

# **Banning Classroom Removals for Young Children Policy Guide**

February 2016

The following information is intended to assist students, parents, community organizations, advocates, and educators who support policies to ban discretionary classroom removals—suspensions, expulsions, and placements in Disciplinary Alternative Education Programs—for elementary school children.

For more information about banning these harmful removals in your district or for district- or campus-specific data please contact Morgan Craven at [mcraven@texasappleseed.net](mailto:mcraven@texasappleseed.net) or Yamanda Wright at [ywright@texasappleseed.net](mailto:ywright@texasappleseed.net).

## **I. The Problem**

Chapter 37 of the Texas Education Code mandates when students must be removed from their classrooms for discipline violations. The offenses that require removal include assault, drug use, weapons violations, and other offenses that threaten student or staff safety.

The Education Code also allows each school district in Texas to create a list of other offenses that can lead to removal from the classroom, resulting in in-school suspension (ISS), out-of-school suspension (OSS), placement in a Disciplinary Alternative Education Program (DAEP), or expulsion. Such placements are

discretionary (because they are not mandated by state law) and are found in each school district’s Student Code of Conduct (SCOC). Often these offenses are vague and relatively minor. For example, according to the [Austin ISD SCOC](#), students may be suspended for “general misconduct” including:

- Violating the district or campus dress code
- Failing to comply with directives given by school personnel
- Repeatedly violating communicated campus or classroom standards of behavior

In addition to being vague, these “offenses” are highly subjective, leaving educators with a lot of discretion to punish and students with little idea about what behavior may result in a removal from class on any given day. This subjectivity and vagueness may be particularly confusing for very young students who are just starting to learn how to manage their bodies and emotions, behave in a school setting, and navigate relationships with teachers and peers.<sup>1</sup>

In the 2013-14 school year in Texas, over 88,000 out-of-school suspensions were issued to students in Pre-K (ages 3 and 4) through 5<sup>th</sup> grades. Over 193,000 in-school suspensions were issued to these young students. Given the known harms associated with removing students from their classrooms—increased likelihood of grade retention, high school drop-out, and contact with the juvenile justice system<sup>2</sup>—it is disturbing and problematic to begin class exclusions at such a young age. According to the U.S. Departments of Education and Health and Human Services<sup>3</sup>:

“Young students who are expelled or suspended are as much as 10 times more likely to drop out of high school, experience academic failure and grade retention, hold negative school attitudes, and face incarceration than those who are not.”

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<sup>1</sup> Each School District’s Student Code of Conduct should be available on the district website.

<sup>2</sup> The Council of State Governments, *Breaking Schools’ Rules: A Statewide Study of How School Discipline Relates to Students’ Success and Juvenile Justice Involvement*, 2011.

<sup>3</sup> U.S. Depts of Ed. and Health & Human Services, Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings (2014), available at <https://www2.ed.gov/policy/gen/guid/school-discipline/policy-statement-ece-expulsions-suspensions.pdf>.

Further, certain groups of very young students are disproportionately punished, especially when educators have the discretion, and are not required to remove students—African American students, children with special education needs, and boys are removed from class at unequally high rates. While this is true at all grade levels, it is especially pronounced in elementary school.

- The Department of Education found that although African American children make up 18% of the national pre-school population, they account for 48% of suspensions.<sup>4</sup>
- In Houston ISD, 70% of out-of-school suspensions given to Kindergarten through 2<sup>nd</sup> graders were issued to African American boys.
- Despite children with special education needs being 9% of the elementary student population in the state, they account for 18% of out-of-school suspensions.

It is important for school districts, and the state, to take steps to address the use of discretionary exclusions against young children.

### Suspension Bans: Houston & Other Districts

Houston ISD adopted a proposal in January 2016 that bans the use of discretionary removals against children in Pre-K through 2<sup>nd</sup> grades and limits these removals for 3<sup>rd</sup> through 5<sup>th</sup> graders. Importantly, the adopted proposal also allocates resources to train educators in evidence-based methods that are alternatives to exclusionary discipline. Ultimately, the HISD proposal was adopted because a number of people and organizations were vocal in their support for change—state legislators wrote Op-Eds and spoke at School Board meetings, community organizations rallied their memberships and showed up at meetings, advocates published data and wrote letters, and several School Board Trustees were unequivocal in their support for the ban (See Appendices for talking points and a letter of support).

Bans like HISD's are possible in other districts, especially when there is strong parent support, a commitment from School Board Trustees, and access to training for teachers in alternatives to classroom removals (many districts in Texas will have

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<sup>4</sup> U.S. Department of Education Office for Civil Rights, Civil Rights Data Collection (March 2014) *available at* <http://ocrdata.ed.gov/Downloads/CRDC-School-Discipline-Snapshot.pdf>

access to [Restorative Discipline training](#) through their regional education service centers).

