

**Exploring the Disparities in US K-12 Exclusionary Discipline
through Policy: A Critical Discourse Problematization Analysis
of Exclusionary Discipline Policy in Connecticut**

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On my honor, I have neither given nor received unauthorized aid on this thesis.

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Abstract: Exclusionary discipline in the United States has been shown to be a harmful practice for educational outcomes and School-to-Prison pipeline outcomes. Exclusionary discipline and these harmful effects are experienced by low socioeconomic status and racial minority students at higher rates than their white upperclass peers. Exclusionary discipline policy discourse reveals the ideological dimensions of this harmful practice in US schools. This study posits a theoretical framework relevant to these racial and class disparities in exclusionary discipline to explain the normalized conditions disparate exclusionary discipline operates within, with Emile Durkheim's concepts of collective solidarity and functions of crime, Michelle Alexander's *The New Jim Crow*, and Bourdieu's Reproduction Paradigm in schools. In conversation with this theoretical framework, I analyze exclusionary discipline policy in the State of Connecticut with a proposed two-step method of Critical Discourse Problematization Policy Analysis Framework. Through this method's analysis of the policy interpreted through my theoretical framework, I find that exclusionary discipline policy in Connecticut is interdiscursively connected to US criminal and carceral system policy discourse and practices. Likewise, the findings indicate distinct connections to individualist ideological discourse which is historically shown to criminalize US minority groups and maintain white supremacy. Paired with national racial and class disparate trends in exclusionary discipline introduced in the literature, and similar Connecticut disparate exclusionary discipline trends, these findings suggest the analyzed exclusionary discipline policy's permeance in and perpetuation of structural racism and inequality reproduction.

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TABLE OF CONTENTS

ABSTRACT	
ACKNOWLEDGEMENTS	
INTRODUCTION	1
LITERATURE REVIEW	2
<i>Exclusionary Discipline, Inequality, and Structural Racism</i>	3
<i>Foundation of the Sociology of Education: Schools Contribute to Inequality</i>	3
<i>Exclusionary Discipline: A Mechanism of Reproduction Paradigms and Structural Racism.</i>	4
<i>Qualitative Methods as a Tool to Understanding Exclusionary Discipline</i>	7
<i>The Sociopolitical, Discursive Dimensions of Exclusionary Discipline</i>	7
<i>A Gap in the Research</i>	8
THEORHETICAL FRAMEWORK	9
<i>Durkheim, Solidarity, and The Functionality of Crime</i>	10
<i>United States Racial Formation through The New Jim Crow</i>	10
<i>Bourdieu's Reproduction Paradigm in Schools</i>	12
<i>Problematizing the Sociopolitical and Economic Functions of Exclusionary Discipline</i>	14
METHODOLOGY	14
<i>Rationale</i>	15
<i>Problematizing the Problematization: "What's the Problem Represented to be?" Approach</i>	16
<i>Supporting the Problematization: Critical Discourse Analysis as Evidence Locator for WPR Approach</i>	16
<i>Two-Step Method: WPR and CDA</i>	17
<i>Procedure for Analysis</i>	18
<i>Positionality</i>	19
<i>Limitations</i>	20
FINDINGS	20
<i>WPR Q1: What's the problem? What is it represented to be in this specific policy?</i>	20
<i>Word Frequency</i>	21

<i>WPR Q2: What are the presuppositions/assumptions that underpin this representation of the “problem”?</i>	22
<i>Opportunity for Completing Classwork</i>	22
<i>Exclusionary Discipline Decisions Contingent on Past Conduct</i>	23
<i>Notice of Exclusionary Discipline on Cumulative Educational Record</i>	24
<i>Majority Rules</i>	25
<i>Alternative Educational Opportunity</i>	25
DISCUSSION	26
CONCLUSION	30
REFERENCES	33

INTRODUCTION

Sociological scholarship on K-12 education often focuses on the inequalities that limit educational outcomes and disadvantage certain students in reaching full potentials. However, schools can also play a role in reproducing or exacerbating these inequalities within the school environment (Downey & Condrón 2016). Exclusionary discipline (ED) is an in-school contributor to inequality. ED is a social practice in schools that removes students from classrooms as a punitive measure. This study characterizes suspension, out-of-school suspension, expulsion, and in-school arrest as exclusionary. In all of these measures, students are excluded from the classroom.

ED policy (EDP) sees the practice as a solution to behavior problems, but it has also creates many issues by authorizing a harmful practice that is disproportionately applied (Tawell & McCluskey 2021). A practice created in policy and executed in schools, high rates of ED worsen school and classroom climate (Amemiya, Wang & Fine 2020) and increase likelihoods for negative behaviors (Fableo et al. 2011). ED is associated with inequality in achievement, graduation, and life outcomes (Rocque 2011; Such & Suh 2007; Skiba & Raush 2004). It is disproportionately faced by marginalized or minority students, specifically Black and/or poor students (Petras, Masyn, Buckley, Ialongo, & Kellam 2011; Chu & Ready 2018). Black students are 24.8% more likely than White students to face ED (Skiba et al. 2014). Just as academic tracking has been integrated into recent educational research to push for equity informed school practices (Wiley, Anyon, Yang, Pauline, Downing, & Pisciotta 2018), ED is also central to the conversation about schools' contribution to inequality and structural racism.

This research posits to lay the grounds for further ED research by proposing a two-step policy problematization and Critical Discourse Analysis method for critical exclusionary discipline policy (EDP) analysis. The problematization of ED through its policy is essential to citing ED's tangible roots in structures of inequality, denormalizing its representations and their rationalizations, and opening the door for the reimagination of discipline in schools. Analyzing EDP through my proposed method holds the potential to reveal new insight into the discursive nature of the policy, and its connections to other structures and discourses of power. This method allows researchers to consider the EDP's social implications and alternate problem and solution representations by deconstructing its normality (Bacchi 2012). Problematizing and discursively analyzing current EDP is a primary step towards recreating an

equitable way of responding to student behavior issues, because it makes identifying the power and silences within the policy possible.

Since most K-12 educational policy is within State jurisdiction, a unique exclusionary discipline policy (EDP) functions in every US State, with the only similarity across the all 50 States' EDP requiring students face ED for possession of a weapon at school in accordance with the federally-mandated Gun Free Schools Act (Rafa 2019). Due to the inability to research a National EDP, this research begins the feat of problematizing and analyzing every State's EDP by exploring Connecticut State EDP within CT State codes 10-233C and 10-233D.

I will research CT EDP to understand how the exclusionary discipline problem and solution is legally represented and investigate its legitimizing discursive elements. While ED is shown nationally to be disproportionately faced by marginalized and minority students and lead to alternative educational placement and/or incarceration at higher rates for students of color (Bishop & Frazier 1996; Skiba 2000; Skiba, Micheal, Nardo, & Peterson 2002; Smink & Schargel 2004; Foley & Pang 2006; Pane 2009; Van Acker 2010; Fableo et al. 2011; Petras et al. 2011; Skiba et al. 2014; Curtis 2014; Hokenberry 2017; Chu & Ready 2018), the same findings are reflected in Connecticut-specific ED studies (Casella 2003; Dycus 2008). The analysis of CT EDP is therefore just as pertinent as any other State's EDP to uncloak the policy's discursive features that maintain harmful ED practice in CT schools.

I will begin my research by surveying the literature on exclusionary discipline and introducing a theoretical framework relevant to ED's inequitable application and outcomes. The findings from my analysis will be interpreted through this theoretical framework in conversation with my literature review, to illustrate the broader social conditions the CT EDP operates through, maintains, and perpetuates within its discourse. This study aims to answer the following two research questions:

1. How is the discursive practice of exclusionary discipline (ED) represented and rationalized in Connecticut State exclusionary discipline policy (EDP) codes 10-233C and 10-233D?
2. What does the proposed two-step policy problematization analysis method highlight when applied to Connecticut State's ED policy?

LITERATURE REVIEW

First, I present an overview of exclusionary discipline research that center structural racism and school policy in reproducing paradigms of inequality. I will briefly introduce the formative literature and

frameworks of the Sociology of Education's stakes in ED research. Next, I will analyze the existing literature that demonstrates how ED in K-12 schools is working as a mechanism of inequality reproduction and structural racism based on the research that individual identities are disproportionately at risk for ED and its long-term effects. In conclusion, I survey the limited qualitative research on ED practice in K-12 schools to establish the discursive sociopolitical and ideological dimensions of the issue. My proposed study stands as a gap in ED research, seeking to answer the questions research in this literature review has not.

Exclusionary Discipline, Inequality, and Structural Racism

Foundation of the Sociology of Education: Schools Contribute to Inequality

Since the integration efforts of the Civil Rights Era, educational equity has been a priority for American Sociologists who entered the conversation most notably in response to the Coleman Report (1966), which investigated whether segregated schools can create inequality. The main takeaway was that school plays a limited role in achievement gaps, instead claiming inequality in achievement is imposed by a child's home, neighborhood, and peer environment (Coleman et al. 1966:325). This individualistic view of the source of inequalities in K-12 student achievement is a dangerous prospect for the future of educational sociologists who wish to investigate the role schools have in inequality to fight for an equitable institution of education.

