THE EMBEDDED CONTEXT OF THE ZERO TOLERANCE DISCIPLINE POLICY AND STANDARDIZED HIGH STAKES TESTING: THE INTERACTION BETWEEN NATIONAL POLICIES AND LOCAL SCHOOL PRACTICES

DISSERTATION

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ABSTRACT

A valid concern facing School districts within the state of Ohio, as well as across the country, is situated around methods to increase student performance on standardized high stakes tests and achieve the requirements of the mandated No Child Left Behind (NCLB) Law. Simultaneously, school districts are confronting a multitude of challenges to decrease the impact of student suspension and expulsion within school cultures and comply with local policies such as the Zero Tolerance Discipline Policies. The contextualization of both the local Zero Tolerance Discipline Policy and the national NCLB mandate in relationship to standardized high stakes testing and the impact of the two upon one another define the purpose of this qualitative study. This study investigated the systematic methods in which K-12 faculty in an urban school district responded to the sometimes conflicting testing mandates of complying with NCLB and the Zero Tolerance Discipline Policy. The rationale was to use critical theory to examine education faculty’s opinions, perceptions, and strategies involving the implementation of: (1) locally mandated Zero Tolerance Discipline Policies; (2) nationally mandated standardized high stakes testing laws; and (3) how both policy and law can be counterproductive to one another. The information discussed and the findings of this study have implications for legislatures, superintendents, administrators, teachers, students, parents, intervention specialists, state agencies and researchers.
Dedication

This is dedicated to everyone who cultivated a love for learning within me.
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FIELDS OF STUDY

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CHAPTER 1: INTRODUCTION

Across the country a growing fear of students has developed in educators, communities and other students. Situations like Columbine have intensified the fear of the American people and allowed the perception of students as a threat. National events like the 911 attacks have also increased our paranoia in society. This paranoia has evolved into a myriad of laws, school violence prevention programs and increased school security. In addition, as a result of social decay, students no longer come to school feeling comfortable or even safe.

The increase in gang violence, drug distribution and student deaths were the impetus for school districts to develop zero tolerance discipline policies (ZTDP). These policies do not appear in the No Child Left Behind (NCLB) law. However, the Federal Gun-Free Schools Act (GFSA) requires school districts to implement policies that restrict the use of firearms in order to continue their eligibility for federal funding. Inevitably, the GFSA was branded as a zero tolerance policy for the possession of firearms at school. Casella (2003) argues that zero tolerance is either hailed as a logical deterrent to violence in schools or is vilified for its unfair treatment of especially poor youths of color.

In the case of school board policies like ZTDP and laws like NCLB a comparative disconnect exists. Policy and law can be counterproductive to one another. NCLB is based on the premise that all children in America must have the chance to learn and
succeed. In critiquing NCLB, Robert Brennan (2004) declared, NCLB and its regulations, however, do not really focus on all children, or even most children. Dunbar and Villarruel (2003) found that the disparate interpretation and implementation of zero tolerance policies among school leaders negatively affects the education experience of urban students. Consequently, when urban school board officials attempt to adhere to policy and law respectively, imminent challenges arise. It appears that two federal mandates (NCLB and GFSA) with their interpreted policies are concurrently implemented within America’s schools. Their stated intent is to provide school safety and opportunities for student learning. The reality is that they institutionalize inequality and benefit few.

Casella (2003) contends that school district zero tolerance policies such as those for disruptive and inappropriate behavior do not account for consequences that can exceed the duration of a suspension or expulsion and may have long-term negative impacts on the individuals. The NCLB of 2001 requires that high stakes standardized testing be administered to 95% of all students. This causes a conflict. The inconsistency is disturbing, as students who are expelled or suspended because of infractions to the school district zero tolerance discipline policy may miss the opportunity to take federal mandated high stakes standardized tests during their suspension and expulsion.

Moreover, districts that adhere to the ZTDP face the unintended consequences of not meeting the 95% NCLB participation rate. Daniel (2006) cautioned, if any subgroup does not achieve the Annual Yearly Progress (AYP) target, all subgroups are considered to have been unsuccessful for that year. This situation can cause massive problems because the scores on the high stakes standardized tests and the number of students that
participated in the test determine the school’s and district’s state report card rating (Ohio Department of Education, 2005). Alarmingly, students who are suspended or expelled during the administration of high stakes standardized testing could potentially be prohibited from graduating high school.

In fact, district consequences for student non performance to the desired expectation of the test and test participation rate determine teacher/principal rewards like gainsharing, teacher/principal evaluation and allocation of school funding (Casbarro, 2005). Student consequences for non-participation or performance that does not meet specific grade level requirements are graduation from high school, grade retention/promotion and long-term labeling as a low performance student. Another startling impact to students for nonparticipation on high stakes standardized tests is that the increased student drop out rate as a result of high stakes standardized testing as well as school suspensions and expulsions has been linked to the “school to prison pipeline” (Wald & Losen, 2003).

This situation reveals another harsh ramification for students who did not have the opportunity to be administered high stakes standardized tests due to their concurrent suspension or expulsion. For those students, the likelihood of the student to become incarcerated increases. Consequently, these two mandates, and their extended policies, play a significant role in minimizing opportunities for student success in school. Moreover, the chances for student exposure to test taking strategies, which could improve future performances on tests, are also limited when students are denied access to the test for disciplinary infractions.
Understandably, students who exhibit extreme disciplinary behaviors should have consequences for their actions which match the level and severity of the offense. A consequence or form of alternative disciplinary strategy is necessary to attain school climates that are safe and conducive to learning. However, if suspension or expulsions are the disciplinary strategies implemented, several important questions need to be answered: Are the suspensions or expulsions which deprive students of the opportunity to take mandated federal high stakes standardized tests used as precautionary measures or are they purely punitive? Are local school districts accommodating the testing needs of both regular education and special education students who are suspended and expelled?

Further, are conditions, times or alternative settings for testing provided for the student who has been suspended or expelled? As a result of students nonparticipation in high stakes standardized testing what other ramifications and consequences are applied to regular education students, special education students, teachers, administrators, school districts, and school districts in relationship to the aggregate and disaggregate testing data when a student who has violated the zero tolerance discipline policy has been suspended or expelled and do not take high stakes standardized tests? Casbarro (2005) conceptualizes this dilemma when he asserts, “high-stakes testing is a politically charged issue that has had a tremendous impact on how our schools operate” (p.23).
1.1 Statement of the Problem

A correlation exists among high stakes standardized student testing and student suspension and expulsion. Students who come from impoverished backgrounds and/or reside in low socio-economic environments in general are challenged with standardized tests (Horn, 2003). Likewise, research on the academic achievement of a North Carolina school district reported that student demographics such as socio-economic status and race were the primary factors in the identification of students who were not successful on standardized tests (Okpala, 2002). Similarly, the research of Skiba, Peterson & Williams (1997) indicates that suspension is used disproportionately with students who are:

1. male;
2. from low socioeconomic families;
3. identified as having a disability;
4. of low academic competence; and
5. of minority ethnic background.

These studies strongly support the claim that the characteristics of students who are suspended from school and who do poorly on high stakes standardized testing are remarkably similar. It appears that Limited English Proficient (LEP) students who have English as a second language, Learning Disabled (LD) students, or students who are from a low socio-economic background are most likely suspended, expelled and grade poorly on high stakes standardized tests.
Research demonstrates that deficits in student achievement parallel low socio-economic status. Parallels also exist among students with deficits in student achievement and membership in minority groups, English as a second language, health problems (physical or mental), substance abuse issues, legal problems, trauma from a divorce or death in the family, pregnancy, learning disabilities, grade retention, course failure, truancy, and students that display a high rate of discipline problems (Wehlage, 1990).

This is an extensively documented distress, yet NCLB mandates that districts report sub-group disparities and close the achievement gap among students from all economic and racial backgrounds. NCLB also demands that states that accept federal dollars demonstrate a student participation rate of 95% on high stakes standardized tests. NCLB policies need to be revised to accommodate those students who are suspended or expelled as a result of an infraction to the ZTDP so that those students have equal access to high stakes standardized tests during their suspension or expulsion. Districts should not be faced with the battle to advocate for this addendum, the law should mandate it. Clearly, it affects the good of our educational society as a whole.

Another problem has surfaced. According to the American Bar Association (2004) minorities are more apt to incur suspension, and those suspended minority students are more apt to become involved in the juvenile justice system. This problem becomes even more alarming because minority students are much more likely to be detained at arrest, adjudicated and sentenced to a custodial placement than white students. Thus, according to the Center for Community Alternatives Justice Strategies (2005) “under-resourced urban schools that are ill equipped to address the needs of impoverished
students, zero tolerance, and other punitive disciplinary policies, high stakes testing, and racism are all pipeline components” (p.2).

Equally important is that high stakes testing and suspension/expulsion have been linked to increased student drop-out rates. According to the National Center for Educational Statistics (NCES), in 2003, the proportion of 16 to 24-year old Hispanic high school drop-outs (24 percent) was higher than either proportion of Black or White high school drop-outs (11 percent and 6 percent, respectively). Also, Black 16 – to 24-year olds were more likely to become high school drop-outs than White 16-to 24 year olds.

The National Center for Education Statistics (NCES) also reports that in 2003, of the 457,000 persons who dropped out of high school during the previous 12 months, 271,000 (or fifty-nine percent) were in the civilian work force, while 186,000 (or forty-one percent) were not in the labor force. Yet, of the 59 percent of persons in the civilian work force 31 percent were unemployed and seeking employment opportunities.

According to NCES between 2001-02 and 2013-14, the number of public high school graduates in the state of Ohio is expected to decrease by –1.5. An overall expected decrease in graduation rates is projected for 23 states. NCLB and the rigorous standards that the Act entails may have an impact on the number of student high school drop-outs because of the Act’s emphasis on high stakes standardized testing. High stakes testing has influenced many states including Ohio to administer high school student’s graduation tests. The passage of theses graduation tests is used to determine a student’s eligibility to graduate from high school.
According to the Ohio Department of Education (ODE), in Ohio, three in 10 students who start ninth grade leave school before they graduate. The graduation rates for poor students, Black students and Hispanic students who graduate within four years is worse. For example, in the 2002-03 school year 88.6% of White students graduated in four years. Meanwhile, 71.6% of Hispanics graduated and 62.9% of Blacks graduated high school in four years (Ohio Department of Education, 2003).

The link between high stakes standardized testing and graduation is clear in Ohio. For instance, in Ohio, beginning with the high school graduating class of 2007, students will be required to pass all parts of the Ohio Graduation Test (OGT) with a score at or above proficient (reading score 20.0 or higher, math score 19.0 or higher) in order to receive a diploma. Students will have seven opportunities while school is in session to pass the OGT prior to their high school graduation. Those students who do not pass the OGT will not graduate. Those students who miss one of the seven opportunities to take the OGT because of suspension or expulsions have one less chance to pass the test to graduate. Moreover, students that have been expelled during their high school career are not eligible for Alternative Pathways to Graduation as a consequence for being expelled (Ohio Department of Education, 2006).

The need for law makers to revise high stakes standardized testing policies so that they resolve the conflicts between the requirements of NCLB and the consequences of ZTDP are of the utmost importance today. This study is designed to investigate the impact of the local ZTDP and its consequences on student’s exposure to high stakes standardized assessments. Concomitantly, this research seeks to determine to what extent
the NCLB accountability measures impact students who are suspended and expelled. The questions that guided this research are listed in the following section.

1.2 Research Questions

1. To what extent do all students (i.e., ‘all’ incorporates students who are home instructed, disabled, LEP, gifted, suspended and expelled) have an equal opportunity to be administered high stakes standardized tests?

2. In what ways does the zero tolerance discipline policy affect a faculty’s overall perception of meeting the demands of high stakes standardized testing in terms of student promotion and student graduation?

3. In what ways does student nonparticipation on high stakes standardized tests due to student suspension or expulsion affect educational urban districts accountability outcomes?

4. What are the primary consequences to school districts, students, administrators and teachers as a result of missed opportunities of student assessments due to student suspension and expulsion?

5. During the administration of high stakes standardized testing (OGT, OAT) how are student discipline situations that occur in the school building handled from extreme to minor?

6. What options/provisions are provided for suspended and expelled students to be administered high stakes standardized tests during the term of their suspension and expulsion?

7. To what extent does high stakes standardized testing impact student discipline?

8. What proactive solutions are implemented to reduce student discipline problems during test administration?

These research questions will attempt to ascertain the impact ZTDP has on high stakes standardized testing mandated by NCLB. Further, the questions will identify consequences to all stakeholders for the denial of high stakes standardized testing to a particular population of students. A primary objective of this study is to examine the
effects of policy and law on the population of students who have been suspended or expelled during the administration of high stakes standardized testing. It is not enough to assume a correlation exists between the two.

1.3 Significance of the Study

A study of this type is important for several reasons. First, although studies have explored the consequences of zero tolerance discipline (Johnson, Boyken, Pittz, 2001) and have examined the impact of high stakes standardized tests on special education populations and minorities (Madaus & Clarke, 2001), no study has explored the ramifications of students who are suspended and expelled as a result of an infraction of zero tolerance and miss high stakes standardized tests during their suspension or expulsion.

Second, a study of this type could help construct a policy for students who miss high stakes standardized tests because they have been expelled or suspended. Third, this study is important because it may provide insight into the inconsistency of NCLB in establishing provisions for subgroups to be tested while it neglects the population of suspended and expelled students who encompass the demographics of those subgroups.

Finally, this study could promote an increase in the graduation rate in the state of Ohio if all students are provided access to the Ohio Graduation Test. Moreover, it could potentially support a decrease in the high school drop out rate in the state of Ohio. According to the U.S. Department of Education National Center for Education Statistics (2004) the state of Ohio is projected to increase its drop-out rate and decrease the number
of projected high school graduates from 115,810 to 108,990. According to the Ohio Department of Education, of the 156,491 high school freshmen enrolled in 1999 only 114,907 graduated in 2003. The data reflects the drastic need for a researched based intervention method that provides access to graduation tests for all students, regardless of suspension or expulsion. This research-based intervention will provide each student with another opportunity to have access to the test that determines whether the student graduates or becomes a 711 (which is a student who has completed all the coursework to finish high school with the exception of passing the Ohio Graduation Test).

Students that are suspended and expelled from school during test administration are denied the equal opportunity to assessments during the term of the expulsion. This denial of testing services can have deep rooted consequences for those expelled students. For example, a student who is required by the State Department of Education in Ohio to be administered the Ohio Graduation Test and who does not take the test could possibly not graduate from high school. Even more drastically, a school district that does not test a student earns zero points on the performance indicator. It would be to the advantage of every school district to test the population of students that are expelled to provide an equal opportunity of testing to all students and to increase the performance index score. The performance index score is so relevant that it determines a school district’s status in reference to NCLB’s Annual Yearly Progress (AYP) accountability measure. Consequences for not attaining AYP can be extraordinarily significant to districts.
Although the performance index score can be increased it can be advantageous to certain school districts to “push out” students in an effort to prevent a downturn in AYP scores. “All Ohio students will be a part of the statewide AYP calculation, including students who have not been enrolled in any single district for a full academic year” (ODE Accountability Workbook, 2008, p.25). Moreover, students that are drop-outs can not be counted as transfer students due to the full academic year rule. This rule is also referred to as the 120 day rule. Students that are absent during the administration of the test, but were enrolled in the same school year for a full academic year, will count for that individual school, district and the state. Students that have not been enrolled at the same school from October count week through the test administration will not count in the school aggregate, but will count for the district and the state (ODE Accountability Workbook, 2008).

As a result of the methodology that the Ohio Department of Education utilizes to calculate individual school scores, schools have resorted to unfair measures to increase their scores. Daniel (2006) discusses how students are pushed out of the schools and encouraged to drop-out in an effort for a school building to increase their scores. Further, the grade span method is utilized. In this effort, a school can retain a student in a grade to prevent him/her from taking a test in the next desired grade (Daniel, 2006).
1.4 Purpose of the Study

This study was designed to benefit students, parents, teachers, administrators, superintendents, school boards, school districts, teacher unions and policy makers because it will identify discriminatory practices against those students who are suspended and expelled during high stakes standardized testing and provide alternative solutions to testing. Further, if all students are given the opportunity to be administered high stakes standardized testing; this may improve the graduation rate. This study is also beneficial in that it can prevent future local, state and federal lawsuits by identifying and solving the problem at present.

More specifically, this study can prevent lawsuits because, prior to now, no lawsuits have been filed claiming a student was denied equal access because he/she was not able to be administered high stakes standardized tests while suspended or expelled. This study may have the potential to create an awareness of the defined problem and cause policy-makers to change or modify policies to accommodate this population of students. Additionally, this study serves as an evaluation mechanism for building-level and district-level school leaders in districts that implement both high stakes standardized testing and zero tolerance discipline policies.

Suspension is the most common method used to deliver the consequences for inappropriate behavior in today’s American schools (Skiba, 2000). With that in mind, the present study is fundamentally vital on a national level. School administrators may have policies in place for both zero tolerance discipline and high stakes standardized testing.
However, in other schools those policies may be unnamed, outdated, nonexistent or abused. The present study fills that gap by using critical theory, critical race theory and critical pedagogy as a lens through which to understand adult responses about living through the high stakes standardized testing era while implementing zero tolerance discipline policies. The qualitative responses from the adults will provide school leaders and policy maker’s opportunities to review ethical and legal considerations related to their current use of both high stakes standardized testing and zero tolerance discipline policies.

The present study actively asks for adult opinions, and it becomes a current school leader’s responsibility to take real-life information and use it to improve, develop and re-design school policy. Therefore, this study ultimately leads to administrators’ roles and responsibilities associated with the popular and too often stated, “Education for all.” This study has immediate, concrete relevance to tomorrow’s students who graduate from a school where high stakes standardized testing is implemented as a graduation requirement from high school.

More specifically, critical theory (Tozer, Violas & Senese, 2002) will help identify the presence of perceived inequality within a school district that adheres to the guidelines of both the No Child Left Behind Act and zero tolerance discipline policies. This is a novel approach because research about high stakes standardized testing and zero tolerance discipline policies is especially scarce. The findings of this study will provide an opinion from a large urban district in Ohio that utilizes both zero tolerance discipline
policies and high stakes standardized testing for graduation. By interviewing adults from every level of the school district, some educational issues previously hidden from school researchers and leaders have become known. The present study explored adult experiences of implementing both high stakes standardized testing required by NCLB and zero tolerance discipline policies simultaneously in schools and interpreted those responses through a critical theory framework.

This study provides a new milieu and framework for viewing zero tolerance discipline policies and the effects of those policies on school districts that put into practice high stakes standardized testing for graduation. The purpose of the study is to reveal adult thoughts, feelings, opinions and perceptions of experiences in implementing the zero tolerance discipline policies in a high stakes standardized testing arena. It is not the objective of the researcher to either support or refute zero tolerance polices or high stakes standardized testing in schools. Rather, the purpose is to cause educators to take a deeper look at their current practice and decide how to make certain that today’s students within the current educational system are educated fairly and appropriately.

1.5 Definition of Terms

The subsequent definitions are presented to ensure consistency and comprehension of these terms throughout the study. Each is defined for the reader’s convenience. The researcher developed all definitions not accompanied by a citation.

*Students with disabilities* - For the purpose of this study, this group is defined by the definition for “students with disabilities” established by the Ohio Department of
Education for the disaggregating of student results on Proficiency tests which is students who have an IEP (Individual Education Plan) or 504 Plan. Excluded, for the purpose of this study, are students who have an IEP, but qualify for alternate assessment according to standards established under P.L.107-110 (NCLB).

*ESL* – “English as a Second Language” – Students with this designation are also referred to by some authors as LEP (Limited English Proficient) or bilingual students.

*NCLB* – “The No Child Left Behind Act, or the Reauthorization of Elementary and Secondary Education Act (ESEA) was enacted January 8, 2002, to expand choices for parents, focus resources on proven educational methods, and provide accountability for results.” (No Child Left Behind, 2002)

*High stakes testing* – A standardized test that is administered to students which has high consequences or sanctions for those students.

*Drop out* – A student who has not completed high school and is not enrolled.

*Assessment* – The measurement of student achievement of performance goals and objectives, also known as a test.

*School discipline infraction* – A violation of a school rule.

*Zero Tolerance* – Zero tolerance policies as defined by the U.S. Department of Education are school discipline policies that mandate predetermined consequences or punishments for specific outcomes.
**Disaggregate data** – Student performance data separated into categories based on ethnicity, gender, socioeconomic status, mobility, and other variables.

**Expulsion** – A mandatory leave from school grounds assigned to a student by the superintendent as a form of punishment that lasts from 11 days to 80 days. Regular education students receive no educational services during their period of expulsion; special education students receive supplemental services i.e., home instruction. Expelled students are removed from school grounds because of a discipline infraction such as drug distribution, weapon violation, assault on staff, or sexual harassment.

**Out of School Suspension** – A mandatory leave assigned to a student as a form of punishment that can last anywhere from one day to 10 days during which the student cannot attend school.

**Annual Yearly Progress (AYP)** – All schools and districts must annually make progress in increasing achievement for all student subgroups. States must specify annual objectives to measure progress. The student test scores, attendance rate and graduation rate determine whether a school or district meet this performance indicator established by No Child Left Behind. Meeting the requirements of AYP also determines rewards and sanctions for schools and districts.

**State Performance Indicator** – The criteria established by the State Board of Education to determine district and school performance as reported on the state report cards (Ohio Department of Education).
1.6 Limitations of the Study

According to Denzin and Lincoln (2000) limitations and parameters help researchers avoid making overweening claims about the generalizability or conclusiveness of what has been learned. The limitations that exist in this research project are its constraints on generalizability and value of the findings. The results may not be generalized beyond the specific population from which the sample was drawn. Further, the sample is a large urban district. This may become a limitation because the needs in relation to testing and discipline may differ in suburban and rural areas; these differences need to be explored. In addition, a respondent’s honesty may present a limitation to the study.
CHAPTER 2
REVIEW OF THE LITERATURE

“Increasingly children seem to have no standing in the public sphere as citizens and as such denied a fair sense of entitlement and agency. Children have fewer rights than almost any other group and fewer institutions protecting these rights. Consequently, their voices and needs are almost completely absent from the debates, policies, and legislative practices that are constructed in terms of their needs.” (Giroux, 2003, p.554)

2.1 Introduction
The previous chapter established the problem to be studied and incorporated the research questions to be examined with a brief review of the literature. This chapter will examine the three theoretical paradigms of Critical Theory, Critical Race Theory and Critical Pedagogy frameworks that will be used throughout this study. Additionally, this chapter will explore in detail the four main bodies of literature related to the present study. They include: (1) defining the No Child Left Behind Act, clarifying its role in school accountability and examining its mandates on standardized testing in Ohio; (2) standardized high stakes testing, defining high stakes testing, impacts of high stakes testing and court cases involving high stakes testing; (3) school discipline, defining discipline and its priority in schools, defining antisocial behavior, and the effects of antisocial behavior on schools and students; (4) the zero tolerance discipline policy, providing a history of zero tolerance discipline, clarifying its role in schools, identifying disparities and problems with zero tolerance and court cases involving zero tolerance
discipline; and (5) research related to the study. The United States Supreme Court stated the following in *Brown v. Board of Education Topeka (347 U.S. 486, 74 S. Ct. 686)*:

> Education is perhaps the most important function of state and local governments . . . . It is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. . . . It is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. (p. 493)

The statement from the Supreme Court is the most important goal of the literature review that comprises this chapter. To explore the literature on high stakes standardized testing and the zero tolerance discipline policy and how both can be counter productive to one another and potentially perpetuate the denial of educational testing opportunities to students during the term of their suspension or expulsion.

### 2.1 Critical Theory

The theoretical lens through which the researcher looks from is a critical theorist perspective. The Frankfurt School developed critical theory. Critical theory is described as a willingness to call into question the entire social order and to situate the concept of power relations at the center in discussing a dilemma (Tozer, Violas & Senese, 2002). This means that power structures have purposeful influence over the social order within problems a society encounters. Critical theory epistemologies are transactional and self-reflective in nature and value motivated. They aspire to critique, transform and liberate knowledge that has been distorted and supported by the social order. It is justly inherent with morals tilted towards revelation versus deception. Critical theorists advocate in varying degrees of social action from overturning of specific unjust practices to radical transformations of entire societies (Denzin and Lincoln, 2000).
Critical theory began in the modernist or golden age of qualitative research. It gives voice to society’s underclass in an attempt to transform our current society into a just, balanced, humane, and reconciled society. The ontology of critical theory is premised on historical realism that understands power relations from multiple perspectives or realities. Critical theory believes that there are prevailing constructions of truth, which can encourage inequalities within social, cultural, economic, ethnic, and gender principles that have evolved over time (Denzin & Lincoln, 2000).

Yet, critical theorists also realize that these same social, cultural, economic, ethnic, and gender principles have created the virtual reality within society (Ladson-Billings, 2000). Schurleich and Young (1997) and Ladson-Billings (2000) relate that critical theory endeavors to disrupt or elucidate the existing hegemony or status quo with respect to oppressed peoples, whether their oppression is based upon race, gender, ethnicity, language, class, sexuality, or other types of diversities. Critical theorists acknowledge the ongoing necessity of adapting their concepts, theories, techniques to an ever-changing reality. Critical theorists are interested in the emancipation of human beings. Critical theorists in pragmatic terms attempt to reduce suffering and promote happiness. One of the broadest objectives of a multidisciplinary research practice would be a “critical theory of the present,” that is, a general view of contemporary society, its problems, and its point of view (Hoy & McCarthy, 1994).

One of the first undertakings of critical theory was to challenge the privileged "non-position" of social-scientific knowledge by analyzing the modes of its production, the roles it played in society, the interests it served, and the historical processes through
which it came to power (Hoy & McCarthy, 1994). The methodology of critical theory is dialogic and dialectical primarily using the research tools of observation and interviews. Within its methods critical theory poses questions to intensify consciousness of injustices in a concerted effort to embark on the transformation process. Critical theorists attempt to reveal structures of domination and people’s responses to them. Problems associated with critical ethnography are the necessity to unite the lived occurrences of the researched to the greater political configuration of society and over-privileging the researched (Denzin and Lincoln, 2000).

The acknowledgment of the influence of power relations of critical theory is one of the factors that have potential connections to both high stakes standardized testing and zero tolerance discipline policies. Boards of Educations, during the zero tolerance discipline policy development process, make decisions and recommendations about discipline that will ultimately be implemented by all administrators and teachers with the intent of serving all students. Boards of Educations therefore exhibit their hierarchical power during this policy development. Building level administrators determine whether student suspension is warranted for a discipline infraction. Equally important, administrators decide whether the infraction exceeds their authority and request an expulsion hearing. Lastly, administrators determine whether the offense warrants the referral to the local police department for student detainment and incarceration. Both administrators and teachers engagement in the building level discipline plans development process may determine the consequences for specific student infractions, fundamentals of intervention, positive behavior supports, define rules, sanctions,
procedures and define preventative discipline practices. Consequently, administrators and teachers exhibit their hierarchical powers during the student disciplinary process therefore, exhibiting facets of critical theory which influence power relations.

The group dynamic of the zero tolerance discipline policy development committee may also exhibit aspects of critical theory. Elements of critical theory may be evident in the actions of more experienced board members who may self-impose their hidden agendas through their dual leadership roles in relation to discipline. An outspoken teacher, administrator, union representative and community member may advocate for their particular position without equal consideration of others’ positions, demonstrates aspects of critical theory which expose structures of domination.

Critical theory is a paradigm concerned with investigating matters of power, control, and politics. The acknowledgement of the influence of politics, power and control are factors that have potential connections to the implementation of high stakes standardized testing. The federal government with its implementation of the No Child Left Behind Act specifically mandates school accountability and state standards in order to receive federal funding. A requirement of the Act is annual yearly progress on state tests. The federal government makes decisions and recommendations about accountability to the state departments of education that will ultimately be implemented by all school districts since all districts receive federal funding. The decision imposed by the federal government demonstrates its power. The reality that high stakes standardized testing is intertwined with legal implications reveals the politics. The fact that funding is at risk for failure to comply demonstrates control. The state, local, building,
administrative, teacher and student consequences of high stakes testing demonstrates the ontological assumption of critical theory that reality is socially constructed through asymmetrical power relations over time.

2.2.1 Critical Race Theory

To conceptualize the depth of critical theory it is imperative to discuss critical race theory as it pertains to the racial impacts and cultural viewpoints of people of color. Critical Race Theory (CRT) was a product of legal scholars of color. It developed in the 1970’s with the timely effort of Derrick Bell and Alan Freeman. They were indisputably concerned with the unhurried rate of racial change in the United States. CRT views racism as “normal but aberrant in American society” and for the reason it is subsequently entangled in the fabric of the U.S. social order, it materializes as both normal and natural to citizens in the society. CRT departs from conventional legal scholarship by occasionally employing storytelling to “analyze the myths, presuppositions, and received wisdoms that make up the common culture about race and that invariably render blacks and other minorities’ one down” (Denzin & Lincoln, 2000). Furthermore, critical race theorists argue that the connection between educational inequity and social justice needs to be investigated with respect to how a modification in concepts of justice may give rise to different interpretations of educational equity (Tate IV, 1997).

Critical race theorists assimilate pragmatic information, drawn from a communal history as ‘other,’ with their continuing struggles to transform the human race deteriorating under the impediments of racial hegemony. CRT is insistence on a critical assessment of liberalism. It disputes that Blacks have been the most important
beneficiaries of civil rights legislation. CRT centers on the position of “voice” in bringing supplementary influential power to legal discourses of racial justice. Critical race theorists attempt to introduce the cultural viewpoints of people of color, resulting from a frequent history of oppression, into their efforts to restructure a civilization degenerating under the burden of racial hegemony (Denzin and Lincoln, 2000).

