

MEMORANDUM

TO: Jerome P. Reiter

From: James P. Scanlan

Subject: Follow-up to Response to Question of December 4, 2015

Date: January 5, 2016

This adds a couple of points, including a correction, to my memorandum of December 14, 2015.

First, in Section B.3 of my earlier memorandum, I stated that determinations of “significant discrepancies” in suspensions of disabled students with respect to Section 612(a) (22) of the Individuals with Disabilities Education Improvement Act of 2004 would typically be measured in terms of relative difference in suspension rates, referencing the September 2011 Data Accountability Center guide titled “[Measuring Significant Discrepancy: An Indicator B4 Technical Assistance Guide](#).” Actually, the guide discusses measuring significant discrepancies in terms of either relative differences or absolute differences.

It is nevertheless my expectation that the principal approach to measurement would involve relative differences in suspension rates, as is the case with the “significant disproportionality” determinations discussed in the Section B.4 of the memorandum. But the suggestion that the referenced guide recommended relative differences in suspension rates over absolute differences is not correct.

Second, since sending the October 8, 2015 letter to the American Statistical Association, I have written three more institutional/organizational letters of the type discussed at pages 4 to 5 of that letter. Recipient entities include [House Judiciary Committee](#) (Oct. 19, 2015), [Boston Lawyers’ Committee for Civil Rights and Economic Justice](#) (Nov. 12, 2015), and [Houston Independent School District](#) (Jan. 5, 2016). The latter two relate to situations where public interest groups have been involved in lobbying state or local authorities to generally reduce discipline rates while believing that doing so will tend to reduce relative demographic differences in discipline rates and the proportions disadvantaged groups make up of persons disciplined.