



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF THE GENERAL COUNSEL

August 30, 2021

**Via USAfx File Exchange**

Hans Bader  
Bader Family Foundation  
1100 Connecticut Ave, N.W.  
Suite 625  
Washington, D.C. 20036

Re: *Bader Family Foundation v. U.S. Department of Education* – August 2021 Release  
Civil Action No.: 1:21-cv-01741 (DMR)  
FOIA Request No.: 21-01704-F

Dear Mr. Bader:

This letter is the Department of Education's response to Bader Family Foundation's request, dated May 21, 2021, for information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552. Specifically, FOIA Request No. 21-01704-F seeks:

1. Emails about school discipline or school disciplinary policies sent or received by Carolyn Seugling or any presidential appointee or political appointee or Schedule C employee in the Officer for Civil Rights during the covered date range of January 20, 2021 to June 18, 2021, that were also sent or received by any of the following people or email accounts: Michael Turnage Young, Diane Smith Howard, Ames Simmons, Katherine Dunn, Russell Skiba, Olatunde Johnson, Cierra Kaler-Jones, James Scanlan, Fred Woehrle, [jps@scanlan.com](mailto:jps@scanlan.com), [fredwoehrle@gmail.com](mailto:fredwoehrle@gmail.com) or [skiba@indiana.edu](mailto:skiba@indiana.edu).

The release of 357 pages has been uploaded to the USAfx File Exchange System for your review. All responsive pages have been released to you.

Because this request is in litigation, if you have questions regarding this response, please contact AUSA Kathleene Molen at [Kathleene.Molen@usdoj.gov](mailto:Kathleene.Molen@usdoj.gov).

400 MARYLAND AVE. S.W., WASHINGTON, DC 20202-1100  
[www.ed.gov](http://www.ed.gov)

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

Sincerely,

Kristin Delbridge  
General Attorney

cc: AUSA Kathleene Molen

**From:** Zinsner, Addie  
**Sent:** Friday, June 4, 2021 11:17 AM  
**To:** Zinsner, Addie  
**Bcc:** Goldberg, Suzanne; Taheri, Ramin; Dixon, Monique; Bolton, Jasmine; Abrokwa, Alice; Joyce, Bridget; Reyes, Alejandro; cstrangio@aclu.org; wresendes@aclu.org; jblock@aclu.org; RFoy@activepolicysolutions.com; (b)(6); kgreen@careertech.org; king@civilrights.org; admin@aapdc.org; (b)(6); spudelski@aasa.org; bantunez@aft.org; todd.askew@ama-assn.org; egarrison@apa.org; jcook@schoolcounselor.org; butch@asgaonline.com; boston@au.org; mfung@aaldef.org; MKhant@api.gbv.org; wallerjl@theasca.org; clindwarm@APLU.ORG; jmiddleton@aplu.org; lisa@atlantawomenforequality.org; cbanks@autism-society.org; Angela.Geiger@autismspeaks.org; IraB@bazelon.org; JenniferM@bazelon.org; SGruberg@americanprogress.org; Hogshead@championwomen.org; epayne@caase.org; bcollier@uchicago.edu; lwalsh@chiefsforchange.org; kking@childrensdefense.org; kcolby@clsnet.org; kenyora@civcnation.org; lkaloi@stridepolicy.com; carissam@ccsso.org; mcasserly@cgcs.org; gmsmith@cozen.com; ccenter@dredf.org; dforte@edtrust.org; hkaur@equalrights.org; nfarrell@equalrights.org; (b)(6); esoler@futureswithoutviolence.org; MShepherd@girlscouts.org; asawyer@ggenyc.org; shall@girlsinc.org; lkaufmann@girlsinc.org; melanie.w-j@glisen.org; info@glisen.org; harperjean@hjtobinpolicy.com; sarah.warbelow@hrc.org; Jennifer.Bailey@HRC.org; Victoria.Coley@iwf.org; mason@iwpr.org; ittelson@interactadvocates.org; kimberly@interactadvocates.org; bria@interactadvocates.org; tracey@civcnation.org; silvia@civcnation.org; janet.judge@hklaw.com; karen.tumlin@justiceactioncenter.org; Daniel.Tully@justiceactioncenter.org; monica@justice4women.org; sage@knowyourix.org; jball@knowledgeall.net; smcgowan@lambdalegal.org; pcastillo@lambdalegal.org; sbuchert@lambdalegal.org; sschoettes@lambdalegal.org; jpizer@lambdalegal.org; kathryn.nash@lathropgpm.com; dhinojosa@lawyerscommittee.org; king@civilrights.org; info@legalmomentum.org; AWilliams@MALDEF.org; tsaenz@MALDEF.org; lcylarbarrett@naacpldf.org; jnelson@naacpldf.org; hlabi@naacpldf.org; mimilufkin@napequity.org; lransom@napequity.org; monika@nccasa.org; terri@endsexualviolence.org; info@endsexualviolence.org; schoimorrow@napawf.org; efranks@naesp.org; karhusea@nassp.org; nozoer@nassp.org; robert.hull@nasbe.org; c james@nbc di.org; Info@NCLRights.org; SMinter@nclrights.org; HCarroll@nclrights.org; thanley@nclrights.org; jgonen@nclrights.org; dojeda@transequality.org; asimmons@transequality.org; mkeisling@transequality.org; rlehtinen@transequality.org; arangel@transequality.org; sgalanter@youthlaw.org; dedwards@nca-online.org; jgomez@nc ai.org; curtis.decker@ndrn.org; dbilal@nea.org; kniehoff@nfhs.org; martinez-olguin@nilc.org; moussavian@nilc.org; rodriguez@nilc.org; fvigil@niea.org; vkirbyyork@thetaskforce.org; president@now.org; brade@sisterslead.org; nmonell@pta.org; fnegron@nsba.org; jchaney@nul.org; fgraves@nwlc.org; spatel@nwlc.org; emartin@nwlc.org; etang@nwlc.org; NJDCR4U@njcivilrights.gov; crummel@exceptionalchildren.org; dsanchez@pflag.org; (b)(6); abrodsky@publicjustice.net; akimmel@publicjustice.net;



erinnr@rainn.org; anguyen@risenow.us; kham@searac.org; qdinh@searac.org;  
twussow@sbtexas.com; katherine.dunn@splcenter.org; ebartlett@saveservices.org;  
emmett.omalley@aapf.org; berns@thearc.org; rrutta@easterseals.com;  
ngallo@everyvoicecoalition.org; (b)(6)  
kim.pacelli@tngconsulting.com; tanyka.barber@tngconsulting.com;  
sam.brinton@thetrevorproject.org; amit.paley@thetrevorproject.org;  
kcottman@ujimacommunity.org; rgarza@unidosus.org; juliana@unitedwedream.org;  
greisa@unitedwedream.org; lmccormack@usccb.org; smalone@vrlc.org;  
abass@womenslawproject.org; legal@womensliberationfront.org;  
(b)(6) PMcDonough@ACENET.EDU; ameehan@acenet.edu;  
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aelliott@niea.org; jsugarman@migrationpolicy.org; ahyslop@all4ed.org;  
bethany.little@educationcounsel.com; mbecker@edtrust.org; twallin@edtrust.org;  
cbollig@edtrust.org; lpartelow@americanprogress.org; kkruger@naspa.org;  
aaron.ridings@glsen.org; keygan.miller@thetrevorproject.org; JEsseks@aclu.org;  
david.stacy@hrc.org; megan.blanco@nasbe.org; dcarlson@naesp.org;  
strainor@nsba.org; ljohnson@nsba.org; patricia.lasalle@ppsd.org;  
Melissa.McGrath@ccsso.org; michelle.singleton@ccsso.org; peter.zamora@ccsso.org

**Subject:** Office for Civil Rights Seeks Information on the Nondiscriminatory Administration of School Discipline

ON BEHALF OF ACTING ASSISTANT SECRETARY SUZANNE B. GOLDBERG

Dear Colleagues,

I write to share that today the Office for Civil Rights published a [Request for Information](#) asking members of the public to submit written comments on the administration of school discipline in schools serving students in pre-k through grade 12. This information will assist OCR in determining what policy guidance, technical assistance, or other resources may help schools improve school climate and safety, and ensure equal access to education programs and activities, consistent with the civil rights laws that OCR enforces.

Our nation's civil rights laws require fair and nondiscriminatory school discipline practices. Yet we know that disparities persist. OCR's [Civil Rights Data Collection from 2017-18](#) shows, for example, that Black students represented 15 percent of student enrollment but 38 percent of students who received one or more out-of-school suspensions, students with disabilities represented 13 percent of student enrollment but 25 percent of students who received one or more out-of-school suspensions, and Black girls were disciplined at rates higher than any other group of girls. We want to hear from educators, students, parents, and other stakeholders about how the Department can support schools in addressing these and other disparities, eliminating discrimination in school discipline, and fostering positive and inclusive school climates.

The Request for Information continues OCR's broad and sustained efforts to promote fair and nondiscriminatory school discipline. Last month, OCR and the Department of Justice's Civil Rights Division hosted a virtual convening, "*Brown 67 Years Later: Examining Disparities in School Discipline and the Pursuit of Safe and Inclusive Schools*," a discussion about strategies for addressing disparities in the administration of school discipline.

OCR looks forward to your comments and suggestions, and we thank you for your partnership in ensuring that all students have an opportunity to learn and thrive in our nation's public schools.

Sincerely,



Suzanne B. Goldberg  
Acting Assistant Secretary for Civil Rights  
Deputy Assistant Secretary for Strategic Operations and Outreach  
U.S. Department of Education

## Skiba, Russell

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**From:** Skiba, Russell  
**Sent:** Wednesday, April 14, 2021 2:21 PM  
**To:** Seugling, Carolyn  
**Cc:** Eichner, James (CRT) (James.Eichner@usdoj.gov)  
**Subject:** Re: [External] Invitation to Participate in the U.S. Education and Justice Departments' Virtual Convening on May 11, 2021

Dear Ms. Seugling (and Hi Jim, hope you're well!)

I'd be honored and happy to work with you on this. Send me more information on what you're looking for and what you might need from me.

Best,  
Russ Skiba

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Russell J. Skiba, Ph.D.  
Professor Emeritus  
Department of Counseling and Educational Psychology  
Indiana University

On 4/14/21, 1:39 PM, "Seugling, Carolyn" <[Carolyn.Seugling@ed.gov](mailto:Carolyn.Seugling@ed.gov)> wrote:

This message was sent from a non-IU address. Please exercise caution when clicking links or opening attachments from external sources.

Mr. Russell Skiba  
Director  
Equity Project at  
Indiana University

Dear Mr. Skiba:

On May 11, 2021 from 1:30 p.m. to 4:00 p.m. EST, the Education and Justice Departments will observe the 67<sup>th</sup> Anniversary of *Brown v. Board of Education* by hosting a convening that will highlight strategies for addressing racial and other disparities in the administration of school discipline. The virtual event will consider the impact of exclusionary school discipline policies and practices, such as suspensions and school-based arrests, on our nation's students, particularly students of color, students with disabilities and LGBTQI+ students. It will feature panels of researchers, students, school administrators and other stakeholders who have utilized diverse strategies for addressing harmful and discriminatory school discipline practices and creating positive school climates.

**We write to invite you to serve as a panelist at the virtual convening. Please respond to this email – by April 21, 2021 – to indicate whether you are able to participate. If you are interested and available, we would be happy to share more information in a follow-up communication.**

The Departments are hosting this convening in response to President Biden's Executive Orders on [Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#) and on [Supporting the Reopening and Continuing Operation of Schools and Early Childhood Education Providers](#). As federal, state and local officials continue to battle the COVID-19 pandemic and reopen schools, the Departments are committed to providing policy guidance and technical assistance to schools to ensure that all students are taught in safe, supportive and welcoming school environments that are free of discrimination. We welcome the opportunity to work with you.

Thank you in advance,  
Carolyn Seugling  
Program Legal Group  
Office for Civil Rights  
U.S. Department of Education  
571-455-0527



## Ames Simmons

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**From:** Ames Simmons  
**Sent:** Thursday, April 15, 2021 8:34 AM  
**To:** Seugling, Carolyn  
**Cc:** Eichner, James (CRT) (James.Eichner@usdoj.gov); Johnson, Jadine (CRT)  
**Subject:** RE: Invitation to Participate in the U.S. Department of Education's Virtual Convening on May 11, 2021

Carolyn, thank you so much, and please call me Ames. I'm available and would love to participate. Please do send additional information—if it turns out that a different staffer here would be better for the panel, is this invitation transferable to someone else on our team? It is of course fine if not; we are grateful to be invited.

Thanks again,

Ames

**Ames Simmons (He/Him)**

Policy Director

National Center for Transgender Equality/NCTE Action Fund

[asimmons@transequality.org](mailto:asimmons@transequality.org)

Office: 202.804.6047

---

**From:** Seugling, Carolyn <Carolyn.Seugling@ed.gov>  
**Sent:** Wednesday, April 14, 2021 3:25 PM  
**To:** Ames Simmons <asimmons@transequality.org>  
**Cc:** Eichner, James (CRT) (James.Eichner@usdoj.gov) <James.Eichner@usdoj.gov>; Johnson, Jadine (CRT) <Jadine.Johnson@usdoj.gov>  
**Subject:** Invitation to Participate in the U.S. Department of Education's Virtual Convening on May 11, 2021

Ames Simmons

Policy Director

National Center for Transgender Equality

Dear Mr. Simmons:

On May 11, 2021 from 1:30 p.m. to 4:00 p.m. EST, the U.S. Department of Education will observe the 67<sup>th</sup> Anniversary of *Brown v. Board of Education* by hosting, with the assistance of the Department of Justice, a convening that will highlight strategies for addressing racial and other disparities in the administration of school discipline. The virtual event will consider the impact of exclusionary school discipline policies and practices, such as suspensions and school-based arrests, on our nation's students, particularly students of color, students with disabilities and LGBTQI+ students. It will feature panels of researchers, students, school administrators and other stakeholders who have utilized diverse strategies for addressing harmful and discriminatory school discipline practices and creating positive school climates.

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Thank you in advance,  
Carolyn Seugling  
Program Legal Group  
Office for Civil Rights  
U.S. Department of Education  
571-455-0527



## Diane Smith Howard

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**From:** Diane Smith Howard  
**Sent:** Tuesday, April 20, 2021 7:05 PM  
**To:** Seugling, Carolyn  
**Cc:** Johnson, Jadine (CRT); Eichner, James (CRT) (James.Eichner@usdoj.gov)  
**Subject:** Re: Invitation to Participate in the U.S. Department of Education's Virtual Convening on May 11, 2021

Thank you. I am honored to join. Please let me know what I can best to prepare.

Best,  
Diane Smith Howard

Get [Outlook for iOS](#)

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**From:** Seugling, Carolyn <Carolyn.Seugling@ed.gov>  
**Sent:** Tuesday, April 20, 2021 2:17:21 PM  
**To:** Diane Smith Howard <diane.smithhoward@ndrn.org>  
**Cc:** Johnson, Jadine (CRT) <Jadine.Johnson@usdoj.gov>; Eichner, James (CRT) (James.Eichner@usdoj.gov) <James.Eichner@usdoj.gov>  
**Subject:** Invitation to Participate in the U.S. Department of Education's Virtual Convening on May 11, 2021

Diane Smith Howard  
Managing Attorney for Criminal and Juvenile Justice  
National Disability Rights Network

Dear Ms. Howard,

On May 11, 2021 from 1:30 p.m. to 4:00 p.m. EST, the U.S. Department of Education will observe the 67<sup>th</sup> Anniversary of *Brown v. Board of Education* by hosting, with the assistance of the Department of Justice, a convening that will highlight strategies for addressing racial and other disparities in the administration of school discipline. The virtual event will consider the impact of exclusionary school discipline policies and practices, such as suspensions and school-based arrests, on our nation's students, particularly students of color, students with disabilities and LGBTQI+ students. It will feature panels of researchers, students, school administrators and other stakeholders who have utilized diverse strategies for addressing harmful and discriminatory school discipline practices and creating positive school climates.

**We write to invite you to serve as a panelist at the virtual convening. Please respond to this email to indicate whether you are able to participate. If you are interested and available, we would be happy to share more information in a follow-up communication.**

The U.S. Department of Education is hosting this convening in response to President Biden's Executive Orders on [Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#) and on [Supporting the Reopening and Continuing Operation of Schools and Early Childhood Education Providers](#). As federal, state and local officials continue to battle the COVID-19 pandemic and reopen schools, the Departments are committed to providing policy guidance and technical assistance to schools to ensure that all students are taught in safe, supportive and welcoming school environments that are free of discrimination. We welcome the opportunity to work with you.



Thank you in advance,  
Carolyn Seugling  
Program Legal Group  
Office for Civil Rights  
U.S. Department of Education  
571-455-0527



## Ames Simmons

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**From:** Ames Simmons  
**Sent:** Wednesday, April 21, 2021 10:09 AM  
**To:** Seugling, Carolyn  
**Subject:** RE: Invitation to OCR Listening Session on School Climate and Nondiscriminatory School Discipline

Thanks very much; we are looking forward to speaking with you on Friday!

### Ames Simmons (He/Him)

Policy Director  
National Center for Transgender Equality/NCTE Action Fund  
[asimmons@transequality.org](mailto:asimmons@transequality.org)  
Office: 202.804.6047

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**From:** Seugling, Carolyn <Carolyn.Seugling@ed.gov>  
**Sent:** Tuesday, April 20, 2021 2:46 PM  
**To:** Ames Simmons <asimmons@transequality.org>  
**Subject:** RE: Invitation to OCR Listening Session on School Climate and Nondiscriminatory School Discipline

Dear Mr. Simmons,

Representatives from ED's Office for Civil Rights and the U.S. Department of Justice look forward to hearing from you and individuals from other organizations on Friday, April 23 from 10am -11am EST. Attached you will find a list of questions that we hope you can share your perspective on. Below is the Microsoft Teams log-in information.