Below we have highlighted some harms of excluding young students, data, common myths about banning removals used by the opposition, other state and school district efforts to ban removals, and sample policy language that should be a useful start to push for suspension bans in any school district in Texas.

If you would like data about removals of young children in your district, please contact Morgan Craven at [mcraven@texasappleseed.net](mailto:mcraven@texasappleseed.net) or Dr. Yamanda Wright at [ywright@texasappleseed.net](mailto:ywright@texasappleseed.net). For more information about the harms associated with suspending young children, please review Texas Appleseed's Nov. 2015 report, [Suspended Childhood](#).

## II. Why Removing Young Students is Harmful

Removing young students from their classrooms for relatively minor SCOC violations is a harmful practice for several reasons:

- **Missed Classroom Time:** When children are removed from class they lose important learning time. When students are not learning from their regular classroom teachers they can quickly fall behind, leaving them feeling frustrated, detached from school, and hopeless. This may be especially true for students with special education needs who may already be struggling to keep up with their peers academically.
- **Creates Mistrust:** Young students are often punished for very minor behaviors, like horseplay or talking during class—behaviors that may actually be typical for children so young. In other instances, a child's actions may be a symptom of other, more serious underlying issues that should be addressed with evaluations, treatment, and appropriate services. In either case, when children are excluded from class they may begin to lose faith in a system that seems to punish them, and their peers, randomly and without regard for the underlying cause of the behavior. This mistrust can shape children's attitudes toward school for the rest of their lives.

- **Difficult for Families:** School discipline removals can cause stress for families, particularly when DAEP placements and out-of-school suspensions require parents and guardians to adjust their work schedules. This adjustment may be a particularly significant burden for working families who could find it difficult to stay at home to care for young children excluded from school.
- **Ineffective “Solution”:** The use of out-of-school suspensions and expulsions does not improve student behavior or overall school climate. Other, evidence-based alternatives to exclusionary discipline, like Positive Behavioral Interventions and Supports and Restorative Justice/Discipline have been shown to improve student behavior and dramatically reduce the use of classroom removals.
- **Early Labeling:** Students who are removed from their classrooms may feel as though they have been labeled as “bad” or “problem” children. This can be particularly devastating for young children who are in the process of developing their self-identities and forging relationships with teachers and peers. A negative label could have a significant impact on a child’s social-emotional development, teachers’ expectations for success, and treatment from peers. This labeling is of special concern considering that African American children and students with disabilities are disproportionately excluded from class—classroom removals run the risk of contributing to discriminatory behaviors against children of color and disabled students.
- **Poor Modeling:** Very young children are in the process of learning effective communication and conflict resolution techniques, often basing their behaviors on the models they see in school. When suspensions and expulsions are used—especially to address relatively minor behaviors or in response to actions that actually require real interventions—young children begin to believe, incorrectly, that punishment and exclusion are the only ways to solve problems.

### III. Data

OUT-OF-SCHOOL SUSPENSIONS AMONG ELEMENTARY STUDENTS IN TEXAS (2013-14)		
Grade Level	Total OSS Actions	Total Students
Pre-Kindergarten	2,513	226,707
Grades K-2	36,753	1,195,575
Grades 3-5	49,044	1,156,473
<b>Grand Total [PK-5]</b>	<b>88,310</b>	<b>2,578,755</b>

