

The Dubious Research on the Adverse Effects of Stringent School Discipline Policies

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The possibility that a Broward County policy severely restricting arrests of public school students had a role in Nikolas Cruz's ability to acquire the firearms used in the Parkland shooting may prompt some rethinking of actions lately taken by public bodies aimed at reducing racial differences in adverse school discipline and juvenile justice outcomes. The Departments of Education and Justice are rethinking their roles in encouraging such action for other reasons as well. See Addendum.

[Because of the length of this post, a PDF version is available [here](#).]

It would be useful if that rethinking is informed by recognition of the profound misunderstandings that have underlain recent modifications to standards and practices regarding school discipline and juvenile justice. To begin with, I have a number of times discussed here that the relaxing of school discipline standards has been premised on the belief that the doing so will tend to reduce (a) relative (percentage) racial differences in suspensions and (b) the proportion blacks make up of suspended students. And I have explained the exactly the opposite is the case. See especially my post "[Innumeracy at the Department of Education and the Congressional Committees Overseeing It](#)" (Aug. 24, 2017). See also my December 8, 2017 [testimony](#) explaining this issue to the U.S. Commission on Civil Rights (CCR).

My post "[United States Exports Its Most Profound Ignorance About Racial Disparities to the United Kingdom](#)" (Nov. 2, 2017) discusses data in a study of racial disparities in criminal justice outcomes in the UK that show why programs the study proposes to reduce racial disparities by eliminating convictions for one-time offenders in fact will tend to increase the proportion blacks make up of persons with criminal records. Such tendency is a function of the simple fact that black offenders have higher rates of reoffending than other offenders. The point may be compared to that illustrated with respect to public school suspensions in Table 4 of the CCR testimony. The table shows that blacks make up a higher proportion of students with two or more suspensions than of students with one or more suspensions. Thus, giving students a reprimand instead of what would otherwise be their first suspension will tend to increase the proportion blacks make up of students with one or more suspensions. The diversion programs called for by the Baltimore police consent decree are also likely to increase the proportion blacks make up of persons with criminal convictions in that city, though such fact remains unknown to the parties, the court, and the citizens of Baltimore. See "[The misunderstood effects of the Baltimore police consent decree](#)," *The Daily Record* (Feb. 15, 2018).

I have also discussed here, in "[The Misunderstood Relationship Between Racial Differences in Conduct and Racial Differences in School Discipline and Criminal Justice Outcomes](#)" (Dec. 20, 2017) that there is little basis for the belief that racial differences in suspensions are substantially due to bias of teachers and administrators.

Some of the pernicious consequences of the mistaken understandings of these issues are that when policies that are supposed to reduce measures of racial disparity in fact increase those

measures, observers who believe that racial bias plays a large role in observed differences will tend to believe that bias must be increasing. Even those who simply have difficulty understanding how a black/white suspension ratio of 3.0 could be so large absent significant discrimination will have even greater difficulty doing so when the ratio rises to 3.5 or 4.0. And all observers will tend to believe that, whatever the nature of the problem, it must be getting worse.

Thus, school administrators whose relaxing of standards have caused perceived increases in racial disparity feel a need to relax standards still further or to resort to race-conscious discipline practices. Despite the evident unlawfulness of the latter approach, a March 2018 [study](#) of California's discipline practices reports that 26 of the state's largest 50 school districts have specific goals for reductions in discipline rates by subgroups (something the author [regarded](#) as disappointing because the number of districts with subgroup goals was still too low).

And, of course, there is the unenviable plight of school administrators who (as in the case of the [Oklahoma City School District](#)) are acting under agreements with the government that require actions that, unbeknownst to the administrators or the government, will tend to increase the measures of disparity used to monitor compliance with the agreements. The situation is similar to that I have discussed [here](#) regarding requirements of the Baltimore police consent decree.

Further, as discussed in the December 20, 2017 post, the pervasive assumption that racial disparities in suspension are largely the result of bias can be fairly expected to adversely affect the attitudes and conduct of black students, just as it would students of any race. This occurs at the same time that the conduct of some black students is likely to be adversely affected by the recognition that schools are under considerable pressures to not to discipline them.