Thank you,  
Carolyn

## Microsoft Teams meeting

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**From:** Ames Simmons <[asimmons@transequality.org](mailto:asimmons@transequality.org)>  
**Sent:** Thursday, April 15, 2021 2:10 PM  
**To:** Seugling, Carolyn <[Carolyn.Seugling@ed.gov](mailto:Carolyn.Seugling@ed.gov)>  
**Subject:** RE: Invitation to OCR Listening Session on School Climate and Nondiscriminatory School Discipline

Thank you, Carolyn, yes, Fri 4/23 10a-11a ET works great.  
We are looking forward to speaking with you.  
Ames

**Ames Simmons (He/Him)**

Policy Director

National Center for Transgender Equality/NCTE Action Fund

[asimmons@transequality.org](mailto:asimmons@transequality.org)

Office: 202.804.6047

---

**From:** Seugling, Carolyn <[Carolyn.Seugling@ed.gov](mailto:Carolyn.Seugling@ed.gov)>

**Sent:** Thursday, April 15, 2021 9:25 AM

**To:** Ames Simmons <[asimmons@transequality.org](mailto:asimmons@transequality.org)>

**Subject:** RE: Invitation to OCR Listening Session on School Climate and Nondiscriminatory School Discipline

**Correction for Time:**

**April 23 from 10m -11Am EST**

---

**From:** Seugling, Carolyn

**Sent:** Thursday, April 15, 2021 9:15 AM

**To:** [asimmons@transequality.org](mailto:asimmons@transequality.org)

**Subject:** Invitation to OCR Listening Session on School Climate and Nondiscriminatory School Discipline

Ames Simmons

National Center for Transgender Equity

Dear Mr. Simmons:

The U.S. Department of Education's Office for Civil Rights (OCR) would like to invite you to a listening session regarding school climate and school discipline issues. On January 20, 2021, the Biden Administration issued Executive Order (EO) [On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#), which states the Administration's policy and commitment to pursuing "a comprehensive approach to advancing equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality." OCR seeks to carry out this policy by hosting listening sessions to solicit information on school climate and discipline practices in our nation's schools. Because of the work that you or your organization has done in this area, we would like to hear about your experience, research, and best practice recommendations.

Please respond to this email if you would like to attend the virtual listening session with staff from OCR and the U.S. Department of Justice. If you are interested, please let me know if April 23 from **10m -11Am EST** is available.

Thank you in advance,

Carolyn Seugling

Program Legal Group

Office for Civil Rights

U.S. Department of Education

202-453-5943





## Katherine Dunn

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**From:** Katherine Dunn  
**Sent:** Monday, April 26, 2021 1:28 PM  
**To:** Seugling, Carolyn  
**Cc:** Johnson, Jadine (CRT); Eichner, James (CRT) (James.Eichner@usdoj.gov); Jayne, Mike  
**Subject:** RE: Invitation to Participate in the U.S. Department of Education's Virtual Convening on May 11, 2021

Hi Carolyn,

Thanks so much for the invitation, and I look forward to working with y'all on this convening. I'll be on the lookout for more information later this week, and let me know if you need anything from me in the meantime.

Thanks,  
Katherine

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**From:** Seugling, Carolyn <Carolyn.Seugling@ed.gov>  
**Sent:** Monday, April 26, 2021 12:09 PM  
**To:** Katherine Dunn <KDunn@advancementproject.org>  
**Cc:** Johnson, Jadine (CRT) <Jadine.Johnson@usdoj.gov>; Eichner, James (CRT) (James.Eichner@usdoj.gov) <James.Eichner@usdoj.gov>; Jayne, Mike <William.Jayne@ed.gov>  
**Subject:** Invitation to Participate in the U.S. Department of Education's Virtual Convening on May 11, 2021

Katherine Dunn  
Director of Ending the Schoolhouse-to-Jailhouse track  
Advancement Project

Dear Ms. Dunn:

Judy at the Advancement Project communicated with my colleague, Jadine Johnson at DOJ, and indicated that you would be available to present at ED's virtual convening on May 11. If Judy hasn't already shared the following email with you briefly describing the event, I wanted to do so. Assuming you can participate, I wanted to let you know that I will be following up this week with more information about the panels, a list of panelists and to schedule a brief virtual discussion to coordinate the panels and panelists. I look forward to working with you, but if anything has changed regarding your participation, please let me know.

### Background Information:

On May 11, 2021 from 1:30 p.m. to 4:00 p.m. EST, the U.S. Department of Education will observe the 67<sup>th</sup> Anniversary of *Brown v. Board of Education* by hosting, with the assistance of the Department of Justice, a convening that will highlight strategies for addressing racial and other disparities in the administration of school discipline. The virtual event will consider the impact of exclusionary school discipline policies and practices, such as suspensions and school-based arrests, on our nation's students, particularly students of color, students with disabilities and LGBTQI+ students. It will feature panels of researchers, students, school administrators and other stakeholders who have utilized diverse strategies for addressing harmful and discriminatory school discipline practices and creating positive school climates.

The U.S. Department of Education is hosting this convening in response to President Biden's Executive Orders on

[Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#) and on [Supporting the Reopening and Continuing Operation of Schools and Early Childhood Education Providers](#). As federal, state and local officials continue to battle the COVID-19 pandemic and reopen schools, the Departments are committed to providing policy guidance and technical assistance to schools to ensure that all students are taught in safe, supportive and welcoming school environments that are free of discrimination. We welcome the opportunity to work with you.

Thank you in advance,  
Carolyn Seugling  
Program Legal Group  
Office for Civil Rights  
U.S. Department of Education  
571-455-0527





## Ames Simmons

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**From:** Ames Simmons  
**Sent:** Monday, April 26, 2021 4:58 PM  
**To:** Seugling, Carolyn  
**Cc:** D Ojeda; Olivia Hunt; Alexis Rangel  
**Subject:** RE: Invitation to OCR Listening Session on School Climate and Nondiscriminatory School Discipline  
**Attachments:** NCTE ED OCR Letter re School Discipline 4-26-21.pdf

Thank you again for the listening session on Friday morning. Attached are some additional details regarding responses to OCR's questions, including links to studies and data that we mentioned during the call.

Sincerely,  
Ames

**Ames Simmons (He/Him)**

Policy Director  
National Center for Transgender Equality/NCTE Action Fund  
[asimmons@transequality.org](mailto:asimmons@transequality.org)  
Office: 202.804.6047

---

**From:** Seugling, Carolyn <Carolyn.Seugling@ed.gov>  
**Sent:** Tuesday, April 20, 2021 2:46 PM  
**To:** Ames Simmons <asimmons@transequality.org>  
**Subject:** RE: Invitation to OCR Listening Session on School Climate and Nondiscriminatory School Discipline

Dear Mr. Simmons,

Representatives from ED's Office for Civil Rights and the U.S. Department of Justice look forward to hearing from you and individuals from other organizations on Friday, April 23 from 10am -11am EST. Attached you will find a list of questions that we hope you can share your perspective on. Below is the Microsoft Teams log-in information.

Thank you,  
Carolyn

## Microsoft Teams meeting

**Join on your computer or mobile app**

[Click here to join the meeting](#)

**Or call in (audio only)**

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**From:** Ames Simmons <[asimmons@transequality.org](mailto:asimmons@transequality.org)>  
**Sent:** Thursday, April 15, 2021 2:10 PM  
**To:** Seugling, Carolyn <[Carolyn.Seugling@ed.gov](mailto:Carolyn.Seugling@ed.gov)>  
**Subject:** RE: Invitation to OCR Listening Session on School Climate and Nondiscriminatory School Discipline

Thank you, Carolyn, yes, Fri 4/23 10a-11a ET works great.  
We are looking forward to speaking with you.  
Ames

**Ames Simmons (He/Him)**

Policy Director  
National Center for Transgender Equality/NCTE Action Fund  
[asimmons@transequality.org](mailto:asimmons@transequality.org)  
Office: 202.804.6047

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**From:** Seugling, Carolyn <[Carolyn.Seugling@ed.gov](mailto:Carolyn.Seugling@ed.gov)>  
**Sent:** Thursday, April 15, 2021 9:25 AM  
**To:** Ames Simmons <[asimmons@transequality.org](mailto:asimmons@transequality.org)>  
**Subject:** RE: Invitation to OCR Listening Session on School Climate and Nondiscriminatory School Discipline

**Correction for Time:**  
**April 23 from 10m -11Am EST**

---

**From:** Seugling, Carolyn  
**Sent:** Thursday, April 15, 2021 9:15 AM  
**To:** [asimmons@transequality.org](mailto:asimmons@transequality.org)  
**Subject:** Invitation to OCR Listening Session on School Climate and Nondiscriminatory School Discipline

Ames Simmons  
National Center for Transgender Equity

Dear Mr. Simmons:

The U.S. Department of Education's Office for Civil Rights (OCR) would like to invite you to a listening session regarding school climate and school discipline issues. On January 20, 2021, the Biden Administration issued Executive Order (EO) [On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#), which states the Administration's policy and commitment to pursuing "a comprehensive approach to advancing equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality." OCR seeks to carry out this policy by hosting listening sessions to solicit information on school climate and discipline practices in our nation's schools. Because of the work that you or your organization has done in this area, we would like to hear about your experience, research, and best practice recommendations.

Please respond to this email if you would like to attend the virtual listening session with staff from OCR and the U.S. Department of Justice. If you are interested, please let me know if April 23 from **10m -11Am EST** is available.

Thank you in advance,  
Carolyn Seugling  
Program Legal Group  
Office for Civil Rights  
U.S. Department of Education  
202-453-5943







Carolyn Seugling, Program Legal Group  
Office for Civil Rights  
U.S. Department of Education  
Via email to [Carolyn.seugling@ed.gov](mailto:Carolyn.seugling@ed.gov)

April 26, 2021

Re: School Discipline Listening Session April 23, 2021

To the leadership of OCR,

Thank you for convening the LGBTQ listening session on April 23, 2021, regarding school climate and school discipline. We wanted to follow up in writing to respond to the questions that were posed ahead of the session.

The National Center for Transgender Equality advocates to change policies and society to increase understanding and acceptance of transgender people. NCTE works to replace disrespect, discrimination, and violence with empathy, opportunity, and justice. The right of transgender and non-binary young people to receive an education free from discrimination is important to us, and school climate and school discipline are closely interwoven when it comes to how transgender and non-binary students experience school safety.

1. **Is there a need for the Education and Justice Departments to revise their current guidance on school safety, reinstate past guidance, or issue new guidance on the nondiscriminatory administration of school discipline under Title VI of the Civil Rights Act of 1964 (Title VI) to assist schools with meeting their obligations to administer student discipline without regard to race, color or national origin?**
  - a. **If so, what is the type, scope, or content of guidance that would be most helpful to state and local education agencies and why?**

Under Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and the Age Discrimination Act of 1975, ED is tasked with enforcing these laws in response to complaints of discrimination and through proactive compliance reviews and technical assistance.<sup>1</sup>

All of the laws that ED enforces require regulations, policy guidance, and oversight in order to provide their intended benefits to students. Although the 2014 Dear Colleague Letter<sup>2</sup> did not explicitly address the disparate discipline faced by LGBTQ students, a school's careful review of those disciplinary practices encouraged by this guidance benefits LGBTQ students. At a

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<sup>1</sup> U.S. Department of Education, Office for Civil Rights. "About OCR," found at <https://www2.ed.gov/about/offices/list/ocr/aboutocr.html>.

<sup>2</sup> Dear Colleague letter issued January 8, 2014, found at: <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.html>.



minimum, ED should reinstate the 2014 guidance to assist schools with meeting their obligations to administer student discipline in a non-discriminatory manner. OCR should continue working toward diminishing exclusionary discipline practices and establishing restorative approaches to create safe and inclusive schools for all students.

2. **Would guidance on sex or disability discrimination in the administration of student discipline be helpful?**

a. **If so, what is the type, scope, or content of guidance that would be most helpful to state and local education agencies and why?**

Guidance to schools on sex discrimination and disability discrimination in the administration of student discipline would be helpful given what we know about student experiences detailed below. In particular, it would be helpful for school districts to understand how the Supreme Court decision in *Bostock v. Clayton County* in 2020 affects OCR's understanding of sex discrimination in the laws it enforces.<sup>3</sup> On his first day in office, President Biden required departments and agencies to undertake review of civil rights laws in light of the *Bostock* decision, including the Department of Education.<sup>4</sup> Given the Department of Justice's reading of Title IX sex discrimination to include discrimination on the basis of gender identity and sexual orientation,<sup>5</sup> schools would benefit from understanding how this interpretation applies to school discipline.

3. **What school climate or discipline issues have the communities you represent confronted in the past five years? (e.g., discipline issues relating to virtual learning, social media, school police, corporal punishment, and/or dress code (including hairstyles)).**

**Civil Rights Data Collection (CRDC)<sup>6</sup>**

While we have heavily relied on data to fully capture the needs of transgender youth, there is a dearth in the data that limits our understanding of the experience of transgender youth. We believe that the CRDC would give is the opportunity to capture the needs of transgender youth for future effective policy decisions. Below you will find the following policy suggestions:

- Begin universal and annual collection of data in the 2021-2022 school year.
- The collection of data in 2020-2021 is not accurate or integral. The survey was not adjusted in response to COVID-19, and therefore we ask to forgo the data collected.
- While we appreciate the inclusion of documenting harassment due to sexual orientation, it is vital that the CRDC should also include gender identity. Due to limited data and anecdotal evidence, we know that students are getting harassed due to their transgender identity. We ask that gender identity is included in future surveys.

<sup>3</sup> *Bostock v. Clayton County*, 140 S. Ct. 1731, 590 U.S. \_\_\_\_ (2020).

<sup>4</sup> Executive Order 13988: [Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation](#) (January 20, 2021).

<sup>5</sup> Memo from Principal Deputy Assistant Attorney General Pamela S. Karlan, Civil Rights Division, [Application of Bostock v. Clayton County to Title IX of the Education Amendments of 1972 \(justice.gov\)](#) (March 26, 2021).

<sup>6</sup> Found at <https://ocrdata.ed.gov/>.



From the data that are available, racial disparities can be seen for students with disabilities and LGBTQ students: 23.2% of all Black youth with disabilities have been suspended out of school while only 8.4% of White children with disabilities have been suspended.<sup>7</sup>

Research undertaken by GLSEN provides additional evidence that LGBTQ students are disproportionately subject to harsh and exclusionary school discipline practices. Among those surveyed, almost two thirds (62.8%) of LGBTQ students had experienced some form of discipline, whether that was detention, in-school or out-of-school suspension, or expulsion, compared to less than half (45.8%) of non-LGBTQ students.<sup>8</sup>

Similar to the GAO report findings, LGBTQ students of color are more significantly impacted by these practices, with 46.7% of Black/African American LGBTQ students, 44.1% of Hispanic/Latino LGBTQ students, and 47.3% of multiracial LGBTQ students facing discipline, compared to 36.3% of white LGBTQ students surveyed. Similarly, 47.8% of disabled LGBTQ students reported experiencing school discipline compared to 36.9% of students who did not report a disability.<sup>9</sup> These numbers are compounded when considering students who have intersecting identities.

#### **Anti-LGBTQ Bias in School Discipline Nationally<sup>10</sup>**

- Almost one in 10 LGBTQ students reported receiving school discipline just because they identify as LGBTQ, or receiving harsher school discipline than non-LGBTQ students.
- There is a greater disparity for LGBTQ youth of color who attend predominantly white schools.

#### **Interplay of School Discipline and Lack of Safety for LGBTQ Students**

GLSEN's 2019 National School Climate Survey shows intensely disturbing data about LGBTQ youth experience of violence in school.<sup>11</sup>

- More than 8 in 10 LGBTQ students experienced harassment or assault at school.
- Nearly 6 in 10 LGBTQ students were sexually harassed at school in the past year.
- More than half of LGBTQ students reported being verbally harassed at school due to their gender expression.
- Over a fifth of LGBTQ students reported being physically harassed at school due to their gender expression.

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<sup>7</sup> U.S. Government Accountability Office. "Discipline Disparities for Black Students, Boys and Students with Disabilities." March 2018, found at <https://www.gao.gov/assets/700/690828.pdf>.

<sup>8</sup> Greytak, E.A., Kosciw, J.G., Villenas, C. & Giga, N.M. (2016). From Teasing to Torment: School Climate Revisited, A Survey of U.S. Secondary School Students and Teachers. New York: GLSEN.

<sup>9</sup> Gay, Lesbian & Straight Education Network (GLSEN). "Educational Exclusion: Drop Out, Push Out, and the School-to-Prison Pipeline among LGBTQ Youth." 2016, found at [https://www.glsen.org/sites/default/files/Educational%20Exclusion\\_Report\\_6-28-16\\_v4\\_WEB\\_READY\\_PDF.pdf](https://www.glsen.org/sites/default/files/Educational%20Exclusion_Report_6-28-16_v4_WEB_READY_PDF.pdf).

<sup>10</sup> *Id.*

<sup>11</sup> Kosciw, J. G., Clark, C. M., Truong, N. L., & Zongrone, A. D. (2020). The 2019 National School Climate Survey: The experiences of lesbian, gay, bisexual, transgender, and queer youth in our nation's schools. New York: GLSEN.

- 1 in 7 LGBTQ students reported being **physically assaulted at school** in the past year due to their sexual orientation, gender, or gender expression.

