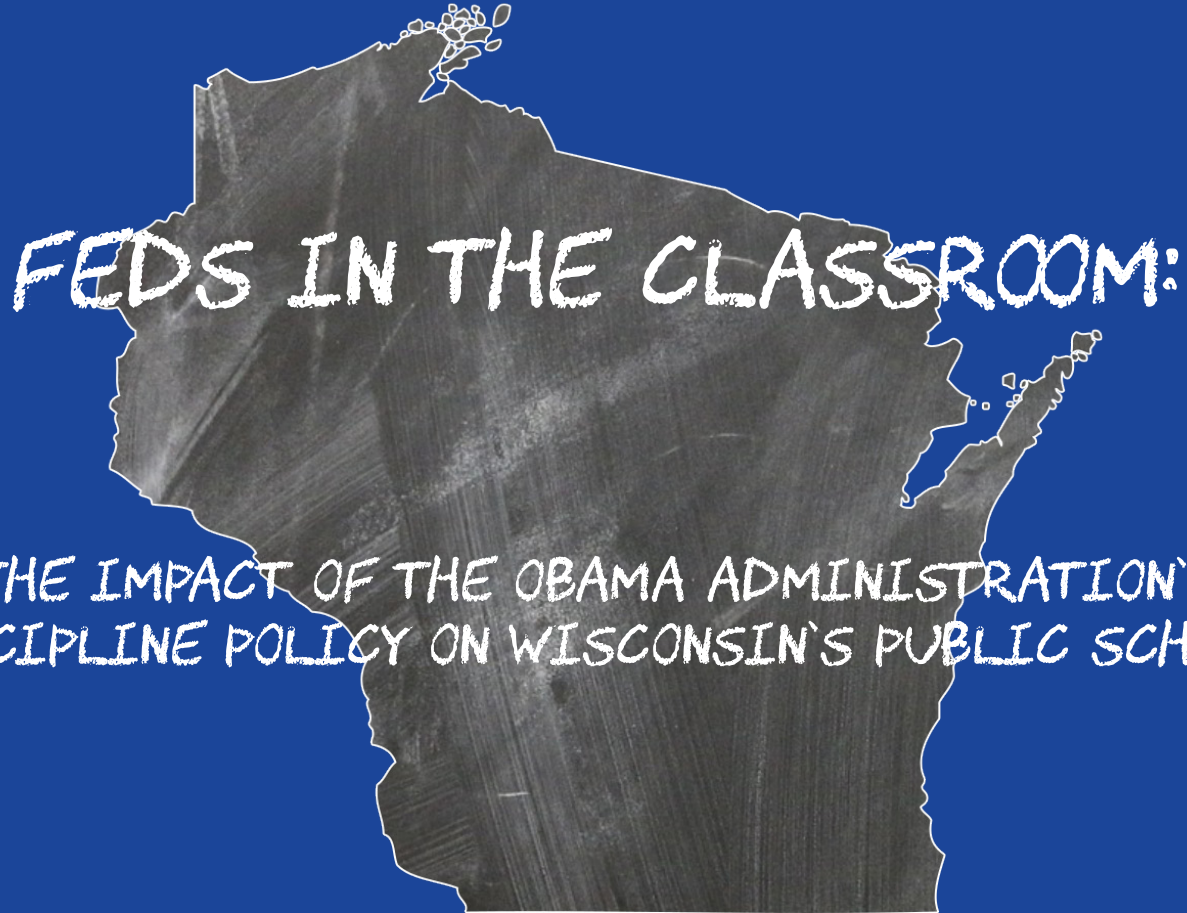


Wisconsin Institute for Law & Liberty



FEDS IN THE CLASSROOM:

THE IMPACT OF THE OBAMA ADMINISTRATION'S  
DISCIPLINE POLICY ON WISCONSIN'S PUBLIC SCHOOLS

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October, 2017



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## Executive Summary

Much has been made in recent years about the rate of suspensions and expulsions across the country and the role that student race ostensibly plays in them. A 2016 U.S. Department of Education study showed that African American students were 3.8 times more likely than white students to be suspended. But other scholars claim that racial disparities in suspensions are emblematic of other problems, such as poverty (Eden, 2017; Kersten 2017).

In an unprecedented, controversial manner, the Obama Administration took action to ensure that race was not a factor in school suspension decisions. Through the Supportive School Discipline Initiative and a “Dear Colleague memo,” the U.S. Justice Department and Education Department under the Obama Administration threatened public school districts with legal penalties in order to change their disciplinary policies. The letter told schools that unlawful discrimination can occur if it has a disproportionate effect on minority students and the school cannot justify the difference. None of these actions went through the traditional rulemaking, regulatory process - or were implemented into law through Congress.

School districts changed disciplinary policies to comply. Since 2011-2012, according to the Manhattan Institute, over 50 of the largest school districts and 27 states changed their laws or policies relating to school discipline. These changes resulted in fewer suspensions and, as highlighted by Wisconsin talk radio show host Dan O’Donnell, made the classroom less safe. As a result, the disciplinary policy changes were unpopular; a 2015 EdNext poll found that a majority of the public - and nearly 60% of teachers - disapproved of the Obama Administration’s actions.