Examining the problem of the zero tolerance discipline policy and high stakes standardized testing via critical race theory provides a natural lens to examine the racist and discriminatory realities. CRT confronts the conventional viewpoint regarding the infrastructure of American society across all disciplines working to expose the manifestation of racism wherever it exists (Crenshaw et al., 1995; Parker & Lynn, 2002; Noguera, 2003; Solorzano & Yosso, 2002).

Critical Race Theory will be employed to elucidate various underlying assumptions, codes, practices of marginalization and exclusion that negatively impact the realities of African American students that are affected by both the zero tolerance discipline policy and high stakes standardized testing. The profound influence of educational practice on African American males in particular will be examined. CRT will guide the researcher to investigate the following trends that are associated with the minority experience in the educational system: (1) the disproportionate number of African American males that are suspended and expelled, (2) minorities’ low performance on standardized tests, (3) increase in minority student grade retention and failure rates, (4) the disproportionate number of African American males at risk for juvenile incarceration, and (5) higher dropout rates of minorities.
2.2.2 Critical Pedagogy

To conceptualize the depth of Critical Theory a discussion of Critical Pedagogy is warranted. Critical Pedagogy is rooted in the theories of the Frankfurt School (Tozer, Violas & Senese, 2002). Critical pedagogy offers historical, cultural, political, and ethical empowerment for individuals in the human race devoted to education who still have the courage to hope. It is devoted to democracy and freedom from oppression. Critical pedagogy is used to expose hegemonic structures, a process in which dominant groups in society collectively form alliances and sustain leadership over subordinate groups and to examine the imbalanced social stratification in social order based upon class, race and gender (Freire, 1974; Giroux, 1985). Critical pedagogy endeavors to make the reality of racial inequality identifiable so that teachers can educate students in a humane approach (Campbell, Daniel, Portelli & Soloman, 2005). Ahlquist (1990) contends that critical pedagogy allows people to think critically so that they are able to “grab hold of real life problems and construct solutions to them” (p.5).

2.3 No Child Left Behind

On January 8, 2002, President Bush signed the No Child Left Behind (NCLB) Act of 2001. It was enacted by the One Hundred Seventh Congress of the United States of America. The No Child Left Behind Act was conceded Congress by votes of 87 to 10 in the Senate and 381 to 41 in the House. This Act specifically mandates school accountability and state standards in order to receive federal funding. A requirement of the act is annual yearly progress on state tests including all subgroups, categories of subgroups are: students with limited English proficiency, economically disadvantaged students, disabled
students, and major racial/ethnic groups. One provision of the Act is that by the year 2013-2014 all schools in the nation will have 100% passing rates on state standard assessments.

According to the Act its motivation is, all children in America must have the chance to learn and succeed. Yet, critics of the act like Robert Brennan (2004) report that, “NCLB and its regulations, however, do not really focus on ‘all’ children, or even most children” (p.6). Beginning with the 2005-2006 school years, the No Child Left Behind Act (NCLB) of 2001 obliges every state accepting Title I funds to administer yearly assessments in reading and mathematics in grades 3-8 and once in grades 10-12.

Moreover, the Act requires states to administer yearly science assessments once in grades 3-5, grades 6-9, and grades 10-12. The science assessments will begin in the 2007-2008 school year. The Act states that 95% of the student population must be tested at each tested grade. In an effort to accomplish the 95% goal, regular or alternative assessments can be provided. However, if the school districts do not test 95% of the students required to test that district cannot make Adequate Yearly Progress (AYP). Adequate yearly progress refers to the growth required in the percentage of students who attain the state’s description of academic proficiency. Moreover, all students in attendance for one year must be included for district and school accountability according to No Child Left Behind Act. Brennan (2004) asserts,

Educational testing is currently undergoing both revolutions and evolutions that will have far-reaching and long-term consequences. Perhaps the most salient revolution is the unprecedented movement towards using testing for high stakes accountability decisions in the K-12 arena, primarily through the No Child Left Behind Act. (p.iv)
The NCLB requires 95% of students to be administered standardized high stakes testing. Further, these high stakes tests are used to determine both the evaluation of students but schools also. The range of consequences for non-performance to the desired expectation of the test are graduation from high school, grade retention/promotion, school allocation of funding, labeling for poor performance and student/teacher and principal rewards and teacher/principal evaluation (Casbarro, 2005). However, these consequences may not account for all consequences for non-performance to the desired test expectation. Daniel (2006) states:

Each year, local school districts are compelled to use the results of the annual statewide standardized tests to review the progress of its schools, and its students. These results must be widely disseminated to school personnel, parents, the community, state education officials and, ultimately the United States Department of Education. Of importance to note is that failures in any of the above may cause the loss of federal funds; moreover, these dollars may go to parents in order to make other educational choices for their children, including charter and private schools. (p.3)

According to Goldberg (2005) another consequence that he calls “cynical aspect” of this dilemma is that “policy makers and school administrators are accused of holding youngsters back a year before a major test in order to make themselves look a bit better” (p.18). An even more alarming consequence is the drop out rate as a result high standardized stakes testing and school suspensions and expulsions has been linked to the “school to prison pipeline” (Wald & Losen, 2003).

The Center for Community Alternatives Justice Strategies (2005) states, “Under-resourced urban schools that are ill equipped to address the needs of impoverished students, zero tolerance, and other punitive disciplinary policies, “high stakes testing,” and racism are all pipeline components” (p.2). Moreover, tracking students by ability and
high stakes mandatory testing negatively regulates the amount of people who will be competing for employment on every level of income ability (Fork & Spector, 2002). The controversial legislative reform act NCLB and its accountability implications have fashioned a residual consequence to the states including Ohio. According to Wald & Losen (2003) high stakes tests is increasing the number of students disproportionately minority, retained a grade level and denied high school diplomas for failure to master one or a set of state mandated exams.

The Accountability workbook designed by the United States Department of Education in 2003 for State Grants under Title IX, Part C, Section 9302 of the Elementary and Secondary Education Act (Public Law 107-110) designates every state must include an accountability system. The required elements of the state accountability system incorporate 10 principles. Listed below are portions of the principle elements:

1. Accountability system includes all schools and districts in the state.
2. The accountability system includes all students.
3. Accountability system expects all student subgroups, public schools, and LEAs to reach proficiency by 2013-14.
4. Accountability system is based primarily on academic assessments.
5. Accountability system includes graduation rate for high schools.

In accordance with Section 1111(b)(2) of the No Child Left Behind Act of 2001, the directive was put into practice that a statewide accountability system for every state be implemented. Not long after, the Ohio Department of Education created an accountability system endorsed in 2003 entitled the Ohio Report Card System.
Therefore, this system rendered Ohio compliant with the federal mandate. According to the Ohio Department of Education (2005) the subsequent five mechanisms were utilized by the state of Ohio in the design and implementation of The Ohio Report Card System:

1. The use of multiple measures. The Performance Index and Growth Calculation recognize the achievement levels of students, as well as progress over time.

2. Designations (Excellent, Effective, Continuous Improvement, Academic Watch and Academic Emergency) for school districts, school buildings and community schools.

3. More timely results for families, schools and school districts, results are published before the start of the next school year.

4. Recognition and consequences for schools that do or do not show improvement.

5. Accountability for various groups of students, including:
   - Economically disadvantaged students;
   - Students from major racial and ethnic groups;
   - Students with disabilities;
   - Students with limited English proficiency.

2.3.1 No Child Left Behind Sanctions

The No Child Left Behind Parent Guide submitted by the United States Department of Education (2003) informs parents specifically of the following:

_No Child Left Behind’s accountability requirements bring real consequences to those schools that continually fail to improve student achievement as a result of using programs and practices for which there is no evidence of success._ (p.24)
The No Child Left Behind Act (NCLB Parent Guide, 2003) incorporates a detailed action plan and timetable for sequential steps that will be initiated when a Title I school neglects to master the goals and objectives of Adequate Yearly Progress. The specific steps in sequential order are as follows:

1. A Title I school that has failed to master adequate yearly progress, as defined by the state, for two consecutive school years will be identified by the district before the beginning of the subsequent school year as needing improvement. School officials will design a two-year plan to manifest changes in turning around the schools academic performance. During this time frame, students must be offered the option of transferring to a different public school in the district including a public charter school that has not been recognized as a school in school-improvement status.

2. In the event the school does not master the adequate yearly progress goal for three consecutive years, the school remains in school-improvement status, and the law necessitates that the district continue to offer public school choice to all students. Students from low-income families are eligible to receive supplemental educational services, in the form of tutoring or remedial classes, from a provider that is state approved.

3. Schools that fail to master the adequate yearly progress goal for four consecutive years, the district is required to put into practice a variety of corrective actions to advance the school, like changing staff or completely implementing a different curriculum. In addition, schools are mandated to continue to offer public school choice and supplemental educational services for the population of students with low-income.

4. Schools that fail to master the adequate yearly progress goal for five consecutive years, the school district is mandated to initiate plans for restructuring the school entirely. This may comprise reopening the school as a charter school, replacing all or the majority of the school staff or turning over the operations of the school either to the state or to a private company with an established record of effectiveness.

2.4 Ohio Standardized Testing Laws

According to the Ohio Department of Education (2003) standardized assessments are implemented in Ohio. The two types of standardized assessment implemented in Ohio
for students are the Ohio Achievement Test (OAT) and the Ohio Graduation Test (OGT). The OAT and OGT offer feedback to students, teachers, administrators and parents. They are used to rate schools and districts for their annual report card ratings. The OAT and OGT tests the subject areas of reading, writing, math, science, and social studies. The OAT is administered to students in grades 3 through 8.

The OGT is administered first in the 10th grade. Students are mandated to pass each and every one of the 5 portions of the OGT as a component of eligibility for graduation. However, there is a provision to permit student graduation while failing one subject provided students meet other academic criteria. Ohio’s students are afforded with up to seven opportunities to master the standardized assessment (Ohio Department of Education, 2003). Ohio Revised Code indicates that tests be given in March (Section 3301.0710(C)) and that “not later than sixty days after any administration of any test . . . the department shall send to each school district board a list of the individual test scores of all persons taking the test” (Section3301.0711 (G)).

In the state of Ohio, the graduating class of 2007 is the initial class that is obliged to achieve at proficient or above on the Ohio Graduation Tests (OGT) as a graduation requirement. However, the Ohio Department of Education provides students with an Alternative Pathway for eligibility for a diploma. In accordance with Ohio Revised Code (ORC) §3313.615, students can graduate by passing four of the five components of the OGT if they meet all of the following criteria. The student must:

1. Have missed by 10 points or less that portion of the OGT for which a failing grade was received;
2. Have a 97 percent school attendance rate in each of the last four school years, excluding any excused absences;
3. Have not been expelled from school...in any of the last four school years;

4. Have a grade point average of at least 2.5 out of 4.0, or its equivalent as designated in rules adopted by the state board of education in the subject area of the [failed OGT];

5. Have completed the [state] high school curriculum requirements...in the subject area [of the failed test];

6. Have taken advantage of any intervention programs provided by the school district or school in the subject area [of the failed OGT]...and has a 97 percent attendance rate, excluding any excused absences, in any of those programs that are provided at times beyond the normal school day, school week or school year or has received comparable intervention services from a source other than the school district or school;

7. Hold a letter recommending graduation from each of the person's high school teachers in the subject area [of the failed OGT]...and from the person's high school principal (Ohio Department of Education Accountability Workbook, 2007).

Ohio House Bill 3 (2003) added the annual yearly progress measure, the performance index, and the growth calculations to Ohio’s rating system. The Performance Index is one of the evaluative tools utilized to determine the Ohio Report Card designations for districts and schools alike. In addition, the performance index offers a general indication of students’ performance on the OAT and OGT. Both the OAT and OGT have five performance levels - limited, basic, proficient, accelerated and advanced. The Performance Index score is calculated by multiplying the percentage of students at each performance level by weights ranging from 0 for untested, 0.3 for limited, 0.6 for basic, 1.0 for proficient, 1.1 for accelerated and 1.2 for advanced students. The totals are subsequently added to acquire the school or district's Performance Index score. The Performance Index scores range from 0 to 120 (Ohio Department of Education, 2003).
“Proficient” performance is defined in Ohio Revised Code as an end-of-grade expectation (Sections 3301.0710(A)(1) and 3313.608((B)(2)). School districts must supply students who score in the “below basic” range with “prevention/intervention services in pertinent subject areas” (Section 3313.6012(B)) “commensurate with the student’s test performance” (Section 3301.0711(D)). Students who score “below basic” on the third or fourth grade reading test must be offered “intense remediation services” (Section 3313.608(B)(2)).

According to the State of Ohio Growth Model Proposal to the U.S. Department of Education (2006) districts may possibly meet the criteria for AYP in any of following three ways:

1. Through a point-in-time demonstration that each subgroup has met the state’s annual measurable objective: (current AYP calculation);

2. For subgroups that have not met the annual measurable objective: by achieving a 10 percent decrease in the percentage of students who are not proficient (current Safe Harbor); or

3. In the case of districts that are unsuccessful in meeting AYP through the first two methods: by summing the school-level data to calculate a district-wide percentage of students in every subgroup who are proficient or above and are expected to remain proficient (based on the school-level rules) and determining if this percentage meets the state’s annual measurable objective.

Safe Harbor is a technique utilized to achieve AYP. It is useful once a subgroup has not met the current year target proficiency rate or the two-year aggregate target proficiency rate. Two years of proficiency data must be obtainable to execute the safe
harbor computation (Accountability Workbook, 2006). It is a necessity that a subgroup have a 10% decrease in its percentage of non-proficient students from the preceding year in the academic subject that utilizes the Safe Harbor method (Accountability Workbook, 2006).

Section 3302.03(D)(3) necessitates disaggregating of student test data according to student characteristics, including race, ethnicity, gender, and economic disadvantage. Also, Section 3302.03(D)(2)(h) purposely permits the Ohio Department of Education to “disaggregate data on student performance according to additional categories that the department establishes are appropriate.” The state must provide rewards and sanctions for all public schools and LEA’s for making adequate yearly progress (AYP), except that the State is not required to hold schools and LEA’s not receiving Title I funds to the requirements of section 1116 of NCLB [§200.12(b)(40)].

In an effort to comply with the NCLB Act and the Closing Achievement Gap Taskforce the Ohio Department of Education selected specific achievement standards to demonstrate district Adequate Yearly Progress (AYP) goals for 10 student subgroups. The 10 student subgroups are as follows:

1. All Students
2. African-American
3. Native American
4. Asian/Pacific Islander
5. Hispanic
6. Multi-Racial
7. White
8. Economically Disadvantaged
9. Limited English Proficient
10. Students with Disabilities

In making a decision concerning the mastery of the criteria for annual measurable objectives of each school building, every school district, and the state-as-a-whole, the state of Ohio evaluates for: (1) all subgroups, (2) the percent of the tested students who accomplish the proficient level or higher, (3) examination of participation rates, (4) the implementation of a standardized averaging process, and (5) the application of the safe harbor provision (Ohio Department of Education, 2005). Participation requirements of school buildings and districts in which less than 95 percent of any student subgroup takes the state assessment will not master the AYP standard. However, the number of students within the subgroup has to meet the minimum mandatory number of 30 students; this includes the special education subgroup. If the size of the subgroup is fewer than 30 students, then a participation rate of less than 95 percent for that subgroup will not cause school building failure of the AYP goal (Ohio Department of Education, 2005).

The condition for complete participation of students with disabilities in the statewide testing program is codified in Ohio law in Section 3301.0711(C). The condition is that the performance of students with disabilities on statewide tests must be incorporated in school and district accountability computations are located in Section 3302.03(E) of Ohio code. Ohio requires that every student with a disability participate in the statewide assessment program by being administered the standard assessment not including accommodations, by being administered the standard assessment with
allowable accommodations, or by taking an alternate assessment. The scores for students with disabilities who are administered the alternate assessment will be incorporated in the assessment data in the accountability system within the boundaries established by federal statute and regulations (Ohio Department of Education, 2003). The Ohio Department of Education Accountability Workbook (2008) requires that no more than 1.3 percent of the total special education students tested may count in the category of proficient or higher.

Listed below is detail pertaining to students with disabilities cited from the Ohio Department of Education Accountability Workbook (2008):

Ohio requires all students with disabilities to participate in the statewide assessment program by taking the regular assessment without accommodations, by taking the regular assessment with approved accommodations, or taking the alternate assessment. Ohio law requires that the scores for students with disabilities who take the alternate assessment be included in the assessment data in the accountability system within the parameters defined by federal statute and regulations (Section 3302.01 (I) (2)). Consistent with Assistant Secretary for Elementary and Secondary Education Raymond Simon’s May 20, 2004 letter, Ohio will limit the proportion of students who can count as proficient or higher in AYP calculations through an alternate assessment to 1.3 percent of the total students tested. Application of the cap of 1.3 percent to subsequent years is contingent on further United States Department of Education approval (p. 44).

Special education students are selected for an alternative assessment only if they meet the following criteria: (1) students are labeled severely cognitive disabled, no more than 10% of all disabled students can be alternatively assessed; and (2) gap kids that have the potential to score better, but relative to the disabled and nondisabled it would take these students a considerable amount of time, no more than 20% of all disabled students can be alternatively assessed.
The Ohio Department of Education is requiring that all limited English proficient students partake in the statewide testing program in 2002-03. Verification of this condition includes the February 27, 2002 memo from Mitchell D. Chester, Assistant State Superintendent, to all Ohio district superintendents, which is titled “Maximizing Student Participation in March 2002 Proficiency Testing.” The memo gave the following instruction:

The only students exempted from being included in the calculation of school and district achievement and the determination of Adequate Yearly Progress are those who have been enrolled in the school district for less than one year. All other students, including special education and limited English proficient students, will be included in the determination of school and district achievement and progress for purposes of Title I.

Existing Ohio law necessitates the participation of limited English proficient students with the following provisions (Section 3301.0711(C)(3)):

As used in this division, "English-limited student" means a student whose primary language is not English, who has been enrolled in United States schools for less than three full school years, and who within the school year has been identified, in accordance with criteria provided by the department of education, as lacking adequate proficiency in English for a test under this section to produce valid results with respect to that student's academic progress.

According to the Ohio Department of Education (ODE), there is a considerable gap between the academic performances of racial subgroups within the state of Ohio. For example, ODE states the following:

1. In 2001-02, the fourth grade percent proficient in both reading and mathematics for Hispanic and African-American students trailed that of white students by at least 20 points. The African-American student proficiency rate in both reading and mathematics was one-half of the rates for white students.
2. In 2000-01, only 11 percent of African-American students in the sixth grade achieved the proficient level on all five Ohio proficiency tests. The rate for white sixth grade students was 43 percent.

3. In 2000-01, 59 percent of African-American students graduated, compared with 85 percent of white students.

2.5 Issues with Standardized Assessments

The New York Collective of Radical Educators commented, “Instead of providing a nurturing, safe and empowering education to our students of all ages, the current testing culture repeatedly exposes children to pressure, competition and failure.” Dietel, Herman and Knuth (1991) define assessment as, any process utilized to establish an understanding of the existing knowledge that a student has. There are several reasons why assessments are used in the educational community. Policymakers use assessment to set standards, monitor the quality of education, formulate policies, reward/sanction various practices, and allocate funding resources. Administrators use them for planning and school improvements. Teachers use tests to determine grades, diagnosis, promotion and monitoring student progress. Parents use tests to determine school accountability (Dietel, Herman and Knuth, 1991). The utilization of tests and their functional roles are extensive and diverse depending on the underlying principle, purpose and rationale of the evaluative mechanism.

Patricia First the author of *Education, Legislation, Law & Social Science Research- NCLB and Questions of Validity and Reliability* (2005) contends that, “Under our present federal legislation schools face the possibility of confronting consequences and sanctions based on interpretations and results that may be invalid, unreliable,
ungeneralizable, and of little value in providing the type of information that is needed in order to improve curriculum, instruction and achievement” (p.70).

It is evident that the uses of standardized tests create a multitude of issues. The most significant testing issue regarding equal opportunity defies and is a detriment to the American value system. The civil rights and women's rights movements of the 1960’s and 1970’s were historical moments when schools were inundated with objections challenging that standardized tests are unfair and unjust to both minority students and females. Leaders of the complaints contend that tests' biases generate scores that track students into special education and a reduction of challenging courses and away from viable colleges (Dietel, Herman & Knuth, 1991; Brennan, 2004). In addition, Lewis (2000) asserts that the current testing controversies go above and beyond the issues involving civil rights. The lack of reliability and validity, errors in scoring, and when tests are used for purposes that they were not designed, are even more significant.

Researchers Heubert and Hauser (1999) contend that the important fixation regarding a test is not necessarily the test’s validity in general but the test’s validity when the test is used for a specific purpose. Thus, tests that are valid for influencing classroom practice, leading the curriculum, or holding schools accountable are not appropriate for making high-stakes decisions about individual student mastery unless the curriculum, the teaching, and the test(s) are aligned. No test is valid for all purposes. Therefore, measurement validity of a test is an extremely important concept. Whether tests provide practical and functional information for a particular purpose and measure the test taker's
knowledge in the content area being tested is a crucial component to issues in testing.

Heubert and Hauser (1999) caution:

Is it ever appropriate to test elementary or secondary students on material they have not been taught? Yes, if the test is used to find out whether the schools are doing their job. But if that same test is used to hold students "accountable" for the failure of the schools, most testing professionals would find such use inappropriate. It is not the test itself that is the culprit in the latter case; results from a test that is valid for one purpose can be used improperly for other purposes. (p.21)

The reliability of the testing instrument is another critical factor in issues with standardized testing. Several important questions need to be answered in relationship to the reliability of the testing instrument. Are assessment outcomes replicated? Does the divergence in assessment scores consistently mirror actual differences in student knowledge, understanding and comprehension or are they the consequence of alternative factors such as scoring errors, bias of the raters or disparities in how the assessment is administered (Dietel, Herman & Knuth, 1991).

The multiplicity of standardized testing controversies and issues are exceedingly abundant. The myriad of issues surrounding the topic have even manifested themselves with teachers. For example, teachers are now receiving merit pay for high student performance on standardized tests. This creates an even further system of inequity not only among students, but teachers as well (Lewis, 2000).

School leaders, meanwhile, have protested that tests are inequitable indicators of how successful teachers are educating children and should not be the exclusive decisive factor used to formulate decisions on students' futures. Further, these tests needlessly
increase the totality of tension, stress, pressure and anxiety students and teachers undergo as it decreases the amount of content being taught because of excessive test preparation exercises (Casbarro, 2005). Tests limit the depth and breadth of the content that students are exposed to.

These factors take away from other more interesting and important things that the students could be learning in class. The misuses of standardized tests daunts originality, promotes teaching to low level skills, and categorizes and discriminates against students from various minority groups and those who speak English as a second language. These biases are reflected in the content of tests, in testing procedures, and in test utilization (Casbarro, 2005). School officials using such tests must make certain that students are tested on a curriculum they have had a fair opportunity to gain knowledge of, so that various subgroups of students, such as racial and ethnic minority students or students with a disability or limited English proficiency, are not systematically or haphazardly excluded or disadvantaged by the test or the test-taking conditions. Researchers Heubert and Hauser (1999) contend the following:

When tests are used in ways that meet relevant psychometric, legal, and educational standards, students' scores provide important information that, combined with information from other sources, can lead to decisions that promote student learning and equality of opportunity. When test use is inappropriate, especially in making high-stakes decisions about individuals, it can undermine the quality of education and equality of opportunity. …. This lends special urgency to the requirement that test use with high-stakes consequences for individual students be appropriate and fair. (p.4)
Moreover, it is also vital that such tests are sound, are scored properly, and are used appropriately. Standardized testing is not the only representation of what a student truly knows. Many students suffer from performance pressure and won't do well on any test on any given day despite the fact that they might have studied really hard. In conclusion, the impending quandary with the present increased prominence on testing is inevitably not the test, but the occurrences when tests have inadvertent and potentially pessimistic penalties for individual students, groups of students, or the educational structure generally. Daniel (2006) contends, “educational researchers have also questioned the utility of high stakes tests with the admonition that such an approach to assessment places disadvantaged students in further academic jeopardy” (p. 2).

2.5.1 High Stakes Testing

Essentially, what are high stakes tests? Boyden, Johnson and Pittz (2004) contend that the consequences of tests have increased to an enormous high. Therefore, tests are high stakes because “they determine what one will have access to learn, they determine when one can exit grade levels and schools, and they determine a great deal of future opportunities” (p. 7). Anne Lewis the author of High Stakes Testing: Trends and Issues (2000) define high stakes testing as essentially, a term that references any assessment used for the purposes of accountability with significant consequences. Definitions vary among authors, yet what essentially appears to be the element consistent among authors in defining “high stakes” are consequences. If a consequence rather positive or negative is tied to the outcome of a testing instrument or assessment you can define that assessment as high stakes.
Boyden, Johnson and Pittz (2004) state, “what we know for certain is that standardized tests derive from racist origins and punish the victims of pre-existing inequalities” the author’s continue, “these tests reinforce institutional racism in several ways” (p.10). According to the authors:

1. Tests are founded on the racist notion that intelligence is genetically determined by race.
2. Tests exacerbate racial inequality and the evidence of this is continual.
3. Tests create a diversion of resources away from high quality equitable education for all.
4. Tests trap low income students and students of color in cycles of poverty.
5. Tests create a barrier to educational success.

Research confirms that increasingly Latino and African Americans ethnic groups have repeated grades; the cumulative speed of retention is almost double for minority groups than for whites (Baney, 2000). In Texas, a federal court case filed October 14, 1997 by Plaintiff GI Forum against Texas Education Agency objected state administered exit exams. The plaintiff’s protest was that a high school diploma is considered property. Therefore, students who were denied diplomas on the basis of a state administered test lost property due to discrimination. The judge rendered a decision in January of 2000 in favor of the Texas Education Agency. Therefore, the plaintiff’s lost the case in 2000 (GI Forum et al. v. Texas Education Agency et al).

Researchers at Stanford University found little evidence that high stakes tests increased student retention or adversely affect high school completion rates. Conversely, the study also revealed that there was no evidence that high stakes tests improved student
retention or graduation rates. Mark Goldberg (2005) author of *Losing Students to High-Stakes Testing* states, ”Americans are learning that, quite often objections to testing come down to ideology, not empirical differences” (p.18).

High stakes testing is also identified with another name, test based accountably both has very limited empirical evidence. The evidence on high stakes testing is mixed. For example, Neill & Gayler (1998) found a positive correlation between student examinations and student achievement. Although, Lad (1999) reported during the 1990’s that a high stakes accountability program in Dallas revealed hardly any achievement advantages. These studies serve to reveal the diversified evidence about the success and failure of high stakes testing. Jacob (2004) undertook a study in Chicago Public Schools on the impact of high stakes testing in the Chicago public schools. Jacob (2004) states:

An additional concern involves selective attrition. Some students do not take the achievement test because they are absent on the exam day or because they are exempt from testing due to placement in certain bilingual or special education programs. Other students in bilingual or special education programs are required to take the exam but their scores are not reported, meaning that they are not subject to the social promotion policy and their scores do not contribute to the determination of their school’s probation status. While there was no change in the proportion of students tested following the introduction of the accountability policy, there was a slight increase in the percent whose scores were excluded for official reporting purposes. (p.10)

Jacob (2004) also found with the implementation of an accountability policy, teachers impact the number of below average students and/or placing those students in special education and bilingual programs. Teachers do this so that those students’ scores will not count. In accordance with Illinois law the decision to test or not test a student with disabilities depends on the nature of the disability. One major finding of the study was that the accountability policy led to increases in grade retention and placement in
special education (Jacob, 2004). Researchers Daniel and Pauken (2000) recommend that educators, attorneys, and other researchers investigate school districts and individual schools for an indication of bias in the placement of students with disabilities. Daniel and Pauken (2000) concluded the following:

In special education, attention should be paid to assessment practices and to the tests used to evaluate and place children in special education. Efforts must be made to assure that these instruments measure what they are designed to measure, without influence of racial or cultural bias. (p. 790)

The evolution of high stakes testing reform has been imposed and enforced by America’s federal government with the authorization of the NCLB Act. The legislation has created a trickle down effect to the states and from the states to the local school districts. Consequently, local boards of education create policy centered on high stakes testing that inevitably is impressed upon central office personnel and they create testing guidelines. Central office personnel impose those guidelines on building administration. Administrators impose the policy on teachers and teachers impose the policy on the students. Figure 2.1 details the hierarchy of standardized high stakes testing.
2.5.2 The Interaction between High Stakes Tests and Student Discipline

The authors of *Racial Profiling and Punishment in U.S. Schools: How Zero Tolerance Policies and High Stakes Testing Subvert Academic Excellence and Racial Equity* state, “Because test results are linked to rewards or sanctions, school administrators often inflate the scores by forcing grade repetition, shunting students into special education programs, or encouraging students to drop out (p.12). Daniel (2006) contends that district officials “push out” students in an effort to inflate the schools test
scores. Other strategies that district officials have used are the grade retention techniques that retain students in a specific grade level to prevent students from taking a desired test in a specified grade (Daniel, 2006).