Counterintuitively, LGBTQ students who experience harassment and assault are **more likely** to encounter school discipline and the juvenile justice system. Additionally, these students are more likely to miss days of school (which can lead to truancy charges) and fear for their safety in the classroom.<sup>12</sup>

### **Coping with Lack of Safety: Weapons Charges**

- LGBTQ girls are 380% more likely to have weapons charges that are sustained.<sup>13</sup>
- “Compared to adolescents who did not experience physical abuse in childhood, those who did are 1.28 times more likely to report carrying a weapon.”<sup>14</sup>
- “The associations with revictimization, perpetration, delinquent and violence behavior, and weapon carrying highlight potential community-level consequences of childhood physical and sexual abuse.”<sup>15</sup>
- Focus groups of African-American youth reported: “they tried to solve their problems themselves and ultimately got punished for it.”<sup>16</sup>
- “They see why we get suspended, because we take matters into our own hands because [schools are] doing nothing.”<sup>17</sup>

### **Transgender Women of Color and the School-to-Prison Pipeline**

The experiences of transgender individuals and trans-related policies in schools were largely absent from explorations of the school-to-prison pipeline until a study of the experiences of transgender women of color in 2020:<sup>18</sup>

- Anti-trans school expulsion/denial of enrollment was associated with a greater odds of anti-trans mistreatment by police ( $p = .026$ ,  $OR = 5.091$ ).
- Among the youth subsample, anti-trans victimization in school was associated with a greater odds of incarceration ( $p = .021$ ,  $OR = 3.717$ ).
- Anti-trans school expulsion/denial of enrollment was also associated with a greater odds of incarceration ( $p = .046$ ,  $OR = 9.460$ ).

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<sup>12</sup> See *supra* note 9.

<sup>13</sup> Canfield, Aisha; Wilber, Shannan; Irvine, Angela; Larrabee-Garza, Malachi. “The Whole Youth Model: How Collecting Data About Sexual Orientation, Gender Identity, and Gender Expression (SOGIE) Helps Probation and Youth Courts Build More Authentic Relationships Focused on Improved Well-Being” (National Center for Lesbian Rights: Dec 19, 2019), found at [https://www.nclrights.org/wp-content/uploads/2020/05/sogie.practice.guide\\_17december2019.pdf](https://www.nclrights.org/wp-content/uploads/2020/05/sogie.practice.guide_17december2019.pdf).

<sup>14</sup> “The Effects of Violence on Health,” *Health Affairs* 38, No. 10 (2019): 1622-1629.

<sup>15</sup> *Id.*

<sup>16</sup> “Mitigating Negative Consequences of Community Violence Exposure: Perspectives from African American Youth,” *Health Affairs* 38, No. 10 (2019): 1679-1686.

<sup>17</sup> *Id.*

<sup>18</sup> Rosentel, K., López-Martínez, I., Crosby, R.A. *et al.* Black Transgender Women and the School-to-Prison Pipeline: Exploring the Relationship Between Anti-trans Experiences in School and Adverse Criminal-Legal System Outcomes. *Sex Res Soc Policy* (2020), found at <https://doi.org/10.1007/s13178-020-00473-7>.



The study concluded that “policy interventions that combat anti-trans school victimization and institutional discrimination may be critical to disrupting the [school-to-prison pipeline] for Black/African American transgender women.”<sup>19</sup>

4. **Do you have recommendations for how federal agencies can best assist state and local education agencies with creating positive school climates and identifying and preventing discriminatory student discipline policies and practices?**

**Ineffective Models: NC School Safety Policy**<sup>20</sup>

- Adding law enforcement to schools, known as “school resource officers”
- Adding “school safety equipment,” which usually means metal detectors and surveillance

**Relevant Reforms & Promising Practices**

- Youth suggested integrating mental health services into after-school programs and school settings to provide accessible opportunities for youth to talk with professionals about their problems.<sup>21</sup>
- Philadelphia Accelerated Rehabilitative Disposition<sup>22</sup>
  - Two years’ probation
  - Expunction upon completion of program
- Philadelphia District Attorney’s Gun Diversion Program<sup>23</sup>
  - “You may have a law-abiding person ... who gets beaten up and who goes to purchase a firearm but does not know enough to get a permit...and so is carrying that weapon for self-defense”
  - “If you go ahead and prosecute that person, it is very likely that you are going to seriously limit the capacity of that person to complete college. You will definitely limit their earning potential, their capacity to get a job.”

**Considerations for Future Guidance**

- How can we add to this conversation to make sure that already marginalized students are not further marginalized in the process of making schools “safer,” and avoid net widening?
- Will adding metal detectors adequately shift the life experience of an LGBTQ student who believes that he has to keep a gun in order to protect his own life from bullies?
- What type of community-based solutions will move the conversation forward around safety for all students?

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<sup>19</sup> *Id.*

<sup>20</sup> North Carolina General Assembly Session Law 2019-222 (HB75, “School Safety Funds, Programs, and Reports”).

<sup>21</sup> *See supra* note 16.

<sup>22</sup> *See, e.g.,* [City of Philadelphia: Diversion Unit](#).

<sup>23</sup> Philadelphia Inquirer, Jun 23, 2019: [Under DA Krasner, more gun-possession cases get court diversionary program \(inquirer.com\)](#).



Thank you again for seeking stakeholder input about LGBTQ discrimination in school climate and school discipline. We would love to speak with you further about experiences of transgender and non-binary young people. Please feel free to reach out to [asimmons@transequality.org](mailto:asimmons@transequality.org) or 202-804-6047.

Sincerely,

Ames Simmons, Policy Director

**From:** Seugling, Carolyn  
**Sent:** Wednesday, April 28, 2021 4:59 PM  
**To:** skiba@indiana.edu  
**Cc:** Jayne, Mike; Johnson, Jadine (CRT); Eichner, James (CRT) (James.Eichner@usdoj.gov)  
**Subject:** Information & Planning Call for May 11 ED-OCR & DOJ-CRT Virtual Convening

Dear Russ:

Thank you for accepting the invitation to participate in the virtual convening - **Brown 67 Years Later: Examining Disparities in School Discipline and the Pursuit of Safe and Inclusive Schools**, which is scheduled for Tuesday, May 11, 2021 from 1:30 p.m. to 4 pm ET. The convening will highlight strategies for addressing racial and other disparities in the administration of school discipline. The Office for Civil Rights and Civil Rights Division have invited you as panelists because of your expertise in issues related to school discipline and climate. The event will include three panels as described below.

PANEL ONE:

**Perspectives on Disparities in School Discipline – The Problem:** Panelists will share their experiences confronting and addressing harmful or discriminatory school disciplinary policies and the impact of these policies on students of color, LGBTQI+ students, and students with disabilities.

- **Katherine Dunn**, Director of Ending the Schoolhouse-to-Jailhouse track, Advancement Project (topic: police free schools)
- **Diane Smith Howard**, Managing Attorney, National Disability Rights Network (topic: students with disabilities)
- **Ames Simmons**, Policy Director, National Center for Transgender Equity/NCTE Action Fund (topic: LBTQI+ students and others disciplined because of gender identity or nonconformity)
- **Michaele Turnage Young**, Senior Counsel, NAACP Legal Defense and Educational Fund, Inc. (topic: discriminatory hair policy)
- **Representative from Asian Americans Advancing Justice-TBD**
- **Student – TBD**
- **Student – TBD**
- **Monique Dixon**, Deputy Assistant Secretary for Policy, OCR (Moderator)

PANEL TWO:

**Disparities in Student Discipline: What the research says about identifying and addressing the problem:** Panelists will discuss their research on the systemic nature of disparities in school discipline. They will provide national data and other information on school climate and safety issues and how federal civil rights laws and community and/or school-based programs may be used to prevent and address these disparities.

- **Dr. Monique Morris**, Author and Social Activist (topic: discipline and criminalization of black girls)
- **Russell Skiba**, Professor Emeritus, Indiana University (topic: racial and disability disparities in school discipline)
- **Olati Johnson**, Jerome B. Sherman Professor of Law, Columbia Law School (topic: preventing and addressing disparities with compliance and enforcement of civil rights laws, such as Title VI)
- **Carolyn Seugling**, Attorney, OCR (Moderator)

PANEL THREE:

**Addressing Disparities in Discipline and Promoting Positive School Climate: Lessons from the Field:** This panel will feature the school discipline reform and police-free school efforts of Denver advocates and the Denver Public School system, as well as and the work of advocates and practitioners who are advancing positive school climates through community and school-based programs, such as social emotional learning and counseling services.

- **Elsa Bañuelos**, Executive Director, Padres & Jóvenes Unidos, Denver, CO (topic: school discipline reform, police free schools)
- **Daniel Kim**, Former Chief of Staff for the Division of Student Equity & Opportunity in Denver Public Schools, Denver, CO (restorative practices) (\*confirmation pending)
- **Student – TBD** from Denver Public Schools
- **Dr. Cierra Kaler-Jones**, Director of Storytelling, Communities for Just Schools Fund (social emotional learning

student supports)

- **Olivia Carter**, 2021 National School Counselor of the year (trauma-informed practices and work to decrease discipline referrals in her elementary school in Cape Girardeau, MO)
- (b)(6) (\*confirmation Pending)
- **Shaheena Simons** – Chief, DOJ Civil Rights Division (Moderator)

We envision the second panel's format to be in a presentation style with questions and answers from the audience at the end. The first and third panels will have a brief introduction by the panel moderator who will lead a facilitated question and answer session (some determined in advance and some from audience participation).

**We would like to schedule a planning call for your panel, Panel 2 on Friday, April 30. Are you available from 2:00-2:30pm ET? If not, please let me know if you have other availability on Friday or Monday, May 3<sup>rd</sup> and I will coordinate a convenient time for all panelists of Panel 2 and OCR and DOJ-CRT staff.**

We will also like to release the description of the panels and panelists used in this email minus the information in the parentheses ( ). Please let me know if you have any edits to your name or title. Additionally, if you have a bio you would like us to provide to registrants, please forward to me.

Thank you again for your patience and participation. We look forward to a working with you to plan great event.

Carolyn



## Katherine Dunn

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**From:** Katherine Dunn  
**Sent:** Wednesday, April 28, 2021 6:20 PM  
**To:** Seugling, Carolyn  
**Cc:** Jayne, Mike; Johnson, Jadine (CRT); Eichner, James (CRT) (James.Eichner@usdoj.gov)  
**Subject:** RE: Information & Planning Call for May 11 ED-OCR & DOJ-CRT Virtual Convening

Thanks so much Carolyn, this looks great.

I can make 11am ET on Monday work, otherwise, anytime after 2pm on Monday is the best window for me.

One edit to my title: it should be Program Director, Opportunity to Learn, Advancement Project

And here's my bio – please let me know if you need anything else!

Katherine Dunn is the director of the Opportunity to Learn program at the Advancement Project National Office, supporting campaigns across the country in the fight for education justice and an end to the school-to-prison pipeline. Most recently, she was the Regional Policy Analyst at the Southern Poverty Law Center, where she led the SPLC's children's rights policy work. Previously, she served as a General Attorney at the U.S. Department of Education's Office for Civil Rights, enforcing federal civil rights laws in Alabama, Florida, Georgia, and Tennessee schools.

Prior to that, she was a Program Director at the Southern Education Foundation, where her work focused on research, advocacy, and organizing to promote equity in public education in the South. Katherine is past co-chair of the American Constitution Society's Georgia Lawyer Chapter and the Georgia chapter of the National Lawyers Guild, and a member of the 2018 LEAD Atlanta class. She is an Ambassador with the Partnership for the Future of Learning and she serves on the board of Sur Legal Collaborative.

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**From:** Seugling, Carolyn <Carolyn.Seugling@ed.gov>  
**Sent:** Wednesday, April 28, 2021 5:28 PM  
**To:** Katherine Dunn <KDunn@advancementproject.org>  
**Cc:** Jayne, Mike <William.Jayne@ed.gov>; Johnson, Jadine (CRT) <Jadine.Johnson@usdoj.gov>; Eichner, James (CRT) (James.Eichner@usdoj.gov) <James.Eichner@usdoj.gov>  
**Subject:** Information & Planning Call for May 11 ED-OCR & DOJ-CRT Virtual Convening

Dear Ms. Dunn,

Thank you for accepting the invitation to participate in the virtual convening - **Brown 67 Years Later: Examining Disparities in School Discipline and the Pursuit of Safe and Inclusive Schools**, which is scheduled for Tuesday, May 11, 2021 from 1:30 p.m. to 4 pm ET. The convening will highlight strategies for addressing racial and other disparities in the administration of school discipline. The Office for Civil Rights and Civil Rights Division have invited you as panelists because of your expertise in issues related to school discipline and climate. The event will include three panels as described below.

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- **Diane Smith Howard**, Managing Attorney, National Disability Rights Network (topic: students with disabilities)
- **Ames Simmons**, Policy Director, National Center for Transgender Equity/NCTE Action Fund (topic: LGBTQI+)



- students and others disciplined because of gender identity or nonconformity)
- **Michael Turnage Young**, Senior Counsel, NAACP Legal Defense and Educational Fund, Inc. (topic: discriminatory hair policy)
- **Representative from Asian Americans Advancing Justice**-TBD
- **Student** – TBD
- **Student** – TBD
- **Monique Dixon**, Deputy Assistant Secretary for Policy, OCR (Moderator)

#### PANEL TWO:

**Disparities in Student Discipline: What the research says about identifying and addressing the problem:** Panelists will discuss their research on the systemic nature of disparities in school discipline. They will provide national data and other information on school climate and safety issues and how federal civil rights laws and community and/or school-based programs may be used to prevent and address these disparities.

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- **Russell Skiba**, Professor Emeritus, Indiana University (topic: racial and disability disparities in school discipline)
- **Olati Johnson**, Jerome B. Sherman Professor of Law, Columbia Law School (topic: preventing and addressing disparities with compliance and enforcement of civil rights laws, such as Title VI)
- **Carolyn Seugling**, Attorney, OCR (Moderator)

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- **Daniel Kim**, Former Chief of Staff for the Division of Student Equity & Opportunity in Denver Public Schools, Denver, CO (restorative practices) (\*confirmation pending)
- **Student** – TBD from Denver Public Schools
- **Dr. Cierra Kaler-Jones**, Director of Storytelling, Communities for Just Schools Fund (social emotional learning student supports)
- **Olivia Carter**, 2021 National School Counselor of the year (trauma-informed practices and work to decrease discipline referrals in her elementary school in Cape Girardeau, MO)
- **(b)(6)** (\*confirmation Pending)
- **Shaheena Simons** – Chief, DOJ Civil Rights Division (Moderator)

We envision the second panel's format to be in a presentation style with questions and answers from the audience at the end. The first and third panels will have a brief introduction by the panel moderator who will lead a facilitated question and answer session (some determined in advance and some from audience participation).

**We would like to schedule a planning call for your panel, Panel 1 on Monday, May 3. Are you available from 11-11:30am ET? If not, please let me know if you have other availability on Monday, May 3<sup>rd</sup> and I will coordinate a convenient time for all panelists of Panel 1 and OCR and DOJ-CRT staff.**

We will also like to release the description of the panels and panelists used in this email minus the information in the parentheses ( ). Please let me know if you have any edits to your name or title. Additionally, if you have a bio you would like us to provide to registrants, please forward to me.

Thank you again for your patience and participation. We look forward to a working with you to plan great event.

Carolyn

## Seugling, Carolyn

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**From:** Seugling, Carolyn  
**Sent:** Thursday, April 29, 2021 4:56 PM  
**To:** PLG File Folder  
**Bcc:** Seugling, Carolyn; megan.blanco@nasbe.org; cmiller@ccsso.org; mcasserly@cgcs.org; info@chiefsforchange.org; fnegron@nsba.org; Karhusea@nassp.org; nellerson@aasa.org; jbrowne@advancementproject.org; jfeierman@jlc.org; cdinfo@childrensdefense.org; office@lawyersforcivilrights.org; dfowler@texasappleseed.net; wtucker@ncsecs.org; diane.smithhoward@ndrn.org; searac@searac.org; advocacy@aauw.org; cindy@sikhcoalition.org; amrith@sikhcoalition.org; TribalYouth@TLPI.org; gregg@ncapaonline.org; aaron.ridings@glisen.org; SMinter@nclrights.org; asimmons@transequality.org; jwu@glad.org; keygan.miller@thetrevorproject.org; Rob.Todaro@TheTrevorProject.org; ric.zappa@kippbayarea.org; (b)(6) credmond@calendow.org; communications@manhattan-institute.org; thegadfly@edexcellence.net; (b)(6) skiba@indiana.edu; annereg@gsapp.rutgers.edu; dolly.nguyen@oregonstate.edu; leonep@umd.edu; (b)(6) lawpovertycenter@georgetown.edu; lawpovertycenter@georgetown.edu; jleberhardt@stanford.edu; okonofua@berkeley.edu; kentm@uoregon.edu; (b)(6) iel@iel.org; michelle.valladares@colorado.edu; kevin.welner@colorado.edu; nepc@colorado.edu; lht@strategiesforyouth.org; mo.canady@nasro.org; mtillman@gwinnettstopp.org; info@dignityandrights.org; jcook@schoolcounselor.org; sally@teachersunite.net  
**Subject:** Brown 67 Years Later: Examining Disparities in School Discipline

The Office for Civil Rights of the U.S. Department of Education and the Civil Rights Division of the U.S. Department of Justice, the Departments, will mark the anniversary of Brown v. Board of Education on May 11, 2021, from 1:30 – 4 pm ET, with a virtual convening: **Brown 67 Years Later: Examining Disparities in School Discipline and the Pursuit of Safe and Inclusive Schools**. The convening will highlight strategies for addressing racial and other disparities in the administration of school discipline. Panelists will consider the impact of exclusionary school discipline policies and practices, such as suspensions and school-based arrests, on our nation's students, particularly students of color, students with disabilities and LGBTQI+ students. They will also share diverse strategies for addressing harmful and discriminatory school discipline practices and creating positive school climates.

This convening builds on the commitments expressed in President Biden's Executive Orders on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government and on Supporting the Reopening and Continuing Operation of Schools and Early Childhood Education Providers. As federal, state and local officials continue to battle the COVID-19 pandemic and reopen schools, the Departments are committed to providing policy guidance and technical assistance to schools to ensure that all students are taught in safe, supportive and welcoming school environments free from discrimination.

The virtual event is free and open to the public. Please register at the following link:



[Examining Disparities in Discipline & Pursuit of Safe, Inclusive Schools Registration, Tue, May 11, 2021 at 1:30 PM | Eventbrite](#)

For more information about OCR, please visit

<https://www2.ed.gov/about/offices/list/ocr/index.html>

For more information about DOJ-CRT, please visit <https://www.justice.gov/crt>

For press inquiries, please contact ED's Press Office at (202) 401-1576 or [press@ed.gov](mailto:press@ed.gov).

