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The More You Talk, the Worse It Is: Student Perceptions of Law and Authority in Schools

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Abstract

Prior works have established the association between students' perceptions of school discipline and both behavioral and academic outcomes. The interplay between disciplinary fairness and students' perceptions of their rights, however, warrants further investigation. In an effort to better understand the development of students' perceptions of school disciplinary climates amid variation in school legal environments, we identified students' perceptions of their due process rights based on 5,490 student surveys and 86 in-depth interviews in New York, North Carolina, and California high schools. We then examine the link between students' perceptions of their due process rights, their past experiences with school discipline, and their perceptions of school disciplinary fairness. While quantitative results reveal a negative relationship between students' perceptions of their rights and perceptions of disciplinary fairness, our qualitative data bolster this finding and deepen our understanding of students' perceptions, illustrating students' complex, varied, and often vague understandings of their due process rights when faced with disciplinary sanctions. As prior work has underscored the critical relationship between students' perceptions of their schooling experiences and educational outcomes, uncovering this negative relationship is an important step toward understanding how variation in perceptions of rights may have consequences for students' educational outcomes.

Keywords

education, discipline, student rights, school law, fairness

Introduction

Students' perceptions of school actors influence a school's ability to facilitate desired academic outcomes, maintain order, and socialize youth. Focusing on fairness, prior work has extensively documented the importance of perceptions of school authority by those upon whom it is exercised, especially the extent to which these perceptions are associated with educational outcomes (DiPrete, Muller, and

Shaeffer 1981; Downey, Ainsworth, and Qian 2009). The factors that undergird students'

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perceptions of disciplinary fairness, however, merit further investigation. In particular, students' perceptions of disciplinary fairness are likely influenced by perceptions of their rights in schools, rights that vary over time and across administrative jurisdictions. How students interpret and understand their rights across diverse school legal environments, however, has not been thoroughly examined. Moreover, the implications of students' perceptions of their legal rights have not been fully identified, either in general or in terms of the relationship between perceptions of legal rights and school disciplinary climates.

Based on data drawn from the School Rights Project (SRP), a comprehensive study of how law affects social dynamics in the everyday life of schools, we employ a mixed-methods approach to examine the interplay of students' perceptions of their rights and disciplinary fairness in U.S. high schools. Analyzing student survey data, we first present descriptive statistics on students' perceptions of their legal rights (the "due process index"), past experiences with school discipline, and perceptions of disciplinary fairness. We then present multivariate analyses that identify associations between students' perceptions of their due process rights and disciplinary fairness, net a range of controls for social background and educational experiences.

Based on the components of the Supreme Court's decision in *Goss v. Lopez* (1975), our due process index is comprised of possible rights students have under different disciplinary circumstances, such as in-school suspension and short out-of-school suspension. Students were asked to respond to a battery of questions that mirrored the rights outlined in the *Goss* decision, indicating whether they believe they are entitled to various protections under specific disciplinary circumstances. These items were then indexed to create a single item measure of students' perceptions of their due process rights ($\alpha = .860963$).¹ After exploring the correlates of students' rights perceptions through an analysis of the due process index, we then examine the relationship between various educational experiences and perceptions (including the due process index)

and students' perceptions of disciplinary fairness. From our quantitative models, we see that students who perceive that they have more due process rights than their peers believe that school discipline is less fair.

Although our quantitative analyses reveal an important relationship between students' perceptions of their due process rights in schools and school disciplinary climates, merely examining these patterns of association runs the risk of oversimplifying the complex nature of students' perceptions of their due process rights. To avoid reductionist interpretations of students' perceptions of their rights, we draw upon excerpts from qualitative interviews throughout this work, illustrating students' varied and complex interpretations of their due process rights and illuminating the mechanisms linking students' perceptions of their rights and school discipline. While revealing students' often vague and/or shallow understandings of their due process rights when facing school discipline, our qualitative data deepen our understanding of the patterns of association found in our quantitative models while also uncovering important nuances in students' perceptions of their rights, including students' focus on privileges and the fairness of rule enforcement rather than actual rights and rules on the books.

Fairness, School Discipline, and Socialization

A school's ability to socialize and educate youth rests upon the legitimacy of those in authority (Metz 1978; Pace and Hemmings 2007; Swidler 1979). Authority is fundamental to the schooling process, reinforcing the moral order of classroom life and supporting schools as they educate and socialize youth (Arum 2003; Durkheim [1925] 1961; Metz 1978; Pace 2003; Pace and Hemmings 2007; Swidler 1979). The legitimacy of authority, and the propensity to defer to its directives, however, rests upon subjects' perceptions. Student perceptions of school authority may, therefore, greatly influence the functioning of schools (Bryk and Schneider 2002; Metz 1978; Neckerman 2007).

Analyzing High School and Beyond data, Tom DiPrete and his colleagues (1981) concluded that “many students have a weak attachment to the normative structure of the school” and noted a link between attachment to school (particularly students’ academic orientation), misbehavior, and academic performance (p. 199). Others have also noted the link between lack of trust in or attachment to school and both misbehavior and depressed academic outcomes (Arum 2003; DiPrete et al. 1981; Downey et al. 2009; Eitle and Eitle 2003; Gottfredson et al. 2005; Hirschi [1969] 2002; McFarland 2001, 2004).² Although attachment to school may have important academic and behavioral consequences for students, what does attachment entail? Previous works cite disciplinary fairness as a key component influencing attachment. Daniel A. McFarland (2004), for example, illustrated how claims of teacher unfairness can challenge the “legitimacy of the broader academic framework . . .” (p. 1262), and DiPrete et al. (1981) emphasized fairness in schools as determinants of student cooperation and academic performance. Finding better student behavior in schools that are perceived as both strict and fair, DiPrete and his colleagues specifically prescribed establishing effective and fair school disciplinary structures to boost student morale and improve academic attainment.

Outside of schools, scholars have found a similar connection between legitimacy and perceptions of fairness. In his work on procedural justice, Tom R. Tyler (Tyler and Huo 2002; Tyler [1990] 2006) claimed that compliance with the police and courts hinges upon perceptions of court procedures, not legal outcomes. Regardless of the outcome, people more willingly comply with the directives of legal authorities when they believe processes for handling disputes are fair and when they trust the motives of those in authority. These issues may be particularly salient to minority groups, as African American and/or Latino/a youth self-identities may be a key factor influencing attitudes toward institutionalized authority (Hagan, Shedd, and Payne 2005; Morrill et al. 2010).

Tyler’s ([1990] 2006) work explicitly connects legitimacy and perceptions of fairness. Perceptions of procedural justice increase feelings of legitimacy, and individuals who view legal authorities as legitimate are “less likely to break any laws, for they will believe that they ought to follow all of them, regardless of the potential for punishment” (p. 4). Likewise, students who believe in the legitimacy of schools are more inclined to follow school directives. Gary D. Gottfredson et al. (2005), for example, found less student victimization and delinquent behavior in schools where students perceived greater fairness and clarity of rules. Similarly, Richard Arum (2003) documented the positive correlation between student perceptions of disciplinary fairness, behavior, and academic achievement.

