



# Texas' School-to-Prison Pipeline

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Dropout to Incarceration

*The Impact of School Discipline and Zero Tolerance*

## Data Update: 2008-2009



## INTRODUCTION

In 2007, Texas Appleseed published its first School-to-Prison Pipeline report, *Texas' School-to-Prison Pipeline: Dropout to Incarceration*, focused on what Texas Appleseed has characterized as the first “piece” of the Pipeline – referrals to in-school (ISS) and out-of-school suspension (OSS), and to Disciplinary Alternative Education Programs (DAEPs). The data included in the 2007 report was current through 2005-06. Texas Appleseed recently requested data from the Texas Education Agency for the 2008-09 school year in order to update the charts and tables included in our first report. The data was analyzed using the same methodology, described in the Appendix to the 2007 report.

As was the case with the data included in our first report, the numbers included in the updated charts are conservative, because some of the data received by Appleseed was masked due to a federal law meant to protect student privacy. Though there has been a decrease in overall referrals to DAEPs, ISS, and OSS since the 2005-06 school year, trends remain the same. Additionally, while discretionary referrals to DAEPs and ISS have dropped slightly, mandatory referrals have increased.

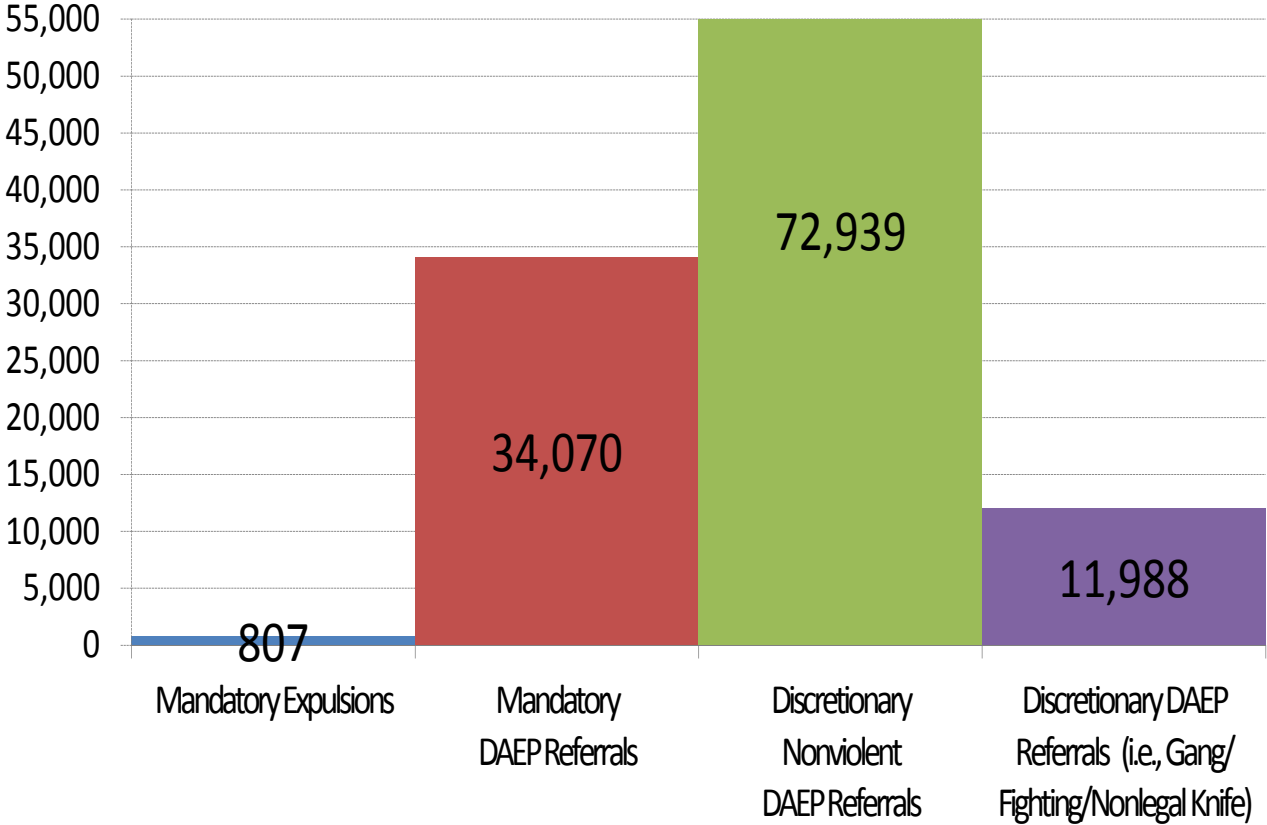
### Comparison Between Disciplinary Referrals 2005-06 & 2008-09 School Years<sup>1</sup>

Disciplinary Referral	2005-2006 School Year	2008-2009 School Year
In School Suspension	1,751,409	1,654,804
Mandatory ISS	5,837	7,372
Discretionary ISS	1,745,572	1,647,432
Out-of-School Suspension	638,257	589,856
Mandatory OSS	24,708	24,958
Discretionary OSS	613,549	564,898
DAEP Referrals	169,235	119,109
Mandatory DAEP	32,297	32,953
Discretionary DAEP	104,641	86,156

<sup>1</sup> The data included in this table was taken from that available on the Texas Education Agency website, at [www.tea.state.tx.us](http://www.tea.state.tx.us), since that data includes more complete numbers than Appleseed's masked data.

