers and administrators.

Hines-Datiri and Carter Andrews (2017) contend that zero tolerance policies have the effect of rendering Black girls as invisible and invaluable, so they must fight to maintain their identities within educational systems. They assert that Black femininity and natural instincts toward survival and resilience are at odds with ideals of White femininity. Martin and Smith (2017) concluded that subjective discipline and social control of Black girls were factors that contributed to the push out of Black girls in high school. The researchers reported that the discipline for Black girls often resulted because teachers reported significantly higher problematic behavior from Black girls compared to the White girls. Black girls are subject to unspoken rules and regulations that uphold racial hierarchies and stereotypes that leave them vulnerable and often subject them to exclusionary discipline (Apugo & Castro, 2022). Similarly, Blake and colleagues (2022) suggest that Black girls receive more severe discipline consequences when their teacher's racial or ethnic background and discipline philosophy are factored in, or the teacher's race differs from the student. Black girls perceiving teacher discrimination often resulted in higher, more severe discipline outcomes (Butler-Barnes & Inniss-Thompson, 2020).

Wun (2018) posits that school discipline policies do not consider the complex lives of Black girls and often obscure the relationship that these policies have to Black girls and violence. The policies punish and criminalize Black girls for the intersectional violence that they experience. Aldridge asserts that "the intersecting gendered and racialized identities of Black girls place them at a higher risk of pushout and punitive discipline

than young men of color, and certainly at a higher risk than White girls” (p. 2, 2018). Wun (2016a), in her 12-month study in California, found that Black girls are constantly under surveillance, treated as “captive objects,” (p. 182) and disavowed through school policies that confine their political and social identities. Moreover, Wun (2016b) contends that intersectional violence shapes the lives of Black girls that positions them within an anti-Black context and space that subject them to multiple forms of violence. Yet, Black girls are ignored in school reform and educational policy discourse (Evans-Winters & Girls for Gender Equity, 2017; Evans-Winters et al., 2018) or their voices obscured (Wun, 2016a). After reviewing discipline data for Denver Public Schools, Annamma et al. (2019) asserted that Black girls were overrepresented in exclusionary discipline with 52% of all Black girls receiving out of school suspensions, which was higher than White and Latino males and females.

Slate and colleagues (2016) in their examination of statewide discipline data for Texas for girls in grades 4–11, concluded that there was a lack of equity in the assignment of discipline consequences for Black girls compared to the consequences for White and Hispanic girls. With the theory of situated-mediated academic identity theory as their framework, the researchers sought to examine the extent to which differences were present in the proportion of discipline outcomes for Black, Hispanic, and White girls in Texas public schools. Using information from the Public Education Information System (PEIMS) provided by the Texas Education Agency (TEA) for the 2013–2014 school year, it was reported that at every grade level, disproportionality was present in the assignment of exclusionary discipline, with increases in the numbers of disciplinary consequences increasing at Grade 6 for Black and Hispanic girls, with 2,050 Black girls and 2,181 Hispanic girls receiving out of school suspension.

What follows is a brief overview of discipline policies in Texas.

Discipline Policies in Texas

Chapter 37 of the Texas Education Code outlines discipline for public schools in Texas. Texas public schools are required to have a student code of conduct that outlines student disciplinary actions based on student behavior (Texas Education Code, TEC, Sec. 37.001, 2023). Within these provisions, public schools must develop student codes of conduct that describe the circumstances that students can be removed from class, suspended, expelled, transferred to a disciplinary alternative education program. Schools must specify that consideration will be given, as a factor in each decision concerning suspension, removal to a disciplinary alternative education program, expulsion, or placement in a juvenile justice alternative education program, regardless of whether the decision concerns a mandatory or discretionary action, to:

- (A) self-defense;
- (B) intent or lack of intent at the time the student engaged in the conduct;
- (C) a student's disciplinary history;
- (D) a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct;
- (E) a student's status in the conservatorship of the Department of Family and Protective Services; or
- (F) a student's status as a student who is homeless (Texas Education Code, TEC, Sec. 37.001, 2023).