Wisconsin was not immune to the national trend. This paper seeks to build on previous studies by providing the most comprehensive analysis, to date, of how the Obama Administration’s disciplinary policy changes have impacted Wisconsin public schools. We provide the historical context for changes in suspension policy before conducting extensive analyses of data on suspensions in Wisconsin since the 2007-08 school year. Some of our findings include:

1. **Since 2007-2008, suspensions in Wisconsin’s K-12 public schools have declined by about 41%.** In the 2007-08 school year, approximately 6.6% of students were suspended throughout the state. Rates began to decline in 2010-11 when the Education Department Office of Civil Rights first began distributing letters to school districts on the issue of racial disparity in suspensions. By 2015-16, only 3.9% of students had been suspended.

2. Around the same time as the decline, the Wisconsin Department of Public Instruction (DPI) began pushing alternative methods to discipline through the increased use of “positive” behavior reinforcement in lieu of punishment. The Wisconsin Positive Behavioral Intervention and Supports (PBIS) Network was created in 2010 to help improve social behavior and help schools organize and implement interventions for difficult students. **According to a 2015-2016 report, 511 PBIS-sustaining schools in Wisconsin saw suspensions decrease at a faster rate than the state average.**
3. **Despite the decline in suspensions and “Dear Colleague” letter, the racial disparity in suspensions has not closed at Milwaukee Public Schools.** For African Americans, the rate of suspensions fell by 51.0%. For Hispanics, it fell by 60.5%. But for whites it fell by 67.9%. However, the racial disparity in suspensions *has* closed statewide since the implementation of softer discipline policies.
4. **But for those who are suspended, and despite the difference in suspension rates by racial group, our data shows that race has no effect on the rate of suspensions at Milwaukee Public Schools when appropriate control variables are included.** The primary factor determining whether a student in Milwaukee is suspended is whether the student has a disability.
5. **For those who are suspended, our data shows that race has no effect on the rate of suspensions at Racine Unified, Kenosha, or Madison Public Schools when appropriate control variables are included.** Poverty was found to be the primary predictor of whether a student would be suspended in these school districts. Race does appear to be a significant factor in suspensions in Green Bay. However, that statistical analysis shows that race plays no role in suspension rates in 4 of the state’s 5 largest school districts calls into question the extent of the problem that the “Dear Colleague” letter sought to address.
6. **These findings are critical because as the suspension rate has declined, concerns over school climate and school safety have begun to rise.** Surveys and polls from teachers show that changes to suspension and discipline policies are leaving teachers unsatisfied and even fearful.
7. Because this study shows the unintended consequence of causing suspensions to plummet for all students as well as the tenuous link between race and suspensions, **U.S. Education Secretary Betsy DeVos should rescind the Obama Administration actions.** We encourage state lawmakers and school leaders to ask the Trump Administration to make this happen.

## I. Introduction

Last summer a teacher at Green Bay Area School District had enough. “We are in danger every day that we show up to our school. Students and staff are physically, verbally, emotionally, and mentally, sexually abused every single day in the building,” Kerstin Westcott told the school board. After years of service to Green Bay students, the teacher – who had recently won an award from the district for excellent teaching – resigned her position (DeLong, 2017).

Unfortunately, stories like Westcott’s have become increasingly common in recent years as school districts complied with orders from the Obama Administration to alter their discipline policies. Talk radio show host Dan O’Donnell documented a number of violent situations against teachers in Milwaukee Public Schools (O’Donnell, 2016).

The Obama administration action resulted from concerns about disparities in the extent to which minority students are suspended at a greater frequency relative to white students (Gottfredson, 2001). Seeing this as a civil rights issue that required federal involvement, the Obama Administration issued directives that have been shown to have had a substantial impact on suspension rates nationwide.

This paper explores the role of student race in disciplinary practice in Wisconsin, the historical impetus for changes in discipline policy in the state, and the effect of those changes on rates of suspension and school climate. We find that, after appropriate control variables are included, student race has no impact on the rate of student suspensions in most large school districts in Wisconsin. Because of the possible negative consequences associated with reduced suspensions resulting from the Obama Administration’s actions, this paper calls for a reassessment of discipline policy at both the state and federal level.

## II. Background of Suspensions and Expulsions of Students

- a. *Less suspensions: a harm to school climate or mitigating the “school to prison” pipeline?*

A major source of controversy in the last decade has been the role that a student’s race plays in discipline. Researchers have consistently identified a connection between the race of a student and discipline; with minority students more likely to be disciplined than white students (e.g. Gottfredson, 2001). However, far more controversial has been whether this is due primarily to higher rates of behavioral problems or systemic racial biases among educators.

There appears to be a growing consensus that suspension and expulsion rates that vary by race are due to systemic biases in the system. Proponents of this connection point to research that shows that congruence between the race of a teacher and a student in her classroom affects the likelihood that the student will be classified as disruptive, with students of a different race than his or her teacher being more likely to be classified as disruptive (Wright, 2016). A study of students in Texas found that minority students had a 31% likelihood of being subject to discretionary discipline after controlling for large number of other factors (Fabelo et. al. 2011).

Similarly, a report released by the White House in December 2016 found that according to the 2013-14 data from the U.S. Department of Education's Civil Rights Data Collection (CRDC), black students were 3.8 times more likely than white students to receive one or more out-of-school suspensions (White House, 2016). Black students also accounted for a "disproportionate number of referrals to law enforcement and school-related arrests."

