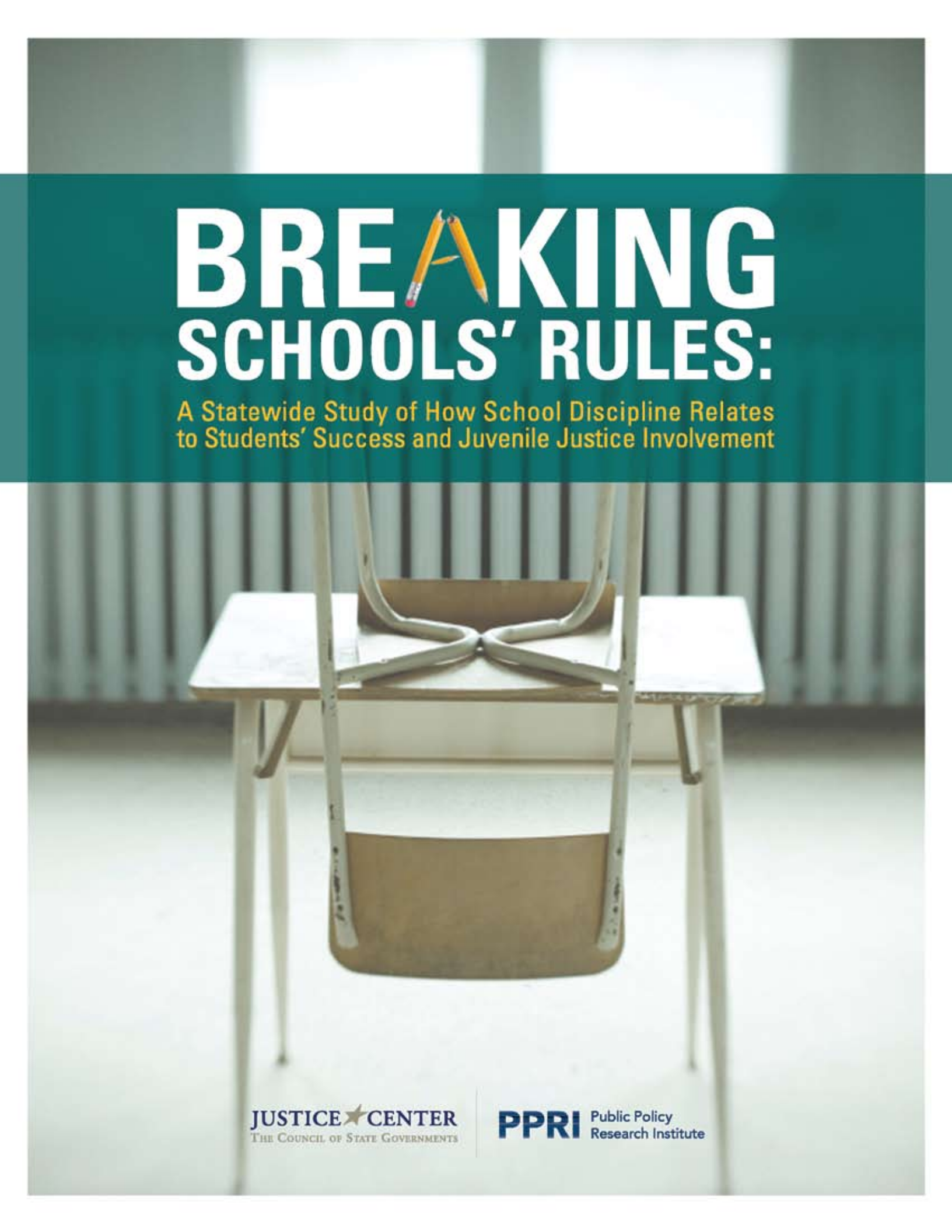




# BREAKING SCHOOLS' RULES:

A Statewide Study of How School Discipline Relates  
to Students' Success and Juvenile Justice Involvement

JUSTICE  CENTER  
THE COUNCIL OF STATE GOVERNMENTS

PPRI Public Policy  
Research Institute



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July 2011

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Deborah Fowler of Texas Appleseed has dedicated much of her career to improving schools. Her tireless efforts on behalf of students and their parents have not only helped put school discipline issues on Texas policymakers' radar, but have prompted improvements to policy and state law. Her expertise on suspensions, expulsions, and the ticketing of students who misbehave, coupled with her approach to advocacy—passionate but constructive and respectful, and above all loyal to the facts—made her a valued contributor on this project. On countless occasions, the authors turned to her to improve their understanding of the state's school discipline system and to assist in composing text for the report that explained the intricacies of the issues to readers.

Three members of the Public Policy Research Institute (PPRI) at Texas A&M University (TAMU) are listed as co-authors of this report, but this work benefited from the contributions of several additional faculty and research team members who warrant special thanks. Dr. Guy D. Whitten, associate professor of political science, provided extensive guidance and advice regarding the research methodology. Dr. Jim Scheurich, professor of education administration, provided input in planning analyses and interpreting findings. Staff of the State of Texas Education Research Center at Texas A&M University, including Dr. Hersch C. Waxman, professor of education and director of the Education Research Center; Dr. Jacqueline R. Stillisano, co-director of the Education Research Center; and Dr. Danielle Bairrington Brown, research associate, made it possible to access and analyze very large and rich databases across multiple systems.

The authors are also grateful to several Texas state legislators: Senator Florence Shapiro, chair of the Senate Education Committee; Senator John Whitmire, chair of the Senate Criminal Justice Committee and dean of the Texas Senate; and Representative Jerry Madden, chair of the House Corrections Committee (and a

member of the CSG Justice Center board of directors) all have made data-driven policymaking a hallmark of their accomplished legislative careers. They made it a priority for the Texas Education Agency (TEA) and the Texas Juvenile Probation Commission (TJPC) to develop and maintain state-of-the-art information systems. They also shined a spotlight on the issue of school discipline in particular, sponsoring legislation to improve policies in this area, and encouraging state agencies to cooperate fully with this important, nonpartisan study. Representative Rob Eissler, who chairs the House Public Education Committee, endorsed the concept for this study. Representative Scott Hochberg, vice-chair of the same committee, continued this support, making his staff available to facilitate work related to the study.

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In his biennial address to the Texas state legislature and governor, Chief Justice Wallace Jefferson highlighted how common it is for students to be removed from school for disciplinary reasons, adding, “[L]et us endeavor to give these kids a chance at life before sending them into the criminal justice system.” Chief Justice Jefferson, along with his court administrator Carl Reynolds and juvenile court judges, particularly Judge Jeanne Meurer, have put their weight behind this project at key junctures.

Officials from the front lines of Travis County's school and juvenile justice systems took time from their busy schedules for lengthy discussions that ensured we would remember that there are people and stories behind the numbers we endlessly examined. We are grateful to Dr. Dora Fabelo for helping to organize these focus groups and to Dr. Andri Lyons and Dr. Linda Webb for constructive ideas on an earlier draft.



This report follows in the wake of many years of research conducted on this topic, from which we benefited considerably. One of the most renowned experts in the nation for the quality and thoughtfulness of his published research on school discipline is Dr. Russell Skiba, a professor in counseling and educational psychology at Indiana University. His encyclopedic knowledge of the literature and practical insights, coupled with his deep commitment to children at risk of being pushed or pulled out of school, were put to use reviewing drafts of this report, providing extensive comments, and participating in numerous meetings and conference calls. He repeatedly, but appropriately, pushed us to present ideas more clearly and to ensure the data supported the findings. This report is much improved because of him.

Early on, we candidly acknowledged our lack of expertise in the thorny, complicated issues involving students with educational disabilities, and students with mental health needs in particular. In between trips to Boston and Bangladesh, Dr. David Osher, who is the vice president of the American Institutes for Research, and who has written extensively on these topics, found time to review an entire draft of the report, retrieve additional research, and provide valuable edits.

The questions that this report sought to answer first emerged through a series of conversations with the leadership of the CSG Justice Center board of directors: Michael Festa, the founding board chair and former secretary of elder affairs in Massachusetts; Sharon Keller, the past chair of the board and presiding judge of the Texas Court of Criminal Appeals; Jeffrion L. Aubry, a New York State assemblyman and the outgoing chair; Pat Colloton, the incoming chair and a Kansas state representative; and Tom Stickrath of the Ohio Attorney General's Office, who is incoming vice-chair of the board. They, along with Idaho State Court Administrator Patti Tobias and the other members of the board, have skillfully charted the course of the organization in exploring the issue of school discipline. They highlighted where the potential for bipartisan consensus exists and focused us on the importance of data to explain how suspensions and expulsions relate to students' involvement in the juvenile justice system.

The authors at the CSG Justice Center turned frequently, and at all hours, to colleagues in their New York, Bethesda, Seattle, and Austin offices, to review drafts, provide advice, check facts, and conduct background research. In particular, Mike Eisenberg frequently acted as a sounding board as we interpreted the data; Laura Draper worked nights and weekends to track down hard-to-locate

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Officials from The U.S. Department of Education and the U.S. Department of Justice have convened large national conferences on the subject of school discipline and its relationship to academic performance and juvenile justice involvement. Those events, along with various meetings in which staff from both agencies met with us to discuss the research methodology and the report in general, provided us with important national context.

Above all, we thank the people on the front lines of the education, juvenile justice, and health systems who work day in and day out, buoyed by few resources but sustained by their determination to help the millions of children in the nation succeed. This report is written for them and for the public school students and their parents or guardians who depend on these systems' professionals for support and guidance.

## EXECUTIVE SUMMARY

This report describes the results of an extraordinary analysis of millions of school and juvenile justice records in Texas. It was conducted to improve policymakers' understanding of who is suspended and expelled from public secondary schools, and the impact of those removals on students' academic performance and juvenile justice system involvement.

Like other states, school suspensions—and, to a lesser degree, expulsions—have become relatively common in Texas. For this reason and because Texas has the second largest public school system in the nation (where nonwhite children make up nearly two-thirds of the student population), this study's findings have significance for—and relevance to—states across the country.

Several aspects of the study make it groundbreaking. First, the research team did not rely on a sample of students, but instead examined individual school records and school campus data pertaining to all seventh-grade public school students in Texas in 2000, 2001, and 2002. Second, the analysis of each grade's student records covered at least a six-year period, creating a statewide longitudinal study. Third, access to the state juvenile justice database allowed the researchers to learn about the school disciplinary history of youth who had juvenile records. Fourth, the study group size and rich datasets from the education and juvenile justice systems made it possible to conduct multivariate analyses. Using this approach, the researchers could control for more than 80 variables, effectively isolating the impact that independent factors had on the likelihood of a student's being suspended and expelled, and on the relationship between these disciplinary actions and a student's academic performance or juvenile justice involvement.

### Key findings in the report include the following:

*1. Nearly six in ten public school students studied were suspended or expelled at least once between their seventh- and twelfth-grade school years.*

- About 54 percent of students experienced in-school suspension, which could be as brief as one period or as long as several consecutive days. Thirty-one percent of students experienced out-of-school suspension, which averaged two days per incident.

- Of the nearly 1 million students studied, about 15 percent were assigned at least once to disciplinary alternative education programs (27 days, on average) between seventh and twelfth grade; about 8 percent were placed at least once in juvenile justice alternative education programs (73 days on average).
- Only 3 percent of the disciplinary actions were for conduct for which state law mandates suspensions and expulsions; the remainder of disciplinary actions was made at the discretion of school officials, primarily in response to violations of local schools' conduct codes.
- Students who were involved in the school disciplinary system averaged eight suspensions and/or expulsions during their middle or high school years; among this group, the median number of suspensions and expulsions was four. Fifteen percent of students studied were disciplined 11 or more separate times.

