Summary of Findings

Presentation to Joint Senate Education and Senate Criminal Justice Committee Hearing, October 30, 2012

by Tony Fabelo, Ph.D.

Council of State Governments Justice Center

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Research Division Director

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Austin, Texas 78701
Large Volume of School Discipline Incidents as Officially Reported by TEA

<table>
<thead>
<tr>
<th>Discipline Action</th>
<th>Number of Actions</th>
<th>Number of Students</th>
</tr>
</thead>
<tbody>
<tr>
<td>In-School Suspensions (ISS)</td>
<td>1,537,324</td>
<td>596,422</td>
</tr>
<tr>
<td>Out of-School Suspensions (ISS)</td>
<td>529,699</td>
<td>265,543</td>
</tr>
<tr>
<td>Disciplinary Alternative Education Programs (DAEPs)</td>
<td>112,580</td>
<td>87,553</td>
</tr>
<tr>
<td>Juvenile Justice Alternative Education Programs (JJAEPs)</td>
<td>4,182</td>
<td>4,039</td>
</tr>
</tbody>
</table>

State Cumulative Year-End Enrollment: 5,063,863

Source: Texas Education Agency, Counts of Students and Discipline Actions by Discipline Actions Groupings, November 4, 2010 report for PEIMS 2010-2011 Data
Study Examines Inter-relationship Between School Discipline and Future Outcome Indicators

<table>
<thead>
<tr>
<th>How school discipline is administered:</th>
</tr>
</thead>
<tbody>
<tr>
<td>.......at student level over time?</td>
</tr>
<tr>
<td>.....and is there a “disproportional” impact on certain students?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>How school discipline involvement impacts:</th>
</tr>
</thead>
<tbody>
<tr>
<td>....grade retention?</td>
</tr>
<tr>
<td>....dropout?</td>
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<tr>
<td>....juvenile justice involvement?</td>
</tr>
</tbody>
</table>
Study Follows Over 900,000 Texas Students Overtime to Examine These Questions

<table>
<thead>
<tr>
<th>Year</th>
<th>7th</th>
<th>8th</th>
<th>9th</th>
<th>10th</th>
<th>11th</th>
<th>12th</th>
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<td>2004</td>
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<td>2006</td>
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<td>2007</td>
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</tbody>
</table>

Total Number of Students Tracked in Study:

- 2000: 305,767 Students
- 2001: 306,544 Students
- 2002: 316,629 Students
Student Record Data, Campus-Based Data and Juvenile Justice Record Systems Put Together for Robust Analysis

1. Academic Excellence Indicator System (AEIS)
   - Example of Campus Attributes
     - Accountability Rating
     - Percent Met State Test Standard
   - 3,896 campuses

2. PEIMS – Public Education Information Management System
   - Example of Student Attributes
     - Demographics
     - Grade
     - Attendance
     - Discipline
     - Disability
     - Retention
     - Test Scores
     - Mobility
   - Records for 5,157,683 students Grades 6-12 (1999-2000)

3. TX Juvenile Probation Commission Records
   - Attribute
     - Probation Referral
   - 840,831 individuals referred to Texas juvenile probation 1994-2008

87% of probation records had a matching school record

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Scope of the Study

Discretionary Violation
Administrator has discretion to suspend/remove student from classroom

- In-School Suspension (ISS)
- Out-of-School Suspensions (OSS)
- Placement in Disciplinary Alternative Education Programs (DAEPs)
- Expulsion to Juvenile Justice Alternative Education Programs (JJAEPs)

Mandatory Violation
Administrator is required to remove/expel student from classroom

Campus Police
Misdemeanor C Violation “Ticket and Release”
No Data Collected as Part of School Discipline Reporting System
No State Reporting Identifying Students Ticketed
Estimated over 120,000 “citations” issued to students*

Overview

- Background
- Findings
- Conclusions and Next Steps
Summary of Findings Regarding Involvement of Student in Discipline Violations and Disproportionate Impact

- Majority of students are suspended or expelled between 7th and 12th grades.
- Just three percent of suspensions/expulsions are the result of misconduct for which state mandates removal of the student from the classroom.
- African-American students and students with particular educational disabilities especially likely to experience discretionary violations.
Almost 2/3 of Students Suspended or Expelled During Study Period

Percent of Students with Discipline Actions During Study Period

- One or more discipline actions: 59.6%
- No discipline actions: 40.4%

553,413 of the 928,940 students studied had at least one discipline action during the study period.