In contrast, school environments that are perceived as excessively punitive or unfair are more prone to disorder and less conducive to academic achievement. Downey et al. (2009), for example, found that African American students’ less proschool attitudes regarding disciplinary fairness negatively affect academic achievement. Furthermore, Gary D. Gottfredson and Denise C. Gottfredson (1985) cited unclear, inconsistently enforced, and unfair rules as key factors underlying disorderly schools. Students in their study also cited unfair (or unfairly applied) rules as central to the majority of school disciplinary problems (Gottfredson 1989).

Perceptions of fairness are vital to a school’s legitimacy. While a school may make a concerted effort to enforce rules, unfair or overly strict enforcement may undercut its legitimacy. The reverse is also true. Students in schools that are perceived as both strict and fair are better behaved, more committed to school, and more academically successful than students in schools where discipline is perceived as unfair (Arum 2003; Coleman, Kilgore, and Hoffer 1982; DiPrete et al. 1981; Downey et al. 2009; Gottfredson and Gottfredson 1985). While school disciplinary climates are crucial to school functioning, this essential aspect of schooling may be influenced by the legal environments in which students find themselves.

Variation in Legal Environments and Perceptions of Legal Entitlements

The literature on legal consciousness explores how law operates and influences people in their daily actions and social interactions. Not only does law operate through formal legal institutions such as the police and courts, but it also operates in institutions with which we interact daily and may influence our orientations to such institutions and to others around us. In their normal lives, people interpret and invoke the law to “organize their lives and manage their relationships” (Ewick and Silbey 1998:20). For example, individuals’ orientations toward the courts influence how they will react to and interact with legal authorities while individuals’ legal readings in the workplace affect employee willingness to mobilize their rights (Fuller, Edelman, and Matusik 2000). Through these interpretations of the law’s operation in daily life, people make sense of their own actions and the actions of others.

Although legal consciousness is generally presented as a collective way of thinking about law or legal phenomena and not as individual attitudes, perceptions, or ideas, it is likely to affect perceptions and understandings. In this study, we measure students’ perceptions of school discipline and their due process rights, but we assume that they tap into broader legal consciousness. Although prior research examines orientations toward law in settings such as the courts and the workplace, students’ perceptions of the law as it operates in their daily educational experiences warrant further examination.

Students’ rights are broad; therefore, we do not attempt to examine students’ perceptions of the full universe of their rights in school. Nor do we focus on whether students know their rights as they are found “on the books.” In this article, we specifically examine students’ perceptions of their due process protections as they relate to school discipline and explore how these perceptions may shape everyday interactions in schools. To better understand how disciplinary fairness plays out

in schools, we must uncover how people *perceive* the law around them.

Unpacking students’ perceptions and examining their impact is especially critical today, as the legal environment surrounding schools has changed greatly over the past several decades. Although we do not examine change over time in students’ perceptions of their rights, it is important to note that students’ rights have varied considerably. Although rarely challenged before the 1960s, following 1969’s *Tinker v. Des Moines Independent Community School District*, in which the Supreme Court asserted that students’ constitutional rights to freedom of speech and expression remain even after they enter the school building, a proliferation of legal challenges to school disciplinary practices transformed the landscape of students’ rights. Of particular interest to our study is *Goss v. Lopez* (1975), in which the Court stated that “[t]he fundamental requisite of due process of law is the opportunity to be heard” (*Goss v. Lopez*, 419 U.S. 565, 579 [1975]) and granted “rudimentary” due process rights to students suspended from school for fewer than 10 days, including the requirement that the student “be given oral or written notice of the charges against him and, if he denies them, an explanation of the evidence the authorities have and an opportunity to present his side of the story” (*Goss v. Lopez*, 419 U.S. 565, 581 [1975]).³ The Court granted “more formal protections” to students facing longer exclusions from school, protections that could include the “opportunity to secure counsel, to confront and cross-examine witnesses supporting that charge, or to call his own witness to verify his version of the incident.”

The Supreme Court has defined and redefined the conception of students’ rights as they apply to schools, at times affirming students’ rights and subsequently upholding the rights of schools to discipline their students (Arum and Preiss 2009).⁴ At the same time, several scholars have noted increasingly authoritarian school practices under current zero-tolerance policies that blur the boundaries between schools and the criminal justice system, including surveillance cameras, security guards, and school resource officers (Bracy 2010; Casella

2001; Kupchik 2010; Lyons and Drew 2006; Nolan 2011).

Although these works emphasize and problematize aspects of the new “homeroom security,” our study highlights the salience of students’ perceptions of discipline by teachers and school administrators, even in schools that possess elements of this new disciplinary regime. Rather than focus on how discipline is administered, we contribute to the existing literature by identifying the interplay of students’ perceptions of their rights and school disciplinary climates. This is especially important as the law is often more complex, contradictory, and ambiguous than a simple reading of the law on the books would indicate, as case law is interpreted by various social actors (from Supreme Court justices to the various institutional and individual actors to whom it applies). Especially where law is ambiguous, there is great room for divergent perceptions, with reinterpretations (Edelman 1992) and translations of law (Morrill et al. 2010) frequently giving rise to myths and exaggerations about law and legal rights (Edelman, Abraham, and Erlanger 1992; Galanter 1983).

In light of the great potential for ambiguity and misunderstanding, we do not expect students to understand their actual rights as they are outlined in the *Goss v. Lopez* decision, nor do we believe that there is a simple correct answer to questions about rights, as rights consciousness comes from diffuse places, including subsequent hearings, actors’ daily experiences, and other administrative and regulatory sources. Rather, we examine students’ *perceptions* of their legal rights when faced with disciplinary sanctions and how these *perceptions* impact their views of school discipline. Specifically, with respect to the due process rights outlined in the *Goss v. Lopez* decision, student surveys and interviews indicate that students have developed a set of perceptions that encompass varying definitions of their legal entitlements. In particular, school actors’ varied definitions of students’ rights, coupled with the ambiguous nature of school legal environments and the increased authoritarian nature of school disciplinary measures, may contribute to students’ sense that school discipline is unfair.

Current Study

Recognizing the importance of students’ perceptions of school disciplinary climates, as well as the potential for perceptions of legal rights to influence students’ opinions of these climates, this article first considers students’ perceptions of their due process rights in schools as outlined in *Goss v. Lopez*. Quantitative data explore students’ perceptions of their rights when faced with disciplinary sanctions; qualitative analyses aim to unpack students’ perceptions of their rights in schools. We then explore the association between students’ perceptions of rights and school disciplinary fairness, including excerpts from qualitative interviews that illustrate the patterns identified in the statistical models and deepen our understanding of students’ perceptions of rights and school discipline. Specifically, we focus on the following hypotheses drawn from our review of prior research:

Hypothesis 1: Students’ prior encounters with school discipline, in particular students’ perceptions of disciplinary strictness and prior experience with disciplinary sanctions, will be associated with students’ perceptions of due process rights.

Hypothesis 2: Students’ perceptions of due process rights, in addition to prior experiences with school disciplinary measures, will be associated with perceptions of disciplinary fairness.

Due to a lack of prior research on students’ perceptions of due process rights, the direction of these associations cannot be determined a priori.