However, others make the case that other factors may be involved. MacDonald argues that there may be real differences in behavior that at least partially explain differences in suspension rates (2012). Pointing to differences in homicide rates and gang activity among white and minority students, she argues that proponents of overt bias on the part of educators have not fully accounted for the possibility that minority students, on average, are more likely to engage in behaviors necessitating discipline. Evidence bolstering this point is found in a recent study that examined disparities between mandatory and discretionary discipline in schools (Tajalli & Garba, 2014). Mandatory disciplines are required by the state as punishment for particular well-defined infractions, and thus far less subject to the sort of biases that are often ascribed to educators in recent literature. This study found that there were significant differences in the disciplining of students by race even when considering only mandatory disciplines, suggesting real differences in behavior.

A recent study from the University of Chicago added further evidence that there may be more to understanding this story of success and suspension. Complicating factors include differences in how schools might categorize and report infractions (some schools may formally document something that other schools handle informally), variance in the type of discipline used for incidents (i.e. are suspensions used for the most minor issues or reserved only for the worst situations, such as bringing a weapon to school), and whether additional supports are provided to the disciplined student to ensure the behavior is not repeated. More than race, it appears that a "concentration of many low-achieving students from high-poverty neighborhoods" is the key driver of high suspension rates (Sartain et. al. 2015).

Another important question is the relationship between success later in life and suspension. The "School to Prison" pipeline has become a popular phrase in academia in recent years, with

the argument being that removing kids from the classroom increases the likelihood that they will engage in criminal behavior (Fabelo et. al., 2011). However, much of the existing research leaves open the possibility that it is not suspension from school that increases criminal behavior, but rather the same underlying behavioral issues that cause both suspension and criminality (MacDonald, 2012).

*b. Changes in policy under the Obama Administration*

Despite the ongoing debate on what role student race plays in suspensions, the Obama Administration came down squarely on one side. On March 8, 2010, Education Secretary Arne Duncan announced that the Department of Education was stepping up its work on educational equity. "Civil rights laws require vigorous enforcement not just because they are the law of the land but also because the data paint a stark picture of educational inequality," Duncan said in a speech in Alabama (United States Department of Education, 2010).

This would begin with the ED's Office for Civil Rights distributing letters to school districts across America on issues of equity, reviewing districts' disciplinary procedures, and conducting compliance reviews to make sure students had access to equal opportunities. According to the New York Times, "A school seen to be expelling Latino students in numbers far out of proportion to their share of the student population, for instance, might become a candidate for compliance review, officials said" (Dillon, 2010).

By the summer of 2011, the Department of Education had partnered with the Department of Justice to launch the Supportive School Discipline Initiative (SSDI) in the hope of addressing the "school-to-prison pipeline," ensuring that schools' disciplinary practices do not "push students out of school and into the justice system" (United States Department of Justice, 2011).

The SSDI focused on strongly encouraging schools to move away from suspensions to other disciplinary alternatives that keep students in school (United States Department of Education, 2014). This led to the creation of a Guidance Package that was sent to school districts in January, 2014. Included was a "Dear Colleague" letter worded in no uncertain terms. The letter reminded schools that unlawful discrimination can occur "if a policy is neutral on its face - meaning that the policy itself does not mention race - and is administered in an evenhanded manner but has a *disparate impact, i.e.,* a disproportionate and unjustified *effect* on students of a particular race" (United States Department of Justice & United States Department of Education, 2014).

In other words, differences in suspension rates that may exist by race are considered to be *de facto* discriminatory even if discipline policy is implemented with no racial considerations

whatsoever. Schools with differences in suspension rate along racial lines are threatened with investigation by the letter. Political Scientist Joshua Dunn offered a stinging critique of this letter at the time of its release:

*“The perverse incentives of these guidelines are so obvious that only Justice and Education Department attorneys could ignore them. Most perversely, they will encourage schools to tolerate disruptive and dangerous behavior lest they have too many students of one race being punished. The effect will be to punish students who behave and want to learn since their education will be sabotaged by troublemakers. And the disruptive will certainly learn, and learn quickly, that their schools are now tolerating even more disruptive behavior. Sadly these incentives will be strongest in largely minority, urban school districts, like Baltimore’s, where disruptive student behavior is a more significant problem (Dunn, 2014).”*

Since the 2011-12 school year, according to a report from the Manhattan Institute, over 50 of the largest school districts in the country have implemented discipline reforms, and 27 states have changed their laws to reduce the use of exclusionary discipline (Eden, 2017). Eden attributes this to both changes made by districts of their own volition in response to disparities in suspension rates as well as federal pressure from the Obama administration.

