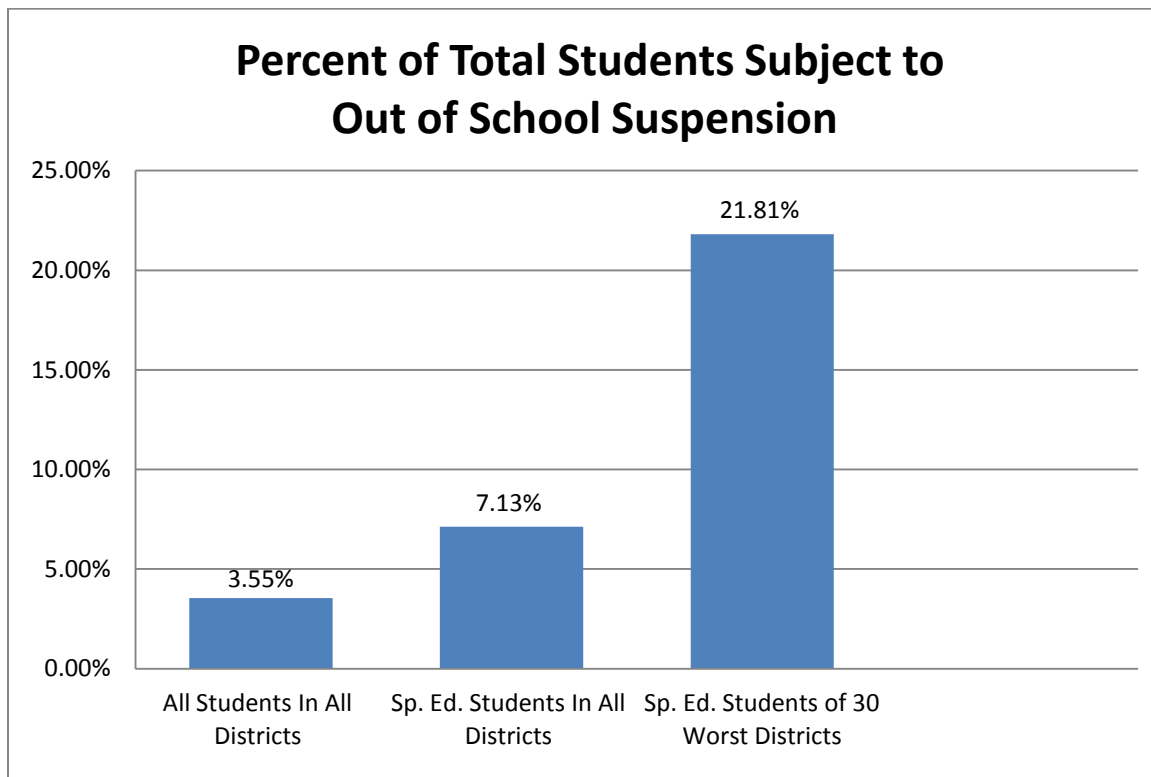




30 Texas School Districts Disproportionately Rely on Out of School Suspension: Leaving Money Behind and Pushing Students Out of School

Disability Rights Texas (DRTx) requested data from the Texas Education Agency for the 2010-2011 school year regarding use of Out of School Suspension by all Texas school districts. Review of the data indicates that special education students are subjected to out of school suspension statewide at almost double the rate of all students. Data also shows that 30 school districts use out of school suspension for special education students at two to three times the Texas average. This is particularly disconcerting when one considers that the practice reduces attendance-based funding for the schools, does little to promote school safety, and negatively affects educational outcomes. *Texas Appleseed, Children at Risk, Thurgood Marshall School of Law’s Earl Carl Institute, and the National Center for Youth Law join DRTx in calling on these districts to immediately review and change their policies and practices to ensure that special education students are educated – not banned from campus.*



Why Out Of School Suspension (OSS) is a Problem:

1. The high use of OSS for students with disabilities may indicate lack of compliance with the Individuals with Disabilities Education Act, which requires individualized programming including positive behavior supports that are reasonably calculated to improve student behavior and produce meaningful educational progress. Some districts may also be failing to hold manifestation determination reviews or make appropriate decisions about whether misconduct is disability related.
2. OSS as a disciplinary method carries significant financial costs. In Texas, if a student misses 9 days during the 180-day school year, the school district loses 5% of the funding a student with perfect attendance would generate.¹ School districts have the discretion to determine disciplinary action. Discretionary OSS referrals are much higher than mandated referrals. Therefore, school districts are responsible for the lost Average Daily Attendance (ADA) reimbursements.²
3. OSS fails to achieve the disciplinary purpose (correct student behavior) and significantly increases probability of poor outcomes for the student involved.³
4. OSS leads to a high probability of grade retention, drop out, and juvenile justice involvement.⁴
5. The frequent use of OSS impacts an entire school, not just the students who are suspended. Controlling for demographic and school-level factors, schools with higher out-of-school suspension rates have lower scores on state accountability tests.⁵ Additionally, overall student engagement is lower in schools that overly rely upon suspensions.⁶ Furthermore, processing suspensions diverts administrator time from school climate and curricular development, which could improve the learning environment for all students.⁷
6. OSS does not improve school safety or student behavior.⁸ Students may view getting sent home from school as a reward and not punishment. Studies have shown that OSS does not act as a deterrent. Instead OSS can act as a *reinforcer* rather than a punisher for inappropriate behavior.⁹

¹ The Equity Center, *School Finance Glossary*, available at <http://equitycenter.org/resources/school-finance-glossary#>

² Tex. Educ. Code §37.001(a)(4) gives school administrators a great deal of discretion.

³ American Psychological Association Zero Tolerance Task Force, *Are Zero Tolerance Policies Effective in the Schools? An Evidentiary Review and Recommendations*, *Am. Psychologist*, Vol. 63, No. 9, at 852 (2008).

⁴ The Council of State Governments, *Breaking Schools' Rules: A Statewide Study of How School Discipline Relates to Students' Success and Juvenile Justice Involvement* (2011). See also Texas Appleseed, "Breaking Rules, Breaking Budgets: The Cost of Exclusionary Discipline," (2012): 1.

⁵ See, e.g., M. Karega Rausch & Russell Skiba, *Unplanned Outcomes: Suspensions and Expulsions in Indiana*, 2 CENTER FOR EVALUATION AND EDUCATION POLICY, EDUCATION POLICY BRIEFS at 5 (2004); M. Karega Rausch & Russell Skiba, *The Academic Cost of Discipline: The Relationship Between Suspension/Expulsion and School Achievement* 14—17 (2006) (available at: <http://www.agi.harvard.edu/Search/download.php?id=45>).

⁶ See, e.g., R.W. Blum et al., CENTER FOR ADOLESCENT HEALTH AND DEVELOPMENT, IMPROVING THE ODDS: THE UNTAPPED POWER OF SCHOOLS TO IMPROVE THE HEALTH OF TEENS 12 (2002).

⁷ Terrance M. Scott & Susan B. Barrett, *Using Staff and Student Time Engaged in Disciplinary Procedures to Evaluate the Impact of School-Wide PBS*, 6 JOURNAL OF POSITIVE BEHAVIORAL INTERVENTIONS 21, 22 (2004).

⁸ Daniel J. Losen, *Discipline, Policies, Successful Schools, and Racial Justice*, The Civil Rights Project/ Proyecto Derechos Civiles at UCLA, National Education Policy Center, (2011).

⁹ Losen, D.L. & Skiba, R.J. (2010, September). *Suspended Education: Urban Middle Schools in Crisis*. Los Angeles: The Civil Rights Project at UCLA. Retrieved December 5, 2010, from http://civilrightsproject.ucla.edu/research/k-12-education/school-discipline/suspended-education-urban-middle-schools-in-crisis/Suspended-Education_FINAL-2.pdf.