Data and Methods

Data for this work come from the School Rights Project (SRP), a multimethod study of law in the dynamics of school life. The study is comprised of surveys and qualitative fieldwork, consisting of ethnographic observations and in-depth interviews with students, teachers, and school administrators. All data collection was completed during the 2006–2008 academic calendar years. Research was conducted in 24 high schools in three states.

To examine the role of law in schools as it operates across different legal environments, fieldwork for this study was conducted in California, New York, and North Carolina.⁵ As all are subject to the same federal law, these states present formal similarities such as the protection from unreasonable search and seizure ensured by the Fourth Amendment of the U.S. Constitution (and upheld in the case of *New Jersey v. T.L.O.* 1985). However, state law governing the regulation of student behavior differs across these states (Berk 2007). With respect to the due process rights afforded to students (analyses of which are central to this work), North Carolina follows the “ten day rule” outlined in *Goss v. Lopez* (1975), denying judicial review for suspensions of 10 or fewer days (*Stewart on Behalf of Stewart v. Johnston Co. Bd. Of Ed.*, 129 N.C. App. 108 1998). In contrast, in both California and New York, the board of education, superintendent, and principal may suspend a student for five days or fewer if they provide the student with notice of misconduct and an explanation of the basis for the suspension (N.Y. Educ. Law §3214; Cal. Ed. Code §48900-48911). For suspensions that last longer than five days, students are provided additional protections, including hearings with an officer (not in court) and accommodations for alternative instruction.

Study Design

The principal investigators of the SRP also sought school sector variation (public, public charter, and private Catholic) and varied student body composition (based primarily on the percentage of students who were eligible for free or reduced-price lunch under the National School Lunch Program, a proxy for household poverty). Where possible, four public schools (two that serve lower-income populations and two that serve higher-income populations), two charter schools (one serving a lower-income and one serving a higher-income population), and two private schools (one serving a lower-income and one serving a higher-income population) were selected within each state/metro area.⁶

Student, teacher, and administrator surveys were conducted in 24 high schools, with surveys administered toward the end of the qualitative fieldwork period. Although qualitative fieldwork was scheduled for two schools in each state (one that serves a lower-income population and one that serves a higher-income population), due to access problems in the field, only a higher-income school took part in the qualitative fieldwork in North Carolina.

Survey Design

Adolescence is a significant time of change in political and social values, including one’s sense of rights and the roles that formal rules and procedures play in their lives (Hagan et al. 2005; Morrill et al. 2010). As students’ perceptions may change with maturation, and to attend to the issue of dropout, surveys were administered to the entire ninth- and 11th-grade classes in each school in the sample.⁷ The surveys focus on perceptions of law, rights, and rights violations at the individual level, with students responding to questions probing subjects such as behavior, commitment and attachment to school and work, and students’ ideas about law and authority.

Demographic, behavior, commitment and attachment, and peer behavior questions were drawn from the National Education Longitudinal Survey. Questions about law and conflict resolution are based in part upon the Civil Litigation Research Project (Trubek et al. [1983] 1987) as well as modifications of prior instruments used by the principal investigators and other researchers to explore ideas about legal mobilization and consciousness among adults and youth (Albiston 2005; Ewick and Silbey 1998; Fuller et al. 2000; Hoffman 2003; Morrill et al. 2000). Of particular importance to this study, students were asked about past experiences with disciplinary sanctions and their perceptions of disciplinary strictness and fairness in school.

In-depth Interviews

Three of the four principal investigators led diverse teams of graduate and undergraduate student researchers as they conducted in-depth

interviews with students ($n = 86$), teachers ($n = 36$), and administrators ($n = 9$) at the subset of five schools strategically chosen for qualitative case studies. They selected informants to represent the demographics and diverse experiences of students and teachers at each school participating in the study. School principals were interviewed at each school site; where possible, an assistant principal in charge of discipline was also interviewed.

Student interviews contained three segments: an opening section focusing on students' general impressions of their schools, the informal social organization of their peers, and demographics; a second section concentrating on students' knowledge and experiences of trouble and problems on campus; and a final section on students' impressions of formal rules and rights on campus. Teacher and administrator interviews followed the same basic structure as student interviews with a few additions, including teacher and administrator impressions of the student body at their schools and questions about "typical" problems and disputes encountered at school. Overall, the interview structure combined open-ended techniques that have been previously employed in studies of informal disputing in organizations (e.g., Morrill 1995) and legal consciousness (e.g., Ewick and Silbey 1998) with more explicit questions aimed at probing issues related to school rules and rights.

Results

Response Rate and Sample Characteristics

Relevant to this article, 5,490 ninth- and 11th-grade students in 22 schools completed surveys, a response rate across schools ranging from 61 percent to nearly 100 percent. To analyze the same students throughout this study, we restricted our analyses to students who responded to our main variables of interest, the due process index and disciplinary fairness. We further restricted our analyses to only include students who actively completed the battery of questions comprising our due process index, excluding any student who did not

respond to at least one of the final two component questions (see Online Supplemental Appendix B for further details on this restriction). Our analyses are based on samples of just under 3,800 students; descriptive statistics comparing our original respondent population to our analytical sample are presented in Online Supplemental Appendix C.

As indicated in Table 1, approximately 43 percent of our analytical sample self-identifies as nonwhite. Latino/a students comprise the largest proportion of nonwhite students (16.4 percent) followed by African Americans (11.6 percent), students who identify as "other" (10.7 percent),⁸ and Asian Americans (4.3 percent).

Parental education serves as a proxy for socioeconomic status in this study. Three quarters of students surveyed (75.2 percent) reported that either their mother or father achieved some education beyond high school.⁹ Although the sample design surveyed students both early and toward the end of high school, our sample is slightly skewed toward younger students with 56.7 percent of respondents in ninth grade and 43.3 percent in 11th grade. Of the students surveyed, 60.4 percent report living in a two-parent household and 4.1 percent report being classified as having a disability (which potentially includes learning disabilities).

As public charter schools typically have smaller enrollments, the vast majority of students surveyed attend public or Catholic schools (49.8 percent and 45.0 percent, respectively). The largest proportion of students comes from California (44.7 percent), less than one third comes from North Carolina (28.7 percent), and approximately one quarter comes from New York (26.6 percent).

Due Process Rights

Prior works examine the link between perceptions of fairness and a wide range of educational outcomes, including student grades and behavior. However, as Bracy (2011) noted, "Students' views of the ways their schools *do* discipline . . . have been underexplored, particularly in contemporary high schools" (p. 368). As perceptions of law may influence students' orientations toward school authority,

Table 1. Student Descriptives.