*2. African-American students and those with particular educational disabilities were disproportionately likely to be removed from the classroom for disciplinary reasons.*

- The great majority of African-American male students had at least one discretionary violation (83 percent), compared to 74 percent for Hispanic male students, and 59 percent for white male students. The same pattern was found, though at lower levels of involvement, for females—with 70 percent of African-American female pupils having at least one discretionary violation, compared to 58 percent of Hispanic female pupils and 37 percent of white female pupils.
- Whereas white, Hispanic, and African-American students experienced discretionary actions at significantly different rates, students in these racial groups were removed from school for mandatory violations at comparable rates.
- Multivariate analyses, which enabled researchers to control for 83 different variables in isolating the effect of race alone on disciplinary actions, found that African-American students had a 31 percent higher likelihood of a school discretionary action, compared to otherwise identical white and Hispanic students.

- Nearly three-quarters of the students who qualified for special education services during the study period were suspended or expelled at least once. The level of school disciplinary involvement, however, varied significantly according to the specific type of disability. For example, students coded as having an “emotional disturbance” were especially likely to be suspended or expelled. In contrast, students with autism or mental retardation—where a host of other factors was controlled for—were considerably less likely than otherwise identical students without disabilities to experience a discretionary or mandatory school disciplinary action.

*3. Students who were suspended and/or expelled, particularly those who were repeatedly disciplined, were more likely to be held back a grade or to drop out than were students not involved in the disciplinary system.*

- Of all students who were suspended or expelled 31 percent repeated their grade at least once. In contrast, only 5 percent of students with no disciplinary involvement were held back.
- About 10 percent of students suspended or expelled between seventh and twelfth grade dropped out. About 59 percent of those students disciplined 11 times or more did not graduate from high school during the study period.<sup>1</sup>
- A student who was suspended or expelled for a discretionary violation was twice as likely to repeat his or her grade compared to a student with the same characteristics, attending a similar school, who had not been suspended or expelled.

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1. Students were followed for one to three years beyond the year they were projected to graduate when they were in seventh grade. Whether a student graduated during the study period is distinct from whether a student dropped out. A student who did not graduate may have dropped out. Or, he or she repeated a grade at least once and was still involved in the Texas public school system in some capacity when the study period concluded. Another scenario, which applied to a small subset of students, is that they left the Texas public school system, transferring out of state or into private schools or home-schooling. There is no reason to believe that the effect of prior discipline on graduation rates differs for students who left the Texas public school system than for those who remained.

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*4. When a student was suspended or expelled, his or her likelihood of being involved in the juvenile justice system the subsequent year increased significantly.*

- More than one in seven students was in contact with the juvenile justice system (i.e., contact with a county's juvenile probation department) at least once between seventh and twelfth grade.<sup>2</sup>
- Nearly half of those students who were disciplined 11 or more times were in contact with the juvenile justice system. In contrast, 2 percent of the students who had no school disciplinary actions were in contact with the juvenile justice system.
- When controlling for campus and individual student characteristics, the data revealed that a student who was suspended or expelled for a discretionary violation was nearly three times as likely to be in contact with the juvenile justice system the following year.

*5. Suspension and expulsion rates among schools—even those schools with similar student compositions and campus characteristics—varied significantly.*

- Half of the 1,504 high schools analyzed had disciplinary rates consistent with what researchers had projected, based on the characteristics/risk factors of the student population and the school campus.<sup>3</sup> The other half of the high schools, however, had actual disciplinary rates that varied greatly from what was projected: 339 (or 22.5 percent) had disciplinary rates that were significantly higher than what researchers had projected, and 409 of the schools (or 27.2 percent) had disciplinary rates that were significantly lower than what had been projected.

The findings summarized above demonstrate why it is important for policymakers everywhere to examine the school disciplinary systems in their jurisdictions. This will not be without challenges for many states and will likely include significant

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2. Few of these contacts with the juvenile justice system were the direct result of misconduct at school. According to the Texas Juvenile Probation Commission, in 2009–2010, of the 85,548 formal referrals to juvenile probation in Texas from all sources, only about 6 percent (just 5,349) came directly from schools. In that same year, more than one million students in the grades studied were disciplined by school officials, but the referrals from schools directly to juvenile probation represented less than 1 percent of all the disciplined students.

3. Researchers isolated the degree to which different student and campus characteristics influenced disciplinary rates in a school, and using that information, predicted rates of suspension and expulsion at the 1,504 high schools. They compared that predicted rate of discipline with the school's actual rate of discipline.

investments in state-of-the-art information systems. Having quality data available is only the first step. To produce the unprecedented level of analyses found in this report, policymakers will need to follow the example set by Texas leaders across the political spectrum that showed courage and commitment by digging deep into an issue that has received relatively little public scrutiny.

An important take-away from this study is that individual schools within a state, working with the same resources and within the same statutory framework, have the power to affect their school disciplinary rates. In communities across the country, educators, juvenile justice system officials, service providers, students and parents, and advocates are also taking steps to implement innovative approaches that yield different disciplinary results. Nationally, a growing number of advocacy organizations and membership associations are drawing increased attention for their efforts to come up with more effective and fair approaches to school discipline. And a growing body of research is supporting and expanding upon these efforts. An essential next step is to convene experts, policymakers and advocates from education, juvenile justice, health, and child welfare systems to build on the important work of these stakeholders and to begin developing a consensus around approaches that will improve outcomes for students and teachers.





## INTRODUCTION

Policymakers, educators, parents, and school children nationwide understand that for schools to provide safe and positive learning environments, there must be rules that govern student conduct. To enforce schools' rules effectively, they agree that teachers must have the tools, and the discretion to use those tools, to keep order and help students be academically successful. No one disagrees that teachers face enormous challenges in the classroom, and that managing the behavior of large groups of adolescents day in and day out can be a seemingly impossible assignment. Less consensus exists, however, on the issues of how, when, and against whom schools' rules should be enforced.

The Texas study that is the subject of this report took advantage of one of the nation's most mature and comprehensive school record systems. These data were used to make sense of the millions of suspensions and expulsions that Texas students experienced in their secondary school years. This report details a rigorous analysis of who was formally disciplined in the state's approximately 3,900 public middle and high schools. The results are intended to inform state and local government officials, community leaders, and others vested in reducing student misconduct and juvenile crime while improving education environments—both within and outside of Texas. The characteristics of students who were suspended and expelled from school are outlined, as are the characteristics of the subset of students who were disciplined repeatedly. The report further explains the effects of classroom removal on misbehaving students' academic performance and on their potential involvement in the juvenile justice system.

Why should anyone outside of Texas care about the findings presented in this report? First, nearly one in ten public school children in the United States are educated in the Texas public school system.<sup>1</sup> In the 2009–2010 school year alone, there were nearly five million students enrolled in more than 1,200 Texas Independent School Districts.<sup>2</sup> Second, not only does Texas have the second largest public school system among the states, but the student population, which is 49 percent Hispanic, 33 percent white, and 14 percent African American, reflects a

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1. Chen-Su Chen, Public Elementary and Secondary School Student Enrollment and Staff Counts From the Common Core of Data: School Year 2009–10, NCES 2011–347 (U.S. Department of Education, Washington, DC: National Center for Education Statistics, 2011), retrieved May 31, 2011 from <http://nces.ed.gov/pubsearch/Texas Education Agency, Enrollment in Texas Public Schools, 2009–10, Document No. GE11 601 01> (Austin, TX: Author, 2010).

2. The term “districts” typically includes open-enrollment charter districts. In the 2009–2010 school year, Texas had 1,030 traditional school districts and 207 open-enrollment charter districts.

diversity that increasingly typifies many school systems in the United States.<sup>3</sup> Third, school discipline rates in other large states are similar to or higher than those in Texas, suggesting that the findings presented here may have relevance for other state education systems. For example, in 2010 the percentage of K–12 students in Texas receiving out-of-school suspensions or expulsions (5.7%) was considerably lower than in either California (12.75%) or Florida (8.7%), and was similar to the rate in New York (5.2%, although expulsion data were unavailable for that state).<sup>4</sup>

This report is meant to provide a starting point for other jurisdictions where officials want to improve their understanding of who is being suspended and expelled from school, and what those patterns mean for juvenile justice involvement and academic performance. In addition, this report may help stimulate or advance discussions that assist educators, and communities at large, to improve outcomes for youth who routinely misbehave or engage in serious misconduct in school.

## Juvenile Justice and School Discipline Trends

The debate about how schools should respond to student misconduct is not new, but school discipline and juvenile justice policies have changed over time. Commensurate with the trend to be “tough on crime” in the late 1980s and early 1990s to increase public safety in the community (including a focus on perceived “hardened” juveniles), was a change that took hold to make schools safer as well. During that period, state legislatures overhauled their juvenile justice laws to ease accessibility to juvenile justice records, increase opportunities for prosecutors to try juveniles as adults for serious crimes, enable local governments to enact curfews, and expand definitions of what constituted “gang involvement” and other youth-related crimes.<sup>5</sup>

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3. Texas Education Agency, *Enrollment in Texas Public Schools*, 2009–10, Document No. GE11 60101 (Austin TX: Author, 2010).

4. Texas Education Agency (2010). “Counts of Students and Discipline Action Groupings.” Retrieved June 13, 2011, from [http://ritter.tea.state.tx.us/cgi/sas/broker?\\_service=marykay&\\_program=ad hoc.download\\_static\\_DAG\\_summary.sas&district=&agg\\_level=STATE&referrer=Download\\_State\\_DAG\\_Summaries.html&test\\_flag=&\\_debug=0&school\\_yr=10&report=01&report\\_type=html&Download\\_State\\_Summary=Submit](http://ritter.tea.state.tx.us/cgi/sas/broker?_service=marykay&_program=ad hoc.download_static_DAG_summary.sas&district=&agg_level=STATE&referrer=Download_State_DAG_Summaries.html&test_flag=&_debug=0&school_yr=10&report=01&report_type=html&Download_State_Summary=Submit); California Department of Education (2011). “California State—Expulsion, Suspension, and Truancy Information for 2009–10.” Retrieved June 13, 2011, from <http://dq.cde.ca.gov/dataquest/Expulsion/ExpReports/StateExp.aspx?cYear=2009-10&cChoice=ExpData1&Pageno=1>; Florida Department of Education (2010). “Trends in Discipline and the Decline in the Use of Corporal Punishment, 2008–09.” Data Report 2010–16D. Retrieved June 13, 2011, from <http://www.fldoe.org/eias/eiaspubs/word/discipline0809.doc>; The University of The State of New York (2011). “The New York State Report Card: Accountability and Overview Report 2009–10.” Retrieved June 13, 2011, from <https://www.nystart.gov/publicweb-external/2010statewideAOR.pdf>.

5. Patricia Torbet and Linda Szymanski, *State Legislative Responses to Violent Juvenile Crime: 1996–97 Update* (Washington, DC: Office of Juvenile Justice and Delinquency Prevention, 1998).

