

James P. Scanlan
Attorney at Law
1527 30th Street, NW
Washington, D.C. 20007
jps@jpscanlan.com

This copy of the letter does not include

September 10, 2018

ELECTRONICALLY TRANSMITTED

Eric Pingrey, Superintendent
Members of the Walker Hackensack Akeley School Board
Walker Hackensack Akeley School District
301 4th Street
Walker, MN 57484

Re: The Minnesota Department of Human Rights' Mistaken Belief That Generally Reducing Public School Discipline Rates Will Tend to Reduce, Rather Than Increase, (a) Relative Racial Differences in Discipline Rates and (b) the Proportion African Americans Make Up of Disciplined Students

Dear Superintendent Pingrey and members of the Walker Hackensack Akeley School Board:

I recently read an August 28, 2018 *MPR News* [article](#)¹ discussing the dealings of the Walker Hackensack Akeley School District with the Minnesota Department of Human Rights (MDHR) regarding the agency's investigation of racial disparities in the school district.

By email of May 30, 2018, I previously provided you a copy of my May 14, 2018 [letter](#) to MDHR explaining that contrary to the belief underlying MDHR's actions regarding racial differences in public school discipline outcomes, generally reducing discipline rates tends to increase (a) relative (percentage) racial differences in discipline rates and (b) the proportion African Americans make up of disciplined students. The letter, which is attached hereto, also discussed the obligation of MDHR to understand this issue and to explain to the public and school administrators, especially administrators in districts with which MDHR has negotiated, or is negotiating, agreements regarding discipline disparities, that MDHR's understanding of the effects of policies on measures of racial disparity was incorrect.

Attached is an August 27, 2018 [letter](#) to MDHR that follows up on the May 14, 2018 letter and provides further evidence that generally reducing discipline rates will tend to increase,

¹ To facilitate consideration of issues raised in documents such as this I include links to referenced materials in electronic copies of the documents. Such copies are available by means of the [Measurement Letters](#) page of [jpscanlan.com](#). If the online version of the letter is amended, such fact will be noted on the first page of that version.

Eric Pingrey, Superintendent
Members of the Walker Hackensack Akeley School Board
September 10, 2018
Page 2

not reduce, the aforementioned (a) and (b). The evidence includes a 2015 study by the Maryland Equity Project of the College of Education of the University of Maryland showing that in 21 of the 23 Maryland school districts for which data on black and overall suspensions could be analyzed, during a period of general reductions in suspensions between the 2008-09 and 2013-14 school years, the ratio of the black suspension rate to the suspension rate for other students increased. That study is also addressed in my "[Discipline disparities in Md. Schools](#)," *Daily Record* (June 21, 2018).

The August 27, 2018 letter (at 3-4) also presses MHDR further regarding its obligation to explain to the public and affected parties that the understanding underlying agency actions regarding discipline disparities was incorrect, while emphasizing that MDHR no longer has an excuse to fail to understand the matter. Whether MDHR in fact now understands the matter, however, remains uncertain.

The referenced August 28, 2018 *MPR News* article discusses the district's efforts to have MDHR specify the disparity problems the agency identified in the district. I suggest that in further dealings with MDHR regarding this subject, the district raise directly with MDHR whether the agency continues to believe that generally reducing discipline rates will tend to reduce (a) and (b). Doing so may both help the district avoid an agreement with MDHR that is based on a belief about the effects of policies on measures of racial disparity that is the opposite of reality and expedite MDHR's coming to understand the matter.

Finally, attached is a September 9, 2018 letter to leadership of the Rochester Public School District. The letter suggests that that district, which recently entered into agreement with MDHR to resolve discipline disparities issues, also address directly with MDHR the agency's mistaken understanding of the effects of policies on measures of racial disparity.

As indicated in the Rochester letter, I intend to continue to attempt to educate MDHR on this subject, while also addressing the issues with Minnesota school districts that have reached or may reach agreements with MDHR regarding discipline disparities issues. Assuming I do that, I may send you copies of the communications.

Sincerely,

/s/ **James P. Scanlan**

James P. Scanlan

Attachments

cc: Kevin Lindsey, Commissioner
Rowzat Shipchandler, Deputy Commissioner
Minnesota Department of Human Rights