OCTOBER 2021 WILL FLANDERS, PHD & AMEILLIA WEDWARD SUSPENDED REALITY THE IMPACT OF SUSPENSION POLICY ON STUDENT SAFETY







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POLICY INTERN

SUSPENDED REALITY:

THE IMPACT OF SUSPENSION POLICY ON STUDENT SAFETY

Executive Summary

Federal intervention in school discipline policy became an issue of increasing importance beginning during the Obama administration. Based on the argument that differences in the rates of discipline for students of different racial groups was evidence of racism, the administration issued a "Dear Colleague" letter informing school districts that they needed to work to reduce gaps in suspensions for those of different racial backgrounds.

A reprieve of sorts occurred during the Trump administration, with the "Dear Colleague" letter eventually being rolled back. But, under President Biden, we are likely to see similar, or even more stringent, federal intervention. What, then, was the result of previous interventions under Obama? This report seeks to answer that question through the prism of Milwaukee Public Schools (MPS), which was subject to an inquiry from the Department of Education's Civil Rights Division, and eventually entered into an agreement with them to reduce disparate suspension outcomes.

We combine several data sets in this analysis. Data from the Wisconsin Department of Public Instruction on suspension rates at the school level is combined with data from a UW-Milwaukee survey of students on how safe they feel in their school.

Among the key takeaways from this study:

- Suspension Rates Declined in Milwaukee After MPS Agreement. While suspension rates increased in Milwaukee for several years, there was an immediate decline following an agreement between MPS and the Civil Rights Division of the Department of Education.
- Reduced Suspension for African American Students Resulted in Lower Reports of Safety. When suspension rates for African American students fell, the share of students reporting that they feel unsafe in their school's hallways went up.
- Suspension Rates for Other Student Groups
 Change in a more "normal" manner.
 Among all students and Hispanic students,
 higher suspension rates occur in schools where
 students report feeling less safe.
- African American Students Suffer the Most. African American students are heavily concentrated in schools with other African Americans, meaning other African American students bear the brunt of lax discipline practices.

This research has important implications for policy makers at both the state and federal level. It shows there are real-world, negative implications from applying political correctness to school discipline standards. Moreover, students in the group that is ostensibly meant to be helped by relaxed discipline are actually the most likely to be harmed.

History

In 2014 the Obama Administration issued a directive to public schools nationwide to decrease student suspension rates for minority students and students with disabilities. The Administration did so through a guidance policy, not a regulatory or statutory requirement that would have resulted in oversight by Congress. The 'Dear Colleague' Letter¹ stated that racial disparities—specifically for African American students—were found within school discipline numbers. The report noted suspension rates were "almost four times higher for black students than whites." To address these disparities in suspension rates, the 'Dear Colleague' letter stated that district policies must do more than just ensure that students are treated equally to prevent violating federal anti-discrimination laws. The 'Dear Colleague' expanded to include disparate impact—meaning that students' discipline must be given with their race in mind—to ensure some students are disciplined less while other students are disciplined more. The administration then threatened federal action if African American suspension rates were not reduced. Therefore, to escape lawsuits or cuts to federal funding, many school districts agreed to the government's decree.

Milwaukee Public Schools (MPS) was among them. To avoid being sued by the United States Department of Education, MPS agreed to a federal plan to reduce disparities in discipline actions for African-American students. Suggesting that this agreement was strong-armed by the federal government, MPS Superintendent Darienne Driver said, "We have to, it's not optional."² Among the requirements of the agreement, MPS had to improve its collection of discipline data, train teachers on how to deal with problematic students, and develop interventions for students who were identified as 'at risk' for behavioral problems.

It appears that President Obama's strategy was reactionary and did not target the root issue at hand. Instead of addressing concerning trends of violence in the classroom,³ the policy operated under the assumption that teachers were the problem and their actions were discriminatory. Joined by fellow conservative groups, WILL issued a letter⁴ encouraging former Education Secretary Betsy DeVos to put an end to the 2014 'Dear Colleague' letter. In 2018, DeVos officially revoked the policies which would punish schools that had "disparate impacts" on minority groups. However, recent events suggest that similar policies are gaining momentum once again at both the state and federal level.

This June, the U.S. Department of Education requested public comment on how to best "support and build schools' capacity to promote positive, inclusive, safe, and supportive school climates in a nondiscriminatory manner."⁵ President Biden has also nominated Catherine Lhamon to the Department of Education's Office of Civil Rights,⁶ a position she held under the Obama administration. In that position, she led efforts to create equity in discipline policy.