However, HB674 limits actions that can be taken against students in grades three and below. The legislation passed in 2017 states, as follows:

A student who is enrolled in a grade level below grade three may not be placed in out-

of-school suspension unless, while on school property or while attending a school-sponsored or school-related activity on or off of school property, the student engages in:

- Conduct that contains the elements of an offense related to weapons under Section 46.02 or 46.05 Penal Code;
- Conduct that contains the elements of a violent offense under Section 22.01, 22.011, 22.02, or 22.021 Penal Code;
- Selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of:
 - Marijuana or controlled substance,
 - A dangerous drug, or
 - An alcoholic beverage.

Although all local education agencies and independent school districts are allowed to create their own student codes of conduct, all public schools in Texas are bound by these expectations. In addition to the Texas Education Code, the Texas Administrative Code, Title 19 (2023), provides that all students with disabilities must continue to receive their educational services, even when removed from campus through suspension and expulsion. This provision is in alignment with IDEA, which requires all students receiving special education services to receive a free and appropriate public education (FAPE). In addition, all data regarding discipline for students with disabilities must be reported in the Public Education Information Management System (PEIMS) according to the special education provisions of the Texas Administrative Code, Title 19.

Discipline for Students with Disabilities

Losen, Martinez, and Shin (2021) reported that students with disabilities are over-represented in discipline based on their review of data from the Civil Rights Data Collection (CRDC). In a review of data from the 2015-2016 and 2017-2018 academic years, the researchers examined the rates of exclusionary discipline, referrals to law enforcement, lost instructional time, and chronic absenteeism. The researchers found that students receiving services under Section 504 were under-identified and White students were most often identified under Section 504. Black students in large districts with 100 or more Black students with disabilities enrolled in secondary school were 10% or more likely to be referred to law enforcement, and the risk for Black students with disabilities to be suspended or expelled was greater than 40%. Students with disabilities were three times more likely to receive out-of-school suspension compared to their nondisabled peers (Fabelo et al, 2011). In their study of discipline in Texas, Fabelo and colleagues (2011), after analyzing 6,610,914 school and juvenile justice records for the state of Texas and individual data for 928,940 students, reported that the suspension and expulsion rate for students with disabilities was almost 75% compared to 60% for all other students. The data was collected from PEIMS and the Texas Juvenile Probation Commission. The Texas Education Agency (TEA) compiled the data set, and the researchers considered the variables of attendance, demographics, special program enrollment, standardized performance, and disciplinary violations in their analysis.

Achilles, Mclaughlin, and Croninger (2007) indicated that students with emotional/behavioral disorders (EBD), learning disabilities (LD), and attention deficit/hyperactivity disorder (ADHD) were highly likely to be subjected to exclusionary

discipline, with EBD and ADHD most often attributed to African American students. Sullivan, Van Norman, and Klingbeil (2014) concluded that suspensions were highest among students with disabilities who were diagnosed with EBD. In their study, 19% of their sample had been suspended at least once and 47% of the students with multiple suspensions had EBD or ADHD. These amounts were higher than the data reported nationally. Losen et al. (2022), in reviewing discipline data for California, stated that students with disabilities were twice as likely to be referred or have interactions with law enforcement as their non-disabled peers. They suggest that students are being stopped due to behaviors caused by their disabilities. The DOE Discipline Snapshot showed that students with disabilities were subjected to suspensions twice as much as their peers and arrests more frequently than their nondisabled peers (United States Department of Education, Office of Civil Rights, 2024).

Researchers suggest that multiple approaches and alternative discipline frameworks are needed for addressing the behaviors of students with disabilities (Gregory et al., 2021; Hannigan & Hannigan, 2019; Kulkarni et al., 2022). Kulkarni, Kim, and Powell (2022) assert that neither a single intervention strategy nor simplistic approach can solve the disproportionately racist, punitive disciplinary actions against Black, Indigenous, Children of Color (BICOC) with disabilities. The researchers offered recommendations for policymakers and practitioners to address the needs of BICOC with disabilities who are often harshly disciplined because of their challenging behaviors. These recommendations included redirecting federal IDEA funds to districts with problematic disciplinary data, anti-bias training for teachers, training to use zero-tolerance and exclusionary

measures as a last resort, and increased qualitative research on impact of harsh or exclusionary discipline on students of color with disabilities. Additionally, it is suggested that schools gather varying types of data and alter the burden of proof when making decisions regarding the exclusion of students with disabilities (Raj, 2018).

