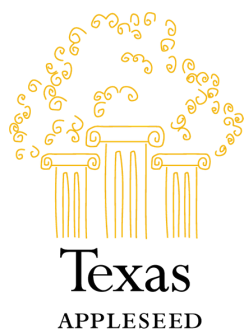


TEXAS: THE STATE OF SCHOOL DISCIPLINE

A LOOK AT THE DATA

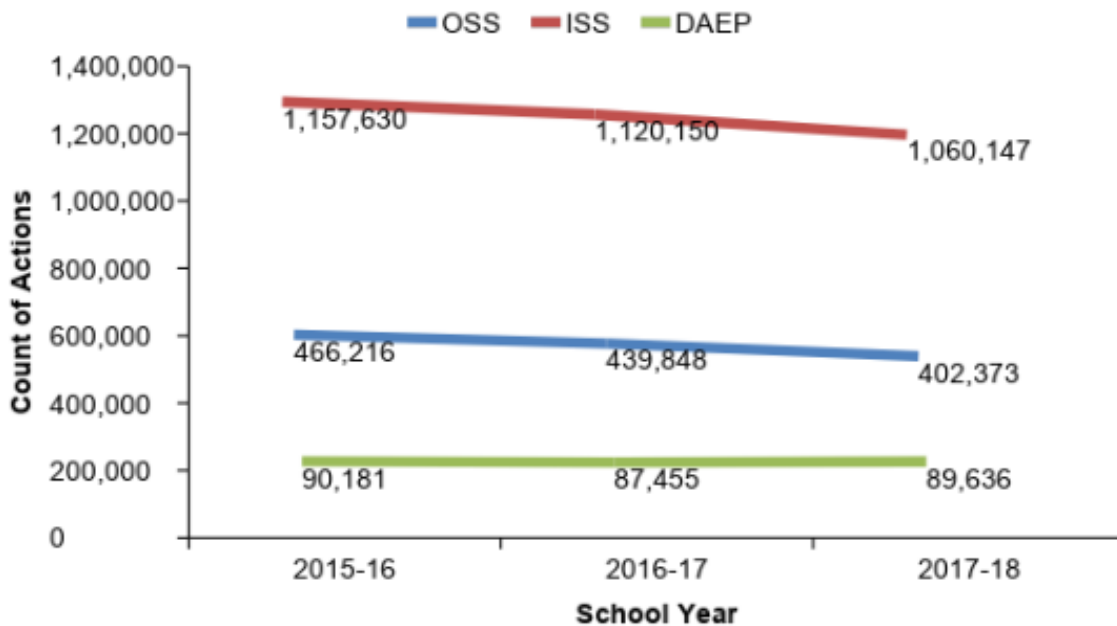
2017-2018



Texas schools could be losing ADA funding for as many as 1,207,119 school days of due to out-of-school suspensions.

School exclusions can be harmful for students. When students miss time with their regular teachers and peers, they may fall behind academically and important social development opportunities may be negatively affected. Students may start to disengage from school and lose trust in the adults on their campus. Research shows that even one suspension can increase the likelihood that students will be held back, will not graduate on time, and will have future contact with the justice system.

School exclusions also impact campus climates and school districts. Exclusionary discipline has been shown to negatively impact even students who are not excluded, and missed days cost districts Average Daily Attendance (ADA) dollars.



The data in this report were obtained through Open Records Requests to the Texas Education Agency. "OSS" refers to out-of-school suspensions, "ISS" refers to in-school suspensions, and "DAEP" refers to Disciplinary Alternative Education Program placements. TEA redacts data points reflecting fewer than five students. For the purposes of this report, we conducted analyses assuming the redacted cells were the minimum possible value (1). Therefore, many of the figures presented are conservative estimates.

WHAT ARE STUDENTS BEING PUNISHED FOR?

The Texas Education Code (Chapter 37) describes the policies and procedures for "Discipline; Law and Order" in Texas schools.

While some behaviors, and their corresponding punishments, are described in statute, school districts are also given the power to designate punishments in their Student Codes of Conduct. Punishments in statute are typically for more serious behaviors, and are often called "mandatory punishments." Punishments in a district's Student Code of Conduct are often called "discretionary punishments."