Just as the data in the first report indicated that the overwhelming majority of students who were referred were referred for non-violent, non-criminal Code of Conduct violations, the 2008-09 data shows the same trend. According to the chart below, more than 60 percent of all referrals to a DAEP were for non-violent, non-criminal behavior. Texas Appleaseed excluded even those discretionary referrals that could be considered serious – including school-related gang violence, fighting, and possession of a non-illegal knife.

Statewide Mandatory vs. Discretionary DAEP Referrals, 2008-2009



There is still a great deal of variability between school districts in disciplinary referral rates. While the statewide average referral rate to a DAEP is just under two percent, the following school districts refer students at a significantly higher rate.

"Top 10" LIST: Highest Overall DAEP Referral Rates, 2008-2009  
*State Referral Rate= 1.85*

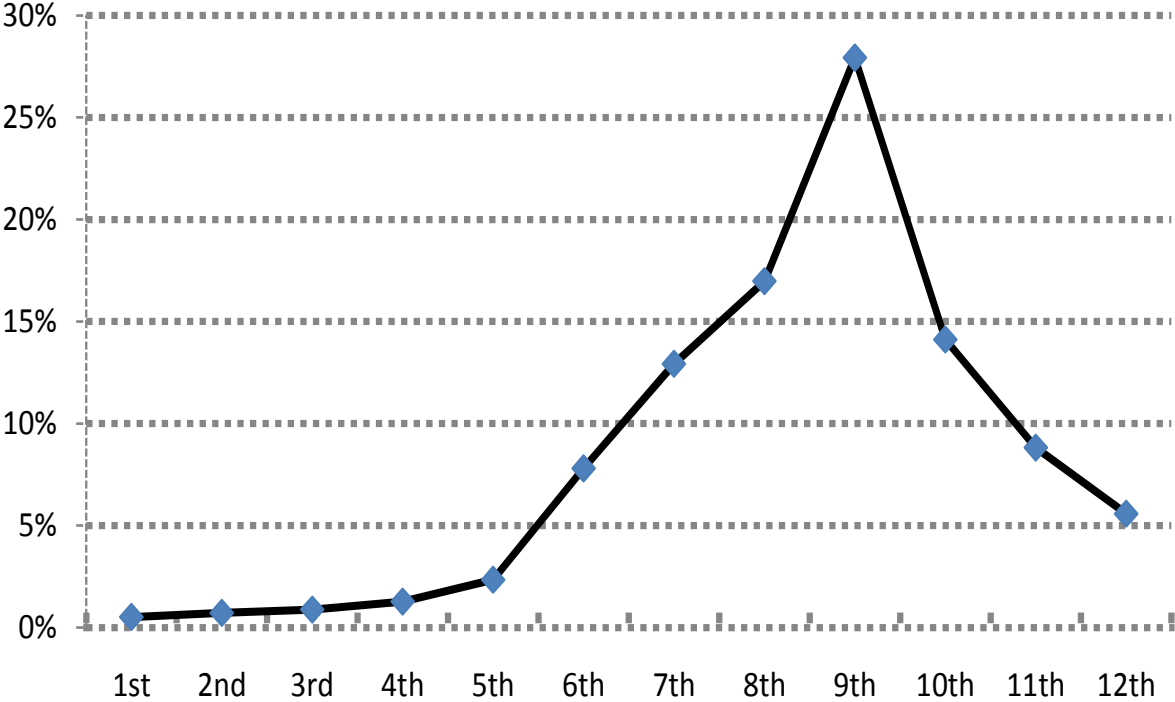
School District	DAEP Referral Rate
BOYS RANCH ISD	6.25
CRYSTAL CITY ISD	6.45
DUNCANVILLE ISD	5.84
HARLINGEN CISD	5.33
MORAN ISD	6.42
POINT ISABEL ISD	5.42
RAYMONDVILLE ISD	5.29
SOMERVILLE ISD	6.24
WACO ISD	6.53
WHARTON ISD	10.2

This list is extremely conservative due to masked data. TEA identified 34 school districts that had a discretionary referral rate of five percent or higher in 2008-09 as part of its “data validation monitoring” process.\* This means that whether a student is referred to a DAEP largely depends on where the student goes to school rather than on the student’s behavior.

