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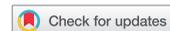
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Snap Judgements: Vulnerable Decision Points and Subjective Discipline Incident Referrals for Latinx Students

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ABSTRACT

The purpose of this study was to investigate the amount and distribution of subjective discipline incident (SDI) office referrals across a four-year time period in a large school district in the U.S. Pacific Northwest. Descriptive and inferential analyses applied to district SDI data revealed that Latinx students were underrepresented in SDI referrals in elementary school but overrepresented in middle and high school. Results also indicated that the disproportionality in SDI referrals varied throughout the academic year, with the relative risk of an SDI office referral for Latinx students peaking during the Spring standardized testing window. These results suggest that stressors in the contextual environment have the potential to interact with the predispositions of school personnel over the course of the academic year, increasing the risk of an SDI referral for Latinx students. Implications for school policy and practice are discussed.

KEYWORDS

Disproportionate discipline; implicit bias; vulnerable decision points

Introduction

Disproportionate discipline, the overrepresentation of predominately Black and Latinx students in school disciplinary actions, manifests in students from these groups being referred for disciplinary action and suspended more frequently and for longer durations than their White peers (Finn & Servoss, 2014; Gage et al., 2019, 2021; Wallace et al., 2008; Welsh & Little, 2018). Evidence of disproportionate discipline is identified both in objective and subjective discipline incident referral and outcome data (Skiba et al., 2011, 2014). Objective discipline incidents (e.g., tardiness, fighting, smoking, trespassing, vandalism) are those with criteria that can be clearly and tangibly defined (Girvan et al., 2017). In contrast, subjective discipline incidents (SDIs) result from an interaction that requires an interpretation from a staff member to determine if a particular incident meets the threshold for a response that violates a school behavior expectation (e.g., defiance and disruption). When an SDI occurs, a value judgment must be rendered on the intensity of the non-normative behavior witnessed or experienced (Greflund et al., 2014; Skiba et al., 2002), allowing for dispositional bias to impact the decision-making process (McIntosh et al., 2014). Behavioral actions that elicit a discretionary response and can motivate an office referral include inappropriate language or noise, disrespect, insubordination, and/or noncompliance with a staff member request (Balderas, 2015; Girvan et al., 2017; Skiba et al., 2002).

Previous research has demonstrated that Black students are more likely to receive an office referral for an SDI than their White peers (Ritter & Anderson, 2018; Smolkowski et al., 2016). However, less attention has been given to the SDI rates of Latinx students despite evidence of disproportionately high objective discipline referrals and exclusionary outcomes (Finn & Servoss, 2014; Gage et al., 2021; Losen et al., 2015). As a result, the purpose of this study was to investigate the amount and distribution of SDI office referrals across a four-year time period in a large school district in the U.S. Pacific Northwest. In

the following, we examine whether SDI referrals varied by (a) student ethnic identity (Latinx relative to White), (b) school level (elementary, middle, high), and (c) time in school year. Implications for school policy and practice are discussed.

The multifaceted manifestations of disproportionate discipline

Disproportionate discipline takes many forms in U.S. schools, but it often starts with students from minoritized backgrounds being referred for discipline more often than their peers from other demographic groups. For example, in a study that analyzed the discipline data from 4,000 schools nationwide in the 2005–2006 academic year, researchers observed that Latinx students were 1.7 times more likely than their White peers to be referred to the office at the middle school level (Skiba et al., 2011). Relatedly, office referral rates were shown to vary by race/ethnicity, offense type, and grade, with Latinx and Black students having higher rates of referrals for delinquent and aggressive behaviors relative to other ethnicities in one study (Kaufman et al., 2010), and by the concentration of Latinx and Black students in another (Anyon et al., 2014). A similar pattern was also evident when office referral rates for minor misbehavior were studied, with Latinx and Black students more likely to be sent to the office for disruption and disobedience (Skiba et al., 2011; Wallace et al., 2008). More recent research documents that the Latinx-White and Black-White office referral gaps in one school district were attributable to and widened by the referring behavior of a small number of teachers who disproportionately issued office discipline referrals (Liu et al., 2023).

The investigation of exclusionary discipline documents a pattern akin to that associated with office referrals. Relative to White students, Black and Latinx students are typically suspended or expelled at a higher rate across a variety of school settings (e.g., Finn & Servoss, 2014; Gage et al., 2019, 2021; Losen et al., 2015). The gap in exclusionary discipline rates is uniformly higher for Black students than for Latinx students, but Latinx students have also been shown to be disciplined at higher rates than White students in a number of studies. For example, using national data from the 2015–16 Civil Rights Data Collection, Gage and colleagues (2021) report that Latinx students with- and without-disabilities were over 1.5 times more likely than their White peers to receive an in-school or out-of-school suspension and were over 2.5 times more likely to be expelled. Data obtained from school districts across the U.S. also revealed that Latinx students had a higher risk of out-of-school suspension than White students during the 2011–12 academic year (Losen et al., 2015). While 10.8% of Latinx secondary students were suspended in 2011–12, only 6.7% of White students received exclusionary discipline. The disparity in discipline rates for students with disabilities was more pronounced with 19.6% of Latinx students and 13.3% of White students in receipt of an out-of-school suspension (Losen et al., 2015).

