

Re: "Examining Disparities in School Discipline and the Pursuit of Safe and Inclusive Schools"
(OCR/CRD event, May 11, 2021)

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Date: Tuesday, May 11, 2021, 06:26 PM EDT

Dear Acting Assistant Secretary Goldberg:

In your opening remarks at today's event, you cited "a 1995 report from the Children's Defense Fund called 'School Suspensions: Are They Helping Children?' This report found based on OCR's Civil Rights Data Collection that black students were being disciplined at a higher rate than any other students and not because of higher rates of misbehavior."

Is this old report's claim about misbehavior rates -- which is not actually shown by CRDC data -- obsolete in light of more recent surveys and studies showing that black students do in fact have higher rates of misbehavior in school?

For example, data from the National Center for Education Statistics shows a much higher rate of misbehavior among black students for certain offenses, such as fighting in school. Michael Petrilli is an education expert and the president of the Thomas B. Fordham Institute, which conducts research on the educational system. He points out that large differences exist in school misbehavior rates, by race, according to students themselves. As Petrilli [pointed out](#) in an article at *Education Next*, "In 2015, high school students were asked if they had been in a fight on school property at any time in the past 12 months. African American students were [2.2 times](#) more likely to say yes than white students — 11.4 percent to 5.2 percent."

Petrilli was citing the Education Department's own statistics, which show differences in misbehavior rates by race. Petrilli was citing from the National Center for Education Statistics, *NCES Indicators of School Crime and Safety: 2016*. Specifically, he was citing statistics from Figure 13.2 on page 87 of that publication, available at <https://nces.ed.gov/pubs2017/2017064.pdf>

Isn't this recent data showing differences in misbehavior rates by race, more compelling than claims in a report that is more than 25 years old?

Moreover, the Education Department Civil Rights Data Collection is just raw data -- it does not draw any conclusions that higher black discipline rates are not due to "higher rates of misbehavior." It just shows that black students have higher discipline rates, for whatever reason. It does not determine the cause.

There is additional research showing that black students misbehave more often. A 2014 study in the *Journal of Criminal Justice* study found that higher black suspension rates simply reflect higher rates of misconduct among black students, rather than racism. The study is titled, "Prior Problem Behavior Accounts for the Racial Gap in School Suspensions," and was conducted by academics such as John Paul Wright of the University of Cincinnati. That study argued that "the racial gap in suspensions" is "completely accounted for" by "the prior problem behavior" of black students.

Thank you for reading this email.