## Ames Simmons

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**From:** Ames Simmons  
**Sent:** Monday, May 3, 2021 10:52 AM  
**To:** Seugling, Carolyn  
**Subject:** Re: Information & Planning Call for May 11 ED-OCR & DOJ-CRT Virtual Convening

No worries whatsoever!

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**From:** Seugling, Carolyn <Carolyn.Seugling@ed.gov>  
**Sent:** Monday, May 3, 2021 10:50:19 AM  
**To:** Ames Simmons <asimmons@transequality.org>  
**Subject:** RE: Information & Planning Call for May 11 ED-OCR & DOJ-CRT Virtual Convening

I'm very sorry and appreciate your understanding. It's been a task coordinating schedules and most people couldn't make it at 11 Today. I am going to send out a joint email to the entire panel shortly hoping to reschedule for tomorrow or Wednesday in the afternoon, because mornings seemed not to be the best for everyone.

---

**From:** Ames Simmons <asimmons@transequality.org>  
**Sent:** Monday, May 3, 2021 10:48 AM  
**To:** Seugling, Carolyn <Carolyn.Seugling@ed.gov>  
**Subject:** Re: Information & Planning Call for May 11 ED-OCR & DOJ-CRT Virtual Convening

Carolyn, I wanted to make sure I didn't miss a call—is there a panel prep meeting at 11 this morning? I didn't get any call-in info or zoom link. Just making sure!

Thank you,  
Ames

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**From:** Ames Simmons  
**Sent:** Wednesday, April 28, 2021 7:34:52 PM  
**To:** Seugling, Carolyn <[Carolyn.Seugling@ed.gov](mailto:Carolyn.Seugling@ed.gov)>  
**Subject:** RE: Information & Planning Call for May 11 ED-OCR & DOJ-CRT Virtual Convening

Carolyn, thank you again for this invitation. I am available Mon 5/3 and have reserved 11a-11:30a for a planning session.

The only edit I would suggest for my name and title is to change "Equity" to "Equality," and I've pasted a bio below in case it's helpful.

Ames Simmons is a queer white trans man serving as Policy Director at National Center for Transgender Equality. His work is grounded in community-based anti-racism, anti-violence, and anti-poverty efforts. His previous roles include policy director at Equality North Carolina, and assistant general counsel at a healthcare firm assisting uninsured patients with Medicaid. Ames graduated from Agnes Scott College and Emory University Law School. He holds a senior lecturing fellowship at Duke University School of Law.

Thank you again,

Ames



**Ames Simmons (He/Him)**

Policy Director

National Center for Transgender Equality/NCTE Action Fund

[asimmons@transequality.org](mailto:asimmons@transequality.org)

Office: 202.804.6047

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**From:** Seugling, Carolyn <[Carolyn.Seugling@ed.gov](mailto:Carolyn.Seugling@ed.gov)>

**Sent:** Wednesday, April 28, 2021 5:26 PM

**To:** Ames Simmons <[asimmons@transequality.org](mailto:asimmons@transequality.org)>

**Cc:** Jayne, Mike <[William.Jayne@ed.gov](mailto:William.Jayne@ed.gov)>; Eichner, James (CRT) ([James.Eichner@usdoj.gov](mailto:James.Eichner@usdoj.gov))

<[James.Eichner@usdoj.gov](mailto:James.Eichner@usdoj.gov)>; Johnson, Jadine (CRT) <[Jadine.Johnson@usdoj.gov](mailto:Jadine.Johnson@usdoj.gov)>

**Subject:** Information & Planning Call for May 11 ED-OCR & DOJ-CRT Virtual Convening

Dear Mr. Simmons,

Thank you for accepting the invitation to participate in the virtual convening - **Brown 67 Years Later: Examining Disparities in School Discipline and the Pursuit of Safe and Inclusive Schools**, which is scheduled for Tuesday, May 11, 2021 from 1:30 p.m. to 4 pm ET. The convening will highlight strategies for addressing racial and other disparities in the administration of school discipline. The Office for Civil Rights and Civil Rights Division have invited you as panelists because of your expertise in issues related to school discipline and climate. The event will include three panels as described below.

PANEL ONE:

**Perspectives on Disparities in School Discipline – The Problem:** Panelists will share their experiences confronting and addressing harmful or discriminatory school disciplinary policies and the impact of these policies on students of color, LGBTQI+ students, and students with disabilities.

- **Katherine Dunn**, Director of Ending the Schoolhouse-to-Jailhouse track, Advancement Project (topic: police free schools)
- **Diane Smith Howard**, Managing Attorney, National Disability Rights Network (topic: students with disabilities)
- **Ames Simmons**, Policy Director, National Center for Transgender Equity/NCTE Action Fund (topic: LGBTQI+ students and others disciplined because of gender identity or nonconformity)
- **Michaele Turnage Young**, Senior Counsel, NAACP Legal Defense and Educational Fund, Inc. (topic: discriminatory hair policy)
- **Representative from Asian Americans Advancing Justice-TBD**
- **Student – TBD**
- **Student – TBD**
- **Monique Dixon**, Deputy Assistant Secretary for Policy, OCR (Moderator)

PANEL TWO:

**Disparities in Student Discipline: What the research says about identifying and addressing the problem:** Panelists will discuss their research on the systemic nature of disparities in school discipline. They will provide national data and other information on school climate and safety issues and how federal civil rights laws and community and/or school-based programs may be used to prevent and address these disparities.

- **Dr. Monique Morris**, Author and Social Activist (topic: discipline and criminalization of black girls)
- **Russell Skiba**, Professor Emeritus, Indiana University (topic: racial and disability disparities in school discipline)
- **Olati Johnson**, Jerome B. Sherman Professor of Law, Columbia Law School (topic: preventing and addressing disparities with compliance and enforcement of civil rights laws, such as Title VI)
- **Carolyn Seugling**, Attorney, OCR (Moderator)

PANEL THREE:

**Addressing Disparities in Discipline and Promoting Positive School Climate: Lessons from the Field:** This panel will feature the school discipline reform and police-free school efforts of Denver advocates and the Denver Public School system, as well as the work of advocates and practitioners who are advancing positive school climates through community and school-based programs, such as social emotional learning and counseling services.

- **Elsa Bañuelos**, Executive Director, Padres & Jóvenes Unidos, Denver, CO (topic: school discipline reform, police free schools)
- **Daniel Kim**, Former Chief of Staff for the Division of Student Equity & Opportunity in Denver Public Schools, Denver, CO (restorative practices) (\*confirmation pending)
- **Student** – TBD from Denver Public Schools
- **Dr. Cierra Kaler-Jones**, Director of Storytelling, Communities for Just Schools Fund (social emotional learning student supports)
- **Olivia Carter**, 2021 National School Counselor of the year (trauma-informed practices and work to decrease discipline referrals in her elementary school in Cape Girardeau, MO)
- **(b)(6)** (\*confirmation Pending)
- **Shaheena Simons** – Chief, DOJ Civil Rights Division (Moderator)

We envision the second panel's format to be in a presentation style with questions and answers from the audience at the end. The first and third panels will have a brief introduction by the panel moderator who will lead a facilitated question and answer session (some determined in advance and some from audience participation).

**We would like to schedule a planning call for your panel, Panel 1 on Monday, May 3. Are you available from 11-11:30am ET? If not, please let me know if you have other availability on Monday, May 3<sup>rd</sup> and I will coordinate a convenient time for all panelists of Panel 1 and OCR and DOJ-CRT staff.**

We will also like to release the description of the panels and panelists used in this email minus the information in the parentheses ( ). Please let me know if you have any edits to your name or title. Additionally, if you have a bio you would like us to provide to registrants, please forward to me.

Thank you again for your patience and participation. We look forward to working with you to plan great event.

Carolyn



## Diane Smith Howard

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**From:** Diane Smith Howard  
**Sent:** Monday, May 3, 2021 3:23 PM  
**To:** Seugling, Carolyn  
**Subject:** RE: Please Confirm - May 11 Discipline Convening Panel 1 Preparation Meeting

I can do Thursday. If everyone else can do Tuesday, I can move a meeting but will need to let folks know as soon as possible.

Thank you!

---

**From:** Seugling, Carolyn <Carolyn.Seugling@ed.gov>  
**Sent:** Monday, May 3, 2021 2:49 PM  
**To:** mturnageyoung@naacpldf.org; Diane Smith Howard <diane.smithhoward@ndrn.org>; asimmons@transequality.org; kdunn@advancementproject.org; keno@poweru.org; quyen@searac.org  
**Cc:** Jayne, Mike <William.Jayne@ed.gov>; Reyes, Alejandro <Alejandro.Reyes@ed.gov>; Dixon, Monique <Monique.Dixon@ed.gov>; Eichner, James (CRT) (James.Eichner@usdoj.gov) <James.Eichner@usdoj.gov>; Johnson, Jadine (CRT) <Jadine.Johnson@usdoj.gov>  
**Subject:** Please Confirm - May 11 Discipline Convening Panel 1 Preparation Meeting

Dear Panel 1 Panelists:

We are just about a week out from the joint ED-OCR and DOJ-CRT Discipline Convening on May 11 from 1:30 to 4pm ET. As I noted in a previous email, we are scheduling a preparation call to discuss the topics you will be addressing on Panel 1. At the meeting you will virtually meet your moderator, Monique Dixon, Deputy Assistant Secretary for Policy OCR, and discuss the potential questions she will be asking you to share her vision for the panel and highlight the information you want to share and facilitate the conversation of Panel 1.

By the end of the day today, please let me know your availability for either or both times for the Panel 1 Preparation Meeting: **Tuesday May 4 from 4-5 pm ET or Thursday, May 5 from 3-4pm ET.**

We will select the day and time when most panelists are available and I hope this is convenient. Thank you for in advance for your flexibility.

To be aware of for logistics: Patrick Jones from ED's Event Management Services, will be sending you the link to join the Panelists Microsoft Teams meeting. You cannot forward the link he sends and must use the link he sends directly. You should also plan on signing in a 1pm ET (before the event actually begins at 1:30) for a few logistical updates. You may sign off of the meeting when your panel is over. We will also schedule a pre-meet/run of show brief logistical meeting, likely on Friday, May 7 to ensure that you can log in to the system and logistically, things are working for your equipment. (This will not be a substantive discussion.)

If you have not done so already, please confirm your name & title, below and let me know where to access or provide a bio of yourself we can share with registrants of the convening later this week.



PANEL ONE:

**Perspectives on Disparities in School Discipline – The Problem:** Panelists will share their experiences confronting and addressing harmful or discriminatory school disciplinary policies and the impact of these policies on students of color, LGBTQI+ students, and students with disabilities.

- **Katherine Dunn**, Director of Ending the Schoolhouse-to-Jailhouse track, Advancement Project
- **Diane Smith Howard**, Managing Attorney, National Disability Rights Network
- **Ames Simmons**, Policy Director, National Center for Transgender Equity/NCTE Action Fund
- **Michaele Turnage Young**, Senior Counsel, NAACP Legal Defense and Educational Fund, Inc.
- **Quyen Dihn**, Executive Director, Southeast Asia Resource Action Center (SEARAC)
- Student Representatives.
- **Monique Dixon**, Deputy Assistant Secretary for Policy, OCR

Finally, I have also provided a copy of the email invitation below. Please feel free invite members of the public to the event. Thank you again for your participation and helping to make this a great event.

Carolyn

***Brown* 67 Years Later: Examining Disparities in School Discipline and the Pursuit of Safe and Inclusive Schools.**

The Office for Civil Rights of the U.S. Department of Education and the Civil Rights Division of the U.S. Department of Justice, the Departments, will mark the anniversary of *Brown v. Board of Education* on **May 11, 2021, from 1:30 – 4 pm ET**, with a virtual convening: ***Brown* 67 Years Later: Examining Disparities in School Discipline and the Pursuit of Safe and Inclusive Schools**. The convening will highlight strategies for addressing racial and other disparities in the administration of school discipline. Panelists will consider the impact of exclusionary school discipline policies and practices, such as suspensions and school-based arrests, on our nation's students, particularly students of color, students with disabilities and LGBTQI+ students. They will also share diverse strategies for addressing harmful and discriminatory school discipline practices and creating positive school climates.

This convening builds on the commitments expressed in President Biden's Executive Orders on [Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#) and on [Supporting the Reopening and Continuing Operation of Schools and Early Childhood Education Providers](#). As federal, state and local officials continue to battle the COVID-19 pandemic and reopen schools, the Departments are committed to providing policy guidance and technical assistance to schools to ensure that all students are taught in safe, supportive and welcoming school environments free from discrimination.

The virtual event is free and open to the public. Please register at the following link:

[Examining Disparities in Discipline & Pursuit of Safe, Inclusive Schools Registration, Tue, May 11, 2021 at 1:30 PM | Eventbrite](#)

For more information about OCR, please visit, <https://www2.ed.gov/about/offices/list/ocr/index.html>

For more information about DOJ-CRT, please visit <https://www.justice.gov/crt>

For press inquiries, please contact ED's Press Office at (202) 401-1576 or [press@ed.gov](mailto:press@ed.gov)

**From:** Skiba, Russell  
**Sent:** Monday, May 3, 2021 6:34 PM  
**To:** Eichner, James (CRT)  
**Cc:** Seugling, Carolyn  
**Subject:** Re: [External] FW: Please Confirm - May 11 Discipline Convening Panel 1 Preparation Meeting

Hi Jim,  
I'm already booked for the Tuesday time, but could meet from 4-5 Thursday.

Russ

On 5/3/21, 5:54 PM, "Eichner, James (CRT)" <[James.Eichner@usdoj.gov](mailto:James.Eichner@usdoj.gov)> wrote:

This message was sent from a non-IU address. Please exercise caution when clicking links or opening attachments from external sources.

Hi Russ –

We are trying to get all the panels organized. Can you let Carolyn and I know your availability on Tuesday from 12 to 1 ET or Thursday from 4-5 pm ET.

Thanks

Jim

---

**From:** Seugling, Carolyn <Carolyn.Seugling@ed.gov>  
**Sent:** Monday, May 3, 2021 3:07 PM  
**To:** skiba@indiana.edu; (b)(6) (b)(6)  
**Cc:** Jayne, Mike <William.Jayne@ed.gov>; Eichner, James (CRT) <James.Eichner@usdoj.gov>; Reyes, Alejandro <Alejandro.Reyes@ed.gov>; Johnson, Jadine (CRT) <Jadine.Johnson@usdoj.gov>  
**Subject:** Please Confirm - May 11 Discipline Convening Panel 1 Preparation Meeting

Dear Panel 2 Panelists:

We are just about a week out from the joint ED-OCR and DOJ-CRT Discipline Convening on May 11 from 1:30 to 4pm ET. As I noted in a previous email, we are scheduling a preparation call to discuss the topics you will be addressing on Panel 2. At the meeting, we will discuss the vision of this panel, the timing for your presentations and whether you will have any slides used in the presentation.

By the end of the day today, please let me know your availability for either or both times for the Panel 1Preparation Meeting: Tuesday May 4 from 12-1 pm ET or Thursday, May 5 from 4-5pm ET.

Thank you for in advance for your flexibility.



To be aware of for logistics: Patrick Jones from ED's Event Management Services, will be sending you the link to join the Panelists Microsoft Teams meeting. You cannot forward the link he sends and must use the link he sends directly. You should also plan on signing in a 1pm ET (before the event actually begins at 1:30) for a few logistical updates. You may sign off of the meeting when your panel is over. We will also schedule a pre-meet/run of show brief logistical meeting, likely on Friday, May 7 or Monday May 10 to ensure that you can log in to the system and logistically, things are working for your equipment. (This will not be a substantive discussion.)

If you have not done so already, please confirm your name & title, below and let me know where to access or provide a one paragraph bio of yourself we can share with registrants of the convening later this week.

#### Panel 2

##### **Disparities in Student Discipline: What the research says about identifying and addressing the problem:**

Panelists will discuss their research on the systemic nature of disparities in school discipline. They will provide national data and other information on school climate and safety issues and how federal civil rights laws and community and/or school-based programs may be used to prevent and address these disparities.

- **Dr. Monique Morris**, Author and Social Activist
- **Russell Skiba**, Professor Emeritus, Indiana University
- **Olati Johnson**, Jerome B. Sherman Professor of Law, Columbia Law School

Finally, I have also provided a copy of the email invitation below. Please feel free invite members of the public to the event. Thank you again for your participation and helping to make this a great event.

Carolyn

#### ***Brown 67 Years Later: Examining Disparities in School Discipline and the Pursuit of Safe and Inclusive Schools.***

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The virtual event is free and open to the public. Please register at the following link:

[Examining Disparities in Discipline & Pursuit of Safe, Inclusive Schools Registration, Tue, May 11, 2021 at 1:30 PM | Eventbrite](#)

For more information about OCR, please visit,  
<https://www2.ed.gov/about/offices/list/ocr/index.html>

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For press inquiries, please contact ED's Press Office at (202) 401-1576 or [press@ed.gov](mailto:press@ed.gov)

## Diane Smith Howard

---

**From:** Diane Smith Howard  
**Sent:** Wednesday, May 5, 2021 6:20 PM  
**To:** Seugling, Carolyn  
**Subject:** May 11 Discipline Convening Panel 1 Preparation Meeting

**Diane Smith Howard**, Managing Attorney for Criminal and Juvenile Justice, National Disability Rights Network

<https://www.ndrn.org/team/diane-smith-howard/>

---

**From:** Seugling, Carolyn <Carolyn.Seugling@ed.gov>  
**Sent:** Monday, May 3, 2021 2:49 PM  
**To:** mturnageyoung@naacpldf.org; Diane Smith Howard <diane.smithhoward@ndrn.org>; asimmons@transequality.org; kdunn@advancementproject.org; keno@poweru.org; quyen@searac.org  
**Cc:** Jayne, Mike <William.Jayne@ed.gov>; Reyes, Alejandro <Alejandro.Reyes@ed.gov>; Dixon, Monique <Monique.Dixon@ed.gov>; Eichner, James (CRT) (James.Eichner@usdoj.gov) <James.Eichner@usdoj.gov>; Johnson, Jadine (CRT) <Jadine.Johnson@usdoj.gov>  
**Subject:** Please Confirm - May 11 Discipline Convening Panel 1 Preparation Meeting

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By the end of the day today, please let me know your availability for either or both times for the Panel 1 Preparation Meeting: **Tuesday May 4 from 4-5 pm ET** or **Thursday, May 5 from 3-4pm ET**.

