

James P. Scanlan
Attorney at Law
1529 Wisconsin Avenue, NW
Washington, D.C. 20007
(202) 338-9224
jps@jpscanlan.com

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ELECTRONICALLY SUBMITTED

Pyramid Equity Project Principal Staff

Rob Horner and Kent McIntosh

University of Oregon

Lise Fox, Jolenea Ferro, Denise Perez Binder, and Myrna Veguilla

University of South Florida

Phil Strain, Rosemarie Allen, and Barbara Smith

University of Colorado Denver

Pyramid Equity Project Consultants

Glen Dunlap

University of Nevada Reno

Mary Louise Hemmeter

Vandebilt University

Re: Mistaken Premise of the Pyramid Equity Project That Generally Reducing
Preschool Discipline Rates Will Tend to Reduce Relative Demographic
Differences in Discipline Rates and the Proportions More Susceptible
Groups Comprise of Persons Disciplined

Dear staff and consultants of the Pyramid Equity Project:

According to an August 15, 2016 [press release](#)¹ of the Department of Education (DOE), that agency and the Department of Health and Human Services (HHS) are providing a \$1 million grant to the Technical Assistance Center on Positive Behavioral Interventions and Supports (PBIS) to implement the Pyramid Equity Project. A document released by the Pyramid Equity Project in September 2016 titled "[The Pyramid Equity Project: Promoting Social Emotional Competence and Addressing Disproportionate Discipline in Early Childhood Programs](#)" (PEP fact sheet) reflects the belief, which has previously been expressed by DOE, HHS, and many other public and private entities, that generally reducing preschool discipline rates will tend to reduce (a) relative differences between the discipline rates of groups with higher discipline rates and groups with lower discipline rates and (b) the proportions groups with higher discipline rates comprise of persons who are disciplined.

¹ To facilitate consideration of issues raised in documents such as this I include links to referenced materials in electronic copies of the documents. An electronic copy of this document is available by means of the Measurement Letters page of jpscanlan.com.

This letter has two purposes. One purpose is to explain to Pyramid Equity Project principal staff and consultants that the referenced belief is the opposite of reality. Generally reducing discipline rates will tend to increase both (a) and (b). A second purpose is to urge Pyramid Equity Project leadership to explain to DOE and HHS that a central premise underlying the referenced grant is mistaken and determine whether, in light of recognition that generally reducing discipline rates will tend to increase, rather than decrease, both (a) and (b), the agencies wish to reconsider the grant.

For reasons related to the shapes of underlying risk distributions, generally reducing any outcome, while tending to reduce relative differences in avoiding the outcome, tends to increase relative differences in experiencing the outcome. For example, lowering a test cutoff, while tending to reduce relative differences in pass rates, tends to increase relative differences in failure rates. A corollary to the above-described pattern of relative differences is a pattern whereby generally reducing an outcome will tend to increase the proportions groups most susceptible to the outcome comprise of persons avoiding the outcome and persons experiencing the outcome.

I explain the pattern of relative differences fairly succinctly with respect to mistaken understandings regarding the relationship between the stringency of public school discipline standards and the size of those differences in "[Things government doesn't know about racial disparities](#)," *The Hill* (Jan. 28, 2014), "[The Paradox of Lowering Standards](#)," *Baltimore Sun* (Aug. 5, 2013), and "[Misunderstanding of Statistics Leads to Misguided Law Enforcement Policies](#)," *Amstat News* (Dec. 2012). I explain the pattern regarding the proportions groups most susceptible to the outcome make up of persons avoiding the outcome and experiencing the outcome fairly succinctly in "[Things DoJ doesn't know about racial disparities in Ferguson](#)," *The Hill* (Feb. 22, 2016).

A highly pertinent explanation of these patterns that specifically addresses the mistaken understandings in the DOE and HHS policy statement discussed on page 1 of the PEP fact sheet ("[Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings](#)" (Dec. 14, 2014)) may be found in my August 24, 2015 [letter](#) to DOE and HHS. In addition to explaining that generally reducing discipline rates will tend to increase, rather than decrease, relative differences in discipline rates and the proportions the most susceptible groups comprise of persons disciplined, the letter explains that the seemingly huge racial disparities in preschool suspensions are substantially a function of the rarity of suspensions in preschool. See the [Preschool Disparities](#) subpage of the [Discipline Disparities](#) page of [jpscanlan.com](#) and Table 8 (at 342) of "[Race and Mortality Revisited](#)," *Society* (July/Aug. 2014). The referenced table shows the common pattern whereby relative racial differences in the adverse outcome (multiple suspensions) tend to be larger, while relative differences in the corresponding favorable outcome (avoiding multiple suspensions) tend to be smaller, in the setting where the adverse outcome is less common (preschool) than in the setting where the adverse outcome is more common (K12).

The DOE/HHS letter (at 4 n.6) also explains that a substantial proportion of school districts with preschool programs had no suspensions in the school year discussed in the DOE's March 2014 [Data Snapshot: Early Childhood Education](#). The 6,700 figure for total suspended

preschool students in the 2013-14 school year cited at page 1 of the PEP fact sheet suggests, in light of the facts that almost 10,000 school districts had preschool programs and that some of those presumably suspended more than one student, that a majority of school districts may have had no preschool suspensions. Almost certainly a larger majority of school districts suspended no African American preschool students.

