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“Willfully Defiant: Understanding the Role of Authority and Racialized  
Punitive Burdens”

A thesis submitted in partial satisfaction  
of the requirements of the University Honors Program  
of Loyola Marymount University

by

Riley McCoy  
2 May 2022

“Willfully Defiant: Understanding the Role of Authority and Racialized Punitive Burdens”

Abstract:

“Willful defiance” describes a type of student behavior that intentionally disrupts classroom order against a teacher’s direct commands. In 2013 the Los Angeles Unified Board of Education reduced the use of willful defiance suspensions as it was the disciplinary category with the largest racial disparities. Despite initial positive outcomes following the policy change, LA Unified still maintains a racial disparity in its expulsion rates and use of willful defiance. In this thesis, I investigate the remaining racialized outcomes through a structural analysis of behavioral discipline policies. Willful defiance policies represent a direct interaction between the structure of the classroom, student disruption, and teacher’s authority. Furthermore, this authority structure interacts in a heavily racialized classroom environment. This thesis closely analyzes 20 U.S. state education codes regarding defiance in the classroom with particular attention paid towards its structural implications. I ultimately conclude that the structure of authority in the classroom differentially selects students of color despite neutral intentions. This selection occurs because authority attempts to target disruption of the educational process which cannot neutrally occur in racialized environments. Rather, authority structurally and by nature targets the disruptive existences of non-white students within the classroom.

To my lovely friends and family who supported me in completing this project.  
And to our educators and fellow students, may we work together and not against each other.

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Chapter 1

## Willful Defiance and The Creation of Racialized Students

### *Introduction*

According to the California Education Code a willfully defiant student is one who has “disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.”<sup>1</sup> Of all infractions students can be punished for, willful defiance is particularly interesting as it involves the subjective perspectives of authority figures determining an objective violation of their “valid authority”. This description asks several important questions regarding the structure and nature of their authority. Questions like what constitutes a valid authority, what constitutes a violation of it and ultimately what role does a valid authority serve in the classroom. Furthermore, the existence of a willful, or intentional, defiance presumes that teachers must identify students who are acting from poor intentions. Teachers utilize their authority to not only identify behavioral disruptions, but they must commit an additional moral judgement of the disruption. Much research has suggested that teachers can often misinterpret behavior from culturally or racially different backgrounds as more aggressive or defiant. Ultimately, willful defiance is a particular moment when racial stereotypes and differences are often identified as objective and intentional violations of a teacher’s valid authority. When considering what type of student punitive codes create and facilitate, the creation of an unintentionally obedient student versus a willfully defiant one cannot be separated from racialization.

The disciplinary category of willful defiance created controversy in education circles, particularly in California, as it was consistently the category with the largest racial disparities. In response, the Los Angeles Unified Board of Education banned the use of willful defiance

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<sup>1</sup> Carolyn Jones, “L.A. Unified’s Ban on Willful Defiance Suspensions, Six Years Later,” EdSource, accessed December 28, 2020, <https://edsource.org/2019/how-l-a-unifieds-ban-on-willful-defiance-suspensions-turned-out-six-years-later/620949>.

suspensions for all students because its vague definition was almost always disproportionately utilized against Black and Latino students. The disparate racial application of willful defiance demonstrated that the LAUSD school penal codes operated biasedly in their selection of offending students. The idealized, or intended, aspect of school punitive codes conflicted with its performative aspect, as its actualized outcomes disproportionately targeted students of color. However, these inequitable outcomes did not just exist in willful defiance suspensions, but in school penal codes themselves. Every suspension category in LAUSD demonstrated racially inequitable outcomes indicating that targeting willful defiance would not eliminate these outcomes in totality. The performative aspects of school penal codes are mediated by class and race at every level. From the differential selection of willfully defiant students to the processing and sentencing of them, there are moments in each step where students, staff, and family resources contribute to racially biased outcomes.<sup>2</sup>

In place of suspension for willful defiance, schools began referring students to counseling and other restorative practices. Due to this policy the Los Angeles Unified School District saw a seventy-five percent drop in suspensions as well as a narrowing of racial disparities. This drop in suspensions was not just due to a drop in willful defiance infractions, in fact, suspensions fell for violent incidents, weapons possessions, and illicit drug related offenses. In the 2011-2012 school year there were 26,569 suspensions and in the 2017-2018 school year there were just 6,423 suspensions.<sup>3</sup> The Los Angeles Unified School District divestment from exclusionary discipline practices and investment in counseling, psychologists, and campus culture improvements has shown a myriad of positive outcomes in school climate and student engagement.

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<sup>2</sup> Lewis and Diamond, *Despite the Best Intentions*.

<sup>3</sup> Jones, "L.A. Unified's Ban on Willful Defiance Suspensions, Six Years Later."

The outcomes were so positive that California's state legislature passed Assembly Bill 420 which expanded LAUSD's policy to all districts within the state. The main purpose of the act was enumerated as eliminating "the authority to suspend a pupil enrolled in kindergarten or any of grades 1 to 3, inclusive, and the authority to recommend for expulsion a pupil enrolled in kindergarten or any of grades 1 to 12, inclusive, for disrupting school activities or otherwise willfully defying the valid authority of those school personnel engaged in the performance of their duties." Essentially, the valid authority of school administrators to punish students for acts of willful defiance was greatly reduced. However, despite these initial positive outcomes and the universal adoption of the policy by California, LA Unified still maintains a racial disparity in expulsion rates between black and latine students and their peers for willful defiance. Thus, even a significant overhaul of authority usage in punitive practices and building on campus communities did not fully eliminate racial disparities and biases. The continued existence of racial inequalities indicates that perhaps the disparate outcomes never lied within the policy but in its larger structure and function.

The continued existence of racial disparities signifies that the production of racialized outcomes does not merely lie in the penal codes themselves. Rather there are larger structural forces at work with school penal codes that produce inequitable outcomes. Racially inequitable outcomes are often thought of as a larger product of racialization within schools. Racialization presumes that certain characteristics prevail within individuals and institutions depending upon their racial makeup. Students in the classroom are perceived and judged as a conglomeration of their race, gender, class, and other social characteristics. Furthermore, schools themselves are often judged as good or bad depending upon their racial makeup. Racialization points towards a structural differentiation of students dependent upon their immutable characteristics. Power and



authority in the classroom cannot be appropriately considered without acknowledging the complex racialized environment it interacts with.

As previously suggested, education's "valid authority" appears to be organized around unintentional compliance on behalf of the students. In an already racialized environment like schools, structuring around unintentional obedience cannot be separated from the racial formations and biases that characterize the everyday classroom interactions. Even just examining the existence of a type of violation like willful defiance implies that schools have organized around a structure of authority that differentially targets disruptive social existences rather than objective acts of behavior. Therefore, the inequitable racial outcomes of school discipline do not necessarily occur in the objective aspects of penal codes but in the subjective, philosophical interactions of power and authority. This thesis examines legislative descriptions of teacher authority in behavioral disciplinary scenarios to draw conclusions regarding the structure and nature of this authority. Authority is a long-standing classroom management strategy of teachers and in how schools define a "valid" authority-relation may lie the key to transforming racializing school environments. In this chapter I discuss in-depth previous literature that has supported my research process. I then move onto a discussion of research questions and research methods. I conclude with a chapter overview discussing the following chapters.

#### *Literature Review:*

To investigate what constitutes a valid authority and additionally how school disciplinary structures racially formulate the willfully defiant student around this authority there are five categories of literature that are important to discuss. First, I discuss the history of zero tolerance policies as a national policy and its transformation into an educational policy. This leads me into a specific discussion of the history of willful defiance and its contribution to the school-to-prison

pipeline. Following this section, I discuss canonical theory regarding the fabrication of a person and the racial formation theory. Next, I discuss how racial formation theory and racialization has been researched within educational spaces. I then discuss school climate literature and its relationship to student disciplinary outcomes. Lastly, I discuss canonical political theory regarding authority and how authority achieves validation. The literature review provides a comprehensive understanding of the theoretical and quantitative approaches to school disciplinary research.

### **I. The Rise and Fall of Zero Tolerance**

The efficacy of suspension and expulsion has been in question for decades particularly regarding its racial bias; limited contribution to school safety; and well-documented negative impacts on student success.<sup>4</sup> Suspension and expulsion became the main tools of education’s penal codes following the rise of zero tolerance responses to crime. Zero Tolerance ideology did not originate as a response to disciplinary issues in education, rather it was the result of a larger turn towards criminalizing social issues. In other words, zero tolerance ideology represented a turn away from prioritizing social investments during the FDR and JFK to an emphasis on criminalizing social problems like poverty, homelessness, and crime. Beginning with President Lyndon B. Johnson’s Omnibus Crime and Safe Streets Act of 1968, continued through President Ronald Reagan’s war on drugs, and reaching its largest reach with President Bill Clinton’s Violent Crime Control and Law Enforcement Act of 1994 zero tolerance ideology swept the

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<sup>4</sup> See: American Psychological Association Zero Tolerance Task Force, “Are Zero Tolerance Policies Effective in the Schools?: An Evidentiary Review and Recommendations,” *The American Psychologist* 63, no. 9 (December 2008): 852–62; “Breaking Schools’ Rules: A Statewide Study of How School Discipline Relates to Students’ Success and Juvenile Justice Involvement | Office of Justice Programs,” accessed April 18, 2021; Stephanie Martinez, “A System Gone Berserk: How Are Zero-Tolerance Policies Really Affecting Schools?,” *Preventing School Failure: Alternative Education for Children and Youth* 53, no. 3 (April 1, 2009): 153–58.

nation.<sup>5</sup> In particular, President Bill Clinton's term introduced mandatory sentencing which placed repeat offenders in lifetime sentences regardless of the severity of their later offenses. This resulted in dramatically dropping crime rates and the United States becoming the biggest jailer in the world. The United States prison population grew from 744,206 to 2.0 million and prison budgets rose from \$7 billion to \$40 billion between 1985 and 2000.<sup>6</sup> The United States committed to zero tolerance ideology both in funding and execution. Thus, the popularity and extent of zero tolerance belied the idea that punishing minor and major offenses with similar veracity was the way forward in creating a strong deterrence to crime.<sup>7</sup>

Zero tolerance policies in schools came to popularity in the context of major sensationalized acts of violence occurring in schools, like the Columbine school shooting. In fact, one of the first education based zero tolerance legislative responses to violence in schools was the Gun Free Schools Act of 1994 which passed during the Clinton administration. This act mandated a one-year calendar expulsion for possession of a firearm, referral of the student to the criminal justice system, and the authority of the chief administrative officer within each school district to modify the punishment depending on case circumstances. While the original bill only covered firearms, the language was amended to include any instrument that could be utilized as a weapon resulting in equated punishments for water guns and actual ones. Zero tolerance policy continued to be broadened to include a wide range of infractions beyond the original federal mandates. This included actions like threats, swearing, and outside of school infractions. By

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<sup>5</sup> Henry Giroux, "Racial Injustice and Disposable Youth in the Age of Zero Tolerance," *International Journal of Qualitative Studies in Education* 16, no. 4 (July 1, 2003): 553–65.

<sup>6</sup> Giroux, "Racial Injustice and Disposable Youth in the Age of Zero Tolerance."

<sup>7</sup> Russell J. Skiba, "Zero Tolerance, Zero Evidence: An Analysis of School Disciplinary Practice. Policy Research Report," August 2000.

1997 94% of schools had zero tolerance policies for weapons or firearms, 87% for alcohol, and 79% mandated suspensions or expulsions for violence or tobacco.<sup>8</sup>

The influx of zero tolerance policies brought forth much legal debate regarding the fairness of equating severe and light infractions as well as the punitive burden placed on students. There are countless examples that exemplify the controversy of Zero Tolerance such as a sixth grader in Seattle, Washington being expelled when a black squirt gun fell out of his backpack or the sophomore in Pensacola, Florida who loaned nail clippers with an attached nail file and was suspended for 10 days. Some of these incidents were brought to court with questions of the zero tolerance's vagueness, effectiveness, and whether this policy violated a student's right to education. In one such case a student, entitled Jane Doe, appealed a one-year expulsion based on her possession of a lipstick case that contained a one and one-quarter inch blade. The student argued that if a lipstick knife with a one and one-quarter inch blade could be construed as a dangerous weapon then the statute is void for vagueness and the application to the student violated her due process rights. The court ultimately sided with the defendant that the statute clearly prohibits bringing knives to the school campus, even if the plaintiff believed the lipstick knife to be a relatively harmless version of one.<sup>9</sup> However, this case demonstrates the heart of the legal conflict surrounding zero tolerance policies: to what extent is it permissible to equate small and large harms at the expense of student's access to education.

In 2012 a group of professors from Loyola University of Chicago conducted a content analysis of 120 high school-level discipline policies collected from six different states. The authors found that school responses to student behavior are most likely to focus on punitive means, like suspension and expulsion, for both minor and major behaviors. Furthermore, the

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<sup>8</sup> Skiba, "Zero Tolerance, Zero Evidence."