In the years that followed, anxiety about and perceptions of out-of-control youth were fueled in part by frequent news stories of teachers and students being shot or killed in high school classrooms, hallways, and cafeterias. The shootings took place in towns previously unknown to most Americans: Moses Lake, Washington; Bethel, Alaska; Pearl, Mississippi; Paducah, Kentucky; Jonesboro, Arkansas; Edinboro, Pennsylvania; Fayetteville, Tennessee; Springfield, Oregon; and Littleton, Colorado.<sup>6</sup>

In response, Congress took direct action to address crime in local schools. For example, President Clinton in 1994 signed into law the Gun-Free Schools Act. Under this legislation, local schools could seek funding if they could demonstrate that when a student brought a weapon to campus, he or she would be expelled for at least one year and referred to appropriate authorities in the justice system.<sup>7</sup> Officials in many jurisdictions went beyond these minimum standards, mandating, for example, the suspension and/or expulsion from school of any student who brought *any* weapon onto campus.<sup>8</sup>

Policymakers and practitioners alike, taking a page from the shift toward more stringent adult crime policy, urged stricter enforcement of disruptive or dangerous actions in schools.<sup>9</sup> Calls for swift and sure punishment for students who misbehaved resulted in the adoption of “zero tolerance” disciplinary policy in districts across the nation.<sup>10</sup> By 1997, at least 79 percent of schools nationwide had adopted zero tolerance policies toward alcohol, drugs, and violence.<sup>11</sup> In

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6. U.S. News Staff, “Timeline of School Shootings,” *U.S. News and World Report*, February 15, 2008, retrieved May 31, 2011 from <http://www.usnews.com/news/national/articles/2008/02/15/timeline-of-school-shootings>.

7. John Cloud, Sylvester Monroe, and Todd Murphy, “The Columbine Effect,” *Time* magazine, December 6, 1999, retrieved May 31, 2011 from <http://www.time.com/time/magazine/article/0,9171,992754,00.html>.

8. “Many school districts have adopted more expansive variations of the policy that covers numerous other violations, such as bullying, fighting, using drugs or alcohol, and even swearing or wearing ‘banned’ types of clothing.” Christopher Boccanfuso and Megan Kuhfield, *Multiple Responses, Promising Results: Evidence-Based Nonpunitive Alternatives to Zero Tolerance* (Washington, DC: Child Trends, 2011), referencing Russell Skiba, *Zero Tolerance, Zero Evidence: An Analysis of School Disciplinary Practice* (Bloomington, IN: Education Policy Center Indiana University, 2000).

9. See Kathy Koch, “Zero Tolerance: Is Mandatory Punishment in Schools Unfair?” *Congressional Quarterly Researcher*, 10 (2000): 185–208; the Texas State Board of Education began to call for zero tolerance measures as early as 1992, and the Texas Federation of Teachers endorsed a zero tolerance policy in 1993. Texas Education Agency, *Safe Texas Schools: Policy Initiatives and Programs* (Austin, TX: Author, 1994); “We must adopt one policy for those who terrorize teachers or disrupt classrooms—zero tolerance.” State of the State Address by the Honorable George W. Bush, S.J. of Tex., 74th Leg. R. S. 235–40 (1995).

10. Researchers define zero tolerance as a “policy that assigns explicit, predetermined punishments to specific violations of school rules, regardless of the situation or context of the behavior.” (Christopher Boccanfuso and Megan Kuhfield, *Multiple Responses, Promising Results: Evidence-Based Nonpunitive Alternatives to Zero Tolerance* (Washington, DC: Child Trends, 2011), 1). The term also has come to be associated with severe punishment, such as suspension or expulsion from school, for relatively minor misbehavior. (See also, Donna St. George, “More Schools Rethinking Zero-Tolerance Discipline Stand,” *Washington Post*, June 1, 2011, retrieved June 10, 2011, from [http://www.washingtonpost.com/local/education/more-schools-are-rethinking-zero-tolerance/2011/05/26/AGSIKMGH\\_story.html](http://www.washingtonpost.com/local/education/more-schools-are-rethinking-zero-tolerance/2011/05/26/AGSIKMGH_story.html)).

11. Boccanfuso and Kuhfield, *supra* note 10, at 2.

many places, these policies were expanded to include a wide range of misbehavior.<sup>12</sup> The specifics of strict discipline policies, often loosely packaged under the rubric of “zero tolerance,” vary from state to state and even school to school.<sup>13</sup> Policies also differ in terms of how expelled or suspended students are directed, following a removal. For example, 26 states, including Texas, require alternative educational assignments for expelled or suspended students; in others, a suspension or expulsion results simply in the student serving out the punishment at home.<sup>14</sup> In sum, although school responses to student misconduct typically are distinct to the individual jurisdiction, and even the individual school campus, the past two decades have witnessed a widespread reliance on suspension and expulsion as swift sanctions to disruptive classroom behavior.

While this emphasis on exclusionary school discipline policies has occurred, the rate of crimes against students has also declined, by 67 percent.<sup>15</sup> Despite these coinciding trends, research to date does not support the conclusion that “zero tolerance” and other efforts emphasizing suspension and expulsion are responsible for the reduction in crimes committed in schools.<sup>16</sup>

#### BIPARTISAN TEXAS SUPPORT FOR THIS STUDY

Senator Florence Shapiro (R), chair of the Texas Senate Education Committee, and Senator John Whitmire (D), chair of the Texas Criminal Justice Committee, formally supported an analysis of these data to improve policymakers’ understanding of the state’s school discipline system.

Representative Jerry Madden (R), chair of the Texas House Corrections Committee, and Representative Rob Eissler (R), chair of the House Public Education Committee, participated in briefings related to the study and also voiced support for the initiative.

*continued on page 5*

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12. In this respect, the policy looked to “broken windows” criminal justice theory, which recommended vigorously pursuing and prosecuting lower-level violations as a method of deterring offenders from going on to commit more serious crimes. See James Q. Wilson & George L. Kelling, “Broken Windows,” *Atlantic Monthly*, March 1982; see also National Institute of Justice, *The Appropriate and Effective Use of Security Technologies in U.S. Schools*, p. 21, 1999, (stating that “[i]f a school is perceived as unsafe (i.e., it appears that no adult authority prevails on a campus), then ‘undesirables’ will come in, and the school will actually become unsafe. This is an embodiment of the broken windows theory...Seemingly small incidents or issues such as litter on a school campus can provide the groundwork for...a problem school”).

13. Civil Rights Project, & Advancement Project, “Opportunities Suspended: The Devastating Consequences of Zero Tolerance and School Discipline Policies” (paper presented at the National Summit on Zero Tolerance, Washington, DC, June 15–16, 2000).

14. *Id.*

15. In 1992, the rate of student-reported nonfatal crimes against students between the ages of 12 and 18 years old was 144 per 1,000 students. By 2008, the rate had fallen to 47 per 1,000 students. Simone Robers, Jijun Zhang, Jennifer Truman, and Thomas D. Snyder, *Indicators of School Crime and Safety: 2010*, NCES 2011–2012/NCJ 230812 (Washington, DC: National Center for Education Statistics, U.S. Department of Education, and Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, 2010).

16. Some studies have shown that “target-hardening” strategies, such as the presence of guards and metal detectors, and strict disciplinary policies, are ineffective at reducing school crime and disorder, and may even do more harm than good. Russell Skiba, Cecil R. Reynolds, Sandra Graham, Peter Sheras, Jane Close Conoley, and Enedina Garcia-Vazquez, “Are Zero Tolerance Policies Effective in the Schools? An Evidentiary Review and Recommendations,” *American Psychologist* 63 (2008): 852–862; Christopher J. Schreck, J. Mitchell Miller, and Chris L. Gibson, “Trouble in the School Yard: a Study of the Risk Factors of Victimization at School,” *Crime & Delinquency* 29 (2003): 460–484.

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In addition, representatives of the state's juvenile justice system, both from the executive and judicial branches of government, expressed strong support for the project at the outset.

These legislative leaders, from both political parties, plus court officials and representatives of the executive branch informed the CSG Justice Center that they were interested in learning more about school discipline issues in Texas. The Justice Center partnered with the Public Policy Research Institute (PPRI) of Texas A&M University (TAMU) to conduct this investigation.

What is evident is that strict enforcement of schools' rules has resulted in significant overall increases in the national number of suspensions: from about 1.7 million (3.7 percent of all students) in 1974 to more than 3.3 million (6.8 percent of all students) in 2006.<sup>17</sup> Although perspectives differ on whether students today misbehave more than they did two decades ago,<sup>18</sup> on this point everyone agrees: Suspensions, and to a lesser degree expulsions, are common in today's school systems.

Nationwide, the large number of suspensions and expulsions has prompted state and local policymakers, people working on the front lines of schools and juvenile justice systems, parents, students, and community leaders to ask for data explaining the impact this practice is having on students. Increasingly, observers are also asking about the consequences of suspending or expelling large numbers of students, such as whether these policies contribute to high drop-out rates or to students' involvement in the juvenile justice system—particularly students of color or those who have special needs.<sup>19</sup>

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17. Hanno Petras, Katherine Masyn, Jacquelyn A. Buckley, Nicholas S. Ialongo, and Sheppard Kellam, "Who is Most at Risk for School Removal? A Multilevel Discrete-Time Survival Analysis of Individual-and-Context-Level Influences," *Journal of Educational Psychology*, 103 (2011): 223–237; Kim Brooks, Vincent Schiraldi, and Jason Ziedenberg, *School House Hype: Two Years Later*, NCJ 182894 (Washington, DC: Justice Policy Institute, Children's Law Center, 2000); "2006 National and State Projections," U.S. Department of Education, accessed May 31, 2011, [http://ocrdata.ed.gov/Projections\\_2006.aspx](http://ocrdata.ed.gov/Projections_2006.aspx). Readers will note that these numbers appear relatively small in comparison with the Texas data because the Department of Education included in the national numbers only out-of-school suspensions, while the Texas data also included the large number of in-school suspensions.

18. During this same time period, filings in juvenile court have declined, which, taken by itself, could indicate that the commission of delinquent acts by juveniles has declined. Michael P. Krezmien, Peter E. Leone, Mark S. Zablocki, and Craig S. Wells, "Juvenile Court Referrals and the Public Schools: Nature and Extent of the Practice in Five States," *Journal of Contemporary Criminal Justice* 26 (2010): 273–293; "Discipline Data Products: Annual State Summary," Texas Education Agency, last updated November 5, 2010, [http://ritter.tea.state.tx.us/adhocrpt/Disciplinary\\_Data\\_Products/Download\\_State\\_Summaries.html](http://ritter.tea.state.tx.us/adhocrpt/Disciplinary_Data_Products/Download_State_Summaries.html).

19. Legislative leaders in the North Carolina General Assembly have expressed concern about high rates of suspension and expulsion in that state and are considering legislation to address this situation. ["N.C. lawmakers revisit school zero-tolerance rules," *HamptonRoads.com*, May 11, 2011, accessed May 31, 2011, <http://hamptonroads.com/2011/05/nc-lawmakers-revisit-school-zero-tolerance-rules/>]. See also, Colorado Senate Bill 133: <http://coloradosenate.org/home/press/governor-bickenlooper-in-arvada-today-signing-bill-by-senator-hudak-to-reform-discipline-in-public-schools>. For more on the disparate impact on students of color and those with special needs, see Tona M. Boyd, Confronting Racial Disparity: Legislative Responses to the School-to-Prison Pipeline, *Harvard Civil Rights-Civil Liberties Law Review*, 44 (2009), 571–580; M. Karega Rausch and Russell Skiba, *Discipline, Disability, and Race: Disproportionality in Indiana Schools*, Education Policy Brief (Bloomington, IN: Center for Evaluation and Education Policy, 2006); Michael P. Krezmien, Peter E. Leone, and Georgianna M. Achilles, "Suspension, Race, and Disability: Analysis of Statewide Practices and Reporting," *Journal of Emotional and Behavioral Disorders* 14 (2006): 217–26; Sid Cooley, *Suspension/expulsion of regular and special education students in Kansas: A report to the Kansas State Board of Education* (Topeka: Kansas State Board of Education, 1995); and Dalun Zhang, Antonis Katsiyannis, and Maria Herbst, "Disciplinary Exclusions in Special Education: A 4-Year Analysis," *Behavioral Disorders* 29 (2004): 337–47.