The disproportionality in discipline outcomes documented in K-12 schools has also been observed in preschool and early child care contexts, where students from minoritized backgrounds are disciplined at higher rates than at the K-12 level (DuShane & Yu, 2023; Zinsser et al., 2022). Overall, relative to the expulsion rates observed in K-12 schools, the rate of expulsion in prekindergarten school contexts has been shown to be three times higher while in early childhood centers the rate has been estimated to be upward of thirteen times larger (see Gilliam, 2016). Moreover, children who are suspended or expelled in early childhood settings are more likely to be suspended or expelled in K-12 contexts (American Psychological Association Zero Tolerance Task Force, 2008). As in K-12 schools, Black boys in early childhood educational environments are suspended and expelled at rates that far exceed their proportional representation as documented in local and nationally representative samples (Gilliam, 2005; U.S. Department of Education Office for Civil Rights 2021, 2023).

For Latinx children, the patterns of exclusion are more mixed. While Latinx children have been shown to be upward of three times as likely to be suspended and expelled relatively to other groups in some early childhood settings (Giordano et al., 2021; Zeng et al., 2019, 2020), in preschool contexts, Latinx children are less likely to receive exclusionary discipline (U.S. Department of Education Office for Civil Rights, 2021, 2023). For example, in 2020–21, while

29% of the preschool enrollment was Latinx, Latinx children received only 9% of the out-of-school suspensions and 13% of the expulsions. The same was true in an earlier national report that specifically focused on out-of-school suspensions. While comprising 29% of the preschool enrollment in 2011–12, Latinx students received 25% of the single out-of-school suspension and 20% of the multiple out-of-school suspensions (U.S. Department of Education Office for Civil Rights, 2014).

Disproportionate discipline and Latinx students

Although Black students' experiences with exclusionary discipline in comparison with their White peers have consistently shown high levels of disproportionate outcomes across settings, grades, and incident type, outcomes for Latinx students are somewhat more nuanced (Welsh & Little, 2018). As noted above, while Latinx students have been shown to be more at risk of receiving an office referral and/or exclusionary discipline relative to White students in several large-scale studies (Finn & Servoss, 2014; Gage et al., 2021; Skiba et al., 2011; Wallace et al., 2008), a disparity in discipline rates was either not observed (Brown & DiTillio, 2013; Gregory et al., 2018) or favored Latinx students (in terms of proportionally less exclusionary discipline) when elementary school settings were examined (Skiba et al., 2011). Proportional discipline rates in elementary school contexts for Latinx students have also been reported in district-level data (Losen et al., 2015) and in some state-level investigations (Gopalan & Nelson, 2019), whereby young Latinx students experienced discipline at rates similar to their White peers. The receipt of proportionate or less exclusionary discipline in elementary school contexts aligns in part with preschool literature, where Latinx children have been shown to be underrepresented relative to their population size (U.S. Department of Education Office for Civil Rights, 2021, 2023).

Despite evidence of proportional discipline outcomes for preschool and elementary school age Latinx students, the literature on exclusionary discipline at the middle and high school level demonstrates that Latinx students typically face higher office referral and suspension rates than their White peers, even for comparable incidents. For example, in an examination of discipline incidents in a nationally representative sample of tenth graders, Latinx students were 1.6 times more likely to be suspended for a similar offense relative to White students (Finn & Servoss, 2014). In another study that examined school discipline and generational status, Latinx students who had comparable rates of misbehavior as their White peers were 1.3 times more likely to face school discipline. Third generation Latinx students were also more likely to receive punishment than first and second generation Latinx students (Peguero & Shekarkhar, 2011). Similarly, Morris (2005) reported that over the course of a two-year qualitative study at a large middle school with a predominately minority student population, a relation existed between staff perceptions of threats around race, school attire, and the behavior of Latinx male students and disproportionate discipline outcomes.

Aside from student misbehavior incidents, the potential for disproportionality in schools has also been observed in the English learner reclassification process and in the Individualized Education Program (IEP) status of students. For example, when teacher input was included in two Southern California school districts, students who were male, Latino, and low income were less likely to be referred for reclassification (i.e., to exit English Language Development [ELD] services) than students who were female, Asian, and from more advantaged socio-economic backgrounds. This pattern held even when students from these demographic groups were equally likely to have met the criteria for reclassification (Reyes & Domina, 2019). With regard to IEP status, Latinx students were reported to be 25% more likely than their peers to have received a special education designation in one school district, and those with an IEP were also approximately two times more likely to be suspended relatively to their peers during the six-year period that was studied (Cruz et al., 2021). In all, these findings, obtained in contexts with comparable circumstances and/or culpability levels, highlight the potential for bias to underlie the administrative decision to label and deliver disciplinary consequences to middle and high school age Latinx students.