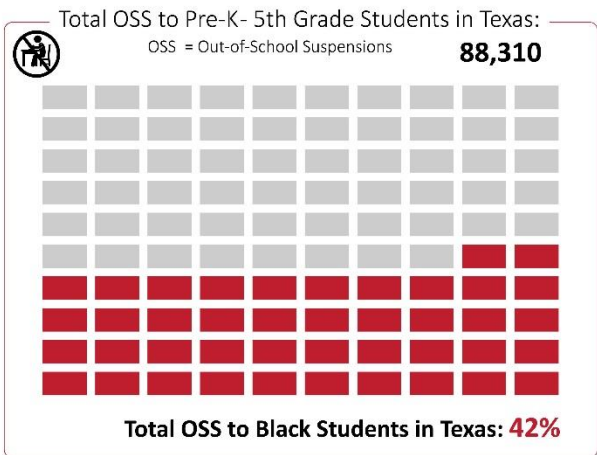
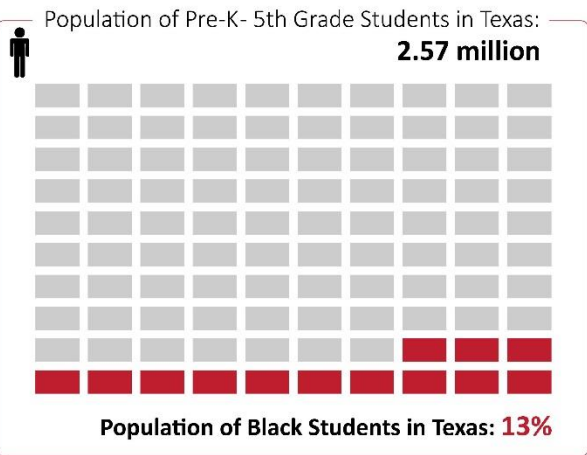
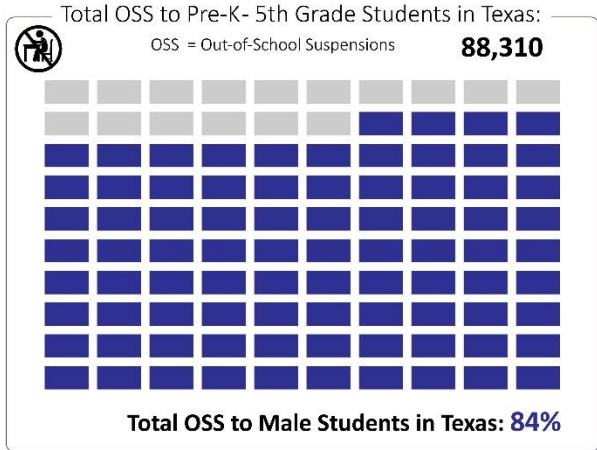
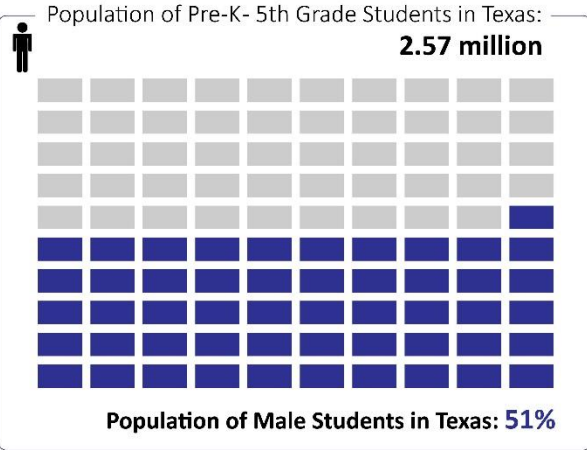
IN-SCHOOL SUSPENSIONS AMONG ELEMENTARY STUDENTS IN TEXAS (2013-14)		
Grade Level	Total ISS Actions	Total Students
Pre-Kindergarten	2,146	226,707
Grades K-2	70,992	1,195,575
Grades 3-5	120,681	1,156,473
<b>Grand Total [PK-5]</b>	<b>193,819</b>	<b>2,578,755</b>

ELEMENTARY OUT-OF-SCHOOL SUSPENSIONS TEN LARGEST DISTRICTS IN TEXAS (2013-14)		
District	Total OSS Actions (PK-5)	District Size (PK-5)
HOUSTON ISD	7,560	120,347
DALLAS ISD	5,263	88,963
CYPRESS-FAIRBANKS ISD	1,560	53,087
NORTHSIDE ISD	600	50,041
FORT WORTH ISD	5417	46,350
AUSTIN ISD	655	47,241
FORT BEND ISD	1,379	31,353
ALDINE ISD	4,452	36,970
NORTH EAST ISD	997	31,538
ARLINGTON ISD	1,924	33,049

ELEMENTARY IN-SCHOOL SUSPENSIONS TEN LARGEST DISTRICTS IN TEXAS (2013-14)		
District	Total ISS Actions (PK-5)	District Size (PK-5)
HOUSTON ISD	2,727	120,347
DALLAS ISD	636	88,963
CYPRESS-FAIRBANKS ISD	9,989	53,087
NORTHSIDE ISD	4,817	50,041
FORT WORTH ISD	605	46,350
AUSTIN ISD	188	47,241
FORT BEND ISD	1,143	31,353
ALDINE ISD	5,465	36,970
NORTH EAST ISD	3,602	31,538
ARLINGTON ISD	5,376	33,049

ELEMENTARY OUT-OF-SCHOOL SUSPENSIONS TEN WORST DISTRICTS IN TEXAS RANKED BY OSS RATE (2013-14)			
District	Total OSS Actions (PK-5)	District Size (PK-5)	OSS Rate*
WACO ISD	1,846	8,266	22 actions for every 100 students
ALDINE ISD	4,452	36,970	12 actions for every 100 students
FORT WORTH ISD	5,417	46,350	11 actions for every 100 students
KILLEEN ISD	2,220	23,138	10 actions for every 100 students
ALIEF ISD	1,845	24,472	8 actions for every 100 students
HOUSTON ISD	7,560	120,347	6 actions for every 100 students
DALLAS ISD	5,263	88,963	6 actions for every 100 students
SAN ANTONIO ISD	1,777	30,481	6 actions for every 100 students
ARLINGTON ISD	1,924	33,049	6 actions for every 100 students
CYPRESS-FAIRBANKS ISD	1,560	53,087	3 actions for every 100 students

\*OSS Rate reflects the ratio of Total OSS Actions to Total PK-5 Students.