### **III. The Story of Wisconsin: Decreased Suspensions and Alternative Discipline Practices**

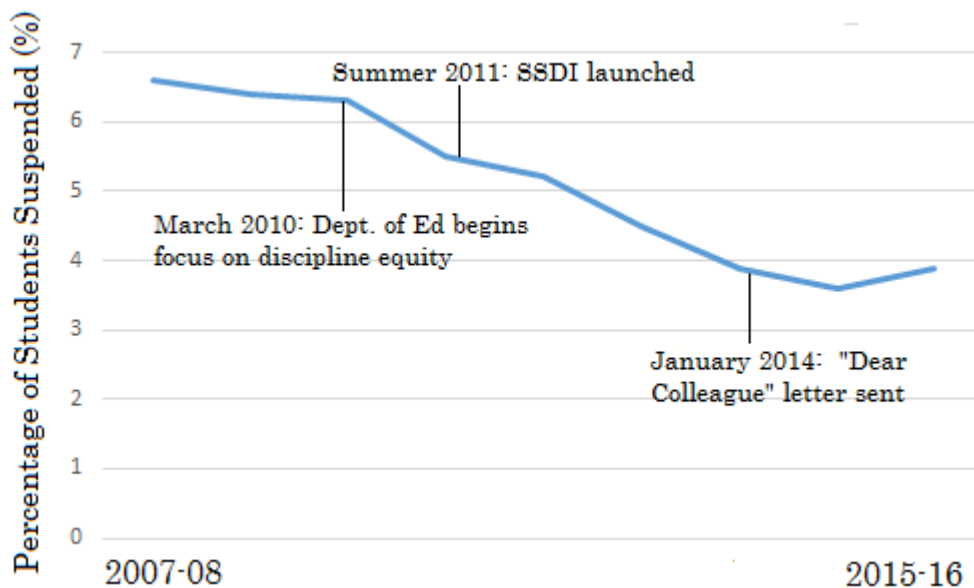
School districts in Wisconsin, such as Milwaukee Public Schools, began adopting alternative discipline practices, including repairing harm circles and one-on-one restorative conversations (Milwaukee Public Schools). And over 1000 schools were trained in Positive Behavioral Interventions and Supports (PBIS), with 924 schools implementing the framework as of July 2016 and 734 implementing to fidelity (Wisconsin PBIS Network, 2016). PBIS is an initiative funded by the Department of Education’s Office of Special Education Programs. While some Wisconsin schools began implementing PBIS back in 2006, the Wisconsin PBIS Network – which receives funding from DPI – was created in 2010 to provide training support and technical assistance. PBIS is not a curriculum, but rather a way for schools to organize and implement interventions – such as restorative practices – to help improve the social behavior and academic outcomes for students.

According to a 2015-16 report, 511 PBIS-sustaining schools in Wisconsin saw suspensions decrease at a faster rate than the state average from 2011-12 to 2014-15 (Wisconsin Rtl Center, 2016). However, it is unclear whether that decrease in suspensions is related to any positive or negative changes in school climate and learning.



The Department of Public Instruction (DPI) provides data on the rate of suspensions and expulsions for all school districts throughout the state dating back to the 2007-08 school year.<sup>1</sup> “Suspension rate” is calculated as the number of students in the district who experience at least one suspension over the course of a school year. Students who receive multiple suspensions are not double counted (DPI). The figure below shows the changes that have occurred in the statewide suspension rate from that year onward.

**Figure 1. Wisconsin School Suspension Rate, 2007-08 School Year to 2015-16 School Year**



Source: DPI Wisedash, Suspensions & Expulsions School District Report Card

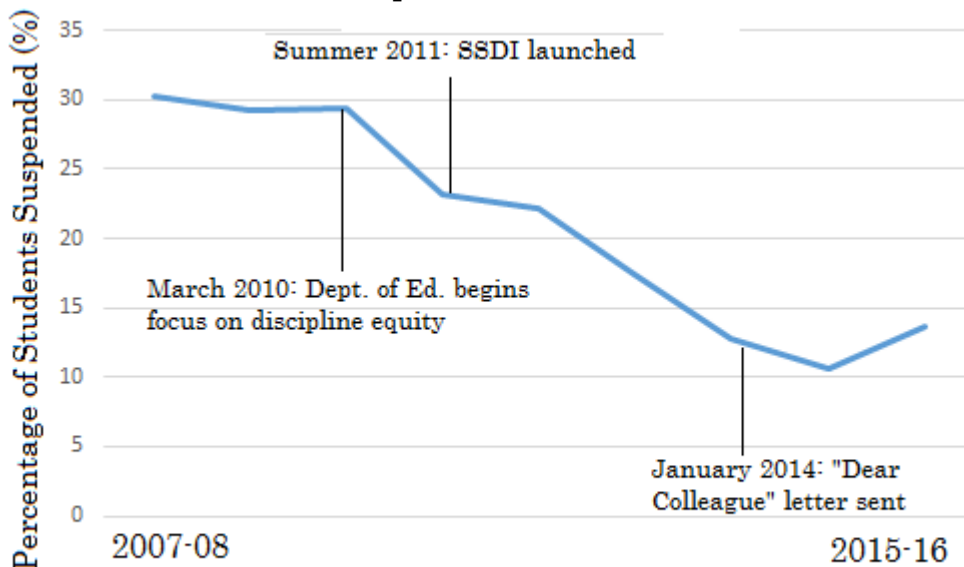
One can clearly see a decline in suspensions over the time frame reported. In the 2007-08 school year, approximately 6.6% of students were suspended throughout the state. By 2015-16, this number had dropped to 3.9% – a decline of approximately 41%. In terms of the raw number of students being suspended, this represents a drop of approximately 23,972.<sup>2</sup> While additional earlier years of data would be helpful, it does appear that suspension rates began to decline at about the same time the Obama administration began to focus on discipline equity.

The changes are similarly dramatic when one examines the largest school district in the state-- Milwaukee Public Schools. Figure 2 below depicts the same information as Figure 1 for Milwaukee.

<sup>1</sup> Earlier data is available via Wisedash historical files. A look at these files does not reveal substantively meaningful changes in suspension rates prior to the years under study here.

<sup>2</sup> Number also accounts for the decline in public school enrollment that has occurred since the 2007-08 school year.