District officials and school principals intentionally suspend and expel students to prevent the student’s low scores from jeopardizing their scores. Typically, this strategy works only to the advantage of a school that did not have the student for a full academic year (120 Day Rule) such as a transfer student, or a student that was not enrolled during October count week through the administration of the state test. This method works to the disadvantage of the school when the student meets the full academic year (120 Day Rule) because the suspended or expelled students score is weighted as a zero and counts in the school, district and state aggregate.

Schools have been known to label students that are truant as drop-outs to remove the student from the schools roster and to avoid the students scores included in the overall scores. In this case, if the student was enrolled during the October count week the school needs to label the student a drop-out before the administration of the OGT or OAT. In the event the school did not drop the student off the books before the test administration the student would count as zero, because he/she would have been considered at the school for a full academic year.

Further, the student receives a score of zero that is counted against the student. If the school drops the student off of their books before the administration of the test, the student will not count against the school but will count in the district and state aggregate. Although, schools have inappropriately applied negative strategies such as “push out” to
increase their performance scores all students will continue to count in the states aggregate score according to the Ohio Department of Education Accountability Workbook (2008). All of the methods utilized are disadvantageous and unfair to the student.

2.6 School Discipline

The expression ‘school discipline’ refers to the ability of students to adhere, follow, and obey the code of conduct established by school officials. School discipline is commonly perceived as the rules designed to maintain order set forth by the school. Curwin (1980) contends discipline is a word frequently used by teachers, parents, and administrators, yet there is little common agreement on its meaning. For many it refers to punishment: “If you don’t stop misbehaving, I will discipline you.” For others, it means classroom management, or what the teacher does to control student behavior (Curwin, 1980).

This meaning implies that students are discipline problems when they do not act the way the teacher wants. The key to the management definition is student behavior. One other common perception of discipline relates to students’ attitudes. Students with “bad” attitudes and or feelings are discipline problems (Curwin, 1980). Discipline is defined as a situation or event in which the needs of the group or authority conflict with the needs of an individual who is part of the group (Curwin 1980).

In 1989 at an educational summit, six national goals were set, and in 1994, Congress adopted the goals and created two additional goals. It was Congress’s intent by the year 2000 progress would be achieved toward accomplishing the goals. The goal
established for discipline states every school in the United States will be free of drugs, violence, and the unauthorized presence of firearms and alcohol and will offer a disciplined environment conducive to learning. Respondents to *Phi Delta Kappa* Gallup Poll of the public’s attitude toward public schools consistently rank, “lack of discipline” as the number one problem facing the schools (Rose & Gallup, 1999).

Unquestionably this makes this issue of extreme relevance to all stakeholders in the lives of youth. According to Philip Daniel and Paul Pauken in *Race Discrimination and Disability Discrimination in School Discipline: A Legal and Statistical Analysis* (Daniel and Pauken, 2000) several significant legal interests connected with exclusionary discipline are necessary to address. The researchers identify the legal concerns as follows: (1) Schools have the legal right, authority and responsibility to protect the health and safety of the students by the implementation of rules and policies regarding discipline, (2) Schools that have a student code of conduct that authorizes the exclusion of students for disciplinary reasons have to be certain the code of conduct is legally recognized facially, and in application, (3) Procedural due process, and (4) School discipline is left up to the interpretation of the administrator and administrators are involved in the design of school rules thus, discipline can be applied discriminatorily. Understanding these legal concerns in relationship to school discipline is fundamental in promoting a reduction of disciplinary sanctions.

To make a claim under Title VI that school officials, districts etc. have discriminated against a protected class of individuals in relationship to discipline, the plaintiff has to prove disparate treatment. Because disparate impact is not enough to make
the claim if you cannot prove that it was the original intent of the district to apply discriminatory measures. This makes it very challenging to prove that a district or school official was acting in what would constitute discriminatory means. Because the defendant (school district) can claim that the suspension or expulsion was “business necessity” meaning that they operated in that manner to protect the health, safety or general welfare of other students (Daniel & Pauken, 2000).

Various court cases have established law and policies in relationship to school discipline. For example, in the Supreme Court case of *Goss v. Lopez* the court ruled that a student that was suspended had the legal right to be given oral and written notice and if they denied the charges had the right to be provided with the evidence and an opportunity to tell their side of the story. However, in the event that the student is an immediate danger to himself or others he/she can be moved immediately with the notice provided at a later date.

Dunbar and Villarruel (2003) found that the disparate interpretation and implementation of zero-tolerance policies among school leaders negatively affects the educational experience of urban students. Research by Daniel and Pauken (2000) recommend that educators, attorneys, and other researchers investigate school districts and individual schools for an indication of bias in the discipline of students. Daniel and Pauken (2000) concluded the following:

Disciplinary and placement practices must be monitored for signs of illegal race and ethnic discrimination. In discipline, attention should be paid to the type of conduct which schools consider suspendable, the disciplinary action taken for such conduct, and the rate of referral for discipline. Discipline rules should be drafted with cultural, racial, and ethnic differences in mind, but should be enforced as to minimize the effect of those differences. (p.790)
Daniel (1998) report 4 types of school violence defined by Richard Van Acker. These categories of violence are: (1) Situational violence which is demonstrated most frequently and is typically described as routine discipline infractions that denote no more than suspension and is about 40% of the violence in schools, (2) Relationship violence that occurs in about 25% of violent occurrences and is violent acts among friends, (3) Predatory Violence that occurs in 5-8% of violent occurrences, it is violence that is criminal in nature and intentional, and (4) Psychopathological violence occurs in less than 1% of violent occurrences and is violence that utilizes weapons.

Violent acts in the United States of America in connection to school shootings are widely dispersed across the country. In the year of 1997 in Pearl, Mississippi 16-year-old Luke Woodham killed his mother and two classmates, and wounded seven others, claiming the influence of demons for his actions. Another gruesome killing occurred in the year of 1998 in Springfield, Oregon 15-year old Kip Kinkel, killed both of his parents at home and then two fellow students in the high school cafeteria, wounding 19 others. In the year of 2007 in Cleveland, Ohio 14-year old Asa Coon opened fire at school injuring two adults and two students then the teen committed suicide. These extreme causes of explosive violence are particularly frightening, for they arise suddenly, with little or no warning, yet with great force; these acts of violence are like floods or tornadoes, not easy to predict or prevent (Toby, 1993).

Less extreme antisocial behaviors such as assaults, fighting, threats, and student misbehavior receive less publicity, yet they are much more prevalent than murderous rampages. One in four students and 1 out of 10 teachers stated that have been victims of
some form of serious antisocial behavior on or near school (Welsh, 1999). Therefore, behaviors identified as antisocial range from extreme violence to the less violent, everyday acts of incivility. Digilio (2001) uses the term antisocial behavior to encompass all degrees of interpersonal violence from rudeness to murder. Anne Garrett author of *Keeping American Schools Safe* (2001) asserts the greatest challenge facing schools is the restoration of schools as safe places of learning. This process will require a strategic plan with commitment from all stakeholders, cognizant that the administrator’s mechanisms of control have limitations. Garrett (2001) maintains a learning environment that is safe and orderly can be an implausible task.

Conceivably the most noteworthy variable in managing the conduct of youth is consistency, “consistency helps make an environment predictable” (Baily & Wolery, 1984, p. 242). Consistency establishes acceptance and trust between caregivers and youth. Youths discover what to anticipate and what is acceptable and unacceptable behavior when caregivers are consistent in what they communicate and how they react. Youths learn the expected consequences for their behaviors when caregiver’s consistently follow through (Baily & Wolery, 1984).

When consistency is lacking, youth are apt to be insubordinate when caregivers try to react to unsuitable behaviors. Studies have revealed that caregivers who are inconsistent when disciplining youth are frequently harsh and hostile in reacting to inappropriate behaviors (Doke & Flippo, 1983). This inconsistent and antagonistic rapport is associated with youth’s violent, noncompliant, and delinquent behavior (Martin, 1975). Zirpoli (1986) contends that inconsistent discipline is associated with
dysfunctional and abusive caregiver-child interactions. Therefore, it is paramount that administrator’s develop consistent standards, measurements and evaluations for both teachers and students.

Administrators can help their teachers deal with behaviorally challenged students by encouraging the teachers to recognize students’ diversity. Helping them not to interpret and respond to their students’ behavior from the perspective of mainstream socio-cultural norms. According to Weinstein, Curran and Tomlinson-Clarke (2004), such discrimination occurs when teachers do not recognize that behavior is culturally influenced; when they devalue, censure, and punish the behaviors of the non-mainstream groups; and when they fail to see that their management practices alienate and marginalize some students, while privileging others. Inadvertently, by bringing cultural biases to a conscious level, we are less likely to misinterpret the behaviors of our culturally different students and treat them inequitably (Weinstein, Curran and Tomlinson-Clarke, 2004).

In America, public schools have reacted to political pressure to take action by visible measures, such as increasing their use of metal detectors, video cameras, introduction of dress codes, student property search and seizures, and expending their hiring on police officers and security guards (Daniel, 1998). Many American school districts are now spending hundreds of thousands of dollars annually for these security measures, often paying for them out of school funds originally earmarked for instruction and educational programs for students (Jones, 1999). However, the most common and
widespread reaction to antisocial behavior by students and the response most favored by
United States high school administrators is removing students from school through
suspension or expulsion (Astor, Meyer, & Behre, 1999).

These measures are popular despite the fact that there is no evidence that they
reduce antisocial and violent behavior by students (Skiba & Peterson, 1999a).
Furthermore, there is evidence that forceful prison like reactions such as strip searches of
students and the use of dogs in school searches may worsen antisocial behaviors and
create emotional harm in students (Hyman & Perone, 1998). According to the U.S.
Department of Education, National Center for Education Statistics, 1999 – 2000 School
Survey on Crime and Safety: out of 1,163,000 disciplinary actions; 83 percent were
suspensions for five days or more, 11 percent were removals with no services
(expulsions), and 7 percent were transfers to specialized schools.

In the report Zero Tolerance: Balancing an Uncertain Expulsion Policy the
authors identify constitutional implications regarding zero tolerance discipline policies
that include the First Amendment of Free Speech, The Fourth Amendment the Right to
Search and Seizure and the Fourteenth Amendment Equal Protection and Due Process.
Daniel (1998) states:

Such reactions, or in some instances the absence of a reaction, may result in a
finding that schools have abridged student federal constitutional rights protected
under the First, Fourth, and Fourteenth Amendments as well as statutory rights
within title IX of the Education Amendments of 1972 and Section 1983 of the
1871 Civil Rights Act. For the most part, however, student perpetrators or victims
of violence face significant obstacles to a finding of school districts liability,
especially where school officials rely on their authority to protect the health,
safety and welfare of students and staff. (p. 574)
2.7 The Zero Tolerance Discipline Policy

Zero tolerance policies as defined by the U.S. Department of Education are school discipline policies that mandate predetermined consequences or punishments for specific outcomes. Zero tolerance policies for certain weapon offenses are mandatory for every public school that receives any federal funds to implement a zero tolerance policy. Although zero tolerance is not a law in of itself it is a ramification of the Guns Free School Act of 1994 (18 U.S.C. § 921).

The Safe School Study Report was presented to Congress in 1978. At that point in time, acts of violence was recognized as problem of public policy. Skiba (2000) defines zero tolerance discipline policies as a stance, than as a term that can be identified with certainty. Skiba (2000) states, “zero tolerance has been intended primarily as a method of sending a message that certain behaviors will not be tolerated, by punishing all offenses severely, no matter how minor” (p.4). Zero tolerance was created to support the needs of students and the inability of schools to meet those needs that causes them to be disciplined.

Children who are behind academically and who are unable to perform at a level commensurate with grade-level expectations, often engage in disruptive behavior, either out of frustration or embarrassment (Hirschi, 1969). Singer (1996) maintains that children who suffer from abuse or neglect, and children who are harassed by their peers because they are different, are sometimes more likely to act out and get into trouble (Singer, 1996). Even more specific, abused and neglected women earn lower average scores on IQ tests and tests of reading ability than non-abused and non-neglected women (Perez &
Widom, 1994). According to Richie, Widom and Spatz (2000) abused and neglected women are also low achievers as reflected by poor grades in school, behavioral problems and expulsion and on average, they finish one year fewer of school.

2.7.1 Theoretical Foundations of the Zero Tolerance Discipline Policy

According to author Brennan (2004) “To understand the rationale and consequences of zero tolerance in school, one must examine the policy within a structural framework, especially in relation to national crime and prison policies” (p.873). Brennan conceptualizes the theoretical rationale for the zero tolerance policy as rational choice theory. Brennan names this theory as the driving force in the economics of crime. However, another theory that has relevance on the topic of zero tolerance is the social control theory.

Social control theory has its roots in the early part of the century by the work of E.A. Ross. Ross theorized that belief systems, not specific laws, guide what individuals do and this serves to control behavior, no matter the forms that beliefs may take. Social control theory according to Hirschi (1969) suggests, "Delinquent acts occur when an individual's bond to society is weak or broken” (p.16). In addition, this relationship is understood to have four basic components: (1) attachment to conventional others, (2) commitment to conformity, (3) involvement in conventional activities, and (4) a belief in the legitimacy of the law. Limitations in any single area can be “criminogenic”, both on its own and in combination with the additional components (Hirschi, 1969).

Social control regards what is to be considered deviant, violations of the law, right or wrong. Social control mechanisms can be adopted as laws, norms, morals, ethics,
etiquette, and customs, which all control and thus define behavior. Social control theory is viewed from two perspectives the macro-social and the micro-social perspective. The macro-social perspective explores the following: (1) formal control systems for the control of groups, (2) it includes the legal system such as laws, law enforcement, powerful groups in society who inevitably influence laws, and (3) norms and economic and social directives of government or private organizations. The micro-social perspective focuses on informal control systems, which help to explain why individuals conform. It also considers the source of control to be external, that is, outside of the person. Such controls can serve to be either positive or negative (Casella, 2001).

Control theory investigates the ways in which our behavior is regulated, including the influences of family, school, morals, values, beliefs etc. It is this regulation that is seen as leading to conformity and compliance with the rules of society. Finally, schools operate as institutions of social control, providing an important custodial function with respect to the care and movement of children. Operating as surrogate parents, schools exercise considerable authority over students, and many of their basic civil rights are suspended while they are in school (Casella, 2001).

Another theory that relates with the topic of zero tolerance and high stakes standardized testing is resistance theory. Resistance theory provides an interesting insight into visualizing zero tolerance from the student perspective. Tozer, Violas & Senese (2002) define the theory as:
An effort to explain the school performance of low-income and minority children and youth in terms of their noncompliance with school norms that seem “stacked” against them; noncompliance, or resistance expressed in anti-academic and antisocial behaviors, may be seen as an assertion of self in a cultural environment that may not seem to value each child’s identity equally. (p.532)

2.7.2 Disparities and Problems with Zero Tolerance

According to Skiba (1997) Disparities and problems with zero tolerance include the over representation of students from low socio-economic communities. Also, the over-representation of students from ethnic communities is another questionable aspect of the implementation of zero tolerance. Zero tolerance creates a negative impact on educational outcomes for students with disabilities. Lastly, zero tolerance is inconsistently applied nation wide.

There are a number of policy makers and activists, however, who contend that suspension and expulsion are used increasingly in urban schools to the serious detriment of students of color. Not surprisingly, those most frequently targeted for punishment in school often look--in terms of race, gender, and socioeconomic status--a lot like smaller versions of the adults who are most likely to be targeted for incarceration in society (Singer, 1996). According to the Civil Rights Project (2000) a disproportionate number of African American and Latino students’ futures are compromised by zero tolerance policies. The authors conclude, “These policies further alienate students from school and exacerbate the behaviors they seek to remedy” (p.10). According to Hunter and Williams (2003) in the journal tilted School Business Affairs:
On average, more African American than White students are being excluded from the benefits of educational opportunities through suspensions and expulsions. This national disparity most likely is rooted in the lack of cultural sync between teacher and student or administrator and student. In many instances, pedagogical strategies that may not take advantage of students’ distinct learning styles or culture orientations lead to misunderstandings and some times disrespect. Education, not punishment, needs to be the priority of public schools. Racial patterns in school discipline need to be identified and eliminated. Until we do so, students of color will continue to be steered toward a track leading to a penal institution rather than a university. (p.7)

In an effort to address the issue of the over-representation of minorities in school discipline (Skiba, 2000) analyzed the discipline records of an urban school district in the Midwest. He describes the demographics of the school as one of the fifteen largest in the nation. The process took place during the 1994 –1995 school year. There were 11,001 middle school students in the district, of whom 56 percent were black and 42 percent white. Information on socioeconomic status was represented by qualifications status for free or reduced cost lunch. Of the entire sample, 7,287 or a total of 65.3 percent of students’ families met the criteria for free lunch status. Another 2,923 or 26.6 percent of the population of students were eligible for reduced-cost lunch.

Across the students in the 19 middle schools, there were 16,912 referrals, 5,696 suspensions, and 47 expulsions. The data reflects the relative proportion of office referrals, suspensions, and expulsions for black and white students. Thus, while African-American students constitute 52 percent of the school population, they represented 66.1 percent of the office referrals, 68.5 percent of out of school suspensions, and 80.9 percent of expulsions. The study also found discrepancies in disciplinary treatment based on economic status. Students eligible for free and reduced lunch were significantly more
likely to be referred to the office or suspended. The researcher reports that 48 percent of black students enrolled in the district were referred to the office for a disciplinary infraction at least once during the school year compared to 21 percent of white students. May (1999) reiterates in the article *Blacks Likely to Lose Out in School Crackdown* that black students will be pushed out the door faster with zero tolerance.

Waquant (2000) suggests that ghettos became more like prisons in the 1970’s and 1980’s as poverty became more concentrated, Black labor became redundant, and state institutions of social control replaced communal institutions that previously served community needs. He cites inner-city public schools as one of the primary examples of community organizations that have gradually been transformed into "institutions of confinement" (p. 15).

The Civil Rights Project of Harvard University report titled *Opportunities Suspended: The Devastating Consequences of Zero Tolerance and School Discipline Policies* state that the legal protections are derisory for school discipline measures. The Civil Rights Project points out:

The law is an inadequate safeguard. Federal laws provide an incomplete patchwork of legal protections against the imposition of harsh school disciplinary measures. Many federal courts bend over backward to defer to disciplinary decisions by school officials. (pp. 39-40)

A large body of research has shown that labeling and exclusion practices can create a self-fulfilling prophecy and result in a cycle of antisocial behavior that can be difficult to break (Casella, 2001; Gottfredson, 2001). Despite statistics that show that most injuries that occur at school are not the result of violence and that most students do not consider school a dangerous place (U.S. Department of Education and Justice, 1999),
research shows that school crime and violence can affect students academic success or even represent for them a perceived threat to what should be a safe, secure learning environment.

Reviewing several data on school crime studies, Kaufman (1999) found in 1996-97 that 10 percent of all public schools reported at least one serious violent crime to the police (such as murder, rape, robbery, fight with a weapon or suicide), and 47 percent reported a less serious violent crime, which included thefts, larceny, and physical attacks and threats without a weapon. From 1993-1997, there were 1,114,000 thefts and 657,000 violent crimes (rape, or sexual assault, robbery and aggravated and simple assault) committed against a teacher. In 1997, students ages 12-18 were victims of about 202,000 non-fatal serious violent crimes at school and about 636,000 away from school.

Zero Tolerance: Balancing an Uncertain Expulsion Policy states that zero tolerance expulsion policies presented the court with major challenges. The authors conducted a search of 26 recent court cases representing the extent of arguments involving zero tolerance expulsion policies. The author’s state the claims alleged by plaintiffs typically aligned with one or more of the following six categories:

1. Zero tolerance expulsion policies violate 42 U.S.C. § 1983 particularly the protected right of the student to procedural and substantive due process.

2. Zero tolerance expulsion policies are faulty because of the failure of those charged with implementation to exercise reasonable care regarding hiring, supervision, and retention of employees.
3. Zero tolerance expulsion policies and rules are unconstitutionally vague and in some cases interfere with the free exercise provision of the First Amendment.

4. Zero tolerance expulsion policies infringe on the protected property right to attend school, damage the future of the student, and deny equal protection through harsh punishment including referring students to alternative schools that do not provide for equal protection.

5. Zero tolerance expulsion policies often involve illegal search and seizure.

6. Zero tolerance expulsion policies are unconstitutionally vague when determining true threats.

According to a the 1998 study released by the National Center for Education Statistics (NCES), zero-tolerance policies had no significant effect on the reduction of violent occurrences in schools from 1994-1998. The American Bar Associations Zero Tolerance Policy Report cites the Hamilton Fish Institute on School and Community Violence’s observation concerning how the costs of zero tolerance policies prevail over the benefits:

When the cost appraisal of the impact of zero tolerance includes impacts on an entire community, the financial benefits of suspension and expulsion may completely disappear. If the students who are suspended or expelled do not re-enter school right away, they are likely to fall further behind academically and are at increased risk of falling into criminal activity in the community. Their likelihood of being incarcerated increases accordingly. The high costs of incarceration are not generally weighed against the relatively lower costs of alternative education, as would be recommended in a "holistic" cost appraisal. Nor are the potentially negative socialization experiences faced by alternative education students typically weighed against the more severely negative
socialization experiences faced by incarcerated youth. High recidivism in incarcerated settings urges a long-term view of the costs of initial incarcerations. It may be that keeping a child in school, even in alternative education, may reduce their likelihood of entering a career as a criminal. (p.4)

The Zero Tolerance Discipline Policy was originally created to reduce discipline occurrences in the school building. The policy was imposed on students as a consequence for a disciplinary infraction. Yet, the policy materializes into additional arduous ramifications for students, families and communities than its original objective. The Civil Rights Project of Harvard University report titled *Opportunities Suspended: The Devastating Consequences of Zero Tolerance and School Discipline Policies* elaborates this quandary:

Unfortunately, Zero Tolerance Policies that prescribe automatic and/or harsh punishments undermine the ability of teachers and administrators to form trusting relationships with students, and ultimately these policies transmit negative messages about fairness, equity, and justice. Zero Tolerance Policies have high costs for children, families and communities. The consequences are varied and in many cases they are long term and detrimental. Zero Tolerance Policies inherently result in the children’s loss of educational opportunities. Children punished under these policies are faced with short or long term deprivation of education. (p.13)

2.7.3 Federal Mandates Relating to Zero Tolerance

In 1986 under the Reagan administration mandatory expulsion for fighting and possession of drugs, alcohol and tobacco on school campuses was implemented. In 1993 under the Clinton administration those factors became a federal policy as an amendment to the Elementary and Secondary Act of 1965 and the Improving America’s School Act of 1994. The Gun-Free Schools Act of 1994 was passed on October 20th under the commerce clause of the Constitution, which regulates interstate commerce. The Gun-Free Schools Act was an amendment of the Improving America’s School Act of 1994. This
statute makes it a federal crime to possess a gun within 1,000 feet of any school, public, private, or parochial. Retribution for violations of this law may be up to five years imprisonment and up to a $5,000 fine 18 U.S.C. § 924 (a)(4). The Act is considered an amendment to the Elementary and Secondary Education Act of 1965.

According to the discipline definition, in order to receive federal financial assistance, each state must have in effect a policy that requires local education agencies to expel for a minimum of one year any student who brings a weapon to school (Daniel, 1998). The chief administrative officer of the school district has the power to modify the expulsion requirement on a case-by-case basis. The Act requires that Local Education Agencies have policy-requiring referral to the criminal or juvenile system of any student who brings a firearm to school. The term weapon in the Gun-Free Schools Act refers to a firearm and is defined by federal law 18 U.S.C.§ 921 as:

(A) Any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of and explosive;

(B) The frame or receiver of such weapons;

(C) Any firearm muffler or firearm silencer, of

(D) Any destructive device. Such term does not include an antique firearm, and does not include knives.

Following the enactment of the Gun-Free Schools Act, however, many school administrators expanded the scope of legitimate school expulsions under the Act. They began to apply their zero tolerance policies to violations other than firearms possession, including the possession and/or use of drugs, and more recently, to behaviors
that fall loosely under the category of school disruption, such as fist fighting and verbal abuse.

The application of zero tolerance policies and procedures to weaponless school violence is clearly outside the scope of the original legislative intent of the Act. That intent was to exclusively target the prohibition of firearms in America's schools, requiring each state to enforce both a one-year expulsion for any student who brought a firearm to school, and also a referral to the local criminal and juvenile justice system. The Jeffords Amendment expanded the term weapon and allowed for weapon to include a knife. The amendment also, permitted students with disabilities to be held accountable for such acts, to the extent of expulsion for one year, with education support in an alternative environment.

Even prior to the passage of the Gun-Free Schools Act, school administrators were interpreting zero tolerance policies to cover not only firearms, but also drugs, including tobacco-related offenses and school disruption issues, such as weaponless fighting and verbal threats also to students in possession of drugs or known to be affiliated with gangs or gang-like activities.

While the authority of school administrators to enforce student discipline policies in their respective schools is significant, the distribution and allocation of student discipline through suspensions and expulsions must be wielded in such a way that affected students are afforded their constitutional rights to due process and equal
protection. Zero tolerance policies have been used to punish students beyond the scope of the Gun-Free Schools Act and are disproportionately used against minority students and students with disabilities (Skiba, 2000).

According to the *No Child Left Behind: Transforming the Federal Role in Education Report*, states receiving funding for school safety and achievement are mandated to create a definition for a “persistently dangerous school.” In addition, they are required to develop and publically share a statistical report on school safety on a school-by-school basis. Students that have been victimized severely by school-based criminal offenses and students ensnared in persistently dangerous schools are afforded the opportunity to relocate to a safe alternative educational setting. Another important detail is that teachers will be authorized by the states to remove students from their classrooms that exhibit violent or persistently disruptive behaviors. As a requisite to obtain funding, states are mandated to implement a zero tolerance policy for violent or persistently disruptive students.

The No Child Left Behind Act clarified a student must be expelled for possessing a gun in school not merely bringing a gun to school. Further, modifications to expulsions must be recorded in writing. Allowable exceptions to the expulsion requirement were mandated. Those exceptions were: (1) firearms that are lawfully stored in a locked vehicle on school property, and (2) firearms that are brought to school or possessed in school for activities approved and authorized by the district, if the district adopts appropriate safeguards to ensure student safety (No Child Left Behind, Desk Reference, Guns Free Requirements, 2002).
The *Goals 2000: Educate America Act of 1994* specifically articulated in Goal 7 for Safe, Disciplined, and Alcohol-and Drugs-Free Schools has served as a mechanism for frequent Federal, State and Local gun-free legislative and reform initiatives. This law specifically indicates:

(A) By the year 2000, every school in the United States will be free of drugs, violence, and the unauthorized presence of firearms and alcohol and will offer a disciplined environment conducive to learning.

(B) The relevant objectives for this goal are that—(ii) parents, businesses, governmental and community organizations will work together to ensure the rights of students to study in a safe and secure environment that is free of drugs and crime, and that schools provide a healthy environment and a safe haven for all children; (iii) States every local agency will develop and implement a policy to ensure that all schools are free of violence and the unauthorized presence of weapons.

2.8 Ohio Discipline Laws

In the state of Ohio, Ohio Revised code section 3313.534 titled zero tolerance policy for violent, disruptive or inappropriate behavior; and alternative schools for severe cases elaborates the following: No later than July 1, 1998, the board of education of each city, exempted village, and local school district shall adopt a policy of zero tolerance for violent, disruptive, or inappropriate behavior, including excessive truancy, and establish strategies to address such behavior that range from prevention to intervention.
According to Ohio Revised code 3313.54 no later than July 1, 1999 each of the big eight school districts, as defined shall establish at least one alternative school to meet the educational needs of students with severe discipline problems, including but not limited to, excessive truancy, excessive class disruption, and multiple suspensions or expulsions. Any other school district that attains after that date a significantly substandard graduation rate, as defined by the department of education shall also establish such an alternative school under that section.

According to Ohio Revised code 3313.66 titled Suspension, Expulsion or Permanent Exclusion; removal from curricular or extracurricular activities explains that suspension of a student from school may not be for more than 10 days. In the event that during the time the suspension was imposed there are less than 10 school days remaining the remainder of the suspended days may be applied to the next school year. Ohio Revised Code states that a student may not be expelled from school for more than eighty school days or the number of days remaining in the semester. If the expulsion is imposed and there are less than eighty school days remaining in the school year the expulsion may be completed the following school year.

According to Ohio Revised code 3313.66 a student may be expelled for up to one year and the amount of time that the expulsion will be will be based on a case-by-case situation for bringing a gun, knife, making a bomb threat or for committing an act that is a criminal offense when committed by an adult and that results in serious physical harm to property as defined in division (A)(6) of section 2901.01 of the Revised Code while the pupil is at school, on any other property owned or controlled by the board, or at an
interscholastic competition, an extracurricular event, or any other school program or activity. Any expulsion under this division shall extend, as necessary, into the school year following the school year in which the incident that gives rise to the expulsion takes place.