## The Texas Statewide Study

In 2009, Texas state leaders supported a proposed study by the Council of State Governments (CSG) Justice Center to examine school discipline data and other information maintained by the Texas Education Agency (TEA). Data collected for the resulting study relate to nearly one million public school students in Texas. The records assembled are not for a *sample* of Texas secondary school children, but rather pertain to *every* student who was in seventh grade in a Texas public school in the academic years 2000, 2001, or 2002. These students' records were analyzed for at least six years.<sup>20</sup> Researchers also were given access—without identifiers for individual children—to all matching records during this time period for youths who came into contact with Texas's juvenile justice system. Analyses conducted of the millions of records within the study's datasets have enabled unique insights into school disciplinary policies and their possible link to juvenile justice involvement and other outcomes.

## The Gap in Research that Texas Addresses

Researchers, responding to the concerns of both professionals in the field and policymakers about large numbers of suspensions and expulsions, have made important in-roads toward determining the common characteristics of children who are disciplined. The researchers also have looked extensively at factors that appear to put children at risk of disciplinary action and juvenile justice contact.

Among the many issues studied have been those on disparities between referrals of minority and special education students, as well as the link between the drop-out rate and the rate of student suspensions and expulsions.<sup>21</sup> Study after

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20. See pages 25–30 of this report for an explanation of the study period and methodology.

21. See Russell J. Skiba, Robert S. Michael, Abra Carroll Nardo, and Reece L. Peterson, "The Color of Discipline: Sources of Racial and Gender Disproportionality in School Punishment," *The Urban Review* 34 (2002): 317–342; Russell J. Skiba, *Zero Tolerance, Zero Evidence: An Analysis of School Disciplinary Practice* (Bloomington, IN: Education Policy Center, Indiana University, 2000); Linda M. Raffaella Mendez, "Predictors of Suspension and Negative School Outcomes: A Longitudinal Investigation," *New Directions for Youth Development* 99 (2003): 17–33; Johanna Wald and Michael Kurlaendar, "Connected in Seattle? An Exploratory Study of Student Perceptions of Discipline and Attachments to Teachers," *New Directions for Youth Development* 99 (2003): 35–54; Edward W. Morris, "'Tuck in That Shirt!' Race, Class, Gender, and Discipline in an Urban School," *Sociological Perspectives*, 48 (2005): 35–48; Elizabeth Stearns and Elizabeth J. Glennie, "When and Why Dropouts Leave High School," *Youth & Society* 38 (2006): 29–57; Michael P. Krezmien, Peter E. Leone, and Georgianna M. Achilles, "Suspension, Race, and Disability: Analysis of Statewide Practices and Reporting," *Journal of Emotional & Behavioral Disorders* 14 (2006): 217–226; Edward W. Morris, "'Ladies' or 'Loudies'? Perceptions and Experiences of Black Girls in Classrooms," *Youth & Society* 38 (2007): 490–515; Anne Gregory and Rhona S. Weinstein, "The discipline gap and African Americans: Defiance or cooperation in the high school classroom," *Journal of School Psychology*, 46 (2008): 455–475; Michael P. Krezmien, Peter E. Leone, Mark S. Zablocki, and Craig S. Wells, "Juvenile Court Referrals and the Public Schools: Nature and Extent of the Practice in Five States," *Journal of Contemporary Criminal Justice* 26 (2010): 273–93.



study has found that African-American students experience suspension and expulsion at disproportionately high rates; that socioeconomic factors increase children's likelihood of experiencing suspension and expulsion; and that boys are disciplined more frequently than girls. The American Psychological Association (APA) published a landmark study, reviewing published research related to "zero-tolerance" discipline methods, that found that these policies may negatively affect academic outcomes and increase the likelihood of students dropping out.<sup>22</sup>

National and state-level advocacy organizations also have examined disciplinary practices. Advocates approach the issue from a variety of perspectives, including civil rights problems associated with overrepresentation of minority youth in disciplinary referrals; poor academic outcomes associated with the use of punitive disciplinary policies that remove youth from the school environment; and the "School to Prison Pipeline"—a tagline created by advocates who argue that school discipline has increasingly become a gateway to the juvenile system, and, subsequently, adult prisons.<sup>23</sup> Some advocates further argue that relying on suspension and expulsion policies wastes taxpayer dollars on ineffective tools, encourages overreaching government intrusion, and "overcriminalizes" youthful behavior.<sup>24</sup> Educators, for their part, including those who responded in focus groups to this study's preliminary findings, have cautioned that high rates of suspension and expulsion reflect unrealistic expectations that teachers alone can change behaviors that parents and communities have had no success addressing.

In Texas, similarly, there has been no shortage of focus on the issue.<sup>25</sup> At the same time that the research for this report began, the Texas Legislative Budget

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22. American Psychological Association, *Are Zero Tolerance Policies Effective in the Schools? An Evidentiary Review and Recommendations* (2006). A summary is available in Russell Skiba, Cecil R. Reynolds, Sandra Graham, Peter Sheras, Jane Close Conoley, and Enedina Garcia-Vazquez, "Are Zero Tolerance Policies Effective in the Schools? An Evidentiary Review and Recommendations," *American Psychologist* 63 (2008): 852–62.

23. See The American Civil Liberties Union, *Locating the School to Prison Pipeline* (New York: Author, 2008); The Advancement Project, *Test, Punish, and Push Out: How Zero Tolerance and High-Stakes Testing Funnel Youth Into the School to Prison Pipeline* (Washington, DC: Author, 2010); Daniel J. Losen and Russell J. Skiba, *Suspended Education: Urban Middle Schools in Crisis* (Montgomery, AL: Southern Poverty Law Center, 2010); Matt Cregor and Damon Hewitt, "Dismantling the School-to-Prison Pipeline: A Survey from the Field," *Poverty & Race* 20 (2011): 223–237.

24. Paul Rosenzweig and Trent England, "Zero Tolerance for Zero Tolerance," *The Heritage Foundation*, May 6, 2004, available at <http://www.heritage.org/research/commentary/2004/05/zero-tolerance-for-zero-tolerance>; Overcriminalized.com, *Case Studies: Criminalizing Kids I, True Tales of Zero Tolerance Overcriminalization*, available at <http://www.overcriminalized.com/CaseStudy/Tales-of-Zero-Tolerance-One.aspx>.

25. See Marc Levin, *Disciplinary Alternative Education Programs: What Is and What Should Be* (Austin, TX: Texas Public Policy Foundation, 2005); Marc Levin, *Schooling a New Class of Criminals? Better Disciplinary Alternatives for Texas Students* (Austin, TX: Texas Public Policy Foundation, 2006); Augustina H. Reyes, *Discipline, Achievement, Race: Is Zero Tolerance the Answer?* (Lanham, MD: Rowman & Littlefield, 2006); Texas Appleseed, *Texas' School-to-Prison Pipeline: Dropout to Incarceration* (Austin, TX: Author, 2007); Texas Appleseed, *Texas' School-to-Prison Pipeline: School Expulsion* (Austin, TX: Author, 2010); Texas Appleseed, *Texas' School-to-Prison Pipeline: Ticketing, Arrest & Use of Force in Schools* (Austin, TX: Author, 2010).

Board (LBB) undertook a qualitative examination of six school districts across the state, publishing reports that examined strengths and weaknesses in existing disciplinary practices.<sup>26</sup> The LBB included recommendations for districts interested in making improvements.<sup>27</sup>

This report adds to existing work by being the first to offer information gleaned from data of a quality and scale previously unavailable to researchers. This study also provides a longitudinal examination of data on school disciplinary policies and their relationship to juvenile justice involvement and other outcomes. True, multivariate analyses conducted elsewhere have established relationships between school disciplinary action and students' race or presence of a disability. But none of these previous studies has been able to draw on millions of student and school-campus records that are both comprehensive and statewide, and to match such records against a similarly extensive set of juvenile justice data.

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## TEXAS'S PROGRESS ON SCHOOL DISCIPLINARY POLICIES

### *Texas Stakeholders Explore New Models for Discipline*

Texas's reliance on data-driven educational programming has given the state a distinct advantage in evaluating the success of disciplinary initiatives. Few states in the nation collect the data on disciplinary actions that Texas requires its school districts to report. Education stakeholders have already begun to use this data to explore effective options.

Initiatives have included legislative change, training and grant funding, and district-level innovations aimed at reducing disciplinary and court referrals.

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26. MGT of America, Inc., *Amarillo Independent School District: A Review of the Student Behavior Management System* (Austin, TX: Texas Legislative Budget Board, 2011); MGT of America, Inc., *Conroe Independent School District: A Review of the Student Behavior Management System* (Austin, TX: Texas Legislative Budget Board, 2011); MGT of America, Inc., *Dallas Independent School District: A Review of the Student Behavior Management System* (Austin, TX: Texas Legislative Budget Board, 2011); MGT of America, Inc., *Fort Bend Independent School District: A Review of the Student Behavior Management System* (Austin, TX: Texas Legislative Budget Board, 2011); MGT of America, Inc., *Ingleside Independent School District: A Review of the Student Behavior Management System* (Austin, TX: Texas Legislative Budget Board, 2011); MGT of America, Inc., *San Antonio Independent School District: A Review of the Student Behavior Management System* (Austin, TX: Texas Legislative Budget Board, 2011).

27. Texas Legislative Budget Board, *Student Behavior Management Review Summary* (Austin, TX: Author, 2011).



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### *Legislative Initiatives:*

The disciplinary policies included in the Texas Education Code have been amended nearly every legislative session since 1995. While many changes have added additional behavioral violations to the list of mandatory or discretionary actions, key changes have included the following:

- repealing a statutory provision that allowed school districts to charge students with a Class C Misdemeanor for *any* Code of Conduct violation<sup>28</sup>
- requiring the Texas Education Agency to develop minimum standards for Disciplinary Alternative Education Programs (DAEPs)<sup>29</sup>
- requiring school districts to consider mitigating factors, such as self-defense, intent, disciplinary history, and a student's disability, before making a disciplinary decision<sup>30</sup>
- eliminating "persistent misbehavior" as a reason for expulsion<sup>31</sup>
- eliminating ticketing of students in sixth grade and younger for nonviolent misbehavior<sup>32</sup>
- eliminating ticketing of students under age 12 for truancy, and reserving ticketing of older students as a last resort to be used only after the school has tried internal measures that failed<sup>33</sup>

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28. Tex. H.B. 278, 80TH Leg., R.S. (2007).

