

# **NEPC REVIEW: SUSPENDED REALITY: THE IMPACT OF SUSPENSION POLICY ON STUDENT SAFETY (WISCONSIN INSTITUTE FOR LAW & LIBERTY, OCTOBER 2021)**



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## Acknowledgements

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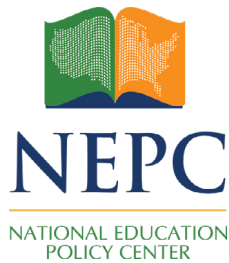
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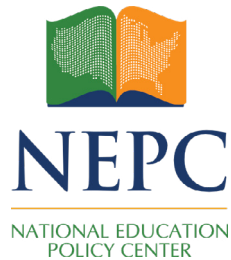
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## Summary

A recent report from the Wisconsin Institute for Law & Liberty (WILL) suggests a relationship between school suspension rates and students' perceptions of safety in Milwaukee schools. Specifically, the report finds that following an agreement with the U.S. Department of Education Office for Civil Rights, lower suspension rates for African American students predicted higher numbers of students feeling unsafe in schools. The report asserts that "reduced suspension rates for African American students resulted in lower reports of safety." Thus, the report erroneously communicates to readers that decreases in suspensions of African American students are *causing* decreased feelings of student safety, and that the Department of Education agreement harms, rather than helps, African American students. This review of the report finds numerous concerns, including unsupported claims, misleading interpretations, conflation of correlation with causation, and the use of racially criminalizing stereotypes of African American students. The report is therefore not useful to policymakers as a basis for policy decisions about school discipline. Instead, policymakers would be better served by continuing to use peer-reviewed, evidence-based research on school discipline, racial disparities, and school climate interventions. Policymakers should also consider whether adequate supports are in place for schools to effectively implement alternatives to exclusionary discipline.



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## I. Introduction

Following concerns about racial discrimination in school discipline policies, in 2017 Milwaukee Public Schools (MPS) entered into agreement with the U.S. Department of Education Office for Civil Rights (OCR). The largest district in the state, in that year MPS enrolled 75,753 students in 160 schools<sup>1</sup>: 52% African American, 26.6% Hispanic, 10.8% White, and 7.1% Asian.<sup>2</sup> The OCR had identified a number of concerns, including: racial disparities in discipline, inconsistently enforced discipline policies, incomplete documentation, and a lack of training on discipline policies and procedures.<sup>3</sup> Under the agreement, the district was to implement nine changes, including: training on discipline policies and procedures; the use of evidenced-based techniques for classroom management and de-escalation; the creation of parent, student, and staff working groups; and improved data systems and processes for racial discrimination complaints.<sup>4</sup> Recently, the Wisconsin Institute for Law & Liberty (WILL) issued a report on the agreement's outcomes: *Suspended Reality: The Impact of Suspension Policy on Student Safety*, authored by Will Flanders and Ameillia Wedward.<sup>5</sup> The report examines outcomes of the Milwaukee/OCR agreement, asking whether fewer suspensions have concurrently reduced students' sense of safety in their schools, with a focus on African American students and suspensions.<sup>6</sup>

## II. Findings and Conclusion of the Report

Using multiple regression, the report finds that African American suspension rates predict the percent of students feeling unsafe in school hallways, such that higher African American suspension rates predict lower percentages of students feeling unsafe in school hallways,

and, conversely, lower African American suspension rates predict higher percentages of students feeling unsafe in hallways. The report finds that “moving from a hypothetical school with a 0% suspension rate among African Americans to a 100% suspension rate [among African Americans] would be expected to decrease reports of unsafe conditions in hallways by 6%.”<sup>7</sup> Second, the report finds a correlation “between the share of African American students in a school and the percent reporting they feel unsafe in hallways.”<sup>8</sup> From these results, the report concludes that: “students appear to feel less safe in schools where suspension rates for African American students are declining,” that “heavily African American schools are most impacted,” and that suspensions are “being misused in the districts since Milwaukee Public Schools entered an agreement with the Department of Education.”<sup>9</sup>