<sup>9</sup> "DOE vs. WORCESTER SUPERINTENDENT OF SCHOOLS, 421 Mass. 117."

degree of punitiveness (frequency of suspension and expulsion) depended upon state and local policies which unfairly distributed the negative outcomes of excessive punitive practices across geographical differences.<sup>10</sup> Not only are students overly subject to punitive school responses dependent upon location, but other immutable factors like race. A research study conducted in North Carolina found that exposure to same-race teachers affects the rate at which Black students receive exclusionary disciplinary measures. This relationship holds regardless of grade level, gender, and use of free and reduced-price lunch. Notably, the author's evidence is most consistent regarding office referrals for willful defiance which aligns with previous research that suggests that white teachers' implicit biases drive negative interpretations of behavior from students of color.<sup>11</sup>

Diagram 1 demonstrates Amanda E. Lewis and John B. Diamonds' interpretation of the performative function of school discipline demonstrates further how implicit biases can impact racially disparate punitive outcomes. Each section of the arrow demonstrates a moment in which implicit biases as well as differing social responses can produce racialized outcomes within discipline codes. As previously mentioned, willful defiance suspensions are a particular moment when students of color face an unnecessary burden of bad faith assumptions by white teachers. This moment aligns with the first aspect of the diagram, differential selection, where students of color are disproportionately watched for poor behavior due to racial stereotypes. Moreover, making a subjective judgement about what student behavior violates the "valid authority" of a teacher requires the teacher to rely on their own cultural and social interpretations of the

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<sup>10</sup> Fenning, Pamela A., Sarah Pulaski, Martha Gomez, Morgan Morello, Lynae Maciel, Emily Maroney, Arielle Schmidt, et al. "Call to Action: A Critical Need for Designing Alternatives to Suspension and Expulsion." *Journal of School Violence* 11, no. 2 (April 1, 2012): 105–17.

<sup>11</sup> "Exposure to Same-Race Teachers and Student Disciplinary Outcomes for Black Students in North Carolina - Constance A. Lindsay, Cassandra M. D. Hart, 2017."

behavior's intentions. Staff responses to classroom behavior cannot be separated from implicit biases, cultural ties and background, as well as their interpretation of what defines a

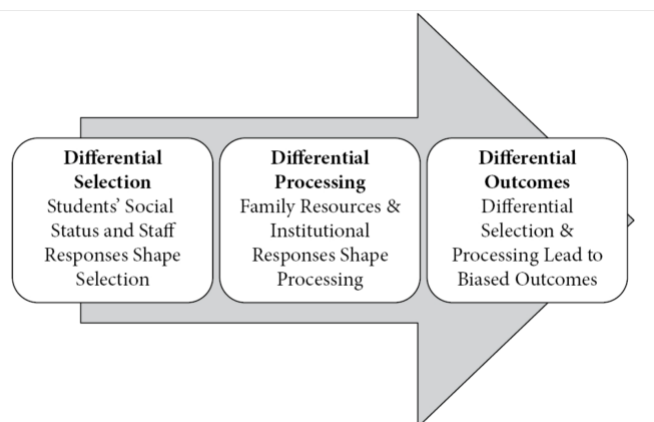


Diagram 1: *Despite the Best Intentions : How Racial Inequality Thrives in Good Schools*<sup>12</sup>

valid authority. Ultimately, the practice of willful defiance asks teachers to define the validity and intentions of students in regard to their authority within the classroom.

The overly punitive nature of zero tolerance policies and the demonstrably negative effects of exclusionary discipline on students presents a clear conflict of interests between disciplinary structures and student success. Coupled with the fact that zero tolerance policies' performative function allows individual biases to contribute to racialized results, investigating what lies beyond zero tolerance is incredibly important. However, while previous research has examined how zero tolerance policies function to produce disparate results, it has not yet been examined what grounds the validity of these structures. Zero tolerance policies protect a specific interpretation of authority within education. An authority that demands respect and acceptance

<sup>12</sup> Amanda E. Lewis and John B. Diamond, *Despite the Best Intentions : How Racial Inequality Thrives in Good Schools*, Transgressing Boundaries (Oxford University Press, 2015).

without negotiation from students. As schools move away from zero tolerance policies, they are also moving away from an authoritarian interpretation of structural authority in schools.

## **II. Willful Defiance and the School to Prison Pipeline**

The term school-to-prison pipeline captures a collection of education and disciplinary policies and practices that intentionally and unintentionally push students, particularly students of color, out of school and into the juvenile justice system.<sup>13</sup> In a state-wide longitudinal study, researchers in Texas identified that more than one in seven of the students suspended or expelled was in contact with a county's juvenile probation department. Furthermore, when controlling for campus and student characteristics, the researchers found that a student who experienced suspension or expulsion was three times more likely to have this contact within the following year. This result couples with the context that disciplinary outcomes within the state of Texas were significantly racially disparate. The study found that 83% of Black male students and 74% of Hispanic male students had at least one discretionary violation compared to 59% of white male students. These disparities were particularly salient regarding removal from classroom for disciplinary reasons as Black students had a 31% higher likelihood to face discretionary removal from a classroom for disciplinary students compared to white and Hispanic students.<sup>14</sup> These results entail that Black students in particular are being exposed to the juvenile justice system due to disparate selection for disciplinary action.

One of the reasons behind LAUSD's move away from willful defiance and California's subsequent adoption of A.B. 420, was to dismantle a contributory aspect of the school-to-prison pipeline. Willful defiance accounted for 43% of the 609,776 suspensions that occurred in

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<sup>13</sup> Deborah N. Archer, "Introduction: Challenging the School-to-Prison Pipeline," *New York Law School Law Review* 54 (2010 2009): 867.

<sup>14</sup> "Breaking Schools' Rules: A Statewide Study of How School Discipline Relates to Students' Success and Juvenile Justice Involvement | Office of Justice Programs."

California public schools in the 2012-2013 school year and was the suspension category with the most significant racial disparities.<sup>15</sup> Thus, in the argument to dismantle zero tolerance policies, willful defiance appeared to be a common target of policy reforms because of differential selection. Zero Tolerance policies swept the nation during the Clinton administration's passage of the Gun Free Schools Act of 1994. Educators were frightened by the perception of an overwhelming prevalence of violence due and wanted to respond strongly. The Gun Free School Act was originally intended to target the use of firearms and leave discretion to schools for how they responded to other offenses. However, additional amendments to the bill broadened the language of firearm to weapon, allowing schools further discretion to expel students for a variety of offenses. School districts across the country began to mandate zero tolerance more broadly beyond the Gun Free Schools Act to address acts like smoking and school disruption. Ultimately, the zero-tolerance approach to school disruptions, also known as willful defiance, is the conclusion of a long tradition of expanding punitive approaches in schools.<sup>16</sup>

In discussions of zero tolerance policies, especially policies that represent the cumulative expansion of them like willful defiance, little research has discussed how an understanding of defiance and violation is decided. While each school penal code outlines specific violations that constitute punishment, schools often provide themselves discretion in how these violations can be interpreted. Thus, the meaning of a violation is provided discretion which entails that meaning is also relevant in the selection of the student. In this next section I intend to discuss how the notion of who is a "criminal" interacts with racialization to construct meaning in student identities.

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<sup>15</sup> "California Enacts First-in-the-Nation Law to Eliminate Student Suspensions for Minor Misbehavior | ACLU of Northern CA."

<sup>16</sup> Skiba, Russell J. "Zero Tolerance, Zero Evidence: An Analysis of School Disciplinary Practice. Policy Research Report," August 2000.



### III. Foundations of Racial Formation Theory and Racialization in Education

#### Racialization and the Creation of a Person

At its core the process of racialization entails the creation of a person that maintains certain characteristics. This fabricated person and their attributed characteristics can then be applied to real-life persons to explain behaviors, actions, or intentions. Michele Foucault describes the process of creating a person as it occurs in the penal system in the invention of the “dangerous individual”. He finds that the introduction of psychiatry into the penal system, particularly regarding claims of insanity, has created an expectation that defendants do not just answer to their actions but also what sort of person they are. Thus, the penal system does not just ask for an admission of guilt, but a self-examination that results in an admission of who you are. To punish an individual, it became important to understand the nature of the guilty person, including such attributions like their degree of evilness as well as interests and leanings. In other words, it became important to establish the nature of the criminal apart from their criminal actions. Previously, the legal system attributed crimes to individuals as the basis for punishment, now Foucault writes that the legal system attributes crime to the existence of a dangerous element within a person.<sup>17</sup> The invention of the “criminal” as an abstract dangerous individual established a precedent of creating an illusory person that could be applied to the defendant in question. Creating the “criminal” allowed an explanation for crime that was rooted in the person’s nature, not their actions.

Considering Foucault’s discussion of the creation of a “criminal”, racialization describes a similar constructive process. However, rather than assigning the criminal character, racialization assigns a racial character to individuals fraught with context dependent meaning. Michael Omi

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<sup>17</sup> M Foucault, “About the Concept of the ‘Dangerous Individual’ in 19th-Century Legal Psychiatry,” *International Journal of Law and Psychiatry* 1, no. 1 (February 1978): 1–18.

and Howard Winant, canon writers on racialization, employ the term racialization “to signify the extension of racial meaning to a previously racially unclassified relationship, social practice or group.” Additionally, they write that racialization “is an ideological process” and an “historically specific one”.<sup>18</sup> In the racial formation of an individual, social, political, and economic forces determine the meaning of racial categories that individuals can then apply. Since race is one of the first noticeable characteristics about an individual, the construction of meaning in someone’s race provides important clues about *who* this person is. This experience is particularly salient regarding individuals that are not easily categorized into racial identities like mixed race individuals. Omi and Winant argue that mixed individuals are often approached with questions of “what are they” because an encounter with someone who is not easily categorized into a specific race creates a crisis of racial meaning. Racial identities that are not easily identifiable are unfamiliar because they lack definitive meaning, and furthermore, as Omi and Winant write, “without a racial identity, one is in danger of having no identity.”<sup>19</sup> In a Foucauldian sense, racialization asks for a racial self-examination of oneself and the world to answer the question of meaning in who each person is.

What the creation of a criminal and of a racially salient category provide individuals is a simplified process to identify meaning in the world and its inhabitants. Race, as a physically visible identifier, provides historically constructed meaning on who a person is, what their motivations might be, and their interests and leanings. School disciplinary structures are an interesting intersection of both Foucault’s work regarding the creation of a criminal and Omi and Winant’s work regarding racial formation. School disciplinary codes are penal systems on a

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<sup>18</sup> Michael Omi and Howard Winant, “Racial Formation,” in *The New Social Theory Reader*, 2nd ed. (Routledge, 2008).

<sup>19</sup> Omi and Winant, “Racial Formation.”

smaller scale, meaning that these codes similarly construct a “criminal” who in this case is the student. Coupled with schools as predominant sites for children’s racial learning, how the student becomes identified as a criminal cannot be separated from how they are also identified as a racial category. Racial categories provide meaning and expectations of which students will be identified as maintaining a “criminal” aspect of their personhood. In the next section, I will discuss previous literature regarding racialization and racial meaning within schools.

### **Racialization in Schools and of Students**

Students of color are disproportionately subjected to exclusionary discipline and its negative consequences. Much research has explored the individual characteristics of schools that contribute to these racialized outcomes like biased teachers or administrators, but fewer research has investigated the racialization of school environments themselves. Research regarding the racialization of schools looks at the school as a place that functions to reproduce existing social hierarchies based on race, class, and gender.<sup>20</sup> Rather than merely focusing on the biased or racist attitudes of administrators or teachers, racialization research takes a systematic lens to educational environments. Schools are the predominant center of young adults socialization outside of their immediate family which results in students negotiating their social self-understanding in these spaces. One aspect of their self-understanding that becomes developed is their self-perception of their racial identity. In fact, school environments are one of the first places where students recognize racial differences especially for students of color.<sup>21</sup> In schools young children often experience seeing individuals of various races in one space and begin to discover whether they themselves vary from a racial norm. For example, students with ethnic

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<sup>20</sup> Aydin Bal, “From Intervention to Innovation: A Cultural-Historical Approach to the Racialization of School Discipline,” *Interchange* 47, no. 4 (November 1, 2016): 409–27.

<sup>21</sup> Jessica M. Vasquez, “Fit to Be Good Cooks and Good Mechanics: Racialization in Schools,” in *Mexican Americans Across Generations*, Immigrant Families, Racial Realities (NYU Press, 2011), 163–93.

names often experience an anglicization of their name and bilingual students perceive that their additional language fluency is more of a deficiency rather than a skill.<sup>22</sup> School, as a site of cultural learning and reinforcement, can serve to highlight racial differences, especially differences from American racial and cultural norms.

Racialization is not merely a process that occurs in the individual students' self-perception but also in perception of school outcomes like achievement or quality of education. Student perceptions of academic achievement is another area that provides evidence of racialization. Academic achievement is often perceived as a “white” phenomenon and the degree to which this perception exists is dependent upon school organization practices and demographics.<sup>23</sup> In schools with diverse student bodies there is less of a perception of academic achievement as a “white” phenomenon, however, students of color in predominantly white schools often categorize academic achievement as white.<sup>24</sup> White parents are more likely to deploy social capital in order to boost their child’s involvement in advanced courses as well as hamper their child’s involvement in the disciplinary structure.<sup>25</sup> Thus, researchers argue that students of color explain the perception of academic achievement as white as a way to explain racial disparities because they lack knowledge of the school structures and social capital that holds them back.<sup>26</sup> Racialization of all subjective experiences (identity formation, sense of achievement) within school appears to be inescapable.

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<sup>22</sup> Vasquez, “Fit to Be Good Cooks and Good Mechanics.”

<sup>23</sup> “‘Being’ Black and Strategizing for Excellence in a Racially Stratified Academic Hierarchy - Carla O’Connor, Jennifer Mueller, R. L’Heureux Lewis, Deborah Rivas-Drake, Seneca Rosenberg, 2011.”

<sup>24</sup> James W. Ainsworth, review of *Review of Integration Interrupted: Tracking, Black Students, and Acting White after Brown; Kids Don’t Want to Fail: Oppositional Culture and the Black-White Achievement Gap*, by Karolyn Tyson and Angel L. Harris, *American Journal of Sociology* 118, no. 1 (2012): 235–38.

<sup>25</sup> Amanda E. Lewis and John B. Diamond, *Despite the Best Intentions : How Racial Inequality Thrives in Good Schools*, Transgressing Boundaries (Oxford University Press, 2015).

<sup>26</sup> Simone Ispa-Landa and Jordan Conwell, “‘Once You Go to a White School, You Kind of Adapt’: Black Adolescents and the Racial Classification of Schools,” *Sociology of Education* 88, no. 1 (2015): 1–19.

