

Trevor Fronius <tfroniu@wested.org>

2/11/2020 10:48 AM

Re: Numeracy issues at WestEd/Mar 2019 Restorative Justice paper

To jps <jps@jpscanlan.com> Copy william.speer@unlv.edu • thomas.reagan@gbcnv.edu • John Rice <jrice@wested.org> • Lenay Dunn <ldunn@wested.org> • Neal Finkelstein <nfinkel@wested.org>

Hello Mr. Scanlan,

Thank you for your helpful note. I have passed it along to my fellow co-authors as well. We appreciate your work showing how decreases in rates tend to be accompanied by increases in relative disparities across groups. With regard to the restorative justice paper, given that we plan to update it periodically as additional research emerges, we will more fully incorporate this perspective into future updates and other relevant work.

Kindly,
Trevor

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On Tue, Feb 4, 2020 at 1:20 PM jps <jps@jpscanlan.com> wrote:

Dear authors of the March 2019 WestEd publication “Restorative Justice in U.S. Schools,” WestEd Board Members Reagan and Speer, and the Rel West management team:

I have for some time intended to write WestEd and RelWest (which seems to have the same board of directors, though I am unclear as to the exact connection between the two entities) a letter of the type collected on reference 1 discussing the way that the organizations’ educational research has been undermined by a failure to recognize the ways measures tend to be affected by the prevalence of an outcome. One significant manifestation of that failure of understanding is the found in the organizations’ promotion of the mistaken belief that generally reducing discipline rates by means of PBIS and restorative justice will tend to reduce, rather than increase, relative racial differences in discipline rates (as in the Rel West study discussed in reference 2 and in the March 2019 WestEd paper). Another may be found in the organizations’ seeming unawareness that lowering test cutoffs (or improving test performance), while tending to reduce relative differences between rates at which advantaged and disadvantaged groups meet academic standards, tends to increase relative differences between the rates at which the groups fail to meet the standards.

I am not sure when or if I will get to that letter. This note, however, is prompted by the referenced March 2019

study. I am sending it the authors, to WestEd/Rel West board members Reagan and Speer (who appear to be the board members with the strongest mathematical backgrounds), to and the Rel West management team (whose email addresses are more readily available than those of WestEd staff).

Reasons why general reductions in discipline and other adverse outcomes tend to increase relative differences in rates of experiencing the outcomes (and the proportion more susceptible groups make up of persons experiencing the outcomes) are discussed in references 3 and 4 (which also discuss the larger problems in analyses of difference differences as a result of the failure to understand the ways measures employed tend to be affected by the prevalence of an outcome). The mistaken understanding regarding school discipline and criminal justice outcomes – that is, the belief that reducing the outcomes tends to decrease, rather than increase, relative differences in rates of experiencing the outcomes – is the particular subject of reference 5-8. The more recent of these items stress the harms of leading the public and school officials to believe that policies will tend to reduce measures of racial disparity when the policies in fact tend to increase those measures.

On the other hand, for reasons explained in references 3 and 4, and as I occasionally mention (as in reference 8), generally reducing suspensions tends to reduce absolute differences between the rates of more and less susceptible groups. I assume that in almost all of the situations where I have explained that general reductions in suspensions were accompanied by increased relative racial differences in suspension rates the absolute difference decreased. (In the unusual situations where relative differences decreased during a period of general reductions in suspensions, the absolute difference necessarily decreased.)

A particular deficiency of educational disparities research is the failure to recognize that it is even possible for relative and absolute differences to change in opposite directions or that, in the school discipline context, when is a substantial reduction in adverse discipline outcome the relative racial difference will almost always increase while the absolute difference will almost always decrease. Most reportage of situations where relative differences decreased – as with respect to Oakland, Denver, Massachusetts, and Allegheny County (PA), as discussed in the Appendix to reference 6 – involved situations where the relative difference in fact increased but observers mistakenly assumed that reductions in absolute differences would be accompanied by reductions in relative differences. The links in reference 9 provide more detail on the misreportage regarding these jurisdictions. The pages on Oakland and Denver discuss at length the way the Jain and Gonzalez studies (referenced in the March 2019 paper) led the public and school officials to believe that the ratio of the black suspension rate to the white suspension rate decreased when in fact the ratio increased.