Bourdieu's theory of cultural capital in schools embraced a reproduction paradigm in which "schools are seen as a part of the process through which advantage and disadvantage are passed on from one generation to the next" (Bourdieu 1986; Bourdieu & Passeron 1990; Downey & Condrón 2016: 208). Acknowledging the reproduction paradigm means recognizing that students of marginalized and minority identities are less likely to be successful within the traditional foundation and structure of school, which inherently valorizes the societal elite (Bourdieu 1986; Bourdieu & Passeron 1990). Educational sociologists in the US are concerned with researching school practices and policies that favor the historically dominate positionalities within US social hierarchies—white and/or students of high socioeconomic status—combatting the Coleman Report's (1966) perspectives by documenting the mechanisms of the inequality reproduction paradigm in schools (Downey & Condrón 2016). ED is one of these harmful mechanisms. Doing the work of the inequality reproduction paradigm, the practice excludes Black and/or poor students

from classrooms at higher rates and disproportionately and systematically harms their educational and life outcomes (Bishop & Frazier 1996; Skiba 2000; Skiba, Micheal, Nardo, & Peterson 2002; Foley & Pang 2006; Pane 2009; Van Acker 2010; Fableo et al. 2011; Petras et al. 2011; Skiba et al. 2014; Curtis 2014; Hokenberry 2017; Chu & Ready 2018).

Much of the research on mechanisms of the reproduction paradigm in K-12 schools use their findings to build awareness and understanding of the theory backed by findings, and inform grounded and equitable change in school practices and policies (Wiley et al. 2018). ED as a mechanism of inequality reproduction is normalized, legitimized, and authorized through its policy (EDP). The discursive markers of ED's links to inequality reproduction and structures of power within its policy are essential for unpacking ED as a mechanism of the reproduction paradigm (Sun & Valenzuela 2021; Tawell & McCluskey 2021; Dunn 2015).

Exclusionary Discipline: A Mechanism of Reproduction Paradigms and Structural Racism

The current research on ED reveals the institutional racism embedded within the practice's applications and outcomes. For example, when controlling for race and poverty, a correlation between the use of ED and lower math and reading rates proving the detriment of using such disciplines in schools (Skiba & Raush 2004). These finding are supported by studies that found that facing ED is associated with low academic achievement and dropping out of school (Rocque 2011; Suh & Suh 2007). Research shows that ED hurts students' learning outcomes, and especially for students of color who disproportionately face ED, illustrating the reproduction of systemic racism present in this practice. Julissa Muniz (2021) reminds us that the carceral state and Anti-Blackness are at the core of ED. ED's analysis as discursive practice can show how a historical understanding of the carceral state and Anti-Blackness, and EDs' relation to them, is necessary for its effective ED research and reform (Muniz 2021).

Petras et al. (2011) finds that students in poverty and Black students face a higher likelihood of ED. Black students, specifically poor, male and/or disabled, disproportionately face ED at alarming rates—56% of Black youth are suspended or expelled for disruptive and/or antisocial behavior, 38% of Latin(x) youth, compared to 28% of white youth (Smink & Schargel 2004), and Black students are 24.8% more likely than White students to face ED (Skiba et al. 2014). However, studies find that there is no difference in the racial proportion of incidents that result in suspension for Black students (Skiba 2000; Skiba, Micheal, Nardo, & Peterson 2002; Petras et al. 2011; Skiba et al. 2014; Chu & Ready 2018). There is a differences in reasons Black and White students are referred to the office; one study found that white

students are referred to the office less but for more serious offenses than Black youth, and Black students' referrals to the office tend to be more minor infractions like loitering or excessive noise, and thus "requiring more subjective judgement... dependent on the perception of threat by the staff making the referral"(Skiba et al. 2002: 334). This subjective judgement observed, disproportionately applied to disciplining Black youth for minor infractions, reflects that "disparities in discipline may be intentional and biased" (Skiba et al. 2002: 335). Subjective judgment allows school staff to report students of all races based on what they feel are discipline-worthy offenses. Given the history of systemic racism and bias in the US, that judgment is frequently clouded by racist agendas and/or white supremacy, and disproportionately impacts Black youth. While a teacher may interpret a white student acting out in need of support, a black student may be disciplined due to racist biases for the same incident. Cloward observed in 1966 in NYC schools that most children that face ED are poor Blacks and Puerto Ricans, confirming the consistency of these findings over an almost seventy year period. Cloward (1966) argues that school decisions to apply ED "destroy a family just as quickly as a verdict of lifelong punishment" (87).

Clowards' point is applicable almost seventy years later, considering the educational and life outcomes that Black youth are more at risk for after facing ED demonstrated through recent studies into the School-to-Prison-Pipeline. ED disproportionately results in placement into alternate education schools for youth of color, specifically placing Black youth at the highest rates (Van Acker 2010). Alternate education is a broad category of untraditional K-12 educational programs but I am interested in those "alternative schools servicing school aged, vulnerable youths who have dropped (or have been pushed out) of traditional schools", in which youth who experienced ED are disproportionately found (Van Acker 2010: 6). These schools provide untraditional pathways for graduation, with "diverse educational programs and service delivery models" (Van Acker 2010: 6), in hand removing certain children from traditional classrooms, and their resources, supports, and curriculum therein. Within these programs, youth of color and youth with disabilities account for the majority of students, and these students are disproportionately at risk for expulsion or suspension within their alternate education program (Van Acker 2010; Foley & Pang 2006). These alternate education programs use ED at higher rates than traditional schools (Pane 2009). Fableo et al. (2011) reports that facing ED nearly triples a students' likelihood of contact with the juvenile justice system by the following year.

Casella (2003) found that high rates of school expulsion and high rates of incarceration are related, and claims that the use of ED promotes a "system of social control that relies on labeling youths as

dangerous when they violate codes of conduct”, and that once labeled, the ED sanctions imposed and respective placement in alternative programs which “accelerate youths’ movement to outplacements, sometimes bootcamps and lockdown facilities, and finally prison” (23). Alternative education schools account for the temporary holding site of these youth to control and criminalize; first criminalized and excluded through discipline in traditional schools, youth of color in alternate education schools continue to be disproportionately facing ED, disproportionately led into the Juvenile Justice system and eventually the Criminal Justice system at higher rates than white youth and youth in traditional schools (Curtis 2014; Bishop and Frazier 1996; Hokenberry 2017).

ED has been declared a “multi-level social justice and child wellbeing issue” by many educational and social science scholars alike (Haight, Priscilla, Kayama, Marshall, & Wilson 2014). John Meyer (2016) emphasizes the importance of educational achievement in our increasingly stratified economy, specifically that “dominant dimensions of status now including both education and the education status associated with an individual’s occupation”(228). Meyer’s point on the increasing value of educational attainment status in the economy (2016) illustrates the danger in high rates of ED for all students(Rocque 2011; Suh & Suh 2007), and specifically high-risk identities that are much more likely to have their achievement, graduation, and success outcomes negatively effected by ED. While ED has tangible consequence such as worse occupational outcomes for any students, it is imperative that the practice of ED is examined through the theoretical lens of inequality and how this practice maintains and perpetuates structural racism in schools, since it is reproducing inequality disproportionately for students of color and/or poor students.

ED and its connection to carceral systems, inequality reproductions, and structural racism make it a critical issue of focus for sociological researchers. While quantitative studies are valuable because they call attention to the statistically disproportionate application of ED that reveals the reproduction paradigms and structural racism present in the practice, quantitative data does not provide a complete picture of the practice. Not only do many quantitative studies fail to place issue with schools’ contribution to greater societal inequality and maintenance of structural racism in schools, but their methodology to examine the association between individual-student risk-factors and ED outcomes harmfully normalizes the practice, fundamentally placing blame on individual student identities as casual or mediatory reasons for their experiences with ED. Qualitative work that utilizes rich, contextualized data allows for a more complete picture of how and why this practice is being used in schools, while questioning the practice at the public

and institutional levels rather than individuals' risk. This ultimately works to hold educational and legal institutions accountable for the maintenance of inequitable discipline practices.

Qualitative Methods as a Tool to Understanding Exclusionary Discipline

In this section, I will survey the literature that uses EDP discourse analysis methods to establish the sociopolitical dimensions of the practice.

The Sociopolitical, Discursive Dimensions of Exclusionary Discipline

ED is a polarized issue based in macro-political beliefs (Sun & Valenzuela 2021), reflecting that contending sociopolitical ideologies influence the practice and its reform. Researchers such as Wiley et al. (2018), Sun & Valenzuela (2021), Tawell & McCluskey (2021), and Dunn (2015) have used policy discourse research in order to understand the why this type of discipline continues to be used in schools. Discourse that supports the use of ED uses the logic of colorblind ideology to justify the racially disparate results of ED (Sun & Valenzuela 2021: 724). Colorblind ideology's proactivity in discourse supporting ED demonstrates an interdiscursive connection to the Coleman report's (1966) claims that schools do not reproduce racial or socioeconomic inequality, and that individual student factors are the cause of achievement gaps by race and socioeconomic status. Individualizing the issue of inequality and racism, as Colorblind ideology does (Bonilla-Silva 2015), is a discursive legitimizing technique that robs inequality and racism of its public and political dimensions, making this discourse an obstacle in fights for equity.