Variables	Mean (standard deviation)
Individual characteristics	
Male	0.427 (0.495)
African American	0.116 (0.320)
Hispanic	0.164 (0.370)
Asian	0.043 (0.202)
Other	0.107 (0.310)
Parental education, some college	0.126 (0.332)
Parental education, bachelor's degree	0.267 (0.442)
Parental education, graduate degree	0.359 (0.480)
11th grade	0.433 (0.496)
Two-parent household	0.604 (0.489)
Disabled	0.041 (0.199)
School characteristics	
Catholic	0.450 (0.498)
Charter	0.052 (0.221)
North Carolina	0.287 (0.453)
California	0.447 (0.497)
Mediating variables	
Past disciplinary sanctions	0.198 (0.502)
Not strict	0.174 (0.379)
Strict	0.507 (0.500)
Very strict	0.274 (0.446)
Dependent variables	
Due process index	1.742 (0.700)
Perceived fairness of school discipline	2.732 (0.816)
N	3,791

Note. Dummy variables flagging unspecified gender and race are included in this analysis but not shown. Other missing covariates are mean substituted; dummy variables flagging missing covariates are also included in the analysis but not shown.

in general, and their perceptions of school discipline, in particular, we believe that a deeper awareness of student perceptions about law and authority is integral to the analysis of school disciplinary climates. Therefore, we begin with an examination of student perceptions of their rights relating to school discipline and due process.¹⁰

Table 2 presents ordinary least squares (OLS) regressions that estimate, with robust standard errors adjusted for school-level clustering,¹¹ students' perceptions of their due process rights in school. Inspired by scholarship on legal consciousness, this analysis specifically taps into students' *perceptions* of their rights (as opposed to examining knowledge of due process rights "on the books").

Prior research has noted higher perceptions of injustice among minority youth (Hagan et al. 2005). In our multivariate analysis (see Table 2), however, we do not find significant differences between African American and Latino/a students' reports of their due process rights and those of their white peers. Males, in contrast, report that they are entitled to more due process rights than females, and students in 11th grade report that they possess more due process rights than their ninth-grade peers.

Echoing ethnographic work that highlights class differences in parent and children's sense of entitlement in settings ranging from the doctor's office to the elementary school classroom (Calarco 2011; Lareau 2003), we find that students with more educated parents express heightened perceptions of entitlement to due process rights. Relative to students whose parents achieved a high school diploma or less, both students who report that at least one parent attended some college and students who have at least one parent who achieved a bachelor's degree indicate that they are entitled to more due process rights. These heightened perceptions of rights are most pronounced for students who report that at least one parent received a graduate degree.

In addition, we see significant regional differences, as students in North Carolina believe they possess fewer due process rights than students from New York. As North Carolina law is less student-friendly than both New York

Table 2. Ordinary Least Squares (OLS) Regressions Estimating Students' Perceptions of Their Due Process Rights in School.

Variables	Due process		
	(1)	(2)	(3)
Individual characteristics			
Male	0.120** (0.035)	0.125** (0.034)	0.122** (0.034)
African American	-0.101 (0.054)	-0.097 (0.054)	-0.100 (0.055)
Hispanic	-0.035 (0.040)	-0.033 (0.040)	-0.033 (0.041)
Asian	0.039 (0.048)	0.039 (0.047)	0.040 (0.046)
Other	0.025 (0.044)	0.027 (0.044)	0.029 (0.045)
Parental education, some college	0.112** (0.041)	0.109** (0.040)	0.112** (0.039)
Parental education, bachelor's degree	0.083* (0.040)	0.079 (0.039)	0.083* (0.038)
Parental education, graduate degree	0.174*** (0.036)	0.171*** (0.035)	0.175*** (0.034)
11th grade	0.081** (0.030)	0.081* (0.030)	0.079* (0.030)
Two-parent household	-0.015 (0.022)	-0.019 (0.022)	-0.018 (0.023)
Disabled	-0.014 (0.045)	-0.005 (0.044)	-0.009 (0.045)
School characteristics			
Catholic	-0.050 (0.046)	-0.053 (0.045)	-0.057 (0.049)
Charter	-0.106 (0.092)	-0.104 (0.090)	-0.101 (0.090)
North Carolina	-0.131* (0.056)	-0.126* (0.054)	-0.127* (0.057)
California	0.010 (0.046)	0.011 (0.046)	0.006 (0.046)
Mediating variables			
Past disciplinary sanctions		-0.025 (0.022)	-0.032 (0.024)
Not strict			-0.140* (0.068)
Strict			-0.118 (0.070)
Very strict			-0.090 (0.071)
Intercept	1.657*** (0.060)	1.663*** (0.060)	1.777*** (0.115)
R ²	.028	.028	.029
N	3,791	3,791	3,791

Note. Robust standard errors in parentheses. Analyses are adjusted for clustering of students within schools. Dummy variables flagging unspecified gender and race are included in the analyses but not shown. Other missing covariates are mean substituted; dummy variables flagging missing covariates are also included in the analyses but not shown. The full regression models are available on request.

* $p < .05$. ** $p < .01$. *** $p < .001$ (two-tailed tests).

and California law, this regional difference in perceptions parallels actual differences in the “law on the books” (Berk 2007).

Students’ past experiences with school discipline and other legal institutions are often associated with their orientations toward the law (Hagan et al. 2005; Tyler and Huo 2002). As these past experiences may also influence their perceptions of their legal rights, we included students’ perceptions of school disciplinary strictness and past experiences with disciplinary sanctions as mediating variables in these models. Our strictness measure comes from the survey item, “Rules for student behavior are strict at school.” As Arum (2003) noted, although the “right” balance of strictness and fairness is linked to favorable educational outcomes, overly strict schools risk being perceived as authoritarian, and schools that are too lenient risk lacking authority entirely. Due to this nonlinearity of school disciplinary strictness, we employ dummies for strictness.¹²

Although several scholars have noted great similarity in schools regarding the rules on the books (Kupchik 2010; Simon 2007), our analyses do not focus on students’ perceptions of the actual content of the rules. Rather, we interpret this question to tap into students’ perceptions of the strictness of rule enforcement, as students consistently evoked rule enforcement when answering the same prompt in qualitative interviews.

To measure past experiences with school discipline, students responded to a battery of questions asking how many times they were subject to various disciplinary sanctions, such as in-school suspension and short-term out-of-school suspension (see Appendix Table A1 for the component questions); student responses to these individual items were averaged to create the past disciplinary sanction index. Surprisingly, past disciplinary sanctions are not significantly associated with students’ perceptions of their due process rights. In contrast, we have limited evidence of a negative relationship between students’ perceptions of disciplinary strictness and their due process rights in school; this negative association is only significant when students report that school discipline is “not strict.”

The above findings present correlates of students’ rights perceptions when presented with the due process protections mentioned in the *Goss v. Lopez* decision; they do not shed light upon students’ unprompted responses when reflecting upon their rights when facing school discipline. When asked open-ended questions about their rights, do students invoke the due process rights detailed in *Goss v. Lopez*? Or do they reflect upon how their rights are upheld/violated in particular schools? As evidenced in interviews, students are often unable to fully articulate their due process rights (as delineated in *Goss v. Lopez*) when they are not prompted with explicit legal language. Rather, they provide a different conception of rights, often invoking privileges that are granted or denied by schools.¹³

During interviews, students were asked a variation of the following questions: “What are the rights that you think students have when facing various disciplinary sanctions? When you get in trouble, or when you’re facing punishment for something you did wrong, what do you think your rights are as a student?” Initially, many students appeared confused, claiming they did not know their rights or did not understand the question. When interviewers further explained the question (often by providing the example of a student who is suspended from school), many students reflected upon the rights they feel they are given in particular disciplinary situations rather than discussing their legal rights in a more abstract sense.