Vulnerable decision points model: educator decisions

This study utilizes a theoretical framework known as the Vulnerable Decision Points model (VDP; Girvan et al., 2017; McIntosh et al., 2014; Smolkowski et al., 2016) to conceptualize how implicit bias, an unconscious generalized association that people have about others and their world, relates to disproportionate SDI office referral rates. As depicted in Figure 1, a staff member and student become engaged in an SDI, such as student noncompliance with a staff member request. The staff member must decide if the incident is a violation of the school's student conduct policy. In the VDP model, the interaction between staff member and student is the first point at which implicit bias can have an impact on the discipline process. In these instances, a staff member may perceive a Latinx or Black student's action as requiring a discipline referral, whereas the same noncompliance from a White student would not result in a referral (McIntosh et al., 2014; Okonofua & Eberhardt, 2015). Researchers identify situations where a subjective incident is experienced as a vulnerable decision point because it is precisely when a staff member is deciding *how to respond in the moment* that implicit bias has the greatest chance of unconsciously influencing the outcome (McIntosh et al., 2014).

If a student receives a referral to the office for discipline, another vulnerable decision point occurs when an administrator interprets the situation in order to decide on a response. As with the earlier staff member encounter, the subjective discipline incident is open to interpretation and can be impacted by the implicit bias of the administrator. The VDP model also recognizes that environmental factors such as time of day, day of week, and fatigue level increase the likelihood that implicit bias will manifest in SDIs (Austin et al., 2024; McIntosh et al., 2014). For example, in deciding consequences for an office referral, an administrator's implicit bias, coupled with an elevated level of stress at a particular point in time may result in exclusionary discipline for a student of color, whereas the same administrator might have opted for restorative practices at another point in the day, when their stress levels were lower.

The notion that one's capacity to self-regulate is related to the time of day is highlighted by a study where researchers observed that American Indian and Alaskan Native students were 2.2 times more

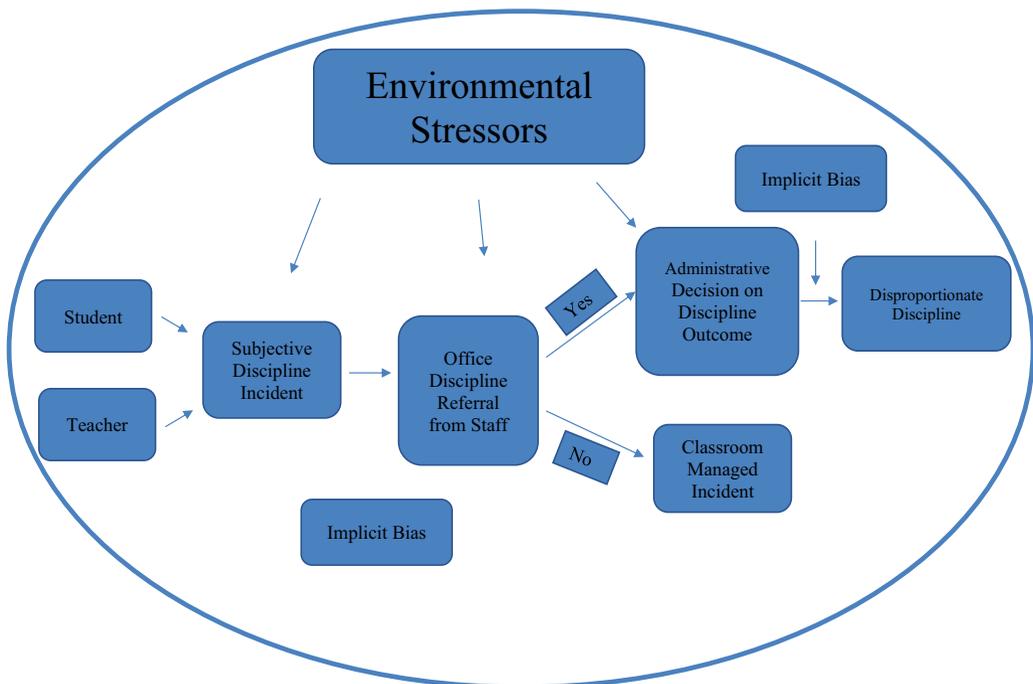


Figure 1. The vulnerable decision point model.

likely to receive an office referral for a subjective discipline incident at the end of the day when compared to their White peers (Gion et al., 2018). Similarly, using the VDP model, Smolkowski et al. (2016) reported a relation between time in the school day and increased risk of receiving office discipline referrals for Black students. In this study, Black boys and girls were, respectively, 1.4 and 1.7 times more likely to receive a subjective office referral in the first 90 minutes of class in comparison to White students. In these examples, the VDP focuses on the staff member's reaction to the SDI rather than the student's infraction, given that students who engaged in the same behavior at different points in the day were less likely to be referred to the office. To date, an investigation into the timing of SDI office referrals for Latinx students has not been conducted.