**Figure 2. Milwaukee School Suspension Rate, 2007-08 School Year to 2015-16 School Year**



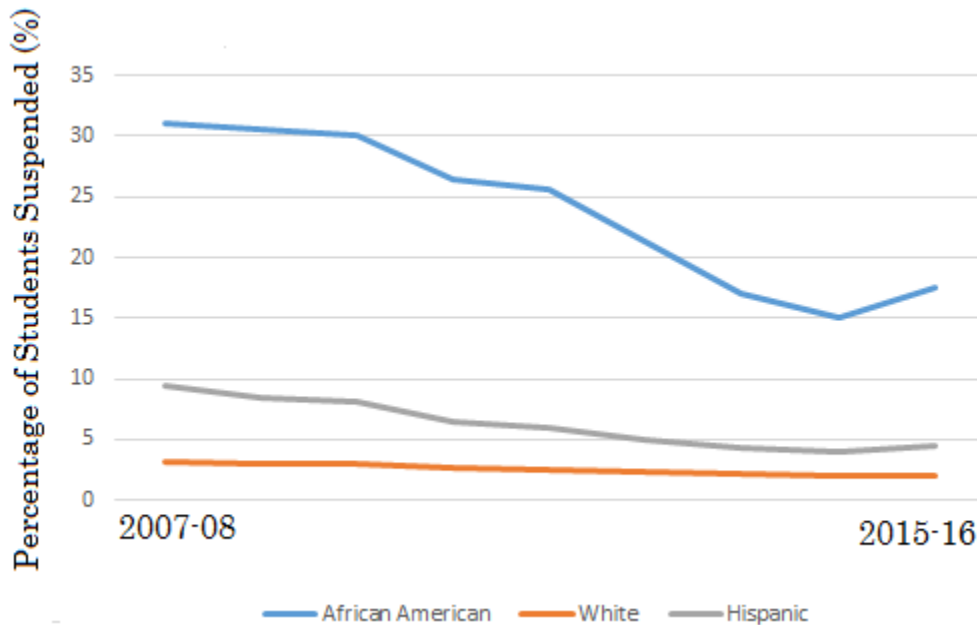
Source: DPI Wisedash, Suspensions & Expulsions Milwaukee District Report Card

The rate of suspensions is substantially higher in Milwaukee than the rest of the state. Whereas in 2007-08 approximately 6.6% of Wisconsin students were suspended, approximately 30.3% of students were suspended in Milwaukee. The declines in Milwaukee, however, are even larger than the rest of the state. Whereas suspensions statewide have declined by more than 41%, they have declined by approximately 55% in the city. This represents a decline in suspensions of approximately 17,631.

*a. Changes in Suspension/Expulsion by Demographic Group*

It seems likely that the policies of the Department of Education under the Obama administration had an impact on overall suspension rates in Wisconsin, as it is reflective of a national trend. But have these policies had an impact on the differential suspension rate among minority groups in the state? To answer this question, we return to the data available from the DPI that allows us to break down suspensions since the 2007-08 school year by racial group. The statewide results are found in the figure below.

**Figure 3. Suspension Rate by Racial/Ethnic Group, Wisconsin**



One can see from this data that African American students are suspended at a substantially higher rate across Wisconsin than students from other racial/ethnic groups. In 2007-08, approximately 31% of African American students in the state were suspended from school, compared to 9.4% of Hispanic students and 3.2% of white students. The suspension rate for Hispanics and African Americans *did* decline more than for white students over this time frame. The rate for Hispanics fell by approximately 53%, African Americans by 43%, while whites experienced a 38% decline<sup>3</sup>.

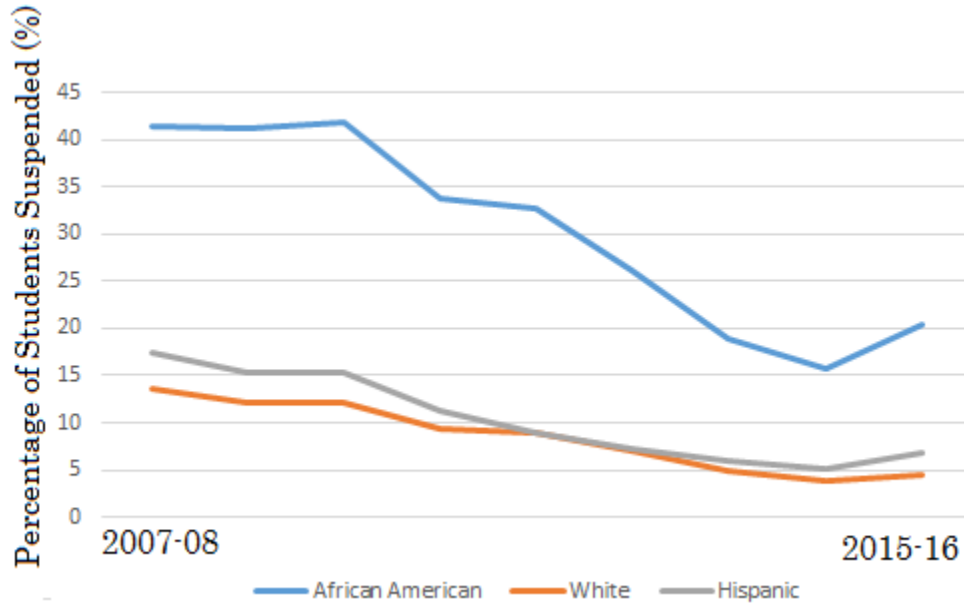
That said, a look at the statewide numbers in this instance may mask some important realities. In particular, African American students tend to be clustered in a few of the larger school districts in the state: 49.4% of all African American students in the state are in the Milwaukee Public School District. Do the changes in the racial suspension gap hold when we look just at Milwaukee?