The 553,413 students accounted for 4,910,917 suspensions or expulsions.

Median # of violations experienced per student = 4
Most Violations Were Discretionary Violations -- Not Mandatory Violations

- **Mandatory**: Less than three percent of violations were related to behavior for which state law mandates expulsion or removal.
- **Discretion**: Nine times out of ten, a student was suspended or expelled for violating the school’s code of conduct.

**Percent of Students Discretionary vs. Mandatory Violation**

- Discretionary School Code of Conduct: 92.6%
- Other Discretionary: 4.9%
- Mandatory Expulsion: 2.6%
Racial / Ethnic Distribution of Study Group

- 43% White
- 40% Hispanic
- 14% African-American
- 3% Other**

*Percentages rounded
**Other includes American Indian or Alaskan Native and Asian or Pacific Islander
Most African-American Students Experienced at Least One Discipline Violation During Study Period

<table>
<thead>
<tr>
<th></th>
<th>African-American</th>
<th>Hispanic</th>
<th>White</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percent of Students with One or More Discipline Action During Study Period</td>
<td>75%</td>
<td>65%</td>
<td>47%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>MALE students with at least one DISCRETIONARY violation</th>
<th>FEMALE students with at least one DISCRETIONARY violation</th>
</tr>
</thead>
<tbody>
<tr>
<td>African-American</td>
<td>83%</td>
<td>70%</td>
</tr>
<tr>
<td>Hispanic</td>
<td>74%</td>
<td>58%</td>
</tr>
<tr>
<td>White</td>
<td>59%</td>
<td>37%</td>
</tr>
</tbody>
</table>

*Percentages rounded
One Fourth of AA Students Experienced Eleven or More Discretionary Discipline Actions

Percent of Students with Discretionary Violations by Race

- **African American** (n= 133,719):
  - 0: 23.5%
  - 1-5: 36.1%
  - 6-10: 26.2%
  - 11+: 14.2%

- **Hispanic** (n= 366,900):
  - 0: 33.6%
  - 1-5: 37.0%
  - 6-10: 11.6%
  - 11+: 17.8%

- **White** (n= 400,104):
  - 0: 52.3%
  - 1-5: 30.7%
  - 6-10: 7.4%
  - 11+: 9.5%
Students Identified as Having Educational Disability

122,250 students (13.2% of students in the study) qualified for special education services.

Types of Disabilities:
- Learning Disability: 70.8%
- Emotional Disturbance: 17.7%
- Physical Disability: 9.9%
- Other Disability: 1.6%
Higher Percentage of Students with Educational Disabilities Involved in a Discretionary Discipline Violation

All Students in Study Group 928,940

Students with Disability at One Point During Study Period
122,250 (13%)

Number and Percent with Discretionary Violations
91,269 (75%)

Students with NO DISABILITY at One Point During Study Period
806,690 (87%)

Number and Percent with Discretionary Violations
441,389 (55%)

*Percentages rounded
### Racial and Disability Analysis Controlling for All Known Factors Considered in the Study

**African-American Students Most Likely to be Removed for Discretionary Violation But Least Likely for Mandatory Violation**

<table>
<thead>
<tr>
<th>DISCRETIONARY Action</th>
<th>MANDATORY Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>31% HIGHER Likelihood</td>
<td>23% LESS Likelihood</td>
</tr>
</tbody>
</table>

**Students with Emotional and Learning Disabilities Most Likely to be Removed for Discretionary or Mandatory Violations**

<table>
<thead>
<tr>
<th>DISCRETIONARY Action</th>
<th>MANDATORY Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emotional Disturbance</td>
<td>24% HIGHER Likelihood</td>
</tr>
<tr>
<td>Learning Disability</td>
<td>2% HIGHER Likelihood</td>
</tr>
</tbody>
</table>

* Please consult full report for complete explanation of multivariate analysis methodology and findings
Summary of Findings Regarding Outcomes