### **III. Report’s Rationale for Its Findings and Conclusions**

The report argues that the *behavior* of African American students explains the statistical relationships found between African American suspension rates, African American enrollment, and the percentage of students who reported feeling unsafe in their school hallways (“percent unsafe”) saying, “African American students [are] disrupting learning for other students,” and that “African American students misbehave in school.”<sup>10</sup> Based on this causal assumption, the report argues that instead of helping African American students, the agreement between the Office of Civil Rights (OCR) and Milwaukee Public Schools (MPS) has instead created schools in which African American students are disrupting classrooms without punishment, to the detriment of African American classmates, and that, overall, efforts to reduce suspensions in MPS are misguided.

### **IV. Report’s Use of Research Literature**

There are numerous concerns with the report’s use of literature. The report opens with a partisan description of federal guidance on school discipline, referring to it as “woke” and “soft” and calling President Trump’s repeal of the 2014 Office of Civil Rights (OCR) School Discipline Guidance a “reprieve.”<sup>11</sup> The report then takes up the question, “whether racism is the cause of greater suspension rates for African American students,” and cherry-picks citations from primarily non-academic sources<sup>12</sup> to argue that racism is *not* a factor. Instead, the report argues that African American students themselves cause the disparities, saying that there are “differences in behavior that tend to correlate with student race.”<sup>13</sup> However, since the 1970s, evidence has indicated that racial bias, disparate treatment, and organizational policies and practices provide more robust explanations for racial disparities than alleged racial differences in student behavior.<sup>14</sup>

Instead of asking complex organizational questions, the report focuses narrowly on African American students and is replete with racist stereotypes, saying, for example, that African American students “lack impulse control,” “lack socialization,” and that African American families display “dysfunction.”<sup>15</sup> It ignores substantial evidence of the role of discipline pol-

icies and racial bias (i.e., racism) in racial disparities and perpetuates criminal stereotypes about African American youth.<sup>16</sup> It also misrepresents recent changes to discipline policies by portraying these changes as merely limiting suspension, rather than addressing the fuller, multi-prong vision for reform favored by experts.<sup>17</sup> By ignoring this literature, the report sets up an analysis premised on tacit ideas of government overreach, “soft,” liberal, discipline reforms, and criminal stereotypes about African American youth.

While the report does rightfully raise questions about the impact of suspension reforms, it ignores substantial peer-reviewed research on this issue. Many carefully detailed articles have sought to systematically address the complexities of suspension and its alternatives in districts throughout the country. For instance, Vanderbilt’s *Peabody Journal of Education* dedicated an entire issue to reviewing the progress of discipline reform.<sup>18</sup> At least 25 states and numerous schools and districts have introduced or passed legislation limiting the use of suspension and expulsion.<sup>19</sup> The impacts of suspension policy changes have been mixed. Individual districts have seen reductions following imposed limits on suspensions.<sup>20</sup> However, other districts have seen no substantial changes in suspension rates following policy reform.<sup>21</sup> Where suspension rates have declined, racial disparities sometimes remain unchanged.<sup>22</sup> In addition, there is limited and mixed evidence on how changes in suspension have affected student outcomes. There is, for example, some evidence of adverse impacts, including increased truancy rates and declines in math and English language arts achievement scores.<sup>23</sup>

It is important to recognize that changes in suspension rates do not necessarily mean that schools handle discipline incidents any differently, or any more effectively, than before. Nor do they imply changes in student behavior. In complex situations with multiple factors, it is no small task to isolate which variable can be shown to cause a particular change. However, the report acknowledges none of these relevant issues. If student safety and climate are a concern, as the report suggests, then a glaring omission is peer-reviewed research on numerous evidenced-based strategies and interventions that can improve safety. Instead, the report ignores the fact that since the early 2000s, there has been strong evidence that conflict and violence in schools can be reduced through conflict resolution, de-escalation, social-emotional programs, and reductions in racial disparities can be addressed using race-conscious reforms and improving academic opportunities and engagement for African American students.<sup>24</sup>