29. Tex. H.B. 426, 80TH Leg. R.S. (2007).

30. Tex. H.B. 171, 81ST Leg. R.S.(2009).

31. Tex. H.B. 968, 82ND Leg. R.S. (2011).

32. Tex. H.B. 359, 82ND Leg. R. S. (2011).

33. Tex. S.B. 1489, 82ND Leg. R.S.(2011).

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*Texas Education Agency (TEA) Initiatives:*

- TEA provides training to districts interested in learning about positive, proactive discipline methods.<sup>34</sup>
- Regional Education Service Centers (ESCs) across the state offer a number of activities, trainings, and technical assistance services for member districts interested in a positive and preventative approach to discipline. The Region 4 ESC provides leadership for two additional statewide initiatives including the Texas Behavior Support (TBS) network for children with disabilities and an online training that helps districts and campuses meet legislatively mandated training that incorporates a full continuum of positive behavioral intervention strategies.
- A 2011 pilot program uses statewide data to implement systems that will document student achievement and measure the effectiveness of specific professional development programs and activities. The Positive Proactive Response for Outcome-Based Success program (PROS) focuses on student data analysis, continuous coaching, and support—meant to result in fewer discipline referrals, increased attendance and graduation rates, and greater student achievement. The program will continue through the 2011–2012 school year.<sup>35</sup>
- TEA has established standards for DAEPs, and included a requirement that a DAEP student's test scores be attributed to the student's home campus for purposes of accountability.<sup>36</sup> This mirrors language in the Education Code for Juvenile Justice Alternative Education Programs (JJAEPs).<sup>37</sup> These provisions ensure that Texas campuses do not have an incentive to push students with low test scores out to an alternative education placement—a problem reportedly occurring in other states.<sup>38</sup>

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34. See Texas Education Agency, Positive Proactive Discipline Video, available at <http://www.tea.state.tx.us/DAEP.html>.

35. Information provided by TEA to author Tony Fabelo, June 17, 2011.

36. 19 Tex. Admin. Code sec. 103.1201(E).

37. Tex. Edu. Code 37.011(H).

38. The Advancement Project, *Test, Punish, and Push Out: How Zero Tolerance and High-Stakes Testing Funnel Youth Into the School to Prison Pipeline* (Washington, DC: Author, 2010), available at <http://www.advancementproject.org/digital-library/publications/test-punish-and-push-out-how-zero-tolerance-and-high-stakes-testing-fu>.

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*Local Initiatives:*

- With support from a discretionary grant provided by the Criminal Justice Division of Governor Rick Perry's office, and with technical assistance from the TEA, the Waco Independent School District has created a pilot program aimed at reducing disciplinary actions and Class C ticketing on middle and high school campuses by as much as 25 percent per year over two years. The program, scheduled to be in place for the 2011–2012 school year, includes the following:
  - increased use of "Safe School Ambassadors," meaning students trained to offer peer support and mediation services
  - a Parent Education Diversion Program, offered as an alternative to a DAEP or JJAEP placement. Social workers offer parents instruction and information relating to adolescent development, positive discipline, anger management and impulse control, and additional community resources available to support children and families
  - additional training for teachers in classroom management
- An increasing number of districts across the state have adopted Schoolwide Positive Behavioral Interventions and Supports (SW PBIS), an evidence-based disciplinary model that has been shown to reduce disciplinary actions by more than half.
- The Bexar County Juvenile Probation Department created the Children's Crisis Intervention Training (CCIT) in 2009 as specialized training for school district police officers. This 40-hour training is offered during the summer and includes information regarding active listening and de-escalation techniques; mental, learning, and developmental disorders in children; substance abuse; and available community resources for families and children. To date, Bexar County has trained more than 70 officers.

Although no state can provide a perfect case study of school disciplinary policies to which officials in any state can relate, Texas does offer a particularly useful laboratory to examine these issues. It is highly unusual in its maintenance of individual electronic records, rich with information about each public school student. This system facilitates tracking of students over their school careers, even as they move from one school (or district) to the next. Individual electronic records also are maintained for youths who come into contact with the juvenile

justice system. What further distinguished Texas from every other state at the start of this study in 2009 was the opportunity to study at least six years' worth of state student-level education and juvenile justice electronic records, and to benefit from broad bipartisan support for this research.

## **Organization of this Report**

This report begins with a summary of the methodology used to analyze student, school campus, and juvenile justice records in Texas. A description of the Texas school disciplinary system follows, including the legal framework and key terms, to help readers understand which behaviors are likely to result in specific types of school action (as well as the nature and duration of those actions). The centerpiece of the report is six findings. Each finding, in turn, contains an overview of the issue that the researchers explored, and a concise description of the approach they used to analyze relevant data. Facts, figures, and tables that provide the basis for the finding are also included.

## **Scope of the Report**

Leaders of the CSG Justice Center believed this project should be intensely focused on what the data tell us about school disciplinary outcomes related to the juvenile justice system and academic performance. Accordingly, the report provides readers with statistical information on the number and type of suspensions and expulsions made in Texas's public secondary schools and a profile of the students affected. It defines key problems and highlights the consequences of disciplinary actions. While the study cannot account for every imaginable variable that could impact academic success, as well as juvenile justice involvement and other outcomes highlighted in the report, the multivariate analyses do control for the 83 variables listed in Appendix A.

Many aspects of school discipline that are the subject of intense debate, in Texas and nationally, are not addressed in this report. Truancy analyses and the role of local law enforcement in schools (including the practice of issuing misdemeanor "tickets" to misbehaving students who are subject to the municipal courts) were largely outside the scope of the data analysis described in this publication. Similarly, this report does not contemplate how students' involvement in the child welfare system relates to suspension and expulsion rates. These issues could not be properly addressed using the study's datasets, beyond what is included in this report.

Despite the comprehensiveness of this study, it could not pinpoint to what extent student *behaviors* actually differed from one school to the next. A seemingly obvious metric available in the dataset that researchers could use to gauge misbehavior in a particular school would be the rate at which disciplinary actions were recorded there. Because state law mandates a student's removal from the classroom when he or she commits certain offenses (e.g., bringing a gun to campus), the rate of those types of serious incidents occurring is one objective measure of safety at a school. As this report explains, however, the overwhelming majority of disciplinary actions taken are discretionary responses. Consequently, researchers could not rule out the possibility that when fewer disciplinary incidents were recorded at a particular campus, educators may simply have been more tolerant of misbehavior—or they may have been able to mitigate misbehavior (by engaging students more effectively, for example).

Other researchers have cautioned against using discretionary disciplinary actions as a proxy for gauging student behavior in a school. One study, for example, demonstrated that office referrals are not a pure index of student behavior but rather an index of the disciplinary systems within a school.<sup>39</sup> There are major differences within and among schools in the processes, forms, terminology, and training they employ, each of which are factors that influence office referrals.<sup>40</sup> For similar reasons, readers should be careful not to equate this report's data on discretionary actions as a proxy for measures on school safety.

Readers outside Texas also are cautioned about generalizing these findings, in part because they will see differences between Texas's practices and their own districts' student record-keeping and school discipline or juvenile justice systems.<sup>41</sup> Nevertheless, this report should still provide insights relevant to other jurisdictions.

This report stops short of suggesting programs and practices that may be effective in reducing suspensions and expulsions or minimizing their impact. It also does not describe individual school initiatives or approaches related to safety

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39. George Sugai, Jeffrey R. Sprague, Robert H. Horner, and Hill M. Walker, "Preventing School Violence: The Use of Office Discipline Referrals to Assess and Monitor School-Wide Discipline Interventions," *Journal of Emotional and Behavioral Disorders* 8 (2000): 94–101.

40. Gale M. Morrison, Reece Peterson, Stacy O'Farrell, and Megan Redding, "Using Office Referral Records in School Violence Research: Possibilities and Limitations," *Journal of School Violence* 3 (2004): 39–61.

41. For example, unlike Texas, which established and maintains the Disciplinary Alternative Education Programs, nearly half the states do not require alternative educational assignments for expelled or suspended students. Civil Rights Project and the Advancement Project, "Opportunities Suspended: The Devastating Consequences of Zero Tolerance and School Discipline Policies" (paper presented at the National Summit on Zero Tolerance; Washington, DC, June 15–16, 2000).

and improving student outcomes. Other publications are dedicated to these purposes.<sup>42</sup> The CSG Justice Center does plan to convene a national cross-section of innovative thinkers and opinion leaders, in follow-up to this study, to discuss recommendations for a broad spectrum of systems that address the report's themes and build on the work of experts in the field.

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42. See, for example, Russell Skiba and M. Karega Rausch, "School Disciplinary Systems," in *Children's Needs III: Development, Prevention, and Intervention*, ed. George G. Bear and Kathleen M. Minke (Bethesda, MD: National Association of School Psychologists, 2006) 87–102; or see Social and Character Development Research Consortium, *Efficacy of Schoolwide Programs to Promote Social and Character Development and Reduce Problem Behavior in Elementary School Children*, NCER 2011–2012 (Washington, DC: National Center for Education Research, Institute of Education Sciences, U.S. Department of Education).

## OVERVIEW OF THE TEXAS SCHOOL DISCIPLINARY SYSTEM AND KEY TERMS

Every state's public school disciplinary system has its own distinct mandates, culture, and quirks. Yet all public school models share enough common elements and objectives that findings from this Texas study can direct officials in other jurisdictions to similar questions and analyses that can help determine how school discipline affects student involvement with the juvenile justice system and other related outcomes.

Like many states, Texas's legal and policy structure is quite complex. The discussion that follows highlights key features of the system to ensure that all study results are considered in their proper context. To interpret results accurately, it is important to keep in mind the definitions that relate to the different categories of disciplinary actions, and what conduct prompts these actions. Readers also should note what kind of discretion school and other officials have when addressing students' violations of school codes or state law.

### Statutory Framework

In 1995, the Texas legislature established a statewide, legal framework to promote safety and discipline in its public school system.<sup>43</sup> Chapter 37 of the Education Code created two categories of disciplinary actions: mandatory and discretionary. Within the mandatory category, the Code lists specific serious criminal behaviors that qualify as felony offenses (such as use of firearms on school grounds, aggravated assault, and sexual assault). These trigger mandatory removal of the individual from the school (for a full listing of mandatory offenses and the discretionary violations that follow below, see Appendix B).

Chapter 37 also identifies less severe offenses, which include conduct occurring off campus or at a school-sponsored or school-related activity, such as felony criminal mischief; misdemeanor drug, alcohol, or inhalants offenses; and fighting/mutual combat. For these offenses, school district officials have the discretion to remove a student from the classroom or school.

In addition, Chapter 37 requires each school district to adopt a student "code of conduct." Districts have the authority to include in their codes of conduct

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43. Texas Education Agency, Chapter 37, Safe Schools, available at <http://www.tea.state.tx.us/index2.aspx?id=262>.

additional offenses requiring disciplinary action. They thus have a great deal of leeway to enlarge upon the mandatory and discretionary offenses included in Chapter 37. These locally designed and administered rules provide written guidance to students, teachers, and parents on acceptable student behavior; describe which violations dictate mandatory or discretionary action; and outline district processes for disciplining students who break these rules.

### Locally Administered “Code of Conduct”

School districts’ codes of conduct are often more than 50 pages in length, reflecting the intricacy of these frameworks. Many districts require the student and his or her parent or guardian to sign the code at the beginning of each school year, attesting that they have read and discussed it and understand the consequences it outlines.<sup>44</sup> These codes typically organize violations into five levels: Level I violations are the least serious, addressing behavior such as being tardy, leaving class early, or violating the dress code. Violations that are particularly serious, and amount to criminal behavior, are Level IV or V violations, discussed in more detail below.

The level of the offense determines how broad the range of sanctions may be that are available to school administrators. Generally speaking, the lower the level of the violation, the larger the menu of potential consequences. For example, if a student’s misbehavior constitutes a Level I violation, a teacher or other school employee may choose from among many sanctions that neither require referral to the principal’s designee nor removal

#### TRUANCY

Texas’s relevant state statute defines truancy as the unexcused failure to attend school for ten or more days, or parts of days, during a six-month period—or failure to attend three or more days, or parts of days, within a month. When local officials determine that a student is truant, they have two options:

1. They may refer the student to the juvenile justice system for “conduct indicating a need for supervision” (CINS)—an offense defined in Title 3 of the Family Code. The youth is typically placed on probation, with attending school as one of the terms for successful completion. The local juvenile probation department may then refer the youth to additional services.