Texas School Districts with Highest Percentage of Out of School Suspension for Special Education Students

Rank	School District	Percent of Special Education Students OSS	Percent of All Students OSS
1.	Austin Can Academy Charter School	30.88	22.33
2.	Brookesmith ISD	28	7.29
3.	Everman ISD	26.76	15.1
4.	Fort Worth Can Academy	25.52	19.42
5.	Lancaster ISD	24.97	16.94
6.	Woden ISD	24.04	4.95
7.	Newton ISD	23.66	15.28
8.	Brooks Academy of Science and English	22.73	10.9
9.	West Orange Cove ISD	22.57	14.96
10.	Premont ISD	22.37	14.69
11.	Tyler ISD	22.16	10.82
12.	Boys Ranch ISD	22.03	19.71
13.	Mexia ISD	21.67	5.79
14.	La Marque ISD	21.64	16.05
15.	Wharton ISD	21.54	9.62
16.	Beaumont ISD	20.84	14.82
17.	Bay City ISD	20.59	12.88
18.	Desoto ISD	20.54	14.81
19.	Robstown ISD	20.51	12.3
20.	Alief ISD	20.27	11.49
21.	North Forest ISD	20.13	11.79
22.	La Villa ISD	20	13.79
23.	Waco ISD	19.76	12.9
24.	Cedar Hill ISD	19.68	13.28
25.	South San Antonio ISD	19.38	8.19
26.	Duncanville ISD	19.15	13.06
27.	Winfree Academy Charter Schools	18.26	16.66
28.	Houston ISD	18.25	9.21
29.	Taft ISD	18.24	12.04
30.	Temple ISD	18.23	10.31
	<i>*All Texas Districts Average</i>	<i>7.13</i>	<i>3.55</i>

*BOLDED SCHOOL DISTRICTS INDICATE THOSE WITH MORE THAN DOUBLE THE RATE OF OSS FOR SPECIAL EDUCATION STUDENTS VERSUS ALL STUDENTS IN THE DISTRICT

Source: Texas Education Agency, Statewide Exclusionary Practices Report Data, 2010-2011.

Recommendations:

1. Limit OSS to those who are a significant risk to the safety of the school community (Mandated OSS), this allows school districts to obtain financial benefits associated with increased weighted Average Daily Attendance (ADA) reimbursements. Districts should use the current fiscal crisis as an opportunity to redesign their failed disciplinary model. The solution is to abandon a technique that produces poor student outcomes and a high financial burden.
2. Implement Positive Behavior Intervention & Supports (PBIS). PBIS is a disciplinary model that reinforces positive behavior. This method has proven to reduce discipline referrals, increase attendance, and improve teacher satisfaction. Additionally PBIS has demonstrated improved academic performance.¹⁰
3. Districts should determine if individual campuses account for their high OSS percentage. Schools with higher number of OSS should receive supplementary training in effective classroom management and be encouraged to use evidence based programs shown to decrease suspensions, minimize classroom disruptions, and maximize instructional time.

Commitment to Reducing Reliance on OSS in Worst Offending Districts

The coalition is committed to using every means necessary to reduce OSS and other exclusionary practices in these 30 worst offending school districts. We are beginning by attempting to educate districts on the problems with overreliance on out of school suspension and the promise offered by research-based Positive Behavior Intervention and Supports. The coalition invites school district representatives who are concerned about this issue to call Dustin Rynders, Supervising Attorney with DRTx, at 832-681-8205, to identify steps that can be taken to make positive changes in their practices.

Our coalition also plans to conduct trainings in as many of these communities as possible to ensure parents of impacted special education students have an opportunity to learn about their rights.

DRTx is interested in prioritizing cases on behalf of special education students in these districts. Any parent of a special education student who has been repeatedly suspended in one of these districts should call the DRTx intake hotline at (800) 252-9108 to request assistance obtaining improved behavior supports for their child.

¹⁰ See <http://www.txbehaviorsupport.org/default.aspx?name=pbs.possibleoutcomes> for a list of positive outcomes documented by schools implementing school-wide PBIS in Texas and across the nation. See also Robert Horner et al, A Randomized, Wait-List Controlled Effectiveness Trial Assessing School-Wide Positive Behavior Support in Elementary Schools, 11 J. Positive Behavior Interventions 133; Jeffrey R. Sprague & Robert H. Horner, School Wide Positive Behavioral Supports, in *The Handbook of School Violence and School Safety: From Research to Practice* (Shane R. Jimerson & Michael J. Furlong, eds., 2007). For additional research on PBS, please visit www.pbis.org.