



Removing Kids from School? It's Costly!

KIDS MISBEHAVE, BUT IS SPENDING MILLIONS OF dollars to suspend, expel, or refer them to alternative disciplinary schools the answer?



Not according to Texas Appleseed's latest report, **Breaking Rules, Breaking Budgets**. Approaches like Positive Behavioral Interventions and Supports—that model and reinforce good behavior in the classroom—have consistently produced better results for students and cost taxpayers less money. “Because our schools are dealing with deep cuts in state funding for public education, it is critical to carefully scrutinize and reevaluate the sizeable spending on school disciplinary approaches that are failing children and failing teachers,” said Appleseed Staff Attorney **Kathryn Freeman**.

Texas Appleseed determined that 11 surveyed school districts, educating a quarter of the state's public schoolchildren, spent a combined **\$227 million** in 2010-11 alone on exclusionary discipline, school security, and school policing. The survey included Dallas, Houston, and San Antonio ISDs.

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THE LATEST...

PEOPLE

■ **Attorney Ricardo G. Cedillo**, a founder of Davis, Cedillo & Mendoza Inc., San Antonio, has joined our Board. Recognized by Texas Lawyer and others as a leader in commercial law and products liability, Cedillo formerly chaired the Lawyers' Committee for Civil Rights Under Law of Texas and has taught numerous State Bar continuing legal education courses.

■ **Houston attorney Sydney Ballesteros**, Partner with Gibbs & Bruns LLP, is the newest member of our Board. Experienced in complex commercial litigation and identified as a “Rising Texas Star” by Texas Super Lawyers, Ballesteros is interested in issues impacting vulnerable Texans.

PROJECTS

■ We are grateful for our latest grant support from the **Ford Foundation**, for our fair housing and disaster recovery work; the **Meadows Foundation**, for our foster care and mental health code projects; and the **Rees-Jones Foundation**, for foster care.

Appleseed Shares Disaster Rebuild Lessons

EAST COAST STATES HARD HIT BY HURRICANE SANDY ARE REACHING out to Gulf Coast advocates, including Texas Appleseed, to benefit from “lessons learned” in the disaster recovery process.

“The **National Fair Housing Alliance** and the **Legal Services Corporation** are facilitating these conversations,” said Texas Appleseed attorney **Madison Sloan**, who has worked alongside the **Texas Low Income Housing and Information Service (TLIHIS)** in the wake of Hurricanes Rita, Ike and Dolly to monitor the rebuilding process.

“We on the Gulf Coast learned the hard way that it is critical to pay close attention to how and where the billions of dollars in federal community block grant dollars are

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Surveying Hurricane Ike's destruction on Galveston Island.

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What It Takes to Find a Permanent Home for a Child...

There are nearly 30,000 Texas children in foster care—and **one in five of those in long-term care** have historically “aged out” of the system at age 18, with no family.

But over the past year, Texas Appleseed has worked with courts to encourage the use of best practices that can potentially move more children, more quickly out of foster care and into safe, permanent homes. Here is just one success story:

A wheel-chair bound 17-year-old with a serious medical condition was about to “age out” of foster care, despite his being with the same family since he was a baby. Associate Judge Angela Ellis (315th Harris County District Court) followed a recommended best practice—bringing the teenager, his foster parents, Child Protective Services, and others to court to find out why the boy had not been adopted. The judge learned that the foster parents had not adopted the boy because to do so meant losing funds needed to help cover the boy’s medical expenses. The judge ordered the funding to continue post-adoption, and the boy secured what he most wanted—a permanent home.

APPLESEED JUSTICE GAINS IN 2012

PAYDAY LENDING: San Antonio joins the cities of Dallas and Austin in voting to rein in payday and auto title lending within city limits.

FAIR HOUSING: Galveston agrees to rebuild public housing units destroyed by Hurricane Ike and avoid loss of federal funds.

JUVENILE JUSTICE: The state’s juvenile justice agency is now moving to keep youth closer to home and provide community-based rehabilitation.

FOSTER CARE: More courts are looking at best practices to expedite finding permanent homes for children in foster care.

SCHOOL DISCIPLINE: The state Supreme Court’s judicial commission is working with us to scale back misdemeanor ticketing of school children for misbehavior.