Study purpose

In light of evidence of disproportionate objective discipline referrals and exclusionary outcomes for Latinx students in middle and high school, the purpose of this study was to investigate the amount and distribution of subjective discipline incident office referrals across of four-year time period in a large school district in U.S. Pacific Northwest. Like many large school districts, administrators and school personnel are navigating how to support a student body that is growing increasingly more diverse, while the predominately White staff remains largely unchanged (Boser, 2014; Parker, 2022). In the district under study, Latinx students are now the second largest demographic group at 25% of the student population, but the teaching staff remains approximately 86% White.

Within this context, three primary research questions motivated the study: did SDI referrals vary by (a) student ethnic identity (Latinx relative to White), (b) school level (elementary, middle, high), and (c) time in the school year? Given the district's demographic profile, related research on objective discipline referrals and the exclusionary discipline rates of Latinx students in K-12 contexts (Finn & Servoss, 2014; Losen et al., 2015; Skiba et al., 2011), and expectations derived from the VDP model, we hypothesized that Latinx students would experience a disproportionate SDI referral rate (relative to their White peers) in secondary school contexts and as the academic year progressed.

Method

Participants and setting

The data were obtained from a district that serves over 40,000 students across 53 school buildings. Recent demographic changes have led to a significant rise in the number of Latinx students and non-native English speakers enrolled in district schools. Latinx students now comprise 25% of the student population, constituting the second largest demographic group next to non-Latinx White students at 53%. Twelve percent of the student body are English learners. In addition, the district provides special education services to 12% of the student body, 16% are enrolled in the talented and gifted program, and 44% of district students qualify for free or reduced-price lunch. The district's demographic profile provided a unique context for studying an aspect of the disciplinary experience for the fastest growing demographic group in the region.

The dataset included all discipline incident referrals in the district from 2015–16 to 2018–19. Discipline incident referrals were coded by offense type. In all, there were 6,015 discipline incident referrals for White and Latinx students across the study period. For this study, the primary offense codes of two subjective incident types, disorderly conduct ($n = 1,564$) and insubordination ($n = 664$), were identified. Disorderly conduct is defined by the state Department of Education as any act or behavior that disrupts the orderly learning environment, whereas insubordination is characterized as unwillingness to submit to authority, or disobedience and the refusal to respond to a reasonable request. As these types of offenses are open to interpretation by staff members (see Girvan et al., 2017; Greflund et al., 2014; McIntosh et al., 2014), they were classified as SDIs.

Table 1. Running head: snap JudgementsLatinx/white student population counts, SDIs, and ILRR by year and school level.

Year	School Level	Latinx Students	Latinx SDIs	White Students	White SDIs	Latinx ILRR
2015- 2016	Elem	5309	31	9888	92	0.63
	Mid	1991	71	3946	119	1.18
	High	3235	54	7067	85	1.39
2016- 2017	Elem	5222	54	9701	110	0.91
	Mid	2058	61	3919	129	0.90
	High	3368	48	7150	92	1.11
2017- 2018	Elem	5081	32	9415	144	0.41
	Mid	2091	108	3813	141	1.40
	High	3375	54	7076	83	1.36
2018- 2019	Elem	5129	71	9186	187	0.68
	Mid	2097	118	3831	180	1.20
	High	3512	72	6893	92	1.54

Note. Elem=Elementary, Mid=Middle.

The 2,228 SDI referrals were distributed across 1,203 students ($M = 2.10, SD = 1.75$), ranging from 1 to 12 per student. The majority of the impacted students received one SDI referral (54%) during the study period. Male students ($n = 1,849, 83%$), free or reduced-price lunch recipients ($n = 1,430, 64%$), English language learners ($n = 300, 14%$), students identifying as Latinx ($n = 774, 35%$), students with disabilities ($n = 1,008, 45%$), and students enrolled in the talented and gifted program ($n = 89, 4%$) were the recipients of the 2,228 SDI referrals. Table 1 presents the student and SDI counts by school level and year. These counts were used to compute the incident-level risk ratio (ILRR) for Latinx students as described below.