The Code requires that before any student is punished for any reason, school administrators must determine whether the student has a disability that impacted their ability to appreciate the wrongfulness of their conduct, whether the student acted in self-defense, the student's discipline history, and the student's intent at the time of the conduct. Though far from a complete list, these "mitigating factors" are an important way for school districts to avoid taking a harmful "zero tolerance" approach to students and punishing them without considering their needs or any conditions that could be impacting their behavior.

Schools should aim to avoid exclusionary discipline whenever possible and instead identify the training and structures that educators need to manage their classrooms and the supports students need to succeed.

Top 5 Most Common Reasons for Discipline

Rank	Offense	Disciplinary Actions (%)
1	Violated code of conduct	1,352,458 (87%)
2	Fighting/mutual combat	93,387 (6%)
3	Controlled substance/drugs	50,817 (3%)
4	Tobacco	12,490 (1%)
5	Assault – nondistrict employee	11,004 (1%)

Note: These include reasons for disciplinary action across all discipline types (i.e., ISS, OSS, JJAEP, DAEP)

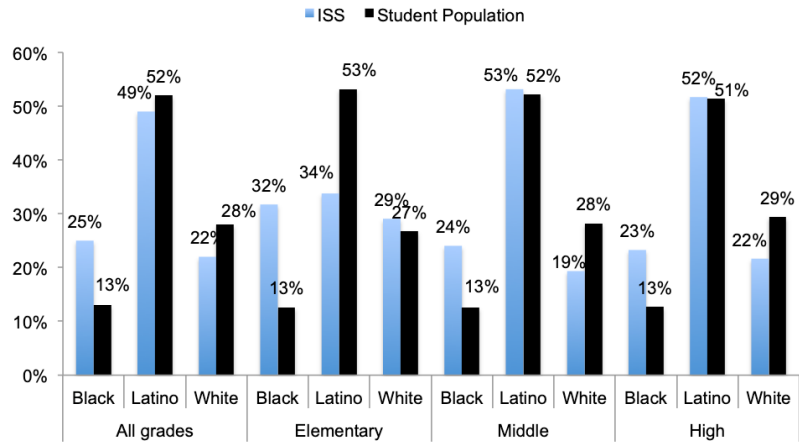
87%

The vast majority of punishments in Texas schools are "discretionary," for violations of a school district's Student Code of Conduct, not for more serious offenses that require punishment under the law.

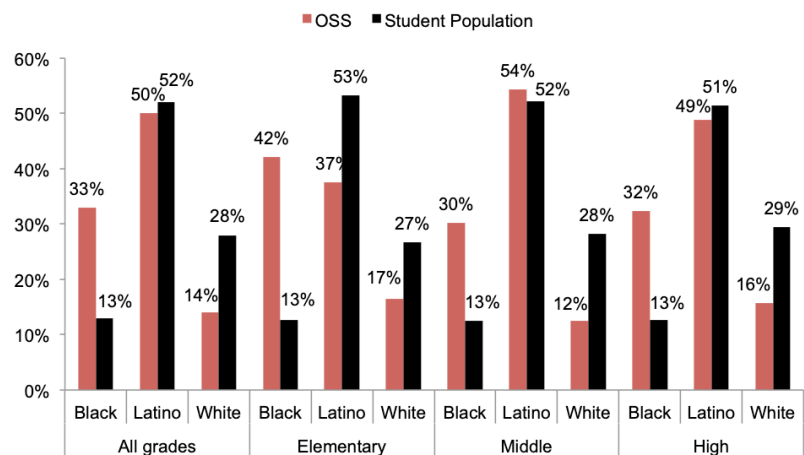
IMPACT ON STUDENTS OF COLOR

Black students and, often, Latino students are over-represented in exclusionary discipline, even across grade levels. Research shows that, controlling for a number of factors including poverty, a child's race is a predictor of whether they will be punished. Experts have established that children of color are more likely than their peers to be punished, even though they are not more likely to misbehave. They also are more likely to receive harsher punishments than their peers, even for the same behaviors. Texas exclusionary discipline data consistently show these discriminatory outcomes, confirming the need for intentional policy changes and training to address individual bias and systemic inequities.

