



Texas Appleseed
Testimony – Senate Committee on Education
Senate Bill 38
March 3, 2009

Texas Appleseed appreciates the opportunity to offer testimony for the Senate Committee on Education on Senate Bill 38, relating to considering school disciplinary placement information for accountability purposes. In our report, **Texas' School to Prison Pipeline, Dropout to Incarceration: the Impact of School Discipline and Zero Tolerance**, Texas Appleseed analyzed data school districts self-reported to the Texas Education Agency and found discrepancies among different student populations - information we feel should be shared with parents.

Through interviews, we found that many parents are critical of the disciplinary referral process and zero tolerance policies. Many counselors and Disciplinary Alternative Education Program (DAEP) principals indicated that referrals are often made without adequately addressing the reasons for the behavior at issue or considering other approaches.

We have recommended greater oversight and transparency of disciplinary data as well as better access of this data by parents. While we feel the Texas Education Agency does an excellent job at keeping discipline data, Senate Bill 38 will make school districts actually accountable to parents and their school communities by making these provisions part of Chapter 39 of the Texas Education Code, Public School Systems Accountability.

Discretionary Referrals

Almost half of Texas school districts have had a disproportionate discretionary referral rate of African American, Hispanic, or special education students. These students are referred to DAEPs, out-of-school suspension (OSS), and in-school suspension (ISS) at rates exceeding their representation in the student body.

African American Students

- Among Texas' school districts, **211** districts have disproportionately referred African American students DAEPs for one or more academic years between 2001 and 2006.
- Of these school districts, **45** districts disproportionately referred African American students each year during this five-year period.
- For one more academic years between 2001-2006, **503** districts referred African American students to OSS for code of conduct violations.
- Of these school districts, **143** disproportionately referred African American students in each of these five school years.
- African American students were disproportionately referred to ISS in **347** school districts between 2001-2006.
- Of these school districts, **152** disproportionately referred African American students in each of these five school years.

Hispanic Students

- Ninety-two school districts over-referred Hispanic students to ISS for one or more years between 2001 and 2006.
- Thirty districts have disproportionately referred Hispanic students to ISS each year of that five-year period (rate at least 10 percent above their representation in student body)

Special Education Students

- Almost one-third of Texas' school districts—or **412** districts—have overrepresented special education students in discretionary referrals to DAEPs at rates exceeding their representation in the student body for one or more years between 2001 and 2006.

- Seventy-nine districts disproportionately referred special education students to DAEPs annually for the five-year period between 2001 and 2006.
- Special education students are overrepresented in OSS at even higher percentages than minority students. In Texas, 722 school districts disproportionately referred special education students to OSS at least one or more years between 2001 and 2006.
- And, 317 school districts disproportionately referred special education students to OSS each year of the five-year period ending 2005-06.
- In Texas, 699 school districts have overrepresented special education students in discretionary ISS referrals one or more years between 2001 and 2006, compared to their overall representation in the district.
- Almost half of those (328 districts) have over-referred special education students to ISS every year between 2001 and 2006.

Pre-K, Kindergarten, and First Grade Students

- Fourteen school districts were responsible for almost half of the DAEP referrals of children in pre-K and kindergarten for academic years 2001-2006.
- More than 179 school districts together referred about 2,700 first-graders to DAEPs between 2001 and 2006.
- In 2005-06 alone, at least 600 first graders were sent to DAEPs, and 89 percent of these were discretionary referrals.

Personal Stories

- A parent called us from a rural school district concerned that her son, who has special needs, was being disciplined too harshly while his needs were not being addressed. She felt that other students were also being harshly disciplined, and that no one was making the school accountable for the disciplinary decisions that were being made, including those involving her son.
- Two parents contacted us stating their frustrations with their child's disciplinary incident and the lack of administrative help and support from their school district. They conducted their own research via the Internet and discovered their child's disciplinary referral was discretionary. They learned about the latitude school districts have that they believe allows school districts "to weave policies that tie the hands of parents and students ability to refute allegations." The superintendent of the school district advised the parents to move on; they have refused, stating that when they share their story they hear similar stories from other parents.
- Another parent contacted us about her frustrations regarding her son, who was receiving special education services, but continually being disciplined and receiving discretionary referrals. She felt this discretion was being abused, and that schools do not realize the detrimental effects of these disciplinary referrals. Eventually, this parent's son suffered a breakdown and was under a doctor's care for some time.

Importance of Senate Bill 38

Since the release of our report, we have learned that parents and students, as well as educators desire access to their school's disciplinary data and have taken a great interest in our findings. We support Senate Bill 38 because of how it will:

- Provide for greater accountability and transparency from the school regarding disciplinary data; and
- Make disciplinary data accessible to parents by including it along with other school performance indicators on a student's report card, thereby providing an opportunity for increased parent involvement and a dialogue between the school and parents.