

jps &lt;jps@jpscanlan.com&gt;

1/29/2019 5:14 PM

## Fwd: Innumeracy problem at School Psychology Review and NASP

To reschly@uga.edu • taeckert@syr.edu • rcodding@umn.edu • kellic@umd.edu • tcurby@gmu.edu • edowdy@education.ucsb.edu • sajanuary@sc.edu • burnsmk@missouri.edu • gresham@lsu.edu • pianta@virginia.edu • ssheridan2@unl.edu • robh@uoregon.edu • kstoiber@uwm.edu • randyk@uoregon.edu • lkellyvance@gmail.com • misty4lay@gmail.com • lpaid@lgbta.net • kellypsyc@aol.com • wency.price@whrsd.org • nathan.clemens@austin.utexas.edu • plm17@psu.edu • skilgus@wisc.edu Copy jessika.bottiani@virginia.edu • cpb8g@virginia.edu • annegreg@gsapp.rutgers.edu • reschly@uga.edu • epas@jhu.edu • kjd2m@virginia.edu • reinkew@missouri.edu • hermanke@missouri.edu • crcook@umn.edu • kentm@uoregon.edu • aefiat@umn.edu • pullman@uw.edu • klarson3@jhu.edu • norma.dayvines@jhu.edu • huangf@missouri.edu • yolanda.anyon@du.edu • dcornell@virginia.edu • jlc7d@virginia.edu • tk2e@virginia.edu • edward.fergus@temple.edu • kathleen.fraysier@uga.edu

Dear Editor Reschly, Consulting Associate Editor Eckert, Associate Editors and Scientific Advisory Panel member of the School Psychology Review, and members of the NASP board:

This is a follow-up to the forwarded note in which in which I discussed the failure of authors and editors of School Psychology Review to recognize situations where relative and absolute differences tend to (or in fact do) show opposite directions of changes over time or opposite patterns as to the comparative size of disparities. The note also discussed the failure of research institutions like Rand and Brookings to recognize situations where different measures yield opposite conclusions. This note discusses two situations where school psychologists ought to be able to provide special insight into disparities issues and two situations that involving the failure to understand the ways relative and absolute differences show opposite patterns as to the comparative size of discipline disparities including one that illustrates the point about Rand and Brookings.

I have added to the list of recipients Nathan Clemens and Stephen Kilgus, who were guest editors to recent issues of School Psychology Review, and Editorial Advisory Member Paul Morgan, who was a participant at the December 8, 2017 hearing of the U.S. Commission on Civil Rights where I explained that generally reducing discipline rates tends to increase relative differences in discipline rates and also may have special insight into the second issue discussed below. Again, I would like this note, or the issues it raises, brought to the attention of all Contributing Editors and reviewers. More generally, if I am correct that most school psychologists do not know that lowering a test cutoff or improving test performance tends to increase relative demographic differences in failure rates, that is something School Psychology Review and NASP should be bringing to the attention of all NASP members.

**Restraint Disparities:** One of the more remarkable failures of understanding among social scientists is the failure to recognize the more one reduces an adverse outcome by restricting it to the portion of the overall population most susceptible to it, the larger will tend to be the proportion the most susceptible subgroup makes up of persons experiencing the outcome. Often that mistaken belief is manifested in perceptions that a high proportion reflects something bad when in fact it reflects something good. The Department of Education has strongly urged schools to use physical restraints only as a last resort and only when necessary to avoid physical harm to the potentially restrained student or others. But the Department has regarded the fact that in certain states students with disabilities make up a high proportion of restrained students (compared with other states) as a bad thing with regard to that states with the high proportions. See reference 1 below and Table 4 to the Department of Education handout that is Attachment C to the Maryland State Department of Education letter attached to the July 26, 2018 email.

School psychologists ought to be able to provide especially useful insight with respect to the fact that the more one restricts use of physical restraints to situations where use is absolutely unavoidable, and the more schools improve the techniques that enable them to avoid resort to physical restraints, the rarer will be will be instances where a school is required to restrain a student who has does not have an identified behavioral disorder. Moreover, school psychologists who are especially skillful at defusing situations that might otherwise require restraints, as well as those who are especially capable in instructing other staff on defusing techniques, are among those who (and whose schools and school districts) are especially likely to be faulted because of the high proportion students with disabilities make up of restrained students. That is further reason for School Psychology Review editors and NASP leadership to master this subject.