At the state level, Wisconsin's Department of Public Instruction recently proposed a rule⁷ that would replace many instances of "equality" with "equity." Equity has become a buzzword among those who seek to ensure not equality of opportunity, but of outcomes in many contexts. The rule also requires a further disaggregation of discipline data by race—arguably paving the way for further policies down the line that would work to reduce discipline disparities along racial lines. In light of these developments, it is vital that we continue to expand our understanding of the impact of this sort of policy on students and their safety. At the school district level, some districts like Madison Metropolitan have even considered eliminating suspensions entirely for certain grade levels.8

Literature Review

RACISM OR BEHAVIOR?

The question of whether racism is the cause of greater suspension rates for African American students is at the core of this discussion. Heather MacDonald, the Thomas W. Smith Fellow at the Manhattan Institute and a contributing editor of City Journal, has provided extensive work on this topic. She conducted an analysis9 of this question using data from Duval County, Florida. MacDonald describes that the reasons behind high juvenile homicide rates are multifaceted. Family dysfunction, lack of impulse control or anger-management skills, and lack of socialization increases disruptive classroom behavior and thus creates these greater legal problems in the long run. Schools are often the last line of defense to help out these kids if they come from troubled homes or are dealing with complex issues; and, if students see this reaction as an excuse to use race for bad behavior, then they will be "handicapped for life." Unfortunately, many of these factors are correlated with student race.

As noted by MacDonald, there is evidence for differences in behavior that tend to correlate with student race using measures that ought not be connected with racism on the part of teachers. For instance, African American students report being in a fight in the past year at a rate more than 61% higher than white students according to data from the National Center for Education Statistics.¹⁰

One way to gain further leverage on this question is to separate mandatory and discretionary discipline. Infractions that fall into a "mandatory discipline" policy are required by the state as punishment for particular well-defined infractions, and thus are less prone to subjectivity

on the part of the school leader. One study by researchers from Texas State University¹¹ found that African American students were not only more likely to face discretionary discipline, but also mandatory discipline, suggesting behavioral differences. Mandatory discipline actions are required by the state for certain offenses that are deemed serious by the state, such as committing a felony near school grounds, or possession of drugs.¹² Another study from scholars at the University of Chicago¹³ found that it wasn't so much student race that drove disciplinary decisions, but rather "concentration of many low-achieving students from high-poverty neighborhoods."

United State Commission on Civil Rights member Gail Heriot, a skeptic on widespread racial discipline bias, perhaps summarized things best in a 2019 statement:

What accounts for the differing rates of misbehavior? The best anybody can say is, "We don't know entirely." But differing rates of poverty, differing rates of fatherless households, differing parental education, differing achievement in school, and histories of policy failures and injustices likely each play a part. Whatever the genesis of these disparities, they need to be dealt with realistically. We don't live in a make believe world.

Implications of "Woke" Discipline

In 2019, the Fordham Institute partnered with the RAND Corporation to survey more than 1,200 teachers across the country. ¹⁴ Their results reveal a teaching workforce that is worn down by continued disrespect in the classroom. These

teachers see that it is the students in the class who want to learn who suffer most from a subset of misbehaving students, and believe that suspensions should be used more, rather than less often. Contrary to the narratives around racism in discipline policy, African American teachers were also likely to believe that suspensions are not being used enough.

The Center of the American Experiment,¹⁵ a public policy organization in Minnesota, furthers such sentiments: that the school discipline reformative programs cause more problems than solutions. Surprisingly enough or not, while these issues are still prominent, the article highlighted that teachers' unions still support the reforms.

Some have found nationwide data to argue against the suspension ban. For instance, Max Eden used case studies on cities and states around the United States in a 2019 analysis.¹⁶ Eden found that teachers did not always see benefits in school districts that complied with the federal government's policies. "In Madison, Wisconsin,¹⁷ only 13 percent of teachers think that it [the new approach to discipline] has a positive effect on behavior." He points out that while schools are generally safer than they were a decade ago, classrooms have seen a significant spike in disruptive behaviors; therefore, changing school safety and climate responses as disciplinary measures were modified. Eden concludes by noting that very little data has been gathered previously on how students feel in these situations, and that this is an area ripe for further research.

More specific to Wisconsin, a number of groups have highlighted the negative impact of lenient discipline policies on students. Much of the existing work on Obama's discipline policies highlights anecdotal evidence consistent with the notion that these policies created an unsafe

environment in schools. For instance, the Badger Institute¹⁸ highlighted the "Don't Kick Them Out" mandatory book reading for teachers, the Violence-Free Zone program, 19 and the San Francisco based Pacific Education Group (PEG). PEG advocates for cultural competency training for teachers, supports anti-white privilege propaganda, and is a strong proponent for restorative justice programs. WILL conducted a number of studies related to federally mandated discipline policy in Wisconsin. One report found that suspension rates plummeted in districts that applied so-called "Restorative Justice" practices to school systems.²⁰ This in turn had a negative effect on student outcomes, as test scores declined in districts where they were implemented.²¹

The need to create safe environments for students is self-evident in light of the potential for direct harm. But it is important to note that the potential for long-term negative consequences can result from such environments as well. As noted by the National Association of School Psychologists:²²

A student's safety and ability to learn go together. If an environment is surrounded by constant chaos; abuse; and/or violence, then you can bet that the ability to learn will depreciate over time. Safety is essential to student wellbeing and learning. Students who do not feel supported and safe at school, both physically and psychologically, cannot learn to their fullest potential. If this continues to go undetected or untreated, students are likely to suffer from anxiety and depression. This then snowballs into deteriorating relationships with peers and educators, and not adapting well to school overall.