Furthermore, supporters of ED perceive it as an effective practice, believing that eliminating ED as punishment would criminalize students even more by leaving them more susceptible to facing juvenile or criminal charges outside of school (Sun & Valenzuela 2021: 724). This inverse rationalization demonstrates that discourse that supports ED assumes certain students are destined for criminalization no matter the institution, ultimately illustrating an interdiscursive link between educational and legal/carceral punitivity. School exclusion serves the interests of government officials whose neoliberal policies would be exposed and threatened by recognizing the structural factors relevant to ED, as well as teachers' interests for removing what are read as challenging children from their classrooms for their ease (Dunn 2015). An increase in text and media that shifted from welfarist to punitive discourse, the importation of criminal justice discourses into educational policy discourse from 2000-onwards, and an increasing focus on agency

of the family are the main obstacles that perpetuated ED in the past two decades (Dunn 2015). ED, like other educational policies and practice, are shaped by harmful sociopolitical values that jeopardize equitable education.

On the other side of the debate, discourse expressing concern in ED is based in the necessity of decriminalizing students, rooted in values of both context and emotionally intelligent education (Sun & Valenzuela 2021: 725) More specifically, in schools, preventing ED is grounded in the beliefs of prevention over punishment, recognizing the ineffectiveness of ED for student outcomes (Wiley et al. 2018). Furthermore, discourse in-schools about preventing ED believes faculty are responsible as educators for conflict and behavior problems and the importance of student-teacher relationships in conflict prevention (Wiley et al. 2018). Most importantly, Wiley et al. (2018) found that ED prevention discourse recognizes race and equity, in comparison to ED supporting discourse that uses Colorblind logic (Sun & Valenzuela 2021: 724). Schools with proportionally more black students are less likely to use alternative discipline practices, Payne and Welch argue this is due to Anti-Black Racial Threat Perspectives: “the spatial presence of a high ratio of Blacks will intensify public punitiveness because of perceived political, economic, or criminal threat” (2013: 543). The framing of ED in policy has discursive influences and implications in the practice’s rates. A comparative policy analysis showed that highlighting connectedness, relationships, and teaching pro-social skills fostered lower rates of ED (Tawell & McCluskey 2021: 10). As these studies demonstrate, ED is not just a pedagogical practice, but a discursive practice authorized by policy, shaped by and maintaining ideologies, beliefs, and/or values in power.

A Gap in the Research

ED policy (EDP) sees the practice as a solution to student behavior problems, but it has also creates many social issues by authorizing a harmful practice that is disproportionately applied (Tawell & McCluskey 2021; Height et al. 2014).

My research interrogates Connecticut EDP through Bacchi’s “What’s the problem represented to be?” policy analysis approach (2012), asking “why is this practice used?”, “What problem does this practice solve?”, “What does this representation presuppose and assume?” to problematize the EDP’s representation of ED as a solution. Going a step further, this research uses Critical Discourse Analysis (Fairclough 2003; Hyatt 2013) to identify the discursive elements of EDP that legitimize the representations

and seek to connect them to the normalization of the social issues EDP creates and the structures and discourse of power it perpetuates.

The WPR (Bacchi 2012) approach has never been used to assess EDP in the US, and this two-part methodology has not been used to assess ED in K-12 schools ever before. Experimenting with this methodology with ED is significant, because it holds potential to find undiscovered meanings within its policy, as shown through WPR EDP analysis (Tawell & McCluskey 2021), other uses of the WPR approach for other educational policy analysis (Kendal-Jones 2019; Hincapie 2020), and combined WPR and CDA for disability and higher education policy analysis (Hyatt 2013; Van Aswegen, Hyatt, & Goodley 2019). Using this methodology allows me to respond to the gap in US ED and EDP research, by problematizing the policy and analyzing its discursive elements. At this study's core is the quest to effectively denormalize the practice by articulating its representations, discursive elements, and links to racism and inequality within its policy.

THEORHETICAL FRAMEWORK

In this section, I will detail the sociological theoretical framework that I will interpret my policy analysis through, which uses Emile Durkheim's (1947; 1938) theories on solidarity and the functionality of crime to explain how ED is repressive and harmful to societal solidarity, and serves *The New Jim Crow* (Alexander 2012) and Reproduction Paradigms in schools (Bourdieu 1986; Bourdieu & Passeron 1990). My theoretical framework works to make my findings sociologically significant, as it affords my findings the context of contingent national racial and class dynamics disproportionate ED operates within, and demonstrate that ED policy and practice is a mechanism of reproducing these broader national racial and class conditions.

Durkheim, Solidarity, and The Functionality of Crime

Durkheim maintains that crime is an essential marker in society for evolution of mortality and law: "Where crime exists, collective sentiments are sufficiently flexible to take on a new form, and crime helps to determine the form they will take" (1938: 156). Crime is not concrete, it is fluid with the historical and

sociopolitical contingencies of the society that are so present in collective life, they “express all the symptoms of normality” (Durkheim 1938:153). This theoretical framework seeks to outline these collective, normalized conditions disproportionate ED operates by with sociological theory. Exclusionary discipline policy, like how criminal policy respond to crime, has the ability to be abolished and new practices can be used to respond to behaviors once its normality is deconstructed within its dynamic context: “The better a structure is articulated, the more it offers a healthy resistance to all modification” (Durkheim 1938:156).

Law’s function in society is a means of characterizing the type and degree of solidarity a society operates through (Durkheim 1947). In an organic system, the violation and use of penal law should “reach neither the common soul of society in its living parts, nor even, at least not generally, that of special groups... If this regularity is disrupted, it behooves us to reestablish it” (Durkheim 1947:40). Through Durkheim’s characterizations and consistent evidence of disproportional use of it, EDP in the US can be diagnosed as repressive and thus a symptom of an inorganic, unsolidified US system. This argument “behooves” the US to reestablish repressive laws to ensure solidarity and therefore the most active, excelling, and efficient society possible (Durkheim 1947).

United States Racial Formation today through The New Jim Crow

Racial conditions in the United States are the source of the largest irregularity in the repressive law of ED, as the law effects the “common soul” (Durkheim 1947) of youth of color, especially Black youth, disproportionately more than white youth (Skiba 2000; Skiba, Micheal, Nardo, & Peterson 2002; Petras et al. 2011; Skiba et al. 2014; Chu & Ready 2018). These conditions lay on a foundation of Anti-Blackness in the United States, resulting in the historic oppression of Black peoples through social, political, and economic inequality (Omi & Winant 1986; Alexander in Ferguson 2016). The condition of race in the United States is a highly contested topic primarily framed through the conflicting conceptions of race as either an ideology or race as an objective condition (Omi & Winnant 2002). The conceptualization of race as an ideology posits that race is a belief based in social-political motives, and race as an objective condition maintains that race qualifies a static identity.

However, racial conditions in the US are an unstable social concept, yet a fundamental organizer of social life. This idea is best understood through the concept of racial formation, or “the process by which

social, economic, and political forces determine the content and importance of racial categories... crucial to this formulation is the treatment of race as a central axis of social relations” (Omi & Winant 1986:6). Sociopolitical ideology, while a source of debate on EDP and many other laws, cannot explain racial conditions. Race as ideology fails to recognize both the “salience a social construct (race) can develop over half a millennium or more of diffusion, or should we say enforcement, of a fundamental principle of social organization and identity formation” and the impermeable nature of race in people of color’s lived experiences and identities (Omi & Winant 2002: 383). Ideological differences in the role of schools, the reach of school discipline, and the behaviors worthy of exclusion nonetheless lay embedded in the discourse around the topic and within its policy (Wiley et al. 2018; Sun & Valenzuela 2021; Tawell & McCluskey 2021; Dunn 2015). This reality still must remind educators, policy makers, and researchers that ideology informs educational policy, inserts sociopolitical dynamics harmful to education, and is proved to be predisposed to people based on both differing biology and sociopolitical development environments (Hibbing, Smith, & Alford 2013). However, racial conditions also shape policy and its irregular severity in the United States due to salient nature US racial formation, specifically demonstrated within the US criminal and carceral systems (Omi & Winant 1986; Kent & Jacobs 2004; Alexander 2012). The permanence of sociopolitical ideologies in ED discourse, law, and practice can be understood through Omi and Winant (2002)’s claims that race is both conception-less and an organizing principle of society: “Race is an illusion which does ideological work” (382).