Explanations of the mistaken understanding regarding the effects of generally reducing discipline rates on measures of demographic differences in discipline rates to entities or individuals affiliated with the PBIS Network may be found my letters of [July 3](#) and [July 5](#), 2016, to the University of Oregon Institute on Violence and Destructive Behavior and University of Oregon Law School Center for Dispute Resolution. Other letters to entities promoting or acting on that mistaken understanding, or being affected by the mistaken understanding on the part of others, include those to [Oklahoma City School District](#) (Sept. 20, 2016), [Antioch Unified School District](#) (Sept. 9, 2016), [Houston Independent School District](#) (Jan. 5, 2016), [Boston Lawyers' Committee for Civil Rights and Economic Justice](#) (Nov. 12, 2015), [McKinney, Texas Independent School District](#) (Aug. 31, 2015), [Texas Appleseed](#) (Apr. 7, 2015), [Senate Committee on Health, Education, Labor and Pensions](#) (Mar. 20, 2015), [Vermont Senate Committee on Education](#) (Feb. 26, 2015), [Portland, Oregon Board of Education](#) (Feb. 25, 2015), [Education Law Center](#) (Aug. 14, 2014) [United States Department of Justice](#) (Apr. 23, 2012), [United States Department of Education](#) (Apr. 18, 2012).

Situations where, in point of fact, recent reductions in discipline rates were accompanied by increased relative racial/ethnic differences in discipline rates are discussed on the following subpages of the [Discipline Disparities](#) page of [jpscanlan.com](#) (with jurisdictions indicated in the subpage titles and the subpages involving states or jurisdictions within states where principal staff of the Pyramid Equity Project are located denoted with an asterisk): [California Disparities](#), [*Colorado Disparities](#), [Connecticut Disparities](#), [Maryland Disparities](#), [Minnesota Disparities](#), [*Oregon Disparities](#), [*Beaverton, OR Disparities](#), [*Denver Disparities](#), [Henrico County, VA Disparities](#), [Los Angeles SWPBS](#), [Minneapolis Disparities](#), [Montgomery County, MD Disparities](#), [*Portland, OR Disparities](#), [St. Paul Disparities](#).

More extended treatments of the pertinent statistical issues may be found in the above-mentioned "[Race and Mortality Revisited](#)," *Society* (July/Aug. 2014), my October 8, 2015 letter to the American Statistical Association, and my November 14, 2016 [Comments for the Commission on Evidence-Based Policymaking](#) (CEBP). All give substantial attention to the mistaken belief among federal civil rights enforcements agencies that generally reducing adverse outcomes will tend to reduce relative demographic differences in rates of experiencing the outcomes and the proportions disadvantaged groups comprise of persons experiencing the outcomes. The CEBP comments (at 46) recommend that the CEBP "recommend that Congress take all steps necessary to ensure that no federal law enforcement actions are based the belief that reducing the frequency of an adverse outcome tends to increase relative demographic differences in rates of experiencing the outcome or the proportion disadvantaged groups make up of persons experiencing those outcomes."

Follow-up [comments](#) for CEBP, submitted on November 28, 2016, specifically discuss the Pyramid Equity Project grant and provide a link to this letter.

The article "Race and Mortality Revisited" and the CEBP comments both discuss the fact that research regarding demographic differences cannot provide anything of value regarding whether differences between the circumstances of advantaged and disadvantaged groups are increasing or decreasing over time or are otherwise larger in one setting than another (but can provide much that is misleading about such issues) without understanding the ways the measures employed tend to be affected by the prevalence of an outcome. The points made there obviously apply to the part of the Pyramid Equity Project aimed at "us[ing] data systems to understand potential discipline equity issues." Similar considerations apply to programs specifically aimed at achieving certain changes to disparity indicators when actions taken pursuant to the programs are likely to change the indicators in a direction that is the opposite of the intended direction.

The above points hold regardless of the fact that some actions taken pursuant to the Pyramid Equity Project grant might tend to reduce relative differences in discipline rates and the proportions groups most susceptible to adverse discipline outcomes comprise of persons experiencing those outcome. The PEP fact sheet indicates that parts of the program will be aimed at promoting culturally responsive practices. To the extent that observed differences in suspension rates of whites and African Americans are functions of the fact that practices are not culturally responsive, and the program increases the cultural responsiveness of practices, the program may reduce all measures of differences between suspension rates of white and African American preschool students. But any such effect is unlikely to outweigh the usual effect of general reductions in discipline rates on relative racial differences in discipline rates and the proportions African Americans comprise of disciplined students. Further, failure to understand the effects of the prevalence of adverse discipline outcomes on relative racial differences in discipline rates and the proportions African Americans comprise of persons disciplined will make it impossible to identify any effect improvements in the cultural responsiveness of practices may have on differences in outcome rates. In any case, the granting agencies should have the opportunity to reconsider the grant in light of the fact that actions of the type contemplated in the grant are likely to increase both relative racial differences in preschool suspensions and the proportions African Americans make up of suspended preschool students.

The need to address with the granting agencies their misunderstandings underlying the grant exists even if generally improving the ability of students to avoid discipline in preschool might be deemed an important goal in itself. A principal purpose of the grant, as reflected in the PEP fact sheet itself, is, by increasing rates at which preschool students avoid discipline, to reduce racial and gender differences in preschool suspensions and the proportions African Americans and boys make up of suspended preschool students. In light of that purpose, the granting agencies should have the opportunity to reconsider the grant in light of the recognition that a central premise of the grant is incorrect.

In the event leaders of the Pyramid Equity Project or the PBIS Network or other readers of this letter disagree with any of the points made above, a useful place to express the

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disagreement would be in comments to the CEBP. Comments may be submitted by means of the regulations.gov portal through December 14, 2016.

Sincerely,

/s/ James P. Scanlan

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