2.9 Related Research

Researchers Wald and Losen (2003) from the Civil Rights Project at Harvard University provides a comprehensible explanation to one of the precise problems that this research study seeks to address in their research paper *Defining and Redirecting A School-To-Prison Pipeline*. The author’s state, “minority students are disproportionately represented among those who are denied diplomas or retained in grade due to the proliferating use of high stakes tests throughout the country” (p.2). The authors continue, “Despite the seeming objective neutrality of a policy titled “Zero Tolerance”, the actual operations of school discipline and related systems reveal a host of subjective factors that appear to be a breeding medium for disparities and discrimination” (p.3). These pragmatic cyclical problems of high stakes testing and zero tolerance discipline policies minorities students are continuously challenged with, have perpetuated what researchers call “The School-To-Prison-Pipeline”. Researchers Wald and Losen (2003) define the school-to-prison–pipeline or the prison track as the following:

A journey through school that is increasingly punitive and isolating for its travelers-many of whom will be placed in restrictive special education programs, repeatedly suspended, held back in grade, and banished to alternative “outplacements” before finally dropping out or getting “pushed out” of school altogether. The second half of the pipeline metaphor refers to parallel shifts that have taken place in public attitudes and public policies regarding juvenile misconduct over the past decade. (p.3)
While this research does not specifically address all of the components of the school-to-prison-pipeline in its entirety it does illuminate similar concerns and problems American students are challenged with in relation to zero tolerance and high stakes standardized testing. Moreover, the research is particularly limited on the specific topic. However, the country of England researched the topic and it has implications for the current research.

Research in England titled *Accountability and the Pressures to Exclude: A Cautionary Tale from England* reports the conclusions from a qualitative study that observed the consequences of England’s accountability reforms and how these reforms potentially resulted in the increase in exclusion (expulsion and suspension). The author examined whether the inherent influences connected with: (1) increased testing, (2) school ranking systems, and (3) other sanctions contributed to increased rates of student exclusion. The data was gathered from 44 interviews from principals and teachers in four secondary schools. The schools were selected based on: (1) exclusion rates, (2) level of social disadvantage, and (3) opportunity for access. The study reports, that England’s student exclusion rate from 1990-1997 sharply increased by 400%.

According to the author Forrester (2005) in the school year of 1990-91 a total of 378 student exclusions in the primary grades and 2,532 in the secondary grades occurred. By school year 1992-93 the number of student exclusions at the primary level increased to 1,215 tripling the number of permanent student exclusions at the primary level. In addition, the secondary permanent student exclusions nearly tripled to 7,421 in the 1992-93 school years. During the 1995-96 school year both primary and secondary student
exclusions were at an all time high. The primary student exclusions were 1,872 and the secondary student exclusions were 11,159. By the 2000-01 school years the number of primary student’s exclusions decreased to 1,460 and the number of secondary student exclusions decreased to 7,410.

The study concluded that high stakes accountability reforms narrowed the curriculum, marginalized low-performing students, and created a perception by teachers of minimal tolerance for students with academic and behavioral challenges. A comparative analysis of high/low student exclusion rates of the schools determined schools with a higher student exclusion rate to be effected more typically due to their lack of strong systems, internal structures for staff communication and collaboration and meeting the individualized needs of the students.

A quantitative dissertation completed by Andrew Wayne Jackl (2006) from North Carolina State University titled *Looking Beyond Socioeconomic Status: Using Quantitative Measures of Student Misconduct to Identify “At-Risk” Schools* used regression analysis to research the correlation linking students’ misconduct and their schools’ corresponding level of academic achievement at the middle and high school levels. The results of the study determined the following:

1. There was a statistically significant correlation between the middle schools' socioeconomic status and the schools' corresponding level of academic achievement.

2. There was a statistically significant correlation between the high schools' socioeconomic status and the schools' corresponding level of academic achievement.
3. There was a statistically significant correlation between the middle schools' measures of student misconduct and the schools' level of academic achievement.

4. There was a statistically significant correlation between the high schools' measures of student misconduct and the schools' level of academic achievement.

5. The regression model using both socioeconomic status and measures of student misconduct as explanatory variables discovered that a measure of student misconduct was not statistically significant at the middle school level when socioeconomic status was added to the regression model.

6. The regression model using both socioeconomic status and measures of student misconduct as explanatory variables discovered that a measure of student misconduct remained statistically significant at the high school level, even when socioeconomic status was used as a control variable.

3.0 Summary

This chapter served to review the researcher’s theoretical perspectives and to provide a literature review of the variables associated with high stakes standardized testing and zero tolerance discipline. Moreover, it is the intent of the researcher to inform the reader of the vast similarities in consequences to students that both zero tolerance and high stakes standardized testing impose on all stakeholders. When the options are weighed and cost benefit analysis has been tabulated are the costs of neglecting a population of students’ high stakes tests worth the benefits?
CHAPTER 3

METHODOLOGY

In the crossing zone between childhood and adulthood stands adolescence, with its many celebrated troubles. Most of these troubles are, happily transient. But not all. Adolescents in trouble because they drop out of school, engage in criminal acts, or have children too soon on are embarked on a rocky life course. Their troubles are a source of pain for themselves and their families, and often a burden for the rest of us. But much of that private pain and public cost can be prevented. With knowledge now at hand, society can improve the childhood experiences of those at greatest risk, and thereby reduce the incidence of school failure, juvenile crime, and teenage childbearing- and some of their most serious consequences (Schorr, 1998, p.1)

3.1 Introduction

The qualitative method of inquiry was best suited to answer the research questions of this study because of the study’s necessity to attain detailed information from participants. This chapter details the methodology utilized to implement the research project. An examination of the qualitative approach including phenomenological approach and grounded theory methodologies provide a rationale for the appropriateness of selecting these methods of inquiry to facilitate the research project.

The methodological approach utilized was a qualitative research design. This approach to design and analysis was chosen because it provides rich comprehensive data, while providing the most effective strategy for understanding the problem and incorporating numerical and textual data (Creswell, 2002). According to Denzin and Lincoln (2000) qualitative research means different things in each different moment.
There are seven moments of qualitative research. The moment that we are in currently is the “Future 2000”. This moment asks that the social sciences and the humanities become sites for critical conversation about democracy, race, gender, class, nation-states, globalization, freedom and community.

Qualitative research is a situated activity that turns the world into a series of representations, while locating the observer within the world. These representations of the world come in the form of field notes, interviews, conversations, photographs, recordings and memos to the self (Denzin & Lincoln, 2000). Listed below is the Denzin and Lincoln (2000) description of qualitative researchers:

1. Qualitative researchers stress the socially constructed nature of reality, the intimate relationship between the researcher and what is studied and the situational constraints that shape inquiry.

2. Qualitative researchers are more likely to confront and come up against the constraints of the everyday social world.

3. Qualitative researchers believe that rich descriptions of the social world are valuable.

Although qualitative research can be described as using non-numeric data, it relies on thick descriptions to identify, support and pose questions to themes, findings and theories. This is precisely why its validity is frequently challenged. It is often called the “soft science” and termed unscientific. Researchers Denzin and Lincoln (2000) report, qualitative research is regularly regarded as an effort to legislate one truth over another.
3.2 Overview of the School Setting

The research project was completed in a large Midwestern School District. According to the 2006-2007 Ohio Department of Educations Educational Management Information System (EMIS) the district has a total of 53,674 students (refer to chart for detailed district demographics). The median income for residents of the area is $25,118. The Midwestern School District has a 94% attendance rate for all grades. The graduation rate for 2006-2007 school years was 72.9%. The district has been identified for the 2006-2007 school year by the Ohio Department of Education as a school district in “Continuous Improvement”. This title means that out of the 30 state indicators, the district met 5 of 30. Further, the performance index score (PI) was 80.5. The performance index score has steadily increased, school year 2004-2005 the PI was 73.7. School year 2005-2006 the PI was 79.2. The district met the Annual Yearly Performance target for the 2006-2007 school years. The districts improvement status is Improvement Year 3 (delay).

The large Midwestern school district has an enrollment a total of 53,674 students with 26,548 male and 27,126 female. Students that are economically disadvantaged comprise 73.3% of the total population. The students with disabilities encompass 15.6% of the overall populace. African American students are the predominant ethnicity comprising 62% of the student body and Caucasians represent 28.4% of the students. Refer to Appendix I that provide a detailed summary of the demographics of the Midwestern school district for the 2006-2007 school years.
A total of five middle schools and four high schools within the large Midwestern School District agreed to participate in the study. Bernhardt (2004) states, “demographics clarify who our clients are and who the staffs are as service providers. Demographics build the context of the school.” See Appendix J for displays of the 2006-2007 school year demographics of the middle schools that participated in the study. See Appendix K for a display of the 2006-2007 school year demographics of the high schools that participated in the study. Each school profile is represented by a pseudonym to maintain confidentiality of participants. Both figures display demographics related to number of regular education teachers, number of special education teachers, ethnicity of staff, denotation of specific staff roles that were interviewed, number of staff questionnaires distributed to the school and number of staff questionnaires that were returned to the researcher.

3.3 Purpose of the Study

The purpose of the study is to reveal adult thoughts, feelings, opinions and perceptions of experiences in implementing the zero tolerance discipline policies in a high stakes standardized testing arena. Moreover, this study is designed to investigate the impact of the local zero tolerance discipline policies and its consequences on student’s exposure to high stakes standardized assessments. As well as, to determine to what extent the federal No Child Left Behind accountability measures impact students who are suspended and expelled. Lastly, the study will explore the consequences to all stakeholders for the denial of high stakes standardized testing to a particular population of students.
3.4 Research Questions

This study explored the following broad research questions:

1. To what extent do all students (i.e., ‘all’ incorporates students who are home instructed, disabled, LEP, gifted, suspended and expelled) have an equal opportunity to be administered high stakes standardized tests?

2. In what ways does the zero tolerance discipline policy affect a faculty’s overall perception of meeting the demands of high stakes standardized testing in terms of student promotion and student graduation?

3. In what ways does student nonparticipation on high stakes standardized tests due to student suspension or expulsion affect educational urban districts accountability outcomes?

4. What are the primary consequences to school districts, students, administrators and teachers as a result of missed opportunities of student assessments due to student suspension and expulsion?

5. During the administration of high stakes standardized testing (OGT, OAT) how are student discipline situations that occur in the school building handled from extreme to minor?

6. What options/provisions are provided for suspended and expelled students to be administered high stakes standardized tests during their suspension and expulsion?

7. To what extent does high stakes standardized testing impact student discipline?

8. What proactive solutions are implemented to reduce student discipline problems during test administration?

3.5 Theoretical Framework – Critical Theory and Critical Race Theory

The methodology of critical theory is dialogic and dialectical primarily using the research tools of observation and interviews. Within its methods critical theory poses questions to intensify consciousness of injustices in a concerted effort to embark on the transformation process. Critical theorists attempt to reveal structures of domination and
people’s responses to them. Problems associated with critical ethnography are the necessity to unite the lived occurrences of the researched to the greater political configuration of society and over-privileging the researched (Denzin and Lincoln, 2000).

The acknowledgment of the influence of power relations of critical theory is one of the factors that have potential connections to both high stakes standardized testing and zero tolerance discipline policies. Boards of Educations, during the zero tolerance discipline policy development process, make decisions and recommendations about discipline that will ultimately be implemented by all administrators and teachers with the intent of serving all students. Boards of Educations therefore exhibit their hierarchical power during this policy development. Building level administrators determine whether student suspension is warranted for a discipline infraction. Equally important, administrators decide whether the infraction exceeds their authority and request an expulsion hearing. Lastly, administrators determine whether the offense warrants the referral to the local police department for student detainment and incarceration.

Both administrators and teachers engagement in the building level discipline plans development process may determine the consequences for specific student infractions, fundamentals of intervention, positive behavior supports, define rules, sanctions, procedures and define preventative discipline practices. Consequently, administrators and teachers exhibit their hierarchical powers during the student disciplinary process therefore, exhibiting facets of critical theory which influence power relations. The group dynamic of the zero tolerance discipline policy development committee may also exhibit aspects of critical theory. Elements of critical theory may be evident in the
actions of more experienced board members who may self-impose their hidden agendas through their dual leadership roles in relation to discipline. An outspoken teacher, administrator, union representative and community member may advocate for their particular position without equal consideration of others’ positions, demonstrates aspects of critical theory which expose structures of domination.

Critical theory seems a natural lens with which to undertake a study of K-12 adult perceptions, thoughts and feelings given the societal, educational and cultural environment of their work in relation to school. The paradigmatic assumption of the critical theory perspective has been briefly presented above and will now be applied to high stakes standardized testing.

Critical theory is a paradigm concerned with investigating matters of power, control, and politics. The acknowledgement of the influence of politics, power and control are factors that have potential connections to the implementation of high stakes standardized testing. The federal government and the implementation of the No Child Left Behind Act which specifically mandates school accountability and state standards in order to receive federal funding. A requirement of the act is annual yearly progress on state tests. The federal government makes decisions and recommendations about accountability to the state Departments of Education that will ultimately be implemented by all school districts if the state is in need of federal funding.

The decision imposed by the federal government demonstrates their power. The reality that high stakes standardized testing is intertwined with legal implications reveals the politics. The fact that funding is at risk for failure to comply demonstrates control.
The state, local, building, administrative, teacher and student consequences of high stakes standardized testing demonstrates the ontological assumption of critical theory that reality is socially constructed through asymmetrical power relations over time.

Examining the problem of the zero tolerance discipline policy and high stakes standardized testing via critical race theory provides a natural lens to examine the racist and discriminatory realities associated with this phenomenon. Critical race theory confronts the conventional viewpoint regarding the infrastructure of American society across all disciplines working to expose the manifestation of racism wherever it exists (Crenshaw et al., 1995; Parker & Lynn, 2002; Noguera, 2003; Solorzano & Yosso, 2002). Critical Race Theory will be employed to elucidate various underlying assumptions, codes, practices of marginalization and exclusion that negatively impact the realities of African American students that are affected by both the zero tolerance discipline policy and high stakes standardized testing.

The profound influence of educational practice on African American males in particular will be examined. CRT will guide the researcher to investigate the following trends that are associated with the minority experience in the educational system: (1) the disproportionate number of African Americans males that are suspended and expelled, (2) minorities low performance on standardized tests, (3) increase in minority student grade retention and failure rates, (4) the disproportionate number of African American males at risk for juvenile incarceration, and (5) higher dropout rates of minorities. Critical theory and Critical race theory has been utilized for the theoretical framework for the current study.
3.6 Research Design

According to Denzin and Lincoln (2000), “A research design situates researchers in the empirical world and connects them to specific sites, persons, groups, institutions, and bodies of relevant interpretive material, including documents and archives” (p.22). The research design for this study is grounded theory.

3.6.1 Epistemology

This research project is a phenomenological study supported by grounded theory. According to Kvale (1996) the founder of phenomenology was Husserl. He began the approach as a philosophy, consciousness and experience was the primary focus.

Heidegger developed phenomenology as existential philosophy including aspects of human life. Sartre and Merleau-Ponty elaborated the approach in an existential and dialectical direction expanding the approach to include the meanings of the subjects’ life. A phenomenological study depicts and explains the self-reported experiences of participants who are selected because they have lived the experiences under investigation and are agreeable to discussing those experiences openly (McMillan, 2000).

Phenomenology is interested in elucidating both that which appears and the manner in which it appears. It studies the subjects’ perspectives on their world; attempts to describe in detail the content and structure of the subjects consciousness, to grasp the qualitative diversity of their experiences and to explicate their essential meanings. Phenomenology attempts to get beyond immediately experienced meanings in order to articulate the pre-reflective level of lived meanings, to make the invisible visible. (Kvale, 1996, p.53)
The primary objective of a study that utilizes grounded theory is to apply a situational focus on precisely what happened to the participants, why participants believe the experience occurred in the manner manifested, and what the experience means to the participants (McMillan, 2000). Authors Strauss and Corbin (1990) assert, “Grounded theory is discovered, developed, and provisionally verified through systematic data collection and analysis of data pertaining to that phenomenon” (p.23). Along those lines, it is the intent of the researcher to identify themes and concepts that emerge from the questionnaire, interview and focus group data that may lead to connections to both the zero tolerance discipline policy and high stakes standardized testing.

Sociologists Glaser and Strauss (1967) discovered the grounded theory method. Glaser and Strauss (1967) in *The Discovery of Grounded Theory* define the constant comparative analysis approach as the researcher continuously collecting data and repeatedly re-examining the data to confirm conclusions. This method allows the researcher to generate conclusions and use different data to test against those generated conclusions. Therefore, the researcher continuously tests those conclusions to make improvements, clarifications or additions to prior conclusions drawn. Two processes are involved using the constant comparative method. Those processes are building theory and explicating meaning (Glaser and Strauss, 1967). Through constant comparison the research dictated an inductive approach. Specific instances occurred within the research phase that allowed the researcher to generalize conclusions that were discussed by many of the participants in both interviews and focus group settings.
3.6.2 Pilot Study

To fulfill the course requirements of a graduate level course at The Ohio State University titled Education Policy and Leadership 966 and 967, I created a qualitative pre-pilot and pilot study. I prepared a set of interview questions related to the zero tolerance discipline policy and its affects on high stakes standardized testing. A classmate reviewed the questions and made suggestions regarding the sequence and clarity of the questions. After, reviewing and making minor changes to the questions and the format I administered the interview questions to a central office district employee.

I sent the central office administrator an email detailing the purpose of the assignment and asked her if she would be willing to participate in the pre-pilot. After, one follow up call the administrator agreed to participate in the pilot. The administrator met me at approximately 3:30 PM in the library of a Middle School. We discussed the format of the questions and she agreed to be a participant and to be tape recorded. After meeting with the school principal we went to my classroom in room 100 and began the interview process. I turned on the recorder and I asked the administrator if she approved of me taping the interview and if she would be willing to review the transcription and analysis after I transcribed the interview. The administrator agreed. I administered 20 semi-structured interview questions that lasted about 90 minutes and transcribed the interview in its entirety (Appendix H).

After the actual interview was complete, we had an off the record conversation that I denoted with pen and paper. After transcribing the recorded conversation I emailed the transcription to the administrator and asked her to check it for accuracy. She
responded via email and said that the transcript was accurate and thanked me for taking
the time to transcribe the interview and considering her personal thoughts and opinion
regarding the accuracy of the transcript.

Through this pre-pilot interview I learned that I needed to clarify my questions
and some of them were redundant. Because the interviewee would answer the question
before I could ask it, with her response to a prior question. Further, the questions were
extremely lengthy and cumbersome. I was able to revise my questions to make them
more clear, direct and less ambiguous. Further, I decreased the number of questions from
20 questions to 10 questions.

After revising the set of questions, I administered the questions in a semi-
structured format to a middle school teacher in the school building that I was also an
employee in. We met in my classroom after school. I asked the participant if he would be
agreeable to having the interview tape recorded and we began the interview. The second
interview was precise and I reduced the interview time from 90 minutes to 30 minutes. I
also transcribed the interview and allowed the teacher to review the transcription as a
member check. I placed the transcribed interview in the participant’s mailbox and the
following day we discussed the accuracy of transcription.

Additionally, I interviewed the school principal during the pilot phase. The
interview took place in the principal’s office after school and I tape recorded the
interview and transcribed the interview. The principal reviewed the transcript for
accuracy the following day as a member check. The intent of the pilot semi-structured
interview was to specify questions for the actual study, practice interview techniques,
create questions for the questionnaire and to determine the structure and time needed for
the interview. The interview was semi-structured and transcribed verbatim. The
transcription process was utilized during the pilot phase to confirm that the interviewee’s
views were adequately provided in the interview and the opportunity to develop what the
interviewee stated. A prepared interviewer “Assists the subjects in the unfolding of their
narratives… An interviewer’s self-confidence is acquired through practice; conducting
several pilot interviews before the actual project interviews will increase his or her ability
to create safe and stimulating interactions” (Kvale, 1996, p.147). Additionally, all three
transcripts were coded. However, the *a priori codes* that were established were the initial
underpinnings of the emerging themes and patterns. Author Steiner Kvale (1996) of
*Interviews: An Introduction to Qualitative Research Interviewing* states the usefulness of
interviewers to transcribe one or more interviews during the pilot phase:

> This will sensitize them to the importance of the acoustic quality of the recording,
to paying attention to asking clear audible questions and getting equally clear
answers in the interview situation. The transcribing experience will also make
interviewers aware of some of the many decisions involved in transforming oral
speech to written texts, and it will give an impression of the time and effort the
transcription of an interview requires. (p.169)

In an effort to triangulate the data, the semi-structured interviews provided the
conceptual framework for a grounded questionnaire. I created a likert-scale grounded
questionnaire based on the gaps and emerging themes that were revealed in the pilot
semi-structured interviews. I used the pilot interviews as a reference guide to create the
statements for the Likert Scale Grounded Questionnaire. Within the first section of the
questionnaire I was interested in whether the participants recognized students absent from
high stakes standardized testing who have been expelled or suspended as a significant problem. Further, to determine the frequency of the problem. In the second section of the questionnaire I was interested in the impact students who miss mandated high stakes standardized tests have on student graduation and promotion, teacher certification and school funding.

The questionnaire was given to a 12-year veteran teacher within a large Midwestern school district. Listed are his perceptions based on the pilot likert-scale questionnaire instrument he responded to. The participant felt that students absent from high stakes standardized testing due to suspension and expulsion was a serious problem and the frequency of the problem was yearly. He disagreed that high stakes tests have an impact on teacher certification, strongly agreed that high stakes testing has an impact on student graduation. He strongly agreed on all of the following: students who miss high stakes standardized tests should have the opportunity to be administered assessments, those administrations should be done with the same provisions as the remainder of the population, a long term effect of absences from high stakes tests is exposure to test taking skills in the standardized testing arena, high stakes tests affect both the aggregate data and the disaggregate data of the school or district, and high stakes testing and the number of students who meet the requirement of those tests affects school funding. He strongly disagreed that the zero tolerance discipline policy should over-ride the No Child Left Behind Act in reference to high stakes testing.

Next, in an effort to triangulate the data for the pilot study, I employed document analysis. The document that I analyzed was the 24-page enrollment packet for the I-
PASS Center, which is the acronym for Individualized Plan for the Attainment of Success in School. The front page of the document was typed and printed on green paper. The document is not dated. However, the Office of Student Assistance, Intervention and Outreach and Student Management and Student Support are listed as the authors who created the document. The document was written for parents and students that have been referred to the I-PASS facility.

Students that participate in the I-PASS program have been given this option to attend or they would otherwise be subject to immediate expulsion from the Midwestern school district. Involvement in I-PASS can defer or eliminate the possibility of expulsion based upon cooperation and involvement by parent and student. The program affords middle and high school students an opportunity to receive academic and attendance credit as well as improve conflict resolution skills. Failure to comply with all aspects of the I-PASS Program can result in a return to expulsion status or home instruction in cases involving Special Education students for the full period as determined in the expulsion hearing.

Using a portion of the Foucault analysis the document appeared to articulate a discourse of policy. The major themes and patterns that emerged within the document were student behavior expectation while at the facility, enrollment procedures, attendance and tardiness, breakfast and lunch procedures, dress codes, locker and student searches, misconduct referrals, parent and student expectations, student attitudes, student relations, policy on weapons, alcohol, tobacco and other drugs.
Themes that are missing from the document were student-testing procedures. In relationship to testing the middle school students are required to take the 6th grade proficiency test, 7th grade MAT-7, and 8th grade MAT-8 which are statewide assessments and the Target Teach Benchmark which is a local test. The high school students are required to take the Ohio Graduation Test in grades 10-12 and the 9th grade proficiency test. Throughout the document the authors failed to mention whether students would have the opportunity to take these mandated tests while at the facility.

The document stated within the attendance section that an excused absence allows the student to make-up missed assignments/projects without penalty; it does not nullify the absence. Make-up assignments/projects must be completed within the same number of days as absent. However, it mentions nothing about make-up or administration of state and district tests. Again the author’s state, the goal of the program is to give each student an opportunity to remain current with his/her core academic courses while learning improved decision-making skills. Again, nothing states the specifics in relationship to administration of statewide mandated tests.

I used word/content analysis within the emergent design to formulate comprehensive and commonly selected codes in order for the content to be counted. The content codes/words that were used were testing, assessment, simulations, benchmarks, placement, exam, examination, achievement, appraisal, evaluation, valuation, measurement, review, summative or proficiency. Within the document I found one word, which was assessment. That word was in the following context. “An enrollment
assessment, to be completed by parent and student, will determine the student’s instructional program and supplemental activities with consultation of the trained staff.” The significance of the document for the study is that the study is looking at the zero tolerance discipline policy and its affects on high stakes standardized testing.

Therefore, the document is referring to students who have violated the zero tolerance discipline policy (ZTDP) in order to be participating in an expulsion hearing. As an alternative to expulsion the Midwestern School District has an alternative setting for students, which is I-PASS. It is imperative to the study to have knowledge of whether the alternative setting is providing students the opportunity to take district and state mandates tests.

In essence, this student could be a 12th grader who has only passed the 3 parts of the 5-part Ohio Graduation Test (OGT) and is expelled from the district for an infraction to ZTDP and he/she should have the opportunity to be administered the other two parts of the OGT regardless of infraction to ZTDP. Inevitably, not taking and passing those last two parts of the test could cause the student to fail and not graduate from high school. Overall, the triangulated pilot study assisted me in delineating the precise questions to ask in the semi-structured interviews, compile articulate statements on the biographical questionnaire and select additional documents to review for document analysis. The pilot study participants gave feedback on the appearance of the questionnaire, the structure of the questions and the actual content. After completing the triangulated pilot study, I revised the biographical questionnaire questions, the questionnaire structure and added a section that delineated various employees in a typical traditional school setting that may
complete the questionnaire for demographic information regarding the participants. Moreover, the pilot phase offered an opportunity to practice the research methodology and data analysis. After completing the pilot phase, I realized that I wanted to also add focus groups as a component of the methodology process to gather more information from stakeholders that were difficult to individually interview like principals due to time constraints.

3.7 Sampling Methods

The sample methods for this study utilized a purposeful sample. Patton (2001) describes purposeful sampling as participants that can offer insight regarding the phenomenon of study. Participants were selected for their experiences and expertise in K-12 public education. Patton (1990) elaborates on the power of purposeful sampling, “The logic and power of purposeful sampling lies in selecting information-rich cases for study in depth. Information-rich cases are those cases from which one can learn a great deal about issues of central importance to the purpose of the research” (p.169).

The selection of participants that were interviewed, asked to complete the questionnaire and participated in focus groups consisted of a purposeful sample of administrators, teachers, executive directors, curriculum coordinators, testing coordinators, counselors, social workers, parents, union representatives and teachers on special assignment that are employed by the Midwestern School District. The sample is comprised of only adults over the age of 18; no students were involved in the study.

In selecting participants for this study, my first initiative was to gather the list of schools that encompass the large Midwestern School Districts from the Ohio Department
of Education website, using the EMIS data system. After retrieving the list, I also retrieved the yearly list of schools and the administrators responsible for instructional leadership at the perspective school sites from a mass email that is distributed by the Executive Director’s secretary to all building principals. I matched the two lists to ensure the accuracy of the schools. Both lists were accurate.

I selected to utilize the mass distributed list from the internal district office. I highlighted every school that I had recognized a principal by name differentiating the middle and high schools by color. After, itemizing the list, I began to code the list with letters that represented what area of the city the school was located. Next, I selected my target schools. Each selected school principal received a letter of explanation from the researcher reviewing the study and a letter from the director of the Midwestern School District Office of Accountability approving the research proposal (Appendix C). Additionally, a letter of consent was provided to each school principal that agreed to participate in the study (Appendix A).

After the documents were mailed I contacted the secretary of each school building selected and requested a meeting. I briefly described the study and informed the secretaries that I had recently sent information regarding the study in U.S. mail. All the secretaries created an appointment for approximately 30 minutes after school within the following three weeks. I personally met with each individual principal, reviewed the details of the study and how I wanted to disseminate the questionnaire. I gave the principal a sample biographical questionnaire and all of the materials that were also mailed to the principal in a folder labeled Keisha Fletcher-Bates Dissertation Study.
After he/she verbally agreed to participate, the principals signed the appropriate documents and the signed letters were faxed to the Department of Evaluation Services. I had the principals sign two copies of all the materials and allowed him/her to keep a copy for his/her records. I also left the principal a manila envelope with a research introduction letter, approval of the study form from the Office of Accountability and the actual biographical questionnaire. Additionally, a direction sheet was placed in the envelope and a hand written thank you note.

Central office administrators were selected based on their knowledge and experiences regarding the discipline and curriculum policies and procedures in terms of the operational aspects of the Midwestern School District. The participants were recruited by receiving a personalized letter from the researcher detailing the study and emphasizing the significance of their participation in the study (Appendix D). Participants who agreed to be involved in the study signed an informed consent form (Appendix A). Participants were informed on how the data would be utilized and their freedom to withdraw consent to participate and to discontinue the participation process.

3.7.1 Document Analysis

The use of content analysis within the emergent design was used to formulate comprehensive and commonly selected codes in order for the content to be counted. The content codes/words used in the document analysis that were established were: testing, assessment, simulations, benchmarks, placement, exam, examination, achievement, appraisal, evaluation, valuation, measurement, review, summative, testing procedures, proficiency, zero tolerance, suspension, expulsion, exclusion, discipline, expectations,
behavior, and law. Within the document analysis the blurring of content, discourse and thematic analysis was utilized. The use of the Foucault analysis was used to search for a discourse of written policy on the procedure for testing students who are suspended or expelled from school as a result of an infraction of the zero tolerance discipline policy. The documents that were utilized for document analysis in the form of content analysis were the following documents: Midwestern School Districts Guide to Student Conduct, I-Pass (Individualized Plan for the Attainment of Success in School) Guidelines, Midwestern School District Policy on Ethics, Whose IDEA Is It? A Resource Guide for Parents, Midwestern School Districts 2006-2007 Testing Schedule from the Department of Assessment and Testing, Home Instruction Tutoring Services Parental Information Brochure, Ohio Department of Education Testing Rules and Procedures, Midwestern School Districts School Choice and Supplemental Tutoring Service, Individualized Education Plan for students with disabilities (specifically the behavior intervention sheet and testing page) and Elementary/Middle School Statewide and District wide Testing Procedures For Students With Disabilities.