ELEMENTARY OUT-OF-SCHOOL SUSPENSIONS IN TEXAS: <b>GRADES K-2 BY RACE</b> (2013-14)		
RACE	K-2 OSS Actions*	Total K-2 Students**
<b>Black</b>	17,018 (46%)	146,175 (12%)
<b>Latino</b>	11,545 (31%)	633,750 (53%)
<b>White</b>	6,551 (18%)	340,660 (28%)
<b>Grand Total [PK-5]</b>	<b>36,753</b>	<b>2,578,755</b>

\*Percentages out of 36,753 total K-2 OSS actions

\*\*Percentages out of 2,578,755 total K-2 students

The charts above provide general information about Texas-wide school exclusions, including for the ten largest and ten worst districts in the state. To fill in the blanks below with data specific to your district, please contact Morgan Craven at [mcraven@texasappleseed.net](mailto:mcraven@texasappleseed.net) or Dr. Yamanda Wright at [ywright@texasappleseed.net](mailto:ywright@texasappleseed.net).

In \_\_\_\_\_ ISD:

- African American students represent approximately \_\_\_\_% of the elementary school student population (Pre-K—5), but account for \_\_\_\_% of out-of-school suspensions issued to elementary school students:

2013-14 Data	African American OSS	Total OSS
<b>Pre-Kindergarten</b>	___ (___%)	___
<b>K-2<sup>nd</sup> Grade</b>	___ (___%)	___
<b>3<sup>rd</sup>-5<sup>th</sup></b>	___ (___%)	___

- Children who receive special education services represent approximately \_\_\_\_% of the total \_\_\_\_ elementary student population, but account for \_\_\_\_% of out-of-school suspensions issued to elementary school students.

## IV. Common Myths

Below are a few common myths that opponents to removal bans rely on to fight anti-exclusion policies:

### 1. **Suspensions are good for the students who remain in the classroom. False.**

While it may seem intuitive that suspending one student helps the students who remain in the classroom, research has shown that this is not actually true. Classroom and school climates suffer when educators rely on exclusions, rather than evidence-based techniques for improving behavior.

The American Psychological Association issued findings showing that classroom exclusions are associated with lower school climate ratings and academic achievement<sup>5</sup>:

“ . . . [S]chools with higher rates of school suspension and expulsion appear to have less satisfactory ratings of school climate, to have less satisfactory school governance structures, and to spend a disproportionate amount of time on disciplinary matters. Perhaps more important, recent research indicates a negative relationship between the use of school suspension and expulsion and schoolwide academic achievement, even when controlling for demographics such as socioeconomic status.”

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<sup>5</sup> (internal citations omitted in quote box). American Psychological Association Zero Tolerance Task Force, *Are Zero Tolerance Policies Effective in Schools?: An Evidentiary Review and Recommendations*, *American Psychologist*, Dec. 2001, p. 854.

## **2. Educators need to be able to use classroom removals as a classroom management tool. False.**

Discretionary classroom removals are not an effective tool—they cause harm to students in the short- and long-run and can negatively impact school climate. Teachers who rely on removing young children from class simply need training in other, evidence-based methods for addressing student behavior.

In its Winter 2015 journal, *American Educator*, the American Federation of Teachers (AFT) explicitly rejected the use of zero tolerance policies and classroom removals as a way to address student behavior. According to the AFT<sup>6</sup>:

“We [the American Federation of Teachers] were wrong. Data have shown that [zero tolerance] policies have failed to make schools safer and that their discriminatory application violates the 1964 Civil Rights Act. And they have emphasized punishment, rather than developing the positive behaviors students need in school and in life.”

This position shift was critical for the Houston ban—after its publication, the Houston Federation of Teachers came out in support of the suspensions ban. Other chapters of the American Federation of Teachers could prove very useful in efforts to ban removals of young children in other districts. Check out the [Texas AFT website](#) to see if your district has a local chapter.

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<sup>6</sup> The American Federation of Teachers, *American Educator*, Winter 2015-2016, available at [http://www.aft.org/sites/default/files/ae\\_winter2015.pdf](http://www.aft.org/sites/default/files/ae_winter2015.pdf).