And, as also discussed in the December 20 post, because no one studying these issues understands the ways measures of difference between outcome rates of two groups tend to change as the prevalence of an outcome changes, no one has said anything useful about whether the forces causing racial (or any other) differences in school discipline (or any other) outcomes, whatever those forces may be, have been increasing or decreasing over time. The same holds for efforts to explain why relative racial differences in suspensions are larger in one setting than another, as suburban school districts and preschools struggle to understand the mechanisms that cause them to have such large relative racial differences in suspension rates. Invariably they do so while utterly unaware that such patterns are the usual consequence of the comparatively low suspension rates in those settings.

But one of the most pernicious consequences of these misunderstandings may be the effect they have on research that purports to show that stringent school discipline policies adversely affect school climate and student outcomes.

I have not examined all the research in this area and possibly some part of it is sound. But that cannot be said of the study that has most influenced the widespread movement to relax discipline standards. In 2006 the American Psychological Association (APA) Zero Tolerance Task Force issued its report titled "[Are Zero Tolerance Policies Effective in Schools?: An](#)

[Evidentiary Review and Recommendation](#)” summarizing ten years of research into the effects of stringent public school discipline policies on school climate and student outcomes. An August 9, 2006 [press release](#) described the report’s findings to the effect that “mandatory discipline can actually increase bad behavior and dropout rates.” A summary of the report was later published as an [article](#) in the December 2008 issue of *American Psychologist*. The report remains highly influential and continues to be much cited in support of claims that stringent discipline policies do more harm than good.

Some years ago I created a [web page](#) that discussed some of the dubious reasoning of the 2006 report and 2008 article. I largely rely on the page here.

The report strongly recommends substantially modifying zero tolerance policies. But its main arguments are unpersuasive and appear colored by the view (at 64) “that the use, and especially the overuse, of disciplinary removal carries with it an inherent risk of disparity for students of color and possibly for students with disabilities.”

Responding to arguments that stronger discipline policies will “have a deterrent effect upon students,” the article states (at 854): “Rather than reducing the likelihood of disruption, however, school suspension in general appears to predict higher future rates of misbehavior and suspension among those students who are suspended.” This is a recurring theme in discussions of discipline policies, as reflected, for example, in the recent [reporting](#) of an academic’s claim that the fact that prior suspension is one of the best predictors of future suspensions demonstrates that suspensions do not reform behavior.

Prior suspension may even be the best predictor of future suspensions. But that would not tell us anything that thoughtful people do not already know. Students of any age who have engaged in conduct of a nature deemed to warrant suspension invariably are, on average, more likely to engage in such conduct in the future than students of the same age who have not so far engaged in the conduct. And that will almost certainly remain the case even in the face of responses to such conduct (whether the responses be suspension or something else) that substantially reduce the risk of subsequent similar conduct. Draconian punishments for second offenses are probably the only thing that could alter such a pattern.

Thus, the seemingly important point that suspensions predict future suspensions is essentially meaningless even with respect to the suspended students. Further, however, a principal purpose of punishing students for certain types of conduct is to deter other students from like conduct.

The APA report itself recognizes this, at one point describing the deterrence issue entirely in terms of the effects on observers of the punishment, stating (at 21): “Historically, the purpose of severe punishment has always been the deterrent effect that witnessing punishment might have upon others who may witness that punishment.” But, since the APA report’s handling of this issue may be the most telling feature of the report’s predisposition against stringent discipline policies, I defer discussion of that matter to later in the post.

The report (at 46) discusses a negative relationship between the number of suspensions for a 6th grader and the student’s achievement in math and reading in the 7th and 8th grades. But

it is hard to imagine that there would not be such a correlation regardless of the effects of suspensions. Students who do well in school find it a stimulating experience, which tends to favorably influence their conduct; students who do poorly find it a frustrating experience, which tends to adversely influence their conduct. Even if suspensions have a positive effect on student achievement in subsequent years, there still would be reason to expect a negative correlation between suspensions and achievement in subsequent years.

This point applies as well to the commonplace statements that suspensions increase chances of dropping out of school or being subsequently imprisoned by some seemingly immense factor. Suspensions will sometimes have a positive effect on suspended students and sometimes have a negative effect on suspended students. It is possible that the net effect on suspended students is negative. But, given the relationship of student background factors and achievement to the conduct that leads to suspensions, any role of the suspension itself will commonly be uncertain and in any event vastly overstated.