\* Information received pursuant to an open records request, on file with TexasApplesed.

As was true through 2005-06, the majority of students referred to DAEPs during the 2008-09 school year were in ninth grade.

### Statewide DAEP Referral Rates by Grade Level, 2008-2009



Unfortunately, Texas Appleseed's data update revealed that very young students are still being referred to DAEPs. In 2007, we reported that about 500 pre-k or kindergarten students and 2,700 1st graders were referred to DAEPs between 2001 and 2006. Our updated data reveals that during the 2008-09 school year alone, 90 kindergarten students and more than 450 1st graders were referred to a DAEP. 91 percent of the kindergarten students and 84 percent of the 1st grade students were referred for low-level, non-criminal, non-violent discretionary reasons.

School Districts Referring Kindergarten Students to DAEPs, 2008-2009

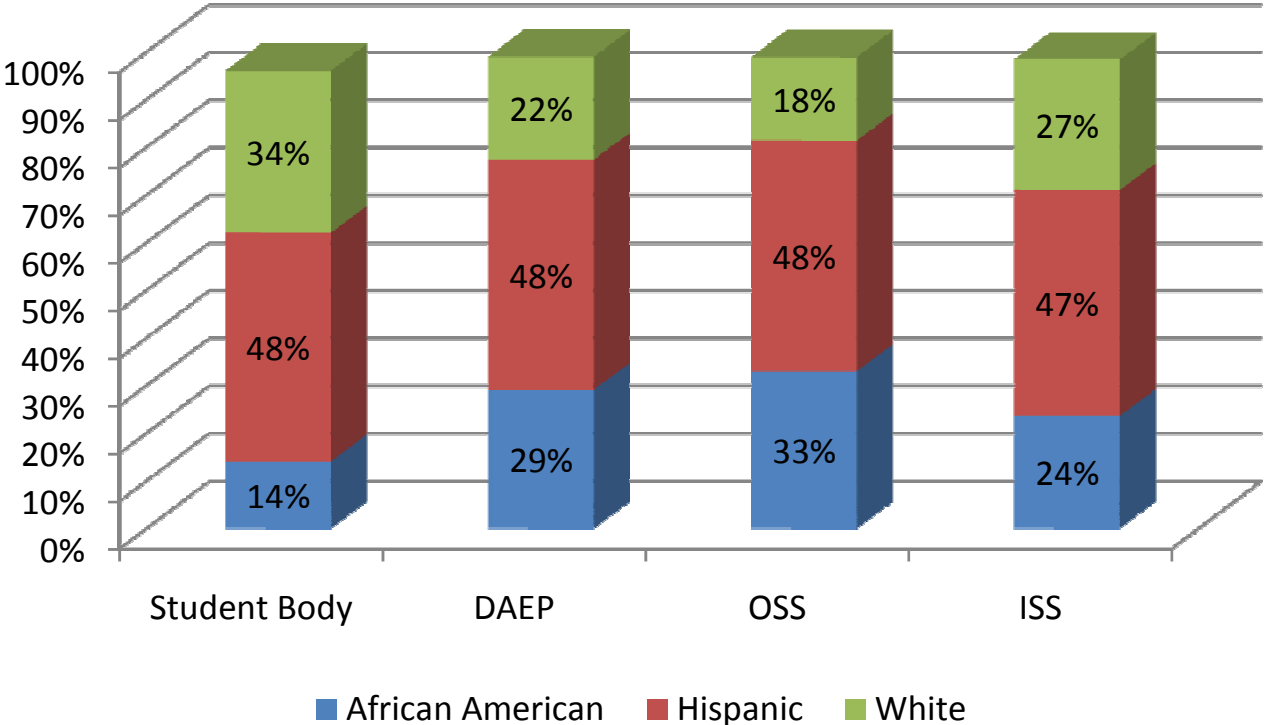
School District	Kindergarteners Referred	School District	Kindergarteners Referred
ALDINE ISD	1	LA JOYA ISD	2
ALIEF ISD	1	LEANDER ISD	3
AUSTIN ISD	2	LEWISVILLE ISD	1
BROWNSBORO ISD	1	LUBBOCK ISD	3
CARROLLTON-FARMERS BRANCH ISD	5	LUBBOCK-COOPER ISD	1
CEDAR HILL ISD	2	MCKINNEY ISD	1
COLLEGE STATION ISD	2	MESQUITE ISD	1
COPPERAS COVE ISD	1	NORTHSIDE ISD	1
CROWLEY ISD	2	PLANO ISD	1
CYPRESS-FAIRBANKS ISD	2	REFUGIO ISD	1
DALLAS ISD	11	ROUND ROCK ISD	4
DEL VALLE ISD	1	SHARYLAND ISD	1
DENTON ISD	1	SHERMAN ISD	1
DUNCANVILLE ISD	1	SPRING BRANCH ISD	1
ECTOR COUNTY ISD	4	SPRING ISD	1
EL PASO ISD	1	TEMPLE ISD	2
GARLAND ISD	2	TERRELL ISD	2
HARLINGEN CISD	1	TEXARKANA ISD	1
HONDO ISD	1	TYLER ISD	2
HOUSTON ISD	1	VICTORIA ISD	1
IRVING ISD	2	WACO ISD	5
KILLEEN ISD	9		