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<sup>44</sup>. *Id.*



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2. The school district's truancy officer may issue the student a Class C misdemeanor ticket, in which case the youth is prosecuted through the municipal court system.\*

In either event, state-level data regarding truancy are not comprehensive because many truancy cases are prosecuted but never recorded as a disciplinary violation in TEA's database. Accordingly, for this study, municipal and justice court data on truancy were not addressed, and an examination of truancy issues was beyond the scope of this report.

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\* See page 23 for a discussion on youths who violate school rules and are charged with a Class C misdemeanor offense.

from the classroom. These might include lunch or after-school detention, Saturday school, or extra school work. Even though Level 1 offenses are less serious, a more serious consequence may be imposed, such as an in-school suspension, or even an out-of-school suspension. The higher the level of the violation, the fewer options a school administrator has for disciplining a student. For example, sanctions from which a school administrator may choose when disciplining a student who has committed a Level III violation include suspension or possible Disciplinary Alternative Education Program (DAEP) removal. A Level V violation triggers automatic referral to an available Juvenile Justice Alternative Education Program (JJAEP).<sup>45</sup>

The determining factor as to which disciplinary consequences are used among districts, or even from one school to another, is not so much the substantive content of the codes of conduct, the variation in the rules they establish, or even the range of consequences associated with different violation levels. Instead, the determining factor is how teachers and administrators interpret and apply these codes of conduct. What behaviors, for example, amount to "classroom disruption"? Should a student immediately be removed from the classroom for any sign of it, and, if so, which of the various possible consequences listed in the code of conduct should be imposed? How school administrators interpret these codes, and their responses to violations, varies enormously.<sup>46</sup>

Complicating the understanding of administrators' responses to behavioral violations is the way student discipline data are

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45. Jurisdictions that are not large enough to be required to have a JJAEP may expel students to the street.

46. See, e.g., Texas Appleseed, *Texas' School-to-Prison Pipeline: Dropout to Incarceration: The Impact of School Discipline and Zero Tolerance* (2007); Texas Appleseed, *Texas' School-to-Prison Pipeline: School Expulsion: The Path from Lockout to Dropout* (2010); See also, the discussion in this report's Finding 6.

reported and maintained. For example, data available in TEA's information systems permit a nuanced analysis of serious offenses committed in public schools, but not of low-level offenses.

Serious offenses that amount to criminal behaviors and are explicitly identified in Chapter 37 also are reported to TEA and reflected in a district's disciplinary data, but most low-level offenses, including classroom disruption, use of profanity, or involvement in a schoolyard scuffle (that does not rise to the level of an assault), are categorized generally as a "violation of the local code of conduct" and coded as such in reports to TEA. For this reason, the overwhelming majority of disciplinary violations reported to TEA appear as generic violations of the code of conduct, making it impossible to determine more precisely the behavior for which the student was disciplined.

## **Explanation of Suspension, Expulsion, and Out-of-School Placement**

Although the process may vary, when a teacher or other school employee observes a student committing a violation of the code of conduct (or learns of an alleged violation), campus policy often calls, first, for the behavior to be managed through informal discipline by the classroom teacher. If a pattern of disruptive behavior continues or interferes with instruction to other students, the child may be referred to the office of the designated administrator, usually the principal or vice principal. If the administrator determines that the offense is a lower-level violation of the school code of conduct, he or she has discretion about how to respond. The administrator may decide to do nothing formal, but may instruct the teacher to take further action by contacting parents and/or organizing a team response in collaboration with behavioral specialists and colleagues who also teach the student. In this case, no violation is noted in TEA's Public Education Information Management System (PEIMS) database used for this study.<sup>47</sup> The administrator also may choose from among a range of options outlined in the school code of conduct.

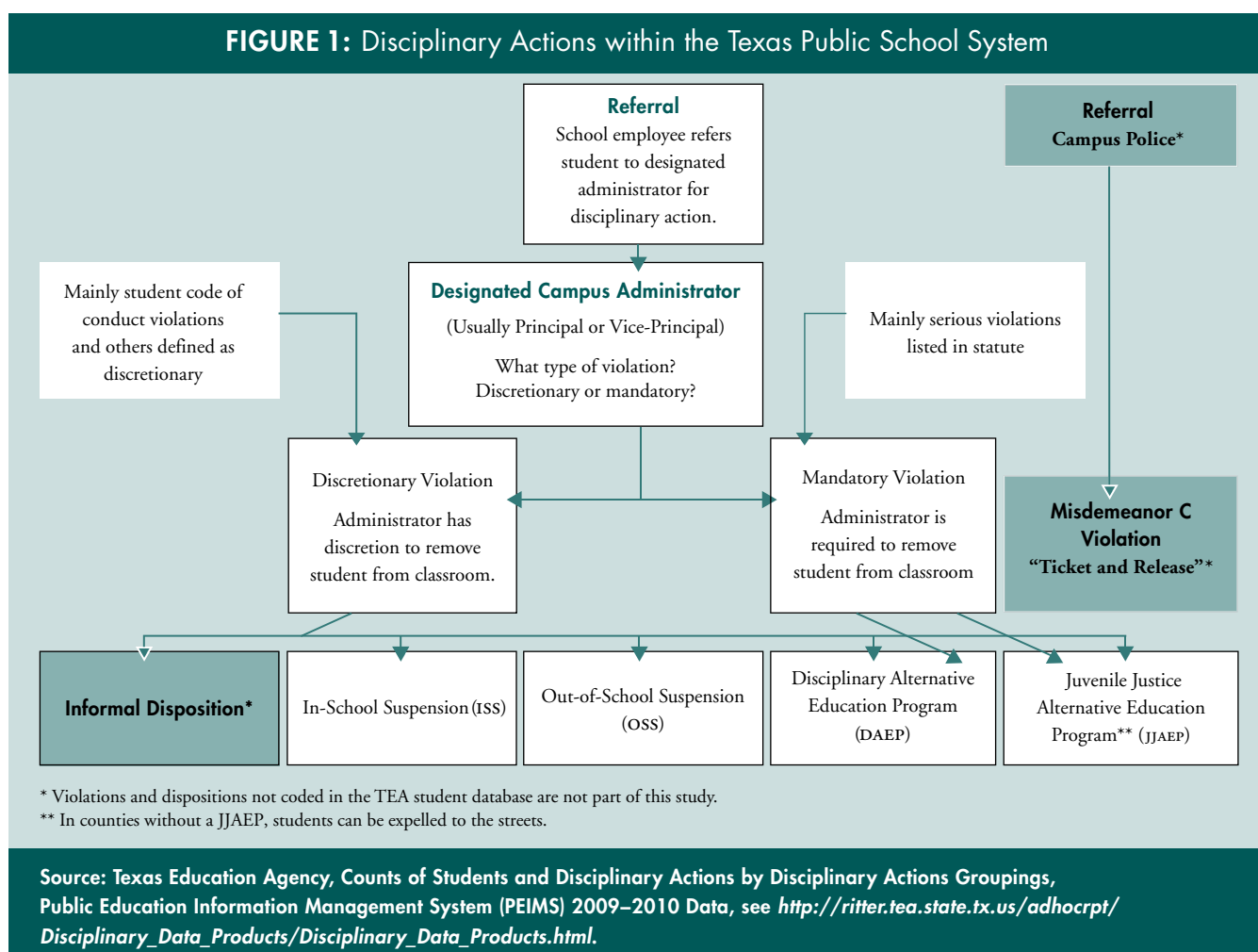
This report analyzes the use of the four sanctions for which school districts are required to report data to the TEA (see Figure 1): in-school suspensions (ISS),

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<sup>47</sup>. Although the study findings exclude the informal actions for which data are not kept, such as the parent-teacher or school personnel team meeting, these data may be available in local databases that were not accessible through this study.

out-of-school suspensions (OSS), Disciplinary Alternative Education Programs (DAEP), and Juvenile Justice Alternative Education Programs (JJAEP) (or expulsion to the street where unavailable).<sup>48</sup> If the designated administrator determines that classroom removal is appropriate, or that state law or the local code of conduct mandates the student be taken out of the classroom or school, the removal process is begun.

**FIGURE 1: Disciplinary Actions within the Texas Public School System**



48. Chapter 37 only requires counties of 125,000 or greater population to have a JJAEP.

## In-school Suspension (ISS)

A student may be placed in ISS, which requires reporting to a designated room on the school campus other than the student's assigned classroom, for as short a duration as a single class period or for as long as several days. Chapter 37 does not speak to what is required in an ISS classroom.

According to the Legislative Budget Board, documented problems with ISS programs in Texas include<sup>49</sup>

- lack of written procedures for ISS,
- inadequate training for ISS staff, and
- failure to ensure students are given academic work during their stay in an ISS classroom, which can cause students to fall behind academically—particularly when this action is coupled with lack of direct instruction.

## Out-of-school Suspension (OSS)

A student may be suspended from school for no longer than three days. There is no cap on the number of OSS actions that may occur in a school year. Students who are repeatedly referred to OSS over the course of a single school year may lose a significant amount of instructional time. This may place students who are already likely to be disengaged from school, at higher risk for falling significantly behind their peers.<sup>50</sup>

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49. See Legislative Budget Board, *Amarillo Independent School District—A Review of the Student Behavior Management System* (2011); Legislative Budget Board, *Conroe Independent School District—A Review of the Student Behavior Management System* (2011); Legislative Budget Board, *Fort Bend Independent School District—A Review of the Student Behavior Management System* (2011).

50. Johanna Wald & Michael Kurlander, *Connected in Seattle? An exploratory study of student perceptions of discipline and attachment to teachers*, in *Deconstructing the School to Prison Pipeline* 35, 38 (New Directions for Youth Development 2003); Linda M. Raffaella Mendez, *Predictors of Suspension and Negative School Outcomes: A Longitudinal Investigation*, in *Deconstructing the School to Prison Pipeline* 17, 25 (New Directions for Youth Development 2003).