A crucial purpose of discipline policies is the creation of a climate in which students can learn. Responding to arguments that removal of disruptive students will improve school climate, the article (at 854) points to research showing a negative relationship between school suspensions/expulsions and school climate as well as academic achievement “even when controlling for demographics such as socioeconomic status.” But efforts to control for socioeconomic status and related factors rarely if ever fully control for those factors.

For example, receipt of free-or-reduced-priced lunch is commonly used to adjust for socioeconomic status in analyses of racial differences in student discipline. But among any group of students receiving free-or-reduced-priced lunch, blacks will almost always make up a larger proportion of those receiving free, rather than reduced-price, lunches than whites do. That is a simple function of differences in group incomes. In fact, even among persons receiving both reduced-priced lunches and free lunches, black students will commonly be in poorer families than white students. Thus, an adjustment for free-or-reduce-priced lunch cannot fully capture socioeconomic differences.

These issues apply as well to purported adjustment for school characteristics. Among other things, schools that have comparatively high proportions of students receiving free-or-reduced-priced lunches commonly will have a higher proportion of their free-or-reduced-priced lunch students receiving free lunches than other schools. To say essentially the same thing, at schools where a comparatively high proportion of students are in poverty, the students in poverty typically will be deeper in poverty than the students in poverty at other schools.

Similar issues apply to other purported adjustments for differences in school or student characteristics. They are unlikely ever to address fully the simple fact that because low achieving students tend to have comparatively high rates of conduct potentially warranting suspension, high suspension rates will tend to be negatively associated with achievement even when stringent disciplinary policies improve achievement. And even where schools have exactly the same socioeconomic situation, one would expect schools with less satisfactory environments to have higher discipline rates than other schools simply because student conduct issues contribute to their less satisfactory environments.

The article further states with respect to the findings of a negative relationship between suspension rates and school climate (at 854): “Although such findings do not demonstrate causality, it becomes difficult to argue that zero tolerance creates more positive school climates when its use is associated with more negative achievement outcomes.” Yet, given that higher suspension rates will tend to be associated with poorer academic achievement regardless of whether the effects of suspensions are positive or negative, the findings discussed in the article do not affect arguments about the value of stringent discipline policies one way or the other.

The APA report even suggests that school security measures make schools less safe. It notes (at 74): “Of schools with no reported crime, only 5% of principals reported moderate or stringent security measures; in contrast, 39% of schools with serious violent crimes reported using moderate to stringent security.” The report more sensibly adds (id): “From one perspective, correlations showing a relationship between levels of school violence and increased use of security measures are unsurprising, and possibly influenced by the safety of the surrounding community. That is, unsafe schools might well be expected to employ more extreme measures.” But it then goes on to say that the data still do not support a claim that security measures make a positive contribution to school environment.

The data the report discusses may well not demonstrate that security measures (or stringent discipline policies) improve the school environment. Given what are likely to be very strong correlations between such measures and the substandard environments that cause administrators to implement the measures, it would be difficult to show that the measures improve school environments without following particular schools over time. But given the obviousness of mechanisms whereby measures like metal detectors can improve security and the dearth of plausible mechanisms whereby they can reduce security, it is difficult to take seriously any suggestion that extreme measures aimed at making schools more secure have the opposite effect. It is also difficult to regard the report’s citation of the referenced figures as a good faith effort to inform the reader as to value of such measures.

I discussed above that the APA report early on highlighted the crucial issue of the deterrent effect of stringent discipline policies on potentially disruptive students. Thereafter, however, the report failed to discuss the issue at all. It later cast the deterrence issue in terms solely related to the individuals who are punished, using the following heading (at 48): “To what extent do data suggest the application of out-of-school suspension and expulsion result in improved student behavior for students who were so disciplined?” It proceeds (at 48-50) to discuss the issue solely in terms of effects on punished students, while stating nothing whatever about deterrent effects on non-punished students (at 48-50).

Purporting to summarize that discussion, however, the report returns to its earlier framing of the deterrence issue (at 50, emphasis added): “Zero tolerance philosophy and practice relies to some extent on an assumption that disciplinary removal can lead to improved student behavior, either by experiencing that removal, *or through the deterrent effect of observing others being removed for disciplinary infractions.*” But, consistent with the report’s immediately preceding discussion, the summary says nothing about the deterrent effects of observing the suspensions of other students or of the deterrent effect of the simple understanding that certain conduct will likely lead to suspension.