The extant literature on discipline for students with disabilities revealed limited results for Black girls with disabilities and their disabilities as a specific group. Fenning and Johnson (2022) asserted that Black students with disabilities are the group most likely to be the recipients of exclusionary discipline. Hines, King, and Ford (2018) used national data from the OCR Database Collection to analyze exclusionary discipline trends for Black boys and girls with disabilities. Based on their analysis of discipline referrals, they concluded that Black females with disabilities had the greatest overrepresentation for both in-school (ISS) and out-of-school suspension (OSS). A discussion of intersectionality follows in the next section. Intersectional theory is appropriate as this study examines the effects of policy on Black girls where their identities also intersect with their disability.

Theoretical Framework

The experiences of women of color are multidimensional (Crenshaw, 1989). Women are often marginalized in patterns of racism or sexism, but women of color intersect at multiple locations, including race, gender, and class. Intersectionality is rooted in Black Feminism (Kupupika, 2021). Black Feminism addresses the unique needs of Black women whose identities and experiences intersect and are shaped by oppression in the forms of racism, sexism, and classism (Hill Collins, 1990). Black girls have multiple marginalized identities that cannot be viewed through a single lens (Annamma et al., 2019). An intersectional lens can reveal perspectives on

privilege and victimhood and allow for connections to be made about discrimination, marginalization, and privilege (Crenshaw, 2013). In similar studies, it has been suggested that intersectionality is an important tool in understanding and intervening in social inequality as Black women are subjected to under-differentiation, as either Black or not or female or not. The consequences of the categorizations intersect, but do not interact (Grzanka & Cole, 2022). Erevelles and Minear (2010) suggest that not considering the intersections of race, gender and disability could result in individuals being invisible or unseen in the very systems that were created to protect and empower them.

According to intersectionality theory, social categories such as race, gender, disability, sexual orientation, and socioeconomic status intersect at the individual level and reflect oppression and privilege at the social-structural level (Bowleg, 2012). Social positions are not independent within the hierarchy of social power. Rather, they shape the human experience jointly (Crenshaw, 1991). Interpersonal and structural systems of oppression influence intersections at the individual level (Bowleg, 2012; Collins, 1995). Diemer and colleagues (2022) used intersectionality in their analysis of the presentation of Autism in females and Black populations recognizing the applicability of the theory as it is relevant to discussion of gender, ability, and racial backgrounds. The core tenets of intersectionality are multiple intersecting identities, historically marginalized and oppressed populations, and social-structural context that produces outcomes (Bauer et al., 2021; Bowleg, 2012). These tenets will be used to answer the following research question: *How do federal policies on discipline affect outcomes for Black girls with disabilities?*

Method

This study employed districtwide school-level data obtained from the United States

Department of Education (DOE) Office of Civil Rights (OCR) Data Collection on all pre-kindergarten through 12th grade public school students in a large urban school district in Texas for the 2013-2014 school year and the 2017-2018 academic years (United States Department of Education, Office of Civil Rights, 2023). For each year, the data include information on student race, gender, and disability indicator. Race is categorized into five main categories: White, Black, Hispanic, Two or more races, and Other. The 'other' race category includes Asian (3-4%), American Indian/Alaska Native (0%), and Hawaiian/Pacific Islander (0-2%) and constitutes 5% to 6% of the sample across years and grade levels.

Descriptive statistics were used to summarize the data in the academic years that are the focus of this study. The paper will first present descriptive statistics for the 2013-2014 academic year and the 2017-2018 Discipline Data compiled by the Department of Education Office of Civil Rights and Data Collection for an urban district in Texas. In Texas, charter school discipline data is reported at the school level and at the district level for which the charter school is located. In both academic years that the data was reviewed, the student enrollment was approximately 62% Hispanic, 25% Black, 8% White, 4% Asian, 1% Two or more races, and less than 1% Native American/Alaska Native and Hawaiian/Pacific Islander.

