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Cc: dfowler@texasappleseed.net

Date: Tuesday, September 08, 2015 04:45 pm

Subject: Texas Appleseed

Dear Directors of Texas Appleseed:

Attached are an April 7, 2015 letter to Texas Appleseed and an August 31, 2015 letter to the Superintendent of the McKinney Independent School District (MISD). The first pertains to a March 2015 Texas Appleseed Report titled “Class, Not Court – Reconsidering Texas’ Criminalization of Truancy.” The second pertains to August 11, 2015 letter from Texas Appleseed and the NAACP Legal Defense and Educational Fund (LDF) to the Superintendent of MISD regarding MISD discipline practices.

The two letters explain that the central premise of the Texas Appleseed March 2015 truancy report and the organization’s recent letter to MISD is the exact opposite of reality. That is, both the truancy report and the letter to MISD reflect the view that reducing adverse outcomes will tend to cause a decrease in the proportion racial minorities and other disadvantaged groups make up of persons experiencing those outcomes. In fact, reducing the frequency of an outcome tends to increase the proportion such groups make up of persons experiencing the outcome.

The two attached letters explain in detail why this occurs. A few references are also listed after the signature below. The first four explain the issues relatively succinctly (though with a focus on the fact that reducing an adverse outcome tends to increase relative differences in experiencing of experiencing, which necessarily means an increase in the proportion the disadvantaged group makes up of persons experiencing the outcome). The remainder address the issue rather more elaborately.

Texas Appleseed has advised that it does not agree with my April 7 letter to it, which suggests it will also not agree with my recent letter to MISD. I don’t know the basis for the disagreement. But the central point of the two letters, like the central point of the references below, is hardly debatable.

In fairness to Texas Appleseed, the misunderstanding reflected in its March 2015 truancy and recent letter to MISD is widespread, if not almost universal, among persons examining demographic differences. References 11-13 are letters to the Departments of Education, Justice, and Health and Human Services and the government’s Chief Data Scientist addressing the same misunderstanding by the federal government as that found in the Texas Appleseed truancy study and letter to MISD. Reference 5, particularly in the latter pages, explain that similar misunderstandings are pervasive in the world’s leading universities. But persons or entities sharing these misunderstandings do so simply because they have not yet thought the matter through. Eventually they will think it through.

Meanwhile, it cannot serve the public interest for Texas Appleseed to promote actions by governmental entities that will tend to achieve the opposite of what Texas Appleseed maintains they will. Moreover, the organization’s actions involving this failure of understanding can undermine its credibility with regard to activities that may not involve similar issues.

Sincerely,
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<http://thehill.com/blogs/congress-blog/civil-rights/196543-things-the-legislative-and-executive-branches-dont-know>
2. "The Paradox of Lowering Standards," *Baltimore Sun* (Aug. 5, 2013)
http://articles.baltimoresun.com/2013-08-05/news/bs-ed-discipline-statistics-20130805_1_pass-rates-racial-differences-suspension-rates
3. "Misunderstanding of Statistics Leads to Misguided Law Enforcement Policies," *Amstat News* (Dec. 2012)
<http://magazine.amstat.org/blog/2012/12/01/misguided-law-enforcement/>
4. "'Disparate Impact': Regulators Need a Lesson in Statistics," *American Banker* (June 5, 2012)
<http://www.americanbanker.com/bankthink/disparate-impact-regulators-need-a-lesson-in-statistics-1049886-1.html>
5. "Race and Mortality Revisited," *Society* (July/Aug. 2014)
http://jpscanlan.com/images/Race_and_Mortality_Revisited.pdf
6. "The Perverse Enforcement of Fair Lending Law," *Mortgage Banking* (May 2014)
http://jpscanlan.com/images/Perverse_Enforcement_of_Fair_Lending_Laws.pdf
7. Amicus curiae brief of James P. Scanlan in *Texas Department of Housing and Community Development, et al. v. The Inclusive Communities Project, Inc.*, Sup. Ct. No. 13-1371 (Nov. 17, 2014)
http://www.americanbar.org/content/dam/aba/publications/supreme_court_preview/BriefsV4/13-1371_pet_amcu_jps_authcheckdam.pdf
8. "The Mismeasure of Discrimination," Faculty Workshop, University of Kansas School of Law, Sept. 20, 2013:
Paper: http://jpscanlan.com/images/Univ_Kansas_School_of_Law_Faculty_Workshop_Paper.pdf
Annotated Presentation:
http://jpscanlan.com/images/University_of_Kansas_School_of_Law_Workshop.pdf
9. "The Mismeasure of Discrimination," Methods Workshop, Center for Demographic and Social Analysis, University of California, Irvine (Jan. 20, 2015).
http://jpscanlan.com/images/UCal_Irvine_Workshop.pdf
10. "The Mismeasure of Group Differences in the Law and the Social and Medical Sciences," Applied Statistics Workshop at the Institute for Quantitative Social Science at Harvard University (Oct. 17, 2012)
http://00138fb.netsolhost.com/images/Harvard_Applied_Statistic_Workshop.pdf
11. Letter to Department of Health and Human Services and Department of Education (Aug. 24, 2015)

http://jpscanlan.com/images/Letter_to_HHS_and_DOE_re_Preschool_Discipline_Aug.24,2015_.pdf

12. Letter to United States Department of Justice and City of Ferguson, Missouri (Mar. 9, 2015)

http://jpscanlan.com/images/Letter_to_Department_of_Justice_and_City_of_Ferguson_Mar.9,2015_.pdf

13. Letter to Deputy Chief Technology Officer for Data Policy and Chief Data Scientist of the Office of Science and Technology Policy (Sept. 8, 2015)

http://jpscanlan.com/images/Letter_to_DJ_Patil_Chief_Data_Scientist_Sept.8,2015_.pdf

Attachments:  Letter to Texas Appleseed (Apr. 7, 2015).pdf (196KB)
 Letter to McKinney Texas ISD (Aug. 31, 2015).pdf (254KB)