## V. Bans in Other States/Districts

The chart below tracks suspension bans that have been adopted or proposed in other states:

State	Law/Bill/Proposal	Status	Article Link
New York	<p>Bans suspensions for non-violent infractions for grades K-3.</p> <p>Requires use of alternatives to suspensions</p>	<p><a href="#">Legislation</a> proposed Oct 2015</p>	<p><a href="http://www.aqeny.org/2015/10/press-release-former-chief-justice-judith-kaye-assembly-education-chairwoman-catherine-nolan-join-coalition-seeking-legislation-for-comprehensive-reform-of-school-discipline/">http://www.aqeny.org/2015/10/press-release-former-chief-justice-judith-kaye-assembly-education-chairwoman-catherine-nolan-join-coalition-seeking-legislation-for-comprehensive-reform-of-school-discipline/</a></p>
Oregon	<p>Prohibits out-of-school suspensions for students younger than 5th grade, except for non-accidental actions that cause (or threaten to cause) serious physical harm, as described by statute.</p>	<p><a href="#">SB 553</a> Passed 2015:</p>	<p><a href="http://www.youthrightsjustice.org/media/3753/sb-553-press-release.pdf">http://www.youthrightsjustice.org/media/3753/sb-553-press-release.pdf</a></p>

California	<p>Prohibits suspensions for “wilful defiance” (dress code violations, talking back, failing to have school materials, etc) for K-3.</p> <p>Prohibits willful defiance expulsions for all students.</p> <p>Districts within CA have banned willful defiance suspensions for all students (inc LA, SF, Oakland)</p>	<p><a href="#">AB 420</a> Passed 2014</p>	<p><a href="https://www.aclunc.org/news/california-enacts-first-nation-law-eliminate-student-suspensions-minor-misbehavior">https://www.aclunc.org/news/california-enacts-first-nation-law-eliminate-student-suspensions-minor-misbehavior</a></p>
Connecticut	<p>Prohibits OSS and expulsions for PK-2nd graders</p>	<p><a href="#">SB 1053</a> Passed 2015</p>	<p><a href="https://newhavenbeat.wordpress.com/2015/09/02/ban-on-early-grade-suspensions-signed-into-law/">https://newhavenbeat.wordpress.com/2015/09/02/ban-on-early-grade-suspensions-signed-into-law/</a></p>
Seattle	<p>Bans OSS for elementary students for disruptive conduct, rule breaking, and disobedience.</p> <p>Specifically cites disproportionate impact of removals on students of color</p>	<p><a href="#">Resolution</a> Approved Sept 2015</p> <p>In effect for 1 year</p>	<p><a href="http://www.slate.com/blogs/schooled/2015/09/28/seattle_school_suspension_ban_cutting_down_on_racial_discrepancies_in_discipline.html">http://www.slate.com/blogs/schooled/2015/09/28/seattle_school_suspension_ban_cutting_down_on_racial_discrepancies_in_discipline.html</a></p>
Miami	<p>2015-16 school year, began implementing plan to eliminate ALL OSS. BUT, part of that plan includes pouring money into “Success Centers” so that students who are given OSS have somewhere to go</p>	<p>Began Sept 2015</p>	<p><a href="http://www.miamiherald.com/news/local/education/article31934748.html">http://www.miamiherald.com/news/local/education/article31934748.html</a></p>

Minneapolis	Prohibits suspensions for PK-1 for non-violent behavior	Directive given by District Superintendent, Sept 2014	<a href="http://www.startribune.com/minneapolis-schools-ban-suspensions-of-youngest-students/274043091/">http://www.startribune.com/minneapolis-schools-ban-suspensions-of-youngest-students/274043091/</a>
Washington, D.C.	Prohibits suspensions and expulsions of Pre-K students	<a href="#">Act 21-50</a> Approved May 2015	<a href="https://www.washingtonpost.com/opinions/preschoolers-should-not-be-suspended-or-expelled/2015/03/06/80d02360-b918-11e4-a200-c008a01a6692_story.html">https://www.washingtonpost.com/opinions/preschoolers-should-not-be-suspended-or-expelled/2015/03/06/80d02360-b918-11e4-a200-c008a01a6692_story.html</a>
Houston	Prohibits discretionary exclusions for kids 2nd grade or younger. For 3-5th grades, discretionary exclusions can only be used as a last resort.	Passed January 2016.	<a href="http://blogs.houstonisd.org/news/2015/10/12/hisd-proposal-calls-for-ban-on-suspensions-expulsions-for-youngest-students/">http://blogs.houstonisd.org/news/2015/10/12/hisd-proposal-calls-for-ban-on-suspensions-expulsions-for-youngest-students/</a>
Georgia	“Too Young to Suspend Act” HB 135: Would eliminate suspensions and expulsions for Pre-K through 3 except for certain offenses and provide for PBIS training	Proposed in previous session, back on agenda Jan 2016, with expansion of coverage to 3 <sup>rd</sup> grade	<a href="http://www.wtvm.com/story/30971397/ga-house-democrats-release-2016-legislative-agenda">http://www.wtvm.com/story/30971397/ga-house-democrats-release-2016-legislative-agenda</a>

## VI. Sample Policy Language

Below are two sample policies that ban suspensions for young students—one from Houston ISD and the other from Oregon (state law). Texas Appleseed is happy to assist in the drafting and editing of any policies that ban classroom removals for young students.