School Districts Referring Five or More 1st Graders to  
DAEPs, 2008-2009

School District	1st Graders Referred
DALLAS ISD	60
KILLEEN ISD	26
ALIEF ISD	25
MESQUITE ISD	23
ARLINGTON ISD	16
HARLINGEN CIS	14
LA JOYA ISD	13
CONROE ISD	13
WACO ISD	12
CYPRESS-FAIRB	10
TEXARKANA ISD	8
ALDINE ISD	8
NORTH EAST IS	7
NORTHSIDE ISD	7
LUBBOCK ISD	7
EL PASO ISD	6
SAN ANTONIO I	5
CARROLLTON-FA	5
IRVING ISD	5
MIDLAND ISD	5
ROUND ROCK IS	5
LEANDER ISD	5

As was true when we published our 2007 report, African American students were overrepresented in disciplinary referrals to ISS, OSS, and DAEPs during the 2008-09 school year.

### Overrepresentation of Minority Students in Discretionary Discipline Referrals, 2008-2009





The overrepresentation of African American students in DAEP referrals is particularly acute in some school districts. Of these, seven districts – Bryan ISD, Corsicana ISD, Greenville ISD, Huntsville ISD, Klein ISD, Temple ISD, and Wichita Falls ISD – were on the same list in our 2007 report. While some of these seven have referral rates that are about the same, some have seen an increase in the percentage of African American students referred.

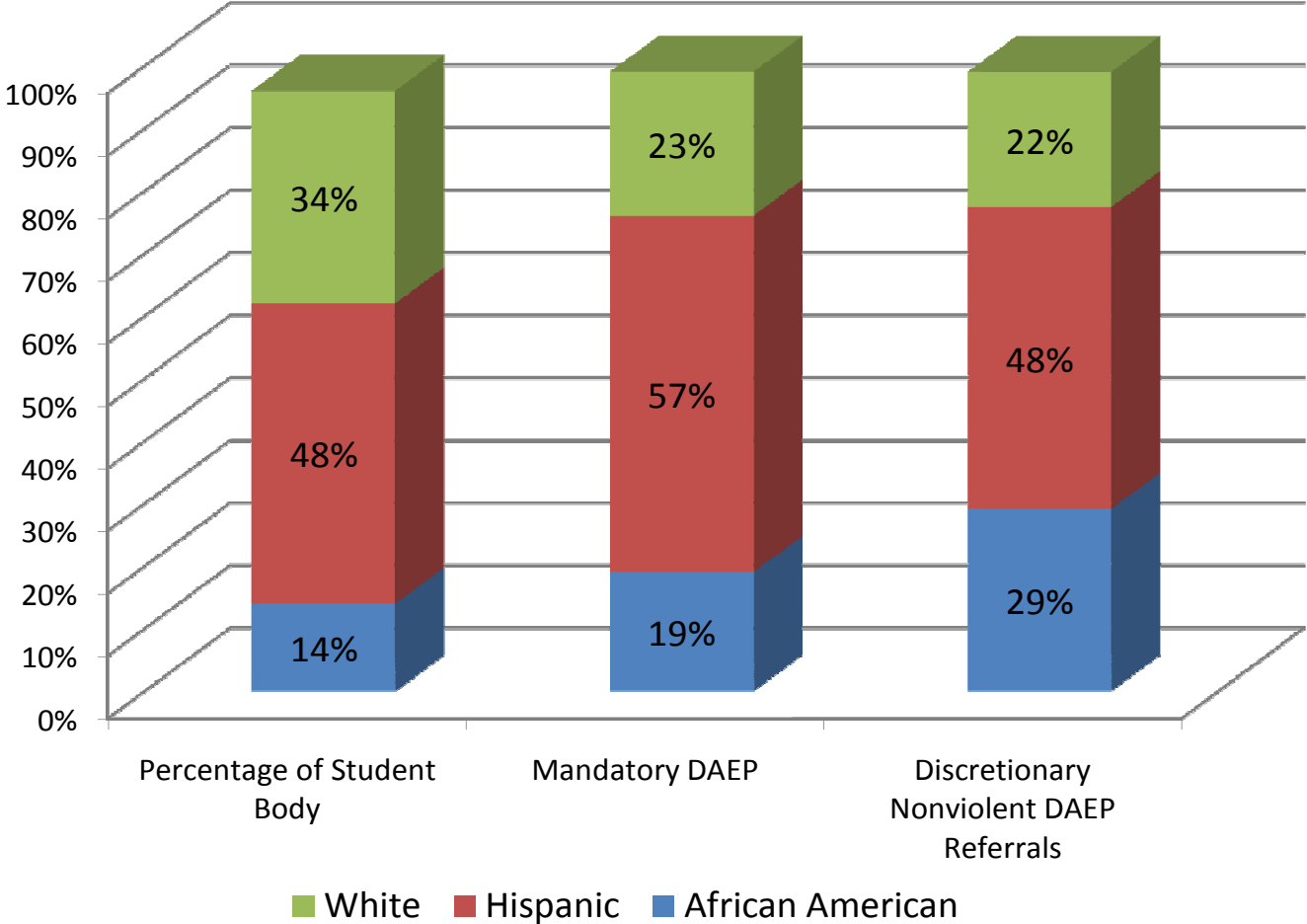
<b>Overrepresentation of African American Students in DAEPs, 2008-2009</b>		
<i>Referred at More Than Twice Their Representation in Student Population</i>		
School District	African American Percentage in Student Body	African American Percentage in DAEP Discretionary Referrals
BRYAN ISD	24%	65%
COLUMBUS ISD	17%	67%
COMMERCE ISD	22%	56%
CORSICANA ISD	21%	51%
DALLAS ISD	28%	63%
GALVESTON ISD	25%	55%
GREENVILLE ISD	22%	55%
HENDERSON ISD	22%	47%
HUNTSVILLE ISD	27%	63%
JACKSONVILLE ISD	20%	56%
KLEIN ISD	16%	44%
MADISONVILLE CISD	23%	52%
MARSHALL ISD	41%	84%
PFLUGERVILLE ISD	23%	51%
RICHARDSON ISD	25%	52%
SHELDON ISD	25%	66%
TEMPLE ISD	29%	65%
TEXAS CITY ISD	21%	54%
TYLER ISD	32%	76%
WICHITA FALLS ISD	18%	47%