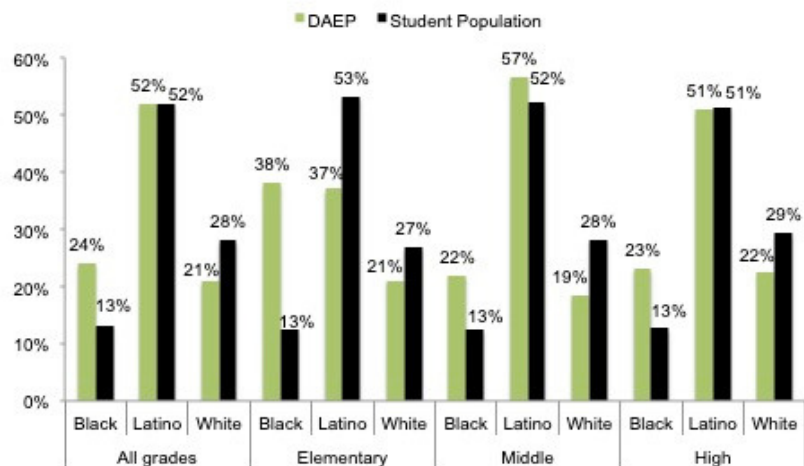
ISS Actions by Grade Level and Race/Ethnicity (2017-18)



OSS Actions by Grade Level and Race/Ethnicity (2017-18)



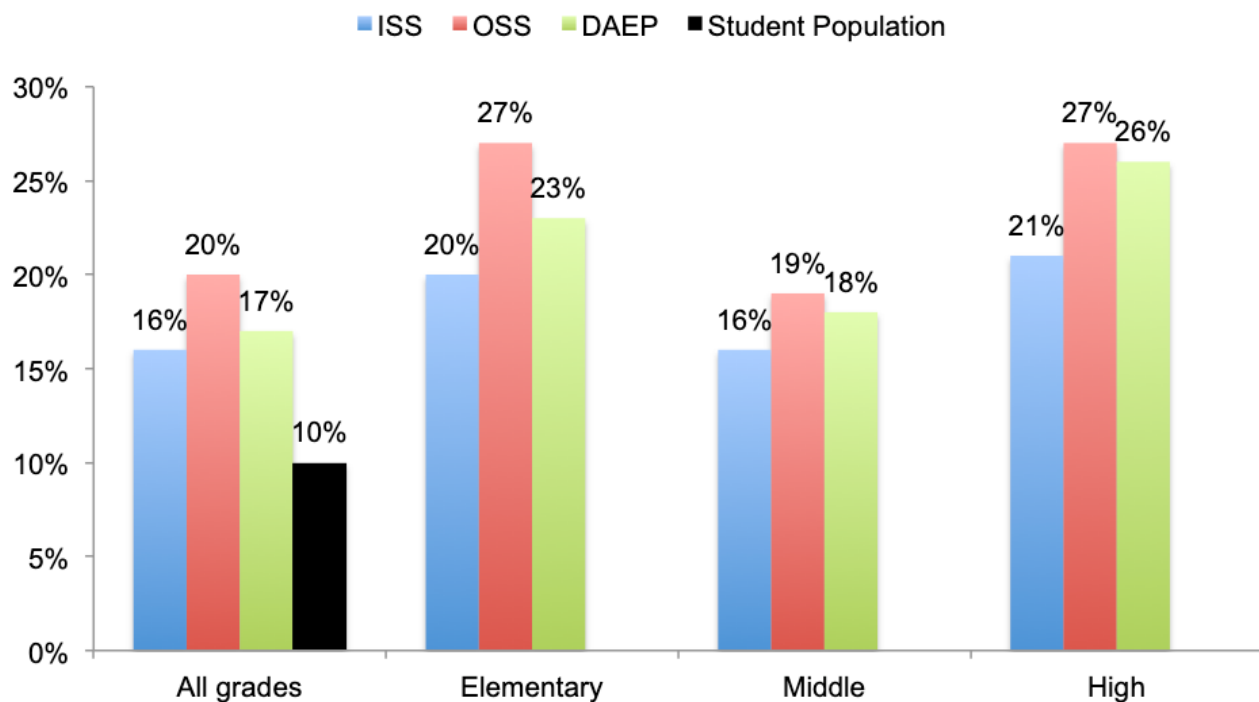
DAEP Actions by Grade Level and Race/Ethnicity (2017-18)