As schools grapple with the pandemic and its lasting impact that has already wreaked havoc on the psyche of students and parents, it is more critical than ever that we foster an environment

where students' mental health is central. However, one missing link in this research is the relationship between "woke" discipline practices and a preeminent concern of every parent—student safety.²³ In light of renewed attempts to limit discipline in the name of racial disparities, our new report seeks to address this important gap in the literature.

Methods

In order to assess the impact of softened discipline policies in the name of equity on student safety, we took advantage of regular assessments of student safety conducted annually over the course of several years in Milwaukee Public Schools. Conducted by the University of Wisconsin-Milwaukee,24 the survey asks students their feelings of safety across a number of different dimensions including in hallways, classrooms, bathrooms, and walking to school, among other questions on a variety of topics. For this study, we use percentage of students saying that they feel unsafe in the halls. This measure is chosen for a couple reasons. First, student reports of not feeling safe are the highest here among all in-school responses. While the students may report feeling unsafe on their way to and from school, it does not seem entirely fair to hold schools accountable for this. Secondly, hallways are generally the areas of schools that are the most disorganized and least controlled. They are one of the key areas where school violence occurs.²⁵ One additional problem to address is the possibility that concurrent measures of safety and student discipline create a causality problem, as student reports of safety may be directly related to the incidents for which students are being suspended. To account for this, we lag suspension data by one year.

We examine the correlation between this percentage and suspension rates in the same schools over the same time frame. We independently account for overall suspension rates, the African American suspension rate, and the Hispanic suspension rate. To account for the possibility that other facts might drive feelings of unsafety, we additionally account for the percentage of students in the school who are economically disadvantaged, the share of students with disabilities in the school, and the grade level served by the school. To account for over-time variation in suspension rates, we further include an indicator variable for year.

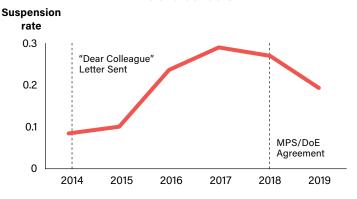
If a school's suspension policy is used to remove students who are disruptive or violent, we would expect that higher suspension rates would occur in schools that have higher rates of unsafe conditions. Higher rates of suspension tend to occur in areas high on other measures of "bad" behavior, such as crime.²⁶ While one might think that an effective suspension policy would reduce feelings of unsafe conditions, the time frame of analysis—over the course of two years of data for each observation—is simply too short for those long-term trends to take hold. However, if suspensions are being artificially lowered in an attempt to reduce disparate impacts, we might expect that lower suspension rates would correlate with higher reports of unsafe conditions, as misbehaving kids are kept in schools.

Descriptive Data

The figure below shows suspension rates in our sample of schools in Milwaukee over the time frame of analysis. In general, suspensions were lowest in 2014-15 before spiking substantially though the 2016 and 17 years, and then declining again, though not to the levels observed early

on. The lowest rates track well with the time frame of the initial investigation by the Justice Department, then decline again after MPS entered its agreement with the Department of Justice.

Figure 1. Overall Suspension Rates, Milwaukee
Public Schools



The suspension rate for African American students looks similar to the rate for students overall, though the changes in magnitude were more dramatic. Whereas in 2014 the rate of suspensions for African American students was only 2% higher than the rate for students overall, it was nearly 18% higher in 2017. The 'Dear Colleague' letter itself appears to have not had the intended consequences of reducing suspensions for African American students. However, we do see a decline in suspension rates once the district and Department of Justice entered into an agreement to cut suspension rates.

Figure 2. African American Suspension Rate,
Milwaukee Public Schools



Results

Below, we present two models—one with concurrent suspension rates with the other data and one with suspensions lagged a year. In both models, the overall suspension outcomes are as one might expect: as the suspension rate increases, student reports of not feeling safe in school increase as well. However, the rate for African American students works differently: the lower the rate of suspensions, the higher the rate of students feeling unsafe in both classrooms and hallways. In the lagged (concurrent) model, moving from a hypothetical school with a 0% suspension rate among African Americans to a 100% suspension rate would be expected to decrease reports of unsafe conditions in hallways by 6% (8%).

This suggests that schools that lower suspension rates for African American students may be doing so in a manner not consistent with improved behavior.