Disciplinary structures are one such way in which the racialization of students and schools occurs. Schoolwide disciplinary structures have been developed around behavioral norms and goals that are based in specific social, economic, and legal circumstances of the majority group. The majority group in this case is the white-male-monolingual-hetero-sexual-able bodies. Thus, the standard of behavioral deviance is set in opposition to this majority group's cultural expectations.<sup>27</sup> Students of color and students with disabilities are inherently in opposition to this behavioral standard by a matter of their social existence. Their disproportionate representation in disciplinary outcomes can be understood as a larger byproduct of a system built in opposition to them. Even reforms to disciplinary structures that move away from exclusionary discipline like the Positive Behavioral Interventions and Supports (PBIS) were developed in suburban schools with certain assumptions of disciplinary development.<sup>28</sup> As a result, while PBIS has reduced reliance on exclusionary disciplinary measures these gains have largely been for white students while Black, Latino, and Indigenous students remain disproportionately receiving suspension and expulsion punishments.<sup>29</sup> Disciplinary structures that are socially constructed from the guidance of the majority group generally result in racialized outcomes, and disciplinary reform guided by the majority group similarly results in continuing racialized outcomes.

Regarding racialization research, much work has been done to establish how racialization occurs within individual students and their perceptions of schools as well as how schoolwide structures produce racialized outcomes. One such racialized outcome that has received the

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<sup>27</sup> Aydin Bal, "From Intervention to Innovation: A Cultural-Historical Approach to the Racialization of School Discipline," *Interchange* 47, no. 4 (November 1, 2016): 409–27.

<sup>28</sup> Bal, "From Intervention to Innovation."

<sup>29</sup> Kent McIntosh et al., "Education Not Incarceration: A Conceptual Model for Reducing Racial and Ethnic Disproportionality in School Discipline," *Journal of Applied Research on Children* 5, no. 2 (January 1, 2014).

predominant focus are the racialized disciplinary outcomes. However, little research has investigated what social forces disciplinary structures are based upon and how these foundational bases in turn affect individual racial outcomes. One social force in need of additional research is authority. In the definition of willful defiance, “valid” authority is cited as the social force that is violated by a defiant student. Coupled with racialized disciplinary outcomes, how authority structures schools and what constitutes a valid authority must be investigated. Furthermore, how authority becomes racialized may provide additional explanation for how disciplinary outcomes become racialized even under conditions of reform.

#### **IV. Authoritative School Climates**

School climate is generally defined as the quality and character of school life which captures the nature of interactions between adults, students, norms, goals, interpersonal relationships, learning practices, and organizational structures.<sup>30</sup> Positive school climates are demonstrated to foster a variety of benefits like positive student behavior, lower suspension rates, and increased student engagement.<sup>31</sup> Authoritative School Climate theory is a conceptual model of school climate that is founded in parent typology research. Parent typology identifies two dimensions of parenting: responsiveness and demandingness. Responsiveness is viewed as levels of emotional support while demandingness is viewed as levels of expectations the parents maintain for their children. Parents who demonstrate high levels of responsiveness and demandingness see higher levels of academic achievement and lower levels of risky behavior

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<sup>30</sup> Anna Heilbrun, Dewey Cornell, and Timothy Konold, “Authoritative School Climate and Suspension Rates in Middle Schools: Implications for Reducing the Racial Disparity in School Discipline” 17, no. 3 (July 3, 2018): 324–38.

<sup>31</sup> See George G. Bear et al., “Delaware School Climate Survey—Student: Its Factor Structure, Concurrent Validity, and Reliability,” *Journal of School Psychology* 49, no. 2 (April 1, 2011): 157–74. Francis L. Huang and Dewey Cornell, “The Relationship of School Climate with Out-of-School Suspensions,” *Children and Youth Services Review* 94 (November 1, 2018): 378–89.

from their children.<sup>32</sup> Responsiveness and demandingness were translated to student support and disciplinary structure accordingly in school climate literature. Many studies identify that authoritative school climates with high levels of student support (recognition of achievements, positive teacher-student relations) and high levels of disciplinary structure (awareness of rules, belief in fairness of rules) maintain positive student climates. Furthermore, authoritative school climates are associated with lower likelihood of suspensions.<sup>33</sup>

Additional research was conducted to establish whether authoritative school climate association with lower suspension rates also resulted in an association with lower racial disparities. Researchers ultimately found that authoritative school climates, with high-disciplinary structures, were associated with significantly lower racial disparities.<sup>34</sup> Thus, school climate research suggests that targeting disciplinary structures and levels of student support matter greatly in reducing racial disparities. However, in school climate literature there has not been much research conducted to investigate what these high-disciplinary structures consist of. Authoritative climates do not necessarily coincide with authority driven disciplinary structures. In fact, one study evaluated classroom influences on student perceptions of school climate and found that greater use of exclusionary discipline was associated with decreased order and discipline. On the other hand, classrooms that made use of positive behavioral support were associated with higher scores of order and discipline as well as positive student perceptions of

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<sup>32</sup> Beau Abar, Kermit L. Carter, and Adam Winsler, “The Effects of Maternal Parenting Style and Religious Commitment on Self-Regulation, Academic Achievement, and Risk Behavior among African-American Parochial College Students,” *Journal of Adolescence* 32, no. 2 (January 1, 2009): 259–73.

<sup>33</sup> Huang and Cornell, “The Relationship of School Climate with Out-of-School Suspensions.”

<sup>34</sup> Anna Heilbrun, Dewey Cornell, and Timothy Konold, “Authoritative School Climate and Suspension Rates in Middle Schools: Implications for Reducing the Racial Disparity in School Discipline” 17, no. 3 (July 3, 2018): 324–38.

fairness and student-teacher relationships.<sup>35</sup> Disciplinary structures that are viewed as fair and transparent are not necessarily the structures that make use of traditional authority based measures like exclusionary discipline.

## V. Political and Educational Authority

### Historical Conceptions of Political Authority

Canonical political theorists like John Locke discussed authority as it relates to the natural state of individuals. Locke argues that the natural state of individuals is perfect freedom to order their actions as they see fit. However, this state of liberty is not necessarily a state of license to conduct oneself however one wants. Herein lies the contradiction of the natural state of individuals as Locke argues, when everyone can conduct themselves with perfect freedom, they cannot protect themselves from encroachments on this freedom. Locke argues that this is why individuals often enter into agreements where they compromise aspects of their freedom in order to guarantee protections from other individuals. Authority is entrusted to a governing body through a social contract only made possible through the agreement of individuals to compromise their freedoms.<sup>36</sup> However, other political theorists have argued that the idea of a social contract is based on a false conception of individual consent. David Hume argues that when one looks at the world most individuals are simply born into their political situations.<sup>37</sup> Thus, the original social contract John Locke writes of cannot retain any semblance of a valid

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<sup>35</sup> Mary M. Mitchell and Catherine P. Bradshaw, "Examining Classroom Influences on Student Perceptions of School Climate: The Role of Classroom Management and Exclusionary Discipline Strategies," *Journal of School Psychology* 51, no. 5 (October 1, 2013): 599–610.

<sup>36</sup> "Second Treatise of Government" (John Locke, 1690), *Encyclopedia of American Civil Rights and Liberties*, Revised and Expanded: T-Z, 2017.

<sup>37</sup> "Popular Basis of Political Authority: David Hume, Of the Original Contract,".



authority because it is simply not a reality. Hume argues that individuals may give a *tacit* consent if they imagine that their obedience to authority to be a choice, rather than an expectation.<sup>38</sup>

Ultimately, despite this confusion regarding the role of consent in providing the imagined social contract authority, the social contract is foundational to political theory's understanding of valid authority. This is because who the social contract is entrusted to, whether this be a sovereign, president, and governing bodies, is whose authority individuals must subject themselves to. In his landmark work, *Leviathan* Thomas Hobbes argues for the social contract, however, he disagrees with Locke on the original state of individuals. Hobbes believes that individuals are naturally in a state of war in which few important human ends can be realized. This original state then requires a social contract where individuals seek to protect the most important human end which is the right to preserve oneself. Hobbes believes that this social contract results in a mutual decision to submit oneself to the ultimate authority of a sovereign. The sovereign's absolute authority prevents individuals from returning to the war like state where self-preservation was not a guarantee.<sup>39</sup> Authority can be understood as changing in validity depending upon which source one believes it comes from and what original need it addresses.

### **“Valid” Authority in Educational Spaces**

Authority plays a multifaceted role within educational spaces underlying both the diffusion of knowledge and the structure of the classroom. The word authority is rooted in the concept of authorship, an indication of who authors or produces knowledge. Thus, where information comes from, who writes it and who reads it, is historically foundational in the study

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<sup>38</sup> “Popular Basis of Political Authority: David Hume, Of the Original Contract.”

<sup>39</sup> Sharon A. Lloyd and Susanne Sreedhar, “Hobbes’s Moral and Political Philosophy,” in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, Fall 2020 (Metaphysics Research Lab, Stanford University, 2020).

of authority and specifically to educational authority. In the classroom the teacher is the source of “authorship” as they claim authority over knowledge dissemination. The structure of knowledge dissemination within the classroom produces an authority relation with students as the “readers” or intakers of the teacher’s authorship.<sup>40</sup> The teacher ultimately maintains the authority to decide what counts as knowledge and who ultimately ends up as a knower. This teacher-authority relation has both a content dimension and a process dimension: what counts as knowledge and what counts as knowing it.<sup>41</sup> It can be extrapolated then that if learning is structured around the teacher as the authority over knowledge, acts of willful defiance can be ultimately seen as challenges against authorship of the classroom content and structure.

The authority over knowledge and classroom structure is traditionally thought of as solely a possession of the teacher and school administrators. Following the student protest of the Vietnam War draft a mathematics teacher at Babylon High School, Willard Hogeboom, voiced concern that “the tradition of authority in American education is in danger”.<sup>42</sup> He notes that the teacher as a symbol of authority is being asked to transform into the role of companion or guide on an educational journey. His additional concern lies in the fact that the protests conducted by college students could be demonstrating a larger turning tide against authority in the government, home, military, and law enforcement. Ultimately, Hogeboom touches upon a common concern regarding education, what becomes of education when the teacher lacks authority over students? Does the classroom fall apart when teachers are limited in their ability to demonstrate authority?

Some teachers have attempted an alternative pedagogy of sharing authority over both knowledge and classroom structure. The concept of shared authority outlines a strategy for

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<sup>40</sup> Charles Bingham, *Authority Is Relational: Rethinking Educational Empowerment* (SUNY Press, 2009).

<sup>41</sup> Celia Oyler, *Making Room for Students: Sharing Teacher Authority in Room 104* (New York: Teachers College Press, 1996).

<sup>42</sup> Willard L. Hogeboom, “Authority: The Basis of Education,” *The Clearing House* 41, no. 6 (1967): 368–70.

making room for student input and inviting a co-construction of meaning within the classroom.<sup>43</sup> While the concept of sharing authority is often associated with a progressive pedagogy, some previous research has argued that concepts of shared authority are already racialized. White and middle-class students have typically been offered opportunities within the classrooms to learn how to make decisions with the teachers. This is because white and middle-class students are presumed to assume future roles that entail decision making and authority maintenance. On the other hand, working class students and students of color are more often prepared for jobs where obedience is the expectation.<sup>44</sup> The racialized outcomes of willful defiance suspensions would appear to corroborate this argument as students of color are penalized for a perceived lack of obedience at disproportionate rates compared to their white peers.

An authority relation maintains stability through the perceived legitimacy of said authority. In other words, maintaining a stable authority relation relies on students legitimizing it through obedience.<sup>45</sup> The authority relations between students and teachers take place in a larger dimension of the school climate. The Authoritative School Climate Theory (ASC) evaluates the disciplinary structure and the level of student support. Previous ASC studies have demonstrated that schools with high levels of structure and student support maintain the lowest infraction rates. Additionally, suspension rates and racial discipline gaps were greater in schools where students reported feeling less supported.<sup>46</sup> Thus, positive authority relations are most productive in environments where students feel supported and disciplinary structures are perceived as fair and

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<sup>43</sup> Celia Oyler, *Making Room for Students: Sharing Teacher Authority in Room 104* (New York: Teachers College Press, 1996).

<sup>44</sup> Oyler, *Making Room for Students*, 29.

<sup>45</sup> Eduardo Zambrano, "Authority, Social Theories Of," *International Encyclopedia of the Social & Behavioral Sciences*, January 1, 2001, 978–82.

<sup>46</sup> "Authoritative School Climate, Aggression toward Teachers, and Teacher Distr...: Discovery Service for Loyola Marymount Univ."

clear. A frequent criticism of willful defiance is its perceived vagueness and perceived lack of fair application which would work against creating a positive authority relation between students and teachers. In fact, in the California Education Code willful defiance is a violation of a teacher's "valid authority" which raises questions of what counts as valid authority exercises. Few research regarding authority in education investigates when teacher authority is awarded validity and what philosophical principles ground this sense of authority. Coupled with a lack of understanding for how authority, let alone a valid authority, structures racialized educational environments there is a gap present in the literature.

### **Research Questions:**

The continued existence of racialized punitive outcomes in school discipline is both a structural phenomenon and an individual one. Many researchers approached these outcomes from quantitative perspectives and produced significant findings regarding individual contributory factors. However, in the literature overviewed, a noticeable gap occurred regarding the structural role of authority and power within the classroom. This thesis questions and analyzes teacher authority in disciplinary processes and its structural relationship to racially inequitable outcomes. It appears that disciplinary codes historically uphold and protect the authority of the school administrator in the educational space. However, as the end of Zero Tolerance policy occurs and schools move away from authoritative climates, the structural role of authority has yet to be properly investigated. To further address disciplinary reform and racializing structures within schools it is pertinent to investigate the structural role of authority in education. I list my research questions as follows:

1. What theoretical and structural role does teacher authority play in classroom discipline?  
What are the powers and qualifications afforded to this authority?