The data set for the initial academic year consisted of 211,867 students across 282 schools. The second data set included 214,102 students across 283 schools. Two hundred sixty schools in each data set were identified as Title I schools. For the purposes of this study, school-level data were presented as cumulative data for students across the district in analyzing discipline for Black girls

with disabilities, before and after changes in national policies.

Author Positionality

As the parent of a gifted child with Attention Deficit Hyperactivity Disorder (ADHD), I frequently visited her schools because of behavioral concerns. I am intimately aware of the minor infractions that resulted in discipline referrals. In addition, I am also an educator with more than 10 years of classroom experience at the elementary and middle school levels. Thus, I was privy to the discipline process for Black girls from a personal and professional level.

Results

The purpose of this study was to examine the effect of educational policies on Black girls in K-12 settings within a large urban district located in the south-central region of the United States, utilizing data from the United States Department of Education Office of Civil Rights Database. This study analyzed data from two academic years: the year preceding federal guidance regarding student discipline and the year before this guidance was rescinded. Results are organized into two sections: 2013-2014 academic year and 2017-2018 academic year. Tables 1 and 2 provide descriptions respectively of the students enrolled, demographic information, in-school suspensions (ISS), out-of-school suspensions (OSS), and expulsions. Students receiving services under Section 504 are not included in data analysis as the discipline data was not available.

Table 1 shows that for the 2013-2014 school year, Black females with disabilities were overrepresented in exclusionary discipline. Students with disabilities accounted for 7.7 % of total enrollment; however, this group represented 15.1% of in-school suspensions, 18.0% of out-of-school suspensions, and 36.6% of expulsions. Black females with disabilities accounted for more

than 600 in-school and out-of-school suspensions.

Table 1

Enrollment, Number of Students Receiving In School Suspension, Out of School Suspension and Expulsion Disaggregated by Racial Ethnic Group, Gender, and Disability Indicator for 2013-2014 School Year in Texas

| Group | Enrollment N | ISS N (%) | OSS N (%) | Expulsion N (%) |
|-----------------|-----------------|-------------------|------------------|--------------------|
| Black | 53,390 | 7,844 (40%) | 5,796 (52.4%) | 26 (36.6%) |
| w/ Disability | 5,471 | 1,150 | 817 | 12 |
| Female | - | 2,247 | 1,683 | 2 |
| w/ Disability | - | 352 | 259 | 4 |
| Male | - | 3,291 | 2,479 | 12 |
| w/ Disability | - | 804 | 558 | 8 |
| Hispanic | 130,934 | 10,173 (53.8%) | 5,009 (42.3%) | 43 (60.6%) |
| w/ Disability | 9,867 | 1,226 | 578 | 13 |
| Female | - | 3,062 | 1,319 | 4 |
| w/ Disability | - | 313 | 134 | 0 |
| Male | - | 4,659 | 2,534 | 25 |
| w/ Disability | - | 913 | 444 | 14 |
| White | 17,373 | 711 (3.7%) | 461 (3.5%) | 0 |
| w/ Disability | 1,471 | 95 | 65 | 0 |
| Female | - | 165 | 87 | 0 |
| w/ Disability | - | 24 | 14 | 0 |
| Male | - | 355 | 244 | 0 |
| w/ Disability | - | 72 | 51 | 0 |
| Asian | 7,415 | 89 (0.5%) | 52 (0.3%) | 0 |
| w/ Disability | 16 | 6 | 9 | 0 |
| Female | - | 48 | 18 | 0 |
| w/ Disability | - | 6 | 6 | 0 |
| Male | - | 124 | 60 | 0 |
| w/ Disability | - | 10 | 2 | 0 |
| Total | 211,867 | - | - | - |

Notes:

- **ISS** = In-School Suspension
- **OSS** = Out-of-School Suspension
- **w/ Disability** = Students with a Disability Indicator