- Suspension/expulsion increases the likelihood of student repeating a grade, dropping out, or not graduating.
- Discipline actions increase the likelihood of juvenile justice involvement, particularly for those repeatedly disciplined.
- Campus discipline rates varied considerably from their expected rates.
**Discipline and Grade Retention and Dropout**

All Students in Study Group 928,940

Students with Discipline Actions 553,413 (60%)
- Held Back at Least One Year 169,939 (31%)
- Dropout 53,646 (10%)

Students with NO Discipline Action 375,527 (40%)
- Held Back at Least One Year 19,590 (5%)
- Dropout 8,208 (2%)

*Percentages rounded

** See report for issues related to the dropout data
More Discipline Actions, Higher Percentage of Failures

<table>
<thead>
<tr>
<th>Discipline Involvement</th>
<th>None</th>
<th>1 Violation</th>
<th>2-5 Violation</th>
<th>6-10 Violation</th>
<th>11+ Violation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percent of Students</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Repeating Grade</td>
<td>5%</td>
<td>12%</td>
<td>22%</td>
<td>36%</td>
<td>56%</td>
</tr>
<tr>
<td>Dropout</td>
<td>2%</td>
<td>5%</td>
<td>8%</td>
<td>11%</td>
<td>15%</td>
</tr>
<tr>
<td>Did Not Graduate During Study Period</td>
<td>18%</td>
<td>24%</td>
<td>34%</td>
<td>46%</td>
<td>59%</td>
</tr>
</tbody>
</table>

A student that experiences a discretionary discipline action was more than twice as likely to repeat a grade than a student with the same characteristics, attending a similar school, but who was not suspended or expelled.

*Percentages rounded
** See report for issues related to the dropout data
Juvenile Justice Contact Among Students Not Uncommon

More than one in seven (15%) of all students had a juvenile justice contact

<table>
<thead>
<tr>
<th></th>
<th>Percent of Males</th>
<th>Percent of Females</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>African-American</td>
<td>26%</td>
<td>14%</td>
<td>20%</td>
</tr>
<tr>
<td>Hispanic</td>
<td>22%</td>
<td>13%</td>
<td>17%</td>
</tr>
<tr>
<td>White</td>
<td>14%</td>
<td>8%</td>
<td>11%</td>
</tr>
</tbody>
</table>

*Percentages rounded
Higher Percentage of Student with JJ Contact in Group with Disciplinary Actions*

All Students in Study Group 928,940

Students with Discipline Actions
553,413 (60%)

- Number and Percent with Juvenile Justice Contact
  128,545 (23%)

Students with NO Discipline Action
375,527 (40%)

- Number and Percent with Juvenile Justice Contact
  8,047 (2%)

*Percentages rounded
More Discipline Actions, Higher Percentage of Juvenile Justice Contacts

<table>
<thead>
<tr>
<th>Discipline Involvement</th>
<th>Percent of Students with Juvenile Justice Involvement</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>2%</td>
</tr>
<tr>
<td>1 Violation</td>
<td>7%</td>
</tr>
<tr>
<td>2-5 Violation</td>
<td>15%</td>
</tr>
<tr>
<td>6-10 Violation</td>
<td>27%</td>
</tr>
<tr>
<td>11+ Violation</td>
<td>46%</td>
</tr>
</tbody>
</table>

A student who is suspended or expelled for a discretionary school violation is almost 3 times (2.85 times) more likely to have a juvenile justice contact in the next school year.

*Percentages rounded
Five School Districts and Their Distribution of Campuses Along Actual vs. Expected Rates

Variation Among 116 Campuses Studied in Five Populous School Districts

<table>
<thead>
<tr>
<th>District</th>
<th>Actual Discipline is Lower than Expected</th>
<th>Actual Discipline is As Expected</th>
<th>Actual Discipline is Higher than Expected</th>
</tr>
</thead>
<tbody>
<tr>
<td>District 1</td>
<td>64.3%</td>
<td>14.3%</td>
<td>21.4%</td>
</tr>
<tr>
<td>District 2</td>
<td>55.6%</td>
<td>27.8%</td>
<td>16.7%</td>
</tr>
<tr>
<td>District 3</td>
<td>76.9%</td>
<td>15.4%</td>
<td>7.7%</td>
</tr>
<tr>
<td>District 4</td>
<td>20.0%</td>
<td>33.3%</td>
<td>46.7%</td>
</tr>
<tr>
<td>District 5</td>
<td>23.7%</td>
<td>39.5%</td>
<td>36.8%</td>
</tr>
<tr>
<td>Number of Campuses</td>
<td>51</td>
<td>34</td>
<td>31</td>
</tr>
</tbody>
</table>

In 3 of the 5 districts the majority of the campuses were LOWER than expected discipline rates.