The trends in the high rates of ED use in Black youth, (Skiba 2000; Skiba, Micheal, Nardo, & Peterson 2002; Petras et al. 2011; Skiba et al. 2014; Chu & Ready 2018) their placement in alternative education schools and the Juvenile and Criminal justice systems through ED (Van Acker 2010; Foley & Pang 2006; Pane 2009; Fableo et al 2011; Curtis 2014; Bishop and Frazier 1996; Hokenberry 2017) are intrinsically linked to the *The New Jim Crow*: “a comprehensive and well-disguised system of racialized social control that functions in a manner strikingly similar to Jim Crow” (Alexander in Ferguson 2016: 440). *The New Jim Crow* is a theoretical framework for conceptualizing the modern day racial conditions Blacks experience in the United States as continuation of the overtly irregular suppressive US Jim Crow laws (Alexander 2012). Michelle Alexander, the author of *The New Jim Crow*, highlights the intentional agency suppression targeted towards Black males in our society through incarceration:

“The scale of incarceration-related discrimination is astonishing. Ex-offenders are routinely stripped of essential rights. Current felon-disenfranchisement laws bar 13 percent of African American men from casting a vote, thus making mass incarceration an effective tool for voter suppression— one reminiscent of the poll taxes and literacy tests of the Jim Crow era. Employers

routinely discriminate against an applicant based on criminal history, as do landlords. In most states, it is also legal to make ex-drug offenders ineligible for food stamps. In some major urban areas, if you take into account prisoners— who are excluded from poverty and unemployment statistics, thus masking the severity of black disadvantage— more than half of working age African American men have criminal records and are thus subject to legalized discrimination for the rest of their lives. In Chicago, for instance, nearly 80 percent of working-age African American men had criminal records in 2002. These men are permanently locked into an inferior, second-class status, or caste, by law and custom.” (Alexander in Ferguson 2016: 440)

The legal and carceral institutions of our nation are used to suppress Black men (Alexander 2012). ED is not just a pathway to suppression by incarceration, but also a mechanism of *The New Jim Crow* to rob youth of education. Exclusion from the education and personal development from schools means schools are failing to form collective societal solidarity (Durkheim 1947) through irregular exclusion of Black youth (Skiba 2000; Skiba, Micheal, Nardo, & Peterson 2002; Petras et al. 2011; Skiba et al. 2014; Chu & Ready 2018). ED can also contribute to this through agency suppression (Alexander 2012) through racially irregular filtration into a Criminal/Juvenile justice systems and/or carceral status (Van Acker 2010; Foley & Pang 2006; Pane 2009; Fableo et al 2011; Curtis 2014; Bishop and Frazier 1996; Hokenberry 2017). Put in conversation with the historic structures, policies, and practices of racial control in the US (Alexander 2012), the results of ED illustrate the oppressive racial conditions the practice capitalizes on and reproduces. Likewise, racially disproportionate ED maintains these racial conditions of White Supremacy and Anti-Blackness. ED results in educational disenfranchisement, and is a pathway to political disenfranchisement for Black and Brown youth. It is a mechanism of structural racism within schools that maintains White Supremacy by reproducing or exacerbating unequal outcomes for Black youth.

Bourdieu’s Reproduction Paradigm in Schools

Structural racism, as represented today through *The New Jim Crow*, and sociopolitical ideology do not stand alone to explain the conditions that the irregularity of repressive ED law operates through. “Poor” students, or students of low socioeconomic status, experience ED at higher rates than their wealthier peers (Cloward 1966; Skiba & Rausch 2002; Petras et al. 2011; Skiba et al 2014; Chu & Ready 2018). This second irregularity in the repressive law of ED, characterized by its unequal application to special groups and the effect on groups’ collective experience in schools (Durkheim 1938), reflects the permeance of cultural capital reproduction paradigms in US ED (Bourdieu 1986).

Traditionally applied to gaps in academic achievement between social classes (Downey & Condron 2016), the reproduction paradigm is also a factor in ED practice as it is applied disproportionately

to low socioeconomic students (Cloward 1966; Skiba & Rausch 2002; Petras et al. 2011; Skiba et al 2014; Chu and Ready 2018), and thus puts them at greater risk for low academic achievement and dropping out (Rocque 2011; Suh & Suh 2007). Bourdieu’s theory of inequality reproduction is based on the assumption that distinct cultural capital is “transmitted” by each social class. He details the role school plays in the reproduction of capital arguing that:

School systematically valorizes upper-class cultural capital and depreciates the cultural capital of lower classes. Differential academic achievement is retranslated back into economic wealth—the job market remunerates the superior academic credentials earned mainly by the upper classes. School legitimizes this process ‘by making social hierarchies and the reproduction of those hierarchies appear to be based upon the hierarchy of merits, or skills established and ratified by its sanctions, or in a work, by converting social hierarchies into academic hierarchies.’ (Macleod 2009; Bourdieu 1986)

Bourdieu also contends that students’ habitus, made up of the deeply internalized values of one’s social world, defines student attitudes towards schooling (Bourdieu & Passeron 1990). The structure of K-12 education in the United States, which meritizes the cultural capital of the upper classes, promotes the habitus among lower class students that they are unlikely to academically succeed (Bourdieu & Passeron 1990). Habitus illustrates that there is correlation and connection between “objective probabilities” and “subjective aspirations” in the enabling of objective social structures to succeed in reproducing themselves (Macleod 2009). Habitus also sociopolitically conceptualizes a key issue in ED with equity and justice in mind: individual students’ behaviors in and attitudes towards school and/or their education are not solely developed through individual agency, but also their respective positionality within social structures and experiences within it. The use of ED, and the “problem” behaviors it seeks to solve, must be looked at through this nuanced, context-based lens of habitus to determine the most equitable and effective solutions for student conduct issues. The state of K-12 education today is evidenced to operate through this reproduction paradigm (Downey & Condron 2016). One of the many mechanisms of the reproduction paradigms in schools is ED because of its disproportionate application and harmful effects that contribute to successful inequality reproduction.

Problematizing the Sociopolitical and Economic Functions of Exclusionary Discipline

While many see structural racism and inequality reproduction as a failure of the United States systems, it is actually an institutional success, as these structures were created on a foundation of Anti-

blackness (Alexander 2012) and upperclass interests (Bourdieu 1986) at our nations founding; they do the job they were created to do. Repressive laws like ED harm to the solidarity of a society when occurring with irregularity (Durkheim 1947), but operate irregularly with an intended function for American upperclass and White Supremacy solidarity (Omi & Winant 1986; Bourdieu & Passeron 1993; Alexander in Ferguson 2016). Specifically, within the institution of K-12 education, ED is one of the practices that perpetuate *The New Jim Crow* and the cultural capital reproduction paradigm within youth by targeting poor and/or Black and Brown students. Policy is crucial to legitimization of practices with oppressive implications for racial and socioeconomic inequality. EDP is crucial to the normalization of irregularly excluding youth and thereby contributing to these broader racial and class issues. My research will understand its analysis of EDP in Connecticut through its roots in structural racism and reproduction paradigms.

METHODOLOGY

The methodological approach for this research is informed by the concept of policy sociology (Regmi 2019), using the “hybridized” method (Van Aswegen, Hyatt, & Goodley 2019) of “What’s The Problem represented to be?” policy analysis approach (Bacchi 2012) and Critical Discourse Analysis (Fairclough 1992; Hyatt 2013). Using this methodology in conversation with my theoretical framework, I aim to analyze and problematize Connecticut State codes 10-233C and 10-233D to critically reveal how ED is represented and rationalized in Connecticut.

Rationale

Policy Sociology

My methodology locates itself within the tradition of policy sociology, a methodology that helps educational researchers to analyze social, political, and economic issues related to educational policy (Regmi 2019). Placing my methodology within policy sociology allows me to link the broader issues of inequality and structural racism within my findings. Informed by post-structuralist thought, policy sociology assumes that policy is a form of discourse which carries certain ideology intended to “shape the subjectivity of individuals”, or policy as a means of “subjectification”(Regmi 2019: 66; Foucault 1982). Likewise, this methodological tradition assumes the Foucauldian notion of governmentality, in which

policy is a part of the process of the production of self-governing individuals who act according to dominant political and policy discourse (Rose 1999). In these respects, policy sociology assumes that policy archives forms of ideology embedded in policy discourse “that directs social practices and the subjects” as complicit in hegemonic ideology naturalized through law (Regmi 2019: 67). Rejecting the idea that policy is static, non-political, and value-natural, policy sociology as a methodological tradition can allow my analysis to explore how futures desired by certain interest groups, specifically the white and the wealthy, are protected in ED by silencing the “alternative possible futures” (Gale 2003; Regmi 2019).

While my methodology embraces post-structuralist thinking, my theoretical framework is based in structuralist thought. Although this may appear as incompatible, both schools of thought put in conjunction can allow for critical findings which acknowledges the post-structural dynamics of ED— like discourse, subjectification, and governmentality— and apply them to structural conditions and reform. In other words, this study acknowledges the messiness of the issue but maintains that “one should not mistake the schools we have now for the ones we should have... schools can be a form of social justice”(Gamoran 2016: 231). Post-structuralist minded research with structural implications is necessary for educational reform to create equitable schools.