Figure 4 includes the same racial and ethnic breakdown as above, looking exclusively at the Milwaukee Public School District. Unlike our state-level analysis, we find that the Obama policy has had no impact on the differential suspension rates of students in Milwaukee. For African Americans, the rate of suspension fell by 51.0%. For Hispanics, it fell by 60.5%. But for whites, it fell by a staggering 67.9%. For clarity, these numbers are included in the bar chart in Figure 5. In

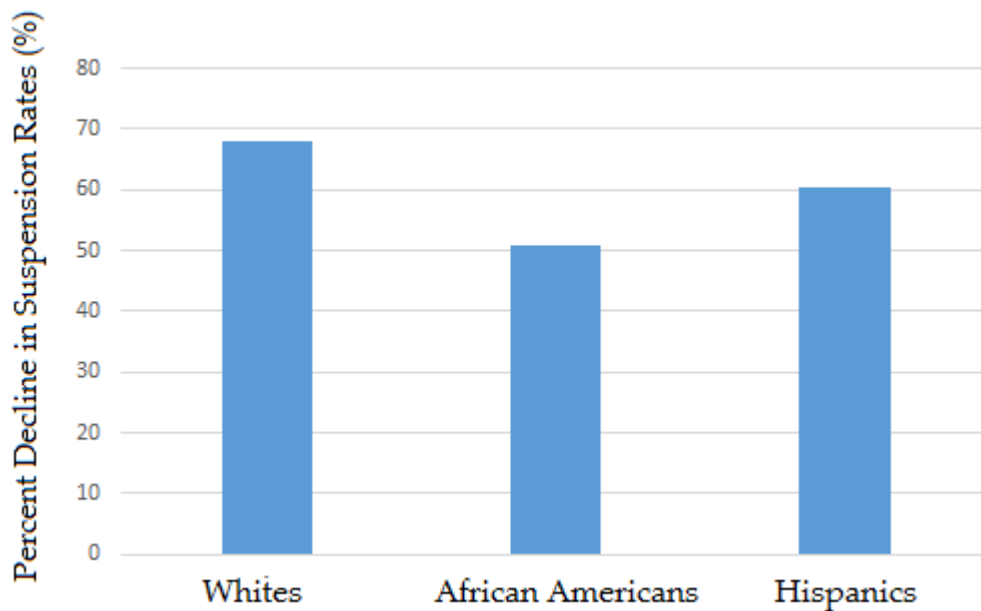
<sup>3</sup> Gap closure is primarily driven by the inclusion of MPS, which has a large share of the state’s African American students. When MPS is excluded from the model, white students see a larger percentage drop in suspension than African American students.

other words, the implementation of a policy designed to close racial suspension gaps has resulted in a *wider* gap in suspension rates in MPS.

**Figure 4. Suspension Rate by Race/Ethnic Group Milwaukee**



**Figure 5. Percent Decline in Suspension Rates, 2007-08-2015-16 Milwaukee**



*b. Is race the cause of suspension differences?*

Despite the decline in suspensions across the board in Wisconsin and Milwaukee, one may look at Figures 3 and 4 and think that there is still some sort of racial bias affecting suspension rates in the state. However, before reaching that conclusion, it is important that other relevant factors that are known to affect rates of suspension be taken into account. Data from the DPI on Milwaukee Public Schools allows us to do just that.

We collected data from DPI on a number of factors that could plausibly affect the likelihood of discipline other than race. The enrollment of the school is included to account for the possibility that classroom management is more difficult for teachers in classrooms with more students. The share of students in the school with disabilities was also included to account for the possibility that students with behavioral disabilities may be more likely to create disturbances in the classroom that lead to punishment. The grade level of the school was accounted for in recognition of the fact that harsh punishments like suspension are not as common at lower grade levels. Other factors include the share of English-language learners in the school, and the share of economically disadvantaged students in the school. Alternative schools were dropped from this analysis because their purpose is primarily dealing with students with discipline problems.

The results of this analysis are found in Table 1 below. Significant variables are highlighted in grey. Column 1 of the table is illustrative of the danger of jumping to conclusions based on limited models: this model only compares the rate of suspension with the share of African American and Hispanic students in the school. In this model, the share of African American students is found to be a significant predictor of suspension rates ( $p < .01$ ). Moving from a hypothetical school with no African American students to a school with 100% African American students would be expected to increase the number of suspensions by 28.50. Even in the baseline model, the share of Hispanic students in the school is not predictive of higher suspension rates, though it does approach significance.

**Table 1. Effect of Key Variables on Rate of Suspensions, Milwaukee (2015-16)**

VARIABLES	(1) Suspension Rate	(2) Suspension Rate
<i>African American</i>	28.50*** (8.780)	-9.588 (11.77)
<i>Hispanic</i>	18.46 (11.33)	-11.55 (13.02)
<i>Disabled Students</i>	--	86.45*** (23.36)
<i>Economically Disadvantaged</i>	--	15.16 (17.68)
<i>English Language Learners</i>	--	5.197 (19.50)
<i>Enrollment</i>	--	-0.0166*** (0.00574)
<i>Elementary School</i>	--	-20.87*** (3.828)
<i>Middle School</i>	--	22.02*** (7.125)
Constant	-5.953 (7.580)	13.71 (10.95)
Observations	128	128
R-squared	0.100	0.474

Standard errors in parentheses  
 \*\*\* p<0.01, \*\* p<0.05, \* p<0.1

The inclusion of the control variables in column 2, however, has a dramatic effect on our findings regarding suspension rates. African American and Hispanic share of the student population is no longer a significant predictor of suspension rates. Instead, the share of disabled students in the school is found to be one of the key factors ( $p<.01$ ). Other variables work in the manner predicted. Schools with smaller numbers of students have fewer suspensions on average, as do elementary schools relative to the omitted baseline group, high schools.