Unfortunately, the number of school districts that had a high rate of overrepresentation of Hispanic students in DAEP referrals appears to have increased since 2005-06.

<b>Overrepresentation of Hispanic Students in DAEPs, 2008-2009</b>		
<i>Referred at Rates 10% or More Than Their Representation in Student Population</i>		
School District	Hispanic Percentage in Student Body	Hispanic Percentage in DAEP Discretionary Referrals
ALAMO HEIGHTS	34%	72%
BELTON ISD	28%	48%
CALHOUN COUNT	56%	76%
DENTON ISD	30%	44%
DRIPPING SPRI	15%	37%
GEORGETOWN IS	34%	53%
GRAPEVINE-COL	16%	42%
KATY ISD	30%	56%
LEWISVILLE IS	21%	39%
NORTHSIDE ISD	64%	78%
PLANO ISD	18%	29%
ROCKWALL ISD	18%	33%
ROUND ROCK IS	26%	41%
SAN ANGELO IS	53%	72%
SCHERTZ-CIBOL	31%	55%
VICTORIA ISD	58%	74%

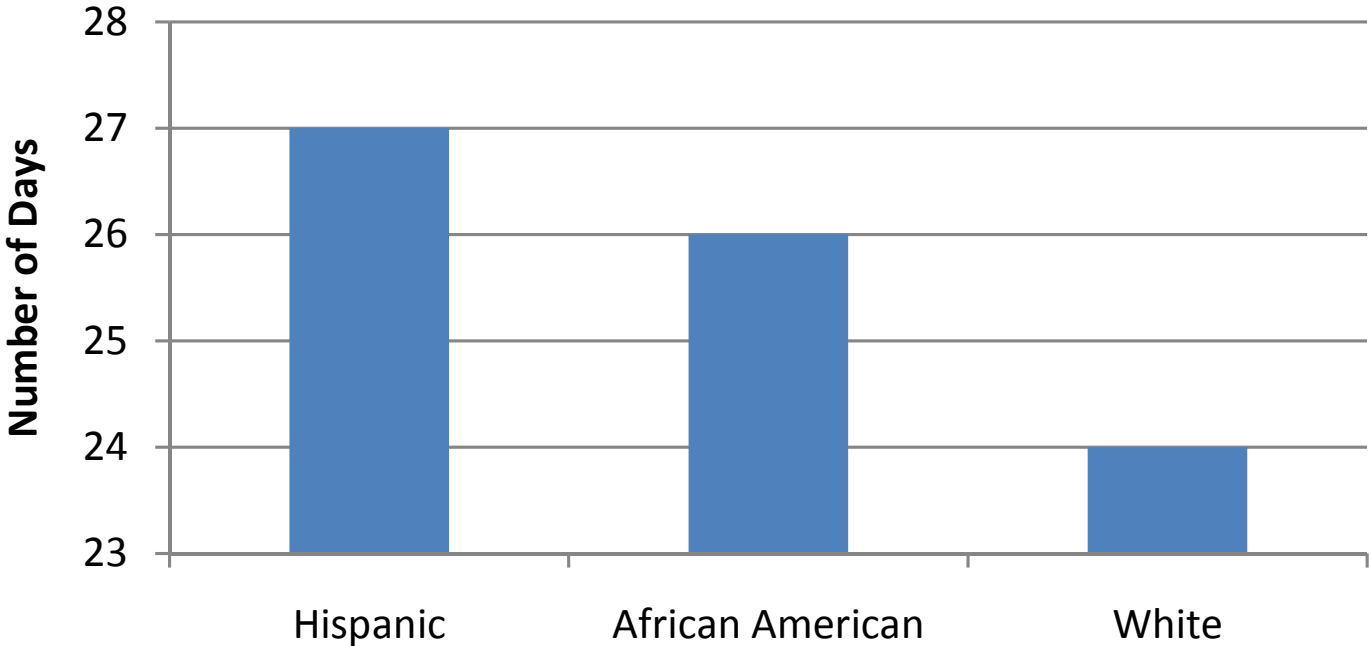
In addition to considering whether African American and Hispanic students are overrepresented in non-violent, non-criminal discretionary referrals, Texas Appleseed looked at the race and ethnicity of students referred for mandatory reasons. This analysis revealed that African American students are most highly overrepresented in the lowest-level discretionary referrals.