Many students in our study claimed they did not have any rights. For example, a white female from a higher-income California school exclaimed “I don’t feel that we do at all. . . . If you are in trouble, no, it’s the more you talk, the worse it is. . . . You can’t fight them. . . . They don’t even want to hear it.” This student’s frustration echoes Bracy’s (2011) observation that students often feel alienated and powerless in schools in which “take-action-before-asking-questions” disciplinary practices have become standard (p. 381).¹⁴ Echoing these feelings of powerlessness, one of her female peers claims, “We don’t have any rights. You just put up with it.”

Although these students do not believe they have any rights when facing school discipline, other students specifically invoked due process protections akin to those outlined in *Goss v. Lopez*, often citing their right to present their side of the story to teachers or school administration. A female who attends a higher-income school in New York and identifies as Latina and black succinctly claimed, "You have a right to state your opinion and have somebody listen." Similarly, a Latino male from a higher-income California school recognized students' rights to speak out about a disciplinary situation and related punishment:

I'm saying we have, like, a lot of, for one, free speech. Also the other fundamental . . . the right to find out, like, what we're being punished for and as well to, like, go against it. Like, we're allowed to be, like, "Hey, you know, I never did this . . ." We're allowed to bring in our parents and talk it over, you know, we're not punished right on the spot. We're allowed to have some sort of, like, some sort of time period when we could deny it and say this never happened.

Although he does not know the specific terminology, this student invokes general protections identified in both *Goss v. Lopez* and California state law. Without referring to them formally, this student asserts a strong sense of due process rights.

Although many students expressed the belief that they do not have any rights when facing school discipline, others expressed a strong sense of due process rights, claiming they had the right to be heard. However, as we will see when we discuss the interplay of students' perceptions of their rights and disciplinary fairness, believing they possess the right to present their side of the story is not equivalent to believing this right is honored in school.

Disciplinary Fairness

Our quantitative analysis of disciplinary fairness (Table 3) draws data from the question, "How fair is your school when it comes to discipline?" Beginning with a baseline ordered logit model, we progressively add mediating variables to estimate factors associated with

students' perceptions of the fairness of the enforcement of school discipline. Although Kupchik and Ellis (2008) noted the multidimensionality of disciplinary fairness, qualitative responses to the same prompt as the quantitative survey illustrate that fairness of rule enforcement, rather than fairness of "rules on the books," is particularly salient to students in this study. We, therefore, interpret our quantitative measure to tap into the fairness of the enforcement of school discipline.¹⁵

Across our models, males' reports of disciplinary fairness are lower than those of their female peers, echoing previous findings (Nichols and Good 1998). African American students also report that discipline is less fair, a finding that holds when controlling for aspects of school discipline not included in previous work, such as rights perceptions and past disciplinary sanctions (see Downey et al. 2009; Kupchik and Ellis 2008). These findings parallel those of John Hagan et al. (2005) who report that male and African American youth perceive more criminal injustice than their female and white counterparts. In addition, we also find lower perceptions of fairness with grade level, as 11th-grade students report that discipline is less fair than ninth-grade students (see also Kupchik and Ellis 2008). Students living in two-parent households, in contrast, report that discipline is more fair than their peers.

Examining our mediating variables, we see that the due process index, past disciplinary sanctions, and students' perceptions of disciplinary strictness are all significantly associated with students' perceptions of fairness. Students who have received more disciplinary sanctions report that school discipline is less fair, paralleling Hagan et al.'s (2005) finding that youth's prior direct experience with the police correlates with increased perceptions of injustice. Although all strictness categories are associated with perceptions of greater disciplinary fairness relative to the reference category "very not strict," the strictness dummies demonstrate a curvilinear relationship with disciplinary fairness. Students who perceive that school discipline is strict report the highest levels of perceived fairness,

Table 3. Ordered Logit Regressions Estimating Students' Perceptions of Fairness in School.

Variables	Fairness			
	(1)	(2)	(3)	(4)
Individual characteristics				
Male	-0.321*** (0.082)	-0.306*** (0.079)	-0.193** (0.078)	-0.189** (0.075)
African American	-0.564*** (0.160)	-0.577*** (0.163)	-0.488** (0.155)	-0.432** (0.154)
Hispanic	0.061 (0.171)	0.054 (0.174)	0.121 (0.169)	0.134 (0.156)
Asian	0.252 (0.182)	0.256 (0.184)	0.246 (0.192)	0.228 (0.187)
Other	-0.154 (0.120)	-0.153 (0.124)	-0.096 (0.121)	-0.118 (0.122)
Parental education, some college	0.016 (0.129)	0.030 (0.133)	-0.009 (0.124)	-0.065 (0.121)
Parental education, bachelor's degree	0.274 (0.143)	0.284* (0.146)	0.191 (0.141)	0.131 (0.142)
Parental education, graduate degree	0.366 (0.161)*	0.388* (0.164)	0.315* (0.148)	0.249 (0.144)
11th grade	-0.361** (0.134)	-0.349** (0.135)	-0.366** (0.133)	-0.345** (0.124)
Two-parent household	0.378*** (0.090)	0.377*** (0.092)	0.313*** (0.098)	0.298** (0.101)
Disabled	-0.481* (0.230)	-0.483* (0.232)	-0.274 (0.243)	-0.190 (0.241)
School characteristics				
Catholic	-0.082 (0.432)	-0.085 (0.435)	-0.143 (0.417)	-0.057 (0.368)
Charter	-0.244 (0.344)	-0.249 (0.346)	-0.160 (0.352)	-0.227 (0.318)
North Carolina	-0.249 (0.436)	-0.266 (0.440)	-0.168 (0.425)	-0.173 (0.379)
California	-0.062 (0.298)	-0.063 (0.300)	-0.039 (0.290)	0.066 (0.263)
Mediating variables				
Due process index		-0.119* (0.052)	-0.132** (0.052)	-0.119* (0.060)
Past disciplinary sanctions			-0.802*** (0.131)	-0.714*** (0.132)
Not strict				1.637*** (0.200)
Strict				1.884*** (0.274)
Very strict				0.949*** (0.278)
Log likelihood	8,632.106	8,625.178	8,489.376	8,287.62
N	3,791	3,791	3,791	3,791

Note. Robust standard errors in parentheses. Analyses are adjusted for clustering of students within schools. Dummy variables flagging unspecified gender and race are included in the analyses but not shown. Other missing covariates are mean substituted; dummy variables flagging missing covariates are also included in the analyses but not shown. The full regression models are available on request.

* $p < .05$. ** $p < .01$. *** $p < .001$ (two-tailed tests).

followed by students who report that discipline is not strict and students who report that discipline is very strict, a possible reflection of how excessive disciplinary strictness may be perceived as authoritarian and unfair by students (Arum 2003). Finally, and of particular interest to the current study, students who believe that they are entitled to more due process rights report that school discipline is less fair, a negative relationship that persists across models.