3.7.2 Biographical Questionnaire

Research participants were asked to complete a five – minute Likert Scale Biographical Questionnaire (Appendix G). The questionnaire was utilized to obtain feedback and to acquire views and/or factual information from participants. The
questionnaire was also used to provide anonymity for respondents. Data from a self-designed Likert Scale Biographical Questionnaire of which a pre-pilot interview served as a reference guide to create statements for the questionnaire is displayed in Appendix G.

Kvale (1996) affirms, “Questionnaires developed on the basis of the interviews could be used to test the generality of the interview findings and smaller number of qualitative interviews can be subjected to more penetrating interpretations” (p.94). Within the first section of the questionnaire, statements were created to find out whether the participant recognized students absent from high stakes testing who have been expelled or suspended as a significant problem. In the second section of the questionnaire, I was interested in the impact students who miss mandated high stakes standardized tests have on graduation, promotion, teacher certification and school funding. The Likert Scale Biographical Questionnaire was administered to K-12 parents, teachers, administrators and district officials to evaluate the effects of the zero tolerance discipline policy on high stakes standardized testing. According to Lather (1986) this method will be used to triangulate the data and establish member checks.

Questionnaires were distributed to each school that agreed to participate in the study. A representative from each school agreed to place the questionnaire and a personalized letter from the researcher detailing the study and emphasizing the significance of their participation in the study in the teacher mailboxes or to disseminate
during a staff meeting. The questionnaires were collected via U.S. mail or I personally
picked them up from the representative. Questionnaires were also distributed to each
individual who completed an interview. The questionnaire served as an introduction to
the research questions and as a member check.

The biographical questionnaire (Appendix A) was designed to get an
understanding of how respondents felt about the ramifications of high stakes standardized
testing on students, teachers, administrators and school districts. Furthermore, to
understand if respondents actually perceived a problem existed. The questionnaire also
served as a tool for data triangulation. The findings of the questionnaire were collected
via mail and personal pick-up. One hundred and fifty-six questionnaires were collected
and tabulated (N=156). Two hundred and seventy questionnaires were distributed. The
return rate was 58 percent. The respondents were categorized into nine groups according
to their area of K-12 specialization see Figure 4.1. The respondents identified which
category by marking it on the questionnaire. Following is a table listing the questionnaire
return rate displaying respondents’ frequency and percent for each demographic.

<table>
<thead>
<tr>
<th>K-12 Specialization</th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central Office Administrator</td>
<td>3</td>
<td>1.9</td>
</tr>
<tr>
<td>Principal</td>
<td>9</td>
<td>5.7</td>
</tr>
<tr>
<td>High School Teacher</td>
<td>51</td>
<td>32.6</td>
</tr>
<tr>
<td>Middle School Teacher</td>
<td>62</td>
<td>39.7</td>
</tr>
<tr>
<td>Elementary School Teacher</td>
<td>1</td>
<td>0.6</td>
</tr>
<tr>
<td>Counselor</td>
<td>4</td>
<td>2.5</td>
</tr>
<tr>
<td>Parent Consultant</td>
<td>6</td>
<td>3.8</td>
</tr>
<tr>
<td>Community Member</td>
<td>2</td>
<td>1.2</td>
</tr>
<tr>
<td>Other</td>
<td>18</td>
<td>11.5</td>
</tr>
<tr>
<td>Total</td>
<td>156</td>
<td>99.5</td>
</tr>
</tbody>
</table>

Table 3.1 Respondents frequency and percent of return rates by demographic.
3.7.3 Focus Groups

Patton (1990) describes focus groups as an interview and a participant observation that capitalizes on the group dynamics. Research participants were asked to participate in 45-minute focus group. For each focus group session the researcher used a topic guide and focus group protocol (Appendix F) to facilitate the group conversation. Kvale (1996) asserts, “When investigating group differences, it is best to standardize the wording and sequence of questions in order to compare the groups” (p.98). The researcher acted as the moderator in all focus group sessions. The participants were asked to reflect on questions posed from the moderator. Participants were permitted to hear other participant’s comments, make additional statements and pose questions for clarification to one another. The objective of the moderator was to lead the conversation, keep the flow of the dialogue on topic and to allow ideas and perspectives to be introduced to the dialogue. At no point during the focus group was it necessary that the participants all agree, disagree, or reach a consensus.

Focus groups were utilized in this study to identify key issues, develop emergent themes, and illuminate participant responses to get reflective feedback. The researcher implemented three 45-minute focus group sessions. All participants were thanked for participating in the focus group and provided with a verbal summary of the research project prior to the beginning the session. The researcher provided each participant with a consent form and the approval document prior to beginning. The focus groups were audio-taped. However, due to the overlap of participant voices, some areas of the transcriptions were vague. Each participant was asked if they approved in participating in
the study and if they agreed to be audio-taped. They were then asked to introduce his/her self to the group, position, school name and grade level supervised prior to the beginning of each session.

The first focus group session was held on a Saturday, April 21, 2007 during the lunch hour of a training session for leadership interns. Leadership interns are licensed teachers that are pursuing administrative positions in the Midwestern School District. They intern with Principals at various school sites for approximately two years and are promoted from the program to Assistant Principals upon completion of the requirements of the program. A total of seven leadership interns participated of which, five were from the high school level and two were from the middle school level. Of the seven participants two were female and five were male.

The second focus group session was held on Tuesday, August 7, 2007 during the lunch hour of the Midwestern School Districts Administrative Academy. A total of eight administrators participated all were principals at the high school level with the exception of one who was a central office administrator. Of the eight participants three were female and five were male. The third focus group session occurred on Tuesday, September 18, 2007 during the lunch hour of the Ohio Department of Educations Entry Year Principal professional development session. A total of five assistant principals at the middle school level participated. Of the five participants two were female and three were male.

The researcher generated a summarized report of the thoughts and perceptions discussed during each focus group session. Information provided to the researcher through interviews, focus groups and document analysis was transcribed and coded into data links
i.e., themes, concepts, beliefs and behaviors. Next, the identification of how these codes was linked to each other within the theoretical model. Lastly, the researcher developed systematic, conceptual explanations of the findings by utilizing a codebook, and writing reflective annotations. Reflective annotations included group interactions, conflicting opinions, body language and salient features of participants.

3.7.4 Semi-Structured Interviews

Semi-structures interviews were utilized to extract rich, detailed material that can be used in analysis (Lofland and Lofland, 1995). Research participants were selected based on a purposeful sample to participate in a voluntary 30-minute semi-structured interview. The researcher implemented 12 in-depth interviews. All interviews were held at the convenience of the interviewee and at the desired location of the interviewee. The locations were all in a setting that provided privacy and free from disturbances. All interviews took place in an office or classroom after school hours. The interviews were taped recorded and transcribed by the researcher. Transcription of the interviews included a word for word account of the interview in its entirety. An account of the interviewees’ characteristics, gestures, mood and body language was also captured in this process. All tapes and documents were kept in a locked file cabinet that only the principal research investigator and student researcher had access to. All files will be destroyed after the research project is complete.

In an effort to interview the scope of participants, selections for interviews and focus groups were based on respondents content/age certification or specialized knowledge, therefore using a purposive sample. All participants received a personalized
invitation to participate in the interview, detailing the study and requesting informed consent to record the interview. Further, providing information about the interviewer and reassuring participants of their right to privacy. Pseudonyms were created for each participant to ensure confidentiality (Kvale, 1996). Data accumulated from the study did not identify any participant by name or by school. Each participant was asked to participate in a member check to triangulate the data.

Each interviewee was provided with a brief summary of the research proposal and the researcher used an interview guide to direct the questions and dialogue. Kvale (1996) asserts, “the interviewees should be provided with a context for the interview by a briefing before and a debriefing afterward” (p.127). The interview process established continuity among all respondents because the interviewer asked all respondents the same set of pre-established questions. The interviewer did not engage in dialogue regarding personal perceptions, thoughts and feelings but rather listened attentively to the interviewee’s responses as suggested by Patton (1990). The interviewer recorded responses according to a codified scheme that had been established prior. All respondents received the same set of questions, asked in the identical sequence. However, because structured interviews frequently neglect the emotional dynamics within social contexts, unstructured interviewing was implemented after the pre-established questions were solicited.

The unstructured interview process attempts to comprehend the complex behavior of the respondents. This unstructured format followed immediately after the structured interview. The interviewer began a series of open-ended questions to get a better
understanding of the respondent’s thoughts, feelings, opinions and belief systems. All interviews both structured and non-structured were tape-recorded and transcribed to locate themes among the respondents. During each interview I maintained descriptive field notes and a journal where I recorded my thoughts, perceptions, dilemmas, key ideas, and concepts that were discussed during the interview process. The interviews contributed to the expansion of themes.

The questions for the interview process were designed in a chronological format, with open-ended construction. All interviews were transcribed to locate beneficial details. Further, transcription was utilized to study data, pose questions to the data and to make the semi-structured questions more clear, direct and less ambiguous during the interview process. After, theoretical saturation in data patterns emerged and no new themes were offered, the interview process was discontinued.

The researcher completed 12 individual interviews with a representative from each of the buildings that agreed to participate in the study. With the exception of the three central office administrators all of the other interviews were with a representative from each building that agreed to participate in the study. Of the 12 interviews completed, three were with central office staff, one special education coordinator, one school counselor, three Leadership Interns of which one was at the middle school level and two were at the high school level, one Assistant Principal, and four teachers of which two were at the middle school level and one was at the high school level. See Appendix L for demographics on the interviewees.
3.8 Data Collection

In order to process the questionnaire data, the researcher collected, categorized and summarized the results of the ratings and frequencies of the questionnaire responses. The researcher provided a summarized report of the thoughts and preferences discussed during the focus group sessions. Information provided to the researcher through interviews and document analysis were transcribed and coded into data links i.e., themes, concepts, beliefs and behaviors. Next, identification of how these codes are linked to each other within the theoretical model was established. Lastly, the researcher developed systematic, conceptually coherent explanations of the findings by utilizing a codebook, and writing reflective commentaries. Denzin and Lincoln (2000) state,” We grounded theorists’ code our emerging data as we collect it. Through coding we start to define and categorize our data” (p.515).

3.8.1 Establishing Trustworthiness

According to Denzin and Lincoln (2000) research subjects have the right to be informed with reference to the nature and consequences of experiments in which they are involved. Subjects must concur voluntarily to participate that is, without physical or psychological coercion. Their concurrence must be based on full and open information. Research subjects have a right to privacy in which their identity is protected and protection from harm in which the research should not exhibit any physical or emotional harms in any way to the subject. Yet, Lather (1986) contends, an emancipatory intent is not necessarily a guarantee of an emancipatory outcome.
Within informed consent social sciences oppose deception in which the researcher deliberately misrepresents information. Further, researchers should avoid incomplete disclosures. According to Denzin and Lincoln (2000) researchers should design different experiments free of active deception. Fabrications, fraudulent materials, omissions and contrivances are both nonscientific and unethical.

In all probability, it is no place where the associations connecting epistemological, political, and ethical issues more noticeable than in the present debate among qualitative sociological researchers over the "crisis of representation." The crisis of representation involves a reflective questioning of ethnography's assertion to scientific objectivity and, in turn, the authority of the ethnographer's account. Denzin and Lincoln (2000) define the crisis of representation as how the researched is represented in our text or language of which interpretation plays a major part. Inevitably, the crisis of representation makes research and writing more reflexive and called into question the issues of gender, class and race.

The crisis of validity is an integral component to the politics and ethics in research. Denzin and Lincoln (2000) postulate, in all actuality there is no means of correctly matching world to word. Lather (1986) suggests:

Researchers must begin to be more systematic about establishing the trustworthiness of data. Reducing the ambiguity of what we do does not mean we have to deny the essential inter-determinacy of human experience. But if we want illuminating and resonant theory grounded in trustworthy data, we must formulate self-corrective techniques that will check the credibility of our data and minimize the distorting effect of personal bias upon the logic of evidence. (p.27).

The researcher deliberately implemented a series of sequential steps to lesson the probability of unethical behavior during this qualitative research project. Credibility,
transferability, and dependability are conduits of ethicality that were implemented to increasingly augment the trustworthiness of the study (Lincoln & Guba, 1985).

3.8.2 Credibility

Lincoln and Guba (1985) contend that research credibility is established when the researcher is able to precisely depict the perceptions of the individuals that participated in the research. Figure 3.2 details the convergence of data used to triangulate the data for this research study. The use of qualitative data, which according to Denzin and Lincoln (2000) is well suited for studying social processes, in the form of field notes, one-to-one and focus groups, in-depth interviews and content/document analysis are the fundamental procedures that the researcher utilized for this study. Lather (1986) asserts:

First, triangulation is critical in establishing data trustworthiness, a triangulation expanded beyond the psychometric definition of multiple measures to include multiple data sources, methods, and theoretical schemes. The researcher must consciously utilize designs that allow counter-patterns as well as convergence if data are to be credible (p.270).

**Convergence of Multiple Sources of Evidence**

![Diagram](image)

**Figure 3.2**
Three types of triangulation were utilized in this research study to ensure the integrity and credibility of the conclusions. They included methodological triangulation, investigator triangulation and data triangulation.

1. Methodological triangulation. The following methods were utilized to retrieve pertinent information for the study:

   A. Document Analysis
   B. Individual Interviews and transcripts
   C. Questionnaire
   D. Focus Groups Interviews and transcripts

2. Investigator triangulation. The following triangulation techniques were utilized to make certain investigator triangulation:

   A. Peer debriefing allowed a disinterested doctoral peer to pose questions pertaining to the research. This provided the researcher an opportunity to elucidate thoughts and investigate personal partiality.
   B. Member checking is the process of checking with the research participants to ensure that their thoughts and comments were accurately portrayed. All participants were provided with the opportunity to member check and verify that the information obtained was accurate and represented in the manner in which they intended.
   C. Reflexive Journal was utilized for the researcher to record personal beliefs, feelings, introspection and fundamental understanding (Lincoln & Guba, 1985).
D. Audit trail

3. Data triangulation. The researcher investigated the following sources for information pertaining to the study.

A. Teachers from the four quadrants (north, south, east, west) of the large Midwestern School District
B. Teachers from high school and middle school
C. Principals with various ethnicities and ages
D. Assistant principals with various ethnicities and ages
E. Leadership Interns with various ethnicities and ages
F. Central Office Personal ranging from teachers on special assignment to executive leadership positions with various ethnicities and ages
G. School counselors from high school and middle school with various ethnicities and ages
H. Special education coordinators

3.8.3 Transferability

Lincoln and Guba (1985) define transferability as the procedures utilized by the investigator to increase the capacity of the findings to be generalized to other comparable cases. The researcher provided thick descriptions of the study in a reflexive journal. The reflexive journal was utilized to record motivations, strategies, meanings and intentions. This journaling technique allows another entity of interest to reach a conclusion regarding whether a transmittal to a comparable case can be considered as an option. Bruce (2007) states, “In the response to the call for transparency of methods, qualitative reports must make every effort to describe the details of collection and analysis so that the reader
believes the study to be credible, transferable, and dependable, whether claims are made about generalizability or not” (p.11).

3.8.4 Dependability

Lincoln and Guba (1985) define dependability as the investigator establishing a dependable, logical, traceable audit trail. Therefore, allowing the researcher to generalize a case to comparable cases. Items included in the audit trail for this study are:

A. Raw data in the form of questionnaires, transcripts, audio recordings, questionnaire results

B. Data reduction and analysis in the form of code books, itemized coded files, working hypothesis, note cards, summaries, graphic notations

C. Data reconstruction and synthesis in the form interpretations and inferences

D. Instrument development in the form of protocols, pilot study, questionnaire, charts utilized for document analysis

E. Intention and disposition in the forms of research proposal, IRB proposal, Midwestern School Districts Department of Accountability proposal, predictions and expectations

F. Reflexive journaling

G. Process notes in the form of peer debriefing, member checks, methodological notations regarding procedural events, strategies, decisions and justifications.
3.8.5 Confirmability

In order to demonstrate the trustworthiness standard of confirmability it is the investigators obligation to depict the data in an objective method that is explicable and understandable with logical inferences and clarity (Lincoln and Guba, 1985). The researcher utilized triangulation techniques in the form of reflexive journaling, in an effort to ensure the qualitative study conceptualized the trustworthiness standard.

3.9 Researcher Subjectivity

The researcher as an individual becomes a vital element of the study. The researcher brings her own distinctive set of principles, experiences and predispositions, which influences the direction of the study (Marshal and Rosman, 1999). As the researcher in this study, my subjectivity influenced the questions solicited and the configured construal.

I am an African American female middle school administrator who aspires to become a superintendent of an urban school district. Additionally, my aspirations include an appointment to the position of Secretary of the Department of Education for the United States government. Prior to the administrative role that I currently hold, I was a former special education teacher for both elementary and middle schools located in the Midwestern School District.

Due to my individual goals and aspirations to become a superintendent and appointments to federal education roles, I acknowledge that I have personal opinions on
this area under discussion that will impact the reporting, thematic interpretation and data analysis of the research. Moreover, as a result of my personal experiences, I believe students are discriminated against based on disciplinary infractions and cultural norms that are misunderstood by the dominant culture.

Additionally, I convey a number of knowledge, skills and dispositions that the participants can relate to because we share collegial responsibilities, professional experiences and career commitments. My analysis of the information the participants made available may not exclusively characterize the embodiment of their reality. Nevertheless, since we share related professional experiences, I believe these shared experiences enable me to correspond and characterize the participant’s ontological reality clearer than a researcher devoid of those shared experiences.

The data for this research was predominantly accumulated by the researcher. Therefore, private ideologies and experiences fashioned observations of the subject. Consequently, the researcher was self-reflective in her own subjectivity, disclosing her biases candidly in her research (Penshkin, 1988).
Chapter 4

Data Analysis

“In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.”

U.S. Supreme Court, Brown v. Board of Education of Topeka, Shawnee County, Kansas (1954)

4.1 Introduction

This chapter presents the major findings of the current study based on a biographical questionnaires, individual semi-structured interviews, in-depth focus groups and document analysis. An overall thematic analysis of the data is formulated and a summary of codes is also included. The study was designed to explore the affects the Zero Tolerance Discipline Policy has on high stakes standardized testing. The goal was to understand how expelled and suspended students that are not administered federally mandated high stakes standardized tests impacts individual students, individual schools, teachers, administrators and a district.

In addition, I hoped to determine how an urban school district prevails despite the requirements of the NCLB testing standards. In order to determine this multiple data sources were used. First, biographical questionnaires were distributed to administrators, teachers, counselors, central office personnel and parents in the large Midwestern School District. Second, semi-structured interviews and focus groups were used to explore a
broad assessment of teacher, administrator and community perceptions of the problem, measures used to deal with the problem and what problems remain. Finally, document analysis was utilized to determine what laws, policies and procedures exist to protect the population of suspended and expelled students that miss high stakes standardized testing. The existing study explored the following research questions:

4.2 Research Questions

1. To what extent do all students (i.e., ‘all’ incorporates students who are home instructed, disabled, LEP, gifted, suspended and expelled) have an equal opportunity to be administered high stakes standardized tests?

2. In what ways does the zero tolerance discipline policy affect a faculty’s overall perception of meeting the demands of high stakes standardized testing in terms of student promotion and student graduation?

3. In what ways does student nonparticipation on high stakes standardized tests due to student suspension or expulsion affect educational urban districts accountability outcomes?

4. What are the primary consequences to school districts, students, administrators and teachers as a result of missed opportunities of student assessments due to student suspension and expulsion?

5. During the administration of high stakes standardized testing (OGT, OAT) how are student discipline situations that occur in the school building handled from extreme to minor?

6. What options/provisions are provided for suspended and expelled students to be administered high stakes standardized tests during their suspension and expulsion?

7. To what extent does high stakes standardized testing impact student discipline?

8. What proactive solutions are implemented to reduce student discipline problems during test administration?
4.3 Emerging Themes

Subsequent to an all-embracing review of the in-depth focus group and individual interview transcripts, the researcher embarked on the analysis procedure. Use of an emergent design, a method utilized when the researcher collects data, analyzes it instantaneously rather than waiting in anticipation until the entire saturated data corpuses are collected. The researcher consequently bases the decision concerning what data to accumulate subsequently on this analysis (Creswell, 2005). Kvale (1996) contends, “Analysis is not an isolated stage, but permeates an entire interview inquiry” (p.205).

The researcher continually coded and recoded the interviews and focus groups, as the researchers insight developed during the study, working in the direction of an empirically grounded theory (Kvale, 1996). The researcher controlled the analysis by utilizing explication of procedures. Kvale (1996) asserts, “An alternative or a supplement to a multiple interpreter control analysis is that the researcher present examples of the material used for the interpretations and explicitly outline the different steps of the analysis process” (p.209). The initial step was to allocate codes for conveying elements of meaning to the expressive information accumulated for the duration of the study (Miles and Huberman, 1994).

The analysis was a process that necessitated reading the transcripts continuously and discerning themes contained within the interviews and among the interview participants. Initially, I read the transcripts to ascertain and construct participant profiles and comprehend individual participant’s point of view. Next, I examined the transcripts a
second and third time to categorize codes and assemble emerging themes by participants. During the preliminary coding process I used open and axial coding. I located patterns, similarities, consistencies, interpretations, insights and solutions within the transcripts.

I continued to examine the transcripts a fourth time to segregate sections requiring additional explanation, including but not limited to, a description of terms and phrases utilized or the creation of follow up inquiries that would allow participants to clarify their perceptions. A fifth reading was completed to correlate developmental themes in relation to standardized high stakes assessments and the zero tolerance discipline policy. I read the transcripts yet again, to parallel deficits and corresponding affects federal law and local policy has on the students, teachers, administrators and school districts. Codes overlapped from the document analysis, questionnaire, semi-structured interviews and focus groups. Finally, I read the transcripts to evaluate if individual participants perceptions were interconnected to the current literature, theoretical perspectives and researcher assumptions. The data from the study emerged into three major themes and their sub-categories:

1. Perspectives that describe the potential impact standardized high stakes assessments have on students that violate the zero tolerance discipline policy

   a. Academic achievement weakens  
   b. Increased drop out rates  
   c. Graduation rate decreases  
   d. Qualified work force diminishes  
   e. Student trust of school diminishes  
   f. Exposure to standardized high stakes tests is limited  
   g. Poor and minority students affected the most  
   h. Students are “pushed out”  
   i. Juvenile incarceration is perpetuated  
   j. Matriculation to college decreases
2. Reasons contributing to the lack of educational access suspended and expelled students have in relationship to standardized high stakes assessments

   a. Political - law and policy contradict, policy oversight, no advocates
   b. Psychological – avoidance, deliberate effort, unconscious testing neglect
   c. Economical – funding is scarce
   d. Cultural – lack of culturally relevant pedagogy teacher training, gender divergence
   e. Legal – federal mandates (NCLB) cascade to the state and local boards of education, no case law to establish a new law
   f. Social – inequality permeates the system

3. Effective methods to reduce the marginalization impacts standardized high stakes assessments and the zero tolerance discipline policy has on students

   a. Requisite for local policy and federal law
   b. Requisite for culturally sensitive personnel concerning student discipline and pedagogy
   c. Requisite for social and behavioral programming for students
   d. Requisite for fiscal endorsement
   e. Requisite to consider all students as a means to narrow the achievement gap

4.4 Perspectives that describe the potential impact standardized high stakes assessments have on students that violate the zero tolerance discipline policy

The majority of the faculty described negative impacts standardized high stakes assessments such as the Ohio Graduation Test (OGT) have on students that violate the zero tolerance discipline policy. For many of the participants, the negative impacts to students far exceeded the benefits of the assessments. The majority of the participants reported that they felt students that were suspended and expelled should be provided with an opportunity to be administered the OGT during the term of their suspension and expulsion. The majority of the participants rated the questionnaire item (students absent from high stakes testing due to suspension) an obvious, serious or very serious problem.
One participant explained this to be a problem, “Because of the residual impacts, which could result from not partaking in the assessment, such as failing to graduate high school.” The specific results from the questionnaire demonstrate that out of the 156 questionnaires that were returned, 63% of the participants rated the item as an obvious, serious or very serious problem.

Therefore, the majority of respondents believed that students negatively impact the entire school population because of their absence from school due to suspension during the administration of high stakes standardized tests. Sharon (Caucasian, female, special education coordinator) expounded on this when she said, “The students that are not provided with opportunities to take the test actually hurt our overall school and district statewide reports.” Moreover, 60% of the participants rated the questionnaire item (students that were absent during high stakes standardized tests due to expulsion) as an obvious, serious, or very serious problem. During my interview with Karen (African American, female, high school leadership intern) she elaborated:

The No Child Left Behind Act and its accountability measures forces us to make sure that every student is tested. In reality, this is both good and bad. We have limited resources in schools and from my understanding the mandate was under funded in the first place. Still, no reasons to allow students that need these tests for graduation to fail. It is our responsibility to test them all! The sad part is that some students don’t realize the ramifications of test failure or test absence until their twelfth grade year and then it’s too late. Even more unfortunate, is the kids that are expelled usually have juvenile records with the court system, often poor, failing in school and African American. See we are failing in society as a whole to address the real dilemmas. Who’s going to advocate for these kids?

However, based on the research literature, the researcher knew that students that were exposed to both standardized high stakes testing and the zero tolerance discipline policy would likely have negative experiences related to school. Consequently, the
researcher probed deeper during the interview and focus group sessions by asking participants questions regarding the potential impacts students could incur if they were not provided with opportunities to be tested during the term of their suspension or expulsion.

This lead to the emergence of an array of subcategories related to participant perceptions of the harmful impacts students could potentially be exposed to for failure to have access to standardized testing during the term of their suspension or expulsion. Their perceptions were categorized according to the following sub-categories: (a) weakened academic achievement; (b) increased drop out rates; (c) decrease in graduation rate; (d) diminished qualification for the; (e) diminished trust by students of school authority; (f) limited exposure to standardized high stakes tests; (g) poor and minority students are affected the most; (h) students are “pushed out”; (i) increased juvenile incarceration; and (j) decreased admission to college.

4.4.1 “Failing students have a negative self-image and test anxiety causes failure...”

Academic Achievement Weakens

Participants felt that academic achievement was weakened and “watered down” to test taking skills and strategies to pass the test. They spoke candidly of “how the law has changed the teaching profession” and “restricted teacher autonomy”. Participants were asked to provide their perception on the statement standardized high stakes testing impacts the methods in which teachers utilize to administer academic instruction. More than 74% of the respondents strongly agreed or agreed. During a focus group session Linda exclaimed:
That’s the very reason I don’t support the No Child Left Behind Act! Professional men and women get into teaching for the enjoyment, the passion. That law takes teacher autonomy and zeal from our profession. You know, I don’t fault the school districts or our curriculum department for creating Curriculum Review Teams because they are only doing what they think we need to do to meet the mark. But taking away teachers instructional freedom to teach the way they see fit and the method most helpful for the group of students we are given it just isn’t fair.

Consequently, participants were asked their opinion on whether the provisions of the No Child Left Behind Act increased student achievement. A predominant 58% of the participants strongly disagreed or disagreed with the statement. During a focus group session with Assistant Principals, one participant indicated:

People want to credit the No Child Left Behind Act for why we have been successful. But that simply isn’t true. Our success is because of our dedicated leadership and our prolific teachers that stand in the trenches everyday. The law has nothing to do with it. It simply challenged us to achieve the goals set forth within it. We have been making improvements, demanding teachers teach and students learn. We work ten to twelve hours a day planning interventions, lessons, and working together to get the job done.

Another focus group participant responded:

I have to agree. Hard work, diligence, patience and teamwork have been the reasons for our success.

A different focus group participant commented:

I do believe that our leaders are the foundation for our success. They are serious about this district making improvements and they don’t fear change. It’s very easy to be pessimistic about our district. But they manage to inspire and motivate continuously.

Another focus group participant chimed in:

Let’s not forget about our principals. They have the hardest job in this district because they are required to implement all the laws and deal with the teachers, students, parents and community members. I think we all are saying the same thing. Our success is rooted in the people’s work ethic and not reacting to all the problems that law makes.
4.4.2 “…some students don’t realize the ramifications of test failure or test absence until their twelfth grade year and then it’s too late.”

**Increased Drop-Out Rates**

Several of the participants shared the notion that students that are not passing the OGT are streamlined into becoming high school drop-outs rather than high school graduates. Furthermore, participant Karen (African American, Female, high school leadership intern) stated, “the majority of students that are failing courses are also doing poorly on standardized assessments”. She explains, “Even more unfortunate, is that the kids that are expelled usually have juvenile records with the court system, often poor, failing in school and African American.” Research supports the claim that higher rates of suspensions and expulsions ultimately lead to African American males dropping out (Hopkins, 1997; Kunjufu, 2001).

Moreover, Wald and Losen (2003) contend high stakes testing is increasing the number of students disproportionately minority, retained a grade level and denied high school diplomas for failure to master one or a set of mandated exams. Forty-eight percent of the participants that partook in the questionnaire disagreed or strongly disagreed that high stakes standardized testing should be used for student promotion. One participant commented, “We are seeing students drop out at a younger and younger age. These tests perpetuate low student engagement, low teacher expectations and overall teachers are unenthused.”