2. Does the structure of teacher authority contribute to the differential selection of students of color for punitive discipline?

**Methods:**

This research provides a theoretical investigation of teacher authority, its validity, and power relation to students and racialized outcomes. To accomplish this, I collected 20 U.S. state laws and education codes from thirteen U.S. states and 1 U.S. territory regarding teacher authority from the National Center on Safe Supportive Learning Environments. For data selection criteria I chose only laws that were enacted at the state level. I chose state level legislation because most education codes are legislated at the state level and there are few unified federal approaches particularly in disciplinary codes. Of the state education codes available, I selected laws that mentioned authority/teacher authority in any capacity related to student behavior within the classroom. This thesis utilizes the collected data for exploring the structural nature of power and authority as it relates to unequal disciplinary outcomes. Discipline codes related to physical violence, gang activity, weapons possession, and drug activity are outside the scope of this thesis and are not analyzed. The data sample is regionally representative of the United States with representation from all major geographic regions. The racial breakdown of the public-school districts in the represented states was not considered as a relevant selection factor because disparate racialized outcomes are present regardless and racialization occurs in all school environments. The laws referenced will be listed in their relevant chapters and in total following the conclusion of this paper.

To analyze the collected data, I conducted a close read of the collected state laws and education codes with specific attention paid to the language surrounding mentions of authority. I chose key words for analysis in each chapter as I developed two major theoretical contributions.

In this second chapter, I examine the key phrase “educational process” and analyze the relationship of school authority to this key phrase. This chapter ultimately develops a structural theory of how authority functions in the racialized environment of schools. I pull theoretical implications from this critical analysis of the educational process and situate my findings in relevant theories of Racial Formation Theory and Racialization in Schools, Theories of Political Authority, and Theories of Educational Authority. In the third chapter, I analyze three key qualifications of authority which are reasonable, lawful, and valid. These key phrases are examined to understand the nature of authority and what limitations are placed upon it. Furthermore, the nature and qualifications of authority are then examined in its relationship with students. Again, I utilize Racial Formation Theory, Racialization in Schools, and emotional management theories for key theoretical analysis. I ultimately utilize the data and relevant background theories for producing structural theorizations regarding the nature of teacher authority and its relationship to racialized punitive outcomes.

#### *Chapter Overview*

In the following chapters I conduct an in-depth analysis of the collected data that I categorize into several relevant theories. In Chapter 2: “Protection of the Educational Process” I theorize the structural role of teacher authority in relation to the educational process and student disruption. First, I provide the historical and legal relevance of the educational process in disciplinary outcomes. The educational process traces its roots to free speech court cases that provide relevant context to the term. Once I establish the historical relevance of the educational process, I then trace this phrase through the collected data and develop a structural theory of authority, disruption, and discipline. Next, I place my structural theory into the context of Racial Formation and Racialization work to theorize how this structure contributes to racialized punitive

outcomes. I ultimately conclude that the structure of authority as protector of the educational process differentially selects students with disruptive social existences. Thus, the racialized outcomes prevalent in existing disciplinary policies are a byproduct of a racialized structure that intentionally targets students of color.

Chapter 3: “The Qualified Nature of Teacher Authority” turns its attention away from the structure and function of authority in the classroom and instead examines the nature of it and its relationship with students. The chapter first reviews research regarding the role of teacher as the classroom manager. Teachers manage an incredibly amount of social and emotional behavior including their students as well as their own. Furthermore, much of a teacher’s beliefs regarding social and emotional behavioral management is rooted in individual belief systems. Following this brief overview, the chapter examines the data collected for several key qualifications of authority in the classroom: valid, reasonable, and lawful. Each of these qualifications presents several ramifications for how authority operates in the classroom that are explored within the chapter. Next, the chapter examines how this qualified authority identifies intentional or willful disruption within the classroom environment. The chapter provides analysis regarding the selection of intentionally disobedient students and how this action serves to create two racialized characters.

The final chapter recaps the two main theoretical contributions produced in chapter 2 and chapter 3. These theoretical contributions examine both the structural and nature of authority in the classroom. They provide important analysis for why previous policy efforts failed to fully eliminate racialized punitive outcomes. Furthermore, these theories can ground future efforts to reduce the racialized burden placed on students of color. This chapter closes with suggesting that future policy regarding disciplinary codes cannot fully eliminate racialize outcomes without

appropriately examining how authority structures classroom disciplinary interactions. Ultimately, this chapter concludes that in its current state authority appears destined to differentially select students of color because it is structured in opposition to the disruptive existences of students of color. If future policy changes fail to consider how authority structures the selection of disruptive students, then inequitable racial outcomes are destined to be structurally reproduced.



## Chapter 2:

### Protection of the Educational Process

#### *Introduction:*

The importance of protecting the “educational process” from disruption and the limitations placed on this endeavor are exemplified in the landmark Supreme Court Case *Tinker vs. Des Moines*. In this case 13-year-old student, Mary Beth Tinker, wore a black arm band to school in protest of the Vietnam War. When asked to remove the arm band by a school authority, the student refused and was ultimately suspended. The issue at hand asked whether students maintained the first amendment right of political expression on school premises. Those in opposition worried that allowing student political expression inhibits a school’s maintenance of order against student disruption. Thus, the argument between disruption and order in schools has historical roots in the constitutional rights of students. Supreme Court Justice Abe Fortas ultimately upheld Tinker’s first amendment right to express her opposition to the Vietnam War *if* it did not cause a “material disruption of classwork, substantial disorder or invasion of the rights of others”. Fortas wrote that “it can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate”. Furthermore, although Tinker’s principal found her armband substantially disruptive, Fortas explained that school’s need a far more considerable reason to silence students. He wrote that “undifferentiated fear or apprehension of disturbance” is not enough to trump a student’s first amendment right.<sup>47</sup>

*Tinker vs Des Moines* solidified that students are active participants in the learning process and their dissension is an important aspect of the educational process. Fortas’ opinion argues that Tinker’s silent protest contributes to the informal curriculum of schools as sites of

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<sup>47</sup> Jamin B. Raskin, “Student Speech: The Enduring Greatness of ‘Tinker,’” *Human Rights* 35, no. 3 (2008): 2–5.

social learning. Therefore, there is no reason to fear Tinker's black arm band as it builds an educational environment rather than destroys it. However, following this decision the Supreme Court took a turn towards the political right which caused significant exceptions to the political speech of students. These exceptions came in the form of authorizing school's the right to censor "lewd and indecent" student speech (Bethel School District v. Fraser). This resulted in instances like a Principal censoring student written articles about divorce and teen pregnancy because they were characterized as "inappropriate for some of the younger students". Thus, overtime educators were granted greater discretion in suppressing student speech in the name of protecting order in schools, or as commonly referred to, the educational process.<sup>48</sup>

In summation, these court cases provide an albeit vague precedent for restricting student constitutional rights to protect "the education process" from student disruption. While this disruption must pass a certain threshold, as noted in Tinker vs Des Moines, what this threshold contains is up for school interpretation. Willful defiance is a specific disciplinary infraction that responds to intentional student disruption or defiance of school authority. Students that are punished for willful defiance ultimately violated the constitutionally identified disruption threshold. In other words, their behaviors were decided as significantly disruptive of the educational process. In this chapter I explore the relevance of the educational process, disruption, and teacher authority in the context of racialization research. I formulate a structural theory of these three ideas to theorize why racial disparities in disciplinary rates continue existing despite significant punitive overhaul. I trace the language of disruption to the educational process as a defining standard through my collected data. Moreover, I utilize the data collected to reflect that teacher authority is entrusted with protecting the educational environment from significant

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<sup>48</sup> Raskin, "Student Speech."

disruption. I ultimately theorize that the “Protection of the Educational Process” by teacher authority is a contributory factor in a seemingly unavoidable over disciplining of students of color. Teacher authority is posited as the protector of the educational process from student disruption, however, disruptive is not a racially neutral term. I find that teacher authority and the educational process share a reaffirming structure where the educational process cannot be maintained without teacher authority and teacher authority exists predominantly to enforce an orderly educational process. Their circular relationship is directed by a shared aversion to student disruption.

However, disruptive is not a neutral term and is identified by teachers in a heavily racialized environment. Schools exist as sites of social learning and development for students with teachers as the predominant organizers of this learning. Schools are where many students develop a racial identity and identify the racial identities of other students. These “racial characters” allow teachers and students to categorize each other and assign character traits based upon these racial categories. With disciplinary codes being developed around the behavioral norms of the social, economic, and legal circumstances of the majority group, in this case white individuals, students of color disrupt the educational process by a matter of social existence. Teacher authority is theoretically posited as protecting the educational process not merely from disruption, but the disruptive existences of non-white students. Combined with a subjective and initially teacher decided threshold for disruption, the role of teacher authority as it currently stands appears incongruent with identifying significant disruption in a racially neutral way.

#### *Tracing Educational Process, Disruption, and Authority in State Laws and Penal Codes*

As the previous section outlines, the educational process is a legally debated threshold for determining whether a student can be disciplined. While not an explicitly defined term, the

educational process generally represents an order in the classroom that allows for effective structures of knowledge distribution. This section focuses particularly on its representation of order in the classroom as it relates to a teacher’s ability to protect the educational process from disruption of order. It will not touch on educational process’s relationship to knowledge distribution. Six state laws and education codes are utilized in this chapter’s analysis of the educational process. These laws were filtered from the larger set because they demonstrated thematic similarity in their description and mention of the educational process. The verbatim term “educational process” appears several times in the data collected particularly in tandem with descriptions of teacher authority. While I predominantly reference the verbatim term “educational process” I do recognize several synonymous iterations of this idea from the collected data including the terms “educational atmosphere”, “order in the classroom” and “normal classroom activities”. These terms all describe and represent the educational process and are appropriate for inclusion in this section.

The data referenced throughout the section will be listed in the table below. The table will specify the state, code, and relevant text. Throughout the section I will refer to this table for further analysis.

**Table 1:** Data filtered for “Educational Process” References

State	Code	Relevant Text
New York	2801. Codes of conduct on school property	“1. a minimum suspension period, for students who repeatedly are substantially disruptive of the <b>educational process</b> or substantially interfere with the teacher's authority over the classroom, provided that the suspending authority may reduce such period on a case by case basis to be consistent with any other state and federal law.”
New York	100.2 (1)(2). Code of conduct.	For purposes of this requirement, "repeatedly is substantially disruptive of the <b>educational process</b> or substantially interferes with the teacher's authority over the classroom" shall mean engaging in conduct which

		results in the removal of the student from the classroom by teacher(s) pursuant to the provisions of Education Law section 3214(3-a) and the provisions set forth in the code of conduct on four or more occasions during a semester, or three or more occasions during a trimester, as applicable
Washington	WAC 392-400-335.	(a) Teacher authority. A teacher may exclude a student from the teacher's classroom or instructional or activity area for behavioral violations that disrupt the <b>educational process</b> while the student is under the teacher's immediate supervision, subject to the requirements in this section and WAC 392-400-335
West Virginia	§18A-5-1. Authority of teachers and other school personnel; exclusion of students having infectious diseases; suspension or expulsion of disorderly students; corporal punishment abolished.	c) The teacher may exclude from his or her classroom or school bus any student who is guilty of disorderly conduct; who in any manner interferes with an <b>orderly educational process</b> ; who threatens, abuses or otherwise intimidates or attempts to intimidate a school employee or a student; who willfully disobeys a school employee; or who uses abusive or profane language directed at a school employee. )
Washington	RCW 28A.600.460. Classroom discipline– Policies–Classroom placement of student offenders–Data on disciplinary actions.	1) School district boards of directors shall adopt policies that restore discipline to the classroom. Such policies must provide for at least the following: Allowing each teacher to take disciplinary action to correct a student who disrupts <b>normal classroom activities</b> , abuses or insults a teacher as prohibited by RCW <a href="#">28A.635.010</a> , willfully disobeys a teacher, uses abusive or foul language directed at a school district employee, school volunteer, or another student, violates school rules, or who interferes with an <b>orderly education process</b> . Disciplinary action may include but is not limited to: Oral or written reprimands; written notification to parents of disruptive behavior, a copy of which must be provided to the principal.(4) Nothing in this section is intended to limit the authority of a school under existing law and rules to expel or suspend a student for misconduct or criminal behavior.
Wisconsin	20.13. School board powers.	In addition to the grounds for expulsion under subd. 1., the school board may expel from school a pupil who is at least 16 years old if the school board finds that the pupil repeatedly engaged in conduct while at school or while under the supervision of a school authority that disrupted the ability of school authorities to maintain order or an <b>educational atmosphere</b> at school or at an activity supervised by a school authority and that such conduct does not constitute grounds for expulsion under subd. 1., and is satisfied that the interest of the school demands the pupil's expulsion

In examining the diction utilized in each of these data points there are several common themes. First, in disciplinary codes referencing grounds for suspension and expulsion the term “educational process” is always mentioned in turn with either disruption, disruptive, or interference. In tandem with educational process and disruption, authority is occasionally brought into this explanation. Thus, in this section there are three main subjects: educational process, disruption, and authority, that function together as a justification structure for punitive action. New York Code 2801. “Codes of conduct on school property” cites that a minimum suspension period is required for students who “are substantially disruptive of the **educational process** or substantially interfere with the teacher's authority over the classroom.”<sup>49</sup> In this data point the three actors are all stated in an intentionally ordered manner, first reasoning for punishment is brought into action through student disruption of the educational process. Thus, disruptive behavior on behalf of students is the first actor in any disciplinary situation. Then the educational process is brought into play as the object that must be violated by student disruption. In the remaining section I discuss in depth each of the three actors in any disciplinary process, student disruption, educational process, and teacher authority.