Analytic procedures

District ILRRs by school level, academic year, and school calendar month were calculated to determine if there was a relationship between ethnic identity and SDI referrals. In this study, the relative risk of an SDI being recorded for Latinx students was examined relatively to the referent group (White students). White students were coded as the referent as the largest demographic group in the district and to align with the coding employed in the larger literature on disproportionate discipline. The ILRRs were computed as follows:

$$ILRR_{Dis} = \frac{\left(\frac{\# \text{ of SDIs of Latin } \times \text{ Students}_{Dis}}{\text{Total } \# \text{ of Latin } \times \text{ Students}_{Dis}} \right)}{\left(\frac{\# \text{ of SDIs of White Students}_{Dis}}{\text{Total } \# \text{ of White Students}_{Dis}} \right)}$$

The ILRR calculation allowed for each of the referrals issued to students who received more than one subjective discipline incident to be accounted for in the analysis. A number greater than one indicates that an SDI was more likely to be issued to a Latinx student in comparison to their White peers, while a number less than one indicates that an SDI was less likely to be issued to a Latinx student in comparison to their White peers. In addition to calculating the ILRR for Latinx students, a univariate analysis of variance (ANOVA) was also performed with school level as a predictor (elementary, middle, high) and ILRR as the outcome variable. Tukey’s post hoc tests were conducted to identify pairwise group differences between the school levels.

To determine whether a relationship existed between school calendar month and SDI referral rates, the ILRR for Latinx students (relative to White students) within each of the eight time segments that comprised the academic year was computed. The school year was divided into semesters and quarters based on the district’s academic calendar. The academic calendar was further divided into proportional segments by dividing quarters in half, resulting in eight time periods (approximately one month in length) that represented the academic year. The ILRR was weighted based on the number of subjective discipline incident referrals for that year within each time segment to account for

differences in counts across the years. The functional form of the relationship was evaluated by regressing the mean ILRR on time segment using linear and quadratic terms to represent the eight time periods. As the first time period of the sequence was coded as zero, the intercept reflects the ILRR for Latinx students toward the beginning of the academic year (September-October).

Results

Examination of the incident-level risk ratio (ILRR) for Latinx students (relative to White students) by academic year (AY) revealed that Latinx students had a slightly higher ILRR in AY 2015–2016 (ILRR = 1.05), AY 2017–2018 (ILRR = 1.05), and AY 2018–2019 (ILRR = 1.06). In AY 2016–2017, Latinx students had a slightly lower ILRR (ILRR = 0.96).

The ILRR for Latinx students was then examined by school level (elementary, middle, high) for each of the four school years. In all four years, Latinx elementary students were at less risk for an SDI referral relative to their White peers, whereas Latinx middle and high school students were generally more at risk for an SDI referral. Table 1 presents the student population and SDI counts, and the ILRR for Latinx students by academic year and school level. Figure 2 provides a visual display of the ILRRs. In the table and figure, it can be seen that Latinx students were up to 59% less likely to receive an SDI referral relative to their White peers in elementary school (i.e., 2017–18 ILRR = 0.41), while Latinx students were up to 54% more likely to receive an SDI referral in middle and high school (i.e., 2018–19 high school ILRR = 1.54). A univariate ANOVA indicated that the ILRR was statistically related to school level, $F(2, 9) = 13.34$, $MSR = 0.52$, $p < .05$, $\eta^2 = 0.75$. Tukey's post hoc tests revealed that the incident-level risk ratio for Latinx students was statistically larger at middle school ($M = 1.17$, $SD = 0.21$) and high school ($M = 1.35$, $SD = 0.18$) than at elementary school ($M = 0.66$, $SD = 0.21$). There was no statistical difference between middle and high school incident-level risk ratios.

The regression of the weighted ILRR on the time segment terms was statistically significant, $F(2, 29) = 6.48$, $MSR = 0.09$, $p < .05$, $R^2 = .31$. The intercept ($b_0 = 0.62$) indicated that Latinx students were less at risk of receiving an SDI referral relative to White students during the first month of the academic year. The coefficients associated with the time segment terms revealed a curvilinear relationship between ILRR and time in the school year. In combination, the linear ($b_1 = 0.25$, $SE = 0.08$, $p < .05$) and quadratic ($b_2 = -0.03$, $SE = 0.01$, $p < .05$) coefficients suggest that a decelerating growth function best described the relationship. Using boxplots, Figure 3 displays the ILRR distribution for

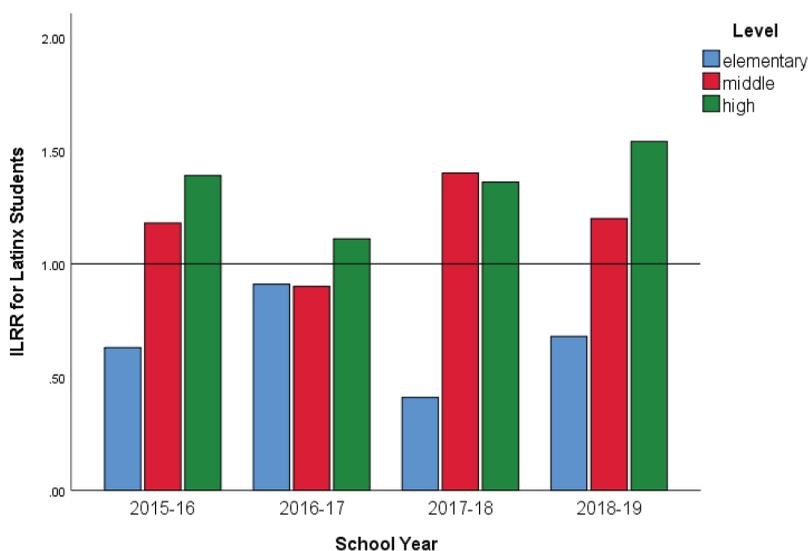


Figure 2. ILRR for latinx students by school level and school year.