Table 1. Relationship Between Suspension Rates & Reports of Feeling Unsafe

Variables	(Concurrent) Percent Unsafe	(Lagged) Percent Unsafe
Overall Suspensions	17.90***	18.10***
	(2.929)	(3.149)
African American Suspensions	-8.213***	-6.041**
	(2.659)	(2.788)
Enrollment	-0.00367**	-0.00417***
	(0.00153)	(0.00149)
Low Income	0.166***	0.153***
	(0.0283)	(0.0286)
Share Disabled	-0.0654	-0.0654
	(0.0582)	(0.0577)
2016	0.730	1.396
	(1.079)	(1.027)
2017	1.480	1.206
	(1.073)	(1.026)
2018	2.536**	1.748
	(1.096)	(1.084)
2019	3.767***	2.452**
	(1.124)	(1.118)
Constant	-5.860**	-4.608*
	(2.755)	(2.755)
Observations	385	382
R-squared	0.329	0.343

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

Table 2. Relationship Between Suspension Rates & Reports of Feeling Unsafe
— Hispanic Students Added

Variables	(Lagged) Percent Unsafe
Overall Suspensions	15.94***
•	(3.708)
African American Suspensions	-6.277**
	(2.828)
Hispanic Suspensions	3.685
	(2.843)
Enrollment	-0.00313**
	(0.00141)
Low Income	0.136***
	(0.0263)
Share Disabled	-0.0331
	(0.0571)
2016	1.377
	(1.046)
2017	1.643
	(1.041)
2018	2.402**
	(1.102)
2019	1.933*
	(1.128)
Constant	-4.798*
	(2.581)
Observations	322
R-squared	0.323

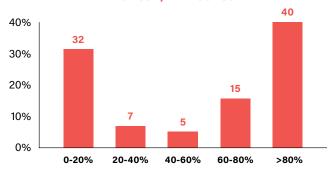
Standard errors in parentheses *** p<0.01, ** p<0.05, * p<0.1

We present an additional model as robustness checks on the results reported here—a model of suspensions for Hispanic students. Note that we lose some observations here, as some schools have too few Hispanic students to report a suspension rate among them. Hispanic students have higher rates of suspension on average than white students, but were not the subject of the Office of Civil Rights Agreement with MPS.²⁷ If suspension rates for Hispanic students show a similar pattern to African American students, it would suggest a problem with the underlying methodology more than an impact of poorly implemented policy. Those results are included in Table 2.

As can be seen here, Hispanic students do not follow the same pattern as African American students. Accounting for overall suspension rates, the rate of suspensions for Hispanic students has no impact on student feelings of safety. The coefficient tends towards positive—suggesting suspension for this group of students is following more 'normal' expectations of suspension usage.

It is important to note that this is not a story about African American students disrupting learning for students of other races. In many cases, other African American students are the ones most harmed by disruptive classroom environments. The figure below shows the distribution of schools in Milwaukee by the percentage of African American students.

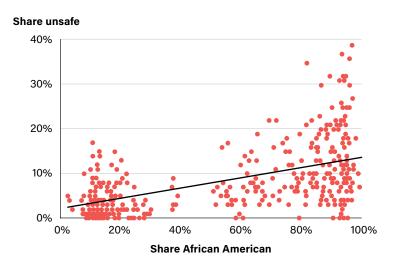
Figure 3. Frequency of Schools by Percent African American, Milwaukee



Despite African American students representing about 60% of all students in the district, nearly half of schools (47.5%) are more than 80% African American. Far fewer schools fall in the middle, with a larger share of schools—primarily schools with large Hispanic populations—making up the other end of the spectrum. When African American students misbehave in school and are not punished, it is other African American students who primarily face the consequences.

To further highlight this point, the figure below depicts the correlation between the share of African American students in a school and the percent reporting they feel unsafe in the hallways. Each dot represents an individual school, while the red line shows the correlation between the two variables. That heavily African American schools are most impacted by unsafe conditions is clear by the slope of the line here—increasing as the share of African American students goes up.

Figure 4. Correlation Between Percent African
American and Percent Unsafe



Conclusions

The results here are consistent with a pattern of suspensions being misused in the districts since Milwaukee Public Schools entered an agreement with the Department of Education on discipline policy. Rather than helping to create a safer environment for students, students appear to feel less safe in schools where suspension rates for African American students are declining.

At both the state and federal level, it is important that policymakers consider this information when evaluating policies to address the problem of disparate impact. If differences in suspension rates along racial lines are not the result of overt racism, as the data here suggests they are not, the natural result of reduced suspensions is fostering an environment where other students will have more difficulty learning; and, perhaps even be afraid to come to school. After a year of learning loss, we cannot afford to lose another year to misguided discipline policies under the false narrative of disparate impacts.

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