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If you have not done so already, please confirm your name & title, below and let me know where to access or provide a bio of yourself we can share with registrants of the convening later this week.



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**Perspectives on Disparities in School Discipline – The Problem:** Panelists will share their experiences confronting and addressing harmful or discriminatory school disciplinary policies and the impact of these policies on students of color, LGBTQI+ students, and students with disabilities.

- **Katherine Dunn**, Director of Ending the Schoolhouse-to-Jailhouse track, Advancement Project
- **Diane Smith Howard**, Managing Attorney, National Disability Rights Network
- **Ames Simmons**, Policy Director, National Center for Transgender Equity/NCTE Action Fund
- **Michaele Turnage Young**, Senior Counsel, NAACP Legal Defense and Educational Fund, Inc.
- **Quyen Dihn**, Executive Director, Southeast Asia Resource Action Center (SEARAC)
- Student Representatives.
- **Monique Dixon**, Deputy Assistant Secretary for Policy, OCR

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Carolyn

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For more information about DOJ-CRT, please visit <https://www.justice.gov/crt>

For press inquiries, please contact ED's Press Office at (202) 401-1576 or [press@ed.gov](mailto:press@ed.gov)

Seugling, Carolyn

---

**From:** Seugling, Carolyn  
**Sent:** Thursday, May 6, 2021 5:28 PM  
**To:** Olatunde C Johnson; skiba@indiana.edu; mwmorris@grantmakersforgirlsofcolor.org  
**Cc:** Dixon, Monique; Eichner, James (CRT) (James.Eichner@usdoj.gov); Johnson, Jadine (CRT)  
**Subject:** Connecting Panel 2 Presenters

Dr. Morris, Skiba and Johnson,

Thank you for your time planning the call today and for your presentation on Tuesday. I'm very excited about your research and the direction all of you envision your presentations to go. You also now have each other's emails if you want to keep the planning going.

As we discussed, I am going to use the language below to introduce you at the beginning of the Panel that should begin around 2:30. However, if you would like any changes please let me know. Additionally, if you think of any questions that you would like me to ask at the end of all of your presentations, please send along. And don't hesitate to let me know if you have any logistical questions too.

Thanks again,  
Carolyn

Now we are going to learn **What the research says about identifying and addressing these discipline disparities and how research can be used as a practical tool to push for equity.** It is my pleasure to introduce you to our researchers for the second panel:

- Our First panelist, Dr. Monique Morris, will speak about discipline and addressing the criminalization of black girls;
- Our Second Panelist, Russel Skiba, will speak about disability disparities in school discipline and the virus of racism;
- Our Third Panelist, Olatunde Johnson, will speak about the importance of Title VI and other civil rights laws and how they can be used proactively by school districts.

Invitation to event for anyone you may wish to invite to register:

The Office for Civil Rights of the U.S. Department of Education and the Civil Rights Division of the U.S. Department of Justice, the Departments, will mark the anniversary of *Brown v. Board of Education* on May 11, 2021, from 1:30 – 4 pm ET, with a virtual convening: **Brown 67 Years Later: Examining Disparities in School Discipline and the Pursuit of Safe and Inclusive Schools.** The convening will highlight strategies for addressing racial and other disparities in the administration of school discipline. Panelists will consider the impact of exclusionary school discipline policies and practices, such as suspensions and school-based arrests, on our nation's students, particularly students of color, students with disabilities and LGBTQI+ students. They will also share diverse strategies for addressing harmful and discriminatory school discipline practices and creating positive school climates.

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[Education Providers](#). As federal, state and local officials continue to battle the COVID-19 pandemic and reopen schools, the Departments are committed to providing policy guidance and technical assistance to schools to ensure that all students are taught in safe, supportive and welcoming school environments free from discrimination.

The virtual event is free and open to the public. Please register at the following link:

[Examining Disparities in Discipline & Pursuit of Safe, Inclusive Schools Registration, Tue, May 11, 2021 at 1:30 PM | Eventbrite](#)

## Ames Simmons

---

**From:** Ames Simmons  
**Sent:** Thursday, May 27, 2021 1:06 PM  
**To:** Seugling, Carolyn  
**Subject:** RE: Request for Resources to share with Discipline Convening Registrants  
**Attachments:** TWOC and School to Prison Pipeline.pdf

Carolyn, thank you again for having me on Panel 1! I already had a colleague Magaly Ickes reach out to me from Seattle OCR after seeing it (we knew each other in Atlanta!). I've attached the study about transgender women of color and the school-to-prison pipeline that I mentioned in my segment.

Please don't hesitate to reach out if we can be of assistance!

Thanks again,

Ames

### Ames Simmons (He/Him)

Policy Director

National Center for Transgender Equality/NCTE Action Fund

[asimmons@transequality.org](mailto:asimmons@transequality.org)

Office: 202.804.6047

---

**From:** Seugling, Carolyn <Carolyn.Seugling@ed.gov>  
**Sent:** Tuesday, May 25, 2021 11:37 AM  
**To:** Seugling, Carolyn <Carolyn.Seugling@ed.gov>  
**Cc:** Jayne, Mike <William.Jayne@ed.gov>; 'Johnson, Jadine (CRT)' <Jadine.Johnson@usdoj.gov>; Eichner, James (CRT) <James.Eichner@usdoj.gov>  
**Subject:** Request for Resources to share with Discipline Convening Registrants

Presenters,

Thank you again for your amazing presentations and discussion during the Discipline and Climate Convening two weeks ago! We had hoped to share a link to the broadcast in a follow-up email to registered participants today. Unfortunately, the broadcast is still being edited by the ED production team. We will share that link with you and registered participants as soon as it is ready.

In the meantime, we also indicated during the closing of the convening that we would share the resources you mentioned or information you wanted to share with the audience. Please send me any links to resources you would like us to include in the first follow-up email to registrants of the convening by COB Thursday, 5/27. If you've already sent us resources (primarily Panel 3) thank you! We will include all of the resources received in the first follow-up email.

Thank you again,  
Carolyn



# Black Transgender Women and the School-to-Prison Pipeline: Exploring the Relationship Between Anti-trans Experiences in School and Adverse Criminal-Legal System Outcomes

Kris Rosentel<sup>1</sup> · Ileana López-Martínez<sup>1</sup> · Richard A. Crosby<sup>2</sup> · Laura F. Salazar<sup>3</sup> · Brandon J. Hill<sup>1</sup>

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## Abstract

**Introduction** The school-to-prison pipeline (STPP), a framework which describes mechanisms and pathways within the education system that drive students toward involvement in the criminal-legal system, has seen increasing attention from youth researchers, professionals, and advocates in recent years. However, the experiences of transgender individuals and trans-related policies in schools have largely been absent from explorations of the STPP. To begin addressing this gap, this study explores the relationship between anti-trans experiences in school and adverse criminal-legal system outcomes among a sample of 138 Black/African American transgender women (ages 18–65).

**Methods** Data were derived from a life course survey of transgender women in Atlanta and Chicago conducted between August 2014 and September 2017. Only participants who were Black/African American were included in the analytic sample ( $n = 138$ ). Bivariate and logistic regression analyses were conducted to explore the relationship between education factors (high school/GED completion, anti-trans school victimization, anti-trans school expulsion/denial of enrollment, and denial of gender-appropriate facilities) and criminal-legal system factors (incarceration, anti-trans police mistreatment, and discomfort seeking police assistance). Analyses were conducted for both the full sample and youth subsample of 83 participants (age 30 or younger).

**Results** Among the overall sample, logistic regression models revealed that anti-trans school expulsion/denial of enrollment was associated with a greater odds of anti-trans mistreatment by police ( $p = .026$ , OR = 5.091). Denial of gender-appropriate facilities in school was also associated with anti-trans mistreatment by police ( $p = .034$ , OR = 3.873). Among the youth subsample, anti-trans victimization in school was associated with a greater odds of incarceration ( $p = .021$ , OR = 3.717). Anti-trans school expulsion/denial of enrollment was also associated with a greater odds of incarceration ( $p = .046$ , OR = 9.460).

**Conclusions** These associations suggest that anti-trans school experiences warrant consideration as factors in the school-to-prison pipeline. Future research that traces the pathways between anti-trans school environments and outcomes in the criminal-legal system would be valuable.

**Policy Implications** Policy interventions that combat anti-trans school victimization and institutional discrimination may be critical to disrupting the STPP for Black/African American transgender women.

**Keywords** Transgender · LGBTQ · School-to-prison pipeline · Criminal justice · Incarceration · Victimization · School discipline

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## Introduction

Young transgender people have largely been overlooked in the growing body of scholarship related to the school-to-prison pipeline (STPP). Nevertheless, the literature suggests transgender adolescents and emerging adults, particularly transgender youth of color, face substantial challenges in both the education system and the criminal-legal system (Conron & Wilson, 2019; James et al., 2016; Kosciw, Greytak, Zongrone, Clark, & Truong, 2018; Mogul, Ritchie, & Whitlock, 2012; Russell, Toomey, Ryan, & Diaz, 2014; Spade, 2015). Indeed, previous research suggests that transgender students face higher rates of discrimination and victimization in school than their cisgender (non-transgender) peers (Day, Perez-Brumer, & Russell, 2018; De Pedro, Shim-Pelayo, & Bishop, 2019; James et al., 2016; Kosciw et al., 2018). In the 2015 US Transgender Survey, 54% of respondents who publicly identified as transgender during their K-12 education reported verbal harassment in school, 24% reported physical assault, and 13% reported sexual assault due to their transgender identity (James et al., 2016). Furthermore, approximately one in six respondents reported leaving school due to anti-trans mistreatment (James et al., 2016). Some literature also suggests that these disparities in bullying and victimization are more severe for transgender students of color than White students. A study of students in California found that disparities in race-based discriminatory bullying between transgender and cisgender youth were greater among Latinx youth than White youth (De Pedro et al., 2019). Additionally, in the 2015 US Transgender Survey, Black, Multiracial, American Indian, and Middle Eastern respondents were more likely to report leaving school due to mistreatment than White respondents (James et al., 2016). Along with disparities in school-based victimization, previous work has found that transgender students are more likely to avoid attending school or class and to report negative perceptions of school climate than their cisgender peers (Day et al., 2018). Many transgender students also face exclusionary school policies including restrictions on using bathrooms and locker rooms of their choice as well as dress codes that prohibit wearing clothing or uniforms that correspond to their gender identities (Glickman, 2016; Hart, 2014; Kosciw et al., 2018). Such restrictive policies are associated with worse outcomes for transgender students. For instance, a recent study found that bathroom and locker room restrictions were associated with greater sexual assault risk for transgender youth (Murchison, Agénor, Reisner, & Watson, 2019).

Previous scholarship also suggests that transgender youth, and young transgender people of color in particular, face heavy criminalization due to intersecting forms of gender, racial, and sexual marginalization (Conron & Wilson, 2019; Mogul et al., 2012; Spade, 2015). Studies report observed rates of previous incarceration between 25 and 45% among

predominantly Black/African American and Latinx samples of transgender individuals (Garofalo, Deleon, Osmer, Doll, & Harper, 2006; Grant et al., 2011; Hill et al., 2017). Many transgender people also experience victimization while incarcerated; among formerly incarcerated respondents in the 2015 US Transgender Survey, nearly one in four reported experiencing physical assault during incarceration while one in five reported sexual assault (James et al., 2016). Transgender individuals also frequently report being harassed, assaulted, and profiled as sex workers by police officers (Carpenter & Marshall, 2017; James et al., 2016; Mogul et al., 2012; Spade, 2015). Transgender women of color may be particularly subjected to these forms of profiling and mistreatment from police as their bodies are placed under heightened scrutiny when they navigate public space due to the intersection of their femininity, transgender identity, and race (Edelman, 2014; James et al., 2016). Negative experiences within the criminal-legal system may also make transgender individuals hesitant to seek assistance from police officers; a majority of respondents in the 2015 US Transgender Survey reported discomfort seeking police assistance (James et al., 2016).

These sets of disparities in the education and criminal-legal systems suggest a pressing need for research exploring transgender youth's experiences and outcomes in the STPP.

## The School-to-Prison Pipeline Framework

The STPP is a framework which describes mechanisms and pathways within the education system that drive students toward involvement in the criminal-legal system including incarceration, probation, and juvenile detention (Burris, 2011; Hirschfield, 2008; Mallett, 2017; Mitchum & Moodie-Mills, 2014; Nance, 2015; Skiba, Arredondo, & Williams, 2014; Snapp, Hoenig, Fields, & Russell, 2015; Wald & Losen, 2003; Wilson, 2014). This framework has received increasing attention in recent years, particularly from youth researchers, professionals, and advocates in the US (Mallett, 2017; Nance, 2015; Wilson, 2014). As such, there is a growing body of research assessing the relationship between adverse outcomes in school and the criminal-legal system. For instance, a previous study from Pettit and Western (2004) found that high school dropout was associated with a three to four times greater odds of incarceration. Additionally, a study from Arum and Beattie (1999) found a negative association between grade point average and incarceration later in life, with men who graduate from high school with a D-average having a fourteen times greater odds of adult incarceration than men with an A-average. This study also found that suspension in high school was associated with a two times greater odds of incarceration as an adult (Arum & Beattie, 1999). Furthermore, multiple studies have found an association between student-teacher



ratios and greater incarceration risk (Arum & Beattie, 1999; Arum & LaFree, 2008).

### Exclusionary Discipline and Hostile Environments as School Push-Out Mechanisms

Scholars have identified a number of mechanisms within the STPP that may explain these relationships between negative experiences in school and adverse outcomes in the criminal-legal system. The first mechanism is the systemic use of exclusion from school (i.e., suspension, expulsion) and the classroom (i.e., in-school suspensions) as a form of punishment for student behavioral infractions (Mitchell & Bradshaw, 2013; Pufall-Jones et al., 2018; Skiba et al., 2014; Wilson, 2014). Previous work suggests that the use of disciplinary exclusion has become increasingly commonplace (Musu, Zhang, Wang, Zhang, & Oudekerk, 2019; Skiba et al., 2014; Wilson, 2014). During the 2015–2016 school year, 78% of public high schools reported taking at least one serious disciplinary action including suspensions of 5 days or longer, removal for the remainder of the school year, or transfers to specialized schools (Musu et al., 2019). This high prevalence of school and classroom exclusion for disciplinary purposes may be, in part, a consequence of widespread zero-tolerance policies in schools; these policies set strict punishments for behavioral infractions and prohibit alternative approaches to addressing behavioral issues such as gradual sanctions, conflict resolution, and restorative justice programs (Skiba, 2014; Wald & Losen, 2003). With the increase in the adoption of zero-tolerance policies, the number of student suspensions has nearly doubled since the 1970s (Wald & Losen, 2003). Overall, the use of disciplinary exclusion may drive students away from school by both physically removing them from the educational setting and fostering emotional disconnection and disengagement from school and teachers (Mitchell & Bradshaw, 2013; Pufall-Jones et al., 2018).

A second mechanism that may drive the STPP is hostile school climates (Christle, Jolivette, & Nelson, 2005; Mitchum & Moodie-Mills, 2014; Snapp et al., 2015). School climate can have a substantial impact on students' wellbeing, relationship to school, performance, and attendance (Christle et al., 2005; Hutzell & Payne, 2012; Kowalski & Limber, 2013; Mitchum & Moodie-Mills, 2014; Morrison, 2007; Musu et al., 2019; Randa & Wilcox, 2010). In 2017, about one in five students who reported bullying in the School Crime Supplement to the National Crime Victimization Survey indicated that these bullying experiences negatively impacted their school work and relationships with peers (Musu et al., 2019). Additionally, previous studies have found that bullying is associated with school avoidance coping behaviors (Hutzell & Payne, 2012; Randa & Wilcox, 2010). A lack of adequate school intervention in bullying, harassment, and victimization may further exacerbate their negative effects (Morrison,

2007). Additionally, without an adequate institutional response, some students may attempt to defend themselves against bullying, resulting in facing disciplinary actions themselves (Snapp et al., 2015; Swahn, Bossarte, Palmier, & Van Dulmen, 2013). Students who hold marginalized identities and are more susceptible to victimization at school, including racial minority students, LGBTQ students, and students with disabilities, may be particularly vulnerable to this school pushout factor (Christensen, Fraynt, Neece, & Baker, 2012; Mitchum & Moodie-Mills, 2014; Russell et al., 2014; Schumann, Craig, & Rosu, 2013; Snapp et al., 2015).

These two mechanisms, disciplinary school exclusion and hostile school environments, may push students out of school and increase their susceptibility to adverse outcomes in the criminal-legal system. Indeed, by driving students away from school and fostering disconnection, these mechanisms can remove a protective buffer that school provides during a formative period of development, leading to greater exposure to violence, criminalized activities such as illegal substance use, and policing (McNeely, Nonnemaker, & Blum, 2002; Office of the Surgeon General [OSG], 2001; Wald & Losen, 2003). Furthermore, by decreasing attendance rates, these mechanisms may lead some students to face truancy charges (Gilmore, 2016).