Relying on the concepts of policy sociology and my theoretical framework, I will use a “hybridized” (Van Aswegen et al. 2019) method of the WPR approach and CDA to critically analyze EDP in Connecticut. The neglect of the sociological aspect of educational policy analysis makes its research positivist mission that can silence critical and political issues (Hardy 2009), making this type of policy analysis critical for the aims of my policy research which wishes to amplify social, political, and economic issues relevant to ED.

Problematizing the Problematization: “What’s the Problem Represented to be?” Approach

The first part of my method will use Bacchi's “What’s the Problem Represented to be?” (2009) as an approach to analyzing Connecticut State codes 10233-C and 10-23-D, which provides the critical framework, in the form of questions, with which to interrogate the policy. This approach recognizes that all policy, by nature, shape and constitute “problems” in society, rather than reacting to “problems” to be solved (Van Aswegen et al. 2019: 8). This framework has been used in analyzing United Kingdom EDP (Tawell & McCluskey 2021) which illustrated the effectiveness of this method for investigating the conceptual premises EDP lays upon (Bacchi 2012: 2) in which EDP is posited as solution to a problem based in individual students, ultimately making schools unaccountable for any conflict or behavior issue.

Bacchi's approach constitutes policy as a *constructor* of problems, allowing me to capture how the problem this policy responds to is understood, and the presuppositions and assumptions of its solutions therein. The main goal of analyzing a policy's problem representation is to "to dismantle the taken-for-granted fixed essences of the problem representation and show how they have come to be" (Bacchi 2012: 2) by interrogating the EDP as ideological discourse that constructs problem behaviors and thus sociopolitical and economic conditions. By problematizing the policy's problem representation and ED as its solution, this approach enables policy makers and educators to think about the "problem" and its solutions in a different way (Kendall-Jones 2019; Bacchi 2012).

This method holds potential for exploring the accepted norms and frameworks of thinking upon which the accepted policy practice of ED are based (Bacchi 2012: 15). This approach to policy analysis recognizes the endogenous nature of behavior problematization and can thus make possible alternate reconstructions of the problem and its solution.

Supporting the Problematization: Critical Discourse Analysis as Evidence Locator for WPR Approach

The project proposes and utilizes a two-step methodology. Inspired by Van Aswegen et al.'s (2019) Critical Discourse Problematization Framework for Disability Policy, I will analyze Connecticut EDP through a two level analysis: first, through a WPR approach (Bacchi 2012), and secondly, through Critical Discourse Analysis (Fairclough 2003) with CDA techniques informed by Hyatt's (2013) Critical Higher Education Discourse Analysis Framework.

Critical Discourse Analysis allows my research to systematically uncloak the specific ways the language of EDP "works within discourse as the actor and agent of the realization, construction, and perception of relations of power" (Hyatt 2013:41). By using social and linguistic analysis, CDA of policy is a tool for "speaking truth to power" (Wildavsky, 1979) through uncovering how policy texts represent and construct the social world, and thus work as agents in the discursive construction of power relations therein (Chouliaraki & Fairclough, 1999). CDA views language as a site of struggle. CDA recognizes language as an artifact of respective discourse(s) and their discursive processes, in which discourse is seen as the fluid socially and culturally formed ways of talking, writing, and acting towards entities and others, circulated and internally normalized through different forms of text, media, practices, institutions, and in-person interaction (Gee 2000). CDA of policy investigates this struggle by revealing both the agendas, values, and ideologies upheld within its text and those that are silenced or targeted through it. CDA is especially

essential to the analysis of policy because the processes of social transformation and change are discursive, in which processes of reform are informed by the discourses around them (Hyatt 2013). Both change through policy and change warranted by the critique of policy must operate within or with deep knowledge of the policy's discourse. Using CDA as a compliment to the WPR framework will allow for compelling evidence of the EDP problematization by revealing the discursive features the EDP uses to legitimize itself and ED practice.

Two-Step Method: WPR and CDA

This methodology includes CDA as a second, complementary step to analyzing the text content collected in response to WPR's framework to allow for "more focussed and systemic attention to the linguistic and rhetorical features" (Hyatt 2013: 44) of the representations and rationalizations in Connecticut State codes 10-233D and 10-233D. This method will use WPR first to collect text data from the policy, then CDA to analyze the text data collected. Inspired by the Critical Discourse Problematization Framework proposed for analyzing Disability Policy in Ireland (Van Aswegen et al. 2019), this two-step analysis WPR provides the framework to interrogate and problematize the State codes, and Critical Discourse Analysis affords the means to support this policy problematization with documentary evidence of linguistic and rhetorical discursive pieces of the policy problem representation. Hybridized WPR and CDA has never been applied to EDP, and the use of Hyatt's CHEPDA (2013) had never been used to analyze EDP, which makes this study distinctly experimental. The use of this methodology is also extremely important for policy explorations of ED, since this methodology holds the potential for robust insight into how ED is understood and legitimized through EDP and the possibilities of alternate problem representations and discipline strategies.

Procedure for Analysis

Policy Sample

I chose Connecticut State codes 10233-C, "Suspension of pupils" and 10233-D, "Expulsion of pupils", as my sample for EDP analysis. These codes are a part of the larger State policy document "Connecticut School Discipline Laws and Regulations", which includes all of the State's school discipline codes, compiled by the National Center on Safe Supportive Learning Environments (2021).

Two-step Analysis: WPR Approach And Critical Discourse

Using the WPR approach, I conducted a close reading of the EDP using Nvivo to code deductively for answers to the two WPR questions in Table 1. I choose to use these two WPR questions because they best fit to the aim of this research within the time and page limits of the project.

Table 1. WPR Approach Questions 1 & 2

Question	What the question encourages
1. What's the problem? What is it represented to be in this specific policy?	Clarifying the implicit problem representation within a specific policy
2. What presuppositions and assumptions underpin this representation of the problem?	Reflection on the underlying premises in this representation of the "problem"

(Adapted from Bacchi 2012)

Through my close reading, I collected text data that answers each question in the WPR approach I set to use. With this data that was preliminary coded through the WPR approach, I used Nvivo for a second time to analyze this data inductively for discursive features. In other words, I conducted a Critical Discourse Analysis of the text data collected through the WPR approach questions. I relied on Hyatt (2013)'s Critical Higher Education Policy Discourse Analysis Framework and Fairclough' Critical Discourse Analysis (2003) for the specific features to look out for and analyze in policy's discourse. Among these discursive features of policy which range from linguistic to rhetorical, are legitimization techniques (Fairclough 2003), Interdiscursivity and intertextuality (Hyatt 2013), evaluations (Martin 2000), and Lexico-Grammatical constructions (Hyatt 2013; Fairclough 2003).

Using CDA achieved evidenced answers to the WPR questions by allowing for insight into the discursive techniques of the policy to legitimize its ED problem and solution representation and their presuppositions. This two-step method for analysis makes its findings credible and reliable because final analysis will only draw from data included in both procedures, ensuring an iterative and reflexive analysis is conducted on all text data findings are drawn from.

Positionality

As the researcher, my social positionality has the potential to effect this study of Connecticut EDP. Similar to Bourdeiu and Passeron's conceptualization of habitus (1993), my positionality can contribute and/or limit this study through my attitudes, values, and beliefs derived my lived identities, which are mapped to social hierarchies of power. The WPR approach includes subjecting the researcher's own

positionality as one of the most important steps of the reflexive methodology to actively subject “ones’ own practices to critical attention and considering what these (re) produce— or *doing* reflexivity rather than simply *being* reflexive” (Marshall 2012: 60; Bacchi 2012: 45).

My identities and experiences as a white, Latina woman from a middle class socioeconomic status made me interested in the role social power plays in my own life outcomes and those I care about. These backgrounds contribute to my policy analysis because of my personal investment in researching social power. As a graduated student from a Connecticut K-12 public school system, I am also invested in researching EDP because of the numerous people in my life who have faced this policy and its repercussions throughout our schooling. This personal connection to ED and this State EDP contributes to my analysis by providing me with lived experiences of observing classmates and/or loved ones face ED, allowing this analysis to consider the practice as it analyzes its policy. While these experiences could limit the analysis as an outlet of emotion against ED as a practice, my analysis’ of EDP and its two-step procedure counteracts this limitation by investigating the discursive text features of the practice in its policy rather than the practice of excluding students itself. Lastly, I plan to become a Secondary Social Studies classroom teacher because of my immense value for K-12 education at the individual, community, and societal levels. I feel my career path and this study mutually contribute to each other’s effectiveness. This study is inspired by my personal desire to prevent school exclusion and promote inclusive education as a prospective classroom teacher, which will contribute to my research’s ability to connect its findings in practical terms. My career path as a teacher will be informed by this research in ED and EDP as I make discipline decisions in my future classrooms.