**Special Education Disproportionality:** Given the large role of testing in identification of students with disabilities, another especially remarkable failure of understanding among social scientists is the failure to recognize that adding circumspection to the process of identifying students with special education needs in a way that reduces the total number of special education placements will tend to increase relative racial differences in placements. I have never seen the point noted over the four or so decades in which racial disproportionality in special education has been debated. I assume there is no recognition of such tendency in the 1980 issue of School Psychology Review devoted to racial disproportionality in special education or in the comments on the Department of Education regulation that would require identification of disproportionality in special education on the basis of risk ratios. School psychologists should be leaders in understanding this issue and making the Department of Education and other arms of the federal government understand it.

**Virginia Discipline Disparities:** The forwarded 1/18/2019 email discusses situations in Massachusetts, Denver, Oakland, and Allegheny County where reductions in absolute racial differences in discipline rates were mistakenly interpreted to mean that

relative racial differences had decreased, when in fact the relative differences had increased. Reference 2 to this note involves another situation where, in circumstances where general reductions in suspension rates were accompanied by increased relative racial differences but decreased absolute racial differences in suspension rates, the authors appraised discipline disparities in both relative and absolute terms without understanding that the two commonly (and in fact did) change in opposite directions when adverse discipline outcomes declined. This situation involved a report by a public interest group and the authors likely had little training in the analysis of demographic differences. If experts in the analyses of demographic differences do not understand that in the discipline context relative and absolute differences tend to change in opposite directions, one can hardly expect personnel at such an organization to understand them. But the scholarly community bears substantial responsibility for the continuing failure of understanding among public interest groups. School Psychology Review and NASP will be especially culpable if they fail to address these issues with their editors, peer reviewers and members, and continue to publish material that fails to understand these issues.

**Rand and Brookings:** In the January 18, 2018 note, I made a point of the seeming failure of Rand and Brookings research ever to recognize that measures other than one being employed in a study would yield an opposite conclusion from that being reported by the study (though I noted, that, as at least in the educational outcomes research, the failure is close to universal.) A November 2017 study of racial disparities school discipline outcomes in New Orleans with authors from both Rand and Brookings illustrates the situation at the two entities, while also illustrating the failure to recognize that in the school discipline context, relative and absolute differences can (and typically do) support opposite interpretations. A summary of the report [3] contains the following language:

*"The orange bars indicate that black and low income students are 13 and 9 percentage points more likely to be suspended in a given year than their white and non-low-income peers, respectively. These are large differences. For example, 12% of white students are suspended each year, so the 13-percentage-point gap means that black students are more than twice as likely as white students to be suspended. Similar gaps appear in the blue bars, which show the probability of being suspended multiple times in the same year."*

The statement "similar gaps appear" in the blue bars is only correct in the sense that they show the same types of data. For the blue bars reflects much smaller absolute differences between rates for multiple suspensions than for one or more suspensions; but those smaller absolute differences involve situations where the relative differences are much larger than reflected by "twice as likely." And, as already explained above and in the forwarded note, modifications of policies such as to generally reduce suspensions will tend to increase relative differences, but reduce absolute differences, for both one or more suspensions and multiple suspension.

Sincerely,

James P. Scanlan  
Attorney at Law  
1527 30<sup>th</sup> Street, NW  
Washington, DC 20007  
jps@jpscanlan.com

1. <http://jpscanlan.com/disciplinedisparities/restraintdisparities.html>
2. <http://jpscanlan.com/disciplinedisparities/virginiadisparities.html>
3. <https://educationresearchalliancenola.org/files/publications/111417-Barrett-McEachin-Mills-Valant-What-Are-the-Sources-of-School-Discipline-Disparities-by-Student-Race-and-Family-Income.pdf>

----- Original Message -----

From: jps <jps@jpscanlan.com>

To: reschly@uga.edu, taeckert@syr.edu, rcooding@umn.edu, kelic@umd.edu, tcurby@gmu.edu, edowdy@education.ucsb.edu, sajanuary@sc.edu, burnsmk@missouri.edu, gresham@lsu.edu, pianta@virginia.edu, ssheridan2@unl.edu, robh@uoregon.edu, kstoiber@uwm.edu, randyk@uoregon.edu, lkellyvance@gmail.com, Misty4lay@gmail.com, lpaid@lgbta.net, kellypsyc@aol.com, wency.price@whrsd.org