Additionally, several participants discussed the “high stress, tension and anxiety” the students are exposed to during the test administration. During my interview session
with William (African American, male, assistant principal) he stated, “no wonder why these kids are dropping out and absent during testing, the pressures must exhaust them.” Casbarro (2005) contends that standardized tests increase the totality of stress, tension, pressure and anxiety students and teachers undergo and decreases the amount of content being taught due mostly impart to the excessive test preparation exercises.

4.4.3 “Still, no reasons to allow students that need these tests for graduation to fail.”

Graduation Rate Decreases

In sum, the identifiable commonality amongst all of the themes revolves around student graduation. Students that have not been afforded the opportunity to receive an education or access to standardized high stakes assessments such as the OGT during the term of their expulsion have instantaneously decreased their chances of graduating high school. Additionally, the perspectives of the participants elucidated how one missed opportunity can have devastating consequences to the student. One participant commented:

The students that don’t get to graduate with their class often stop coming to school altogether. They are embarrassed and ashamed. When you talk to them and try to discourage the decision they look you in the face and blatantly tell it’s not going to matter anyways, so why finish out the year. I’m not graduating.

The participant continued to say how “disheartening” and “helpless” she felt because it was nothing she could do to help the student’s or to change the outcome.

4.4.4 “…we set them up for failure in life”

Qualified Work Force Diminishes

Participants discussed the global impacts of students that do not graduate from high school. A component of the participant’s perceptions included the resounding theme
that “students are not prepared for the real world”. Each of the twelve participants interviewed expounded on the long-term consequences for students that have missed opportunities to be administered standardized high stakes tests as a factor resulting in an unqualified work force. Further, the educational cost to society increases because of the perpetuation of the school to prison pipeline. Fork and Spector (2002) emphasize, tracking students by ability and high stakes testing negatively regulates the amount of people who will be competing for employment on every level of income ability.

4.4.5 “…we should focus our energies on the students that behave and put forth effort.”

Student Trust of School Authority Diminishes

One of the participants spoke of the need to “create relationships with students as a primary factor in establishing trust for the students”. The school community and the neighborhood have similar resemblances. Teachers and principals are viewed as police that are seeking to keep schools safe but unintentionally and intentionally pose a continuing threat to the students. Students view faculty as a threat because of the unnecessary locker searches and investigations that preempt students of violations that they may not have committed. But based on prior student offenses they immediately become a suspect. Participants displayed caution on the subject; nevertheless they spoke of “habitual offenders” that create the majority of the school disruptions. They described these students as “unwilling” and “reluctant” to attain an education. One participant said, “Student’s think failing and refusing to cooperate penalizes the teachers instead of the students.”
Equally important, students that are suspended can be suspended with or without homework. A student that is suspended with homework is allowed to complete assignments and make-up tests during the term of their suspension and return those assignments to school for credit towards their grade. This process does correlate to a form of educational access. However, alternative assignments that are given during suspension are not always meaningful. Further, the assignments are often worksheets that have been previously reviewed and that the teacher never intends to grade. On some occasions, when students return to school they are not permitted to make-up summative tests and quizzed. Therefore, student’s grades begin to fall at a rapid pace during the term of their suspension.

When parents confront administration regarding these injustices, the administration blames the teacher’s collective bargaining agreement and says that they cannot force the teachers to provide the additional work or assessment. Nevertheless, the administration has the power to supersede the teachers’ authority and change a student’s grade. The problem exists when administration frequently blames the collective bargaining agreement, but never exercises their authority to change the grade. They would rather allow the child and family to loose trust in the school than argue with the union. One principal participant said, “You have to pick and choose your battles.”

4.4.6 “Every minute of instructional time is needed to provide them with the knowledge to pass the OGT.”

Exposure to Standardized High Stakes Testing is Limited

One participant said, “Short term the child losses out on an opportunity to get one step closer to completing high school. Long term that could be the added stress that the
child may feel they could never make it, and then drop out of school.” Although, the participants spoke candidly about “teaching to the test”; they also discussed the how challenging it was to enroll a student that is frequently suspended and expelled back into the classes after they have missed so much school. Participants referred to the students as being “lost” and “inattentive”. One participant said, “Unless the student was superior and that’s rare before they were suspended or expelled, the loss of instructional time really sets them up for failure of the entire course.” Another participant expressed frustration with students that are suspended and expelled that return back to school. She said, “How do you get them to pass a test, let alone a standardized test when they haven’t been in school!”

4.4.7 “...often poor, failing in school and African American.”

Poor and Minority Students are Affected the Most

Participants perceived the problem affecting male students of African American descent the most frequently because they are the predominant population of students that are suspended and expelled. One participant said, “I see teachers fearing these students.” Teachers because of their personal cultural experiences do not always embrace other cultures. Another participant said:

We have a new class of students called the bubble students and basically they are high enough to push over to make AYP. However, the students that NCLB truly need to assist like the poor and the minority are left behind. Intervention and programming is targeted toward those students that can score proficient.

The NCLB legislation and the Ohio Department of Education have not accommodated the expelled population of students by neglecting to create policies and laws to offer those students testing opportunities at all junctures within the educational
process. Reni (African American, female, central office) said, “Legislation has not been created because these kids are considered to be the throw away population, that throw away type of kid. I believe if you look at the statistics and disparities you’re talking about a lot of African American kids.”

Critical Race Theory confronts racial subordination in schools and school districts (Ladson-Billings, 1998). These practices of marginalization and underlying assumptions that participant Reni refers to as the “throw away kids” have perpetuated a cycle of normalization that unconstructively impacts the veracity of African American students. These assumptions and codes have a negative impact on African American students learning and social development. Critical Theory questions the entire social order and situates power relations at the center of the discussion (Tozer, Violas & Senese, 2002).

4.4.8 “…I think we thought kick those kids out that act up during testing…”

Students are Pushed Out

One participant said, “We make sure all 10th graders are 10th graders to ensure that they are eligible to take the OGT.” However, in some cases students that are low performing are “pushed out” of school entirely or encouraged to drop out. Students that drop out do not count against the school or district rating. I asked a Sharon (Caucasian, female, special education coordinator) during the interview her perceptions of students that are absent during the administration of standardized high stakes tests. Sharon stated:

The students that are not provided with opportunities to take the test actually hurt our overall school and district statewide reports. At one point I think we thought kick those kids out that act up during testing to have a testing environment that’s conducive to academic performance. We quickly learned every score counts especially if they’ve been at your school for over 120 days.
Researchers (Wald & Losen, 2003) suggest that the drop-out rate as a result of high stakes standardized testing and school suspensions and expulsions has been linked to the “school to prison pipeline. One participant said:

A critical problem exists for students that miss high stakes tests that have been expelled during the test administration. Students are students, and things happen throughout the course of childhood. But to take away a child’s opportunity to graduate should not be an option. This simply should not be counted against the student in this format. It’s double jeopardy; this affects the child’s longevity in adulthood.

Research states that the school to prison pipeline is perpetuated in schools systems nationally because students are going directly from school to prison.

The concept of “future” is dismal and depleted for students that do not graduate from high school. Opportunities to continue education in college or a technical trade school is obsolete without a diploma or the equivalent of a diploma. One of the participants stated, “We are failing in society as a whole to address the real dilemmas. Who’s going to advocate for these kids?” Other factors that damage the integrity of the school system is that those students that are matriculating to college are not prepared for college when they enter. Participants gleaned the No Child Left Behind and its accountability measures as the number one cause of teachers “teaching to the test”.

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4.5 Reasons contributing to the lack of educational access suspended and expelled students have in relationship to standardized high stakes assessments

The contributing factors have been categorized into six sub-categories: (a) political; (b) psychological; (c) economical; (d) cultural; (e) legal; and; (f) social. These impacts permeate the educational system and impose structures of domination. Critical theory seeks to expose these structures as a mechanism to transform knowledge that has been supported by the social order.

4.5.1 “By law students that are suspended and expelled do not have legal rights to the test.”

Political: Law and Policy Contradict, Policy Oversight, and No Advocates

Participant Reni (African American, female, central office) stated, “In my opinion, students that are expelled during the administration of the OGT should have an opportunity to be tested. There is no need to continue to penalize them by denying them a diploma in the state of Ohio. Exposure to testing opportunities is essential.” Another participant said, “Students that are suspended and expelled have very few advocates.” Participants viewed potential reasons for this problem was that NCLB and its accountability measures were enacted and it was an “oversight” and the resolution committee did not “intentionally” mean to deny students the right to test.

4.5.2 “Who are we failing? Definitely not just students, we fail society…”

Psychological: Avoidance, Deliberate Effort, and Unconscious Testing Neglect

Research indicates that the denial of a targeted group of people based on a designation of race can result in mistreatment and oppression. NCLB and its accountability measure may perpetuate a pattern of institutional racism and racial
hegemony based on the population of students that are denied access to the standardized assessment. One participant said, “I think institutional racism happens all the time in education. Unfortunately, where it hurts the most is in education.” Another participant said, “institutional racism or not regardless they are still our kids.”

4.5.3 “We have limited resources in schools...”

*Economical: Funding is Scarce*

Based on the feedback, 100 out of 156 participants that partook in the questionnaire said that zero tolerance discipline policies were useful to schools. Interviewees referred to the policy as a mechanism to improve “safety” and “a structure that administration can use when they need to handle severe behavioral issues”. During my interview with Sharon (Caucasian, female, special education coordinator) she responded:

> The Zero Tolerance Discipline Policy provides a structure that administration can use when they need to handle severe behavioral issues. Kids can’t carry weapons to school and come to school the next day. We need this policy for the safety and protection of everyone. Is the policy equally applied? Probably not... nevertheless, you heard about the student in Cleveland flip out. It was all over the news. Violent acts by students are getting closer to our front door and the policy decreases the occurrence of a Columbine happening in our school district.

However, as has been evidenced with previous research on zero tolerance discipline policies, they often result in a consistent pattern of increasing school drop out and disproportionately impacting African American students, special education students, and poor students (Skiba, 2000). Although the majority of the respondent’s agreed that zero tolerance discipline policies are useful to schools, research argues that they are futile and promote instantaneous student suspension and expulsion. School districts are
mandated by the federal government through the Guns Free School Act of 1994 to implement zero tolerance policies or the viable threat of loosing federal Title 1 funding disbursements is at risk (Skiba, 2000).

Summaries of research indicate that students that exhibit anti-social behavior are best serviced utilizing intervention techniques that target social skills, problem solving, mentorship, conflict management, peer mediation and anti-bullying curriculums (National Institute of Mental Health, 2004). Suspending and expelling students from educational opportunities diminishes student outcomes. They allow students more opportunities unsupervised in the community to engage in disruptive and disorderly conduct (Skiba & Peterson, 1999).

The economic challenge that arises in schools transmits to funding and staffing the programming for the support services, which have proven to decrease inappropriate student behavior. Therefore, school districts and educators have selected to remedy the situation with student suspension and expulsion because of the ease of use and in the short term it’s cheaper. Nevertheless, in the long term it costs not only districts more money, it costs society and taxpayers more money to incarcerate the students that eventually become adults.

Further, youth that are suspended and expelled most frequently are predominately African American males (Harvard Civil Rights Project, 2000). With this in mind, those youth promulgate into the prison system as adults. In this facet, critical pedagogy is in operation, because this becomes a matter of racial inequality that has been identified to
educators in the research. Yet, the continuance of educating students that are affected by this in a humane approach does not occur. The research has constructed solutions to the problem, but funding has impeded the implementation of those solutions.

Moreover, critical theory proves an optimal lens through which to engage in the dialogue. Critical theory investigates matters of power, control and politics. Because the Guns Free School Act of 1994, requires zero tolerance discipline policies for firearms, that have been misinterpreted to mean more than the scope of firearms (Skiba, 200). Hierarchically, the federal government is positioned at the top in the power paradigm and represents the primary scope of power.

Additionally, the threat of withholding federal funding if a zero tolerance policy is not in place demonstrates the mechanism of control that the federal government has and uses to ensure state boards of education maintain compliance. Therefore, the federal government imposes their power to the state departments of education; the state department of education imposes their power to the local school districts; the local school districts impose their power to schools; and eventually schools impose the power dynamic to students. Largely, the process is intertwined with legal implications that divulge the politics in the situation.

4.5.4 “Make an example out of one and you can hear a pin drop in the room.”

Cultural: Lack of Culturally Relevant Pedagogy, Teacher Training and Gender Divergence

Discipline at the school building level looks to punish rather than to motivate and principals are admired for leadership that rapidly punishes with suspension and expulsion. Teachers want students to change behavior, yet they see no reason to change
their behavior, attitudes, and teaching styles. Teachers fail to reflect on self. One participant states, “As a district if we do not create an environment where students can fit in without violating the rules, then ultimately the district ends up hurting themselves.” The lack of student voice, relevance and acceleration perpetuates low student engagement that fosters opportunities for students to act out and misbehave.

Ladson-Billings (1995b, 2001) contends that if culturally relevant teaching is to be successful, it must meet three measures: (a) Students must experience academic success; (b) students must develop and/or maintain cultural competence; and (c) students must develop a critical consciousness through which they challenge the status quo of the current social order” (p.160). One participant stated, “We have failed to connect with students and to connect the curriculum to the student’s reality”. Teacher’s attitudes about race, racism and culture influence their interaction with students on a daily basis.

Moreover, participants spoke about the lack of “individualization” and “personalization” in the classroom setting. Participants referred to high stakes testing as a detriment to the deployment and usage of individualized education plans for special education students. A participant said:

We no longer gage a student’s ability with the present level of performance on the IEP. We try and teach them the curriculum for the grade that they are in. In spite of the fact that the may be two to three grade levels behind their actual grade.

4.5.5 “…the federal government pushes stuff to the state and the state pushed it to the local districts…”

Legal: Federal Mandates (NCLB) Cascade to the State and Local Boards of Education

A viable disconnectedness exists between the ramifications of federal statute and local practices. A lack of student to teacher trust, district to community trust, lack of
district to state trust and a lack of state to federal government trust. Throughout all the systematic structures constant judgment and ridicule permeates the systems internally. No one entity will take responsibility for the exacerbated problems. These impacts permeate the educational system and impose structures of domination. Critical theory seeks to expose these structures as a mechanism to transform knowledge that has been supported by the social order.

For example, students that are suspended can be suspended with or without homework. A student that is suspended with homework is allowed to complete assignments and make-up tests during the term of their suspension and return those assignments to school for credit towards their grade. This process does correlate to a form of educational access. However, alternative assignments that are given during suspension are not always meaningful. Further, the assignments are often worksheets that have been previously reviewed and that the teacher never intends to grade. On some occasions, when students return to school they are not permitted to make-up summative tests and quizzes. Therefore, student’s grades begin to fall at a rapid pace during the term of their suspension.

When parents confront administration regarding these injustices, the administration blames the teacher’s collective bargaining agreement and says that they cannot force the teachers to provide the additional work or assessment. Nevertheless, administration has the power to supersede the teachers’ authority and change a student’s grade. The problem exists when administration frequently blames the collective
bargaining agreement, but never exercises their authority to change the grade. They would rather allow the child and family to loose trust in the school than argue with the union. One principal participant said, “You have to pick and choose your battles.”

According to the results from the questionnaire, sixty-four percent of the participants agreed that zero tolerance discipline policies were useful to schools. Interviewees referred to the policy as a mechanism to improve “safety” and “a structure that administration can use when they need to handle severe behavioral issues”. During my interview with Sharon (Caucasian, female, special education coordinator) she responded:

The Zero Tolerance Discipline Policy provides a structure that administration can use when they need to handle severe behavioral issues. Kids can’t carry weapons to school and come to school the next day. We need this policy for the safety and protection of everyone. Is the policy equally applied? Probably not…nevertheless, you heard about the student in Cleveland flip out. It was all over the news. Violent acts by students are getting closer to our front door and the policy decreases the occurrence of a Columbine happening in our school district.

However, as has been evidenced with previous research on zero tolerance discipline policies, they often result in a consistent pattern of increasing school drop out and disproportionately impacting African American students, special education students, and poor students (Skiba, 2000). Although the majority of the respondent’s agreed that zero tolerance discipline policies are useful to schools. In opposition, research argues that they are futile and promote instantaneous student suspension and expulsion. Politically school districts are mandated by the federal government through the Guns Free School Act of 1994 to implement zero tolerance policies or the viable threat of loosing federal Title 1 funding disbursements is at risk (Skiba, 2000).
4.5.6 “This problem has implications beyond what you and I really can comprehend.”

Social: Inequality Permeates the System

Respondents were asked to rate strongly agree, agree, neutral, disagree or strongly disagree with the statement that building level administrators should be held accountable for participation rates on high stakes standardized testing. Forty-four strongly agreed or agreed with the statement. Forty-seven were neutral. Thirty-four disagreed and twenty-eight strongly disagreed. During the interview with Leroy (Caucasian, male, high school teacher) I asked why he rated the response as strongly disagreed. He said:

Administrators should not have to take the fall for a failing system. The challenges they face to run a school in an urban district are enormous. Systematic change is needed not the constant blame game.

Another interviewee Ali (African American, male, high school leadership intern) answered strongly disagrees. She stated:

Principals don’t have magic wands they wave and students attend school for the test. Schools with habitual attendance problems have difficulties getting students to come to school on a daily basis let alone during test week. It’s just too much to be a principal theses day. They move them around as soon as they start being affective. Then you get a building with low attendance scores and you want to penalize me the first year I get there. That sounds plain foolish. I believe principals do their best and implement everything within their power to provide incentives for students to attend for testing. But, you see a ice-cream cone, slice a pizza and a snicker don’t cut it for the kids that have serious drug abuse, gang behavior, drug distribution and parents that are either at work or not around to tell them to come to school. Now tell me, what is a principal going to do about that when they have 500 other kids to think about.

Rebecca (African American, female, middle school leadership intern) commented:

Again this is inequitable. Why not provide supports for principals that are having challenges getting students to come to school for the test. That sounds logical to me.
4.6 Effective methods to reduce the marginalization impacts standardized high stakes assessments and the zero tolerance discipline policy has on students

It is essential that an effort is made by education constituents and advocates to communicate via research, legislation reform or information platforms the message that we can no longer continue to allow students to fall through the cracks. Students that are suspended and expelled exhibit a profound disconnectedness from the educational process including standardized high stakes testing. It is imperative that suspended and expelled students are re-connected to the school and the educational process. The foundation of this accomplishment encompasses a relentless focus on the creation and implementation of the following requisites: (1) Requisite for local policy and law, (2) requisite for culturally sensitive personnel concerning both student discipline and pedagogy, (3) requisite for social and behavioral programming for students, (4) requisite for fiscal endorsement; and (5) requisite to consider all student as a means to narrow the achievement gap.

4.6.1 “Systematic change is needed, not the constant blame game.”
Requisite for Local Policy and Federal Law

Participants were asked to give their perception on whether students that miss high stakes standardized testing due to infractions of the Zero Tolerance Discipline Policy should have the opportunity to be tested. An overwhelming one hundred and eight (69%) of the participants strongly agreed or agreed that the population of students that miss high stakes standardized testing due to the zero tolerance discipline policy should be tested. The conclusion can be drawn that respondents feel students should be administered high stakes standardized tests during the term of their suspension or
expulsion. Therefore, in order for our current situation to change the federal government needs to make adjustments to NCLB during the reauthorization to offer students that have been suspended or expelled the opportunity to be administered standardized high stakes testing during the term of their suspension or expulsion.

Additionally, the Ohio Department of Education needs to allow students that have been expelled the opportunity to participate in alternative pathways to graduation. Further, revisions to Ohio Revised Code need to be made that allows all students’ access to standardized high stakes tests that pertain to student graduation. Although the school district and administrators make provisions for students that are suspended and expelled on a school by school basis, the local board of education needs to create a formal policy. These methods will ensure that all students are tested. During an interview with William (African American, male, middle school assistant principal) he stated:

We are dealing with a fundamental problem that the government and the powers that be don’t address. By law students that are expelled do not have legal rights to the test. Once again the federal government pushes stuff to the state and the state pushed it to the local districts that are required to implement. Who are we failing? Definitely not just students we fail society when we require the test for graduation and then you get in trouble and are not permitted to have access to the test.

However, all the interviewees did not agree with this statement. Ms. Jay (African American, female, middle school teacher) was an outlier, during our interview I asked why she rated the item strongly disagree. She replied:

A student brings a gun to school and is expelled; you think I’m jumping in line to test him? The reality is some students commit criminal acts that are beyond the school house and it’s not safe to try and test them.

I then asked are you talking about adjudicated youths because they are tested during the term of their incarceration. Ms. Jay continued:
This problem has implications beyond what you and I really can comprehend. We are talking about race, socio-economic class… I know what you mean, but I’m speaking on behalf of those people that aren’t from the hood and who really are afraid of some of these kids. Safety has to be a priority.

Although the participant Ms. Jay was an outlier, in that she felt students that are expelled should not have access to the standardized high stakes assessments. Her statements and observations did align to other areas of the study. For example, Skiba (2000) explains that race and socio-economic class are characteristics indicative of suspended and expelled students.

4.6.2 “Why continually make provisions for them…”
Requisite for Culturally Sensitive Personnel Concerning Student Discipline and Pedagogy

Participants were asked to give their perception on the statement a long term affect of non participation in high stakes standardized tests is less exposure to test taking skills in the standardized testing arena. Ninety-three respondents strongly agreed or agreed with the statement (60%). A justifiable claim can be made that the majority of respondents feel a long term affect of non participation in high stakes standardized test is less exposure to test taking skills. During a focus group session Leonard commented:

When students don’t have the opportunity to take standardized tests we set them up for failure in life. Timed tests with multiple choice questions are practically how every organization assesses knowledge. Although I did not take a test to graduate high school, I certainly took them to enter college and receive my teaching credentials. Exposure to testing in this format gives students the experience…anxiety and all.

Although, students need exposure to test taking skills, they also need exposure to experiments, field trips and other activities that may not directly correlate to the test.

Moreover, teachers need to understand the pressures and anxiety that standardized tests
cause and be more sensitive to this. Cultural sensitivity is lacking in the educational setting. Teachers need professional development related to cultural pedagogy and gender divergences. Teachers need to correlate lesson objectives to real world experiences that students of all ages, ethnicities and backgrounds can identify with. Teachers that maintain classrooms and relationships with students that foster care and support are more successful in engaging those students in the educational process. Teachers have to liberate their personal perceptions and bias regarding race and class.

4.6.3 “...an ice-cream cone, slice of pizza and snicker don’t cut it for the kids that have serious drug abuse...”

Requisite for Social and Behavioral Programming for Students

The literature review and the participants express the undeniable urgency to provide resources to schools for students with anti-social behaviors, other than suspension and expulsion. The use of social and behavioral programming can benefit students in the long-term. Suspension and expulsion are short-term fixes that are applied to wounds and scars that are have been bruised repeatedly. These wounds are far deeper and wider than a Band-Aid can ever cover up or heal. Our current situation has found our educational infrastructure in need of intensive surgery. However, the cure is in sight. With proper funding, programming, policy and law; the physicians may embark upon the remedy that reads “education for all.”

4.6.4 “…the mandate was underfunded in the first place.”

Requirement for Fiscal Endorsement

Respondents were asked to rate their feelings whether school districts should be sanctioned for students’ performance on standardized high stakes tests. Seventy-three
(48%) disagreed or strongly disagreed with the statement. During a focus group session Linda elaborated:

The No Child Left Behind Act should be called Leave Urban Kids Behind Act. In so many ways the sanctions that the Act includes are simply ludicrous! Why continually sanction a school for doing the best that they can with the population that they have. It’s just not equitable. Take a suburban school that is performing above standard, they wouldn’t care they have nothing to loose. They’ve been doing above average since their inception. But take an inner city school that constantly struggles with academic achievement and we have everything to loose. It only penalizes our schools. For the success stories no worries. For the unsuccessful stories fear and defeat are your constant worries.

It is essential for funding mechanisms to consistently flow to the local school districts to assist the low performing schools with the implementation of standardized high stakes testing as a graduation requirement. Due to the range in per pupil expenditures and allocations across the state of Ohio and our unconstitutional formulas in Ohio, the funding needs extend beyond the current study. However, participants discussed sanctions related to school funding at great lengths. One participant said, “Schools that perform low, get no rewards! It is all about the test, nothing else really matters anymore.” Another participant said, “We really need more money to implement the law the right way. It takes dollars to get failing schools to master AYP, because they need more support systems, faculty, parental programming and equipment. It all equates to dollars.”

4.6.5 “We quickly learned every score counts...”
Requisite to Consider All Students as a Means to Narrow the Achievement Gap

It is vital that educators appreciate the old adage of expulsion articulating an absence of an education. To revoke educational opportunities for students as a consequence of a disciplinary infraction penalizes learning and educational growth rather
than the manifested behavior that was demonstrated by the student. Respondents were
asked their views on whether standardized high stakes testing affects the composite data
of the school and/or district. One hundred and thirteen respondents (72%) strongly agreed
or agreed with the statement. Twenty-eight (19%) were neutral and only fifteen (9%)
strongly disagreed or disagreed with the statement. Thus, this signifies that the majority
of respondents believe standardized high stakes testing affects the composite data of the
school and/or district. During an interview with Nancy (African American, female,
counselor) I asked her why she rated the item as strongly agrees. She explained:

Data is the way of life in our schools. Every single students test results either
helps or hinders the overall data outcomes for the entire district. Students that do
not come for the OGT test or makeup can be a tremendous hindrance on the
outcomes. No Child Left Behind mandates that 95 percent of the students are
tested. We are using data based decision making for everything you can imagine
and think…and its working.

4.7 Summary
The subcategories regarding the themes reveal the imminent urgency to allow
students that are suspended and expelled access to standardized high stakes testing during
the term of their suspension or expulsion. As consideration is given to this problem, it
becomes important to realize that it impacts the realities of African American students,
particularly males, in educational formats that are consistently ignored by both law and
policy. Changes need to occur within our current educational structure as to provide all
students with an equal opportunity to education. A viable disconnectedness between the
ramifications of federal statute and local practices has occurred. However, there is no
single defining or identifiable action. Rather, the research has articulated the first critical
step of exponentially exposing the problem and how the problem permeates our
educational core in federal, state and local school practices.
CHAPTER 5
SUMMARY, CONCLUSIONS, AND RECOMMENDATIONS

The debates surrounding the effect and supposed benefits of the law on the students it is meant to protect are important; they suggest either a turning back of the clock to pre-reform or a continuation of discrimination against the educationally disadvantaged (p.2).

5.1 Overview of the Study

The purpose of this qualitative study was to explore the affects the Zero Tolerance Discipline Policy has on high stakes standardized testing. The goal was to understand how expelled and suspended students that are not administered federally mandated high stakes standardized tests impacts individual students, individual schools, teachers, administrators and a district. In addition, I hoped to determine how an urban school district prevails despite the requirements of the NCLB testing standards.

Through the conceptual framework of Critical Theory and Critical Race Theory, this study examined the perceptions, experiences, beliefs, and attitudes of central office personnel, middle school and high school administrators, teachers, coordinators and counselors in a typical urban school district. The qualitative methodology utilized for this study included in-depth focus groups, individual interviews, document analysis and biographical questionnaires. The purposeful sample was comprised of twelve K-12
faculty members in an urban school district including seven females (five of which were African American and two were Caucasian) and five males (three of which were African American and two were Caucasian).

The subsequent three main themes emerged from participant responses:

1. Perspectives that describe the potential impact standardized high stakes assessments have on students that violate the zero tolerance discipline policy.
2. Reasons contributing to the lack of educational access suspended and expelled students have in relationship to standardized high stakes assessments.
3. Effective methods to reduce the marginalization impacts standardized high stakes assessments and the zero tolerance discipline policy has on students.

The following section specifies how each of these overarching themes provides a resolution for the research questions that were the premise of the existing study.

5.1.1 *Research Question 1*

*To what extent do all students (i.e., ‘all’ incorporates students who are home instructed, disabled, LEP, gifted, suspended and expelled) have an equal opportunity to be administered high stakes standardized tests?*

Findings from document analysis, focus groups and in-depth interviews indicated that all special education students under the provisions of the Individuals with Disabilities Act (IDEA) and Section 504 of the Americans with Disabilities Act are always entitled access to high stakes standardized assessments. Theses students have Individualized Education Plans (IEP) and section 504 Plans that are created annually that explicitly describe the assessment accommodations and the specific assessments that the student will be administered annually. Certain students with an IEP may be exempt from the standardized assessment and that exemption status will be articulated in the IEP or 504 Plan annually. In the Midwestern School District the standardized assessments that are
Considered to be high stakes are: PSAT (Grades: 10 & 11), Quarterly Diagnostics (all grades), OGT (Grades: 10-12), Writing Simulation (Grade: 4, 7 & 9), Terra Nova (Grades: 1, 2, 4, 6 & 9), OAT (3-8) and Senior Exams.

Nevertheless, regular education students (including gifted and LEP students) that are suspended and expelled have no legal redress to be administered high stakes standardized assessment such as the Ohio Graduation Test (OGT) during the term of their suspension or expulsion. According to the attorney for the Ohio Association for Secondary School Administrators (OASSA), “In Ohio there is no rule for a suspended or expelled students to be administered a graduation test or any test unless they are in special education.”

In the event a student with disabilities becomes ill, imprisoned and/or is expelled and can no longer attend school at the current school site. An addendum to the IEP is made with the IEP team. In the addendum, the least restrictive environment (LRE) will be modified from school to home or the designated facility. The test is consequently administered to the student at the hospital, alternative education setting, home or juvenile detention facility by a certified teacher and a proctor in the LRE. In the event the student is suspended for more than ten school days an addendum to the IEP is necessary and the IEP team reconvenes to determine if the behavior is a manifestation of the student’s disability. If the behavior is a manifestation of the student’s disability the student cannot be suspended anymore school days for that school year. If the exhibited behavior is not a
manifestation of the student’s disability the student can be suspended more than the ten school days. In either case the student is required to have access to the standardized assessment with all the applicable accommodations.