Limitations

My research comes with limitations. First, only using two State codes as a data sample for EDP analysis limits my research by failing to account for alternate “genres of governance” that policy “is also formulated and implemented through”, like articles, speeches, press releases, public hearing debates, etc. (Dunn 2015). Because my analysis lacks a robust data sample of the wider political discourse that contributes to this EDP, its analysis of this discourse is limited solely to its ultimate policy text. Moreover, due to the time limitations of this study, I was unable to incorporate a full six-themed WPR policy analysis framework (Bacchi 2012) due to space limits, instead focusing on the first two themes regarding policy problem representation and its presuppositions. Finally, this research is conducted individually without co-

researchers or peer review boards, so my analysis findings are limited to my abilities. In all, my study is limited by parameters of the Sociology Department's Capstone experience at Colorado College.

FINDINGS

"Snapshots" of text (Van Aswegen et al. 2019) pulled from the policy respond to the respective WPR question of each section. The snapshots are collected through close reading of CT state codes 10233-C and 10233-D responding to the WPR questions (Bacchi 2012; 2009). Analysis paragraphs below each snapshot include findings in the form of both WPR approach close reading to answer the question and Critical Discourse Analysis of the "answer" excerpt (Fairclough 2003; Hyatt 2013).

WPR Q1: What's the problem? What is it represented to be in this specific policy?

Conduct on school grounds or at a school sponsored activity **is violative** of a **publicized policy** of such **board** or is seriously disruptive of the educational process or endangers persons or property or whose conduct off school grounds is violative of such policy and is seriously disruptive of the educational process. (Connecticut Compilation of School Discipline Laws and Regulations: 35)

Here is the inscribed evaluation of conduct that warrants ED. The two standards that account for this evaluation both on or off school grounds/sponsored activities are violating a publicized policy of the school's respective board of education, or conduct is "seriously disruptive to the educational process". On school grounds, ED is also warranted by "endangering persons or property", in which the mention of property represents interdiscursive link of the problem representation to capitalist discourse and law that protects the property and material of individuals. The use of the present simple tense, for example "is violative", assumes fact in this assessment of conduct, inherently legitimizing the word of the board and administration in their evaluations. Likewise, intertextuality between this policy and other publicized policy of a board of education is demonstrated here. The violation of these other policies informs the warrant of ED. Collectively, this policy and other BOE policies authorize each other through their intertextuality. Similarly, the vague mention of violating BOE policies as an evaluation for the warrant of ED, assumes and normalizes their authority and justness, representing the BOE and its policy as a statically righteous.

In making a determination as to whether **conduct** is seriously disruptive of the educational process, **the administration** may consider, but such consideration shall not be limited to: (1) Whether the incident occurred within close proximity of a school; (2) whether other students from the school were involved or whether there was any gang involvement; (3) whether the conduct involved violence, threats of violence or the unlawful use of a weapon, as defined in section 29-38, and whether any injuries occurred; and (4) whether the conduct involved the use of alcohol. (Connecticut Compilation of School Discipline Laws and Regulations: 35)

In this snapshot, there is an inscribed evaluation of behavior that warrants ED, represented by (1)-(4) characteristics of conduct that is “seriously disruptive to the educational process”. The evaluation of behavior by these inscribed standards is authorized by the administration of the school, granting power to administration to determine the case-by-case evaluation according to these standards. The entire statement also accounts for an evoked evaluation, seeking an approving response by its audience on the basis of the represented danger involved in these conduct evaluations. Using the terms “gang”, “Violence”, “weapon”, “unlawful”, and “injuries” invite criminalizing discourse in to policy to evoke public fear and the rationalization of exclusion on this basis. Interestingly, clauses (1)-(4) use an active voice, highlighting the agency of the “conduct” in these clauses. This is an abstraction of the subject, the student of the conduct. This removal of the human subject from the sentence places agency in conduct or behavior more so than the actual student, implying conduct is the sole warrant for ED, and students, their background, circumstances, or character are not considered

Word Frequency

Table 1. Word Frequencies in CT Codes 10233-C and 10233-D

Word	Frequency	Weighted percentage	Similar words
Pupil	80	4.54%	Pupil, pupils
Education	69	3.92%	Education, educational
Board	62	3.52%	Board, boards
	211	11.98%	

Running a word frequency of state codes 10233-C and 10233D (Table 1) also shows the problem representation in CT EDP by quantifying the most used words within the representation’s discourse. This frequency analysis includes stemmed words, incorporating the second words in the “similar words” column of table 1 in the frequency as well.

Word frequencies allow me to analyze the major actors and ideas within the policy’s discourse to make an assessment of the power dynamic between these actors and ideas within the policy’s problem representation. As demonstrated in Table 1, pupil is the most used word in the codes, accounting for 4.52% of all words in the documents. This shows that the problem representation is centered around pupils, or the student, child, or youth, receiving ED. The EDP responds to problem pupils. This centering of the pupil in

EDP shows that the EDP frames the problem as caused by pupils, representing the pupil as an agent of problem and conflict. Furthermore, it conceptualizes ED as an individual responsibility only.

The second most frequent word is education, which illustrates the interdiscursivity of ED as a pedagogical technique. The high use of this word shows that this EDP paradoxically uses education as an authorization and rationalization for educational exclusion. For example, the ED warrant of “seriously disruptive of the educational process” assumes ED will be a solution to these disruptions.

Finally, the third most frequent word is board, which references a local Board of Education who, in conjunction with the school administration, makes ED decisions. The high frequency of this subject stands to respond and counteract the use of pupil as an agent, in which the EDP represents the pupil problem’s solution as in the authority of the BOE. Likewise, this creates and normalizes an unjust power dynamic by positioning an individual pupil agent against an institutional board. This word frequency illustrates the major discursive elements of this EDP's representation of the problem and its solution: Problem pupils are excluded by the BOE (and administration) to protect educational missions.

WPR Q2: What are the presuppositions/assumptions that underpin this representation of the “problem”?

Opportunity for Completing Classwork

Any pupil who is suspended shall **be given an opportunity** to complete any **classwork** including, but not limited to, examinations which such pupil missed during the period of suspension. (Connecticut Compilation of School Discipline Laws and Regulations: 40)

One of the presuppositions to ED in Connecticut inscribed in this text snapshot is that students suspended (also expelled, as this is included in code 10233-D as well) will “be given the opportunity” to make up for “classwork” they missed. This assumption assumes “classwork” can be completed in a valuable way without class time. Suspended or expelled pupils are excluded from the classroom, but this EDP posits their classwork can still be “completed” without material and lessons introduced in class. The use of the present perfect tense illuminates the presupposed active nature of the ability of a student to maintain achievement without class time. This EDP excludes students from learning environments and yet makes them responsible for the class time they did not access, putting them in an inescapable bind in which the victim is revictimized. This assumption constitutes an invalid causal link, in which giving an “opportunity” is assumed the invalid outcome of “completing classwork” because of the possible

circumstances that can disrupt the opportunity and the potential inability and difficulty of completing classwork without class time. Furthermore, this presupposition also invalidly assumes that all students' homes, neighborhoods, lives, and families outside of school can provide spaces supportive of learning goals.

The lack of a subject who "gives" the opportunity of classwork completion also problematizes this presupposition, as it remains unclear who's responsibility it is to give these opportunities. This clouds the agent of this presupposition to ED, reflecting potential cloudiness of it in practice. This could imply there are none or different agents of giving opportunities to complete classwork in schools across the state. The lack of subject and formative strategy for this presupposition in EDP shows it is up to school decisions, which is potentially varying academic outcomes in some places depending on the persons/strategies used in this "opportunity". Furthermore, the use of the word "opportunity" in this sentence counteracts this lack of subject giving the opportunity, placing agency in excluded pupils' (children's') hands to continue their education.

Exclusionary Discipline Decisions Contingent on Past Conduct

In determining the length of a suspension period, the administration may receive and consider evidence of past disciplinary problems which have led to removal from a classroom, suspension or expulsion of such pupil.

(Connecticut Compilation of School Discipline Laws and Regulations: 40)

Above is another presupposition of ED in Connecticut. Using past discipline incidents to determine the length of ED demonstrates the interdiscursivity between EDP and criminal justice system discourse, and intertextuality between EDP and criminal justice law, in which both rely on past charges/discipline to criminalize individuals by using a *record* to justify current punitive decisions. The use of the present perfect simple tense "which have led..." further assumes and upholds the importance of past events in considering current decisions. This tense also removes the individual from the action and reduces the student to his discipline record.

Furthermore, this sentence uses a passive voice, in which "determining the length" of ED is posited as happened to "the administration". The passive role of the agency the administration has in this sentence stands to place agency in the pupil's "past disciplinary problems" in "determining the length of suspension period", further maintaining the representation of the problem as caused by the pupil, while authorizing past discipline incidents to determine ED lengths. However, the term "may" here implicitly grants authorization to an administration to choose whether they do and/or which discipline "records" they

consider in determining length of exclusion. “The administration may...” makes this presupposition subtly ambiguous in its application, begging the critical question: which pupils’ ED decisions do and do not rely on past discipline “records”? Moreover, this ambiguity intentionally maintains agency in the administration, authorizing subjectivity in their decisions rather than firm guidelines that could mandate equal ED. This lack of clarity allows for bias.