Why does this happen? The answer appears to lie in the relationship between African American students and disability status. That African American students are more likely to be diagnosed with disabilities is a fact that has flummoxed education policy makers for decades (Harry and Klinger 2014). This is borne out in our dataset as well, where the share of African Americans in a school is a strong predictor of the share of disabled students in the school ( $p<.01$ ). While our

finding cannot preclude the possibility that African American students are being diagnosed with disabilities in a discriminatory manner, we can conclude that race itself does not appear to directly correlate with suspension rates in Milwaukee.

What about other large Wisconsin school districts? Table 2 below depicts the same analyses for the remainder of the top five largest schools districts in Wisconsin – Green Bay Area School District, Madison Metropolitan School District, Kenosha Unified School District, and Racine Unified School District. Because the number of schools is smaller, we face a concern regarding statistical power from the inclusion of all of the variables from Table 1. Consequently, this table only examines the percent minority in the school rather than the percent African American and Hispanic separately.<sup>4</sup>

In Madison, Kenosha, and Racine, the results are similar to what we saw in Milwaukee in terms of the effect of race on suspension rates. In these districts, we observe that the share of economically disadvantaged students in the school is significantly predictive of suspensions, while the number of disabled students is not. In Kenosha we see no factors being predictive of suspension rates other than whether the school is an elementary school. Green Bay is consistent with our Milwaukee findings in that disability status is an important predictor of suspensions. However, we do see a significant impact of the share of minority students on the suspension rate in Green Bay. Shifting from a hypothetical school with no minority students to a school that was 100% minority would be expected to increase the number of suspensions by approximately 22.34. It should be noted that alternative models that break the minority variable down to African American and Hispanic shows no impact of race on suspensions for either group.<sup>5</sup>

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<sup>4</sup> Using percent minority for Milwaukee rather than the finer race breakdown yields a similarly insignificant coefficient on the impact of race on suspension.

<sup>5</sup> In this case, the higher R<sup>2</sup> in the ‘minority’ model led to the decision to include it over the ‘African American and Hispanic’ model.

Table 2. Effect of Key Variables on Rate of Suspensions, Milwaukee (2015-16)

VARIABLES	Green Bay Suspension	Kenosha Suspension	Madison Suspension	Racine Suspension
<i>Percent Minority</i>	22.34** (9.980)	14.17 (12.58)	-5.285 (4.979)	9.531 (15.12)
<i>Disabled Students</i>	31.16** (14.81)	22.15 (30.75)	4.886 (9.028)	-1.197 (19.04)
<i>English Language Learners</i>	-16.03*** (5.702)	-10.77 (13.22)	2.491 (3.817)	-29.89** (14.16)
<i>Economically Disadvantaged</i>	-4.444 (8.145)	3.945 (11.03)	6.750** (3.285)	26.73* (14.39)
<i>Enrollment</i>	-0.00289 (0.00203)	-0.00351 (0.00251)	-0.00323 (0.00193)	-0.00180 (0.00688)
<i>Elementary</i>	-4.066 (2.659)	-11.20*** (3.118)	-10.38*** (3.043)	-3.420 (9.403)
<i>Middle School</i>	3.616* (1.896)	2.737 (2.907)	-0.500 (2.671)	7.347 (7.917)
<i>Elementary/Secondary</i>	-0.632 (2.659)	--	--	--
Constant	21.54** (9.797)	18.99 (12.30)	5.482 (6.338)	5.099 (20.82)
Observations	36	33	45	28
R-squared	0.787	0.726	0.903	0.784

Standard errors in parentheses  
 \*\*\* p<0.01, \*\* p<0.05, \* p<0.1

It appears that federal policy has resulted in wholesale changes to discipline throughout Wisconsin in order to solve a specter of a problem. In four of the five largest districts we examined, we observed no effect of race on suspension rates. But perhaps these changes could still be beneficial if they have improved the learning environment for Wisconsin's kids. The final section of this paper suggests that this is not the case.

*c. The impact on school climate*

Much is made in both the news media and by policy organizations regarding the ostensible shortage of teachers in Wisconsin. Though this problem is not unique to the state, it is often blamed on Act 10 (Geraldo, 2017) despite statistical evidence to the contrary (Lueken, Flanders, & Szafir 2016). There is some reason to believe that changes in discipline policies - which often force teachers to deal with disruptive students who distract from the learning of others in the class - may play a role with increasing career dissatisfaction.



At the national level, a 2015 poll by Education Next in 2015 found that a majority of the general public (approximately 51%) oppose policies that require similar rates of suspension across racial groups (Henderson, Peterson, & West, 2015). Among teachers – those with the greatest familiarity of the impact of discipline policies on the classroom – an even larger majority (59%) oppose such policies.

Polls of teachers in specific districts across the country have similar findings, Max Eden shows (Eden, 2017). In Santa Ana, California, 65% of teachers said the new approach was not working. The amount and frequency of bad behavior increased in Oklahoma City schools after the discipline reforms, according to 60% of teachers. And 60% of Baton Rouge teachers reported an increase in violence or violent threats from their students. 57% of teachers in Syracuse, New York responded that they had been threatened at work. Similar survey results have been found in Indianapolis, Denver, Jackson, and Tampa Bay.