### Houston

The Houston ISD proposal that passed in January, 2016 contained the following provisions:

These guidelines do not replace or supersede FOA(LEGAL), which allows a teacher to remove a student from the classroom. Additionally, these guidelines extend to CNA4(REGULATION) regarding enforcement of student discipline pertaining to student transportation.

A District employee shall adhere to the following general guidelines when imposing discipline:

1. A student shall be disciplined when necessary to improve the student's behavior, to maintain order, or to protect other students, school employees, or property.

2. A student shall be treated fairly and equitably. Discipline shall be based on an assessment of the circumstances of each case. Factors to consider shall include: a. The seriousness of the offense; b. The student's age; c. The frequency of misconduct; d. The student's attitude; e. The potential effect of the misconduct on the school environment; f. Requirements of Chapter 37 of the Education Code; and g. The Code of Student Conduct adopted by the Board.

3. Beginning with the 2016–2017 school year, no student shall be informally sent home. No student prior to third grade shall be suspended, placed into a disciplinary alternative setting, or expelled, except as required by law. Disciplinary actions that remove students from their school setting shall be used as a last resort for other elementary students in third through fifth grades.

4. Before a student under 18 is assigned to detention outside regular school hours, notice shall be given to the student's parent to inform him or her of the reason for the detention and permit arrangements for necessary transportation. All school-based faculty and staff shall be trained annually in methodologies to provide a positive school climate, crisis prevention, and strategies for de-escalating disciplinary challenges. Additionally, school-based faculty and staff will be trained periodically on the issues of equity based on age, race, color, ancestry, national origin, gender, handicap or disability, marital status, religion, veteran status, political affiliation, sexual orientation, gender identity, and/or gender expression as applied to the population served on that campus. Annually, all school principals will publically share disaggregated disciplinary data and the plans for improving school climate/reducing student misbehavior and rectifying inequities.

The Houston School Board also allocated funds for educator training as part of its policy. This training in alternatives to classroom removals was key in convincing several Board members to adopt the policy.

One shortcoming of the Houston policy was that it did not completely ban exclusions for all elementary school students.

### **Oregon**

One of the most comprehensive bans on elementary suspensions was passed in Oregon. The relevant language of that statute reads:

(d) In addition to any limitations imposed by paragraph (c) of this subsection, for a student who is in fifth grade or lower, must limit the use of out-of-school suspension or of expulsion to the following circumstances:

(A) For nonaccidental conduct causing serious physical harm to a student or school employee;

(B) When a school administrator determines, based upon the administrator's observation or upon a report from a school employee, that the student's conduct poses a direct threat to the health or safety of students or school employees; or

(C) When the suspension or expulsion is required by law.



(e) When an out-of-school suspension is imposed as provided under paragraph (d) of this subsection, must require the school district to take steps to prevent the recurrence of the behavior that led to the out-of-school suspension and return the student to a classroom setting so that the disruption of the student's academic instruction is minimized.

## Appendix A: School Board Meeting Talking Points

Research: Decades of research show that classroom removals are bad for children. There is literally no reliable research that calls for the use of suspensions, expulsions, or alternative school placements to improve student behavior in the long or short term.

- Chapter 37 of the Texas Education Code mandates classroom removals for certain serious offenses, like assault. The Houston proposal does not impact these. HISD has proposed banning removals for discretionary offenses—relatively minor violations that are in the district’s Student Code of Conduct.
  - A study of nearly one million 7<sup>th</sup>-12<sup>th</sup> graders in Texas showed that 97% of classroom removals are for relatively minor discretionary offenses. We can assume the same high numbers for young children since all suspensions (and many DAEP placements) fall into the discretionary punishment category.
- Classroom removals, including in-school suspensions (ISS), out-of-school suspensions (OSS), Disciplinary Alternative Education Program (DAEP) placements, and expulsions are harmful for children:
  - Removals in early grades increase the likelihood of future classroom removals which, studies show, are related to increased grade retention, high school dropout, and contact with the juvenile justice system. In fact, the Texas Education Agency names placement in a DAEP program as one of the risk factors for dropout.
  - Students who are removed from class miss valuable classroom learning time.
  - When young children are removed from class, a parent or guardian must stay home, potentially compromising employment and housing for working families.
  - Young students who are punished with classroom removals are labeled early as “problem children” by teachers and peers. This impacts how those future teachers and peers view the “problem child’s” behavior (this is especially problematic when children of color and children with disabilities are disproportionately punished). Additionally, young children may internalize the “problem child” label and believe that they are indeed bad or not worthy of positive intervention.
  - Excluding children from class models ineffective problem-solving and interpersonal relationships, which can have lifelong consequences for children.
- Removing a misbehaving child from class does not help the children who remain behind. This is a common myth that is not supported by research. The American Psychological Association found that “schools with higher rates of school suspension and expulsion appear to have less satisfactory ratings of school climate, to have less satisfactory school governance structures, and to spend a disproportionate amount of time on disciplinary matters. Perhaps more important, recent research indicates a negative relationship