Table 2

Enrollment, Number of Students Receiving In-School Suspension, Out-of-School Suspension, and Expulsion Disaggregated by Racial/Ethnic Group, Gender, and Disability Indicator for the 2017–2018 School Year

| Group | Enrollment | | | Expulsion |
|-----------------|--------------------|------------------|----------------|------------|
| | N (%) | ISS N (%) | OSS N (%) | N (%) |
| Black | 53,390 (24%) | 4,133 (36.5%) | 5,796 (49%) | 23 (43.5%) |
| w/ Disability | 6,742 | 661 | 576 | 5 |
| Female | - | 1,455 | 1,683 | 1 |
| w/ Disability | - | 181 | 152 | 0 |
| Male | - | 2,017 | 2,479 | 22 |
| w/ Disability | - | 480 | 424 | 5 |
| Hispanic | 130,954 (61.8%) | 8,727 (59.4%) | 5,009 (47%) | 37 (52.2%) |
| w/ Disability | 12,408 | 739 | 396 | 3 |
| Female | - | 2,364 | 1,319 | 3 |
| w/ Disability | - | 186 | 95 | 0 |
| Male | - | 3,624 | 2,534 | 34 |
| w/ Disability | - | 553 | 301 | 3 |
| White | 17,373 (8.7%) | 288 (2.5%) | 461 (2.8%) | 3 (4%) |
| w/ Disability | 1,471 | 37 | 48 | 1 |
| Female | - | 73 | 87 | 0 |
| w/ Disability | - | 2 | 15 | 0 |
| Male | - | 178 | 244 | 3 |
| w/ Disability | - | 30 | 31 | 1 |
| Asian | 7,415 (4%) | 106 (20%) | 92 (0.6%) | 0 (0%) |
| w/ Disability | 374 | 4 | 4 | 0 |
| Female | - | 27 | 18 | 0 |
| w/ Disability | - | 0 | 0 | 0 |
| Male | - | 75 | 60 | 0 |
| w/ Disability | - | 4 | 4 | 0 |
| Total | 214,102 | - | - | - |

Notes:

- **ISS** = In-School Suspension
- **OSS** = Out-of-School Suspension
- **w/ Disability** = Students with a Disability Indicator

No other females with disabilities were expelled, but four Black females with disabilities received

expulsions. The data indicate that none were a result of zero-tolerance policies.

Table 2 shows the percentage of students with disabilities decreased as an overall percentage of student enrollment (-0.5%). In addition, the percentage of Black students receiving exclusionary discipline declined as well. Black females with disabilities received fewer in school and out of school suspensions in the 2017-2018 school year. Although the number of Black females with disabilities receiving exclusionary discipline decreased from 601 incidents to 333 incidents, Black females with disabilities were still overrepresented in receipt of exclusionary discipline. Compared with other populations, Black females with disabilities received exclusionary discipline at rates that were second only to Black males, with and without disabilities, given their percentage of the overall student population, indicating disproportionality. However, unlike the 2013-2014 school year, no Black females with disabilities received expulsions.

Discussion

The purpose of this study was to examine the effect of educational policies on Black girls with disabilities in K-12 settings within a large, urban district in the south-central region of the United States. The study sought to measure if changes in national policy between two academic years, 2013-2014 and 2017-2018, towards the use of exclusionary discipline had any influence on a large, urban district in Texas. The research question I attempted to answer was: How do federal policies on discipline affect outcomes for Black girls with disabilities. In 2014, the Obama administration issued a Dear Colleague Letter (United States DOE & United States DOJ, 2014) providing guidance on discipline for students in

public schools. The analysis compared data before and after this guidance and shows that prior to this guidance, exclusionary discipline practices for Black girls with disabilities consistently resulted in these students losing instructional time due to suspensions and expulsions.

Research consistently shows that Black students disproportionately experience exclusionary punishment, and this study furthers this line of research examining whether changes in national policy decrease the likelihood that Black females with disabilities will receive less severe punishment than their non-disabled peers. The findings are consistent with research indicating that Black girls are disproportionately subjected to exclusionary discipline when compared with their peers (Fenning & Jenkins, 2018; Skiba et al., 2022). Although changes in national policy resulted in slight decreases in the number of suspensions received by Black girls with disabilities, this group was still overrepresented in the data. The Obama Administration sought to address the overrepresentation of children of color with their Dear Colleague Letter (United States DOE & United States DOJ, 2014) and the data indicate that there were positive effects experienced by Black girls. However, the decrease was not significant enough to bring the numbers within balance. The intersection of race, gender, and disability continued to result in an overrepresentation for Black girls.