Cc: jessika.bottiani@virginia.edu, cpb8g@virginia.edu, annegreg@gsapp.rutgers.edu, epas@jhu.edu, kjd2m@virginia.edu, reinkew@missouri.edu, hermanke@missouri.edu, crcook@umn.edu, kentm@uoregon.edu, aefiat@umn.edu, Pullman@uw.edu, klarson3@jhu.edu, norma.dayvines@jhu.edu, huangf@missouri.edu, yolanda.anyon@du.edu, dcornell@virginia.edu, Jlc7d@virginia.edu, tk2e@virginia.edu, edward.fergus@temple.edu, kathleen.fraysier@uga.edu

Date: January 18, 2019 at 5:12 PM

Subject: Innumeracy problem at School Psychology Review and NASP

Dear Editor Reschly, Consulting Associate Editor Eckert, Associate Editors and Scientific Advisory Panel member of the School Psychology Review, and members of the NASP board:

This forwards a July 26, 2018 note to the authors and guest editors of the special issue of *School Psychology Review* "Closing in on Discipline Disproportionality."

The forwarded note explained that, contrary to a near universal belief, generally reducing adverse public school discipline outcomes tends to increase, not reduce, relative racial differences in rates of experiencing the outcomes. It is a point I commonly illustrate, as in several references mentioned in the forwarded note, with normally distributed test score data

showing that lowering a cutoff, while tending to reduce relative differences between pass rates of higher- and lower-scoring groups, tends to increase relative differences between the groups' failure rates. This is something that all school psychologists ought to know but, as discussed below, almost none may in fact know.

The third last paragraph of the forwarded note also discusses that general reductions in discipline rates tend to be accompanied by reductions in absolute differences between rates.

The various references in the note discuss, among many other things: (a) the near universal failure of researchers studying demographic differences to recognize that it is even possible for a relative difference in a favorable outcome and the relative difference in the corresponding adverse outcome to change in opposite directions as the prevalence of an outcome changes, much less that National Center for Health Statistics has recognized that this tends to occur systematically or that such pattern is evident in myriad data sets; (b) the seemingly near universal failure, even among persons specializing in testing outcomes, to understand that lowering cutoffs (or improving test performance) tends to increase relative demographic differences in rates of failure to reach the cutoffs; and (c) the ways absolute differences between outcome rates tend to be affected by the prevalence of an outcome and the infrequent recognition that the relative difference one happens to be examining and the absolute difference have changed in opposite directions. The infrequent recognition referenced in (c) has mainly occurred in health disparities research, though such recognition has done nothing to make such research sound. See reference 3 and 4 of the earlier note and reference 1 to this note.

In research regarding educational outcomes, notwithstanding the utility of test score data for illustrating the patterns by which measures tend to be affected by the prevalence of an outcome, I have never seen a study that recognizes that it is even possible for a relative difference and absolute difference to change in opposite directions. And, in contrast to some health disparities research, I have never seen research involving educational outcome that recognized that is possible for the relative difference being examine and the absolute to change in opposite directions or that this in fact happened in a particular case. See my Educational Disparities page [2] and its various subpages regarding the way researchers studying demographic differences in proficiency or nonproficiency using relative differences in favorable outcomes, relative differences in adverse outcomes, or absolute differences between rates, without ever recognizing ways that general improvements in education affect the measure they are employing or that other measures would support opposite conclusions.

(I have suggested that the recognition by Sean Reardon of Stanford and Andrew Ho of Harvard of the pattern by which absolute differences between pass rates tend to be affected by a test cutoff may indicate a recognition of the way the two relative differences are affected by the cutoff (see page 38-39 of reference 4 of the forwarded note) but I am by no means sure that is the case. See the Getting Down to Facts II study mentioned below.)

My principal focus here, however, is the failure in the school discipline context to recognize the possibility (much less likelihood) that absolute differences and relative differences have changed in opposite directions and the way this failure has resulted in situations where researchers lead observers to believe relative differences have decreased when they in fact have increased.

At the time of the forwarded note, I had only read the abstracts to the articles in the referenced issue. Since then I have read the article titled "An Examination of Restorative Interventions and Racial Equity in Out of School Suspensions."<sup>[3]</sup> It contains at least two instances, where, in leading observers to believe that certain research showed that general reductions in discipline rates were accompanied by reduced relative racial differences in discipline rates, the authors were seemingly unaware that absolute differences and relative differences between black and white suspension rates can change in opposite directions. The article thus stated or implied that studies had shown that relative racial differences in suspensions had been reduced, although the studies in fact showed that such differences had increased. Because the instances reflect a larger numeracy problem at School Psychology Review, at NASP, and in the educational research community generally, they are worth setting out here.