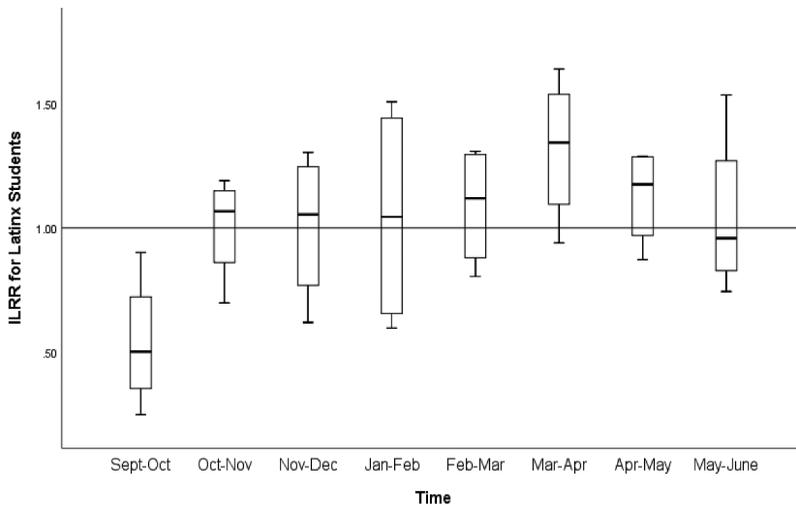


Figure 3. ILRR for latinx students by academic year time segment.

Latinx students by time segment. In [Figure 3](#), it can be seen that after the first month of the academic year where the ILRR for Latinx students was disproportionately lower, the ILRR rose rapidly during October–November with a more gradual change in ensuing months. Toward the end of the academic year, the disproportionality in SDI referrals decreased. Notably, the heightened disproportionality in SDI referrals for Latinx students (relative to their White peers) was greatest during the district’s standardized testing window in the March–April time segment.

Discussion

Results from this study demonstrate that the disproportionality in SDI office referrals for Latinx students varied by school level and time in the academic year. Similar to the prekindergarten literature on exclusionary discipline (U.S. Department of Education Office for Civil Rights, [2014](#), [2021](#), [2023](#)), Latinx students were underrepresented in SDI referrals in elementary school. In addition, akin to some of the literature on exclusionary discipline outcomes for Latinx students in secondary school contexts (Finn & Servoss, [2014](#); Gage et al., [2021](#); Wallace, [2008](#)), Latinx students were overrepresented in SDI referrals in middle and high school. Latinx students were also less at risk of receiving an SDI relative to White students at the beginning of the academic year and typically more at risk as the year progressed. The variance in SDI risk throughout the academic calendar for Latinx students aligns with the variance in risk for a discipline incident during the academic day for Black and Native American students (Austin et al., [2024](#); Gion et al., [2018](#)), suggesting that stress and fatigue cumulating over the course of a day or the calendar year may underlie a less measured response to a perceived infraction by school staff. Additionally, the lack of a notable difference in SDI rates (ILRR ~ 1.0) when the data were averaged across school level and time in academic year also served to highlight the importance of disaggregating data across key aspects of the educational context.

The difference in SDI referrals by school level aligns with Skiba et al.’s ([2011](#)) large scale study that reported Latinx students were at decreased risk in elementary school and increased risk in secondary school of receiving an objective discipline referral. Whereas, Skiba and colleagues reviewed objective discipline referrals, however, the current findings, focusing on SDIs, provide an additional layer of nuance to our understanding of the degree to which implicit bias may relate to discipline processes in ways that objective discipline referrals may not. When compared to objective discipline incidents, SDIs by nature require a staff member to determine if a rule violation has occurred. A staff member’s implicit bias has a greater opportunity to manifest in an SDI because an interpretation is required,

whereas an objective discipline incident would have clearer delineations for determining if a rule violation occurred. For example, it is easier to objectively determine if a student arrived before 8 am or after 8 am (tardiness). With an SDI, however, a staff member has to determine if a student's tone was appropriate (e.g., disrespect), which would necessitate an interpretation by the staff member. The focus on SDIs thus provides a broader perspective on how Latinx students may be encountering discipline in the school context.