In the collected data there are few descriptions of disruptive student behavior that are clear, specific, and easily identifiable. One such example in Washington code RCW 28A.600.460. states that students are eligible for disciplinary action if the student “uses abusive or foul language directed at a school district employee”.<sup>50</sup> Generally, disruption that involves foul language like swear words or slurs are commonly identifiable regardless of which student they originate from. Similarly, student physical abuse of teachers is both identifiable regardless of

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<sup>49</sup> Table 1: Data filtered for “Educational Process” References

<sup>50</sup> Table 1: Data filtered for “Educational Process” References

student origination. However, many other disruptive behaviors mentioned lack specificity especially regarding the educational process. As explained in the introduction, disruptions of the educational process rely on an identification mechanism that is not clear. The same previously mentioned Washington code states that “School district boards of directors shall adopt policies that restore discipline to the classroom. Such policies must provide for at least the following: Allowing each teacher to take disciplinary action to correct a student who disrupts **normal classroom activities**”.<sup>51</sup> Here the dilemma of disruption is seen clearly, this code allows teachers to correct a student for disrupting normal classroom activities without specifying what constitutes normalcy and what a significant disruption of this normalcy appears as. Again in West Virginia code §18A-5-1, a student may be recommended for classroom exclusion for behavior that “in any manner interferes with an **orderly educational process**”. In this data point, describing violating student actions as any manner of interference allows teachers significant leeway in identifying disruption. Furthermore, orderly like normal can manifest differently in each classroom. Ultimately, many disciplinary processes that target disruptive behavior are being enacted against disruption with vague standards at best.

The second actor in the disciplinary process is the “Educational Process”. The Educational process is placed as an object that can be acted upon in negative and positive ways by student behaviors. As noted in the introduction, the educational process is a long-understood legal and educational idea that the distribution of knowledge in the classroom relies on order and structure. For a successful distribution of knowledge on behalf of the teacher, the educational process must be protected from significant disruption. However, also noted in the introduction is the fact that this threshold of disruption is unclear and has changed overtime. Mary Beth Tinker’s principal

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<sup>51</sup> Ibid

believed her black arm band to be significantly disruptive of the educational process and the supreme court disagreed. In fact, Supreme Court Justice Abe Fortas found that her supposed disruption to the educational process was actually contributing to the informal educational process schools also provide. Despite the lack of clarity surrounding the nature of this process and what constitutes a disruption of it, it is invoked often as a catalyst for discipline. More specifically, it's role as a catalyst highlights an insistent need on behalf of schools to protect the educational process from student disruption. The educational process is the object that can be violated and therefore must be protected. Moreover, education policy's reverence for a protected educational process reflects a belief that this process is essential to a functioning classroom.

The last aspect of the puzzle is teacher authority itself, in Washington code RCW 28A.600.460. data point, authority is listed as another object that can be violated by student disruption and become grounds for disciplinary action. Therefore, teacher authority and the educational process both remain secondary objects to student disruption. However, in other cases authority is described as the ability to remove a student from a classroom or punish a student for educational process disruption which changes the order of actors and nature of authority itself. Washington state code WAC 392-400-335 states in their section entitled "Teacher authority" that "A teacher may exclude a student from the teacher's classroom or instructional or activity area for behavioral violations that disrupt the **educational process**".<sup>52</sup> In this instance authority is not an object to be violated but rather a right to protect the educational process from disruption. The order of actors in this scenario are as follows: student disruption occurs, the educational process is assumed disrupted, and then teacher authority responds accordingly with disciplinary action. In contrast to the language utilized in Washington code RCW 28A.600.460., this data point

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<sup>52</sup> Table 1: Data filtered for "Educational Process" References



places teacher authority as the tertiary actor rather than a secondary object of disruption.

Depending on the description the nature of teacher authority changes from an object to an actor in disciplinary scenarios. Thus, the nature of teacher authority maintains a two-fold role where it can both be an object and an actor depending on the legal description.

Despite the two-fold nature of teacher authority, in each scenario, whether object or actor, it is placed in direct opposition to student disruption. In the first scenario of authority, it maintains a similar nature to the educational process. Like the educational process, teacher authority is an object that can be acted upon by students in a positive or negative manner. Therefore, it serves as another catalyst for disciplinary actions against student disruption. While not in active opposition to student behavior, this understanding of teacher authority is antagonized by disruption. On the other side of its dual nature, teacher authority is an actor that is brought into existence to protect the educational process from student disruption. In this description, teacher authority actively works against student disruption by enacting disciplinary processes against it to maintain an orderly classroom and educational process. Teacher authority assumes a protector role over the educational process and directs its fervor towards disruption.

Under the second understanding of teacher authority in its active protector role, some important structures come to light. The educational process and teacher authority share a reaffirming structure where the educational process necessitates protection from teacher authority. Without the fragile existence of the educational process, teacher authority would be left without its primary role. Without teacher authority, the educational process is believed to fall apart. Their existences continuously reaffirm the existence of the other. These two objects also share a common enemy: disruption from students. Thus, disruption becomes the predominant target of teacher authority and is identified in context of protecting the educational process.

However, as previously established, the precedent of disruption is both vague and not occurring in a racially neutral environment.

### *Targeting Disruption in Racialized Environments*

Since the rise of zero tolerance ideology in United States public schools, the disparate racial outcomes of school discipline became increasingly in focus. While racial disparities exist in nearly all discipline categories, the gap is often most noticeable in behavioral referrals. Much research has identified contributing factors like implicit biases latent in white teachers resulting in over referrals of black and Latino students. Despite significant policy change in many school districts, these biased outcomes remain indicating that the disparities do not only lie in biases and application. Furthermore, as this thesis notes, little research has examined the power structure between teacher authority and student behavior that catalyzes each disciplinary process. As outlined in the previous section, behavioral referral punitive processes involve three main actors: teacher authority, the educational process, and student disruption. I argue that teacher authority is placed as the protector of the educational process from student disruption. Although identifying this structure alone does not fully explain how such a structure contributes to racialized outcomes. In this section, I first provide a relevant overview of classrooms as racialized spaces, the consequences of racial characters, and how issues become racially coded. I intend to place the previously identified disciplinary structure into the context of classrooms and schools as sites of racial learning and racialization. Since this power structure is not operating in a racially neutral environment, this analysis maintains implications for addressing the continuing racially disparate disciplinary outcomes.

As noted in the literature review, classrooms are sites of social learning and are often the first places where students notice and interact with race, gender, sexuality, and other

characteristics. As the classroom manager, teachers maintain an authority over these sites of social learning amongst students. Teachers also interact with students and fellow faculty members in this same environment of racial learning. Ultimately, classrooms are microcosms of the world and therefore are not racially neutral spaces. Founder of the Center for Social Inclusion, Maya Wiley, states that their organization views spaces in three interconnected ways. Wiley states that “there is psychological space, political space, and physical space. They are all interactive, and none of them are race-neutral-they are highly racialized, even when we’re not clear how they are racialized”. Wiley continues that “it’s very difficult to disentangle the idea of space and how people see themselves in relationship to each other, what sorts of problems we create, and how we solve them”.<sup>53</sup> Classrooms are micro-environments where these three aspects of space interact and are interconnected. As repeatedly mentioned, it is often the first environment where young individuals view themselves in relationship to one and other. Thus, an additional aspect of the educational process is not merely the diffusion of knowledge but simultaneously the process of students identifying themselves in relation to others. In this understanding, disruption of the educational process is also a disruption to a complex environment of social, racial, and emotional learning.

As racialized environments, classrooms serve as sites to develop understandings of racial differences and their significance. Racialization describes the process through of creating a person separate from any physically existing individual that exemplifies certain characteristics due to their race. This imaginary racialized individual is applied to real-life persons to categorize their actions and identity. Racial characters are a conglomeration of stereotypes and imagined

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<sup>53</sup> Maya Wiley and Ron Shiffman, “Racialized Public Space,” *Race, Poverty & the Environment* 19, no. 2 (2012): 21–23.

behaviors that produce very physical ramifications for the ways individuals move through spaces. Racialization and racial characters allow individuals to activate negative views of people of color without explicitly mentioning race. Furthermore, these racial characters exist regardless of reality or actions taken by individuals of color. For example, researchers found that as Philadelphia's predominantly white schools experience increases in the black student body, white neighborhood residents were more likely to perceive a decrease in the quality of school.<sup>54</sup> Thus, the increase in black student body activated white resident's negative association of black representation despite all other aspects of the school remaining the same. The representation of black students disrupted white individual's beliefs in school quality despite no significant change in the school's reality. Negative racial characters are often activated subconsciously merely through instances of shared space and interaction. Classrooms are fast paced environments where teachers are often managing upwards of 30 students, their learning and behavior. In such a fast-paced environment, racial characters could be utilized for quickly finding meaning or intention in student behavior.

“Race Coding” describes a similar phenomenon to racial characters where white individuals' negative views of individuals of color are subconsciously activated without explicitly stating race. Previous research identifies on race coding finds that one's perception of black individuals often contributes to political and socioeconomic stances. For example, researcher Martin Gilens finds that race is the single most important influence for white individuals for their stance on welfare. They found that opposition to welfare is rooted in anti-

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<sup>54</sup> Kimberly A. Goyette, Danielle Farrie, and Joshua Freely, “This School's Gone Downhill: Racial Change and Perceived School Quality among Whites,” *Social Problems* 59, no. 2 (2012): 155–76.

black attitudes and is not related to perceptions of poor whites.<sup>55</sup> Thus, opinions on otherwise neutral issues like welfare are racially coded and someone's view of non-white individuals influences their ultimate stance.

School discipline policies have always existed and evolved over time from corporal punishment to modern behavioral management programs like PBIS and restorative justice. School disciplinary policies reflect public opinion regarding degrees of punitiveness and an escalating or deescalating fear of crime. Schools are sites where larger public issues like crime play out on a much smaller but perhaps more salient scale. Crime is also a racially coded issue where negative beliefs towards black individuals, specifically belief in stereotypes such as violent tendencies or laziness, influence white beliefs. These negative beliefs result in stronger support for increasingly punitive crime policies such as the death penalty and longer prison sentences.<sup>56</sup> School disciplinary policies are essentially crime policies on a smaller and more specific scale. There are offenders, the students, and arbitrators of punishment, the schools themselves. Thus, the racially coded nature of crime can be extrapolated to the realm of schools. Schools are not racially neutral environments, and neither are the discipline policies that structure the classroom.

As noted in the previous section, teacher authority is directly opposed to instances of student disruption, particularly disruption of the educational process. I argue that disruption, like welfare, is a racially coded issue rather than a race neutral one. Disruption of the educational process represents a two-fold issue regarding racialization. First, disruption of the educational

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<sup>55</sup> Martin Gilens, "'Race Coding' and White Opposition to Welfare," *The American Political Science Review* 90, no. 3 (1996): 593–604, <https://doi.org/10.2307/2082611>.

<sup>56</sup> Mark Peffley and Jon Hurwitz, "The Racial Components of 'Race-Neutral' Crime Policy Attitudes," *Political Psychology* 23, no. 1 (2002): 59–75.

process is placed as a “crime” that students can commit and be punished for. This entails that aversion to disruption, or a type of student crime, and the degree of punitiveness viewed appropriate is similarly rooted in racial attitudes. Since teacher’s utilize their authority to target disruption (crime), their individual beliefs regarding their authority use may vary depending upon racial attitudes. The first structural aspect of any behavioral process involves teacher’s identifying the crime of disruption occurring in their classroom and employing their authority accordingly. This structure of identifying disruption in a similar manner to identifying crime prevents a racially neutral process.

Second, the marker of disruptive is also not neutral and is racially coded. Many teachers lack support in classroom management which results in the individual teachers making snap decisions out of necessity. Teachers are the first arbitrators of what constitutes significant disruption through interpreting student behavior and its impact on the educational process. Whether or not a student maintains a disruptive or obedient nature becomes an aspect of their racial character that is utilized to analyze their behavior. Students of color, particularly black and Latino students, are assigned disruptive characters by matter of existence and their interactions with teacher authority. Therefore, rather than teacher authority protecting the educational process from disruption, it may in fact be protecting the educational process from non-white students. The systematic targeting of disruptive behavioral instances by teacher authority may just result in the systematic targeting of non-white students. Ultimately, despite significant policy change, the very structure of teacher authority in punitive behavioral encounters forces inequitable outcomes.

### *Conclusion*

Schools and classrooms are microcosms of society and experience interactions of race, class, and gender on a smaller scale. Discipline processes structurally interact within this

environment under the watchful eye of teachers. As discussed in the first section, the educational process is upheld as the standard to which disruptive behavior is judged. While the educational process is not clearly defined, it plays an important role structuring the flow of knowledge and authority within the classroom. Within this structure race plays a role in determining when this threshold is passed, and the educational process is thoroughly disrupted. Furthermore, racial characters anchor individual teachers' feelings regarding classroom-based infractions and which students are predisposed to disrupt the educational process. Racialized disciplinary outcomes appear unavoidable because of their structural interactions with classrooms as racialized environments and students as racial characters. Thus, this structure of protecting the educational process from student disruption appears unable to separate itself from racial environments.

In the future, it is important to reevaluate the importance placed on the educational process as the indicator of classroom effectiveness. The educational process justifies many instances of suspension and expulsion from disruptions like Mary Beth Tinker's black arm band. However, the structural importance placed on protecting the educational process from disruption may be preventing schools from achieving race neutral discipline outcomes. As seen throughout this chapter the educational process being extolled and furiously protected from students enables teacher authority to disproportionately target students of color. Rather than protecting the educational process from disruptive behavior, it is protected from the disruptive existences of non-white students. Instead of safeguarding the learning environments of students, protection of the educational process targets and intentionally excludes students whose existences disrupt racial norms of whiteness.