At page 169 the article states:

*"Studies examining the promise of RIs and, more broadly, restorative practices for reducing racial disparities are sparse. One report on districtwide discipline patterns in [Oakland Unified School District] showed that Black students had the greatest decline in suspension rates, relative to other student groups, after the school year they implemented a range of discipline reforms, including restorative justice programming (Jain, Bassey, Brown, & Kalra, 2014)."*

In this case, one would have to go to the underlying data to recognize that the passage is referring to a percentage point reduction and that, because whites experienced a larger relative reduction than blacks, the relative difference between suspension rates had actually increased from 9.5 to 11.2. That the group with the lower baseline rate tends to experience a larger relative change is what typically occurs, even if the other group experiences a larger percentage point change. But this was apparently unknown to the authors of the Jain study or the Oakland officials who commissioned the study and relied on it, all of whom apparently believed that the relative difference has decreased.

In reference 4, I discuss this situation with reference to an earlier treatment regarding Oakland by the lead author of the School Psychology Review article in a 2017 Future of Children article.<sup>[5]</sup> That treatment, while clear that it was discussing percentage point changes, nevertheless suggested that the ratio of the black rate to the white rate had been reduced, rather than increased, to 11.2.

The Jain study (which was submitted to the Department of Education, presumably as evidence that Oakland had reduced relative differences in suspensions) led Seattle to invite Oakland school officials to discuss Oakland's success in reducing relative racial differences in suspensions.<sup>[6]</sup> It is doubtful that anyone involved in the discussions – or basing policy

decisions on such discussions – was aware that the relative difference between black and white suspension rates had in fact increased in Oakland. Oakland officials were still unaware of such fact when I brought the matter to their attention last year.

At page 171 the recent School Psychology Review article states with respect to practices in Denver, Colorado:

*“Since the passage of the new policy, OSS rates have steadily declined from 7.4% to 3.6% of all students in the district, as has the proportion of students entering the discipline system (from 15.4% to 8.9%). At the same time, schools’ use of RIs increased from less than 4% of disciplined students to nearly 26%. However, districtwide suspension rates suggest that racial disparities among disciplined students have persisted in recent years, although racial gaps in suspension rates have narrowed over time (Anyon et al., 2014). In 2015 (the most recent data available), 6% of Black students, 5% of Native American students, 3% of Latino students, 1% of White students, and 1% of Asian students were issued one or more suspensions. In contrast, in 2008, before discipline reform was implemented, the rates were as follows: 14% of Black students, 11% of Native American students, 9% of Latino students, 5% of White students, and 2% of Asian students. This represents a narrowing of the suspension gap between White and Black students from 9% to 5% over 7 years, although Black students remain six times more likely to be suspended than their White peers.”*

In this instance, data in the paragraph itself show that the ratio of the black suspension rate to white suspension rate did not remain at 6.0 (6%/1%), but rather had increased to 6.0 from 2.8 (14%/5%). But it is unlikely that Denver officials reviewing the recent School Psychology Review article to inform their policy would recognize this, just as, apparently, it was not recognized by editors or peer reviewers of School Psychology Review.

Relying on a different study of the situation in Denver (a 2015 study Gonzalez et al., see discussion of the Rand study below), the aforementioned 2017 Future of Children article had similarly suggested that, notwithstanding larger percent point reductions in suspensions for blacks than white between 2006 and 2013, the ratio of the black rate to the white rate remained at almost 5 (4.6 (10.42/2.28)). While not completely inferable from the data presented in the Future of Children article, data in the source reveal that this ratio was actually up to 4.6 from 3.0 (17.61/5.88). See the Prefatory Note to reference 7. That would not have happened if the editors and peer reviewers of Future of Children were aware that relative and absolute differences can change in opposite directions or, in the discipline context, commonly do.

These instances in the School Psychology Review article and the Future of Children article are not anomalies involving particular researchers, editors, or peer reviewers. Rather, they reflect a pervasive, if not universal, numeracy problem at these journals and within the education research community generally. Otherwise one would never read in a journal that some disparity in an educational outcome is larger in one setting than another or increased or decreased over time without any specification of the measures employed or any hint that a different measure could (or typically would or in fact does in the particular circumstance being examined) yield an opposite conclusion.