The finding that Latinx students were differentially at risk of receiving an SDI referral based on school level also aligns with the results reported from two qualitative investigations. In one, a two-year ethnographic study of three fifth-grade classrooms in Northern California documented that Latinx students were less likely to be cited for misbehavior than their Black peers even when Latinx students were at fault from the perception of both students and staff (Rueda, 2015). In another study that was conducted in a middle school over a two-year period, findings suggested staff perceptions and assumptions about Latinx males led to those students being punished more frequently and severely than their White peers (Morris, 2005). In the former study, staff perceptions that Latinx students were compliant and "well-behaved" led to fewer office referrals for misbehavior at the elementary school level (Rueda, 2015). In contrast, staff perceptions of threats associated with male Latinx clothing choices were related to an increased rate of discipline referrals when students were of middle school age (Morris, 2005). Taken together, these studies provide some insight into how racialized stereotypes may underlie the differential office referral rates for Latinx students observed at different school levels.

Another unique contribution follows from the results associated with the investigation of the progression of discipline incidents across the academic year. Prior research has indicated that minoritized students were at greater risk of receiving subjective discipline incident referrals either at the beginning of class or as time progressed toward the end of the school day (Austin et al., 2024; Gion et al., 2018; Smolkowski et al., 2016). While these studies highlighted the relation between time of day and SDIs for Black and Alaskan Native students, neither addressed how time of year might relate to SDIs referrals. Results from the current study focusing on the SDI rates of Latinx students were comparable in that the disproportionality in subjective incident office referrals typically grew over the course of the academic year. Similar to the passage of time in the school day, cumulative fatigue bearing down on staff as the school year progresses (and in conjunction with a key event in the academic calendar) may serve as an environmental stressor, increasing the risk for Latinx students to receive an office referral for an SDI.

Study limitations

As district-provided extant data were used in this study, it is important to discuss potential limitations associated with the data source. First, as the data were obtained from a large urban district in the Pacific Northwest with a rapidly increasing Latinx student population, the results may not be generalizable to other geographic contexts where the Latinx student population is smaller in size or more well-established. Second, as different staff members at different school sites input data into the district's data collection system, there was a potential for discipline incidents to be inputted inconsistently, leading to data entry errors. One way the district has worked to control for this validity threat was to mandate a data entry training for all staff inputting discipline records. Further, the district has also implemented a discipline entry review system for all office referrals, whereby a district staff member reviews and cross-checks all discipline entries for accuracy in order to minimize database error.

Another validity threat stems from changes in the student body due to students leaving or new students enrolling in the district over time. To minimize inflow and attrition-related threats, this study focused on incident-level instead of student-level risk ratios, but it is possible that a student contributing to multiple office referrals might have graduated, ceased attending school, or moved out of the district during the study period. Similarly, if a student with multiple office referrals moved into the district at a particular point in the year, their data might have resulted in a change in the risk-ratio after entry. An increase in the risk ratio that may initially appear to be attributable to school level or time

of year could instead reflect changes in the sample. However, the analysis of over 2,000 SDI referrals over four academic years aided in mitigating the impact of the movement of particular students in and out of the district. Finally, cultural and linguistic factors that could contribute to the office referrals of Latinx students were not examined. A cultural and linguistic mismatch may underlie the disproportionate SDI referral rates for Latinx students, but those factors would need to be investigated in a future study with different data collection methods.

Implications of the findings

Despite the aforementioned limitations, the research presented herein has implications for the educational and social attainment of Latinx students. As Latinx students become a larger share of the enrollment in the sample district and the nation, it is recommended that districts and school sites review and appropriately adjust policy and practice to ensure that Latinx students do not continue to experience the negative consequences (e.g., grade retention, dropout, and juvenile justice involvement) that have been associated with disproportionate rates of objective and subjective discipline (American Academy of Pediatrics & Council on School Health, 2013; Davison et al., 2022).

Implications for school districts and school sites

In order for school districts to better serve students, we recommend that a comprehensive and ongoing review of discipline data is conducted. Districts have a responsibility to root out inequities as exclusionary practices can impact students of color in ways that may undermine other institutional efforts at closing academic achievement gaps and increasing student connection to schools.

Implementation of a School Wide Positive Behavior Intervention and Support (SWPBIS) system (Sugai & Horner, 2009) with culturally responsive restorative discipline practices (Vincent et al., 2016) is one potential mechanism for promoting equitable outcomes. A multitiered approach to student behavior, clear communication of behavioral expectations, and culturally sensitive training of staff has been shown to support increased consistency in discipline practices (Bradshaw et al., 2010; McIntosh et al., 2021, 2018; Vincent et al., 2016). In the district under study, only a handful of schools implement this system of support, but increased use of SWPBIS systems would enable schools to practice regular routines to collect and analyze discipline data. The focused collection and analysis of discipline data would more readily equip schools to identify potential VDPs or other problematic discipline patterns. For example, a site-level team using an SWPBIS system identified an increased office discipline risk ratio of 4.5 for Black students in comparison to White students for physical aggression while playing basketball during recess (McIntosh et al., 2018). While the identification of this VDP was particular to this site with basketball courts, with a district-wide SWPBIS system in place, schools could identify and respond to their own particular VDPs to better facilitate more equitable discipline outcomes.