between the use of school suspension and expulsion and schoolwide academic achievement, even when controlling for demographics such as socioeconomic status.”

- The American Federation of Teachers has officially endorsed ending the use of discretionary classroom removals. The AFT’s winter 2015 policy [publication](#) called for the removal of zero tolerance discipline policies and the increased use of evidence-based alternatives.
- In elementary school, classroom exclusions have a disproportionately high impact on African American students, boys, and children who receive special education services.

Data:

- According to 2013-14 data collected by the Texas Education Agency:
  - Texas schools issued 88,210 out-of-school suspensions to Pre-K through 5<sup>th</sup> graders.
  - Texas schools issued 193,819 in-school suspensions to Pre-K through 5<sup>th</sup> graders.
  - African American children make up \_\_\_% of the total \_\_\_\_\_ elementary school population, but account for \_\_\_% of total Pre-K OSS placements, \_\_\_% of total Kindergarten-2<sup>nd</sup> grade OSS placements, and \_\_\_\_\_% of total 3rd-5<sup>th</sup> grade OSS placements.
  - Children who receive special education services represent approximately \_\_\_% of the total \_\_\_\_\_ ISD student population, but account for \_\_\_% of out-of-school suspensions issued to elementary school students.

# Appendix B: Letter from Advocates to Houston ISD Board of Trustees

February 3, 2016

## RE: Prohibiting Classroom Removals of HISD's Youngest Students

Dear Members of the Houston Independent School District Board of Trustees:

We write to you as a united group of individuals and organizations dedicated to the fair and equitable treatment of students in Texas public schools. We urge you to vote in support of the Houston ISD proposal that would eliminate discretionary suspensions, expulsions, and Disciplinary Alternative Education Program (DAEP) placements for children in grades Pre-K through two, and limit such removals for students in grades three through five. At the HISD Board meeting on November 12<sup>th</sup>, this important proposal was amended—we strongly encourage you to return to the original proposal and ensure that it is adopted.

Adopting the original proposal would secure HISD's position as a forward-thinking, model school district, dedicated to using evidenced-based methods to support student safety and success. HISD could become one of the largest districts in the country, and the first in Texas, to adopt a policy that would so clearly address the harms of discretionary classroom removals, including missed classroom learning time, early labeling of students, and hardships for working families.

In addition to urging you to reconsider and adopt HISD's original proposal, we would like to take this opportunity to address several misconceptions about the use, and prohibition of, discretionary exclusionary discipline practices like suspensions, expulsions, and DAEP placements:

### 1. Remaining Children are Hurt by School Removals.

Some people believe that removing a student from a classroom benefits the children who remain behind. However, research shows that this is not true. Schools that have higher rates of suspensions and expulsions also have lower school climate ratings and report spending a disproportionate amount of time on student discipline.<sup>7</sup> Further, research demonstrates “a negative relationship between the use of school suspension and expulsion and schoolwide academic achievement, even when controlling for demographics such as socioeconomic status.”<sup>8</sup>

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<sup>7</sup> See American Psychological Association Zero Tolerance Task Force, *Are Zero Tolerance Policies Effective in Schools?: An Evidentiary Review and Recommendations*, American Psychologist, 854, Dec. 2008, citing Bickel, F. & Qualls, R., *The impact of school climate on suspension rates in Jefferson County Public Schools*, Urban Review (1980); Scott, T. M., & Barrett, S. B., *Using staff and student time engaged in disciplinary procedures to evaluate the impact of school-wide PBS*, Journal of Positive Behavior Interventions (2004).