### Chapter 3: The Qualified Nature of Classroom Authority

Teachers are the figureheads of authority in the classroom. They exercise authority over the direction of knowledge and individually manage classroom behavioral interactions with their own initial discretion. Traditionally, teachers are the only adult or one of the few adults present in classroom environments. This classroom management structure forces teachers to not only regulate student behavior but their own as well. Teachers manage themselves just as much as they manage their students. Classroom management books consistently recommend that teachers adopt certain behavioral styles or personas that reflect characteristics they want students to view them as. Whether its caring, business-like, authoritative, or otherwise teachers' self-management is an important aspect of the classroom environment. Additionally, teachers must self-regulate their communication through mood and emotional regulation. Emotional management requires self-awareness, self-control, and sensitivity towards others emotional states.<sup>57</sup>

Teacher's emotional self-regulation and presentation towards students is rooted in their individual beliefs regarding children's development and cultural responsiveness. Researchers find that the complementing perspectives of child development and cultural responsiveness influence teacher's attitudes towards academic and social-emotional learning. Thus, a teacher's individual beliefs regarding social-emotional learning influence the extent of a teacher's addressal or consideration of a student's cultural, gender, disabilities, or economic background when responding to behavior. Such individual beliefs include various aspects of teacher efficacy like instructional strategies, classroom management, and student engagement. For example, teachers with lowered self-efficacy, or belief in their own abilities, gravitate towards controlling

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<sup>57</sup> Nancy K. Martin et al., "Expanding the Definition of Classroom Management: Recurring Themes and New Conceptualizations," *The Journal of Classroom Interaction* 51, no. 1 (2016): 31–41.



approaches in their behavioral management techniques.<sup>58</sup> Ultimately, a teacher's role in behavioral management and classroom instruction is nuanced and often related to their individual dispositions. This presents issues when considering how to address disciplinary outcomes, particularly ones related to behavioral infractions, as each classroom interaction is based in incredibly specific beliefs of self-regulation and social-emotional learning.

In the previous chapter, the role of teacher authority in protecting the educational process was discussed as a structural influence of racialized disciplinary outcomes. However, this chapter is dedicated towards exploring the very first aspect of that disciplinary structure: teacher's and their authority. Teachers are the primary link in the chain of authority for protecting classrooms and the educational process from disruption. They are the arbitrators of classroom and behavioral management and their most important tool for executing individual beliefs within their classroom is their authority. With both discretion and individual beliefs underlying most classroom behavioral interactions, many disciplinary outcomes stem from the limitations and nature of teacher authority.

In this chapter, I explore the limitations and nature of teacher authority as outlined by state education laws and codes. I utilize state education laws and codes that mention teacher authority in the context of disciplinary interactions and provide a close reading. Since teachers are the first arbitrators of classroom discipline, examining what powers and privileges their authority is afforded provides implications for understanding recurrent racialized disciplinary outcomes. While mentions of authority are often qualified with specifications like reasonable or lawful, teachers still utilize a structure of classroom management where teachers provide initial judgement of their authority's own reasonableness. Furthermore, looking at teacher authority

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<sup>58</sup> Martin et al., "Expanding the Definition of Classroom Management."

from a student's perspective provides even more dangerous implications for school penal codes. Some state codes outline that their students must submit wholly to a "reasonable" use of teacher authority without discretion for what they consider reasonable. This enables teacher's to not only invoke their authority whenever they see fit but also decide their own reasonableness in this exercise. Combined with the important influence of teacher's individual beliefs regarding classroom management, the current nature and limitations of teacher authority perpetuates dangerous precedents regarding racialized punitive outcomes.

*Teacher Authority: Reasonable, Valid, and Otherwise*

Examining the nature and limitations placed on teacher authority will illuminate an important aspect of the teacher and student interactions within the disciplinary structure. Teacher authority exists in a direct power relation to students in their classrooms with students always receiving authority exercises. Since an exercise of authority is the first action in any disciplinary processes and structures an important classroom power relation, understanding it further will provide additional context to these processes. This section examines 11 U.S. state laws and codes from 8 U.S. states and 1 U.S. territory that mention or describe teacher authority in disciplinary scenarios. These laws were chosen from the larger data set because they specifically described qualifications of teacher authority. Identifying the theoretical nature of authority, its limitations, and afforded powers, is the main objective of this chapter. Several key words were identified in the data analysis which are reasonable, lawful, and valid. These words recurred commonly as important qualifications of authority and are centered in the following analysis.

This chapter conducts a close read of the collected data for the keywords surrounding descriptions of teacher authority and how students are expected to respond. I am particularly interested in the key qualifications of authority and descriptions of appropriate student responses

to these limitations. The data referenced in this section will be listed in the table below. This table will list the state or territory, code or law, and the relevant text to be examined. Important words are bolded in the relevant text.

**Table 2:** Data filtered for mentions of authority

State	Code	Relevant Text
Alaska	14.30.045. Grounds for suspension or denial of admission.	A school age child may be suspended from or denied admission to the public school that the child is otherwise entitled to attend only for the following causes: (1) continued willful disobedience or open and persistent defiance of <b>reasonable</b> school authority
California	EDC 48900	Disrupted school activities or otherwise willfully defied the <b>valid</b> authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.
Delaware	DE Admin. Code §614. Uniform definitions for student conduct which may result in alternative placement or expulsion.	"Defiance of School Authority" means: (1) A verbal or non-verbal refusal to immediately comply with a <b>reasonable</b> request from school personnel, or refusal to identify oneself at the request of school personnel, and/or refusal to comply with disciplinary action; or (2) A verbal or non-verbal display of disrespect and/or uncivil behavior toward school personnel which either causes a substantial disruption or material interference with school activities.
Oregon	339.250. Duty of student to comply with rules; policies on discipline, suspension, expulsion, threats of violence or harm, firearms and physical force; student handbook or code of conduct; enforcement of policies.	1) Public school students shall comply with rules for the government of such schools, pursue the prescribed course of study, use the prescribed textbooks and <b>submit</b> to the teachers' authority
Oregon	581-021-0055. Standards of conduct.	1) Students shall comply with the written rules of the school district board, pursue the prescribed course of study, submit to the <b>lawful</b> authority of teachers and school officials, and conduct themselves in an orderly fashion.
Puerto Rico	Regulation Num. 8115. Article IX, G. Infractions and corrective or disciplinary measures.	5.a.3. Misbehavior Against Institutional Order c. Challenge Authority—a student is in violation if they disobey a directive or direct order for <b>lawful</b> purposes and that has been issued by a person with authority to do so. [...]
South Carolina	43-279. Minimum standards of student conduct and disciplinary enforcement procedures to be implemented by local school districts.	B. Rules of student conduct are required by state and federal law to be <b>reasonable</b> exercises of the local school board's authority in pursuance of legitimate educational and related functions and shall not infringe upon students' constitutional rights
Louisiana	§17:416.18. Teacher Bill of Rights.	Respecting the authority of teachers is essential to creating an environment conducive to learning, effective instruction in the classroom, and proper administration of city, parish, and other local public schools. To maintain and protect that authority, it is important that teachers, administrators, parents, and students are fully informed of the various rights conferred upon teachers pursuant to this Section, which are: A teacher has the right to remove any persistently disruptive

		student from his classroom when the student's behavior prevents the orderly instruction of other students or when the student displays impudent or defiant behavior and to place the student in the custody of the principal or his designee pursuant to R.S. 17:416(A)(1)(c). A teacher has the right to have his or her professional judgment and discretion respected by school and district administrators in any disciplinary action taken by the teacher in accordance with school and district policy and with R.S. 17:416(A)(1)(c). A teacher has the right to teach in a safe, secure, and orderly environment that is conducive to learning and free from recognized dangers or hazards that are causing or likely to cause serious injury in accordance with R.S. 17:416.9 and 416.16. A teacher has the right to be treated with civility and respect as provided in R.S. 17:416.12.
Washington	<b>19) WAC 392-400-330. Suspensions and expulsions—General conditions and limitations.</b>	Authority to administer classroom exclusions. (a) Teacher authority. A teacher may exclude a student from the teacher's classroom or instructional or activity area for behavioral violations that disrupt the educational process while the student is under the teacher's immediate supervision, subject to the requirements in this section and WAC 392-400-335
West Virginia	<b>20) §18A-5-1. Authority of teachers and other school personnel; exclusion of students having infectious diseases; suspension or expulsion of disorderly students; corporal punishment abolished.</b>	The teacher may exclude from his or her classroom or school bus any student who is guilty of disorderly conduct; who in any manner interferes with an orderly educational process; who threatens, abuses or otherwise intimidates or attempts to intimidate a school employee or a student; who willfully disobeys a school employee; or who uses abusive or profane language directed at a school employee. Any student excluded shall be placed under the control of the principal of the school or a designee.

After conducting a close read of the relevant data, two important themes emerge that are explored in this chapter. The first recurring relevant theme is how qualifications of teacher authority change the nature of its power. Many of the collected data points outlined that when teachers asserted themselves, or exercised their authority, their commands needed a certain degree of reasonableness. For example, Alaska code 14.30.045. Grounds for suspension or denial of admission states that “a school age child may be suspended from or denied admission to the public school that the child is otherwise entitled to attend only for the following causes: (1) continued willful disobedience or open and persistent defiance of **reasonable** school authority.”<sup>59</sup> In this understanding, an Alaskan student is suspended or denied school admission

<sup>59</sup> Table 2: Data filtered for mentions of authority.

if they consistently defy a “reasonable” act of school authority. This state code presumes that not all requests made by school administrators are reasonable or require student compliance.

Reasonable is a frequently used qualification for teacher authority and is mentioned in both Delaware DE Admin. Code §614. and South Carolina Code 43-279. Many state laws require that exercises of teacher authority must be reasonable, and students are eligible for punishment insofar as they defy reasonable requests. The standard of reasonableness specifies that teachers cannot utilize their authority against students for just anything. Reasonableness is defined as “the fact of being based on or using good judgment and therefore being fair and practical”.<sup>60</sup> Standards of reasonableness are commonly used in legal scenarios, particularly when exercises of authority are involved. For example, dubious police activity is often judged for whether their response was reasonable in the context and scenario at hand. However, much like teachers in the classroom, police must quickly decide a reasonable response without verification of their supervising authorities.

Other common qualifications of authority include a standard of validity and lawfulness. California education code EDC 48900 states that “(1) Disrupted school activities or otherwise willfully defied the **valid** authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.”<sup>61</sup> Along with the perceived reasonableness of a teachers’ authority, it must also be valid in its exercise. While reasonable implies that teachers cannot make outrageous requests of students, valid implies that the request must be correct or proper for the situation. Lawful is another qualification that implies similar limitations as valid and reasonable. Puerto Rico Regulation Num. 8115. Article IX, G. states that “a student is in violation if they disobey a directive or direct order for **lawful** purposes and that

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<sup>60</sup> “Reasonableness,” <https://dictionary.cambridge.org/us/dictionary/english/reasonableness>.

<sup>61</sup> Table 2

has been issued by a person with authority to do so.”<sup>62</sup> In this scenario, the violation occurs when a student defies a direct exercise of authority made for lawful purposes. Qualifications of valid, lawful, and reasonable all imply that defiance of authority is only punishable if the school authority’s request meets certain standards. However, if punishment can only occur under certain qualifications, it becomes important to ask who sets standards of reasonableness, lawfulness, and validity? Furthermore, it is important to ask whether students judge if an exercise of authority against them is valid, or if the authority itself gets to decide.

While many state laws and codes explicitly qualified exercises of authority to standards of reasonableness or lawfulness, others outlined a strict understanding of a student’s duty to educational authority. Oregon code 339.250. Duty of student to comply with rules states that “Public school students shall comply with rules for the government of such schools, pursue the prescribed course of study, use the prescribed textbooks and **submit** to the teachers' authority.”<sup>63</sup> This data point reflects the strongest point of view regarding a student’s relationship with teacher authority invoking the language of submission. Rather than students following reasonable exercises of authority, Oregon public school students are described as submitting to teachers’ authority regardless of context. Louisiana’s Teacher Bill of Rights states that “Respecting the authority of teachers is essential to creating an environment conducive to learning, effective instruction in the classroom, and proper administration of city, parish, and other local public schools.”<sup>64</sup> Similar to the Oregon statute, authority is upheld here as an essential function in creating learning environments and therefore something that must be respected. The Bill of Rights goes onto later state that “A teacher has the right to have his or her professional judgment

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<sup>62</sup> Table 2

<sup>63</sup> Table 2

<sup>64</sup> Table 2

and discretion respected by school and district administrators in any disciplinary action taken by the teacher in accordance with school and district policy.”<sup>65</sup> Not only is teacher authority respected under all circumstances from students, but this language creates an additional expectation that schools themselves will support exercises of authority regardless of circumstance.

The previous qualifications of authority provided students leeway for potential instances of defiance against unreasonable, invalid, or unlawful exercise of authority. However, ulterior views of authority’s role in the classroom paint a much stricter picture regarding student compliance. Teacher discretion is both powerful *and* dangerous. Everyday teachers address a variety of behavioral situations within their classroom which necessitates discretion. However, since teachers oversee classroom interactions largely on their own, they provide themselves with initial judgements of their authority’s reasonableness. Student judgement of reasonableness, lawfulness, or validity is not considered until after a disciplinary action takes place.

### *Defining Intentional Defiance*

The previous section discussed qualifications and limitations of teacher authority in disciplinary scenarios. Ultimately, teacher authority must maintain a degree of reasonableness, lawfulness, or validity in its exercise. Despite these limitations, teachers initially decide their own reasonableness or validity in disciplinary scenarios as they manage their classroom environments. As overviewed in the introduction, teachers often base their behavioral management strategies in personal beliefs regarding childhood development and the importance of cultural competence. Discretion in the classroom is both powerful and dangerous because each teacher views their duty, authority, and role differently. Furthermore, the uniqueness of each

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<sup>65</sup> Table 2

teacher's belief system implies that they each view reasonableness, lawfulness, and validity differently. Even within the same school a student may experience very different conceptions of what constitutes disruption or appropriate classroom behavior as they attend each of their classes. The dangerous and individualistic power of teacher discretion leaves questions regarding the role of student behavior or judgement in these specific micro-environments.