## Disciplinary Alternative Education Program (DAEP)

A student who is removed for more than three days from school is assigned to an alternative education campus. Policymakers created DAEPs to require school districts to provide students with a suitable educational setting during their suspension. Chapter 37 requires these programs to include a behavioral component meant to address the problem that resulted in a student's referral, and requires the instructional program to include the core components of English, math, science, and history.<sup>51</sup>

However, because there has been little monitoring and oversight of DAEPs, the quality of the programming and instruction varies among districts, with some students in DAEPs poorly served by under-resourced programs. The Legislative Budget Board has expressed the following concerns:<sup>52</sup>

- failure to staff the DAEP with certified teachers
- failure to provide a learning environment equivalent to mainstream campuses
- inadequate training for DAEP instructors and staff
- lack of instructional alignment between DAEP and mainstream campuses
- insufficient communication between a student's home campus and DAEP
- absence of transitional programming upon a student's return from a DAEP

Students may be expelled from a DAEP for "serious or persistent misbehavior," a term that many districts define simply as two or more documented violations of the student code of conduct during the course of the student's attendance there. Thus, a high number of expulsions are made from DAEPs for the very same behaviors that brought the student there initially. Expulsion from a DAEP for serious or persistent misbehavior is a CINS offense in the Family Code. This

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51. Tex. Edu. Code §37.008

52. Legislative Budget Board, *Amarillo Independent School District—A Review of the Student Behavior Management System* (2011); Legislative Budget Board, *Dallas Independent School District—A Review of the Student Behavior Management System* (2011); Legislative Budget Board, *Fort Bend Independent School District—A Review of the Student Behavior Management System* (2011); Legislative Budget Board, *Ingleside Independent School District—A Review of the Student Behavior Management System* (2011).

means that students can be brought into direct contact with the juvenile justice system for low-level misbehavior.<sup>53</sup>

### Juvenile Justice Alternative Education Program (JJAEP)

In the most populous counties where this option is available, expelling a student results in removal to the juvenile justice-operated school. This consequence is generally reserved for students accused of engaging in delinquent conduct or CINS offenses under Title 3 of the Texas Family Code.<sup>54</sup> The Texas Juvenile Probation Commission (TJPC) provides state oversight of JJAEPs, and has adopted more rigorous standards and requirements for these programs than the TEA created for DAEPs.<sup>55</sup>

Chapter 37 does not require written notice or a conference with parents prior to disciplinary actions, including suspensions, that fall short of removal to an alternative education program. It does, however, require schools to *notify* parents when a student has been disciplined.<sup>56</sup> When the principal or administrator in charge of discipline decides to impose a sanction that requires removal to a DAEP, he or she must first schedule a conference with the student and his or her parent or guardian within three days of the child's removal from the classroom.<sup>57</sup> If a student is expelled, a more formal hearing is required.<sup>58</sup> Consequently, a student may spend time in an immediate ISS or OSS placement, pending a hearing, or may do so to fulfill notice requirements before being sent to one of the alternative education programs. Chapter 37 does not allow students to return to their regular classroom to await the hearing or a decision on an appeal of a disciplinary referral to the DAEP or JJAEP.

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53. Aggregate data provided by the Texas Juvenile Probation Commission, on file with the author, show that 1,227 youth were referred to the juvenile justice system in 2010 for the CINS offense of expulsion for serious or persistent misbehavior while in a DAEP. See also, the sidebar on Texas's progress on school disciplinary changes in the Introduction on pages 8–11.

54. Because juveniles are not prosecuted in the criminal justice system, "delinquent conduct" is described in the Family Code rather than the Penal Code. Title 3 defines delinquent conduct and CINS offenses.

55. Texas Juvenile Probation Commission (May, 2010). Juvenile Justice Alternative Education Programs Performance Assessment Report, School Year 2008–09. Available online at <http://www.tjpc.state.tx.us/publications/reports/TJPCMISC0310.pdf>.

56. Tex. Edu. Code §37.001(6).

57. Tex. Edu. Code §37.009.

58. *Id.*

## The Role of Law Enforcement in Texas Public Schools

Police, or another local law enforcement authority, often have some type of presence in Texas schools, and a role in the school's disciplinary system. Officers typically assume primary responsibility for enforcing the law, but there is no consensus about whether their mission includes ensuring compliance with those school rules which, when violated by students, do not necessarily amount to criminal offenses.

When law enforcement officials assigned to a Texas campus observe a student violating school rules (or learn of such behavior), they may send the student to the designated administrator. Alternately, for behavior that can be punished as a Misdemeanor C violation, officials may pursue a criminal justice response. Officers have the legal authority to issue "tickets" that are the equivalent of an "arrest and release on the spot" for offenses such as disruption of the class, disorderly conduct, failure to attend school, or a minor's possession of alcohol or tobacco. A student receiving such a ticket is not subject to jail time, but must appear before a municipal or justice court, where a judge typically imposes a fine of up to \$500 and/or community service.

It is also possible to receive a Misdemeanor C "ticket" *and* be subject to the school's disciplinary action, in accordance with Chapter 37. The number of Misdemeanor C tickets issued annually, and the extent to which students are disciplined pursuant to a school's code of conduct, is unclear because information about Misdemeanor C tickets is not captured in a student's record within the TEA database.

Texas Appleseed issued a report studying the impact of this ticketing policy.<sup>59</sup> The organization estimated the potential number of citations involving students as being well over 100,000 a year, with most citations generated in school districts that have their own police departments.<sup>60</sup> The report went on to cite concerns that ticketing turns the misdeeds of a large number of students into criminal behavior at an early age. That may be one reason why the policy was under

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59. Texas Appleseed, *Texas' School to Prison Pipeline: Ticketing, Arrest & Use of Force in Schools* (2011). Texas Appleseed works with lawyers and other professionals to identify and resolve difficult systemic problems. It has focused on the impacts of in-school and out-of-school student suspension and referrals to Disciplinary Alternative Education Programs; the group documented the disproportionate impact of discretionary school expulsion on minority and special education students; and the shift of student discipline from schools to the courthouse in ticketing, arrest and use of force in schools.

60. *Id.* at 76–77.

scrutiny by Texas policymakers as part of an overall effort to review the state's school disciplinary policies.<sup>61</sup>

#### SCHOOL DISTRICTS' OPTIONS FOR A LAW ENFORCEMENT PRESENCE

In Texas, school districts that opt to have a law enforcement presence on school campuses may choose from two models:

- a traditional School Resource Officer model, which requires the district to contract with a local policing agency to assign officers to the district's campuses
- an in-house school district police department, with a force commissioned by the school board and overseen by the superintendent. Chapter 37 allows school districts to commission their own police forces with licensed peace officers who have the power to arrest, issue citations, and conduct other law enforcement duties.

Within these models, roles for school officers can vary across districts or even among area schools.<sup>62</sup> In some districts, officers are unlikely to deviate from a traditional law enforcement model. In others, officers' duties may include mentoring and teaching, particularly in districts that use the Drug Abuse Resistance Education (D.A.R.E.) curriculum.<sup>63</sup> Typically, a school police officer's more traditional tasks include patrolling the campus and its surroundings, providing security for school events, enforcing traffic laws on and around campus, and issuing tickets for Class C misdemeanors, or making arrests if a more serious violation occurs.<sup>64</sup> School police officers may also investigate crimes that occur on campus, and conduct drug sweeps or weapons searches.<sup>65</sup>

Although Texas schools report a great deal of school disciplinary data to the TEA, school district police are not required to report *any* data relating to school crime, including tickets issued or arrests made.<sup>66</sup> This makes it very difficult to get a clear picture of the level of crime that takes place on Texas's school campuses, or the impact that school-based ticketing and arrest may have on students.

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61. In preparation for the 2011 legislative session, the Senate Criminal Justice Committee issued an interim report recommending changes to this policy. Texas Senate Criminal Justice Committee, Interim Report, December 15, 2010, at <http://www.senate.state.tx.us/75r/senate/commit/c590/c590.htm>. For updates on the legislation that passed, see the sidebar about Texas legislative measures on page 9.

62. Texas Appleseed, *supra* note 59, at 37–44.

63. *Id.*

64. *Id.* at 58.

65. *Id.*

66. *Id.* at 30–34.



## METHODOLOGY

In 2009 the TEA, under the authority granted in the Education Code,<sup>67</sup> merged identified school and juvenile justice records needed to complete this study. The agency then made these records available, without identifiers, to the research team through the State of Texas Education Research Center (ERC) at Texas A&M University (TAMU). Between January 2010 and March 2011, the Texas research team conducted the descriptive and multivariate analyses for this study.

The data analyzed for this study came from two Texas state agencies:

- The Texas Education Agency (TEA), which oversees and manages funding for the state public education system
- The Texas Juvenile Probation Commission (TJPC), which monitors state funding and standards for its juvenile probation system.

Figure 2 depicts how the records were compiled for the study. In Stage 1 of data assembly, TEA provided access to two key databases for this project: the Public Education Information Management System (PEIMS) is the central repository for all student records statewide. More than 500 variables were initially made available describing each individual public school student enrolled in grades six to twelve between student years 1999–2000 and 2008–2009 (representing more than five million students).<sup>68</sup> The second database—TEA’s Academic Excellence Indicator System (AEIS)—made available more than 6,000 additional variables describing the approximately 1,200 school districts and 3,900 campuses these students attended.<sup>69</sup>

Because TEA had access to student names and other confidential information needed to merge external records, the agency also brought in information from TJPC, which is charged with collecting case records on all referrals to the juvenile justice system in Texas from county juvenile probation departments statewide.

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67. Texas Education Code, Title I, Chapter I, §I.005.

68. The study did not examine children in primary schools because the types of disciplinary events analyzed in this report are less common at that age and because the majority (94%) of the referrals to the Texas juvenile justice system are for individuals between ages 13 and 17.

69. For more information on PEIMS, see Texas Education Agency, <http://www.tea.state.tx.us/index4.aspx?id=3012>. More information on AEIS is available at <http://ritter.tea.state.tx.us/perfreport/aeis/>.

Upon completion of the merge, TEA programmers were able to locate a school record for an impressive 87 percent of the youth represented in the juvenile justice record set. After removing all identifiers from this final “matched” group, TEA provided access to the research team under the supervision of TAMU’s ERC.

Once the compiled dataset was available, in Stage 2 of the data assembly process, the research team extracted the study groups: three seventh-grade cohorts enrolled during the 2000–2001, 2001–2002, or 2002–2003 academic years. With more than 300,000 individuals in each seventh-grade class, the study sample represented a total of 928,940 students. Of these, 136,592 students had at least one matching record in the juvenile justice database.

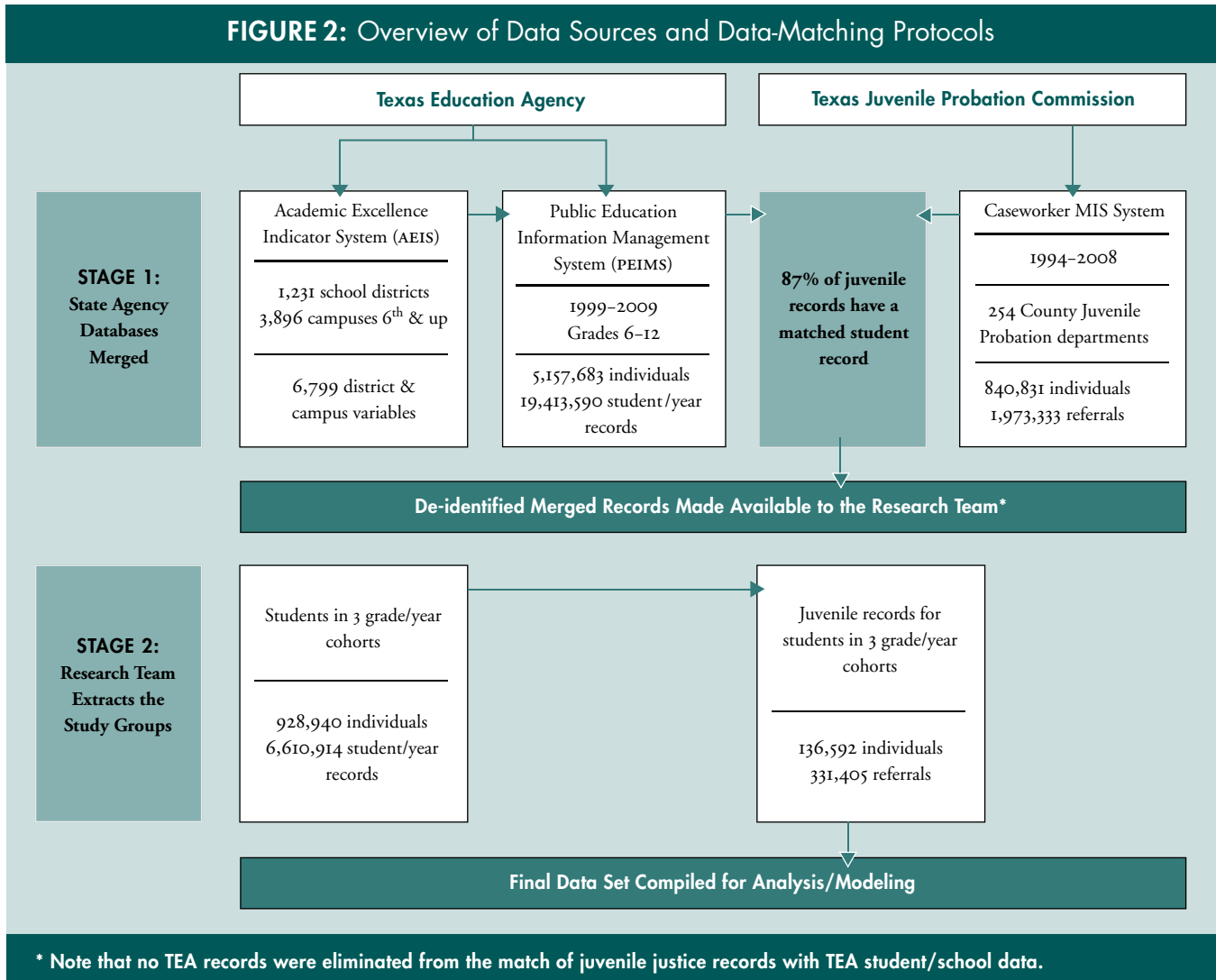
Although a massive number of student, district, and campus variables were available in these combined datasets, only the most theoretically relevant measures were initially selected; the list was then further reduced by eliminating “collinear” variables shown through statistical tests to measure highly similar constructs. A list of the 83 variables ultimately used in the research is provided in Appendix A.<sup>70</sup>