Notice of Exclusionary Discipline on Cumulative Educational Record

Whenever a pupil is suspended pursuant to the provisions of this section, **notice of the suspension and the conduct** for which the pupil was suspended **shall be included on the pupil’s cumulative educational record**. Such notice shall be **expunged** from the cumulative educational record **by the local or regional board of education** (1) if the pupil **graduates from high school**, or (2) if the administration so chooses, at the time the pupil **completes the administration-specified program** and **meets any other conditions required by the administration** pursuant to said subsection (e), whichever is earlier. (Connecticut Compilation of School Discipline Laws and Regulations: 41)

Another presupposition of CT’s ED outlined in EDP is the notice of the ED (suspension and expulsion, as this cause is reiterated in both codes 10233-C and 10233-D) and its respective conduct are included in a “cumulative educational record”. The concept of keeping a “record” is rationalized on the basis of “notice” others deserve of the individual, and maintained and internalized in the individual through incentivizing the notices removal, or its expungement. In the previous presupposition, a “record” of “past discipline problems” may determine future ED decisions.

The BOE is the agent of a records’ expungement, but this agency is abstracted by the passive voice in the second sentence of this snapshot, which places more agency in the two inscribed evaluations of warrant for expungement. This second sentence, using the present simple tense (“graduates”, “completes”, and “meets”) in the two clauses, assumes agency and possibility in any pupil to graduate high school and/or complete an administration-specified program things after experiencing ED. This is an invalid causal link to expungement, in that a pupil’s agency and possibility of doing these things are assumed by this EDP through tense and voice choice. Again, this presupposition places students in an impossible bind of agency to complete these contingencies while they are excluded from the educational spaces they need to do so.

Majority Rules

Any local or regional board of education, at a meeting at which **three or more members of such board are present**, or the impartial hearing board established pursuant to subsection (b) of this section, may expel, ... provided **a majority** of the board members sitting in the expulsion hearing vote to expel and that **at least three affirmative votes** for expulsion are cast. (Connecticut Compilation of School Discipline Laws and Regulations: 46)

In this excerpt, the presupposition of who makes ED decisions is detailed. This part of the EDP authorizes boards of education to make expulsion decisions. Also, inscribed here is an authorization of both the minimum or presence of board members, and minimum “affirmative votes” of board members to make ED decisions. These authorizations are rationalized by the “commonsense” of majority rule, an interdiscursive feature between this EDP and the US government, legal, and party systems’ rationalized conceptualization of a majority, in which the majority is assumed to represent the collective. Through this assumption, a majority has the agency to determine outcomes. Within the “commonsense” of majority systems, minority(s) are delegitimized through the rationale of majority rule and the authority given to majority. Furthermore, this nod to the concept of majority rule, evokes a positive, agreeable evaluation from its readership based on the historic maintenance and “commonsense” nature of majority rule authority in the United States.

Alternative Educational Opportunity

The local or regional board of education **is required to offer** an alternative educational opportunity, **except** in accordance with this section...Any pupil expelled for the first time who is between the ages of sixteen and eighteen and **who wishes to continue his or her education** shall be offered such an alternative educational opportunity if he or she complies with conditions established by his or her local or regional board of education. Such alternative educational opportunity may include, but shall not be limited to, the **placement of a pupil** who is at least seventeen years of age in an adult education program pursuant to section 10-69.

(Connecticut Compilation of School Discipline Laws and Regulations: 52)

It is presupposed that a BOE (Board of Education) “is required to offer an alternative educational opportunity” to all students that are expelled, except for the circumstances detailed here. The consistent verb use, the subject shift, and active voice in the second sentence show the trajectory of the “opportunity”, in which in the first sentence, the BOE is actively required to offer, and in the second sentence, the pupil is actively offered an alternative educational opportunity. It is unclear who requires of the BOE, and defends this presupposition, besides the EDP itself. The use of the verb “offer” shows that alternative educational opportunities are not an actual casual effect of ED/expulsion, but instead grants agency to any expelled pupil or guardians to decide on and participate in alternative educational opportunities. Furthermore, this granted agency is represented through a factive verb “offer”, which assumes there is agency in pupil or guardians to accept an offer. Education completion is ultimately taken hostage by this EDP, in which ED warrants the BOE to only “offer” education to excluded students. This effectively reflects that education is

not a national right, but instead at the will of district decisions.

These inscribed evaluations that can warrant an offer can also take the offer off the table. This reality is abstracted by the structure and phrase of the sentence. The qualifier “who wishes to continue his or her education” is presented as actively wished by the pupil, which places complete agency in the 16-18 year old to determine the fate of their own education. However, the person(s) responsible for and the means of evaluating of the pupil’s “wish” are not included, rising question as to what “wishes to continue his or her education” looks like or doesn’t look like in practice. Making the underage pupil the only agent responsible for their actions suggests the the educational institutions has no responsibility of their actions, ultimately undermining the responsibilities of schools to care for and develop their students. Making age (16-18) a factor in exception to offer and in “placement”, is an assumption of maturity, and thus agency, by these years. In this EDP case, ages 16, 17, and 18 can make it unrequired for a BOE to offer alternative educational opportunities, and ages 17 and 18 can make this offer one for adult education programs. Using the phrasing “placement in” an adult education program questions the agency of a pupil who is considered an adult, as a BOE passively “places” them in a program, which implies ownership over the pupil.

DISCUSSION

Through my analysis, I have made several key findings about the problem representation and its policy discourse in Connecticut EDP State codes 10-233C and 10-233D.

I found that CT EDP uses criminalizing language to rationalize this problem representation, which evokes an agreeable evaluation from its readership based on the problem representation’s language playing on fear and safety concerns. As Alexander detailed in The New Jim Crow (2016) and Racial-Threat perspective theory (Payne & Welch 2013), the criminalization of Black peoples is normalized through the fear evoking discourse within criminal-based policy and political movements which target Black and Brown lives. CT EDP does not mention race as a warrant for ED, but research shows that it is applied disproportionately to Latino and Black youth in districts in Connecticut (Dycus 2008). The use of the word “may” and other ambiguities in the EDP highlighted in the findings section allow for racial bias to play a role in ED decisions. For example, the War on Drugs is backed by fear evoking discourse and its policy that disproportionately puts Black men in prisons on drug charges twenty to fifty-seven times more often than white men (Alexander 2012: 98-99). However, the notion that drug-use is more dangerous or frequent for Black communities is belied by much of the data, such as that white youth have about three times the

number of drug-related emergency medical attention instances compared to Black youth (Alexander 2012: 98-99). Similarly, this EDP warrants ED for conduct involving drugs, alcohol, and tobacco, and in East and West Hartford, CT districts, and 29-37% of these ED incidents were experienced by Black youth, 31-34% by Latino youth, and just 4-10% by white youth (Dycus 2008). Importantly, in both districts, these ED incidents based on drug use disproportionately led to arrest of the Black or Latino youth, in which in East Hartford, Black and Latino youth were 10 times more likely to be arrested for drug related ED conduct than white youth (Dycus 2008). This context of both the fear-based discursive criminalization of Blacks in the US and the statistical disparate exclusion, and criminalization, of Black and Latino youths in CT schools based on drugs, shows that this EDP and other criminal policies are racist in their application. This EDP thus works in conjunction with other legitimized criminal policies to maintain racial power hierarchies that uphold white supremacy and Anti-Blackness through and within Educational, Legal, and Carceral institutions alike.

Furthermore, the problem the EDP posits is pupil conduct, but there is clearly racial premises in who is labeled as the “problem” in the EDP’s practice, just like the War on Drugs policies (Alexander 2012: 99). The interdiscursivity between this EDP and Legal, Carceral, and Criminal Justice policy to exclude and/or criminalize through evoking fear demonstrates ED’s intimate connection to these structures of the US that operate to control Black and Brown lives (Alexander 2012). Kent and Jabcobs (2004) found that increased minority presences is correlated with severity of criminal policy in the US, just as higher percentage of Black enrollment increase the amount of ED used in US schools (Skiba et al. 2014). Putting its interdiscursivity with criminalizing rationale in conversation with the national context of policy as a historic tool to control and oppress Black and Brown lives illustrates CT EDP’s involvement in US structural racism and *The New Jim Crow*. The racially disparity of ED in CT (Dycus 2008) further supports this point. Through my analyzation of this EDP, it is clear that it functions to legitimize systematic racial exclusion by evoking a fearful and threatening picture of targeted students, strategically playing on racially biased conceptions of fear and threat so implicit and natural to US culture and utilized by other policies and practices to target Black and Brown communities. This strategy to evoke fear, individualize, and target minority peoples is thus a well-disguised means of maintaining racial hierarchies and reproducing social inequality therein.