It thus appears that an earlier draft of the report had intended to address the crucial question of the deterrent effects on non-punished students. But a decision to ignore the issue was not fully implemented in the final version.

The research recommendation regarding deterrence (item A.3.1) in the report (at 12) and the article (at 858) is explicitly limited to effects on students “who are disciplined or expelled for school due to zero tolerance policies.” Thus, the deterrent effect of suspensions on non-punished student, highlighted early in the report as a crucial consideration, is not deemed to warrant study at all.

Yet it ought to be obvious that, as with any sanction, the prospect of suspension for a particular type of conduct will always have some deterrent effect on students who might engage in the conduct if suspension is not a sanction. Very likely the effect will be substantial, and possibly it will be enormous.

There certainly is justification for research into the relationship between the stringency of discipline policies and school climate and student achievement. But the research needs to employ sounder reasoning than the APA zero tolerance report and it needs to be uninfluenced by mistaken beliefs about the relation of the stringency of policies to measures of racial disparity or about the effects of racial bias on observed outcome differences.

There are a number of recent studies on the relationship of the stringency of discipline standards to school climate and student achievement, though I am not in a position to evaluate them. The subject may now be easier to study than in 2006 because the current situation can be compared with the situation when standards were more stringent. What is reputed to be substantial underreporting of suspensions prompted by recent emphasis on reducing suspensions, however, may complicate or undermine such studies. But any finding that reducing suspensions has a positive effect on the learning environment will have to very sound to counter the commonsense understanding that is easier to learn in a controlled environment than in a disruptive one, probably especially for students who are struggling.

As to Broward County, I do not know the effect of the modification to arrest policies on the racial differences in arrests that prompted the modifications. General reductions in discipline and criminal justice outcomes do not always have the effects on measures of racial disparity I have described, especially if race-conscious actions substantially counter those effects. An August 1, 2017 [article](#) on modifications to discipline/juvenile justice policies discusses that student arrests were dramatically reduced under the Broward program. But it states that “officials are struggling to figure out how to reduce the racial disparity,” adding that “Los Angeles has the same problem.”

Los Angeles has been something of a leader in reducing adverse discipline/juvenile justice outcomes in order to reduce racial disparities, making it also a leader in observing the ways those reductions have increased the measures of disparity it employs. See the 2013 report titled “[Black Brown and Overpoliced in L.A. Schools](#)” showing that a 94% reduction in police citations for truancy in Los Angeles was accompanied by an increase in the ratio of the black citation rate to the white citations rate from 3.8 to 5.8. See also the twenty-plus subpages on my [Discipline Disparities](#) page discussing the jurisdictions across the country that have found their

general reductions in discipline rates accompanied by increases the measures they are trying to reduce.

One way not reduce racial disparities – at least as they are typically measured – is to implement programs that tend to increase them.

Addendum – Offense Type Issue

It has been [reported](#) the Departments Education and Justice have decided to rescind the [Dear Colleague Letter](#) on school discipline that the agencies issued in January 2014, but will not do so until they have drafted a replacement. In my view, there is no reason to postpone withdrawal of mistaken guidance until a replacement has been drafted. And I suspect the process of drafting a replacement will prove a good deal more complicated than the agencies envision, especially once they recognize (assuming they do) that the premises of the 2014 letter as the effects of policies on measures of racial is the opposite of reality. The same holds for a similar [Dear Colleague Letter](#) and associated “[Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings](#)” regarding discipline issue in preschool that the Departments of Education and Health and Human Services issued in December 2014.

But whatever the agencies do with respect to rescission or replacement of this specific guidance, the three agencies have a pressing obligation to immediately explain to the public and school administrators that the government’s prior guidance as to the effects of policies on measures of racial and other disparities, in the items just mentioned and elsewhere, is incorrect. See my July 17, 2017 [letter](#) to the heads of the three agencies. The immediacy of that obligation is heightened in the case of the numerous school districts that, like the Oklahoma School District, are under agreements requiring actions that will tend to increase the measures of racial disparity on which compliance with the agreements is being evaluated.

Further, the actions contemplated by the Departments of Education and Justice will certainly elicit opposition from interest groups and members of Congress, commonly with reference to seemingly huge racial disparities. Thus, it would be especially useful if the debate is informed by a universal understanding, rather than a universal misunderstanding, of what actions tend to reduce measures of racial disparity and what actions tend to increase those measures.