## V. Review of the Report’s Methods

The report provides a sparse—at best—discussion of three multiple regression models that are the basis of its conclusions. The first model considers the relationship between the percentage of students who reported feeling unsafe in school hallways (“percent unsafe,” the outcome variable) and the following predictor variables: overall suspension rate, African American suspension rate, enrollment, percentage of low-income students, and “share” of disabled students.<sup>25</sup> The second model is the same as the one above, but includes lagged suspension data (i.e., from the school year before) instead of from the same year<sup>26</sup>. The third

model, presented as “robustness checks,”<sup>27</sup> contains the same outcome (“percent unsafe”) and predictor variables as the second model, but also adds the suspension rate for Hispanic students.

There are numerous concerns about a lack of data transparency. The report does not define basic variables, nor does it provide district demographics or descriptive statistics for either “suspension rate,” or the single survey item, the percentage of students saying that they feel unsafe in the halls (“percent unsafe”).<sup>28</sup> Leaving out important information about the dataset makes it difficult for readers to assess the report’s interpretations and conclusions against the data. The report focuses exclusively on the African American suspension rate as a predictor of “percent unsafe,” and overlooks that the full models presented in the report explain only a small proportion of variance in students’ feelings of unsafety. This means that there are other explanations for students’ feelings of unsafety unaccounted for in the models. The report uses a deficit analysis centered on centuries-old racial stereotypes about African American youth and ignores research on structural and organizational explanations for school discipline, racial disparities, and school safety.

## VI. Review of the Validity of Findings and Conclusions

The report claims as a “key takeaway” that “Reduced Suspension for African American Students Resulted in Lower Reports of Safety.”<sup>29</sup> Despite its argument that suspending fewer African American students is causing more students to feel unsafe, however, the report’s statistical methods are not sufficient to prove causality. The report claims to “assess the impact of softened discipline policies in the name of equity on student safety.”<sup>30</sup> Impact, which implies a causal relationship, cannot be evaluated by simply examining correlation but instead must have a “credible comparison condition.”<sup>31</sup> While the report includes a third model, with Hispanic students’ suspension rates, presumably to present a comparison group, it does not explain the rationale or appropriateness of comparing Hispanic students to African American students.

The report relies on a theoretical argument about the classroom behavior of African American students to explain the relationship between the two variables of interest -- but provides *no* evidence regarding the actual behavior of African American students. The report does not disaggregate survey data to support the theory that African American students are the majority of those reporting feeling unsafe. If, in fact, African American students do feel unsafe in schools (which was not proven through the analysis presented), the report fails to acknowledge other reasons for why this might be the case (such as racially hostile school environments and/or under-resourced schools). The report presents select data and misleading interpretations to craft a false criticism of school discipline reform, an argument that relies on criminal stereotypes of African American youth and readers’ uncritical review of the document. Overall, we find the report provides unsupported interpretations of select data points that are likely to mislead readers into supporting the use of more exclusionary discipline directed at African American students.

## **VII. Usefulness of the Report for Guidance of Policy and Practice**

Our review of the report finds numerous concerns including unsupported claims and misleading interpretations. In addition, assumptions based on racial stereotypes of African American students further serve to obscure, rather than clarify, issues of school safety. As such, the report is not useful to policymakers as a basis for policy decisions. Instead, policymakers would be better served by continuing to use peer-reviewed, evidence-based research on school discipline, racial disparities, and school climate improvement interventions, and to consider whether adequate supports are in place for schools to effectively implement alternatives to exclusionary discipline.



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- 6 The Wisconsin Institute for Law & Liberty is self-described as “one of the largest state-based litigation centers in the country” and “the most active and influential free market policy organization in Wisconsin.” Through litigation and partnerships, it advances a litigation and education agenda focused on “conservative principles” of limited government and states’ rights, worker freedoms, student choice, and First Amendment protections. For more information about WILL, see: <https://will-law.org/our-story/>
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