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TESTIMONY OF ERIC HARTMAN
ON BEHALF OF TEXAS AFT
BEFORE THE SENATE EDUCATION AND CRIMINAL JUSTICE COMMITTEES
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Texas AFT welcomes your comprehensive review of student-discipline practices. Our members believe the first thing our schools owe to all our students and school personnel is a safe haven for learning—a school environment free of violence, bullying, and disruption.

The Safe Schools Act (Chapter 37, Subchapter A of the Texas Education Code) passed in 1995 with the strong support of Texas AFT has established important principles. It establishes the authority of teachers in the classroom to remove a violent or disruptive student, compelling an administrative determination of the appropriate educational placement of the student. The Safe Schools Act also established the premise that students should not be expelled to the street even for the most serious types of misconduct but should in fact receive an appropriate educational placement. Texas AFT considers both of these aspects of the Safe Schools Act to be major steps forward from which the state has not retreated since the law's original enactment and should not retreat now.

While these core provisions of the law must be maintained, we also support implementation of systematic programs, such as school-wide positive behavior interventions and supports, to improve discipline management and to prevent violence, disruption, bullying, and harassment, and improve educational outcomes for all students. Out-of-school suspensions should be used judiciously, for a student repeatedly suspended from school is placed beyond the reach of effective intervention.

When a student's misconduct is serious enough to warrant disciplinary placement, the state should make sure that the disciplinary setting—whether a school district's own disciplinary alternative program or a county's juvenile-justice alternative education program—offers a full array of educational and social/behavioral services to help that student get back on track. Students referred to disciplinary alternative education programs should continue to receive strong academic instruction.

We support enforcement of provisions in the Safe Schools Act to discourage school districts from indiscriminately placing students in disciplinary alternative education programs or issuing tickets for trivial misconduct. We also urge the Texas Education Agency to investigate patterns of apparent discriminatory enforcement or non-enforcement of discipline standards.

We would caution against too quickly assuming that we know how school discipline relates to students' success and juvenile-justice involvement, as implied in the report by the Council of State Governments Justice Center and the Public Policy Research Institute at Texas A&M that you have heard about today. The study highlights eye-catching statistics, such as the 54 percent of students who reportedly experience at least one in-school or out-of-school suspension in the course of their secondary-school career. But some perspective is in order.

The study also shows that 70 percent of all disciplinary actions reported were in-school suspensions for as little as one class period; 22 percent were out-of-school suspensions for as little as one day and no more than three; 6 percent were placements in disciplinary alternative education programs; and fewer than 2 percent of all disciplinary actions were expulsions (most of which were to juvenile-justice alternative education programs operated by county juvenile-probation departments).

In fact, the study also shows that in a given school year the total percentage of students who experienced any formal disciplinary action, from in-school suspension on up to expulsion, was less than 6 percent (to be precise, 5.7 percent in 2010, the most recent year for which data were available).

Furthermore, data from the Texas Education Agency reported earlier this year reveal that the number of DAEP placements actually has been declining consistently from year to year, even as the overall student population has been growing. Out of more than five million students in 2010-2011, just 1.71 percent were placed at any time in a DAEP. The number of students expelled was just barely over one-tenth of 1 percent, or 6,278 out of more than five million, in 2010-2011.

Though the authors of the CSG/A&M study refer to academic difficulties and juvenile-justice involvement as "consequences" of school disciplinary actions, their study establishes no causal connection between school discipline and these outcomes. In other words, based on the correlations found in this study, one simply cannot conclude that a history of school disciplinary action causes academic failure or juvenile-justice involvement.

The study also does not even begin to explain why the vast majority of these students who experienced some disciplinary action in their middle-school and high-school years never came near the juvenile-justice system. In fact, this study does not rule out the possibility that discipline problems in school, academic deficiencies, and juvenile-justice encounters are in many instances all symptoms or results of deeper behavioral and social problems that have not been successfully addressed, whether out of school or in school.

Despite its limitations, the study does suggest there's reason to delve further into the reasons for the high percentages of African-American students and special-education students coded as having an "emotional disturbance" who experienced some formal disciplinary action in the secondary-school population studied. Of particular interest also would be a closer look at any notable differences in disciplinary and educational

policies and practices between those high schools with high rates of disciplinary actions and those with markedly lower rates, as identified in this study. We share with you a desire to see what lessons can be learned from such a comparison.

Texas AFT also shares with the study's authors the belief that schools can make a difference, particularly with up-to-date training for educators in dealing early and effectively with at-risk students, before behavioral problems get out of hand. In this vein, Texas AFT has mounted a sustained campaign for better training for administrators in the application of the Safe Schools Act. Classroom-behavior management has long been a core element of the professional training that the American Federation of Teachers and Texas AFT offer to members, including specific training in effective action to prevent or deal with bullying and in the appropriate use of the disciplinary authority vested in teachers under the Safe Schools Act. Both AFT and Texas AFT also are allied with others including the Children's Defense Fund in efforts to ensure that vulnerable children receive essential community-support services in the crucial years before they show up in our classrooms as well as after they arrive.

Texas AFT encourages you to keep digging to find all the facts—including the actual impact on local practices of recent amendments to the law, some of which have only taken effect this school year, such as changes in state criteria for referral to disciplinary alternative-education programs and the new anti-bullying law requiring local development of policies and programs adhering to state guidelines.

Based on the evidence available now, Texas AFT urges your two committees to keep in place the array of discipline tools that exist in current law, with special emphasis on the need to protect teachers' authority to remove disruptive students from their classroom. We also urge you to consider legislation to promote better training for administrators and teachers in the proper use of the tools in the Safe Schools Act. We have found that to this day administrators continue to misapply the law, failing for example to respect the provision in Section 37.003 that says only a placement-review committee can return a removed student to the teacher's classroom without the teacher's consent. We also urge the committee to look into the issue of serious disruption, bullying, and violence on school buses, where our bus drivers too often report they are not receiving administrative support in maintaining safety and order.

Texas AFT will soon undertake a new survey of our members to gather additional evidence on the incidence of violence, disruption, and bullying on campus and on school buses and on the effectiveness of measures to prevent or respond to such behavior and assure educational opportunity for all students. We invite members of the two committees to suggest questions for inclusion in our survey.

We recognize that it is not a simple matter to strike the right balance in student discipline. One of the best statements on the subject we have heard lately came from Rep. Sylvester Turner earlier this year, when he and his colleagues in the Texas Legislative Black Caucus held a press conference to condemn a flagrant example of violence on campus, captured on a student's camera/phone at a high school in Fort Bend ISD.

Rep. Turner said he and other leaders felt compelled “to speak out against these senseless acts of violence occurring on our school campuses to say that everyone has a role in keeping children and communities safe.” He continued: “Bringing weapons to school, engaging in disruptive behavior on school buses, bullying and fighting on our school campuses, breaking into homes and cars are not acceptable behaviors in our communities.” Rep. Turner then directly addressed the balance that needs to be struck in the enforcement of student discipline. He said: “Our children need to know that we love them, we support them, we will be there for them, we will work to make our schools and neighborhoods better for them. But they also need to know that bad behaviors are not the new norm and will not be tolerated.”