<sup>8</sup> *Id.*, citing Davis, J. E., & Jordan, W. J., *The effects of school context, structure, and experiences on African American males in middle and high schools*, Journal of Negro Education, 63, 570–587 (1994); Raffaele-Mendez, L. M., & Knoff, H. M., *Who gets suspended from school and why: A demographic analysis of schools and disciplinary infractions in a large school district*, Education & Treatment of Children, 26, 30–51 (2003); Skiba, R. J., & Rausch, M. K., *Zero tolerance, suspension, and expulsion: Questions of equity and effectiveness*, in C. M. Evertson & C. S. Weinstein (Eds.),

Research released in November, 2015, shows that a recent major reduction in discretionary suspensions in California correlates with higher district achievement.<sup>9</sup> In the districts with reduced suspension rates, African American students experienced the most significant academic gains.<sup>10</sup> It is important to note that this analysis does not even account for the reduction in suspensions that will occur as a result of California’s 2014 ban on removals of young children for the commonly-punished offense, “willful defiance.”

Psychology-based studies suggest that school expulsion and suspension practices are associated with negative educational and life outcomes.<sup>11</sup> When educators remove children from class, they fail to address student misbehavior in a meaningful way, thereby setting the stage for future class interruptions and additional ineffective removals, thus amplifying the harms felt by all students. This is especially true considering that the vast majority of classroom removals are discretionary (based on Student Code of Conduct violations that do not actually threaten school safety) and are not mandated by Texas law.

## 2. Classroom Removals are Not a Necessary Tool for Educators.

A few educators argue that they need to suspend young children in order to maintain order in their classrooms, believing that removals of young children are an effective classroom management tool. However, **decades of research show that class removals are harmful to students**—there is no research that shows that the opposite is true. A “tool” is a method that works to address a problem. Suspensions and other removals do not work. They are not effective tools. They are methods whereby school districts can avoid dealing with underlying issues affecting the child or the district, such as unstable home environment, mental health issues, or other unmet student needs. These exclusions can cause immediate and future harms, especially for young children—who are in a particularly meaningful developmental stage—and children of color and children with disabilities, who are disproportionately impacted by discipline policies.

Houston ISD has proposed a tiered system of training and intervention methodologies that would reduce reliance on harmful discretionary school removals and provide educators with evidence-based training on effective student and classroom management. Funds and trained professionals have been designated as

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Handbook of classroom management: Research, practice, and contemporary issues (pp. 1063–1089), Mahwah, NJ: Erlbaum (2006).

<sup>9</sup> Losen, D. et. al, *Closing the School Discipline Gap in California: Signs of Progress*, The Center for Civil Rights Remedies, Nov. 2015, *available at* [http://civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/summary-reports/ccrr-school-to-prison-pipeline-2015/ClosingtheGapCA15\\_UCLA6.pdf](http://civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/summary-reports/ccrr-school-to-prison-pipeline-2015/ClosingtheGapCA15_UCLA6.pdf) .

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

<sup>11</sup> United States. U.S. Department of Health And Human Services & U.S. Department Of Education: Joint Policy Statement On Expulsion And Suspension Policies In Early Childhood Settings (December 10, 2014), *available at* <http://www2.ed.gov/policy/gen/guid/school-discipline/policy-statement-ece-expulsions-suspensions.pdf> (citing Lamont, J. H., Devore, C. D., Allison, M., Ancona, R., Barnett, S. E., Gunther, R. & Young, T. (2013). Out-of-school suspension and expulsion. *Pediatrics*, 131(3), e1000-e1007; Petras, H., Masyn, K. E., Buckley, J. A., Ialongo, N. S., & Kellam, S. (2011). Who is most at risk for school removal? A multilevel discrete time survival analysis of individual- and context-level influences. *Journal of Educational Psychology*, 103, 223; American Psychological Association, Zero Tolerance Task Force Report (2008). An evidentiary review and recommendations.

part of the district’s plan. These are the “tools” that educators should rely on for short- and long-term classroom safety and success.

### **3. Some Students Experience Removals at Disproportionately High Rates.**

There is little debate around the data showing that young boys, African American children, and students with disabilities are punished and harmed by classroom removals at disproportionately high rates. We urge you to focus on the impact the Board’s policy decisions could have on certain young children. Currently, 70% of HISD suspensions issued to very young children go to African American boys. These students are feeling the well-documented effects of removals more than other students—“[y]oung students who are expelled or suspended are as much as 10 times more likely to drop out of high school, experience academic failure and grade retention, hold negative school attitudes, and face incarceration than those who are not.”<sup>12</sup>

As HISD Trustees, you have the power to change how all children are treated and correct a major systemic failure that is pushing students out of school. We urge you to reject discipline policies and practices that are known to harm children and instead encourage educators and administrators to embrace effective tools that support student success and improve school climate. We ask that you reconsider and adopt HISD’s original policy concerning classroom removals of young students.

Please feel free to contact any of us with questions.

Sincerely,

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<sup>12</sup> U.S. Depts of Education & Health and Human Services, *Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings*, 2014, available at <https://www2.ed.gov/policy/gen/guid/school-discipline/policy-statement-ece-expulsions-suspensions.pdf>.

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