While state-specific data on school climate change is more limited, there is a substantial amount of anecdotal evidence suggesting a negative impact. A 2015 report by the Wisconsin Policy Research Institute highlights a number of stories of teachers who felt that they are no longer being supported by school administration in their efforts to maintain an orderly classroom (Daley, 2015). One MPS teacher quoted in the article describes a system in which students feel empowered to misbehave because teachers are not allowed to take actions that will maintain control of the class: *“There’s nothing going to happen, and the kids know it,” the teacher says. “It’s hard to keep order in a classroom when the kids know there is no consequence to misbehavior. It’s a license for the other kids”* (Ibid, 2015).

In another example, the Madison Metropolitan School District implemented a program designed to reduce exclusionary discipline practices in the 2014-15 school year. In that goal, the program was quite effective – suspensions dropped by more than 40% and instructional days lost dropped by more than 1900 (Madison Metropolitan Schools, 2015). But teachers expressed extreme dissatisfaction with the measures in a poll conducted by Madison Teachers Incorporated.

Among the more troubling findings, when Madison teachers were asked whether “The practices aligned with the Behavior Education Plan have had a positive effect on student behavior,” only 13% of responding teachers agreed, while 51% disagreed. When asked, “When a student is returned to class following a behavior incident, he or she is ready to re-engage in learning,” 17% agreed and 46% disagreed.

The most comprehensive analysis of the impact of softened discipline in Wisconsin was conducted as part of a \$14 million grant awarded to the state in 2010 as part of SSDI. As a part

of the assessment of the effects of the SSDI, a survey of students in the implementing schools was conducted annually from 2011 to 2014 (Kuo & Moberg 2016). These results were compared to the results from a sample of students at non-participating schools. The findings of the survey were, at best, ambiguous as to the overall impact on student perceptions of safety. But there are a number of responses that should give policymakers pause. Among them, perceptions that they were “not always safe at school” increased to a statistically significant degree among participating students. The gap between non-participating students and participating students also grew on questions of whether “violence is a problem in school” and whether “someone ever hurt you at school in the last 12 months.”

#### **IV. Policy Recommendations**

Federal policy on school discipline has had a dramatic effect on suspension rates throughout Wisconsin. Despite claims to the contrary, or what may occur in other states, this paper has provided evidence that suspension rates in Wisconsin are far less tied to race than they are to the share of students in the classroom with disabilities and economic status. In three of the four major school districts we examine, we find that there is no correlation between the racial composition of the student body and suspension rates. In the fourth case, Green Bay, the evidence for an impact is limited. These changes in discipline policy have resulted in dissatisfaction among educators, and may even be contributing to the teacher shortage in the state as teachers feel that they are not supported in the classroom.

Reversing this trend – or at least giving local control back to public schools in this issue – starts with reversing the actions of the Obama Administration. As noted earlier, the actions taken by the Obama Administration were not formal through the regulatory or lawmaking process. Therefore interested parties should consider rescinding by U.S. Education Secretary Betsy DeVos of the Obama Administration’s “Dear Colleague” letter. The Trump Administration has shown a willingness to rollback burdensome regulations and guidance from the Obama Administration; recently the Education Department announced that it was formally rescinding the letter which provided guidance on how colleges and universities handle sexual assault allegations under Title IX. Moreover, reversing the Obama Administration’s disciplinary actions would be in line with the Trump Administration, especially in education, trying to give more decision-making power back to schools.

In addition, state legislation could be crafted that empowers teachers to regain control in the classroom. As reported recently by the Associated Press, legislation in Wisconsin is under consideration that would remove students from the classroom on a short term basis (Richmond, 2017). This would represent a penalty short of full suspension that may work to help teachers regain control of unruly classes. Teachers bear the brunt of discipline problems in the

classroom, and it is not unreasonable to provide them with the tools to better control the behavior of students under their supervision.

## **V. Conclusion**

When the Obama Administration's Education Department turned their focus on school suspension policies, they, and others, sought to rectify a problem. The problem, identified as racial discrimination, was said to have emerged from school suspension policies that resulted in far too many minority students receiving punishment. In the ensuing years, local officials in the State of Wisconsin followed the guidance of the Obama Education Department and adjusted their suspension policies to combat racial discrimination.

What this study finds is that adjustments made to school suspension policies have not exactly had the intended effect. Suspension rates have dropped statewide and in the state's largest school districts. But in Milwaukee, where half of the state's African American students reside, the racial disparity in suspension rates remains roughly the same. When proper control variables are applied to Milwaukee, it is the number of disabled students, not race that is a determining factor in suspensions. In addition, race was not found to be a determining factor in Racine, Kenosha, or Madison when proper control variables were added.

These findings are critical given the unintended consequences of the adjustment to suspension policies. Surveys and polls from teachers show that changes to suspension and discipline policies are leaving teachers unsatisfied and even fearful. As the suspension rate has declined, concerns over school climate and school safety have begun to rise.

Policymakers, school leaders, and parents ought to rely on good data, not just good intentions, when evaluating the effectiveness of a given policy. The changes made with regard to discipline and suspension policies in Wisconsin schools have not had the intended effect, and may be contributing to negative changes in school culture. At minimum, these policies deserve a thorough reevaluation. But given the federal coercion in encouraging these policies nationwide, it may require a full-scale reversal from the Education Department. That would be in line with recent federal policies aimed at reducing the federal role in education and empowering local and state officials to make decisions that best serve their students.

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