In this section, I discuss the relationship between student behavior and teacher authority qualifications. I provide a close read of language in Table 2: Data Filtered for Mentions of Authority surrounding student compliance and include analysis of relevant themes. Several of the laws collected mention that student disruption must be “willful” or “intentional” acts of defiance. Thus, behavioral outbursts are judged differently depending on the presumed intention behind a student's actions. However, if intentionality determines whether punishment occurs, it becomes important to ask how intentionality is decided. Furthermore, these presumptions of intentionality occur under the watchful eye of an authority that is individual-dependent and provided initial judgement over its own reasonableness.

Firstly, the intentionality or “willfulness” of a student's behavior is repeatedly mentioned as a precursor for disciplinary action. California Education Code 48900 states that a student may be suspended if they have “Disrupted school activities or otherwise willfully defied the **valid** authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.”<sup>66</sup> In this understanding, a student is suspended if their behavior is identified as “willfully” defiant of the “valid” authority of school administrators. Student defiance, much like teacher authority, is qualified by the assumption of willfulness. Willfulness is also mentioned in Alaska Code 14.30.045. Grounds for suspension or denial of

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<sup>66</sup> Table 2



admission which states that “A school age child may be suspended from or denied admission to the public school that the child is otherwise entitled to attend only for the following causes: (1) continued willful disobedience or open and persistent defiance of **reasonable** school authority [...]” Once again punished students demonstrate a willful or open disobedience of “reasonable” teacher authority. As in California, disruption coupled with intentionality determines whether a student receives punitive action.

The importance of willfulness or intentionality presents several issues considering previous sections discussions. Most laws qualified offending student behavior with presumptions of intentionality or “willfulness” without first describing how intention is identified. However, “Willful” is defined as an person conducting an act “(of something bad) done intentionally (of a person) determined to do exactly as you want, even if you know it is wrong.”<sup>67</sup> Not only are teachers deciding if an act of defiance was intentional, willful implies the act came from a place of bad faith. The language asks authority figures to determine if a student is acting out of malice and makes teachers provide moral judgements. There are no significant differences mentioned between intentional and unintentional student disruptions. In fact, the continued usage of willfulness as a behavioral standard maintains odd implications. Assuming there are willfully defiant students implies the existence of unintentionally obedient ones. If willfulness standardizes punishment outcomes, then unintentional obedience must standardize behavioral norms. Furthermore, if schools build behavioral norms on expectations of unintentional obedience as well as presumed societal norms of cis, white, heterosexual males, then intentionally defiant students exist as an opposition to these standards. Identifying intentionally

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<sup>67</sup> “Willful,” <https://dictionary.cambridge.org/us/dictionary/english/willful>.

defiant students cannot be separated from the racialized environment it occurs in and the behavioral norms they offend.

### *Intentional Defiance and Unintentional Obedience in Racialized Environments*

The difference between intentional and unintentional disruption, willfully defiant students, and unintentionally obedient ones, remains undescribed once again allowing teachers increasing discretion. Through the presented analysis, teachers not only decide when disruption significantly disturbs the educational process, whether this disruption was committed in bad faith, and finally if their response demonstrates reasonableness. The structure of classroom power as outlined by penal codes provides teachers with increasingly powerful discretion and judgements over types of students. As previously discussed, teachers identify disruptions of the educational process and provide moral judgement over the student's degree of intentionality which creates two archetypes of students. The authority structure in classrooms forces teachers to identify and separate the *willfully defiant students* from the *unintentionally obedient* ones. Excluding willfully defiant students is viewed as a protectionary act for the educational process and the unintentionally obedient students who remain. However, in the racialized environments of classrooms, moral judgements and classification of students does not occur without considerations of race and racial characters. In fact, the identification of willfully defiant students and unintentionally obedient ones comes from an authority figure whose judgements heavily relies on their views of a student's background and their own standards of behavior.

Since they singularly manage their own behavior, student behavior, and coinciding interactions teachers must rely on racial characters when identifying disobedience. Teachers make a variety of snap assumptions when initiating disciplinary processes regarding their own validity and the offending student's behavior. Additionally, teacher's assumptions of acceptable

behavioral standards are often based in their individual perceptions of themselves and their students. The nature of how teacher authority operates in classrooms classifying behavior provides implications for solving racialized disciplinary outcomes. Despite significant overhaul in California regarding referrals for classroom disruption, all remaining referrals demonstrated unequal racial outcomes for Black and Latine students compared to their white counterparts.

I argue that the inherent structure and nature of authority in the classroom forces differential selection of students who exist in opposition to prevailing behavioral norms. Authority targets willfully defiant students to protect the educational process for unintentionally obedient ones. This structure forces classroom authority figures to provide moral judgements over students through utilizing their specific views of emotional management and culture consciousness. Racialization research finds that individuals often utilize racial characters when applying meaning towards other actions. Thus, a teacher's interpretation of student behavior and its grounding intention is informed by their pre-existing understanding of racial characteristics. A student's behavior is not merely their actions but a conglomeration of their teacher's background and racial understanding. Teachers utilize their authority for creating meaning from behavioral interactions that account for their interpretation of a student's racial character. While a teacher's authority is qualified by a standard a reasonableness, lawfulness, and validity, it ultimately provides itself initial verification of these attributes. An act of authority can only be deemed unreasonable after it occurs, but a student's compliance with the teacher's demand is immediately judged and acted upon.

Teachers are the first actors in the chain of authority in schools and the protectors of the educational process which provides them significant discretion in classroom management. However, as previously stated, discretion is both powerful and dangerous when utilized by an

authority that structurally targets students who exist in opposition to prevailing societal norms. I find that the differential selection of students of color appears destined to continue as the issue does not lie in policy or application but in the very nature and role of teacher authority. The penal codes that structure interactions between teachers and students force teachers to select students that endanger the educational process. In other words, penal codes target disruption as means for protecting classrooms and student learning, while simultaneously targeting students who threaten this environment. Meaning that students represent both the object to be protected and the reason protection is needed in the first place.

## Chapter 4: Rethinking Authority in the Classroom

### *Introduction*

Historically school disciplinary codes perpetuate inequitable racial outcomes that push students of color into prisons rather than colleges. Racialized outcomes reached new heights underneath zero tolerance policies that heavily penalized all forms of violations. However, in the early 2000s schools turned away from zero tolerance policy and looked towards restorative justice and PBIS as more racially equitable alternatives. Schools constantly demonstrate their willingness to rethink disciplinary codes and often drastically change policy in the name of racial equity. Even this paper began considering California's significant policy change regarding willful defiance. Despite school's constantly rethinking discipline, they have not eliminated racial disparities in any penal policy iteration. From zero tolerance to restorative justice, students of color bear the brunt of punitive burden which indicates to many that solving inequities lies beyond policy. This thesis thinks beyond policy and examines rather a structure of power that remains consistently present in each disciplinary iteration. Most disciplinary scenarios begin in the classroom and result from interactions between students and their teachers. Predominant classroom models place teachers as the head directors of classroom interactions and behavior moderation. Teachers utilize their authority as head of class to direct the flow of knowledge and classroom interactions.

Classrooms center teacher authority as a means of moderating interactions between students and faculty. Despite the enduring role of teachers as the distributor of authority, little attention is paid to the phenomenon of authority. The nature and role of teacher authority remains unnoticed and yet present in every disciplinary scenario regardless of the overarching era of disciplinary policy. School disciplinary research largely ignores the theoretical phenomenon of authority in

favor of quantitative analysis regarding unequal outcomes. While quantitative analysis provides us important information regarding the continued existence of racialized outcomes and several contributing factors, theoretical work must supplement these findings with structural analysis. This thesis provides important analysis of school authority and how this phenomenon structures classroom disciplinary interactions. I began this work investigating the role of authority particularly in behavioral disciplinary interactions. I chose behavioral infractions rather than other ones because they demonstrate direct contact between students and faculty authority. Furthermore, behavioral interactions represented the most racially inequitable disciplinary category in California before their willful defiance policy change. Teacher authority presents itself most prominently in behavioral scenarios which is where I began my analysis.

I collected 20 U.S. state laws and education codes from 13 states and 1 U.S. territory that mentioned authority in behavioral disciplinary contexts. I conducted a close read analysis of these state laws with particular attention paid towards the language surrounding authority and students' relationship with it. I believe that understanding the nature and role of authority illuminates important information regarding eliminating racially inequitable outcomes in school discipline. I developed two theories regarding school authority and its structural function in racialized punitive outcomes.

### *Theoretical Contributions*

#### **I. Protection of the Educational Process in Racialized Environments**

The first theoretical contribution I provide is the structural importance of protecting the educational process from student disruption and how this focus reproduces structural racial inequalities. This theory develops the structural role of teacher authority and its enduring relationship with racialized disciplinary outcomes. "The Educational Process" represents the

flow of order and knowledge within the classroom and is historically identified by legal precedent as a threshold for disciplinary action. While the Supreme Court Case *Tinker vs. Des Moines* set precedent that students do not shed all their first amendment when entering the classroom, their first amendment rights are limited by whether their expression significantly disrupts the educational process. The educational process becomes an important structure that cannot be significantly disturbed by students without disciplinary action occurring. Several of the state laws collected repeated similar ideology that teachers are provided the authority to punish students insofar as the students significantly disrupt the educational process. In this moment of disruption, teachers utilize their authority to protect the educational process from the students themselves by targeting disruption. Teacher authority and the educational process provide each other reaffirming importance. Expanded, protection of the educational process provides teacher authority agency and purpose while teacher authority necessarily protects the educational process in return. This reaffirming structure is then directed against student disruption and interacts with classroom environments in important and often unconsidered ways.

Classrooms exist as racialized learning environments and are often the first spaces where students recognize race, class, gender, and other significant identity attributes. Teachers are neither enacting their authority nor protecting the educational process in neutral environments. Racialization signifies the extension of meaning and characteristics applied to certain social groups based upon their immutable characteristics. It is a historically specific practice where social, economic, and political forces determine the meaning of one's race. Essentially, individuals are given racial characters through their social existence by which individuals apply their behavior meaning. Race as a noticeable first characteristic becomes important in providing significant context clues of who one is. Classrooms are sites of social learning and students often

experience the ramifications of their racial character in their interactions with fellow students and their teachers. Identifying and targeting disruption in an environment where students are provided characteristics through their identified race maintains major implications. Rather than identifying disruption of classroom order, teachers may be identifying disruptive existences.

School penal codes are built upon the behavioral norms of white, cis, hetero men which entails that the standard of behavior automatically opposes certain social existences. Disruptive existences stand out within classrooms as students interact with each other and their teachers' racial characters. Authority is then a tool for identifying disruptive existences and removing them from classroom environments. Rather than protecting the educational process from behavioral disruption, teachers utilize authority to protect it from disruptive existences. Any reimagined disciplinary philosophy that does not significantly examine this structural relationship fails to eliminate the targeting of disruptive existences.

## **II. The Qualified Nature of Teacher Authority**

The second theoretical contribution I provide is analyzing the qualifications of teacher authority and how it separates defiant students from obedient ones. This theory defines the nature of teacher's authority as the arbitrators of classroom discipline and the first actors in most disciplinary scenarios. Examining the powers and privileges afforded to this authority illuminates important implications for understanding racialized punitive outcomes. Teachers carry many duties when in the classroom. Teachers not only self-regulate their own emotions, but they also regulate student interactions and behavior. As previously mentioned in Chapter 3, research demonstrates that teachers' beliefs regarding the importance of culture consciousness and perspectives on child-hood development are often rooted in their individual perceptions. Within each school individual teachers operate on separate beliefs that impact their view of behavioral



regulation. Despite being in the same school, each classroom a child enters maintains slightly different understandings of acceptable behavioral standards.

Much of the data collected qualified uses of teacher authority with three recurring words: reasonable, lawful, or valid. While some laws maintained no qualifications, often teachers are not provided unregulated uses of authority. Standards of reasonableness, lawfulness, or validity imply that teachers occasionally make outlandish requests that are not required to be followed by students. However, these qualifications of authority bring forth questions regarding who ultimately determines the reasonableness of a request and how much agency students are allowed in judging a use of authority. In the context of classrooms as a power structure that places teachers as the arbitrators of their authority and students as the receiver, teachers often decide their own initial reasonableness. Since teachers direct the classroom, often without supervision, they must act without any initial verification besides their own. This means that teachers wield an authority that possess initial judgement over itself. Additionally, many of their beliefs regarding a reasonable request or unreasonable student behavior resides in teacher's individual beliefs. Students face different expectations of compliance and behavior depending upon whose classroom they are currently in.

On the other hand, students are described as having a duty to comply with reasonable exercises of authority made by school administrators. Furthermore, the data outlines that students are punished for disobedience insofar as the offending behavior appeared intentional. Not only is student compliance expected, but instances of defiance are further separated by their grounding intentions. Many data points collected stated that teachers had the authority to punish if students "willfully" or "intentionally" defied reasonable requests. The specification of willful or intentional defiance requires that teachers not only perform a judgement of whether the student's

behavior violated the educational process but an additional moral judgement of the action's intention. Willful implies that the offending behavior originated from a place of malice or poor intentions. Teachers must pass moral judgement against disruptive students to determine if their behavior happened in bad faith. Furthermore, if teachers separate willfully defiant behavior from unintentionally defiant ones than schools are creating two distinct categories of students. Either students are willfully defiant or unintentionally obedient, acting from malice or acting from a neutral place.

Ultimately, I argue that teachers target intentionally defiant students with their authority to protect the educational process for unintentionally obedient ones. The current disciplinary structure forces teachers to separate the willful from the unintentional without accounting for teacher's individual belief systems. As previously explained, teachers utilize individual racial characters when applying meaning toward student behavior. A teacher's interpretation of defiant behavior and its backing intention is wholly informed by pre-existing understandings of racial meaning, emotional management, and culture consciousness. Teacher authority is loosely qualified by standards of reasonableness to provide teacher's ample discretion in the classroom. However, discretion is dangerous when utilized by an authority operating with significant amounts of initial agency in an environment fraught with racial meaning. The significant discretion and role afforded to teacher authority contributes to the differential selection of students of color as it structurally targets students with defiant social existences.