The situation may be compared to a situation in cancer journals involving the two relative differences. Such journals commonly report that a relative difference in cancer survival was larger in one setting than another when in fact it was smaller (though the relative difference in cancer mortality was larger). That does not occur because in those journals some researchers, editors, or peer reviewers are sometimes careless. It occurs because no editors, peer reviewers or researchers are aware that it is even possible for a relative difference in cancer survival to show an opposite pattern as to change over time (or as different types of cancer or regarding different subgroups) from a relative difference in cancer mortality, much less that this occurs most of the time. That is, the problem is not that a few scholars in the field do not understand these issues, but that no scholars in the field seem to understand them.

Other situations (in Massachusetts and the Pittsburgh area) where researchers failed to understand that reductions in absolute differences between suspension rates (or larger percentage point reductions for the group with the larger baseline rate) do not necessarily mean (in fact did not mean) reductions in relative differences are discussed in references 8 and 9.

The recent Rand study of effects of restorative practices in Pittsburgh [10] that has been in the news lately is another that discusses both relative and absolute differences without recognition of the possibility for the two to support opposite conclusions about patterns of changes in discipline disparities. In fact, at page 4, the study discusses both findings of the above-mentioned Jain study regarding Oakland and the Gonzalez study regarding Denver without evident awareness that one group could experience a larger percentage point reduction while the other experienced a larger percentage reduction or that this in fact occurred in both cases:

*“Some studies, however, have found that the African American–white suspension gap has narrowed in schools using restorative practices. Oakland, California, middle schools saw the suspension rate of African American students decline at a sharper rate than that of white students during the implementation of restorative practices (Jain et al., 2014). A Denver study concluded that the African American–white suspension gap decreased from nearly a 12-point gap in 2006 to just over an 8-point gap in 2013 (Gonzalez, 2015).”*

Rand, like Brookings, is among the many (close to all) research institutions that, so far as I have observed, have never recognize that a measure other than one the researchers are using might, or in fact does, yield an opposite conclusion from that being reported. Even the Federal Reserve Board is oblivious to such issues, and when Janet Yellen last year discussed that blacks experienced especially large increases in the unemployment during the recession but especially large reductions in unemployment during the recovery (apparently relying on absolute differences), it is doubtful that she has any idea that the pattern of relative changes in unemployment was exactly the opposite.

See also the recent report [11] from a Stanford affiliated project called Getting Down to Facts II that discusses recent reduction in racial differences in suspensions in absolute terms without recognition that such differences are more

commonly measured in relative terms or that general reductions in discipline rates can (or tend to) increase such differences. To the extent that I can tell from the data presented on secondary school suspensions at 19 and in the figure on page 20, in the case of a matter the reported highlighted as a reduction in disparities, the relative difference in fact increased slightly.

Of course, as suggested in the forwarded note, the much larger issue involves the failure of the education research community to understand patterns by which measures tend to be affected by the prevalence of an opportunity and the impossibility of drawing inferences about processes without consideration of these patterns. With regard to the larger issue, it does not matter that some studies show that general reductions in suspensions were accompanied by reduced relative differences (as happened in 3 of the 23 Maryland districts examined in the study mentioned in the forwarded note) and which would necessarily also mean a reduced absolute difference (for a larger relative reduction for the group with the higher baseline rate necessarily means a larger absolute reduction for that group as well). Whether observed patterns conform to or depart from the prevalence-related patterns I describe, one cannot provide useful insight to underlying processes without understanding the ways the measures employed tend to be affected by the prevalence of an outcome.

As it happens, the recent School Psychology Review article employed and discussed effect size measure. If in fact unaffected by the prevalence of an outcome such measure would provide a sound means of appraising demographic differences. I believe that probit approach is superior to logit approach because the latter approach yields a result, whether cast as the odds ratio or the standardized mean difference, that tends to act in the same way as the relative difference for the adverse outcome when that outcome becomes fairly uncommon. But at least employment of an effect size of some sort reflects a step in the right direction. See page 337 of reference 1 to the forwarded note. However, in the article such approach was only used for limited purposes.

The study also found little evidence that restorative interventions reduced relative differences in discipline rates. But that finding must itself be interpreted with an understanding that such measures will usually increase relative differences (though reduce absolute differences) and with consideration of whether something in the process was countering the usual tendency for reductions in an outcome to increase relative differences in rates of experiencing it.