In one district almost half of the campuses were HIGHER than expected discipline rates.

There was variation from one district to another.

There was variation within a district.
Overview

- Background
- Findings
- Conclusions and Next Steps
Suspension, and to a lesser degree expulsion, is very common in middle and high schools.

African-American students and students with particular educational disabilities especially likely to experience discretionary violations.

Suspension / expulsion significantly increases likelihood of student repeating a grade, dropping out, and/or becoming involved in the juvenile justice system.

Schools, even those with similar characteristics, suspend and expel students at very different rates.
Supreme Court Chief, Wallace Jefferson

Committee on Juvenile Justice

US Attorney General Holder and US Education Secretary Duncan

Supportive School Discipline Initiative

CSG, Justice Center

National Consensus Project

Report Generating State and National Conversation
Supreme Court Committee Already Issued Recommendations

Authorize local governments to implement “deferred prosecution” measures in Class C misdemeanors to decrease the number of local filings from schools.

Ensure that local courts are the last and not the first step in school discipline (i.e., Amend Section 8.07 of the Penal Code to create a rebuttable presumption that a child younger than age 15 is presumed to not have criminal intent to commit a Class C Misdemeanors - with exception for traffic offenses).

Amend offenses relating to Disruption of Class, Disruption of Transportation, and Disorderly Conduct so that age (not grade level) is a prima facie element of the offense.

Amend existing criminal law and procedures to increase parity between “criminal juvenile justice in local trial courts” and “civil juvenile justice in juvenile court and juvenile probation.”

Members:

Hon. Orlinda Naranjo, Chair
  Judge, 419th Judicial District, Travis County

Hon. Sharon Keller
  Presiding Judge, Court of Criminal Appeals

Hon. Glenn D. Phillips
  Presiding Judge, City of Kilgore

Hon. Gary Bellair
  Presiding Judge, Ransom Canyon Municipal Court

Hon. Valencia Nash
  Justice of the Peace Pct. 1, Place 2, Dallas County

Mr. Henry Nuss
  Welder Leshin, Corpus Christi

Hon. Polly Spencer
  Judge, Probate Court #1, Bexar County
Building a National Consensus Around Policies and Practices

CSG Justice Center has successful history building consensus among leaders of multiple system

Over 100 leaders in education, law enforcement, juvenile courts, behavioral health working on consensus

First meeting held in October 9-10, 2012

Senator Whitmire is Chair of the Steering Committee overseeing project
Other Potential Ideas to Consider

Model Behavioral Management System: Require TEA to develop a model behavioral management system directed at preventing discipline violations and/or reducing the number of discipline violations

Campus Law Enforcement Training: Require campus law enforcement personnel to receive training in student behavior management techniques

Cap on Suspension Days: Encourage the use of suspensions to be more selective, by possibly placing a cap in the number of days a student may be placed in-school and out-of-school suspensions in an academic year

Discipline as Performance Monitoring Indicator: Require TEA to incorporate discretionary student discipline information in performance monitoring based on both total and disaggregated numbers
Are We Getting Safer Schools and Better Student Outcomes Thanks to Our Discipline Policies?

School Safety

- Overall environment of a school
  - Building safety plans
  - Neighborhood environment
  - Administration-teacher-parent relationships

- Behavior management at student level
  - Supportive programs (counseling, mental health, nutrition)
  - Within school administration of discipline policies
  - Out-of-school administration of discipline or criminal behavior (police and courts)

Improve behaviors without decreasing chances of dropout and involvement in justice system
Thank You

Report at: www.justicecenter.csg.org
tfabelo@csg.org

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