### Statewide Mandatory vs. Discretionary DAEP Referrals by Race/Ethnicity, 2008-2009



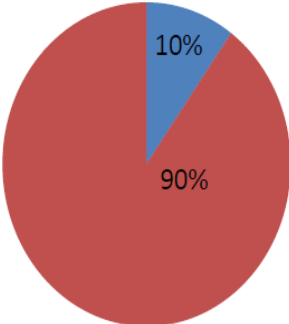
Not only are African American and Hispanic students being referred to DAEPs at disproportionate rates, they are also staying in DAEPs longer. This chart shows the actual number of days students stayed in a DAEP, not the number of days that they were ordered to spend at the DAEP by their sending school (which may be longer).

### Length of Stay at DAEPs, by Race/Ethnicity, 2008-2009

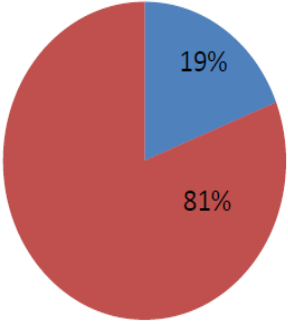


As was true in 2005-06, Special Education students are overrepresented in referrals to ISS, OSS, and DAEPs.

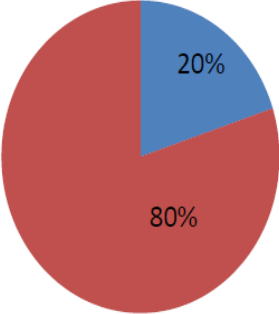
### Statewide Profile of Disciplinary Referrals of Special Education Students, 2008-2009



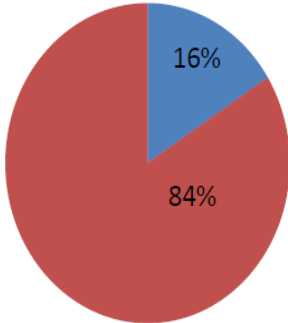
Special Education Students in Texas



Special Education Students in DAEPs



Special Education OSS Referrals



Special Education ISS Referrals

■ Special Education Students      ■ Non-Special Education Students

Overrepresentation of Special Education students is particularly acute in some school districts.