At some point, I hope to write a more formal letter to School Psychology Review or the National Association of School Psychologists akin to the letters to those to American Institutes for Research,[12] New York City Center for Innovation Through Data Intelligence,[13] Annie E. Casey Foundation,[14] Education Trust,[15] and other organizations whose analyses of demographic differences in educational or other outcomes are undermined by a failure to recognize patterns by which measures tend to be affected by the prevalence of an outcome (such as are collected in reference 16). The letter to American Institutes for Research warrants special attention for recipients of research funds from the Department of Education of other agencies. For it discusses the obligation for such recipients not only to understand these issues, but to explain them to funding entities. See pages 2 to 4 of the July 17, 2017 letter to the Departments of Education, Health and Human Services, and Justice (was Attachment B to the Maryland State Department of Education letter attached to the forwarded note) urging those agencies to halt fall funding of research that fails to consider the ways the measures employed tend to be affected by the prevalence of an outcome.

Regardless of when or if I write such a letter, I hope you will carefully review the National Association of School Psychologists position statement on Racial and Ethnic Disproportionality in Education mentioned in the Introduction to the Special Issue and consider whether School Psychology Review or NASP can fulfill the goals in the statement or other NASP goals involving demographic differences without understanding the ways the measures employed in studying such issues tend to be affected by the prevalence of an outcome or without even understanding that different measures commonly yield different conclusions. In fact, NASP should withdraw the position statement due to its potential to mislead NASP members and others by causing them to believe that these measurement issues of the type discussed here do not exist. For readers would reasonably expect that if such issues did exist, such a document would mention them. NASP should also publish a new statement advising members and the public of the issues discussed here.

Similarly, School Psychology Review should review all article that fail to show an understanding of the ways different measures can or typically do yield opposite from the those reported and publish corrections/clarifications regarding such articles.

Because of NASP members' familiarity with test score data, NASP should be in a unique position to provide guidance on sound research into demographic differences. But that can only happen when the organization's members understand the patterns reflected in such data and understand the light such patterns shed on demographic differences in the full range of educational outcomes. Reference 5 to the earlier note is a good primer on these issues as is the handout used at the March 2018 meeting with Department of Education staff that is attachment C to the letter to the Maryland State Department of Education attached to the earlier note.

Finally, I call your attention to reference 17 for two reasons. First, it discusses some of the adverse consequences of leading observers to believe policies will reduce certain measures of disparity when in fact the policies tend to increase them. Second, towards the end the item discusses the refusal of the American Statistical Association and the Population Association of America/Association of Population Centers to inform the government that generally reducing adverse outcomes tends to increase, not reduce, relative racial differences in rates of experiencing the outcomes. Those refusals not only left the government not knowing such fact, but left the overwhelming majority of the members of the organizations not knowing it. Thus, NASP must consider, not only its obligations for consumers of research provided by its members and publications, but also its obligations towards the members themselves.

I also hope you will circulate this note to, or otherwise bring the issues it raises to the attention of, all members of the Editorial Advisory Board and all peer reviewers for the journal. Please specifically forward the note to Scientific Advisory Panel members Seth Aldrich and Claudia Dickerson, for whom I could not find email addresses.

Sincerely,

James P. Scanlan  
Attorney at Law  
1527 30<sup>th</sup> Street, NW  
Washington, DC 20007  
202-487-3239

jps@jpscanlan.com

1. "The Mismeasure of Health Disparities," *Journal of Public Health Management and Practice* (July/Aug. 2016)

[https://journals.lww.com/jphmp/Fulltext/2016/07000/The\\_Mismeasure\\_of\\_Health\\_Disparities.14.aspx](https://journals.lww.com/jphmp/Fulltext/2016/07000/The_Mismeasure_of_Health_Disparities.14.aspx)

[http://www.jpscanlan.com/images/The\\_Mismeasure\\_of\\_Health\\_Disparities\\_JPHMP\\_2016\\_.pdf](http://www.jpscanlan.com/images/The_Mismeasure_of_Health_Disparities_JPHMP_2016_.pdf)