### School Policing, Restrictive Policies, and Surveillance as Criminalization Mechanisms

Another STPP mechanism identified by scholars is the increased presence of police officers in schools and the use of police to address behavioral infractions (Hirschfield, 2008; Wald & Losen, 2003; Wilson, 2014). The presence of police officers in school first became commonplace in the 1990s, largely due to concerns about school safety including mass shootings, and has become more prevalent over time (Weiler & Cray, 2011). According to the National Center for Education Statistics, in 2017, the percentage of students who reported having security guards or police officers in their school was 71% and this percentage has risen since 2001 (Musu et al., 2019). Furthermore, school personnel have increasingly called upon police in addressing student disciplinary issues (Hirschfield, 2008; the US Department of Education Office for Civil Rights [ED/OCR], 2014; ED/OCR, 2018; Wald & Losen, 2003; Weiler & Cray, 2011; Wilson, 2014). Data collected from the US Department of Education's Office for Civil Rights suggests that during the 2015–16 school year, nearly 300,000 students in the US were arrested or referred to law enforcement by schools, an approximately 14% increase from the 2013–2014 school year (ED/OCR, 2014; ED/OCR, 2018). Overall, these sharp increases in law enforcement referrals and arrests stand in contrast to declining national crime rates during the same period (Friedman, Grawert, & Cullen, 2017).



An additional mechanism that may contribute to the STPP is the erosion of social trust among students due to restrictive school policies and increased school surveillance. Because school is the main social institution with which adolescents engage during a critical period of development, it may play a major role in shaping broader social trust and attitudes toward other major institutions that make up democratic society (Ehman, 1980; Flanagan, Stoppa, Syversten, & Stout, 2010; Lundberg & Abdelzadeh, 2019; Van Maele, Forsyth, & Van Houtte, 2014). Indeed, a previous study from Flanagan and Stout (2010) found that school solidarity (i.e., connectedness to school) was associated with social trust. However, research suggests that restrictive school policies may make students feel less connected to school and erode social trust (Crews & Montgomery, 2001; DaCosta, 2006; Peterson & Skiba, 2001; Snell, Bailey, Carona, & Mebane, 2002). These policies have become increasingly common over time and include dress codes and uniforms that promote conformity, requiring students to wear ID badges in order to be immediately identifiable, and controlling movement by locking and monitoring doors (DaCosta, 2006; Nguyen, 2015; Musu et al., 2019; Servoss & Finn, 2014; Snell et al., 2002). Furthermore, school surveillance methods including security cameras, metal detectors, and locker searches have grown increasingly prevalent (Musu et al., 2019) and may erode social trust by increasing fear and driving perceptions among students that the school does not trust them or respect their privacy (Bachman, Randolph, & Brown, 2011; Hyman & Perone, 1998; New York Civil Liberties Union & the American Civil Liberties Union, 2007; Wun, 2016). Previous research also suggests these methods are negatively associated with academic performance and attendance (Tanner-Smith & Fisher, 2016) and positively associated with suspensions (Servoss & Finn, 2014). As these restrictive policies and modes of surveillance mirror those enacted by police and carceral institutions, the resulting erosion of social trust may extend to the criminal-legal system (Goldsmith, 2005; Hirschfield, 2008). In turn, this lack of trust may lead police officers to respond in increasingly arbitrary and violent ways, increasing youth's susceptibility to arrest and other negative outcomes (Goldsmith, 2005).

These two previous mechanisms, reliance on police in schools and erosion of social trust, may increase students' interactions with police and carceral institutions and foster more adversarial relationships between students and these arms of the criminal-legal system (Hirschfield, 2008; Wald & Losen, 2003; Wilson, 2014). Consequently, these mechanisms may drive students toward the criminal-legal system, increasing susceptibility to arrest, juvenile detention, and other negative outcomes.

## Racial Disparities in the School-to-Prison Pipeline

Previous research suggests that mechanisms within the STPP have a disproportionate impact on students of color, particularly Black/African American students (Burris, 2011; Mallett, 2017; Nance, 2015; Skiba et al., 2014; Wald & Losen, 2003; Wilson, 2014). Exclusionary disciplinary practices such as removal from class, suspensions, and expulsions are more frequently deployed with Black/African American students than White students, even for similar or lesser behavioral infractions (Bradshaw, Mitchell, O'Brennan, & Leaf, 2010; Skiba et al., 2014; Skiba, Michael, Nardo, & Peterson, 2002; Wallace, Goodkind, Wallace, & Bachman, 2008). Additionally, recent research suggests that the negative impacts of these forms of discipline on academic outcomes may be greater for Black/African American students than White students (Romero, 2018). Black/African American students are also substantially overrepresented in school referrals to police and in school arrests (ED/OCR, 2018; Skiba et al., 2014). Furthermore, previous surveys suggest that the presence of armed police officers is somewhat more common in schools with predominantly Black/African American or Latinx student populations than those with predominantly White student populations (Public Agenda, 2004). Restrictive school policies and school surveillance mechanisms are also more prevalent in predominately Black/African American schools (Servoss & Finn, 2014).

## LGBTQ Youth and the School-to-Prison Pipeline

Research examining the impact of the STPP on LGBTQ students and transgender students in particular is sparse but growing (Mallett, 2017; Skiba et al., 2014). A study from Himmelstein and Brückner (2011) examined sexual orientation differences in education and criminal-legal system outcomes and found that non-heterosexual youth were more likely to be stopped by the police, expelled from school, arrested as juveniles, convicted as juveniles, and convicted as adults than their heterosexual peers. A subsequent study identified four factors that may drive such disparities in the use of harsh discipline for LGBTQ youth: (1) a general punitive approach to discipline and security in schools; (2) untrained and overextended school staff; (3) explicit and implicit bias toward LGBTQ students; and (4) a lack of school support for LGBTQ students (Snapp & Russell, 2016). Furthermore, previous qualitative studies have found that LGBTQ students report experiencing hostile school environments, being outed to their parents by school personnel, and school sanctions for displays of affection and violating gender norms, all of which these authors suggest should be considered pathways to school push-out and increased criminalization (Burdge, Hyemingway, & Licon, 2014; Cavares, 2018; Snapp et al., 2015). Scholarship also suggests that transgender



exclusionary dress codes may play a role in the STPP as these policies codify binary and bioessentialist gender norms and justify disciplinary action in response to deviations from these norms (Glickman, 2016). Some research has suggested that a shift from punitive to supportive practices may mitigate the impact of the STPP for LGBTQ students; a recent study found that the use of supportive practices in school was associated with less homophobic bullying and more school connectedness, while the use of punitive practices was not associated with these outcomes (Day, Snapp, & Russell, 2016). In response to this growing body of literature, a number of scholars have begun to include LGBTQ youth in discussions of populations who may be particularly vulnerable to the STPP (Mallett, 2017; Mitchum & Moodie-Mills, 2014; Skiba et al., 2014).

## Current Study

Nevertheless, research on transgender youth and the STPP remains lacking in the extant literature. To our knowledge, no prior studies have examined the relationship between anti-trans experiences in school and outcomes in the criminal-legal system. The aim of this study is to explore the relationship between school experiences and criminal-legal outcomes among Black/African American transgender women by analyzing data from a cross-sectional survey conducted in Atlanta and Chicago. Specifically, this study assesses associations between four school factors (high school/GED completion, anti-trans school victimization, anti-trans school expulsion/denial of enrollment, and denial of gender-appropriate facilities) with three criminal-legal system factors (incarceration, anti-trans police mistreatment, and discomfort seeking police assistance).

## Methods

### Participants and Procedures

Data were derived from a life course survey of transgender women in Atlanta and Chicago, which was part of a larger study exploring the relationship between life-stressors, resiliency, and bio-markers among this population. A life course approach allows researchers to explore “the sequence of significant events, experiences, and transition in a person’s life... [and] how culture and social institutions shape the pattern of individual lives” (Hutchinson, 2010, p. 9–10). Survey data were collected between August 2014 and September 2017.

Purposive sampling was utilized to recruit a predominantly Black/African American sample of transgender women. Recruitment strategies included the following: disseminating flyers in LGBTQ bars, community organizations, and health clinics located in primarily Black/African American

neighborhoods of Atlanta and Chicago; referral from community organizations serving transgender women of color; use of a community-based recruiter; and snowball sampling. Eligibility criteria for the study included the following: (1) being 18 or older, (2) being proficient in English, and (3) identifying as a transgender woman and/or transfeminine. Participants were pre-screened to ensure eligibility prior to participation. A total of 161 participants completed the survey. Twenty-three non-Black/African American participants were excluded from analysis because the literature suggests that the STPP predominantly impacts Black/African American populations and our sample of participants from other racial/ethnic groups was insufficient for statistical comparisons. The 138 Black/African American transgender women in our analytic sample were between the ages of 18–65 with a mean age of 30.8 (SD = 10.0). Just over half (55.8%) were recruited at the Atlanta site while just under half (44.2%) were recruited in Chicago. Participants were mostly low-income with 81.3% reporting an annual income under \$20,000, which is below 200% of the poverty line for a single adult (Albelda, Badgett, Schneebaum, & Gates, 2009).

Participants completed the computer/iPad-assisted survey in person at Georgia State University and University of Chicago. Participants received \$30 for completing the survey. All participants provided informed consent and all procedures were approved by the Institutional Review Boards at Georgia State University and University of Chicago prior to data collection.

### Measures

Survey items assessed sociodemographic, educational, and criminal-legal system factors. Sociodemographic factors included location (Atlanta or Chicago), age, and annual income. Educational factors included high school/GED completion, anti-trans school victimization, anti-trans school expulsion/denial of enrollment, and denial of gender-appropriate facilities. These measures were adapted from the 2015 US Transgender Survey (James et al., 2016). Anti-trans school victimization was assessed by asking participants if they had ever been harassed, bullied, physically assaulted, or sexually assaulted by students, teachers, or school staff because of being transgender. Anti-trans school expulsion/denial of enrollment was assessed by asking participants if they had been expelled or denied enrollment because of being transgender. Denial of gender-appropriate facilities in school was assessed by asking, “Because you are transgender, were you not allowed to use appropriate bathrooms or other facilities?” Criminal-legal system factors included lifetime incarceration history (ever), total length of incarceration, anti-trans mistreatment by police, discomfort seeking police assistance, anti-trans victimization during incarceration, denial of regular medical care during incarceration, and denial of hormones



during incarceration. Anti-trans mistreatment by police was assessed by asking participants if they had been treated with disrespect, harassed, physically assaulted, or sexually assaulted by officers because of being transgender. Discomfort seeking police assistance was assessed by asking participants, “As a transgender person, how comfortable do you feel seeking help from the police?” and responses were measured on a 5-point Likert scale (very comfortable to very uncomfortable). For analysis, participants were categorized as “uncomfortable” if they selected “very uncomfortable” or “somewhat uncomfortable.” Anti-trans victimization during incarceration was assessed by asking participants if they had been harassed, physically assaulted, or sexually assaulted by inmates, correctional officers, or jail staff because of being transgender.

## Statistical Analysis

All statistical analyses were conducted for the entire sample of Black transgender women ( $n = 138$ ) and the subsample of youth participants aged 30 or younger ( $n = 83$ ). These youth sub-analyses were conducted because generational shifts in the school environment, criminal-legal system, and experiences of transgender people in the US may result in age cohort differences. The age threshold of 30 years for the youth subsample was selected because the literature suggests many transgender individuals are delayed in completing developmental tasks due to experiencing stigma, discrimination, and rejection during the coming out and transition process (Bockting, 2014; Bockting & Coleman, 2007; Bockting, Robinson, & Rosser, 1998). Thus, a wider age range than the typical designation for emerging adulthood (18–24 years) is more appropriate for this population.

Descriptive statistics were conducted to examine the proportions and central tendencies of the sociodemographic, educational, and criminal-legal system factors. Correlations between sociodemographic, educational, and criminal-legal system factors were examined using bivariate analyses. Binary logistic regression was then used to assess the association between the criminal-legal system factors and sociodemographic and educational predictor variables. Our analysis utilized bivariate significance testing methods to select socio-demographic and educational variables for the regression models, with the threshold for variable selection set at  $p < 0.25$  (Hosmer & Lemeshow, 2000). This method of variable selection is recommended for smaller sample sizes in order to preserve statistical power and has been shown to perform acceptably when the  $p$  value threshold for selection is set at 0.20 or higher (Hosmer & Lemeshow, 2000; Mickey & Greenland, 1989).

Regression analyses for the full sample included the following selected predictor variables: the incarceration model included location, age, anti-trans school victimization, and

anti-trans school expulsion/denial of enrollment; the police mistreatment model included location, anti-trans school victimization, anti-trans school expulsion/denial of enrollment, and denial of gender-appropriate facilities in school; and the discomfort seeking police assistance model included income, anti-trans school victimization, anti-trans school expulsion/denial of enrollment, and denial of gender-appropriate facilities in school. Regression analyses for the youth subsample included the following selected predictor variables: the incarceration model included high school/GED completion, anti-trans school victimization, and anti-trans school expulsion/denial of enrollment; the police mistreatment model included location, income, and denial of gender-appropriate facilities in school; and the discomfort seeking police assistance model included income and denial of gender-appropriate facilities in school.

## Results

Characteristics of the overall sample and youth subsample are both presented in Table 1. Anti-trans experiences and negative outcomes in school were relatively common. Most participants had completed high school or received their GED, though 16.2% had not. Additionally, 40.5% of participants reported experiencing anti-trans victimization in school including over half (56.7%) of participants who reported being out as trans at school. Rates of anti-trans school victimization were somewhat lower for the youth subsample at 32.9% overall and 48.0% among those who were out as trans at school. Roughly, one in eight (11.9%) participants reported being expelled or denied enrollment due to being transgender; among participants who were out as trans in school, this rate rose to just over one in six (17.0%). Just under a quarter (22.7%) of participants reported being denied access to gender-appropriate facilities such as bathrooms in school; among participants who were out as trans in school, the rate was 32.6%.

Negative criminal-legal system outcomes were also prevalent. Just over half (54.3%) of participants reported incarceration, though the rate was slightly lower for the youth subsample at 44.6%. Additionally, a slight majority (55.8%) reported anti-trans mistreatment by police and just over a quarter (26.1%) reported being uncomfortable seeking police assistance. Among participants who had been incarcerated, nearly three quarters (73.3%) were in jail or prison for less than a year total. Additionally, 60.3% of formerly incarcerated participants reported experiencing anti-trans victimization, 34.2% reported being denied access to hormones, and 19.2% reported being denied regular medical care while in jail or prison.

Bivariate correlations for the overall sample and youth subsample are presented in Tables 2 and 3. Among the overall sample, significant correlations were observed between educational and criminal-legal system factors. Anti-trans school



**Table 1** Sample characteristics

Variable	All Participants (n = 138)	Youth Participants, age $\leq 30$ (n = 83)
<b>Sociodemographic Factors</b>		
Study Location		
% Atlanta (n)	55.8 (77)	39.8 (33)
% Chicago (n)	44.2 (61)	60.2 (50)
Mean Age [SD]	30.8 [10.0]	23.9 [3.0]
Range	18–65	18–30
Income (Annual) <sup>1</sup>		
% Less than \$20,000 (n)	81.3 (104)	79.7 (59)
% \$20,000 or more (n)	18.8 (24)	20.3 (15)
<b>Educational Factors</b>		
% Completed High School/GED <sup>1</sup> (n)	83.8 (114)	81.5 (66)
Anti-trans School Victimization <sup>1,2</sup>		
% Experienced (n)	40.5 (51)	32.9 (24)
% Did not experience, out as trans at school (n)	31.0 (39)	35.6 (26)
% Did not experience, not out as trans at school (n)	28.6 (36)	31.5 (23)
Anti-trans School Expulsion/Denial of Enrollment <sup>1</sup>		
% Experienced (n)	11.9 (15)	12.3 (9)
% Did not experience, out as trans at school (n)	57.9 (73)	56.2 (41)
% Did not experience, not out as trans at school (n)	30.2 (38)	31.5 (23)
Denied Gender-Appropriate Facilities in School <sup>1</sup>		
% Experienced (n)	22.7 (30)	19.2 (15)
% Did not experience, out as trans at school (n)	47.0 (62)	48.7 (38)
% Did not experience, not out as trans at school (n)	30.3 (40)	32.1 (25)
<b>Criminal-Legal System Factors</b>		
% Incarcerated, Ever (n)	54.3 (75)	44.6 (37)
% Anti-trans Mistreatment by Police (n)	55.8 (77)	54.2 (45)
% Uncomfortable Seeking Police Assistance (n)	26.1 (36)	27.7 (23)

<sup>1</sup> Variables missing cases, percentages represent valid percent

<sup>2</sup> Victimization included harassment, bullying, physical assault, and sexual assault

victimization was positively correlated with anti-trans school expulsion/denial of enrollment and denial of gender-appropriate facilities in school. Incarceration, anti-trans mistreatment by police, and discomfort seeking police assistance were all positively correlated with one another. Anti-trans school victimization and anti-trans school expulsion/denial of enrollment were both positively correlated with incarceration and anti-trans mistreatment by police. Denial of gender-appropriate facilities in school was also correlated with anti-trans mistreatment by police. Significant correlations were also observed between these educational and criminal-legal system factors for the youth subsample. Anti-trans school victimization was positively correlated with denial of gender-appropriate facilities. Discomfort seeking police assistance was positively correlated with both incarceration and anti-trans mistreatment by police. Anti-trans school victimization and anti-trans school expulsion/denial of enrollment were both positively correlated with incarceration.

Logistic regression models revealed significant associations between the criminal-legal system factors and sociodemographic and educational factors (see Tables 4 and 5). For the overall sample, none of the predictor variables were significantly associated with incarceration or discomfort seeking police assistance in those two regression models. However, location, anti-trans school expulsion/denial of enrollment, and denial of gender-appropriate facilities in school were all significantly associated with anti-trans mistreatment by police for the overall sample. Participants from the Chicago site had a roughly three times greater odds of anti-trans mistreatment by police compared with those from the Atlanta site ( $p = .005$ ,  $OR = 3.286$ ). Participants who had been expelled or denied enrollment at school due to being transgender had an approximately five times greater odds of anti-trans mistreatment by police ( $p = .026$ ,  $OR = 5.091$ ) while those who were denied gender-appropriate facilities in school had a roughly four times greater odds ( $p = .034$ ,  $OR = 3.873$ ).