Our quantitative analyses highlight important associations between students' legal perceptions, experiences with school discipline, and perceptions of disciplinary fairness. In particular, our models highlight both negative associations between students' perceptions of their legal rights and disciplinary fairness and positive associations between perceptions of disciplinary strictness and fairness.

Arum (2003) previously called attention to the important correlation between the strictness and fairness of school discipline and educational outcomes, specifically noting that students in schools that were both strict and fair were better behaved and more academically successful than their peers. Our quantitative models add to Arum's work, underscoring the significant, positive relationship between students' perceptions of disciplinary strictness and fairness and showing how moderate levels of strictness are associated with perceptions of greater fairness. Our qualitative data deepen our understanding of this relationship, revealing how students often conflate the concepts of strictness and fairness when discussing school discipline. For instance, a Latino male from a higher-income California school immediately cites both the strictness of rule enforcement and disciplinary fairness when responding to a question about school rules:

They're fair. They're fair in that they give you a warning. . . . Everyone gets a warning. After that, you know, if you keep repeating it, which it should be your own fault for doing that, that's when you start getting in trouble. The rules start getting enforced stricter on you and if you continue then it just gets worse and worse. . . . It's a pretty fair system.

Stating that school discipline is fair, this student simultaneously evokes disciplinary strictness. According to this student, increased disciplinary strictness seems fair and even appropriate, particularly in light of the repeated chances students have to modify their behavior.

In contrast, other students reported administrative leniencies they felt were unfair.¹⁶ A Latino male who attends a lower-income California school, for example, claims the rules at his school are too lenient: "[rules for] behavior probably should be more strict . . . they let them off really easily. And I don't think that's fair. . . . I mean, if they commit something wrong, then they should get like a punishment. . . ." Other students described teachers who are "out to get you," particularly emphasizing dissatisfaction with the enforcement of rules related to school dress codes and cell phone use. In New York, cell phones proved an especially important point of contention between students and school administration, prompting one school to post flyers stating, "STUDENTS!!!! ALL ELECTRONICS ARE NOT PERMITTED IN SCHOOL" (see Appendix D).

When discussing their perceptions of school discipline, aspects of their experiences such as cell phone possession and school dress codes often appeared most salient to students. For example, a male student from a lower-income New York school described the following incident in which his teacher went out of his way to get him in trouble:

I showed my phone for a second . . . just took it out of my pocket and looked at it for a minute and put it back. And I was all the way in the back of the room and the [Biology] teacher's all the way in the front. He could have easily seen me do it and looked away and not wanted to cause this whole big thing. . . . But not only did he come after me for my cell phone but he went out of his way to get me in trouble. That's what he does. He just goes out of his way totally to get you in trouble. . . .

While the teacher described above was quite strict with respect to the "no cell phone" rule, making an active effort to get this student in trouble for a rather minor infraction, this was

not a particularly unique incident. Across multiple interviews, New York students described incidents in which their cell phones were confiscated—incidents they felt demonstrated overly harsh and unfair rule enforcement.¹⁷

Students also expressed dissatisfaction with disciplinary measures related to dress code infractions, complaining of favoritism and decrying the fickle enforcement of school rules. Nolan (2011) observed that teachers and students often come into conflict over dress code regulations, particularly noting students' frustrations with dress codes that hinder self-expression.¹⁸ We similarly document the salience of school dress policies as students discuss school discipline. Rather than express discontent with the policies themselves, however, both male and female students voiced frustration with the uneven and, as they saw it, unfair enforcement of said policies.

For instance, a white male from a higher-income California school describes school rule enforcement as "Lenient and only enforced when it's convenient," claiming that some students get disciplined while others go unpunished for the same misbehavior: "Like when the teacher's pissed at you and you have a hat on, then you suddenly can't have hats on. But if you're doing your work and you have a hat on, no one cares. . . ."¹⁹

Uneven and/or inconsistent rule enforcement relating to the size of girls' purses, gum chewing, "no cell phone" policies, and dress code violations were just some of the examples cited by our respondents. From these instances, we see that perceptions of disciplinary fairness and strictness are intimately linked in the minds of many students. We also see that the variable nature of rule enforcement leaves many students with the sense that school discipline is unfair.

Fairness and Perceptions of Rights

As both our quantitative and qualitative data show, the right balance of strict rule enforcement correlates with perceptions of increased fairness. In contrast, our quantitative models reveal a significant negative association between students' perceptions of due process

rights and disciplinary fairness. A similar negative relationship between students' perceptions of rights and disciplinary fairness emerged from our qualitative data, though students more often invoked school privileges rather than formal due process rights.

Although some students believed they are entitled to more rights in school and simultaneously mentioned unfair disciplinary practices, others voiced their appreciation for school discipline and downplayed their rights (see also Kupchik 2010). For example, a black male student who attends a lower-income New York school states, "I know some of our civil liberties are lessened when we walk into school because, you know, the principal has to make sure that the school environment is, you know, the priority is learning." Similarly, a white female from a higher-income New York school claimed the law does not provide students with enough rights:

But I also think that is also because a lot of students are really irresponsible in their decisions and in their actions until, I guess, in some ways it is fair that we are not given as many rights or opportunities.

In contrast, other students asserted their rights while claiming their schools' abrogation of those rights is unfair. A white male from a higher-income California school expressed his sense of unfairness that students generally cannot fully defend themselves when faced with disciplinary measures:

. . . if a teacher says something that you did and you know you didn't do it, that's not the way it happened, they're just like, well, *they're not going to believe the student. They're not going to give them the full benefit of the doubt* [emphasis added]. It's just like, "Well, you're wrong." . . . And I think—I don't know if you ever heard of freedom of speech. . . . I'm not just going to say "You know, F you," to a teacher. I mean, that's wrong, but there are just things that they take away from us that shouldn't be. Yeah, I mean, with a lot of kids I hear, you know, they get sent to the office for, you know, mouthing off to a teacher and for standing up for something they believe in.

According to this respondent, students are often punished for acts that might fall within

their formal rights. Not only does he believe that a student's right to share his side of the story is not always granted by school administration (a theme already discussed in detail), but this student also invokes how the First Amendment right to free expression is not always honored.

Several respondents also described instances where they felt their rights, and occasionally the law, were violated. Discussing an incident involving his cell phone, a male student from a higher-income New York school stated, "I'm pretty sure that it's illegal for a teacher to just take one of your belongings. He was wrong in just taking it without acknowledging me and saying anything. I don't think that's legal."

A white male student from a higher-income North Carolina school described an incident that occurred outside of school but for which his friend received a school-related punishment:

... if you're seen doing something like drinking or smoking outside of school, and a teacher sees you, you can get in trouble at school for it. ... I live right next to a teacher that was here. And she got some people in trouble that were over at my house, because we were all outside playing, and one of the kids smoked. ... I think he just got [In School Suspension] ... [asked about fairness] It's fair, but it's not fair. I think he was 18, which means if he wanted to [smoke], he could. It wasn't like it was a drug. ... I don't really think you should get in trouble for it at school ...

With this incident, we see a clash between school rules and legal rights. Although he was off school property and of legal age, the student received a school-related sanction. According to this respondent, not only was the punishment unfair, but it also infringed upon his friend's legal rights.