<b>Overrepresentation of Special Education Students in DAEPs, 2008-2009</b>		
<i>Referred at More Than Twice Their Representation in Student Population</i>		
School District	Special Education Percentage in Student Body	Special Education Percentage in DAEP Discretionary Referrals
ABILENE ISD	15.2%	38.9%
ALLEN ISD	11.3%	38.5%
AUSTIN ISD	9.4%	27.1%
BASTROP ISD	11.7%	34.3%
BELTON ISD	11.3%	43.5%
BOERNE ISD	8.6%	36.7%
BROWNSVILLE ISD	10.6%	29.0%
CANYON ISD	10.1%	25.7%
CEDAR HILL ISD	9.0%	23.2%
CENTER ISD	9.5%	46.2%
CLEBURNE ISD	10.2%	38.9%
CLEVELAND ISD	9.2%	31.4%
COPPERAS COVE ISD	9.7%	24.6%
CROCKETT ISD	9.4%	34.3%
CROSBY ISD	9.0%	23.4%
DALLAS ISD	7.5%	22.2%
DONNA ISD	7.1%	22.7%
EDINBURG CISD	8.8%	25.4%
FLORESVILLE ISD	13.2%	39.4%
FORT WORTH ISD	7.7%	20.0%
FRENSHIP ISD	8.4%	25.7%
GRAPEVINE-COLLEYVILLE ISD	7.5%	29.2%
HARLANDALE ISD	10.3%	28.8%
KLEIN ISD	7.5%	29.1%
LA JOYA ISD	7.0%	20.3%
LA VEGA ISD	10.3%	28.9%
LEANDER ISD	9.5%	29.3%
LEWISVILLE ISD	10.0%	25.6%
LIBERTY-EYLAU ISD	13.8%	41.1%
LINDALE ISD	11.0%	41.5%
LITTLE CYPRESS-MAURICEVILLE CISD	13.6%	40.7%
LUBBOCK-COOPER ISD	12.1%	48.0%
MABANK ISD	9.5%	24.1%
MARLIN ISD	15.9%	68.8%
MIDWAY ISD	8.9%	25.9%
MISSION CISD	8.2%	23.3%
NORTH EAST ISD	10.7%	27.8%
PEARLAND ISD	9.6%	35.3%
PHARR-SAN JUAN-ALAMO ISD	7.2%	19.5%
PLANO ISD	11.3%	28.2%
ROUND ROCK ISD	7.7%	27.2%
SAN FELIPE-DEL RIO CISD	9.6%	23.7%
SPRING BRANCH ISD	9.3%	27.7%
SULPHUR SPRINGS ISD	9.7%	45.8%
TEXARKANA ISD	13.3%	34.4%

TOMBALL ISD	7.1%	22.2%
UNITED ISD	9.5%	30.6%
VIDOR ISD	17.2%	45.0%
WESLACO ISD	9.4%	24.0%
WILLIS ISD	7.5%	27.4%

In addition to the analysis showing overrepresentation of Special Education students in DAEP referrals using the percentage of students referred, Texas Appleseed used an “odds ratio” to determine the likelihood of referral of a Special Education student in high referring districts. This analysis shows that in many districts, Special Education students are more than twice as likely as other students to receive a DAEP referral. In Marlin ISD, a Special Education student is six-and-a-half times more likely to be referred to a DAEP than a non-special education student.

<b>Special Education Odds Ratios - DAEP Referrals</b>					
District Name	Total Enrollment	Special Education Enrollment	DAEP Referrals	DAEP Referrals of Special Education Students	Odds Ratio for Special Education Students
MARLIN ISD	1,196	309	16	11	6.5
TAFT ISD	1,206	228	12	6	4.4
DONNA ISD	14,566	1,133	176	40	3.6
UNITED ISD	40,080	4,498	85	26	3.5
LA JOYA ISD	27,055	1,939	236	48	3.4
HIDALGO ISD	3,527	188	13	2	3.3
PEARSALL ISD	2,249	410	10	4	3.0
BROWNSVILLE I	48,587	5,869	255	74	3.0
MISSION CISD	15,517	1,482	189	44	2.9
PHARR-SAN JUA	30,618	2,485	645	126	2.8
SAN DIEGO ISD	1,358	122	33	7	2.8
HARLANDALE IS	14,399	1,891	292	84	2.7
LAREDO ISD	24,963	2,309	111	24	2.7
EDINBURG CISD	30,749	3,445	197	50	2.7
CLINT ISD	10,899	1,192	16	4	2.7
WESLACO ISD	16,611	1,887	208	50	2.5



ZAPATA COUNTY	3,691	330	31	6	2.5
SAN BENITO CI	11,029	1,020	220	42	2.4
VALLEY VIEW I	4,484	287	22	3	2.3
RIO GRANDE CI	10,111	1,212	129	30	2.3
LA VILLA ISD	600	48	19	3	2.2
ALICE ISD	5,383	881	17	5	2.1
FABENS ISD	2,447	358	15	4	2.1
DALLAS ISD	157,352	20,140	1,227	272	2.0

In response to Texas Appleseed’s 2007 findings that African American, Hispanic, and Special Education students were overrepresented in disciplinary referrals, some suggested that this could be explained by the overrepresentation of minority students in special education. In order to test this theory, Texas Appleseed asked for data that would allow it to compare referral rates for African American and Hispanic Special Education students. Our analysis reveals that the race or ethnicity of a student appears to play a critical role – African American and Hispanic Special Education students are particularly vulnerable to disciplinary referrals, even when compared to other Special Education students.