IMPACT ON STUDENTS WITH DISABILITIES

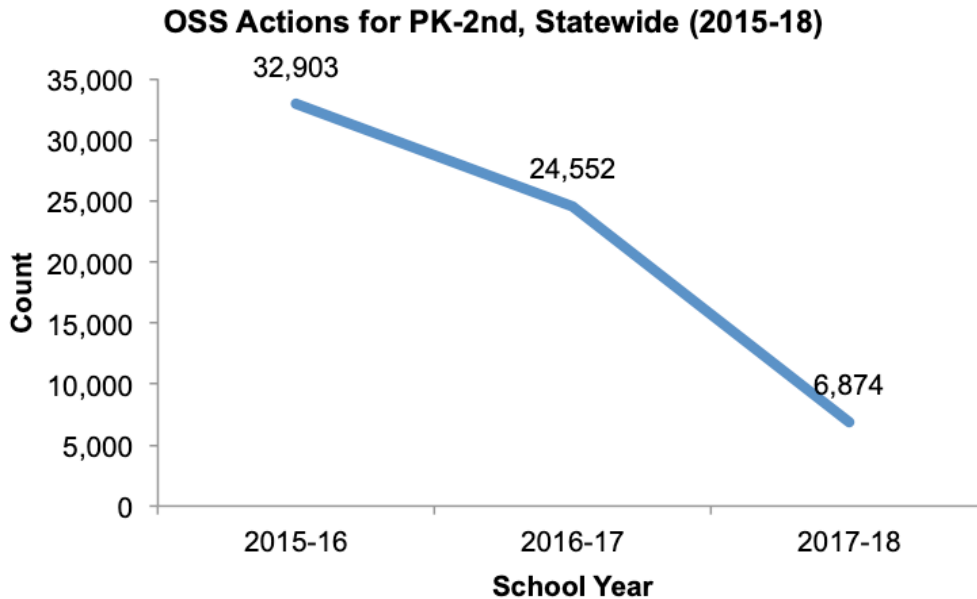
Students with disabilities are over-represented in exclusionary discipline though schools are required to identify students who need special education services and provide additional behavioral supports if necessary. When these requirements are ignored, students with disabilities can be unfairly punished. Texas school districts punish students with disabilities at higher rates than their non-disabled peers, compromising their ability to succeed academically and socially.

Disciplinary Actions for Students with Disabilities (2017-18)

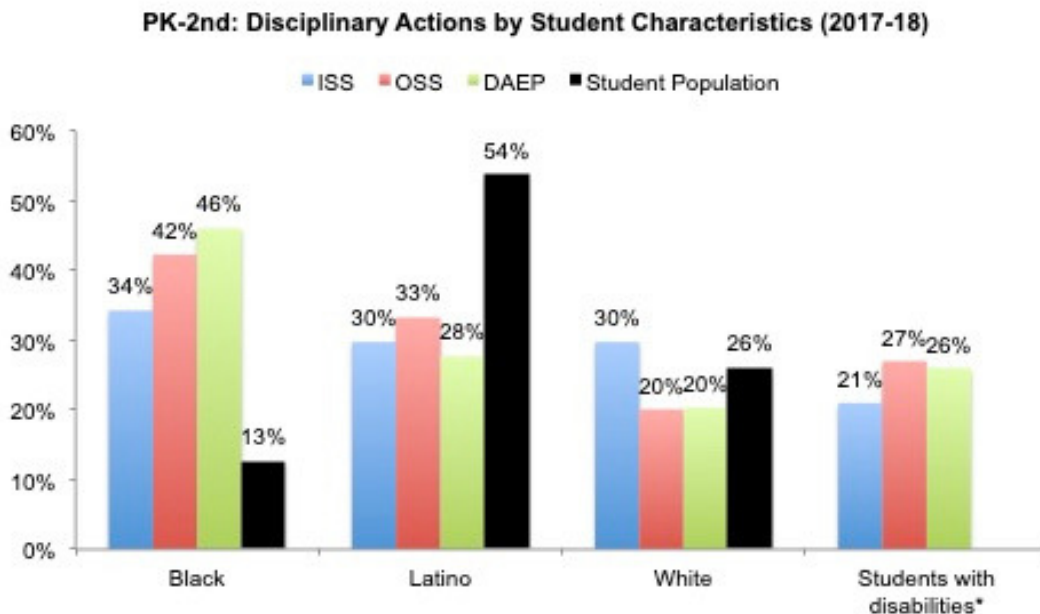


Note: Student population data for students with disabilities is unavailable by grade level.