In the Midwestern School District students with disabilities that are expelled and suspended for more than ten school days are permitted to receive an alternative education in a different school environment. In the case of suspension over ten days for a behavior that superseded the ten day rule and is a manifestation of the student’s disability, the student is eligible for a home instruction tutor. The tutor is assigned based on his/her certifications and home instruction tutors are certificated teachers. The student receives one hour of tutoring for everyday over the ten day suspension. Additionally, if a student is expelled home instruction is an option. Students are afforded one hour of instruction for every school day absent due to expulsion.

Students that are expelled are automatically provided with a hearing at the districts central office with a hearing officer. During the expulsion hearing the hearing officer will invite the student, parents, principal, a regular education teacher, special education teacher, unified arts teacher and the special education district coordinator. The hearing immediately begins with the hearing officer requesting introductions of everyone present; then he/she asks the parents if they received the IEP invitation letter, the official school emergency removal letter and the official school pending expulsion letter. Additionally, the hearing officer will ask whether the parents received a parent handbook entitled Whose IDEA is It Anyway.
Next, the principal reads the incident report to the entire group. Following, the student is offered due process, which affords the student the opportunity to tell his/her side of the story in the presence of his/her parent at the hearing. Subsequently, a discussion of the incident occurs and the principal and student provide evidence that substantiates or denies the claim. If the claim is substantiated, the hearing officer informs the committee that at this time an IEP meeting will begin. The hearing officer is not a member of the IEP team.

The IEP team which consists of everyone else at the meeting then discusses whether the behavior displayed is a manifestation of the student’s disability. Each member of the IEP team is asked to answer a systematic series of questions from the special education coordinator. Each IEP team member answers the questions and the teachers discuss academics, attendance and socialization factors. One of the questions asks the IEP team if the behavior is a manifestation of the student’s disability. In the event a unanimous answer is not the response, the special education coordinator takes a consensus and analyzes the commentary and suggests to the IEP team the consensus that he/she understood from the dialogue.

In rare circumstances, and one member of the IEP team is set on disagreeing the special education coordinator makes the decision of the majority and the individual that disagreed with the majority is still required to sign the form. However, they can place in parenthesis after their name that they disagree. If the team agrees that the behavior in question is a manifestation of the student’s disability, the principal provides everyone including the hearing officer a pre-established district letter that elucidates that the IEP
team decided that the behavior was a manifestation of the student’s disability. The IEP meeting reconvenes and the hearing officer is no longer a participant. At that point, the IEP team can decide to change the goals and objectives, LRE and testing procedures related to the student.

In the event the IEP determines that the exhibited behavior is not a manifestation of the student’s disability. The IEP team signs the appropriate document and the hearing officer reconvenes the hearing. The hearing officer cannot officially expel the student. However, he/she can determine the consequence other than expulsion. The hearing officer can select that the student receives home instruction, a school transfer, and/or receive educational services in an alternative setting such as the I-PASS program or a combination of these. The program tilted I-PASS is offered at an off school site, specifically designed as an educational alternative for special and regular education students that are expelled. The hearing officer will determine the number of days that the student will receive not to exceed 45 school days. The special education coordinator incorporates the hearing officer’s decision on the IEP as the least restrictive environment and the IEP team signs the final page of the IEP. Copies are made of all the information and disseminated to the parent, principal, coordinator and hearing officer and the hearing is complete. Participants, who partook in the expulsion hearing process, referenced the expulsion procedure as a “systematic process” that allows an unbiased individual the opportunity to hear the facts and determine the consequence.

An overwhelming majority of the twelve participants that were interviewed verbalized that they felt regular education students should have the opportunity to be
administered high stakes standardized assessments and offered educational opportunities during the term of their expulsion. During an interview session with Rebecca (African American, female, leadership intern) she shared the following, “Policy needs to be developed for all students to receive education services when they are expelled. Society pays a higher price not to educate these children, which are predominately black males.”

When the researcher asked her to elaborate, Rebecca (African American, female, leadership intern) stated:

> We either pay for these kids to be educated now or we pay for them to be incarcerated later. I don’t think the powers that be get it. They can comprehend a provision for the special education student because the law makes them. But for the powerless souls like our black boys that have little to no advocates on the big hill there is little to no help. I’m sorry. We need to stop and reflect on our practices. But this rarely happens. Reflection occurs only when the powers above the statehouse make radical changes and we have no choice but to reflect, reinvent and innovate.

The researcher asked Rebecca, what she thought the district could do to reinvent and innovate. Rebecca replied:

> You know, just like when No Child Left Behind came along. Then we made moves to oblige to the law. But if the law isn’t there to enforce it you can forget about change. I think our district can be the place to do it. We have so many intelligent people in this district that think outside the box. But I think their afraid to voice what they think to the state for fear of being black balled and called a trouble maker. It’s kind of like who am I to be challenging a practice that is done nationwide. Who am I to be talking negatively about what the law doesn’t agree with? These are scary times we are living in. These black boys really need a voice. When their parents aren’t educated they rely on us, people like me and you to talk for them. These kids get no social skill training, no education and you think if you give them an early vacation they’ll come back with better behavior. Think again, doesn’t happen, often times their worse.

Daniel (2006) contends, “Ironically, Ohio had been praised by the United States Department of Education as one of six states to have in place a proficiency exam at the time of the federal NCLB legislation” (p.6). According to the researchers document
analysis of the federal NCLB statute and Ohio Revised Code, no current legislation exists that allows expelled regular education students the opportunity to be administered high stakes standardized assessments during the term of their suspension or expulsion. It appears that the federal governments praise and positive reinforcement to the state of Ohio regarding its accountability system has admonished Ohio’s vision to incorporate standardized assessments for all.

5.1.2 Research Question 2

*In what ways does the zero tolerance discipline policy affect a faculty’s overall perception of meeting the demands of high stakes standardized testing in terms of student promotion and student graduation?*

Generally, the faculty had negative perceptions regarding the affects of the zero tolerance discipline policy and meeting the demands of high stakes standardized testing in terms of student promotion. The denial of grade promotion for failure to master high stakes standardized tests, regardless of student behavior is not the mechanism that the Midwestern School District utilizes. Promotion is scaled on the cumulative quarterly report card measures. However, in relationship to student graduation those perceptions were varied. During an interview with Leroy (Caucasian, Male, high school teacher) he perceived the zero tolerance discipline policy as a method used in high school that allows the students that want to learn a chance to gain knowledge of the curriculum. Leroy remarked:

> At the high school level more is at stake like funding and sanctions. We can’t afford to babysit students that have no vested interest in receiving an education. We have an entire school that we are trying to get graduated and to pass the test. Freshman students are the best example, they come from middle school and think that the consequences in middle school are similar for high school and they are not. It’s a bona fide shock to the parent too, because they are not prepared for the
swift suspensions. The students think they can use profanity towards a teacher and simply receive a lunch detention or skip class and only receive a conference with the counselor. It is a very different reality at high school. We simply cannot afford to allow the students that refuse to adhere to school policy to disrupt the educational learning environment. Every minute of instructional time is needed to provide them with the knowledge to pass the OGT. Pranks, insubordination, fighting and bullying can have you escorted out by the police. Play time is over once they get to high school.

Daniel (2006) expounds on how the federal government has attached high stakes testing to high stakes consequences.

There are no nationally prescribed instruments for pupil assessment; instead, each state is responsible for constructing an accountability system, attaching consequences or stakes for student performance. The state must conduct annual testing instruments to ascertain student progress including the student participation rate. In other words the federal government through NCLB did not preempt the states’ power over education or over testing to demonstrate achievement. Instead it associated federal funding with the accomplishment of measurable results capitalizing on the fact that many states administered high stakes tests to use in decisions about promotion, school funding and graduation (p.8).

5.1.3 Research Question 3

In what ways does students nonparticipation on high stakes standardized tests due to student suspension or expulsion affect educational urban districts accountability outcomes?

A typical urban school district has a high rate of socially economic disadvantaged and minority students. Research suggests that low SES students who lack the cultural capital to achieve proficiency do poorly on high stakes standardized tests and are typically minority (Daniel, 2006). Moreover, Skiba (2000) contends that there is an over-representation of minorities in school discipline. That being said, it serves in an urban school districts favor to test as many students as possible. Testing more students would provide benefits like the increase of the performance index score and the 95% participation rate disaggregated by subgroup.
Conversely, the accountability outcomes that are affected by suspended and expelled student’s nonparticipation on standardized high stakes standardized test are performance on the state report card and the disaggregated subgroup data on the state report card. Consequently, the subgroups that suspended and expelled students would be categorized as would predominately be at the highest risk. Hence, one subgroup that does not achieve AYP could cause the entire school to fail AYP. Failure to meet AYP can put individual schools and school districts in jeopardy of receiving punitive sanctions such as complete school reorganization or the state can take over the school district (Daniel, 2006).

Another significant aspect is that the accountability outcome that was impacted the most occurred with individual stakeholders. Participants offered detailed recollections of the painstaking conversations that they held with their colleagues, spouses and staff. Participants discussed that they felt personally “depressed, discouraged and humiliated” when their school performed poorly on the test. During a focus group session one participant said:

I looked the scores over repeatedly thinking where did we go wrong, what could I have done differently. I took it personal. I really did. When you’re at a persistently failing school you become stigmatized as a failure. It’s embarrassing and humiliating. All I could think of is how I will ever get another job in another district with such poor scores. It’s my name that appears on that state report card for the entire world to view. No school district would accept this poor performance. It wouldn’t be good enough for my kids either. So, why should I expect then to consider me as a leader?

Especially noteworthy is participant’s defined data as their personal connection to attaining AYP. Participants in both focus groups and individual interviews spoke candidly about the “personal survival” of the NCLB requirements. Although many of the
administrators talked about the data in very unique and individualized methods, all of them related their school survival to their belief in the impact “data driven decision making” has on the mandates of the NCLB law. One focus group participant defined her relationship with data in terms of a universal power:

Thank God for professional development on interpreting data. In this day and age if you can’t read data, interpret data, apply data or lead your staff in understanding the effects the numbers really have on or daily survival as a school. You need to get another profession. Students that are suspended and expelled are reflected in that data if they test. Truly, you can’t help them if you are unable to read the data.

During the focus group session with principals one participant described knowledge of data as an evolutionary process:

I was resistant to using all the data stuff central office was giving us. My thought was that this is more stuff to do that they will soon get rid of. But sure enough I got involved in really analyzing the numbers and targeting instruction and intervention. Now, I feel more confident in my abilities to lead and create a sustainable data driven school. I have found that it really works, numbers don’t lie.

During the interview with William (African American, male, assistant principal) he indicated:

Understanding the NCLB requirements on a federal level, to a state level and how we will operate at the building level has paid off the most for attacking the inherent weaknesses that exist within the law. It’s like you really have to know what they want and all the marginal parts they tell you nothing about to overcome. The students that are suspended and expelled aren’t mentioned a damn place in that law. They could care less. But, I’ll tell you this we care because those are our kids! See I often wonder was the law made for the urban populations to succeed? Because if you don’t use the data to interpret the testing results and implement every intervention you can think, you can forget about getting out of school improvement!

It is apparent from the responses that the participants were extraordinarily conscious of the use of data and perceive their data driven decisions as connected to their personal leadership ability, success with the NCLB testing laws and design of
instructional practices. This research question discusses the themes related to issues of data; how administrators practice using it and how data results have manifested in the daily lives of teachers and principals. The following themes emerged from the analysis of the participant interviews surrounding data: (1) administrators define data as their personal connection with the veracity of the situation; (2) administrators see data based decisions as the foundation to surviving the NCLB requirements, and (3) administrators use perceptual, performance, process and demographic data to determine building needs, strengths, weaknesses (students, staff) and to resolve critical issues.

5.1.4 Research Question 4

What are the primary consequences to school districts, students, administrators and teachers as a result of missed opportunities of student assessments due to student suspension and expulsion?

Student Consequences

Student consequences are concomitant with non-graduation, causing a recursive dilemma of the perpetuation of increased student drop outs. The students that drop out circumnavigate into society believing test failure is indicative of their ability. Intersecting inequalities exist. Students that are not allowed test access due to expulsion and students inadvertently may not graduate due to expulsion. For example, a student is provided with seven opportunities to be administered the OGT. If the student is expelled or suspended during each test administration, the student would never have an opportunity to graduate
because he/she would have never been afforded the access to the test. Further, the student would not be eligible for the alternative pathway to the graduation because an expelled student does not meet the criteria to receive a diploma according to ORC 3313.615.

It is a preponderance of research that reveals that African American males are predominately the students that are expelled mostly Skiba (2000). This gender inequity perpetuates hegemonic structures that endorse victimization and marginalization. Research indicates that the denial of a targeted group of people based on a designation of race can result in mistreatment and oppression. It is not the researcher’s belief that Midwestern School District, the Ohio Department of Education or the United States Department of Education are racist. Additionally, the current research does not allude to this. However, this research sheds light on how policy and law can be counterproductive to one another and cause barriers to educational assessments utilized for graduation.

Teacher Consequences

According to participants, consequences for teachers include but is not limited to, lose of their monetary incentives provided to them from a partnership the Midwestern School District and the respective collective bargaining unit created called gain-sharing. Teachers receive gain-sharing which are monetary stipends provided to teachers for exemplary student achievement gains, other programs like Teacher Advancement
Program (TAP) and Teacher Incentive Fund (TIF), also provide annual stipends for advancing students academically on the standardized assessments. Additionally, teachers begin to teach to the test and lose their teacher autonomy. Daniel (2006) discusses teachers may engage in educator-led cheating.

Participants felt ashamed, humiliated, embarrassed and stigmatized as a result of failing the AYP standard. Daniel (2006) states:

The accountability concept undermines, even frustrates influences on education such as libraries, school facilities, sports, arts program and other extracurricular activities and even school trips. All roads in public education lead to high stakes testing. Whether teaching is good or poor and whether students connect to teachers. Educator effectiveness is based on compliance and job securities correlated with group-based annual yearly progress. Unlike other aspects of education, individual achievement is unimportant. p.10

Administrator Consequence

Failure for building principals can be extremely hash. Participants discussed that central office employees and principals do not have a union. Therefore, it is easier to non-renew at this level. Principals are transferred to other schools within the school district and because of student enrollment declining schools are closing entirely. William (African American, male, assistant principal) stated, “Demotions are real around here, it’s not a joke at all. Get demoted and see how fast you catch humble ‘aid’.” He continued, “It can happen to the best of them, you can go from a principal position to intern status, demoted from principal to assistant principal, demoted from central office to a position of less rank.” A participant in the focus group complained of the “embarrassment” due to the building report card is a public document that can be easily viewed. Even more
 alarming, is school can be funding is withdrawn for various programming and Daniel (2006) discusses teachers and administrators state licensures getting revoked.

District Consequence

Districts receive sanctions from the federal government for the district failing to meet the Annual Yearly Progress (AYP) target. Participants continually spoke of the humiliation and embarrassment. The school report card is public information and can be reflected negatively with poor scores causing embarrassment and lack of students eager to attend school within the district. The parents are not moving into the district due to the poor report card, causing a property sale and value decline. Daniel (2006) discusses the ability of private management companies taking over the district.

5.1.5 Research Question 5

During the administration of high stakes standardized testing (OGT, OAT) how are student discipline situations that occur in the school building handled from extreme to minor?

After reviewing the document analysis, the existence of policies that specifically states how an administrator or teachers are required to supervise student discipline during testing situations is absent. However, although it is not written, the exception is when discipline occurrences have an impact on the security of the test. Test security during the examination execution is an administrators and counselors main objective. During the interview with William (African American, Male, middle school assistant principal) he explained:

Minor discipline occurrences like sleeping, wearing a hood and tapping a pencil are typically redirected quietly or with a gesture and physical proximity by the teacher or proctor.
Participants felt behaviors that do not disrupt others and can not be heard by others are typically ignored if they resurface. During the interview with Barry (African American, Male, and middle school teacher) he stated:

Student’s that have completed the test and decide to lay their head down on the desk instead of reading their silent reading book, I ignore it. They aren’t harming anyone.

However, all the participants were not on one accord with ignoring the behavior and using physical proximity. Leroy (Caucasian, male, high school teacher) declared:

They have got to go! Minor or major if you even think about disrupting my classroom during a state test. I’m collecting your materials and having the proctor take you to the office. I don’t play that during the test and I tell the students this upfront.

Major disruptions to the test that prevent others from focusing and disrupting the educational environment like talking to each other, out of seat without permission and laughter are immediately discontinued by asking the proctor to take the student from the test room. Participants felt this was a gray area. During the interview with Ms. J (African American, female, middle school teacher) she said:

The last thing I’m trying to do is take the students test from them because they won’t be able to get an accurate score if they haven’t finished. Unless it is apparent that they will not settle, I will have the student turn the test over and have them step into the hallway and redirect them privately. Giving them a second chance and reminding them that not completing the test will hurt them, the school and the district scores usually gets them refocused.

William (African American, male, middle school assistant principal) emphasized:

It’s an entirely different game plan if the students are cheating and blatantly disrupting the testing process. Unfortunately, sometimes it is necessary for the students to move to another setting in the building and get escorted to the group with the principal to finish. Unless they are cheating, in that case, the test is invalid and we complete the necessary documents and send the paperwork to the
Accountability office. They have gotten so super strict on this process over the years. We even have to call the violations in daily.

During the leadership intern focus group session, participant Donald (Caucasian, male, middle school leadership intern responded:

You do everything in your power to prepare the students for the rigid structure of the OAT test process because we are mandated to report if they act out. Anything that occurs that might be viewed as a testing violation I’m reporting and taking the test. It’s just not worth the media attention that we could get from not being strict with this.

Leslie (African American, female, middle school leadership intern) sneered:

Report okay, but take the test, that’s ridiculous! So, you’re saying if a student blurts a question out but it’s directed towards the teacher you’ll take their test?

Donald (Caucasian, male, middle school leadership intern) proclaimed:

That’s what I’m saying! I’m an intern, I don’t need any trouble. I’d play it safe and have one or two kids not complete the test, than worried did I violate test security. Make an example out of one and you can hear a pin drop in the room.

5.1.6 Research Question 6

What options/provisions are provided for suspended and expelled students to be administered high stakes standardized tests during their suspension and expulsion?

In spite of the NCLB barriers that continue to bear down on school districts, administrators, teachers and students attempts at equitable treatment and opportunities for student testing. Participants identified methods they have found to challenge and resist NCLB ramifications in their school climates and cultures. One of those methods has been through the use of data. Administrators use data to determine the students that who are suspended, expelled, absent and truant from testing and make it possible for those students to be tested.
Individual building principals often make provisions for regular education students and special education students that are suspended and/or expelled during the administration of standardized high stakes tests. Those provisions include: (1) allowing a certified teacher and proctor to test the students after traditional school hours at the school building; (2) allowing a certified teacher and a proctor to test the student at his/her home or alternative setting like a tutorial room at the public library; and (3) allowing the students to come to school during the administration of the test or during make-ups, and a certified teacher and proctor administers the test in a separate setting from other students in the school. During a focus group session with the principals Linda (African American, female, high school principal) informed:

This process has helped to establish better relationships with parents too. They feel like there is hope for their child. When they get the call from you and it’s related to what you would like to do for them to help there child and not negative, it really bridges that home to school connection. They are so accustomed to staff from the school calling with a bad report. It’s like in spite of the fact that you’re suspended. I don’t want you to miss this test. Here is what I’m willing to do. I’ve even noticed discipline occurrences decrease after this. Don’t stop by a fast food restaurant and grab them a burger on the way home for good behavior during the test. The child is ecstatic. Sometimes it’s the simplistic of things that we do like showing them we care. The fact is most of the kids that are suspended and expelled at my building are poor too.

However, in the event the principal provides this option of allowing a student that is suspended or expelled to attend school for the administration of high stakes standardized assessments during the school day. The student has to be picked up promptly from school immediately following the assessment and the parent agrees to this alternative prior. During my interview with Reni (African American, female, central office) she concluded:
Principals and teachers are skilled in data based decision making. As a result, they are cognizant that every student affects our bottom line. We focus on all children.

5.1.7 Research Question 7

To what extent does high stakes standardized testing impact student discipline?

Differing curricular, pedagogy, and pupil practices emphasize different cognitive and behavioral skills, consequently preparing students differently to interact with society and the world of work. Research indicates that there is a direct correlation between high stakes standardized testing and student discipline. Traditionally, economically deprived students have not received positive experiences that give them the ability to negotiate through various environments. Research states that the school experience differs qualitatively by social class. The long and short term affects for high stakes standardized testing and its impacts on student discipline can manifest a bifurcated pattern of student salience and silence.

A number of participants made claims of students exhibiting increased “anxiety”, “fear” and “low self esteem” preceding the administration of high stakes standardized tests. Specifically, a number of respondents spoke of instances where they encouraged the students to “relax” and “calm down” due to the heightened frustration and high expectations to achieve on the test. In addition to encouragement given to the students, participants also mentioned being “frustrated” themselves because of the vestige of “sanctions” and “consequences” their schools would incur if the students did not achieve.

Moreover, participants alluded that certain students acted out as a method of “escape” and “avoidance” of the test. To this end, participants spoke explicitly of a student gender divergence of African American males that were predominately impacted.
Salient features that the African American males demonstrated were oppositional defiance and blatant disobedience of school rules including “acts of aggression”. Equally important, the participants believed there was a universal overtone of inferiority displayed by the students. Students tended to flaunt their “lack of motivation” and “effortless behavior”. Silent characteristics that the African American males exhibited were “isolation” and indifference regarding the significance of the outcomes of the test. Consequently, academic disengagement, inattentiveness and distancing one’s self were the mechanisms the students used to demonstrate their indifference to the outcomes of the test. Concerning the tests and on test day, low performing, African American male students displayed the “I could care less attitude” and frequently said, “I don’t care and who cares.” Participants said the student body language was sluggish, unexcited and unhappy. Reni (African American, female, central office) said, “Aspects of the test have racial intent.”

5.1.8 Research Question 8
What proactive solutions are implemented to reduce student discipline problems during test administration?

Utilizing participant in depth focus group and semi structured interviewing the researcher found the a plethora of strategies that the school district and school buildings utilized to reduce student discipline occurrences in the classroom during the administration of high stakes standardized tests. Administrators reduce the class size for both regular education students and special education students. The administrators personally test students with a proctor that are frequently disruptive to provide a climate conducive to testing. They simulate the testing experience prior to the test to look for the
areas of weakness and to prepare the students for the procedure. Furthermore, they utilize performance and demographic data to determine the students that may need individualized supports during the test administration. The administrators utilize the discipline data and prior performance on high stakes standardized tests to target students and implement individualized plans to support those students. Administrators go to students homes that have been absent due to truancy or suspension and offer to personally pick the students up after-school for the test administration.

The administrator orchestrates a plan to allow extremely disruptive students to test after school with a teacher that have a personal relationship with the students. The administrator boards the teachers for extended service hours to allow teachers the capability to test students after school hours. The administrator communicates test procedures to parents in the newsletter and in individual letters sent to the families’ home via U.S. mail. The administrators encourage parents to have students present at school during the test administration by having a drawing for incentives that the parents may need like gas and grocery store gift cards.

The district provides the schools with personnel from central office to assist with proctoring and monitoring hallways. The Superintendent sends a letter to all families in the district that explains testing procedures and encourages the parents to send their children to school. The administrators recruit parent volunteers to assist with monitoring hallways, assisting the secretaries, counselor and cafeteria staff on test days.
Students eat breakfast in their classroom that they will be administered the test in, to reduce problems that may occur during transition. Students that are alternatively assessed receive instruction in a separate location in the school building to prevent interruptions. Counselors discuss test anxiety and problem solving techniques that can reduce episodes of stress during the test administration. The administrator holds a discipline expectation assembly. The administration creates a team of teachers that design daily rewards and incentives for good behavior during the test administration. The administrator delegates a staff member to call home daily to discuss with parents discipline issues and test absence. When students arrive late to school the administrators have an area for those students to stay during the test administration. The administrator and proctor quietly rotate throughout the testing rooms to be visible both to teachers if they need assistance and to students in the event there is a problem.

Administrators avoid suspending students during the test administration instead they find alternatives to suspension. The Superintendent and building administration utilize a computer telephone dialing and email system that informs parents of the testing dates, student testing strategies and behavioral expectations. Administrators and teachers design rewards daily to provide students that behave during the test administration opportunities for drawings, field trips, snacks and extended recess. Teachers and proctors read a pre-designed script to the students that detail the testing rules, behavioral expectations and directions. Students are provided with a prompt to ask clarifying questions.
Students write peers letters of encouragement that also detail testing strategies and strategies to reduce anxiety during the test. Additionally, teachers write personal notes of encouragement to students that are at risk for absenteeism and discipline violations during the test administration. Student Council provides the students with a morning message over the public announcement system to empower and excite the student body.

Students are paired up with a peer to reflect and debrief after the test. Students work with their project mentor a representative from the area community during lunch time to discuss feelings and frustrations with the test, prior to test administration. During consecutive visitations from the mentor the students and mentor discuss problem solving strategies and create a plan together for the student to be successful during the administration of the test.

5.2 Recommendations

**Legislator Recommendations**

1. Creation (introduce the bill to the State Legislature) of a bill that will allow students that have been expelled access to the OGT.

2. Eliminating the exclusion of students that are expelled to incorporate them in the population designed by ODE that are eligible to take alternative route to graduation.

3. State legislatures and congress should provide adequate resources and funding to assist the local school districts in providing supports and educational aid to expelled students.

4. Lobbyist, parents, K-12 personnel and students can speak to the representatives and communicate the findings.

5. State Department can create a committee that provides a resolution, so when the re-authorization of NCLB occurs the federal government is aware of the identified inconsistencies with law and policy.
**District Recommendations**

1. Require that a testing page is completed at the expulsion hearing for every child that arranges access to the test; this testing plan could be aligned with the school calendar and will ensure that the students have arranged an opportunity for all students to be tested.

2. Create a policy that allows all students that have offenses that do not threaten the safety and security of the school building or minor offenses should remain at school during the administration of the OGT.

3. A Longitudinal study should be conducted of students that have been expelled during the administration of the OGT and have missed the test to determine the long term effects on this population due to missing the test.

4. Create an Early intervention Committee that designs strategies for students that may miss high stakes standardized tests, this plan could be disseminated to all district stakeholders to access in the event they encounter a situation.

5. Education personnel should be provided with professional development on culturally relevant teaching and increasing student engagement.

6. Allocate a full-time testing coordinator at the high school level. This individual would be responsible for test dissemination, testing compliance for suspended and expelled students. Additionally, the testing coordinator would be present at all expulsion hearings for high school students to create or modify the students testing plan during the term of the expulsion.

**Community Recommendations**

1. Advocacy groups should be designed to fight for the rights of the underserved students that do not have a voice and or platform to speak.

2. Create an external monitoring system to ensure that regular monitoring of state progress on the initiatives to eliminate this process occurs.

**Counselor/Administrator Recommendations**

1. Create innovate programming that allows students that are in jeopardy of becoming a victim of this situation counseling, social services and psychological services available. Establish access to the program at the school site.
2. Utilize technology to assist students that are at risk for tutorials and create family programming in the evening and weekends at the school building that target truancy, violence prevention, family engagement, nutrition, social skill development and leadership skills.

3. Utilize community for mentors to work individually with children that are high risk factors.

4. Create a specific questionnaire that asks students what their needs are related to testing and school violence and use this as a tool to provide interventions.

5. Plan for your students to write the state representatives discussing the problem and what the students see as possible solutions.

6. Create a student club or committee that uses this study as a platform for a service learning activity.

5.3 Limitations and Future Study

A limitation of the study was this was one single school districts perceptions and the information may not be generalizable to other school settings, particularly urban and suburban. Additionally, future studies should focus on gathering data from actual students that have been impacted by this situation. Furthermore, a longitudinal study that monitors the affects of individuals impacted by suspension and expulsion over time that did not have the opportunity to test. A follow up study should be created to continue the research and go in depth with how racially imbalanced the evidence suggests and include observations of the students.

5.4 Final Thoughts

In conclusion, federal, state and local authorities have a imminent responsibility to assure that all students including those that are suspended and expelled have access to standardized high stakes assessments. Critical Theory and Critical Race Theory provided
a lens for the researcher to recognize the hierarchical powers that have influenced this situation. Additionally, it provided a magnifying instrument to recognize the power of race and inequities that are inherent in our current educational structure. Especially noteworthy, is that students and K-12 faculty are currently subjected to policy and law with little or no input as to their educational outcomes.

More broadly, educators have a responsibility to recognize the potentially adverse situations that law and policy have imposed on the students that they service. The controversial NCLB mandates are counterproductive to zero tolerance discipline policies and impose unjust patterns of punishment to a disproportionately disadvantaged class of students that are unequivocally in the highest danger of failing and necessitate the most aid. Moreover, individual schools and school districts are impacted adversely when all students are not afforded opportunities and access to standardized high stakes assessments. It would behoove educational constituents to advocate and initiate systematic strategies that enable all students access to standardized high stakes assessments. It is our sincere hope that the information provided in this study will stimulate an immediate call to response.
APPENDIX A

CONSENT FOR PARTICIPATION IN RESEARCH
CONSENT FOR PARTICIPATION IN RESEARCH

I consent to participating in research entitled: The Zero Tolerance Discipline Policy and its Affects on High Stakes Standardized Testing.