Within the problem representation and its presuppositions, the findings indicated serval distinct inter-discursive and intertextual links to structures, practices, and discourses of the US government and its

Criminal and Juvenile Justice institutions. For example, the presuppositions that “a majority or at least three affirmative votes” from a BOE to expel a student build on the commonsense rationalization of majority rule that also operates within the jury system of US Criminal Justice system legal practice, a practice shown to use racial discrimination in jury selection, thus influencing verdict outcomes (Brown 2003). Similarly, the presupposition in this EDP of ED “notice” on an educational record, and past disciplinary incidents warranting future ED decisions and incentivizing their expungement is likewise connected to a criminal record, which has been used as a mechanism to further criminalize and suppress Black peoples from normal social functions. Using educational records as an archive of past behavior issues and discipline incidents to rationalize further punitive measures is an interdiscursive and intertextual feature of this EDP to conform with criminal justice system discourse, policy, and practice. It is consistent with the use of a criminal record to inform “notice” to the public, employers, and landlord of a criminalized individual, its use for individual incentive in expungable criminal records, and has weight to determine future punitive measures. The use and importance of records of crime/discipline are authorized and normalized by this EDP and criminal justice laws alike. Alexander (2016) reports that nearly 80 percent of Black men in Chicago have criminal records which limits their agency in employment, residency, and welfare eligibility. These structures and their policies' connection highlight the “contingent process” (Bacchi 2021) of legitimization this EDP goes through, in which rationalization, authorization, and discursive features of this EDP are maintained and legitimized through their intertextual and interdiscursive nature with other systems and discourses of power (Hyatt 2013: 53-54). Through this comprehensive system of legitimization, practices like majority rules and criminal/discipline records are legally and socially justified, thus silencing their embedded racism and further perpetuating inequality.

The compatibility of this EDP with Juvenile and Criminal Justice system’s policies and practices, which are also disproportionately used against minority communities (Alexander 2012; Payne & Welch 2013; Kent & Jacobs 2004), further supports the School-to-Prison-Pipeline framework empirically shown to disproportionately lead Latino and Black youth into incarceration following their experience with ED in schools (Van Acker 2010; Foley & Pang 2006; Pane 2009; Fableo et al 2011; Curtis 2014; Bishop and Frazier 1996; Hokenberry 2017; Casella 2003). In Connecticut schools, this EDP warrants ED that disproportionately leads to incarceration through in-school arrest for Latinos and Black students (Dycus 2008), and across the US, minority students are likewise led to carceral status through ED (Curtis 2014; Bishop and Frazier 1996; Hokenberry 2017). These finding of intertextuality and interdiscursivity of this

EDP with Juvenile and Criminal Justice systems, and its harmful reality in practice against minority students, further solidifies the EDP and ED's involvement in the *New Jim Crow*. These structures of power implement policies that collectively justify and rationalize systematic Anti-Blackness that functions to suppress Black communities through political and educational disenfranchisement with ED and incarceration. It is a "comprehensive and well-disguised system of racialized social control" (Alexander in Ferguson 2016: 440) that requires critical analysis paired with empirical study to expose.

The EDP's problem representation is unknowing of the power of Bourdeiu's conception of habitus in student behavior in school (Bourdeiu & Passeron 1993). The presuppositions of ED within the EDP also places agency on the pupil, specifically with regard to the evaluation of "wishes to continue his or her education" in determining warrant for offering alternative educational opportunities during ED. These presuppositions of agency within the pupil reflect a lack of acknowledgement of the born into and lived circumstances and attitudes in pupil lives that can result in "problem" behavior or the desire to not continue education. The agency placed on pupils in this problem representation and its presuppositions is assumed based on these social facts (Durkheim 1895). As a result of this assumption of agency, youth/childhood is robbed from these pupils, and their conduct is treated as intentioned, adult crime is treated in the Criminal Justice System. This is harmful because it maintains reproduction paradigms to succeed in reproducing themselves, rather than considering structural inequality's individual effects.

Previously introduced literature shows that alternate discipline strategies and exclusion prevention discourse are based in the belief that schools and their faculty are responsible for behavior problems (Wiley et al. 2018). CT EDP's framing of the pupil as an agent of issue erases the accountability of the school for fostering behavior issues, placing blame on individuals. This individualization of the problem is similar to Colorblind logic (Bonilla-Silva 2015) and Coleman et al. (1966)'s findings that inequality in achievement is caused by pupil background, not inequitable school practice and policies. This finding indicates that CT ED is not accountable for its inequity (Dycus 2008), and thus continues to operate without equitable consideration. In hand, this discursive act of inflicting agency into a child serves to rationalize the educational and political disenfranchisement ED makes them susceptible to (Alexander 2012), blaming the child for the outcome. In other words, this EDP sends the message that Black and Brown children are the problem, not racism and inequality embedded within the school practice. Moreover, the individualistic discourse of the policy's problem representation erases the collective elements of the structural inequality it produces, delegitimizing its stakes as a public issue that suppresses Black and Brown lives. This conceptual

premise of the problem representation strengthens my claims that CT EDP is intimately linked to the same discursive ideologies grounded in individualism that reproduce inequality through Criminal and Legal policies and practices, and function to maintain social hierarchies of power.

CONCLUSION

In conclusion, I found that CT EDP in State codes 10-233C and 10-233D is intrinsically connected to Criminal and Juvenile Justice and Legal system policies, practices, and discourse and the EPD therefore facilitates harmful Anti-Blackness and reproduction paradigms. Specifically, I found that the representation of the problem as individual pupils and pupil conduct is rationalized through fear evoking discourse compatible with the discourse of criminal policy. In practice, these criminal policies and this EDP has increased severity against Black and Brown US communities. Furthermore, this problem representation rationalizes the criminalization of youth by placing agency on their actions, in hand failing to acknowledge the reproduction of structural inequality in student lives and delegitimizing the political and public dimensions of inequality. This individual blame is interconnected with individualist ideologies that discursively permeate Criminal and Legal policy, which likewise are used more severely against minority communities (Kent & Jacobs 2004), further demonstrating Omi and Winant's (2002) claims that racism does ideological work by protecting individual interests of white elites. These findings in the EDP and the racially disparate reality of ED in CT (Dycus 2008), illustrate that CT schools have built the perpetuation of social inequalities into their policy.

My findings, in conversation with my theoretical framework and literature review, reveal that CT EDP is a part of *The New Jim Crow* (Alexander 2012) by reproducing inequitable outcomes for Black students and a cultural capital reproduction paradigm (Bourdieu 1986; Bourdieu & Passeron 1990) by ignoring structural determinants in student lives and instead operating to reproduce them through disadvantaging educational and life outcomes. These forces' permeance in ED policy and practice work to maintain white, upperclass supremacy in both schools and society, in hand harming collective solidarity (Durkheim 1947) by irregularly (Durkheim 1938) excluding and criminalizing youth through racial and class hierarchies. CT EDP threatens the potential strength of its schools and communities with its discursive roots' and lived outcomes' perpetuation of structural racism and inequality reproduction.

Schools that prioritize ED prevention believe in racial equity, that faculty construct conflict and problem behaviors (Wiley et al. 2018), and in the context of student behaviors (Sun & Valenzuela 2021) in

determining discipline, demonstrating that schools can find alternate ways to view “problem” pupils in which their circumstances are holistically considered in evaluating their behaviors. This alternate pupil “problem” representation is not only accountable to reproduction paradigms in schools (Bourdieu 1986; Bourdieu & Passeron 1990) and structural racism (Alexander 2012), but also compensating for them by protecting students through different solutions like ED prevention and alternate discipline strategies.

A new problem representation calls for new solutions. As early as 1938, a high school principal reported that ED wasn’t improving educational goals, and proposed an alternative approach where a Pupil Adjustment Committee composed of guidance counselors, administrators, and teachers designed multi-level interventions in support of students’ “social adjustments, character development, and scholarship” (Clark 1938: 3). This alternate solution is compatible with Bourdieu and Passeron’s (1993) concept of habitus, which accounts for “subjective aspirations” overcoming “objective probabilities” of reproduction to stop inequality reproduction in its path. Relationship building with teachers has gained ground in ED prevention research, in which recent studies have shown that bonding mediates risk behaviors for students of color (Anyon & Yang 2016) and that strong relationships between students and teachers is associated with high academic achievement and lower discipline rates (Crosnoe, Johnson, & Elder 2004). Building connections with students reduces ED and racial disparities in ED, while improving student behavior and classroom climate (Anyon, Atteberry-Ash, Yang, Pauline, Wiley, Cash, Downing, Greer, & Pisciotta 2018). In Scotland EDP, Tawell and McCluskey (2021) found that Scotland citing alternative discipline strategies and ED prevention strategies within their EDP could be related to their low ED rates. The Connecticut EDP has no such mention of alternate strategies in the EDP, thus no school is held accountable for alternate solutions and ED prevention in practice. Knowing these ED preventions and alternate solutions protect at-risk students from ED outcomes and long term effects(Anyon et al. 2018; Anyon & Yang 2016), it is vital CT EDP incorporates these alternatives to decrease ED practice, and in hand fight against structural racism and reproduction paradigms within its school systems.

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