I do not read the March 2019 paper as saying anything specifically incorrect with regard to these or other studies. But the paper does mention (at 18) that minority students are suspended three times as often as white, which is the way that the virtually all school districts measures discipline disparities. Readers will assume that any discussion of reductions in gaps means that the minority-white ratio is decreasing.

I also call your attention to reference 10, which is a recent peer-reviewed work by prominent figures in the PBIS community that recognized that generally reducing suspensions will tend to increase relative racial differences while reducing absolute differences. The sixth and seventh pages, seem to adopt the reasoning of reference 3 below. (This is also the first peer-reviewed article regarding educational outcomes of which I am aware that recognized that it was even possible for relative and absolute differences to change in the opposite direction, something many times recognized in health and healthcare disparities research, as discussed in references 1 and 2). Notwithstanding the recognition that reducing suspensions tends to increase relative differences in suspensions, however, at least one of the authors has gone on to give a presentation suggesting that PBIS will reduce relative differences in suspensions (or measures that are functions of relative differences).

Reference 11 discusses broader problems in analyses of educational outcome as a result of the failure to recognize the ways measures tend to be affected by the prevalence of an outcome. While the discussion there and like discussion in references 3 and 4 are focused on demographic difference, the issue raised apply to a range of educational issue unrelated to demographic differences. That is, for example, as reflected in Table 1 of reference 3, appraisal of progress at various educational institutions must be undertaken with an understanding that an increase in a favorable outcome rate from 80% to 95% reflects the same level of progress as an increase from 63% to 87%.

Reference 5 details my efforts to explain to the Department of Education at least that reducing adverse discipline outcomes tends to increase relative differences in rates of experiencing the outcomes, while also

revealing that the agency has yet shown no sign of understanding the issue. Assuming that DOE-funded entities like WestEd/Rel West are capable of understanding the issue, they have an obligation to explain the issue to the DOE and to ensure that they do not themselves mislead DOE on the matter.

I could not find email addresses for authors of the March 2019 paper Darling-Hammond, Guckenbgurg, Hurley, and Petrosino. So I would appreciate it if Dr. Fronius would forward this note to them.

Best regards,

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1. Measurement Letters page of [jpscanlan.com](http://www.jpscanlan.com)

<http://www.jpscanlan.com/measurementletters.html>

2. Oregon Disparities subpage of the Discipline Disparities page of [jpscanlan.com](http://www.jpscanlan.com)

<http://jpscanlan.com/disciplinedisparities/oregondisparities.html>

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

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

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

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

5. "COPAA v. DeVos and the Government's Continuing Numeracy Problem," *Federalist Society Blog* (Sept. 12, 2019)

<https://fedsoc.org/commentary/blog-posts/copaa-v-devos-and-the-government-s-continuing-numeracy-problem>

6. "Usual, But Wholly Misunderstood, Effects of Policies on Measures of Racial Disparity Now Being Seen in Ferguson and the UK and Soon to Be Seen in Baltimore," *Federalist Society Blog* (Dec. 4, 2019)

<https://fedsoc.org/commentary/blog-posts/usual-but-wholly-misunderstood-effects-of-policies-on-measures-of-racial-disparity-now-being-seen-in-ferguson-and-the-uk-and-soon-to-be-seen-in-baltimore>

7. "Maryland Discipline Study Shows Usual – But Misunderstood – Effects of Policies on Measures of Racial Disparity," *The Gunpowder Gazette* (Dec. 16, 2019)

<http://gunpowdergazette.com/2019/12/16/op-ed-maryland-discipline-study-shows-usual-but-misunderstood-effects-of-policies-on-measures-of-racial-disparity/>

8. "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

9. <http://jpscanlan.com/disciplinedisparities/massachusettsdisparities.html>

<http://jpscanlan.com/disciplinedisparities/allegHENYcountydisp.html>

<http://jpscanlan.com/disciplinedisparities/denverdisparities.html>

<http://jpscanlan.com/disciplinedisparities/oaklanddisparities.html>

10. Erik J. Girvan, Kent McIntosh & Keith Smolkowski, "Tail, Tusk, and Trunk: What Different Metrics Reveal About Racial Disproportionality in School Discipline," *Educational Psychologist* (published online Jan. 7, 2019).

<https://doi.org/10.1080/00461520.2018.1537125>

11. "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>

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