**Table 2** Pearson bivariate correlations of sociodemographic, educational, and criminal-legal factors among all participants (n=138)

Variable	1	2	3	4	5	6	7	8	9	10
<b>Sociodemographic Factors</b>										
1 Location [0 = Atlanta, 1 = Chicago]	-									
2 Age [range: 18-65]	-.419**	-								
3 Income (Annual) [0 = Less than \$20,000, 1 = \$20,000 or more]	-.005	-.047	-							
<b>Educational Factors</b>										
4 Completed High School/GED [0 = no, 1 = yes]	.022	.104 <sup>+</sup>	.120 <sup>+</sup>	-						
5 Anti-trans School Victimization [0 = did not experience, 1 = experienced]	.006	.136 <sup>+</sup>	.032	.041	-					
6 Anti-trans School Expulsion/Denial of Enrollment [0 = did not experience, 1 = experienced]	-.142 <sup>+</sup>	.003	-.057	-.121 <sup>+</sup>	.246**	-				
7 Denied Gender-Appropriate Facilities [0 = no, 1 = yes]	-.043	.060	-.021	.090	.542**	-.014	-			
<b>Criminal-Legal System Factors</b>										
8 Incarcerated (ever) [0 = no, 1 =yes]	-.180*	.223*	-.045	-.088	.204*	.175*	.068	-		
9 Anti-trans Mistreatment by Police [0 = no, 1 =yes]	.205*	.082	-.085	.045	.217*	.181*	.233**	.180*	-	
10 Uncomfortable Seeking Police Assistance [0 = comfortable , 1 = uncomfortable]	.069	.028	-.108 <sup>+</sup>	.023	.134 <sup>+</sup>	.115 <sup>+</sup>	.157 <sup>+</sup>	.180*	.263**	-

<sup>+</sup>  $p < .25$ , \*  $p < .05$ , \*\*  $p < .01$ 

For the youth subsample, significant associations with predictor variables were observed for the incarceration and police mistreatment regression models, though no significant associations were observed with discomfort seeking police assistance. Youth participants who had been victimized at school due to being transgender had a nearly four times greater odds of incarceration ( $p = .021$ , OR = 3.717) while those who had been expelled or denied enrollment due to being transgender had over a nine times greater odds ( $p = .046$ , OR = 9.460). Youth participants from the Chicago site had a roughly eight times greater odds of anti-trans mistreatment by police compared with those from the Atlanta site ( $p = .001$ , OR = 8.376). Those who were denied gender-appropriate facilities in school had a nearly six times greater odds of anti-trans mistreatment by police ( $p = .028$ , OR = 5.860).

## Discussion

Our findings suggest that anti-trans school climate and institutional discrimination may contribute to the STPP for Black/African American transgender women. Consistent with previous scholarship (Conron & Wilson, 2019; James et al., 2016; Kosciw et al., 2018; Mogul et al., 2012; Spade, 2015), many women in our sample reported experiencing challenges in both the education and criminal-legal systems, including anti-trans school victimization, anti-trans school expulsion/denial or enrollment, denial of gender-appropriate facilities

at school, incarceration, anti-trans mistreatment by police, and discomfort seeking police assistance. Our analyses also revealed critical linkages between anti-trans school experiences and criminal-legal system outcomes. Among the overall sample of Black/African transgender women, both anti-trans school expulsion/denial of enrollment and denial of gender-appropriate facilities at school were associated with a greater odds of anti-trans mistreatment by police. One possible explanation for these associations is that anti-trans institutional discrimination at school drives disconnection and distrust with other social institutions including the police, which in turn increases susceptibility to police discrimination and violence (Crews & Montgomery, 2001; DaCosta, 2006; Goldsmith, 2005; Hirschfield, 2008; Peterson & Skiba, 2001; Snell et al., 2002). Additionally, among the youth subsample (aged 30 or under), anti-trans school victimization and anti-trans school expulsion/denial of enrollment were associated with a greater odds of incarceration. It is possible that both anti-trans victimization and expulsion/denial of enrollment serve as school pushout mechanisms for Black/African transgender women. These mechanisms may remove the protective buffer that school provides during the transition from adolescence into adulthood and increase susceptibility to violence, engagement with criminalized activities, and institutionalized discipline including arrest (OSG, 2001).

Policy interventions that combat anti-trans school victimization and institutional discrimination may be critical to

**Dixon, Monique**

---

**From:** Dixon, Monique  
**Sent:** Tuesday, March 9, 2021 10:03 PM  
**To:** Christopher Scott; Goldberg, Suzanne  
**Cc:** advisory\_fedsdc@googlegroups.com; Dara Baldwin; Breon-  
(breon.wells@thedanielinitiative.com); Jaime Koppel; (b)(6)  
Skiba, Russell; Miriam Rollin; Hamida Labi; Adam Fernandez;  
mtillman@gwinnettstopp.org; tvalencia@unidosus.org; (b)(6)  
Jessica Alcantara  
**Subject:** RE: MEETING REQUEST: RE = the US Department of Education's National Summit on School Reopening

Dear Chris and Members of the Federal School Discipline and Climate Group:

Thank you for your email message. We welcome the opportunity to meet with you to learn more about your school discipline and climate policy priorities and concerns as it relates to school reopening and generally. We would be happy to propose a few dates and times next week when members of the OCR policy team are available to meet with you. Please let us know how you would like to proceed.

Take care.

Monique

**Monique L. Dixon**

Deputy Assistant Secretary for Policy  
Office for Civil Rights  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202  
Email: [Monique.Dixon@ed.gov](mailto:Monique.Dixon@ed.gov)

---

**From:** Christopher Scott <christopher.scott@opensocietyfoundations.org>  
**Sent:** Friday, March 5, 2021 2:12 PM  
**To:** Goldberg, Suzanne <Suzanne.Goldberg@ed.gov>; Dixon, Monique <Monique.Dixon@ed.gov>  
**Cc:** advisory\_fedsdc@googlegroups.com; Dara Baldwin <dara.baldwin@ncdr.us>; Breon-  
(breon.wells@thedanielinitiative.com) <breon.wells@thedanielinitiative.com>; Jaime Koppel <jkoppel@cjsfund.org>;  
(b)(6) Skiba, Russell <skiba@indiana.edu>; Miriam Rollin <mrollin@youthlaw.org>; Hamida Labi  
<hlabi@naacpldf.org>; Adam Fernandez <adam@lawyersforgoodgovernment.org>; mtillman@gwinnettstopp.org;  
tvalencia@unidosus.org; (b)(6) Jessica Alcantara <jalcantara@advancementproject.org>  
**Subject:** MEETING REQUEST: RE = the US Department of Education's National Summit on School Reopening  
**Importance:** High

Hi Suzanne and Monique,

I hope things are going well for both of you. I'm writing today to request a meeting with the Federal School Discipline and Climate group to discuss some suggestions, thoughts and concerns we have re the US Department of Education's upcoming National Summit on School Reopening. Specifically, we would like to discuss timing, focus topics, speakers, participants, and what if any "recommendations" or "report" coming



out of the summit will be.

We are concerned that a focus solely on physical distancing and personal protective equipment (PPE), while important, is too narrow of a focus, and ignores the other elements of trauma and harm that Black and Brown students and youth coming back to schools have historically faced and will continue to face. We understand there are immediate things that need to happen, and we would like to significantly weigh in with a range of clear and specific things that can be done to meet the whole range of student needs immediately, during and after this crisis.

We also plan on following up with a formal letter or one pager after we meet outlining our priorities and positions on school reopening.

Please let us know what works for both of you to meet as early as possible next week. Once we know what works, I'm happy to send a calendar with a zoom link. If the Department has a separate set of protocols and official approved platform it can use, feel free to send that along with the date and time. I can send a calendar to those who are able to attend within our group.

Thanks for your time and consideration.

Chris

Christopher L. Scott  
Open Society Policy Center  
Senior Policy Advisor for Criminal Justice, Police Reform, and Education  
1730 Pennsylvania Ave. NW 7th Floor Washington D.C. 20006  
C: (b)(6) | O: 202-721-5600 | [Christopher.Scott@opensocietyfoundations.org](mailto:Christopher.Scott@opensocietyfoundations.org)

*"You can tell the tree by the fruit it bears. You see it through what the organization is delivering as far as a concrete program. If the tree's fruit sours or grows brackish, then the time has come to chop it down - bury it and walk over it and plant new seeds." ~ Huey Newton*

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## Ames Simmons

---

**From:** Ames Simmons  
**Sent:** Monday, May 3, 2021 4:24 PM  
**To:** Seugling, Carolyn  
**Cc:** mturnageyoung@naacpldf.org; Katherine Dunn; Quyen Dinh; diane.smithhoward@ndrn.org; keno@poweru.org; Jayne, Mike; Reyes, Alejandro; Dixon, Monique; Eichner, James (CRT) (James.Eichner@usdoj.gov); Johnson, Jadine (CRT)  
**Subject:** RE: Please Confirm - May 11 Discipline Convening Panel 1 Preparation Meeting

I'm also good for the Thursday time.

### Ames Simmons (He/Him)

Policy Director  
National Center for Transgender Equality/NCTE Action Fund  
[asimmons@transequality.org](mailto:asimmons@transequality.org)  
Office: 202.804.6047

**From:** Quyen Dinh <quyen@searac.org>  
**Sent:** Monday, May 3, 2021 3:09 PM  
**To:** Katherine Dunn <KDunn@advancementproject.org>  
**Cc:** Seugling, Carolyn <Carolyn.Seugling@ed.gov>; mturnageyoung@naacpldf.org; diane.smithhoward@ndrn.org; Ames Simmons <asimmons@transequality.org>; keno@poweru.org; Jayne, Mike <William.Jayne@ed.gov>; Reyes, Alejandro <Alejandro.Reyes@ed.gov>; Dixon, Monique <Monique.Dixon@ed.gov>; Eichner, James (CRT) (James.Eichner@usdoj.gov) <James.Eichner@usdoj.gov>; Johnson, Jadine (CRT) <Jadine.Johnson@usdoj.gov>  
**Subject:** Re: Please Confirm - May 11 Discipline Convening Panel 1 Preparation Meeting

I can also do the Thursday time slot. Thank you!

On Mon, May 3, 2021 at 2:59 PM Katherine Dunn <[KDunn@advancementproject.org](mailto:KDunn@advancementproject.org)> wrote:

I can do the Thursday time. Thanks!

---

**From:** Seugling, Carolyn <[Carolyn.Seugling@ed.gov](mailto:Carolyn.Seugling@ed.gov)>  
**Sent:** Monday, May 3, 2021 2:49 PM  
**To:** [mturnageyoung@naacpldf.org](mailto:mturnageyoung@naacpldf.org); [diane.smithhoward@ndrn.org](mailto:diane.smithhoward@ndrn.org); [asimmons@transequality.org](mailto:asimmons@transequality.org); Katherine Dunn <[KDunn@advancementproject.org](mailto:KDunn@advancementproject.org)>; [keno@poweru.org](mailto:keno@poweru.org); [quyen@searac.org](mailto:quyen@searac.org)  
**Cc:** Jayne, Mike <[William.Jayne@ed.gov](mailto:William.Jayne@ed.gov)>; Reyes, Alejandro <[Alejandro.Reyes@ed.gov](mailto:Alejandro.Reyes@ed.gov)>; Dixon, Monique <[Monique.Dixon@ed.gov](mailto:Monique.Dixon@ed.gov)>; Eichner, James (CRT) ([James.Eichner@usdoj.gov](mailto:James.Eichner@usdoj.gov)) <[James.Eichner@usdoj.gov](mailto:James.Eichner@usdoj.gov)>; Johnson, Jadine (CRT) <[Jadine.Johnson@usdoj.gov](mailto:Jadine.Johnson@usdoj.gov)>  
**Subject:** Please Confirm - May 11 Discipline Convening Panel 1 Preparation Meeting

Dear Panel 1 Panelists:

We are just about a week out from the joint ED-OCR and DOJ-CRT Discipline Convening on May 11 from 1:30 to 4pm ET. As I noted in a previous email, we are scheduling a preparation call to discuss the topics

you will be addressing on Panel 1. At the meeting you will virtually meet your moderator, Monique Dixon, Deputy Assistant Secretary for Policy OCR, and discuss the potential questions she will be asking you to share her vision for the panel and highlight the information you want to share and facilitate the conversation of Panel 1.

By the end of the day today, please let me know your availability for either or both times for the Panel 1 Preparation Meeting: Tuesday May 4 from 4-5 pm ET or Thursday, May 5 from 3-4pm ET.

We will select the day and time when most panelists are available and I hope this is convenient. Thank you for in advance for your flexibility.

To be aware of for logistics: Patrick Jones from ED's Event Management Services, will be sending you the link to join the Panelists Microsoft Teams meeting. You cannot forward the link he sends and must use the link he sends directly. You should also plan on signing in a 1pm ET (before the event actually begins at 1:30) for a few logistical updates. You may sign off of the meeting when your panel is over. We will also schedule a pre-meet/run of show brief logistical meeting, likely on Friday, May 7 to ensure that you can log in to the system and logistically, things are working for your equipment. (This will not be a substantive discussion.)

If you have not done so already, please confirm your name & title, below and let me know where to access or provide a bio of yourself we can share with registrants of the convening later this week.

PANEL ONE:

**Perspectives on Disparities in School Discipline – The Problem:** Panelists will share their experiences confronting and addressing harmful or discriminatory school disciplinary policies and the impact of these policies on students of color, LGBTQI+ students, and students with disabilities.

- **Katherine Dunn**, Director of Ending the Schoolhouse-to-Jailhouse track, Advancement Project
- **Diane Smith Howard**, Managing Attorney, National Disability Rights Network
- **Ames Simmons**, Policy Director, National Center for Transgender Equity/NCTE Action Fund
- **Michaele Turnage Young**, Senior Counsel, NAACP Legal Defense and Educational Fund, Inc.
- **Quyen Dihn**, Executive Director, Southeast Asia Resource Action Center (SEARAC)
- Student Representatives.
- **Monique Dixon**, Deputy Assistant Secretary for Policy, OCR

Finally, I have also provided a copy of the email invitation below. Please feel free invite members of the public to the event. Thank you again for your participation and helping to make this a great event.

Carolyn

***Brown 67 Years Later: Examining Disparities in School Discipline and the Pursuit of Safe and Inclusive Schools.***

The Office for Civil Rights of the U.S. Department of Education and the Civil Rights Division of the U.S. Department of Justice, the Departments, will mark the anniversary of *Brown v. Board of Education* on **May 11, 2021, from 1:30 – 4 pm ET**, with a virtual convening: ***Brown 67 Years Later: Examining Disparities in School Discipline and the Pursuit of Safe and Inclusive Schools.*** The convening will highlight strategies for addressing racial and other disparities in the administration of school discipline.



Panelists will consider the impact of exclusionary school discipline policies and practices, such as suspensions and school-based arrests, on our nation's students, particularly students of color, students with disabilities and LGBTQI+ students. They will also share diverse strategies for addressing harmful and discriminatory school discipline practices and creating positive school climates.

This convening builds on the commitments expressed in President Biden's Executive Orders on [Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#) and on [Supporting the Reopening and Continuing Operation of Schools and Early Childhood Education Providers](#). As federal, state and local officials continue to battle the COVID-19 pandemic and reopen schools, the Departments are committed to providing policy guidance and technical assistance to schools to ensure that all students are taught in safe, supportive and welcoming school environments free from discrimination.

The virtual event is free and open to the public. Please register at the following link:

[Examining Disparities in Discipline & Pursuit of Safe, Inclusive Schools Registration, Tue, May 11, 2021 at 1:30 PM | Eventbrite](#)

For more information about OCR, please visit, <https://www2.ed.gov/about/offices/list/ocr/index.html>

For more information about DOJ-CRT, please visit <https://www.justice.gov/crt>

For press inquiries, please contact ED's Press Office at (202) 401-1576 or [press@ed.gov](mailto:press@ed.gov)



## Diane Smith Howard

---

**From:** Diane Smith Howard  
**Sent:** Friday, May 7, 2021 7:04 PM  
**To:** Dixon, Monique; Seugling, Carolyn  
**Subject:** RE: Brown 67 Years Later - Panel 1 Preparation Meeting Confirmed

Thank you Monique. I am so sorry that I missed the rehearsal today. I had a meeting that ran long, and well, longer... I will be prepared content-wise for the panel. Please let me know if you would like me to do a rehearsal. I am happy to do one before Tuesday.

-Diane

---

**From:** Dixon, Monique <Monique.Dixon@ed.gov>  
**Sent:** Friday, May 7, 2021 5:36 PM  
**To:** Diane Smith Howard <diane.smithhoward@ndrn.org>; asimmons@transequality.org; keno@poweru.org; quyen@searac.org; quyen@searac.org; kdunn@advancementproject.org; Michael N. Turnage Young <mturnageyoung@naacpldf.org>  
**Cc:** Seugling, Carolyn <Carolyn.Seugling@ed.gov>; Jayne, Mike <William.Jayne@ed.gov>; Eichner, James (CRT) <James.Eichner@usdoj.gov>; Johnson, Jadine (CRT) <Jadine.Johnson@usdoj.gov>; Reyes, Alejandro <Alejandro.Reyes@ed.gov>; Foster, Richard <Richard.Foster@ed.gov>  
**Subject:** Brown 67 Years Later - Panel 1 Preparation Meeting Confirmed

Good evening everyone:

We hope this message finds you doing well. Thank you for participating in our prep call yesterday. Below are the list of questions we discussed. Each panelist will have a total of four minutes to speak in response to the individualized questions and one minute for the last question. Please let me know if you have any revisions or additions. Also, please remember to login to Microsoft Teams on Tuesday, May 11 at 1:00 p.m. so that we can make sure everyone has access to the virtual event.

Happy Mother's Day and please do not hesitate to contact us with any questions or concerns.