TEXAS' YOUNGEST STUDENTS



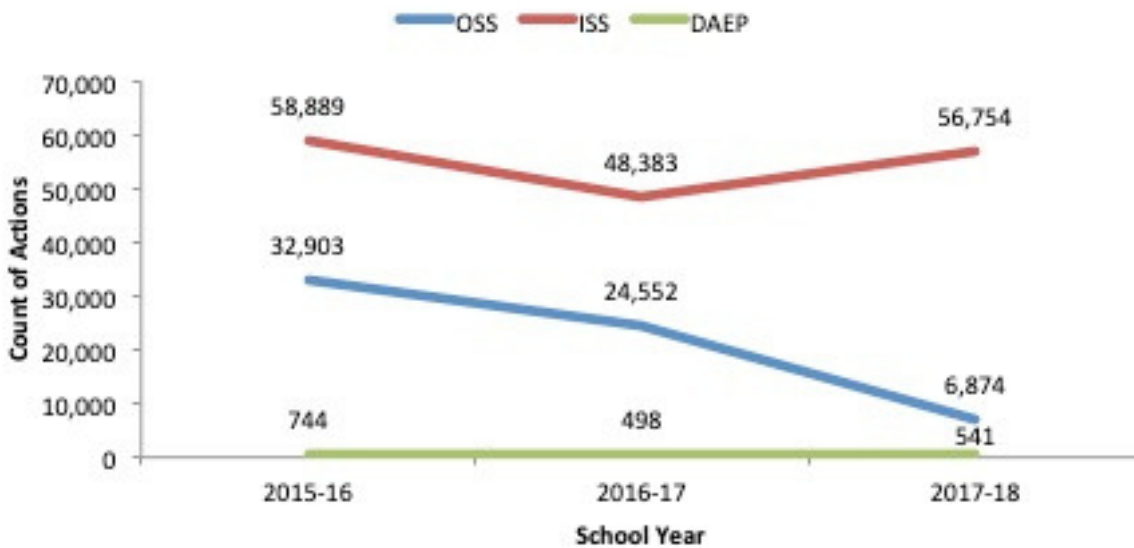
In 2017, the Texas Legislature passed House Bill 674, prohibiting most out-of-school suspensions for children in pre-K through second grade. This important bill also urged districts to adopt plans to use age-appropriate, research-based alternatives to exclusionary discipline that have been shown to keep students in class learning with their teachers and peers, including Positive Behavioral Interventions and Supports (PBIS), restorative practices, and trauma-informed practices. These are strategies that every school in the state should be using to support teachers and students, from pre-K through high school, for the simple reason that they are more effective at changing behavior and therefore keep more students in class and learning.



*Population of students with disabilities not available by grade level.

TEXAS' YOUNGEST STUDENTS

PK-2nd Disciplinary Actions (2015-18)



While out-of-school suspensions for the youngest students have declined statewide, there are still some school districts that continue to suspend students (some in clear violation of the new law) and others that rely on in-school suspensions and DAEP placements to respond to student needs instead of evidence-based alternatives. From the 2015-16 school year to the 2017-18 school year OSS rates have decreased by 79%, and DAEP rates have decreased by 26%. However, ISS rates have remained relatively flat, and there was a 19% increase in the ISS rate from the 2016-17 school year to the 2017-18 school year.

Top 10 Districts with the Highest OSS Actions for PK-2nd (2017-18)

Rank	District	Count (%)
1	Killeen ISD	823 (12%)
2	International Leadership of Texas	561 (8%)
3	Fort Worth ISD	316 (5%)
4	Edinburg CISD	228 (3%)
5	San Antonio ISD	223 (3%)
6	Klein ISD	183 (3%)
7	IDEA Public Schools	179 (3%)
8	Nacogdoches ISD	175 (3%)
9	Uplift Education	148 (2%)
10	Richardson ISD	147 (2%)
Grand Total		6,874

POLICY RECOMMENDATIONS



In many ways, Texas has been a leader in school discipline reform, but there is still important work to be done. Schools must reduce their reliance on exclusionary discipline and have meaningful access to strategies and training in alternatives to punitive discipline. In 2019, the Texas Legislature should:

- ✓ Ensure that **"school safety" measures** are focused on prevention and research-based programs that identify teacher and student needs and do not rely on exclusionary discipline and zero tolerance.
- ✓ End out-of-school suspensions for homeless students and expand the Chapter 37 "mitigating factors" to require that schools consider whether students are experiencing homelessness or are in the state foster care system before punishing them.
- ✓ Expand access to important in-school professionals, including school counselors, social workers, nurses, psychologists, restorative practices coordinators, and McKinney-Vento liaisons.