The relationship between rights and fairness is perhaps best illustrated in this final excerpt, involving the Latino male who previously elaborated the rights he believes students possess. His summer school program maintained a dress code that required shirts to not fall below students' pants pockets, a problematic rule for him and his friend, both overweight students who had difficulty finding

shirts that fit properly. According to our respondent, their summer school principal asked them to tuck in their shirts daily while simultaneously picking on them. With this, a simple dress code violation escalated into a more serious incident:

One day, he was picking on me very severely ... I just kind of ignored him, I told him, I'll tuck it in. I tucked it in, went, and he started picking on my friend. ... I'm walking ahead, my friend explodes on [the principal]. ... He's like, "Okay, think about it buddy. I am a very large individual. I cannot get a shirt that will exactly fit me here. It's not possible. ... So I want you to lay off me and back away from me because you're being very mean and you're being very disrespectful." ... [The principal] wants [the friend] out and he's pointing at me: "And you, I want you out, too." ... [the friend] brings out his cell phone, starts calling his mom ... [the principal] takes his cell phone. ... And so [my friend's] like, "Bring on your security people. They won't move me from here. ... And you're only the guy who's sort of in charge. I want to see the guy who is in charge." They bring [the administrator] in. He talks to me. Asks me what is happening. I say, all I know is that he is talking very rudely to my friend and that he's been emphasizing the rule about having your shirt, you know, above your pocket, it's got to be above your pocket. [The administrator] goes over to [the principal] and tells him [to] calm down. This student, he's off limits ... he counts as being overly obese and you can't pick on him. It'd be like picking on a Special ED student. ...

Although originally charged with maintaining the dress code, here, the summer school principal was ordered to ignore it in this instance. However, once the administrator was absent, he presented the friend with a behavioral contract:

"I have this contract with me. ... I want you to sign it, saying you will not cause any more trouble for me." ... like, signing over his free will and you're basically saying you're not going to speak up against me ... basically a contract form saying you're giving away all your free will. [My friend] takes it and rips it up. He's, like, "I'm not signing anything." And [the principal's], like, "All right then, you're gone from this

school.” And [my friend’s], like, “Okay, I’m gone. It’s better to be gone than to, like, deal with an unfair administrator like him, because it would just be constant.” . . . He’s like, “Once I sign that, it’s gone. He’d be able to pick on me. He’d be able to do whatever he wanted and I wouldn’t be able to say anything about it. . . .”

Through this incident, we see a direct connection between perceptions of rights and fairness. Like our respondent, the friend recognized he possesses rights as a student. Signing the contract, he believed, would compromise his rights, making him vulnerable to the principal’s whims. Rather than relinquish his rights to an unfair principal, this student chose to surrender his summer school education.

When discussing their rights in relation to school discipline, most respondents did not describe such dramatic incidents. However, the negative association between rights and fairness that emerged in these qualitative excerpts did appear quite often in interviews. Whether students believed they had more or fewer rights, they often connected their rights to their sense of disciplinary fairness. Just as survey data revealed a negative association between rights perceptions and disciplinary fairness, in interviews, students who believed they are entitled to more rights often alluded to unfair disciplinary practices in school. Students who claimed to have fewer rights, in contrast, expressed that having fewer rights was fair and, sometimes, necessary.

Conclusion

Scholars have long emphasized the importance of the legitimacy of those in authority to the proper functioning of schools (Bryk and Schneider 2002; Metz 1978; Neckerman 2007; Pace and Hemmings 2007; Swidler 1979). Others have pointed to aspects of school attachment as key to mediating academic and behavioral outcomes (DiPrete et al. 1981; Gottfredson 1989; Gottfredson et al. 2005; Hirschi [1969] 2002). Taken as a whole, this prior work underscores the critical relationship between students’ perceptions of their schooling experiences and educational outcomes.

In an effort to better understand the development of students’ perceptions of school discipline amid variation in school legal environments, we identified students’ perceptions of their due process rights—their definitions of the situation. Both our qualitative and quantitative data demonstrate that many students have vague, inaccurate, and/or inflated perceptions of their due process rights in school. Whether students fully grasp or (as often seems to be the case) misunderstand their due process rights in school may not matter in and of itself; however, students’ misunderstandings may greatly matter in the context of the disciplinary environments in which they operate. In particular, our quantitative data show that students who believe they are entitled to more due process rights in school also report that school discipline is less fair. Although measures of student perceptions of their due process rights and disciplinary fairness were taken at the same time, thereby limiting our ability to make causal inferences based on these data, uncovering this negative association is an important first step, as prior work has identified the critical relationship between students’ perceptions of disciplinary fairness and educational outcomes.

Paralleling our quantitative findings, our qualitative data identify the same general patterns while also deepening our knowledge of the relationship between student perceptions of due process rights and disciplinary fairness. Although the schools studied in this work have elements of the new security regime cited by scholars, our respondents mainly focused on the process of school discipline (i.e., rule enforcement) and were more concerned with the denial of school privileges than with actual rights and rules on the books. Invoking uneven and lax enforcement of school rules and policies by teachers and administrators, students often conflated privileges and rights, citing instances in which they felt their rights were violated due to denied privileges and providing a pointed critique of uneven and/or unfair school discipline. Although gender, race, and class differences were not particularly pronounced for these cases, what is much clearer from the ethnographic data is the extent to

which the issues discussed in this article are greatly embedded in school context and play out in the daily life of schools.

The quantitative findings from this study reveal how students' perceptions of their legal rights are associated with their assessments of the fairness of school discipline; our qualitative data reveal some of the mechanisms linking student perceptions of their rights to perceptions of (un)fair school disciplinary climates while also demonstrating the salience of school privileges and the fairness of rule enforcement. Although this work examines how law operates across different legal environments and uncovers associations between perceptions of rights and school discipline that have not been previously identified, we must be careful to avoid generalizing these findings to the larger student population. Currently, this dataset is uniquely situated to address our questions of interest; however, it is not nationally representative. Future studies that examine these particular aspects of schooling with nationally representative data are necessary to determine whether the associations identified in this study persist more widely across the student population or whether they are unique to the students and/or

states represented in this particular study. Additional work that employs longitudinal data would also help us better understand how the evolution of students' rights perceptions over time may impact perceptions of school discipline.

As prior works have amply demonstrated, students' perceptions matter. In particular, students' perceptions of fairness in schools may directly link to their academic outcomes and social behavior (Arum 2003; DiPrete et al. 1981; Downey et al. 2009). To see whether perceptions of rights and disciplinary fairness affect educational outcomes, future work should examine the interplay between students' perceptions of their rights, their perceptions of school discipline, and their academic and behavioral outcomes. Moreover, as peers may influence students' orientations toward schooling, in general, and school discipline, in particular, additional studies should delve into peer effects on perceptions of rights and school discipline. Furthering our understanding of students' perceptions of school discipline, and how these perceptions correlate with student outcomes, is a critical next step for both sociological analysis of schooling and educational policy.

Appendix A

Table A1. Variable Definitions.