These results replicate and extend previous findings concerning disproportionate discipline for Black girls—in particular, girls with disabilities—in predicting and supporting positive outcomes. Previous studies indicate that Black girls are overrepresented in exclusionary disciplinary outcomes including in-school and out-of-school suspensions and expulsions (Kulkarni et al., 2022; Skiba et al., 2011). In the current study, disability

did not prove to lessen the consequences that students received. The race and gender of the subjects of the study were significant characteristics associated with in-school and out-of-school suspension.

Even with changes in national policy, it becomes increasingly difficult to avoid the implicit bias and stereotypes that contribute to disparities in discipline (Losen & Martinez, 2020; Skiba et al., 2014). The findings are also consistent with recommendations to shift to alternative discipline methods rather than exclusionary practices given the number of students with disabilities receiving suspensions and expulsions (Hannigan & Hannigan, 2019).

Implications and Future Direction

This study suggests that the school discipline policy should consider the intersection of race, gender, and disability in how Black females with disabilities are punished. The study findings contribute to school discipline research by showing how changes in discipline policies at national and state levels result in shifts in outcomes for children of color and students with disabilities. For Black girls, the findings suggest a need for culturally responsive management strategies that would account for the circumstances faced by Black girls with disabilities. Future research would benefit from better understanding of what decisions lead schools to disciplining and punishing these students. For research, this study addressed a gap in the literature about identifying approaches to disciplining Black females with disabilities and reducing the negative outcomes borne by Black girls with disabilities associated with exclusionary discipline.

More research is needed on the disproportionality of discipline for Black girls with

disabilities. Future research should further examine the negative effects of national and state policies, programs, and teacher practices on Black girls with additional marginalized identities, including disabilities. Teacher preparation programs and professional development must ensure that teachers are aware of their biases and are able to construct and deconstruct ideas related to culture, discipline, disability, identity, power, and privilege. Future research should also include quantitative studies regarding the prevalence of twice-exceptional Black girls, as well as qualitative studies that give attention to the experiences of administrators that must meet the needs of twice-exceptional Black girls.

Limitations

With any analysis, there exist limitations in the type and quality of data available. This study has several limitations that should be considered. First, no information was available for race/ethnicity in Section 504 data. For example, there was an absence of data for students who were considered disabled under Section 504, which made it difficult to calculate changes in discipline during the period under study. This limitation prevents us from fully capturing characteristics of discipline disparities despite the evidence available. Furthermore, there is a lag in data collection and data available. Additionally, no information was available about what led to the students' suspensions and expulsions. Researchers may be missing trends in the educational conditions and discipline outlook for Black girls receiving discipline consequences who are not included in data collection.

Conclusion

The research question this study sought to answer was: How do federal policies on discipline affect outcomes for Black girls with disabilities?

The analysis situated school discipline research at the intersection of race, gender, and disability. I used an intersectional framework as the lens to observe shifts in discipline policy and outcomes for students. School discipline policies and practices should not discriminate against students of color or students with disabilities. However, discriminatory practices, policies, and their implementation continue. Skiba (2000) concluded that students often receive the vast majority of exclusionary discipline for nonviolent and non-criminal offenses. Wun (2018) indicated that Black girls are often disciplined because of racial stereotypes and not fitting the norm. Schools would benefit from training teachers to be culturally responsive, learning trauma-based practices to address discipline, and attending to implicit bias within their organizations. In light of multiple national issues facing schools (i.e., immigration, teacher shortages, changes in federal administration), schools must acknowledge the treatment experienced by Black girls with disabilities and continue to revisit their policies that result in disparate outcomes for this student group. Additionally, school administrators would benefit from providing resources for students who receive out of school suspensions and expulsions. Texas law requires that students be provided with work so they can continue with their learning, so rather than remove resources, schools would benefit from providing students with additional resources.

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