Dr. Philip T. Daniel, Principal Investigator, or his/her authorized representative Keisha Fletcher-Bates has explained the purpose of the study, the procedures to be followed, and the expected duration of my participation. Possible benefits of the study have been described, as have alternative procedures, if such procedures are applicable and available.

I acknowledge that I have had the opportunity to obtain additional information regarding the study and that any questions I have raised have been answered to my full satisfaction. Furthermore, I understand that I am free to withdraw consent at any time and to discontinue participation in the study without prejudice to me. I am aware that our discussion will be audio taped and only researchers on the project will have access to the tapes, which will be eventually destroyed after they have been transcribed.

Finally, I acknowledge that I have read and fully understand the consent form. I sign it freely and voluntarily. A copy has been given to me.

Date:  
_________________________________

Signed:  
______________________________
(Participant)

Signed:  
______________________________
(Principal Investigator or his/her authorized representative)

Signed:  
______________________________
(Person authorized to consent for participant, if required)

Witness:  
__________________________________
APPENDIX B

MIDWESTERN SCHOOL DISTRICT APPROVAL LETTER
March 9, 2007

Don Cramer
The Ohio State University
College of Education
110 Arps Hall
1945 North High Street
Columbus, OH 43210-1172

Dear Mr. Cramer:

The Research Proposal Review Committee has reviewed and approved the research proposal, *The zero tolerance discipline policy and its affects on high stakes standardized testing*, by Keisha Fletcher-Bates.

I am enclosing a letter of introduction. The letter of introduction should be given to the researcher so that she may offer it to administrators when soliciting participation/subjects for the study. The researcher must get the permission of the building principal or designee, get their signed consent (see letter of introduction), and fax it to the Department of Evaluation Services, **before** contacting any potential subjects in that building. If the researcher plans to conduct research in more than one building, the letter may be reproduced in order to get signed consent from all building administrators involved.

If you have any questions or concerns, please contact my office.

Sincerely,

Director, Evaluation Services
APPENDIX C

MIDWESTERN SCHOOL DISTRICT APPROVAL FORM
December 2, 2009

Dear Administrator:

This letter serves as an introduction to Ms. Keisha Fletcher-Bates, doctoral candidate from Ohio State University. Ms. Fletcher-Bates’ proposed research: *The zero tolerance discipline policy and its affects on high stakes standardized testing*, has been reviewed and approved by the Research Proposal Review Committee.

**This letter does not obligate you to participate in the study.** Rather, it is an introduction and official notification that Ms. Fletcher-Bates has followed established procedures and has been granted permission to solicit subjects to participate in the study.

If you agree to allow the researcher to conduct research in your building, please sign below. The researcher must then fax this letter to the Department of Evaluation Services. This must be completed before the researcher contacts any potential subjects in your building. If you have any questions or concerns, please call my office.

Sincerely,

Director, Evaluation Services

---

Principal’s Name ___________________________ Date ___________________________

Principal’s Signature ___________________________
APPENDIX D

RECRUITMENT LETTER
January 3, 2007

Dear Educator,

My name is Keisha Fletcher-Bates from the Ohio State University, and I am writing to invite you to participate in my graduate research study. This is a study about students that have been suspended or expelled from school during the administration of high stakes standardized tests i.e., the Ohio Graduation Test and how this affects school districts, school buildings, student graduation, student opportunities to be tested, teachers, administrators and all education stakeholders. You’re eligible to be in this study because you are an educator.

I would be extremely pleased if you decided to participate, your input is absolutely critical and essential to the success of this research. If you decide to participate in this study, you will participate in a 5 – minute questionnaire, a 30 - minute interview or a focus group. I would like to audio record your interview for the purposes of note taking and accuracy.

Remember, participation in this research project is completely voluntary. If you’d like to participate or have any questions about the study, please email or contact me at (614) 325-8988 or fletcher.96@osu.edu. I look forward to working with you on this research project.

Thank you very much.

Sincerely,

Keisha Fletcher-Bates
APPENDIX E

INTERVIEW PROTOCOL
INTERVIEW PROTOCOL

Thank you for agreeing to participate in the research study. To aid the researchers note taking, we would like to audio tape our discussion today. In addition, you will need to sign a form to meet the university’s human subject’s requirements. Essentially, this form states: (1) all information discussed will be confidential, (2) participation in this research is voluntary and at any time you may withdraw, (3) it is not the intent of the researcher to inflict any harm to you, (4) and only researchers associated with the project will have access to the tapes which will be eventually destroyed after they have been transcribed. Please sign the following release form.

The interview has been planned to last no longer than 30 minutes. During this time, the researcher will have several questions to cover. You have been selected to speak with the researcher today because you have been identified as someone who has knowledge of the district policies and/or procedures regarding high stakes standardized testing and/or the Zero Tolerance Discipline Policy.

This research project focuses on “access for all” in relationship to high stakes tests (i.e., Ohio Graduation Test) and the interventions established to allow students who have been suspended and expelled from school opportunities to be administered high stakes standardized tests. This research is particularly concerned with understanding the affects of the No Child Left Behind Act and the Zero Tolerance Discipline Policy and how both affect a typical urban district within the United States of America. It is not the aim of our study to evaluate your techniques or experiences. Rather, we are trying to identify and learn the interventions that your school district implemented to increase test participation and hopefully learn about practices that can be shared nationally that improve test participation.

Introductory Remarks: Thank you for taking time to talk with me today. This interview will take no more than 30 minutes. You will not be identified by name in the report or in any conversations with other people.

1) Please share with me a little background information about you (position, how long have you been in this current assignment).
   
   2) What local, state and federal tests are students required to take in this district?
3) What is the policy or procedure used when administering these tests? What is the certification of the staff that proctors the tests, time limits, equipment, materials etc?

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

4) What provisions are made for those students who miss these tests?

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

5) How is the data gathered from these instruments used within the school district?

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

6) Do you feel that a problem exists for students that miss high stakes standardized tests that have been suspended or expelled during the administration of the tests? What steps as a school or district have been implemented to deal with this problem? What degree of cooperation among elements exists? How effective have you been?

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

7) What is the procedure or policy for testing students with disabilities and regular education students who have been expelled or suspended from school as a result of an infraction to the zero tolerance discipline policy? Is this procedure written and published or is it generally known?

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________
8) During expulsion because of a violation of the zero tolerance discipline policy are students mandated to take re-takes? If so, what facility are these tests offered? At what time of the school day are they offered? Are the tests administered in a separate facility? Are those students provided the same provisions i.e., time allocations, proctors as the general population? If that student is receiving special education is another IEP meeting convened and testing procedures discussed during expulsion or suspension? Does the parent of the student who has disabilities have a right to determine the least restrictive environment for testing of the student or does the Zero Tolerance Discipline Policy override this procedure?

9) What are the long term and short-term affects of students who have violated the zero tolerance discipline policy who miss federal, state and local mandated assessments?

10.) What are the long term and short-term affects of the school district as a result of these students who miss the federal, state, and local assessments?

10.) Are those students’ scores not reported, reported? Are their scores exempted?
11.) According to the Code of Conduct for your district, a student expelled is not permitted to be on any school property; how does this impact the student who has missed an assessment? Is an alternative assessment provided? Are these assessments administered in home instruction?

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

12.) Thank you for participating in this research study today, do you have anything else that you would like to share?

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
APPENDIX F

FOCUS GROUP PROTOCOL
FOCUS GROUP PROTOCOL

The facilitator will introduce the session with the following:

“Thank you for agreeing to participate in the research project. Our research project as a whole focuses on “access for all” in relationship to high stakes standardized tests (i.e., Ohio Graduation Test and Ohio Achievement Test) and the interventions established to allow students that have been suspended and expelled from school opportunities to be administered high stakes standardized testing, with particular interest in understanding the affects of the No Child Left Behind Act and the Zero Tolerance Discipline Policy and how both affect a typical urban district within the United States of America.”

The researcher will tape this session so that the researcher can study what has been said, but it will not go any further than this group. Any and everything said will be held in strict confidence. When you have something to say, please repeat your name each time. This allows the researcher to identify comments made throughout the session at various times by specified participants. It is not the aim of our study to evaluate your techniques or experiences. Rather, we are trying to identify and learn the interventions that your school district implemented to increase test participation and hopefully learn about practices that can be shared nationally that improve test participation.

Focus Group Discussion Guide Outline

1. Introduction and Orientation (5 minutes)

2. What local, state and federal tests are students required to take in this district?

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

3. What are the long term and short-term effects of the school district as a result of these students who miss the federal, state, and local assessments?

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

________________________________________________________________________
4. How is the data gathered from these instruments used within the school district, school building, department etc?

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

5. Are sanctions administered to the school building/district as a result of poor performance on any of these tests? If yes, please describe the types of sanctions administered.

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

6. Are rewards administered to the school building/district as a result of performance on any of these tests? If yes, please describe the types of rewards administered.

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

7. What provisions are made for students that have been suspended or expelled during the administration of these tests?

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

8. Since the implementation of the No Child Left Behind Act have you noticed differences in the way testing policies and procedures are implemented in the district? How?

________________________________________________________________________
9. Do you feel that a student that has been suspended or expelled during the administration of a local, state or federal mandated test should have the opportunity to be administered the test? Why or why not?

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

10. Do you feel that a problem exists for students that miss high stakes standardized tests that have been suspended or expelled during the administration of the tests? What steps as a school or district have been implemented to deal with this problem? What degree of cooperation among elements exists? How effective have you been?

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

11. What is the level of difficulty in testing those students that have been suspended or expelled during the testing administration? Who is responsible?
12. Are students that are habitual offenders of school policies and procedures that are absent during local, state and federal mandated tests a hindrance or a benefit to the testing infrastructure of the school or district?

13. What are the advantages and disadvantages of students administered high stakes standardized tests that have been suspended or expelled during test administration? Can you tell us a story that illustrates what you mean?

14. Is there any interventions or things that the school district might do differently that can reduce the problems?
15. Does anyone have any final comments? Thank you for your participation today.
APPENDIX G

QUESTIONNAIRE
QUESTIONNAIRE

The Zero Tolerance Discipline Policy and Its Affects on High Stakes Standardized Testing

Directions: Please circle a rating of the problem for each item below. Tests categorized as high stakes refer to all state and federal mandated assessment and diagnostic instruments (i.e., Ohio Graduation Test and Ohio Achievement Tests).

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<thead>
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<th>1</th>
<th>2</th>
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<tr>
<td>No problem</td>
<td>slight problem</td>
<td>obvious problem</td>
<td>serious problem</td>
<td>very serious problem</td>
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<tr>
<td>1. Students absent from high stakes testing due to suspension</td>
<td>1</td>
<td>2</td>
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<tr>
<td>2. Students absent from high stakes testing due to expulsion</td>
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Directions: Please circle a rating for each statement.

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<tr>
<td>Strongly agree</td>
<td>Agree</td>
<td>Neutral</td>
<td>Disagree</td>
<td>Strongly disagree</td>
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<tr>
<td>3. High stakes test should be used for student promotion.</td>
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<td>4. High stakes testing should be used for student graduation.</td>
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<td>5. Building level administrators should be held accountable for low participation rates on standardized high stakes tests.</td>
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<td>6. Students who miss high stakes testing due to infractions to the Zero Tolerance Discipline Policy should have the opportunity to be administered those assessments.</td>
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<td>7. A long term effect of absences from high stakes tests is exposure to test taking skills in the standardized testing arena.</td>
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<td>8. School districts should be sanctioned for students’ performance on standardized high stakes tests.</td>
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<td>9. Standardized high stakes testing affects the composite data of the school and/or district.</td>
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<td>10. School districts should be given incentives for student participation rates on standardized high stakes tests.</td>
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<td>11. Standardized high stakes testing impacts the methods in which teachers utilize to administer academic instruction.</td>
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<td>12. The provisions of the No Child Left Behind Act (NCLB) increased student achievement.</td>
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<td>13. The Zero Tolerance Discipline Policy is useful to schools.</td>
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APPENDIX H

PILOT STUDY TRANSCRIPT
K: Hi, and thank you for participating in this pre-pilot study. I just would like to give you an idea of what the study is about.

M: O.K.

K: The title of the study is The Zero Tolerance Discipline Policy and its Effects on Local, State and Federal Mandated Assessment and Diagnostic Tests. Essentially the goal of the study is to establish policy for students who have been suspended or expelled due to infractions to the zero tolerance discipline policy to acquire permission to be administered local, state, and federal assessment and diagnostic tests during their termination from school. At this point in time I am fulfilling the requirements of a course that will help me with the study and trying to formulate actual questions that I will ask perspective interviewees in the future. Do you have any questions?

M: No

K: O.K. well let’s begin. What local, state and federal tests are students required to take in this district?

M: Target Teach Tests which are local assessments, MAT-8, 4th grade proficiency, 6th grade proficiency, 10th-12th grade Ohio Graduation Test

K: What is the certification of the staff that proctors the tests, time limits, non-movement, equipment, materials posted etc.

M: A certified teacher in the subject area

K: What provisions are made for those students who miss these tests?

M: Each school plans retakes for absent students.

K: How is the data gathered from these instruments used within the school district?

M: Used in what way?

K: To see where they fall? Is it used for diagnostic?

M: Most of the tests district wide are used for diagnostic purposes obviously the state tests the federal tests are used to compare kids against each other across the country and it also now has impacted teacher certification and now theses kids aren’t passing tests
even go up as far as college entrance tests those tests are impacting how teachers teach now and how they are educating at the college level for certification or licensure ummm. o.k.

K: What is the procedure or policy for testing students with disabilities and regular education students who have been expelled or suspended from school as a result of an infraction to the zero tolerance discipline policy? Is this procedure written and published or is it just generally known?

M: My opinion?

K: Sure, (laughing)

M: At this point basically I don’t know of any set policy normally if a child has been removed for a level one or two offense dealing with zero tolerance in a manner of a weapon or drug related those children are not permitted to be anywhere near a building where the infraction occurred. So, we as a district need to be a little more creative in allowing those student’s to take those tests even though it doesn’t have a factor in why their being disciplined because they are also still receiving services but we need to do a better job for finding alternative ways to get those kids the test for regular education kids they just miss the test both policies need to be put in place to make sure that regular ed kids and special ed kids need to at least sit for that test but we’ll see there are several suggestions that people have made. But so far it has just been suggestions? No form of policy or written documents that have been put into the code of conduct? Not that I’m aware of cause its basically at this point when a kid has been expelled I mean special ed kids they receive home instruction as one of the alternatives if the alternative is available for them to go to a in-district wide alternative suspension then the test is available for them to take for instance our district has I-pass those kids will probably still be able to take the test because they are in a testing situation there inside of a school building there are teachers and administrators in that building so their able to administer the test the whole thing about administering the test outside of the school building is the security reasons so that one of the factors when you look at the overall picture of why so many kids who are out on expulsion do not take the test generally their expulsion goes longer than the time periods of the make up so they just miss the test that’s not the answer either.

K: During expulsion because of a violation of the zero tolerance discipline policy are students mandated to take re-takes? If so, what facility are these tests offered? At what time of the school day are they offered? Are the tests administered in a separate facility? Are those students provided the same provisions i.e., time allocations, proctors as the general population? If that student is receiving special education is another IEP meeting convened and testing procedures discussed during expulsion or suspension? Does the parent of the student who has disabilities have a right to determine the least restrictive environment for testing of the student or does the Zero Tolerance Discipline Policy over-ride this due process procedure?
M: There is no mandate to take the test. However what has transpired that is you try to make every available opportunity to take the test. Again for security reasons most tests are only taken on a school site each school is assigned a test coordinator that coordinator is responsible for that test the administration could be the actual teacher giving the test, having a teacher to give the test, having a classroom to administer the test, having the proper materials. I’m sorry what was the question again? It boils back to having a secure location that has all of the things to administer the tests.

K: For example, the Zero Tolerance Discipline Policy for those who commit a violation to it, if they were given an opportunity to take it all of the same things that the regular things the regular population receives they would then receive that or are the settings the same?

M: First of all that’s a two-part question are we talking about the special education students or regular education or general education students? Different answers for the two.

K: Can you break them down?

M: For SPED student’s if the opportunity presents itself that the student can take the test they would be allowed to have the accommodations that is written for their IEP plan some so it will be different for every kid some kids have the same but if we are going to follow the laws written under their testing pages those students would be allowed to have the same accommodations as in their were in the regular testing situation. Regular ed kids it would depend on the circumstance if they were on suspension or expulsion generally those kids aren’t given provisions they are just out of school. So I think one of the things again we can not just say they missed they test what’s the alternative it ultimately boils down affects the bottom line for the schools progress of the schools testing the kid doesn’t sit for the test they don’t get credit for the kid actually taking the test whether they passed or failed so the kid it out they just missed the test and that’s what’s not ok.
K: Ok the questions might be similar, but remember you’re my pre-pilot your helping me develop the questions to ask so (laughing) so if that student is receiving special education is another IEP meeting convened and testing procedures discussed during suspension or expulsion?

M: It can be for me with the way that our district handles expulsion hearing for an infraction that is serious enough to be removed from the schools or a test site area those things can happen you can always reconvene an IEP team meeting to discuss that so the timing of the meeting becomes important because it deals with placement. For instance now if something would happen now.

K: What are the long term and short-term effects of students who have violated the zero tolerance discipline policy who miss federal, state and local mandated assessments?

M: Oh. O.K. Ask me again. Not to minimize that a child should be disciplined for any violation of school rules is primary. Each case is different the effect at least short term it will affect the bottom line of schools are interested in making sure that they are doing what they are supposed to do in reference to our educating our children if the children are there to take the test then where is all the hard work going to prove that we are actually educating our students to prepare them for a standardized test. The long term effects is that we all know that kids are going to be kids and they don’t think that far ahead and I guess long term affects are the exposure to test taking skills in that arena and then I guess within that time it affects them going to college because those kids do not do well on entrance tests to colleges, they do not do well on any type of test taking situation because they haven’t been exposed so it overlaps in a lot of ways.
K: What are the long term and short-term effects of the school district as a result of these students who miss the federal, state, and local assessments?

K: Are those students’ scores not reported, reported? Are their scores exempted? How does it impact the aggregated and disaggregated data of the entire school district?

M: Depending on if it’s a regular education student or a special education student if it’s a regular ed student it is reported as zero did not attempt the test does not go into the aggregate number his body is still counted because he is a student at the school but it hurts there bottom line because that student did not take the test so it can not be added into the scores at all they get a zero so its no credit but its actually still the body number of students taking the test is how kind of the number is looked at differently because there is still 25 students but 24 of the took the test but the total number of test taking students available was 25.

K: So if that same student was there and they took the test but got a zero would that change the score?

M: There is a difference in what we are looking at the number of kids taking the test or the test is available for a number of kids or are we taking a look at how many kids pass the test. They get a zero because the kid did not take the test so it comes out as did not attempt for whatever reason whether the kid was absent whether the kid was late it still affects the bottom lines of the number of kids that are available to take the test but who actually took the test.
K: So, you mentioned and my next question is how does this policy affect the aggregated and disaggregated data of the entire school district or is there an impact at all?

M: There is an impact because again the total number of kids say for instance that the total number of kids are supposed to take the test who are eligible to take the test say for instance the Ohio graduation test if they are supposed to be 25,000 students taking the test then you look at did those 25,000 students take the test and ten you take a look at how many of those students actually passed the test those are two separate things. So kids that actually sat for the test and the test was available for and them you look at out of those kids how many of them passed the test or whatever they scored or so forth. So those are two different numbers that you look at both if those numbers impact the district because it affects the schools bottom line. Eventually then they break it out to district levels the schools within that district level to race, to boy and girl so its all kinds of things that they look, at they break it down to. But ultimately again your school district is impacted because it impacts funding you know your students aren’t progressing the district is asking for more money why do you need more money because our test scores are low and we are in dying need of something so it all kind of impacts each other.

K: According to the Code of Conduct for your district, a student expelled is not permitted to be on any school property; how does this impact the student who has missed an assessment? Is an alternative assessment provided? Are these assessments administered in home instruction?

M: The last part of the question no because even some of the home instruction teachers generally are certified to teach some of them are retired some of them have not been exposed to test taking procedures and again the security reasons that the test are not permitted outside of a school building without a test coordinator not being responsible so that’s one of the issues for that. The first part of your question... What was the first part of your question?

K: About the code of conduct and you had answered it before?

M: Again, security reasons the kids if they are not allowed to be on the school grounds that they are being disciplined from according to the code if conduct then again for regular ed students they miss the test. Now, that’s where the gray area comes in. A school can make up or come up with policies of how to get kids to retake the test or take make up test so there could be policies put in place for each school for the students say for instance you know if they are going to be given the test Monday, Tuesday and Wednesday.
of the following week and the kid can be escorted by a parent and make provisions to come up to that school if they are having make-up after school and take the test with the regular population of kids for special education students those same types of procedures can be put in place they can take it during make-up hen the can be escorted by a parent into the building ad take there test with the accommodations that they are allowed and it would be administered by a proctor or a teacher so there is ways to do that. So that everybody can get counted for.

K: My last question to you was what would you suggest to change this policy? Do you think that it should be left up to the responsibility of the schools or should it be a district policy?

M: I think that it should be district wide because again when you are in a district as large as this one compared to other districts when you talking about it affecting the bottom line your talking about an inclusive program your talking about the 17 high schools, your talking about 53 middle schools it can’t be a policy for each school because that is too many and that is one of the problems of being in a large district a lot of policies are there but they are so broad and they are left open to interpretation to too many if, ands or buts and no one has a clarified rule. So, I think that the suggestions that have been made and continue to be made in the future should be taken seriously in account and actually someone needs to sit down and say ok when we are writing policies when we are paying our lobbyist to go to the state offices and saying these are the things that we need done you know we need to put this house bill on the line we need to come strong we need to come with some alternative strategies. Because again when your saying test scores are impacting how teachers are being instructed at the college level to come in and work in
the district your saying that the kids are not progressing because these test scores are saying these kids can’t read they can’t do this they can’t do that. That affects the bottom line in your district then it will trickle down to the schools.

K: When test scores are tabulated are any factors taken into account?

M: Your talking about levels of expectation as a district again. I mean I have examples from other districts because I’ve worked in a private school district, I’ve worked in a smaller district than this, and I’ve worked in a suburban district. I think that there are things that are put in place that they are supposed to look at the kind of district it is. I think that there are provisions there but its such a small minuet compared to it being looked at these are the number of students that you are impacting here are the state and federal guidelines you have to teach to those guidelines. Ummm. Each individual school for that matter, we have what we call here gain sharing well a lot of those schools are struggling schools because of the area where they are serving kids and you can look at socioeconomic environmental plays a big part in instructing our kids and a lot of times those are the incentives put in place for teachers to motivate themselves to learn and instruct the kids but they know that the kids have a disadvantage and it makes it very hard. So there are provisions put in place at each school level and that’s probably done by district but as far as the concerns for federal mandates and things if you are an urban district, suburban district, rural district here are your standards and you must meet these standards.

K: Well I truly appreciate you taking this time out of your day to interview with me. Your comments will definitely help me. May I contact you further to discuss any other questions that I may have or any clarifications?

M: You bet just call me. If you’re going to work on anything to do with the Ohio Graduation Test be sure and call me that’s my area!

K: Thanks.
APPENDIX I

MIDWESTERN SCHOOL DISTRICTS DEMOGRAPHIC 2006-2007

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### Midwestern School District Demographic
#### 2006-2007 school years

<table>
<thead>
<tr>
<th>Category</th>
<th>Enrollment</th>
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<tr>
<td>Total number of students enrolled</td>
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<td>Total Female</td>
<td>26,548</td>
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APPENDIX J

MIDDLE SCHOOL SAMPLE 2006-2007
### Middle School Sample 2006-2007 School Year

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<td>20 ♀</td>
<td>16 ♀</td>
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<td>15 ♀</td>
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<tr>
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</tr>
<tr>
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<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
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<tr>
<td>Counselor Interviewed</td>
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<tr>
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| #Questionnaires Returned | 14 | 13 | 24 | 9 | 14 | 199
## High School Sample 2006-2007 School Year

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<th>High School G</th>
<th>High School H</th>
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<tr>
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<td>20</td>
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<td># of Special Ed. Teachers</td>
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<td></td>
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<td></td>
<td>11 ♂</td>
<td>9 ♂</td>
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<td>Counselor Interviewed</td>
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APPENDIX L

DEMOGRAPHIC OF INTERVIEWEES
### Demographics of Interviewees

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<td>M.A.</td>
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<td>HS Leadership Intern</td>
<td>M.A.</td>
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<td>African American</td>
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<td>M.A.</td>
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<td>Ms. J</td>
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<td>MS Teacher</td>
<td>B.A. + 30</td>
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APPENDIX M

EMERGING CODES
Emerging Codes: Categories and Subcode Definitions

Administrative perceptions of failing high stakes standardized testing
Faculty perceptions associated with being labeled a low performing school

- **Stressed (STR)** Responses related to being stressed
- **Stigmatized (STM)** Responses related to feeling stigmatized
- **Embarrassment (EMB)** Responses related to feeling embarrassment
- **Failure (FAL)** Responses related to feeling like a failure
- **Depressed (DEP)** Response related to feeling depressed
- **Discouraged (DIS)** Responses related to feeling discouraged
- **Humiliated (HUM)** Responses related to feeling humiliated
- **Poor leadership (POL)** Responses related to feeling like a poor leader
- **Ashamed (ASH)** Responses related to feeling ashamed
- **Frustration (FRU)** Responses related to feeling frustrated
- **Ineffective (INE)** Responses related to feeling ineffective
- **Withdrawal (WTH)** Responses related to feeling withdrawn
- **Under Pressure (UPR)** Responses related to feeling under pressure

Discipline decisions during testing – Faculty perceptions of the types of discipline occurrences that occur during standardized testing situations

- **Minor (MIN)** – faculty perceptions that would be level one occurrences according to the code of conduct
- **Major (MAJ)** - faculty perceptions that would be level one occurrences according to the code of conduct

Faculty negative perceptions - Faculty negative perceptions of the impacts zero tolerance and high stakes testing has on students

- **Victimization (VIC)** – students feeling victimized by the situation
- **Anxiety (ANX)** - students feeling anxiety about tests
- **Passivity (PAS)** – students responding passive to test
- **Escape (ESC)** – students using escape as a means to avoid testing
- **Avoidance (AVD)** – students avoiding the test by acting out
- **Isolation (ISO)** – students isolating self from peers
- **Frustration (FRU)** - students demonstrating frustration
- **Loss of esteem (LOE)** – students demonstrating low self esteem
- **Loss of motivation (LOM)** – students lacking motivation
- **Loss of ambition (LOA)** – students lacking ambition
- **Educational disconnect (ED)** – students disconnected from school
- **Oppositional (OPP)** – students displaying oppositional behavior
- **Diminished self worth (DSW)** – students that values self then gradually looses value of self
- **Perception of failure (POF)** – students that perceive that they have failed

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- **Perception of “badness”** (POB) – students that think they are bad
- **Deviant peer networks** (DPN) – students that have groups of peers that do not follow rules

**Impacts zero tolerance discipline has on student’s high stakes testing** - faculty perceptions of the impact zero tolerance has on student’s performance on high stakes testing

- **School to prison pipeline** (SPP) – students that graduate or drop out of school and end up in prison
- **Incarceration** (INC) – students that are over the age of 18 and are in jail or under the age of 18 and are in a juvenile detention center
- **Discriminatory** (DIS) – faculty perceptions related to discrimination factors
- **Pubertal development stunted** (PDS) – students that are immature for actual age and no longer develop maturity in terms of social, academic, emotional and psychological growth
- **Drop out** (DO) – students that drop out of school or leave before the attainment of a degree/graduation
- **Educational failure** (EDF) – students that have failed the public education system
- **Gang** (GG) – students that are involved in gang behavior and activities
- **Illegal activity** (ILA) – students that are involved in illegal activities
- **Linkage to negative life events** (LNE) – students that are impacted negatively by events that occur within their lives
- **High stakes testing used for** – usages of high stakes testing
- **Promotion** (PRO) – students matriculating to the next grade level due to test performance
- **Graduation** (GRD) – students that attain a diploma that is based on test performance
- **Accountability** (ACC) – faculty measures used to monitor progress
- **Consequential** (CON) – tests used for important decisions about students and operations
- **Punitive** (PUN) – tests measures and consequences that punish students and schools
- **Sanctions** (SAN) – consequences for failing the test to students, teachers, administrators, schools and districts
- **Discriminatory** (DIS) – faculty decisions based on test results that are bias to students
- **Inequitable** (INQ) – faculty decisions based on test results that are used to the disadvantage of students and schools
Positive usage of high stakes tests

- **Challenge (CHA)** Responses related to the benefits of a challenging curriculum.
- **Encouragement (ENC)** Responses related to the encouragement received from teachers when students do well on tests.
- **Motivation (MOT)** Responses related to the motivation tests provide students.
- **High Expectations (HE)** Responses related to tests used as a form of higher student and teacher expectations.
- **Other_________________
APPENDIX N

DESCRIPTION OF RESEARCH TEAM MEMBER
Description of the Research Team Member

Principal Researcher #1: Keisha Fletcher-Bates

The principal researcher for this study is an African American female. She is currently an Assistant Principal in Columbus City Schools. She has three years experience as an Assistant Principal at the middle school level. She worked in central office for one year as a Curriculum Coordinator. She has seven years experience as a special education teacher. She has taught all content subjects from grades K-8.
REFERENCES


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