Variable	Component question(s)	Coding
Due process index	1. If you received in-school suspension, you are legally entitled to . . .	1 = Oral/written notice of charges or Explanation of evidence or Opportunity to present your side of the story
	2. If your grades are lowered for disciplinary reasons, you are legally entitled to . . .	2 = Formal disciplinary hearing
	3. If you are suspended from extracurriculars for disciplinary reasons, you are legally entitled to . . .	3 = Opportunity to confront and cross-examine witnesses bringing the charges or Opportunity to call witnesses to provide alternative versions of the incident
	4. If you receive short-term out-of-school suspension (5 days or less), you are legally entitled to . . .	
	5. If you are transferred to an alternative school for disciplinary reasons, you are legally entitled to . . .	
	6. If you received long-term suspension/expulsion, you are legally entitled to . . .	

(continued)

Table A1. (continued)

Variable	Component question(s)	Coding
Perceived strictness of school discipline	Rules for student behavior are strict at school.	1 = Strongly disagree 2 = Disagree 3 = Agree 4 = Strongly agree
Perceived fairness of school discipline	How fair is your school when it comes to discipline?	1 = Very unfair 2 = Somewhat unfair 3 = Somewhat fair 4 = Very fair
Past disciplinary sanctions	<ol style="list-style-type: none"> 1. How many times have you received in-school suspension? 2. How many times have your grades been lowered for disciplinary reasons? 3. How many times have you been suspended from extracurricular activities for disciplinary reasons? 4. How many times have you received short-term out-of-school suspension? 5. How many times have you been transferred to an alternative school for disciplinary reasons? 6. How many times have you received long-term suspension/expulsion? 	0 = 0 times 1 = 1 time 2 = 2 times 3 = 3 times 4 = 4 times 5 = 5 or more times

Appendix D

STUDENTS!!!!

ALL ELECTRONICS ARE NOT PERMITTED IN SCHOOL.

ALL ELECTRONIC DEVICES MUST BE OUT OF SIGHT AND/OR TURNED OFF WHILE IN SCHOOL – BEFORE SCHOOL, AFTER SCHOOL AND DURING LUNCH. THIS INCLUDES ELECTRONICS WORN ON BELTS, MOBILE PHONES, IPODS, CD PLAYERS, PS-2s ETC...

IF ANY ELECTRONIC IS SEEN OR HEARD BY ANY ADULT, YOU WILL BE ASKED TO HAND IT TO HIM/HER. YOU MAY PICK IT UP AT THE END OF THE DAY FROM THE OFFICE.

IF YOU NEED TO CONTACT SOMEONE IN YOUR FAMILY, YOU MAY USE THE TELEPHONE IN THE MAIN OFFICE.

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Supplemental Material

The online supplementary material is available at <http://scu.sagepub.com/supplemental>.

Notes

1. Although this variable has three categories, we report a Cronbach's alpha to show that the component questions of our due process index tap into the same phenomena of student rights perceptions. The index is normally distributed with mean = 1.742 (standard deviation = 0.610), median = 1.667, and range = 2.833. See Appendix Table A1 for the component questions; for more specific details on how the due process index is coded, see Online Supplemental Appendix B.
2. Delinquency and other school-related misbehaviors, in turn, have been linked extensively with poor academic outcomes (DiPrete, Muller, and Shaeffer 1981; Hirschi [1969] 2002; Williams and Guerra 2011).
3. As noted by Goldstein (1975), the Court's definition of the required hearing is "quite minimal," consisting of a "conversation between the school authority and the student involved during which the student is told what he is accused of doing and is given a chance to tell his side of the incident" (p. 6). Additional due process protections, such as the opportunity to secure counsel, to confront and cross-examine witnesses supporting the charge, or to call his or her own witnesses, are not required protections under *Goss v. Lopez* for students facing short-term suspensions.
4. For a comprehensive review of school discipline-related Supreme Court cases, see Arum and Preiss (2009).
5. Although this work examines how law operates across different legal environments, our sample is not nationally representative. This is a purposeful sample and is not necessarily generalizable to the states in which this work was conducted or to the country as a whole. Although not nationally representative, these are the best data currently available to address our questions of interest.
6. Catholic schools represent private schools in this study because they are the modal type of private school in the United States and have a similar supraschool governance structure to public schools (i.e., dioceses and arch-dioceses that share certain administrative similarities with school districts). However, private school students do not possess the same due process protections as public school students. Private schools have broad discretion to impose discipline, including suspension and expulsion. A court may not review a private school's fact-based decision to expel a student (*Hutcheson v. Grace Lutheran School*, 517 N.Y.S.2d 760 [2d Dept. 1987]). See Coleman, Kilgore, and Hoffer (1982).
7. Descriptive statistics by grade show that our population of ninth and 11th graders is quite similar when it comes to social background characteristics. Regarding our mediating and dependent variables, ninth graders report slightly higher instances of disciplinary sanctions and perceptions of fairness than 11th graders. In contrast, ninth graders' reports of their due process rights and of disciplinary strictness are lower than those of their 11th-grade peers.
8. Due to power issues, we combined the racial categories American Indian, Arab American, mixed ethnicity, and Other into a more general "other" category.
9. According to the principal investigators, student reports of parental educational attainment may be inflated, particularly for youth who attend schools with high percentages of students receiving free or reduced-price lunch.
10. For an in-depth analysis of educators' understandings of students' rights in school, see Thompson et al. (2015).

11. As we are not exploring interactions across school and individual levels, clustering at the school level is appropriate for this and subsequent analyses.
12. The original survey responses to this prompt ranged from “strongly agree” to “strongly disagree”; for ease of understanding, we employ the labels *very strict*, *strict*, *not strict*, and *very not strict* in our models.
13. Although a full analysis of our qualitative data is beyond the scope of this work, we employ excerpts from student interviews to better understand the mechanisms underlying the themes that emerged from the quantitative analyses. To that end, we examined all instances in which the themes addressed in this work came up and used representative examples of the patterns that emerged from the interviews.
14. For a broader discussion about student feelings of powerlessness and being ignored, see Fine et al. (2004). See also Casella (2001), Kupchik (2010), and Nolan (2011).
15. Note that in schools with security guards and school resource officers, teachers may not be as involved with disciplinary processes beyond the classroom (Kupchik 2010; Nolan 2011), and students may not always fully distinguish between police officers in schools and school staff (Bracy 2011; Casella 2001). Although some respondents may have reflected upon experiences with these officers (especially in New York where several thousand are deployed), based upon our qualitative data and nonsignificant regional differences in perceptions of fairness, we believe they primarily reflected upon discipline by teachers and administrators.
16. While students’ perceptions of schools as fair/unfair and strict/lenient varied, there were no clear patterns according to race/ethnicity, gender, school, or state.
17. The ban on cell phones and other electronic devices in this New York school district was overturned in Spring 2015. It remains to be seen whether and how this shift in policy will impact students’ perceptions of school discipline in this district.
18. In her exploration of high-security school environments, Nolan (2011) also demonstrated that hat wearing and other minor infractions often lead to escalating conflict between students and police officers in schools.
19. Despite his description of inconsistent rule enforcement, when asked to compare discipline

at school and at home, he states that school discipline is “relatively fair” and that “[school actors] will hear you out.”

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