2. <http://jpscanlan.com/educationaldisparities.html>
3. <https://portfolio.du.edu/downloadItem/407544>
4. <http://jpscanlan.com/disciplinedisparities/oaklanddisparities.html>
5. <https://eric.ed.gov/?id=EJ1144814>
6. <https://www.seattletimes.com/seattle-news/interrelated-issues-affect-school-discipline-outcomes/>
7. <http://jpscanlan.com/disciplinedisparities/denverdisparities.html>
8. <http://jpscanlan.com/disciplinedisparities/allegHENYcountydisp.html>
9. <http://jpscanlan.com/disciplinedisparities/massachusettsdisparities.html>
10. [https://www.rand.org/pubs/research\\_reports/RR2840.html](https://www.rand.org/pubs/research_reports/RR2840.html)
11. <http://gettingdowntofacts.com/publications/portrait-educational-outcomes-california>
12. [http://www.jpscanlan.com/images/Letter\\_to\\_American\\_Institutes\\_for\\_Research\\_Aug.\\_25,\\_2017\\_.pdf](http://www.jpscanlan.com/images/Letter_to_American_Institutes_for_Research_Aug._25,_2017_.pdf)
13. [http://jpscanlan.com/images/Letter\\_to\\_NYC\\_Center\\_for\\_Innovation\\_through\\_Data\\_Intelligence\\_June\\_6,\\_2016\\_.pdf](http://jpscanlan.com/images/Letter_to_NYC_Center_for_Innovation_through_Data_Intelligence_June_6,_2016_.pdf)
14. [http://jpscanlan.com/images/Annie\\_E.\\_Casey\\_Foundation\\_Letter.pdf](http://jpscanlan.com/images/Annie_E._Casey_Foundation_Letter.pdf)
15. [http://jpscanlan.com/images/Education\\_Trust\\_Measurement\\_Letter.pdf](http://jpscanlan.com/images/Education_Trust_Measurement_Letter.pdf)
16. <http://www.jpscanlan.com/measurementletters.html>
17. "The Pernicious Misunderstanding of Effects of Policies on Racial Differences in Criminal Justice Outcomes," *Federalist Society Blog* (Oct. 12, 2017).

<https://fedsoc.org/commentary/blog-posts/the-pernicious-misunderstanding-of-effects-of-policies-on-racial-differences-in-criminal-justice-outcomes>

----- Original Message -----

From: jps <jps@jpscanlan.com>

To: jessika.bottiani@virginia.edu, cpb8g@virginia.edu, annegreg@gsapp.rutgers.edu, reschly@uga.edu, epas@jhu.edu, kjd2m@virginia.edu, reinkew@missouri.edu, hermanke@missouri.edu, crcook@umn.edu, kentm@uoregon.edu, aefiat@umn.edu, Pullman@uw.edu, klarson3@jhu.edu, norma.dayvines@jhu.edu, huangf@missouri.edu, yolanda.anyon@du.edu, dcornell@virginia.edu, Jlc7d@virginia.edu, tk2e@virginia.edu, edward.fergus@temple.edu

Date: June 27, 2018 at 4:39 PM

Subject: Special Issue of School Psychology Review

Dear authors and guest editors of the special issue of *School Psychology Review* titled "Closing in on Discipline Disproportionality":

I have read the abstracts for the articles in the referenced issue. All seem to be premised on the view that policies that tend to generally reduce adverse discipline outcomes will tend to reduce relative differences in rates of experiencing the outcome or at least to fail to recognize that such policies will tend to increase such differences.

The following is a recent commentary in Maryland's legal newspaper discussing that generally reducing adverse discipline outcomes tend to increase relative differences in discipline rates. It also discusses a Maryland study that provides some of the best evidence that in fact general reductions in discipline rates are accompanied by increased relative differences in discipline rates.

"Discipline disparities in Md. Schools," *Daily Record* (June 21, 2018)

<https://thedailyrecord.com/2018/06/21/james-p-scanlan-discipline-disparities-in-md-schools/>

[http://jpscanlan.com/images/Discipline\\_disparities\\_in\\_Md\\_schools.pdf](http://jpscanlan.com/images/Discipline_disparities_in_Md_schools.pdf)

A number of references are listed after the signature, some of which I have brought to the attention of some of you before.

Attached is a June 26, 2018 letter explaining this issue to the Maryland State Board of Education. Among other things, the letter urges that agency to explain to school administrators and the public that the agency's prior guidance regarding the effects of policies on relative differences in adverse discipline outcomes was incorrect. Since several authors are from Minnesota, I also attach a recent May 14, 2018 letter to explaining this issue to the Minnesota Department of Human Rights. The letters discusses the issues with particular reference to Minnesota. Both items are also available online here:

[http://jpscanlan.com/images/Letter\\_to\\_Maryland\\_State\\_Department\\_of\\_Education\\_June\\_26,\\_2018\\_.pdf](http://jpscanlan.com/images/Letter_to_Maryland_State_Department_of_Education_June_26,_2018_.pdf)

[http://www.jpscanlan.com/images/Minnesota\\_Department\\_of\\_Human\\_Rights\\_May\\_14,\\_2018\\_.pdf](http://www.jpscanlan.com/images/Minnesota_Department_of_Human_Rights_May_14,_2018_.pdf)

One would expect school psychologists to be especially attuned to this issue because they should readily understand that lowering a test cutoff, while tending to reduce relative differences in pass rates, tends to increase relative differences in failure rates. But I am uncertain how widespread that understanding is even among people who deal with demographic differences in testing outcomes on a regular basis.