Monique

- 1) **For Michael N. Turnage Young:** The NAACP Legal Defense Fund has engaged in policy reform work and litigation to address racial disparities in school discipline and its impact on Black students and other students of color. What can you tell us about the experiences of the students you represent, the type of disciplinary actions your clients are confronting, and what, if any, disparities you are seeing based on gender?
- 2) **For Ames Simmons:** The National Center for Transgender Equality supports transgender and gender nonconforming students. What can you share about their experiences as it relates to school discipline and school climate?
- 3) **Diane Smith Howard:** The National Disabilities Rights Network provides legal advocacy to people with disabilities. What can you tell us about the discipline of students with disabilities in general and student with disabilities who are in residential youth facilities?
- 4) **For Quyen Dinh:** The Southeast Asia Resource Action Center's education policy reform work

focuses on providing equitable educational opportunities for Southeast Asian students. What can you tell us about their experiences as it relates to school discipline and climate?

- 5) **For Katherine Dunn:** The Advancement Project's Opportunity to Learn Program works to end the school-to-prison pipeline. Please tell us about this effort and how it addresses disparities in school discipline and promotes positive school climates.
- 6) **Cesar from Power U:** Like Advancement Project, Power U Center for Social Change has worked to end the school-to-prison pipeline using youth organizing strategies, among others. Please talk about the school discipline work you are doing and share progress made over the years.
- 7) **Mya from Power U:** As a student, what is your personal experience with school discipline and what changes are needed to make sure students are treated fairly?
- 8) **For all panelists:** How can federal agencies, such as ED's Office for Civil Rights and DOJ's Civil Rights Division, best help state and local educational agencies create positive school climates and identify, address and remedy discriminatory student discipline policies and practices?

**Monique L. Dixon**

Deputy Assistant Secretary for Policy  
Office for Civil Rights  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202  
Mobile: (b)(6)  
Email: [Monique.Dixon@ed.gov](mailto:Monique.Dixon@ed.gov)

-----Original Appointment-----

**From:** Seugling, Carolyn <[Carolyn.Seugling@ed.gov](mailto:Carolyn.Seugling@ed.gov)>

**Sent:** Monday, May 3, 2021 4:41 PM

**To:** Seugling, Carolyn; Dixon, Monique; Eichner, James (CRT) ([James.Eichner@usdoj.gov](mailto:James.Eichner@usdoj.gov)); Johnson, Jadine (CRT); Jayne, Mike; [diane.smithhoward@ndrn.org](mailto:diane.smithhoward@ndrn.org); [asimmons@transequality.org](mailto:asimmons@transequality.org); Walker; [keno@poweru.org](mailto:keno@poweru.org); [quyen@searac.org](mailto:quyen@searac.org); Reyes, Alejandro

**Cc:** [kdunn@advancementproject.org](mailto:kdunn@advancementproject.org); [quyen@searac.org](mailto:quyen@searac.org)

**Subject:** Panel 1 Preparation Meeting Confirmed

**When:** Thursday, May 6, 2021 3:00 PM-4:00 PM (UTC-05:00) Eastern Time (US & Canada).

**Where:** Microsoft Teams Meeting

Thank you for helping us plan a great convening. We look forward to discussing the topics of Panel 1 and Monique Dixon's (moderator) vision for the facilitated discussion of Panel 1.

Thanks again and we look forward to virtually meeting you on Thursday.

Best, Carolyn

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Microsoft Teams meeting



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---

**From:** jps  
**Sent:** Monday, May 10, 2021 3:27 PM  
**To:** Pamela.karlan@usdoj.gov; Shaheena.Simons@usdoj.gov;  
Dixon, Monique; Goldberg, Suzanne; Seugling, Carolyn  
**Subject:** May 11 event and Denver discipline disparities

(b)(6)

Dear Acting Assistant Secretary Goldberg, Principal Deputy Assistant Attorney General Karlan, and moderators for the May 11, 2021 event “Brown 67 Years Later: Examining Disparities in School Discipline and the Pursuit of Safe and Inclusive Schools”:

I saw the agenda for the referenced event, noting that Panel 3 will be addressing the effects of policies on racial and other disparities in school discipline and criminal justice outcomes in Denver Public Schools and that a representative of the organization Padres & Jóvenes Unidos will be on that panel.

In quite a few places, I have explained that contrary to the beliefs of the Departments of Education and Justice, generally reducing adverse school discipline and criminal justice outcomes tends to increase, not reduce, (a) relative racial differences in rates of experiencing the outcome (as commonly presented in terms of the ratio of the black rate to the white rate) and (b) the proportion blacks make up of persons experiencing the outcomes. References 1 to 8 explain the matter fairly briefly. Reference 9 discusses the matter at much greater length, while also explaining my lack of success in causing leadership of either agency to understand the issue during the Trump administration. See also discussion in the Appendix to reference to 10 of the government’s dismissal of the appeal in COPAA v. DeVos.

But, as mentioned in reference 2, generally reducing suspensions tends to reduce absolute (percentage point) differences between suspension rates. I assume that in the great majority of the situations I have identified where general reductions in suspensions were accompanied by increases in the ratio of the black suspension rate to white suspension rate, the absolute difference between black and white rates decreased. I have explained to both agencies that most situations where it has been reported that general reductions in suspensions reduced racial disparities in suspensions involved situations where disparities were measured in terms of absolute differences between rates. See page 8 note 7 of reference 11 and page 3 of reference 12.

As discussed in the Appendix to reference 10, however, Denver is one of several places where researchers have stated or implied that restorative programs reduced the ratio of the black suspension rate to the white suspension rate, when in fact the ratio increased. That apparently occurred because researcher were unaware that relative differences and absolute differences could change in opposite directions, or that, in the school discipline context, this is the typical pattern. Reference 13 is a web page explaining the events in Denver more fully, while also discussing the many entities that were misled on this matter. The page references some Padres & Jóvenes Unidos data. But I am aware of no role Padres & Jóvenes Unidos had in causing this misunderstanding, which (as noted) was a result of academic research.

Reference 14 is a peer-reviewed paper by prominent members of the Positive Behavioral Interventions and Supports (PBIS) community that recognizes that general reductions in suspension tends to increase relative racial differences in suspensions while reducing absolute racial differences in suspensions. In addition to being the first paper from the educational research community that recognized the reducing



suspensions tends to increase (rather than reduce) relative racial differences in suspension rates, this may be the first paper from that community that recognized even that a relative difference and the absolute difference could change in opposite directions.

The PBIS community, however, seems to continue to promote the mistaken belief that programs like PBIS that generally reducing suspensions will tend to reduce (a) and (b) for suspensions. The Department of Education, which provides substantial funding to pbis.org, may wish to explore this matter with members of the community, including the authors of reference 14.

As discussed in reference 1, Colorado was one of the first states to enact legislation to generally reduce suspensions while mistakenly believing that doing so would reduce the ratio of the black suspension rate to white suspension rate. Reference 15 discusses Padres & Jóvenes Unidos data from several years ago showing that, as a numerate observers should expect, decreases in suspensions in Colorado were accompanied by an increase in the ratio of the black rate to the white rate. Apparently, the size of relative racial/ethnic differences in suspensions is a basis for legislation further limiting the use of suspensions in Colorado. See reference 16. I do not know whether since the earlier legislation was enacted there has been either a consistent pattern of general decreases in suspensions or increases in relative racial differences in suspensions accompany such decreases. But I trust that such information is available in materials made public by the Department of Education (though lag time in publication of such data is often substantial). That information would reveal the extent to which the situation in Colorado is one where legislation based on the mistaken belief that reducing suspensions would reduce relative racial differences in suspensions led to further legislation based on the same mistaken belief.

I have not yet been able to find email addresses for Panel 3 speakers. I would appreciate it if Panel 3 moderator Acting Deputy Assistant Attorney General Simons would forward it to the other panelists, since some of them may be among those sharing the mistaken understanding of what occurred in Denver.

Sincerely,

James P. Scanlan  
Attorney at Law  
1527 30<sup>th</sup> Street, NW  
Washington, DC 20007

[jps@jpscanlan.com](mailto:jps@jpscanlan.com)

1. ["Misunderstanding of Statistics Leads to Misguided Law Enforcement Policies,"](#) *Amstat News* (Dec. 2012).
2. ["The Paradox of Lowering Standards,"](#) *Baltimore Sun* (Aug. 5, 2013).
3. ["Things government doesn't know about racial disparities,"](#) *The Hill* (Jan. 28, 2014),
4. ["Things DOJ doesn't know about racial disparities in Ferguson,"](#) *The Hill* (Feb. 22, 2016).
5. ["The misunderstood effects of the Baltimore police consent decree,"](#) *The Daily Record* (Feb. 15, 2018).
6. ["Maryland Discipline Study Shows Usual – But Misunderstood – Effects of Policies on Measures of Racial Disparity,"](#) *The Gunpowder Gazette* (Dec. 16, 2019)
7. ["A Criminal Justice Reform Premise That Is Statistically Flawed,"](#) Law360-Access to Justice (Apr. 5, 2021)
8. ["Misunderstood Issues in the Measurement of Demographic Differences,"](#) Upstate New York 2021 Statistics Conference, Rochester, NY (Apr. 24, 2021)

9. [“COPAA v. DeVos and the Government’s Continuing Numeracy Problem,”](#) Federalist Society Blog (Sept. 12, 2019)
10. [Usual, But Wholly Misunderstood, Effects of Policies on Measures of Racial Disparity Now Being Seen in Ferguson and the UK and Soon to Be Seen in Baltimore](#)
11. [Letter to U.S. Departments of Education, Health and Human Services, and Justice](#) (July 17, 2017)
12. [Handout](#) distributed at March 22, 2018 meeting with U.S. Department of Education staff.
13. [Denver Disparities](#) subpage of [Discipline Disparities](#) page of jpscanlan.com
14. Erik J. Girvan, Kent McIntosh & Keith Smolkowski, [“Tail, Tusk, and](#)

[Trunk: What Different Metrics Reveal About Racial Disproportionality in School Discipline,”](#)  
Educational Psychologist (2019).

15. [Colorado Disparities](#) subpage of the Discipline Disparities page of jpscanlan.com
16. <https://co.chalkbeat.org/2021/3/12/22328371/colorado-racial-disparities-discipline-bill-school-to-prison-pipeline>



**From:** jps  
**Sent:** Friday, June 4, 2021 5:12 PM  
**To:** Reyes, Alejandro  
**Cc:** thaliagonzalez@oxy.edu; erin.godfrey@nyu.edu; shabnam.javdani@nyu.edu; epsteinr@law.georgetown.edu; Pamela.karlan@usdoj.gov; Shaheena.Simons@usdoj.gov; (b)(6) Dixon, Monique; Goldberg, Suzanne; Seugling, Carolyn  
**Subject:** Correcting the DOE RFI on discipline disparities

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Dear Mr. Reyes:

This note pertains to the fact that just issued RFI on school discipline apparently is seeking comment on why relative racial differences in suspensions are greater among girls than among boys but presents data that erroneously indicate that the differences are greater among boys than among girls.

I will eventually submit a comment in response to the RFI raising issues such as I have raised in references 1 to 3 (which explain, inter alia, that contrary to what the Department of Education has been leading the public to believe, generally reducing suspensions tends to increase relative racial differences in suspension rates). But this note pertains to a problem in the presentation of data in the RFI that I think the Department of Education would want to correct.

In the Department of Education's May 11 webinar on school discipline a major point was made regarding that fact that relative racial differences in suspensions and other adverse discipline outcomes among girl students than boy students. It would appear that the Department of Education intends to make this an important issue, probably casting it in terms of intersectionality. The point is based on the fact that the ratios of black suspensions and other adverse discipline outcomes to the white rates for such outcome is larger among girls than among boys. Reference 4 presents some of the data underlying this point. I copy the authors of the document, as they may be able to provide the Department of Education some guidance on the matter (as, not doubt, some participants in the May 11 webinar may do as well).

Possibly the language beginning at page 11 of the RFI ("Disparities worsen when you examine the intersection between race and sex") is intended to raise this issue. And at page 14 the RFI invites commenters to address intersectionality issues. But following the quoted language on page 11, the RFI presents data showing what the authors of reference 4 (and discussants at the May 11 webinar) would regard as a larger racial disparity in suspensions among boys than among girls.

For purpose of clarification, I note that RFI presents disparities in terms of relative difference between (a) proportion a group makes up of students and (b) the proportion it makes up of students suspended. This is a very bad way of illustrating demographic differences for a great many reasons, as I discuss in reference 5. But such proportions do enable one at least to determine the relative difference between a group's rate



and the rate for all other persons, even though does such proportions do not allow one to divine the underlying rates at which groups experiences the outcome. (By discussing the matter in these terms I do not mean to suggest that a relative difference is a sound measure of association, see reference 1 to 3.) And we can see that ratio is 1.92 for girls and 3.97 for boys. The ratios of black rates to white rates would be similar. The data presented at page 10 for all students – that blacks are 15% of students and receive 38% of out-of-school suspensions means – that overall the black rate is 3.97 times that rate for all other persons, and, again, the black-white ratio would be the same area).

Thus, after the first sentence (which probably would be more accurately stated in terms that, when one breaks the data down by race and sex, some disparities become larger than the undifferentiated disparity while others become smaller than the undifferentiated disparity), the RFI show that the disparities for girls are smaller than average while the disparities for boys are larger than average. That should be evident to readers who rely solely on the relative difference between (a) and (b) discussed in the RFI.

The reason that this patter is the opposite of what the authors of reference 4 and discussants at the May 11 webinar found – and what the RFI probably wants to show – is that the RFI's approach compare is comparing the the black girls make up students with the proportion they make up of all suspended students, including black boys who have suspension rates that are far higher rates than the suspension rates of black girls. Put another way, it is comparing the suspension rates of black girls with the suspension rates of all other students including black boys. If one wanted to present the data in terms of comparisons of (a) and (b) – which, again, is a very bad way of presenting data on demographic differences – one would want to present the proportion black girls make up of all girl students and the proportion they make up of all girls receiving suspensions (and then the same for black boys). That would then show the pattern that I think the RFI is trying to present, i.e., a larger relative racial differences for girls than for boys.

Be mindful that I regard the attention give to larger relative racial differences in suspensions among girls as a prime example of the innumeracy of the Department of Education itself and the educational research community generally. That is, the attention reflects the failure to recognize that racial relative differences in suspensions will tend to be larger, while relative racial differences in rates of avoiding suspensions will tend to be smaller, among girls than among boys simply because suspension are less common among girls than among boys. This is the same failure of understanding that causes a state like Massachusetts to think that it has especially larger racial differences in suspensions rates, while failing to understand the role the state's generally low suspension rates have in the comparative size of relative racial difference in suspension rates (see Table 6 of reference 1). For that matter, is the same failure of understanding that underlies the Department of Education's mistaken belief that reducing suspensions will tend to reduce relative racial differences in suspensions.

But fewer than one a thousand persons analyzing demographic differences know that it even possible for the comparative size of demographic differences – over time or with respect different subgroups or places – to turn on whether one examines the favorable outcome or the corresponding adverse outcome. Fewer still know that this tends to happen systematically. One reason why it is essential always to present the actual outcome rates for groups' being compared rather than things like (a) and (b) is that it the actual rates enable astute observers to divine such patterns.

That is by no means to say that there are not factors underlying the comparative size of demographic differences that are not functions of different frequencies of the outcome examined. That is what Department of Education should be studying. But, so far, no one analyzing demographic differences is capable of identifying such factors. And certainly there no reason to expect the Department of Education (or any entity funded by the Department of Education) to provide any insight on such issues with regard to discipline disparities issue, or even with regard to difference in educational outcomes, until it begins to have



some understanding of the ways measures tend to be affected by the prevalence of an outcome.

In any case, if the Department of Education wants to invite commentary on why relative racial differences in suspensions are larger among girls than among boys, it should correct the RFI to make it no longer indicate that such differences are larger among boys than among girls.

I also note that the GAO report cited in note 6 of the RFI measures suspension disparities in terms of absolute (percentage point) differences between the proportion blacks make up of students and the proportion they make up of suspended students. That approach has some problems that differ from the problems of measuring disparities in terms of relative differences between those proportions. See reference 5 and note 4 of reference 7. But, as with relative racial difference between rates, general reductions in suspensions tend to increase both relative and absolute differences between the proportion blacks make up of students and the proportion they make up of suspended students.

While the Commission on Civil Rights *Beyond Suspension* report discussed in the RFI certainly promotes the view that generally reducing suspensions will tend to reduce relative racial differences in suspensions, it never actually states that. The seeming rejection of my testimony at pages 145-46 merely indicates that it is possible for absolute differences between suspension rates to decrease when suspension are reduced even though the relative difference between rates has increased. It is not only possible for that to happen, but it will typically happen, as I have pointed out in many places. And with regard inviting commentary on the comparative size of racial disparities in suspensions among boys and among girls, it warrants note that absolute difference between suspension are larger among boys than among girls. That is another reason that when inviting commentary on demographic differences it is more useful to set out the actual rates for the groups being compared than some measure of disparity without the actual rates.

The failure of the social science community to understand that relative and absolute differences between suspension rates can, and usually do, yield opposite conclusions regarding the direction of changes in disparities and the comparative size of disparities in different settings has caused much confusion in this area. It has even included situations where scholars have led school districts to believe that restorative justice practices reduced relative racial differences in suspension in the districts, when in fact the differences increased. See the Appendix to reference 7.

Sincerely,

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2. "[Innumeracy at the Department of Education and the Congressional Committees Overseeing It](#)," Federalist Society Blog (Aug. 24, 2017)
3. "[COPAA v. DeVos and the Government's Continuing Numeracy Problem](#)," Federalist Society Blog (Sept. 12, 2019)
4. <https://genderjusticeandopportunity.georgetown.edu/wp-content/uploads/2020/12/National-Data-on-School-Discipline-by-Race-and-Gender.pdf>

5. [IDEA Data Center Disproportionality Guide](#) subpage of the Discipline Disparities page of jpscanlan.com
6. [Discipline Disparities](#) page of jpscanlan.com.
7. [Letter to Comptroller General of the United States](#) (Apr. 12, 2018)
8. [“Usual, But Wholly Misunderstood, Effects of Policies on Measures of Racial Disparity Now Being Seen in Ferguson and the UK and Soon to Be Seen in Baltimore,”](#) Federalist Society Blog (Dec. 4, 2019)