### Odds Ratios for School Disciplinary Actions 2008-2009

	ISS	OSS	DAEP*
African American students compared to all other students	2.1	3.4	2.5
African American students compared to white students	2.4	5.2	3.1
Hispanic students compared to all other students	1	1	1
Hispanic students compared to white students	1.2	2	1.6
Special Education students compared to non-special education students	2.1	2.6	2.4
African American Special Education students compared to all other Special Education students	2	3.1	2.2
African American Special Educations students compared to all other students	3.5	5.8	4
Hispanic Special Education students compared to all other Special Education students	1	1	1
Hispanic Special Education students compared to all other students	1.7	2.3	2.1

\* For Reason Group "C" offenses only

## **Conclusion and Policy Recommendations**

While overall disciplinary referrals have dropped since Texas Appleseed published its first report in 2007, the trends remain the same. Texas has a high number of disciplinary referrals, with **more than two million disciplinary referrals** to ISS, OSS, or a DAEP made in 2008-09. *This represents about half of Texas' student population of just under five million children.* The vast majority of these referrals are for low-level, non-violent, non-criminal behavior.

Texas' most vulnerable students are most often subject to disciplinary referrals. African American special education students – who are at high risk for school failure even before receiving a disciplinary referral– are most likely to receive a referral to ISS, OSS or a DAEP, though research has shown that suspension and DAEP referrals are more likely to put students on a path to dropout and juvenile justice involvement.<sup>1</sup> The system in Texas is broken – it is not addressing students' behavioral needs and is instead placing them on a trajectory that is far more costly to the state, *and far more damaging to the student*, than simply encouraging school districts to provide effective student discipline.

Addressing this broken system should be a priority for the state of Texas, a state that prides itself on its educational system. Though these policy recommendations do not provide a comprehensive answer to this complex problem, they offer a starting point for positive change:

- **Notify schools with high referral rates and require schools with consistently high referral rates to put schoolwide positive behavior support programs into place.** Schoolwide PBS is an evidence-based model that has been proven to significantly reduce disciplinary referrals. Schools that have implemented schoolwide PBS have seen their disciplinary referrals decrease by half. *The federal government pre-approved schoolwide PBS for use of stimulus funds because of the compelling evidence of its success when properly implemented.*
- **Require TEA to notify schools when they disproportionately refer African American and Hispanic students for discipline.** Today, TEA is not notifying schools that disproportionately refer African American and Hispanic students. Though it plans to add this as an element of its “data validation monitoring” when it notifies districts pursuant to this process, the school will receive a notification that indicates TEA is concerned about the

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<sup>1</sup> See TEXAS APPLESEED, TEXAS' SCHOOL-TO-PRISON PIPELINE: DROPOUT TO INCARCERATION 33-56 (2007); TEXAS APPLESEED, TEXAS' SCHOOL-TO-PRISON PIPELINE: SCHOOL EXPULSION 42 – 43, 65-68 (2010).

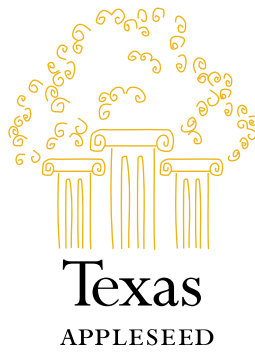
*validity of their data*, not the overrepresentation the data reflects. This fails to send a meaningful message to schools.

- **When schools consistently over-represent minority or special education students in referrals, TEA should require the district to put programs into place to address this disproportionality.** TEA should do more than simply collect information about which schools are disproportionately referring African American, Hispanic and special education students. The agency should target these schools for meaningful interventions that will address the problem.
- **Provide meaningful state oversight of DAEPs.** All of Texas Appleseed's qualitative and quantitative research indicates that many of these schools are not meeting the challenge the legislature put before them when they were mandated in 1995. Too many DAEPs are under-resourced and cannot meet the complex behavioral and educational needs of their students, even under the leadership of well-intentioned administrators. While TEA has put some standards into place, these standards do not go far enough – and TEA does nothing to ensure districts are complying with these standards.
- **Place a cap on the total number of days a student can spend in ISS during a school year.** Students lose significant academic time in ISS. Very few ISS classrooms are monitored by certified teachers; students report that they are rarely given meaningful schoolwork while in ISS. Yet because there is no cap on ISS, students may spend weeks in an ISS classroom.
- **Change teacher certification requirements so that teachers are required to receive classroom management training.** Teachers often complain about the lack of classroom management training they receive. This skill is critical to successful teaching.

**In addition to these recommendations, see a comprehensive set of policy recommendations in our reports:**

**Texas Appleseed, Texas' School to Prison Pipeline: Dropout to Incarceration (2007), available at**  
<http://www.texasappleseed.net/pdf/Pipeline%20Report.pdf>

**Texas Appleseed, Texas' School to Prison Pipeline: School Expulsion (2010), available at**  
[http://www.texasappleseed.net/index.php?option=com\\_docman&task=doc\\_download&gid=380&Itemid=](http://www.texasappleseed.net/index.php?option=com_docman&task=doc_download&gid=380&Itemid=)



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