I emphasize, however, that the important point does not involves the frequency with which one observes the pattern I describe. Rather, the important point is that that one can only evaluate the effects of policies of differences in the circumstances of advantaged and disadvantaged groups while understanding that pattern and related patterns by which measures tend to be affected by the prevalence of an outcome. For example, a program may substantially reduce the forces causing black and white adverse discipline outcome rates to differ, but such effect may not be observed simply because of the effect of the general reduction in outcome rates on relative differences in experiencing the outcome; or the fact that a relative difference decreases slightly may be regarded as an indication of only a small effect when in fact it the effect had to very substantial to cause the usual statistical pattern not be observed.

I have only read the abstracts. It is possible that some studies examined disparities in terms absolute differences between rates, as some authors always do and some authors sometimes do. As discussed in the recent item, general reductions in discipline rates tend to be accompanied by reductions in absolute differences between rates. And I assume that in all or almost all of the situations referred to in note 3 of the Maryland State Department of Education letter the absolute between rates decrease.

But, as discussed in references 3 to 5, for example, regardless of the measures used, it is essential to understand how measure tends to be affected by the prevalence of an outcome in order to distinguish the extent to which patterns are simply the usual consequences or changes in the prevalence of an outcome and the extent to which they reflect something meaningful about underlying processes.

I could not find email addresses for all authors. Thus, I request Dr. Larson to forward this note to Michael Rosenberg; Professor Cook to forward it to Mylien T. Duong, Madeline Larson, and Jenna McGinnis; Professor Gregory to forward it to Eldridge Greer and Barbara Downing; and Professor Cornell to forward it to Kathan Shukla.

Sincerely,

James P. Scanlan  
Attorney at Law  
1527 30<sup>th</sup> Street, NW  
Washington, DC 20007  
jps@jpscanlan.com

1. "Misunderstanding of Statistics Leads to Misguided Law Enforcement Policies," *Amstat News* (Dec. 2012)

<http://magazine.amstat.org/blog/2012/12/01/misguided-law-enforcement/>

2. "The Paradox of Lowering Standards," *Baltimore Sun* (Aug. 5, 2013)

[http://jpscanlan.com/images/Paradox\\_of\\_Lowering\\_Standards.pdf](http://jpscanlan.com/images/Paradox_of_Lowering_Standards.pdf)

3. "Race and Mortality Revisited," *Society* (July/Aug. 2014)

<http://link.springer.com/article/10.1007%2Fs12115-014-9790-1#page-1>

[http://jpscanlan.com/images/Race\\_and\\_Mortality\\_Revisited.pdf](http://jpscanlan.com/images/Race_and_Mortality_Revisited.pdf)

4. Comments for Commission on Evidence-Based Policymaking (Nov. 14, 2016)

<https://www.regulations.gov/document?D=USBC-2016-0003-0135>

[http://www.jpscanlan.com/images/Comments\\_of\\_J\\_Scanlan\\_for\\_Comm\\_on\\_Evidence-Based\\_Policymaking\\_Nov.\\_14,\\_2016\\_.pdf](http://www.jpscanlan.com/images/Comments_of_J_Scanlan_for_Comm_on_Evidence-Based_Policymaking_Nov._14,_2016_.pdf)

5. "Innumeracy at the Department of Education and the Congressional Committees Overseeing It," *Federalist Society Blog* (Aug. 24, 2017)

<https://fedsoc.org/commentary/blog-posts/innumeracy-at-the-department-of-education-and-the-congressional-committees-overseeing-it>

6. "Measuring Discipline Disparities," Statement of James Scanlan Prepared for U.S. Commission on Civil Rights Briefing "The School to Prison Pipeline: The Intersection of Students of Color with Disabilities" (Dec. 8, 2017) [http://jpscanlan.com/images/Measuring\\_Discipline\\_Disparities\\_.pdf](http://jpscanlan.com/images/Measuring_Discipline_Disparities_.pdf)

(Attachment A to the letter to the Maryland State Department of Education).

- 
- Letter to Maryland State Department of Education (June 26, 2018).pdf (1 MB)
  - Minnesota Department of Human Rights (May 14, 2018).pdf (819 KB)