THE LATEST...

PROJECTS

■ **Texas law gives prosecutors and trial courts broad discretion to decide what evidence to provide to defense counsel—and how that evidence will be produced.** We want to thank all who participated in our recent survey of counties’ criminal discovery practices, as well as pro bono attorneys at **Locke Lord LLP** for their research assistance.

■ **Our Board awarded 14 scholarships to Diversity Legal Scholars in 2012 to cover the cost of Kaplan’s Law School Admissions Test**

prep course. The next scholarship application deadline is March 1, 2013; applications can be downloaded from our website.

PEOPLE

■ **Jacques Ntomne recently joined our staff** as the new Hogg Mental Health Policy Fellow providing legal support for the Texas Mental Health Code update project. A graduate of Yale College and Stanford Law School, Jacques has prior experience providing legal representation to people with mental and physical disabilities on benefit, housing, civil commitment, and employment issues.

Good Apple Dinner in Pictures...



L-R: University of Texas President Bill Powers and Good Apple honoree Jim Sales



L-R: Texas Applesed Board Chair Allene Evans presents Pro Bono Leadership award to Baker Botts partner Rob Fowler

L-R: Dudley Oldham, Board member and Event Chair Layne Kruse and wife Gayle, and Dale Wainwright, Ret. Justice, Texas Supreme Court



L-R: Applesed Board members Ed Fernandez and Neel Lane

L-R: Shauna Clark and John Weber



Removing Kids from School *Continued from page 1*

Applesed factored in the Average Daily Attendance funding that districts lose when students are suspended from school, as well as the cost to operate Disciplinary Alternative Education Programs and to educate students expelled for *discretionary reasons* in a Juvenile Justice Alternative Education Program.

Texas-based research conducted by the Council of State Governments found that students are more likely to repeat a grade, drop out, or become involved in the juvenile justice system if removed from school for misbehavior.

“This study found that removing students from school for minor misbehavior does nothing to improve the academic performance of other students,” Freeman said.

“Reducing discretionary removals from the classroom, targeting policing and security services only where needed, and providing more classroom management training could save districts money,” she said.

The Texas Applesed report recommends reallocating a portion of these cost savings to fund behavior management programs that have been shown to reduce disciplinary referrals in schools across the country.

Disaster Rebuild Lessons *Continued from page 1*

allocated to ensure that the need for housing and critical infrastructure is met in low-income, vulnerable communities,” Sloan said. How Texas Applesed has impacted hurricane recovery:

- Our administrative complaint to the U.S. Department of Housing and Urban Development, jointly filed with TxLIHIS in late 2009, prevented the State of Texas from distributing \$1.7 billion in federal disaster relief on the basis of rainfall patterns instead of unmet need—and resulted in the reallocation of \$200 million to counties suffering the most flood damage from Hurricane Ike.
- Our resulting Conciliation Agreement with the State, approved by HUD, specified that low-income communities share in both housing and infrastructure rebuilding.
- Despite initial opposition to rebuilding public housing on Galveston Island, city leaders recently pledged to rebuild all 569 damaged units—as called for in the Conciliation Agreement—rather than risk the loss of more than \$500 million in federal disaster relief.

“We hope that sharing our disaster recovery experience will help advocates on the East Coast navigate the long and complex disaster recovery process,” Sloan said.

Justice Harriet O'Neill,
Ret., Texas Supreme
Court, congratulates
Jim Sales on his
2012 Good Apple Award



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Texas Appleseed: Investing in What's Possible



This has been another breakthrough year for Texas Appleseed's justice work. Some of our major milestones in payday lending, juvenile justice, disaster recovery, and foster care are highlighted in this newsletter. All have been at least three to five years in the making—and all are the product of extensive research, coalition building, public education, and tireless advocacy. At Texas Appleseed, we recognize that milestones are not final destinations, and systemic justice work is not for the short-sighted or the easily discouraged. Your generous gifts to Texas Appleseed are an “investment in what's possible”—a more just society with a social and economic underpinning that treats the most vulnerable the way we want to be treated ourselves.

As we look ahead to a New Year and new challenges, we renew our pledge to put your financial gifts and pro bono support to good use, to turn the “possible” into a more just society for all Texans.

Rebecca Lightsey Executive Director

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