### *Rethinking the Future of Educational Penal Codes*

Disciplinary codes are continuously rethought because of their significant contributions towards inequitable outcomes for students of color. Inequitable disciplinary systems continuously send students of color into prison systems rather than colleges at higher rates than

their peers. Rethinking penal codes allows school districts to disentangle their systems of punishment from the school-to-prison pipeline and uplift students from marginalized backgrounds. Despite each additional iteration of school penal codes eliminating degrees of racial inequality, these outcomes remain consistently present in our schools. The enduring nature of racial inequality in school discipline indicates that the issue does not simply lie in poor policy. Rather, my research pushes schools to consider that current classroom power and authority structures are destined to reproduce inequitable outcomes despite policy change. As demonstrated in both chapter 3 and 4, teachers utilize their authority to differentially select students with intentionally disruptive existences to protect the educational process within the classroom. This differential selection operates as a function of the classroom structure rather than a function of policy. Instead of eliminating significant behavioral disruption, authority ends up eliminating eliminate disruptive existences from the classroom.

Schools must thoroughly examine the function of authority and power within their classrooms if they want to eliminate racially inequitable outcomes. Each iteration of school discipline maintains the traditional power structure with the teacher directing their authority against students in a singular direction. In this structure, teachers utilize their authority to select, judge, and punish students who disrupt the classroom order. Differential selection occurs because the current structure of classroom authority requires it. In the end, policy changes that do not accompany changes in power structures fail to understand that racial outcomes lie deeper than policy. I encourage future theory and policy researchers to consider investigating racialized outcomes as functions of power and authority in schools rather than poor policy choices. Examining closely how authority and power operates in the classroom through its subversive

meaning will illuminate pathways forward. I believe the future of equitable discipline in schools lies in reimagining the dispersion and role of authority within the classroom.

Ultimately, the traditional model of classrooms that require an orderly educational process pit teachers and their authority against students moving through these spaces. Rather than representing the flow of knowledge, the educational process structures the differential selection of students of color. Equitable punitive outcomes are within reach if schools are willing to radically reimagine the relationship between teachers, authority, and students.

## Data and References

State	Law	Law Text
Georgia	(1) 20-2-738. Authority of teacher over classroom; procedures following removal of student from classroom; placement review committees.	<p>(a) A teacher shall have the authority, consistent with local board policy, to manage his or her classroom, discipline students, and refer a student to the principal or the principal's designee to maintain discipline in the classroom. The principal or the principal's designee shall respond when a student is referred by a teacher by employing appropriate discipline management techniques that are consistent with local board policy.</p> <p>(b) A teacher shall have the authority to remove from his or her class a student who repeatedly or substantially interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn, where the student's behavior is in violation of the student code of conduct, provided that the teacher has previously filed a report pursuant to Code Section 20-2-737 or determines that such behavior of the student poses an immediate threat to the safety of the student's classmates or the teacher. Each school principal shall fully support the authority of every teacher in his or her school to remove a student from the classroom under this Code section. Each school principal shall implement the policies and procedures of the superintendent and local board of education relating to the authority of every teacher to remove a student from the classroom and shall disseminate such policies and procedures to faculty, staff, and parents or guardians of students. The teacher shall file with the principal or the principal's designee a report describing the student's behavior, in one page or less, by the end of the school day on which such removal occurs or at the beginning of the next school day. The principal or the principal's designee shall, within one school day after the student's removal from class, send to the student's parents or guardians written notification that the student was removed from class, a copy of the report filed by the teacher, and information regarding how the student's parents or guardians may contact the principal or the principal's designee.</p>
Georgia	(2) 20-2-751.5. Student code of conduct; safety rules on school buses; distribution.	d) Local board policies relating to student codes of conduct shall provide that each local school superintendent shall fully support the authority of principals and teachers in the school system to remove a student from the classroom pursuant to Code Section 20-2-738, including establishing and disseminating procedures. It is the policy of this state that it is preferable to reassign disruptive students to alternative educational settings rather than to suspend or expel such students from school.
Louisiana	(3) §17:416.18. Teacher Bill of Rights.	A. Respecting the authority of teachers is essential to creating an environment conducive to learning, effective instruction in the classroom, and proper administration of city, parish, and other local public schools. To maintain and protect that authority, it is important that teachers, administrators, parents, and students are fully informed of the various rights conferred upon teachers pursuant to this Section, which are:

		<p>(3) A teacher has the right to remove any persistently disruptive student from his classroom when the student's behavior prevents the orderly instruction of other students or when the student displays impudent or defiant behavior and to place the student in the custody of the principal or his designee pursuant to R.S. 17:416(A)(1)(c).</p> <p>(4) A teacher has the right to have his or her professional judgment and discretion respected by school and district administrators in any disciplinary action taken by the teacher in accordance with school and district policy and with R.S. 17:416(A)(1)(c).</p> <p>(5) A teacher has the right to teach in a safe, secure, and orderly environment that is conducive to learning and free from recognized dangers or hazards that are causing or likely to cause serious injury in accordance with R.S. 17:416.9 and 416.16.</p> <p>(6) A teacher has the right to be treated with civility and respect as provided in R.S. 17:416.12.</p>
New York	(4) <u>100.2 (1)(2). Code of conduct.</u>	p) a minimum suspension period, for any student who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom, provided that the suspending authority may reduce such period on a case by case basis to be consistent with any other State and Federal law. For purposes of this requirement, "repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom" shall mean engaging in conduct which results in the removal of the student from the classroom by teacher(s) pursuant to the provisions of Education Law section 3214(3-a) and the provisions set forth in the code of conduct on four or more occasions during a semester, or three or more occasions during a trimester, as applicable.
Virginia	(5) <u>§ 22.1-276.2. Removal of students from classes.</u>	<p>A. Teachers shall have the initial authority to remove a student for disruptive behavior from a class.</p> <p>B. Each school board shall establish, within the regulations governing student conduct required by § 22.1-279.6:</p> <ol style="list-style-type: none"> <li>1. Criteria for teachers to remove disruptive students from their classes;</li> <li>2. Requirements for incident reports of disruptive behavior to school administrators and any other documentation to support such removals from class;</li> </ol>
Washington	(19) <u>WAC 392-400-330. Suspensions and expulsions—General conditions and limitations.</u>	<p>(1) Authority to administer classroom exclusions.</p> <p>(a) Teacher authority. A teacher may exclude a student from the teacher's classroom or instructional or activity area for behavioral violations that disrupt the educational process while the student is</p>

		<p>under the teacher's immediate supervision, subject to the requirements in this section and WAC 392-400-335.</p> <p>(b) Other school personnel authority. A school district may authorize other school personnel to exclude a student from a classroom or instructional or activity area for behavioral violations of the district's discipline policy adopted under WAC 392-400-110 or 392-400-225, subject to the requirements in this section and WAC 392-400-335.</p>
West Virginia	<p><u>(20) §18A-5-1. Authority of teachers and other school personnel; exclusion of students having infectious diseases; suspension or expulsion of disorderly students; corporal punishment abolished.</u></p>	<p>(c) The teacher may exclude from his or her classroom or school bus any student who is guilty of disorderly conduct; who in any manner interferes with an orderly educational process; who threatens, abuses or otherwise intimidates or attempts to intimidate a school employee or a student; who willfully disobeys a school employee; or who uses abusive or profane language directed at a school employee. Any student excluded shall be placed under the control of the principal of the school or a designee.</p>

State	Law Name	Law Text
Alaska	<p>(6) 14.30.045. Grounds for suspension or denial of admission.</p>	<p>A school age child may be suspended from or denied admission to the public school that the child is otherwise entitled to attend only for the following causes:</p> <p>(1) continued willful disobedience or open and persistent defiance of reasonable school authority</p>
California	<p>(7) EDC 48900.</p>	<p>(k)(1) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.</p>
3(Delaware	<p>(8) 14 DE Admin. Code §614. Uniform definitions for student conduct which may result in alternative placement or expulsion.</p>	<p>"Defiance of School Authority" means: (1) A verbal or non-verbal refusal to immediately comply with a reasonable request from school personnel, or refusal to identify oneself at the request of school personnel, and/or refusal to comply with disciplinary action; or (2) A verbal or non-verbal display of disrespect and/or uncivil behavior toward school personnel which either causes a substantial disruption or material interference with school activities.</p>
Oregon	<p>(9) 339.250. Duty of student to comply with rules; policies on discipline, suspension,</p>	<p>(1) Public school students shall comply with rules for the government of such schools, pursue the prescribed course of study, use the prescribed textbooks and submit to the teachers' authority.</p>

	expulsion, threats of violence or harm, firearms and physical force; student handbook or code of conduct; enforcement of policies.	(2) Each district school board shall adopt written policies for the discipline, suspension or expulsion of any refractory student. The policies:  (a) May allow discipline, suspension or expulsion for conduct that includes, but is not limited to:  (A) Willful disobedience;  (B) Open defiance of the authority of a school employee;
Oregon	(10) 581-021-0055. Standards of conduct.	(1) Students shall comply with the written rules of the school district board, pursue the prescribed course of study, submit to the lawful authority of teachers and school officials, and conduct themselves in an orderly fashion.
Puerto Rico	(11) Regulation Num. 8115. Article IX, G. Infractions and corrective or disciplinary measures.	5.a.3. Misbehavior Against Institutional Order  c. Challenge Authority—a student is in violation if they disobey a directive or direct order for lawful purposes and that has been issued by a person with authority to do so. [...]
South Carolina	(12) 43-279. Minimum standards of student conduct and disciplinary enforcement procedures to be implemented by local school districts.	B. Rules of student conduct are required by state and federal law to be reasonable exercises of the local school board's authority in pursuance of legitimate educational and related functions and shall not infringe upon students' constitutional rights
Washington	(13) RCW 28A.600.460. Classroom discipline—Policies—Classroom placement of student offenders—Data on disciplinary actions.	(1) School district boards of directors shall adopt policies that restore discipline to the classroom. Such policies must provide for at least the following: Allowing each teacher to take disciplinary action to correct a student who disrupts normal classroom activities, abuses or insults a teacher as prohibited by RCW <a href="#">28A.635.010</a> , willfully disobeys a teacher, uses abusive or foul language directed at a school district employee, school volunteer, or another student, violates school rules, or who interferes with an orderly education process. Disciplinary action may include but is not limited to: Oral or written reprimands; written notification to parents of disruptive behavior, a copy of which must be provided to the principal.  (4) Nothing in this section is intended to limit the authority of a school under existing law and rules to expel or suspend a student for misconduct or criminal behavior.
Washington	(14) WAC 392-400-110. Discipline policies and	(1) School district policies and procedures beginning in the 2019-20 school year. Before the commencement of the 2019-20 school year, a school district must adopt written policies and procedures for



	procedures— Development, review, and distribution.	supporting students in meeting behavioral expectations and administering discipline in accordance with this chapter. The policies and procedures must:  (a) Clearly state the types of behaviors for which discipline, including suspension and expulsion, may be administered; [...]  (f) Identify school personnel with the authority to administer classroom exclusions, suspensions, expulsions, emergency expulsions, and other forms of discipline.
Wisconsin	(15) 120.13. School board powers.	2. In addition to the grounds for expulsion under subd. 1., the school board may expel from school a pupil who is at least 16 years old if the school board finds that the pupil repeatedly engaged in conduct while at school or while under the supervision of a school authority that disrupted the ability of school authorities to maintain order or an educational atmosphere at school or at an activity supervised by a school authority and that such conduct does not constitute grounds for expulsion under subd. 1., and is satisfied that the interest of the school demands the pupil's expulsion
New York	(16) <u>2801. Codes of conduct on school property.</u>	2. The board of education or the trustees, as defined in section two of this chapter, of every school district within the state, however created, and every board of cooperative educational services and county vocational extension board, shall adopt and amend, as appropriate, a code of conduct for the maintenance of order on school property, including a school function, which shall govern the conduct of students, teachers and other school personnel as well as visitors and shall provide for the enforcement thereof. Such policy may be adopted by the school board or trustees only after at least one public hearing that provides for the participation of school personnel, parents, students and any other interested parties. Such code of conduct shall include, at a minimum:  l. a minimum suspension period, for students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom, provided that the suspending authority may reduce such period on a case by case basis to be consistent with any other state and federal law. For purposes of this section, the definition of "repeatedly are substantially disruptive" shall be determined in accordance with the regulations of the commissioner;  m. a minimum suspension period for acts that would qualify the pupil to be defined as a violent pupil pursuant to paragraph a of subdivision two-a of section thirty-two hundred fourteen of this chapter, provided that the suspending authority may reduce such period on a case by case basis to be consistent with any other state and federal law.
South Carolina	(17) <u>59-17-135. Character education.</u>	(C) Beginning with the 2000-2001 school year, each school district board of trustees is encouraged to require students in the public schools

		<p>under the jurisdiction of the board to exhibit appropriate conduct, as required in subsection (D) of this section.</p> <p>(D) When a public school student is speaking with a public school employee while on school property or at a school sponsored event, the student may be encouraged to address and respond to the public school employee by using terms indicative of or reflecting courtesy and respect for a public school's employees position of authority including, but not limited to, sir, ma'am, thank you, and please.</p>
South Carolina	(18) <u>59-63-1330.</u> <u>Discretion of school board.</u>	<p>Nothing in this article shall abrogate the authority of any public school district and its governing board to take such disciplinary action as it is otherwise empowered by law to take against any student for misconduct including, but not limited to, expulsion, and nothing in this chapter shall require that any student be assigned to such an alternative school. These decisions shall rest solely in the discretion of the district and school board, regardless of the offense, record of the child, or other information presented from any source.</p>

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