Another implication that follows from the VDP model is the need to mitigate the influence of implicit bias in discipline situations. One mitigation effort that has been employed is the training of staff with a strategy known as *active reflexive control through implementation intentions* (Mendoza et al., 2010). This strategy acknowledges that even when people become more aware of their implicit bias, it does not necessarily decrease the influence of implicit bias in their actions (Bottiani et al., 2018). For this reason, this strategy utilizes “if/then” scripts that support staff members by guiding them through encounters where implicit bias is likely to manifest (e.g., SDIs) with stereotyped students (Mendoza et al., 2010). Mendoza and colleagues concluded that participants were less likely to be influenced by implicit bias if they followed a script on how to respond during challenging situations.

Ideally, a script card could be developed across sites and school levels with community stakeholders to identify culturally responsive actions to support student behavior. For example, a teacher who encounters a disruptive behavior in class may respond using a script to discreetly acknowledge the disruption, assess if students are safe, determine if instruction can continue, and if the response to both prior statements is “true,” the teacher would instead follow up with the student in a private conversation during independent work time. In this example, the script is

followed, as opposed to calling the student out in the middle of a lesson. The delayed response from the staff member may also provide an opportunity for reflection on environmental stressors that could be activated and how their own implicit bias may be influencing their initial default response to the disruption at the moment.

In one exploratory study focusing on the experiences of Aboriginal students in Canada, research conducted at five schools with SWPIBS programs implemented to determine if disproportionate discipline outcomes were impacting that student population. Results indicated that disproportionality was not present in the data. A hypothesis for the lack of disproportionality invokes culturally responsive teaching practices and scripted responses in support of the Aboriginal population (Greflund et al., 2014). More recent research using a randomized trial to investigate a schoolwide multicomponent intervention that embedded culturally responsive pedagogy and neutralizing routines demonstrated a reduction in disproportionate discipline outcomes for Black students (McIntosh et al., 2021). A comparable, culturally responsive approach adapted for school contexts serving Latinx students could be expected to achieve a similar end. With a schoolwide approach that focuses on site-specific discipline data and implementation of culturally responsive scripted actions designed to offset the expression of implicit bias, Latinx students would be less likely to face disproportionate disciplinary practices.

Implications for school staff

School sites also have a responsibility to provide professional development for their staff regarding how to navigate vulnerable decision points. Consistent training in and implementation of sitewide protocols that support students with well-established behavior expectations applied uniformly across their educational experience can serve as a means to reduce the potential for disproportionate outcomes (McIntosh et al., 2018, 2021). Increased attention to self-care in addition to awareness of VDPs could also have a positive influence on decreasing the likelihood that implicit bias may influence subjective discipline incidents at sites. Staff members who are aware of their own environmental stressors may be able to better seek help and support from colleagues and/or have honest and appropriate dialogue with students when under the influence of environmental stressors. For example, a staff member acknowledging to students when they have had a lack of sleep because of a sick child may help relieve some of the pressure of responding to student behavior and also give students a lens through which to respond empathetically with staff. Such conversations model openness and authenticity with students which helps to build stronger relations and connectedness. The strength and connections formed through these types of interactions may support staff and students navigating potential subjective discipline incidents in the future (McIntosh et al., 2014; Tobin & Vincent, 2011).

Conclusion

The results of this study provide a basis for school personnel to identify and implement actionable steps to improve the educational experience of Latinx students in middle and high school. A district review of policies and procedures for ensuring fairness and equity would be a critical first step in moving this work forward. School sites must also shoulder the responsibility of identifying VDPs that reside within their individual context and seek to determine how potential VDPs arise and are mitigated (McIntosh et al., 2018, 2021). We recommend adoption of a schoolwide behavioral program (with data collection and review) and culturally sensitive training to facilitate greater awareness and reflection on the environmental stressors that underlie the manifestation of implicit bias in the day-to-day interactions with students, particularly any situation involving a subjective discipline incident. In the past, zero tolerance policies placed the onus and consequences of student misbehavior squarely on the shoulders of the students (American Psychological Association Zero Tolerance Task Force, 2008). However, the relation between environmental stressors like time in year highlighted in this study suggests that staff also take responsibility for knowing their own stressors and navigating subjective discipline incidents

with greater care. Future work should continue to document the disciplinary experiences of Latinx students across school levels, incident type, staff demographics, and in relation to time of day and school calendar, as well as investigate the impact of schoolwide programming models designed to reduce the snap judgments of school personnel.

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