- Student variables included measures such as demographics, attendance, course completion, special program enrollment (e.g., special education, bilingual education, career and technology, gifted and talented), standardized performance, and disciplinary violations resulting in a formal punishment (i.e., suspension or expulsion).
- Campus variables included measures such as aggregations of all individual student variables, standardized test performances, resources and expenditures, teacher characteristics, attendance rates, drop-out rates, campus structure (i.e., grades and enrollment), and student-teacher ratios.
- Although juvenile justice variables included information about each individual’s characteristics, the referral reason, and the disposition for each juvenile encounter, the dataset was used in this research simply as a “yes/no” measure to identify youth who had any type of encounter with the juvenile justice system.

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70. A graphic depiction of the conceptual relationship between these variables is provided in Figure 4 of this report on page 32 in the discussion of the multivariate model used).

**FIGURE 2: Overview of Data Sources and Data-Matching Protocols**



## About the Study Population

As shown in Figure 3, each of the three selected seventh-grade groups was tracked over a minimum eight-year period. The study period in which data were extensively analyzed was considered to be six years, with the preceding sixth-grade year and the year following twelfth grade considered as “reference years” for researchers to check whether an event occurred, such as a *prior* disciplinary event or a *subsequent* repetition of a grade. No additional data were analyzed for those years.

In most studies that track children over several years, the nature of the study sample changes as individuals drop out. Because those who leave may be different in important ways from those who remain, such attrition can potentially skew the results. Because PEIMS records are maintained for all public school students in Texas, even when they transfer between campuses or districts within the state, the impact of attrition was minimized. Accordingly, as long as the student remained in the state’s public school system, his or her record also survived in PEIMS, and consequently in this study.

Slightly more than half of the 928,940 students in the study were male (51%), 14 percent were African American, 40 percent Hispanic, and 43 percent White/Not Hispanic. About 13 percent of the students were classified as receiving special education at any time during the tracking period, and 60 percent of the students studied were classified as “economically disadvantaged” for the same time period (as indicated by their eligibility for free or reduced-cost meals).

Approximately 70 percent of the students, who were studied for up to three years following their expected completion of high school, either graduated or received a General Education Diploma (GED).<sup>71</sup> Of the 30 percent of students who left the three seventh-grade groups studied, the TEA data reflect that only 6.7 percent of these non-completers were formally identified as having dropped out of school.<sup>72, 73</sup> Although this drop-out figure is consistent with the official seventh-

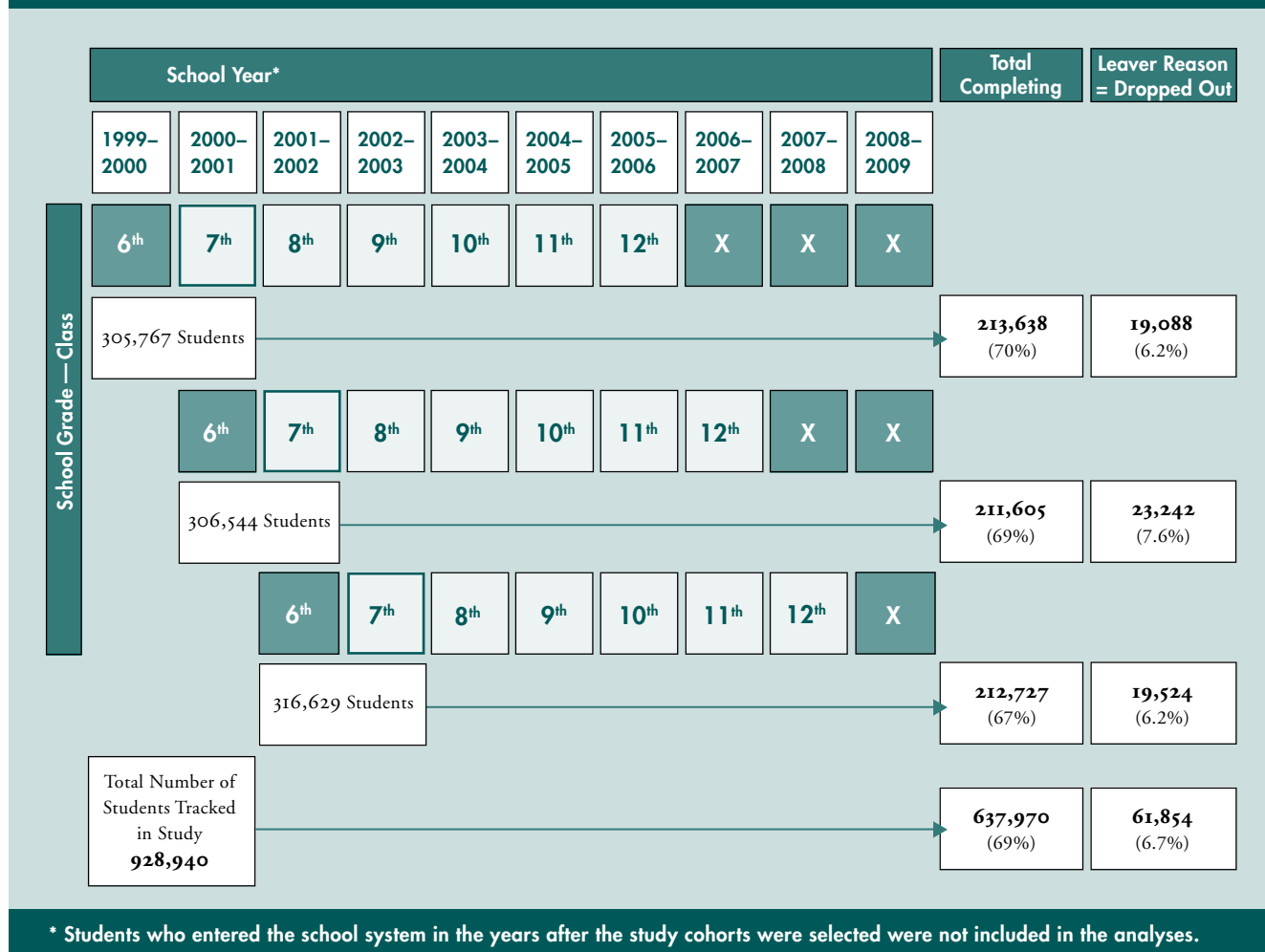
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71. Because students entering the study in the academic year 2000–2001 could be followed for three years after their scheduled graduation date, they had a longer period of time to successfully complete high school than did students in the 2001–2002 and 2002–2003 cohorts (followed for two years and one year respectively). Consequently, these data reflect that students in the earliest group studied had slightly higher rates of completion.

72. According to a 2010 study conducted by TEA, among the most prevalent other reasons given for leaving school prior to completion were enrollment in an out-of-state school (41%), home schooling (23%), private school (14%), or return to a home country (17%). See Texas Education Agency, *Secondary School Completion and Dropouts in Texas Public Schools 2008–2009* Table 6, July 2010, Austin, TX.

73. The TEA has an extensive compendium of documents discussing drop-out trends each year back to 1996. See <http://www.tea.state.tx.us/index4.aspx?id=4080>. There are several studies in Texas of drop-out rates. See Texas Education Agency, *Secondary School Completion and Dropouts in Texas Public Schools 2008–2009*, Table 1, July 2010, Austin, TX (The TEA longitudinal drop-out rate for the high school class of 2009, for example, was 9.5 (Continued on page 29)

**FIGURE 3: Study Groups' Size and the Total Completing High School at the End of the Tracking Period**



(73 cont.) percent (students who began Grade 9 in 2005–2006 and were expected to graduate in 2008–2009); See also, Daniel Losen, Gary Orfield, and Robert Balfanz, *Confronting the Graduation Rate Crisis in Texas*, October 2006, The Civil Rights Project, Harvard University, Cambridge, MA; See also various authors, *The ABCDs of Texas Education: Assessing the Benefits and Costs of Reducing the Dropout Rate*, The Bush School of Government and Public Service, Texas A&M University, May 2009, page 26 (The “upper bound” high school drop-out rate for 2007, for example, was 20 percent and the “lower bound” was 11.4 percent.). For more information on comparing the various methods of calculating drop-out rates, see Texas Education Agency, *Secondary School Completion and Dropouts in Texas Public Schools 2008–2009* Table 1, July 2010, Austin, TX.

to-twelfth-grade longitudinal drop-out rate reported by TEA, there are reasons to believe that it under-reports the percentage of students who actually dropped out. Importantly, for most of the tracking period (between the 1999–2000 and 2005–2006 school years), TEA used a less inclusive measure of annual dropouts than that recommended by the National Center for Education Statistics (NCES). When NCES standards were adopted by TEA in the 2006–2007 school year, the official number of dropouts more than doubled. This study's participants were held to the prevailing definitions, thereby using these more inclusive standards in only two of the eight years of the tracking period, resulting in a lower reported drop-out count.

## The Research Questions

The project team, together with expert advisors, developed a list of research questions that are addressed in each of the findings described in the following report sections. They focused on the following:

1. How many children are affected by disciplinary actions?
2. Do these actions result from discretionary decisions made by educators/school officials or from actions mandated by policy or law?
3. Who is being removed from the classroom or school, and do the removals disproportionately impact students of a particular race and gender?
4. Are children with specific disabilities more likely to be suspended or expelled?
5. Is being suspended or expelled an indicator for students' dropping out or repeating a grade?
6. To what extent is school discipline an indicator of risk for juvenile justice involvement, particularly for students who cycle through the disciplinary system?
7. How does the use of disciplinary actions vary among schools—even those that have similar campus and student characteristics?

## Analysis

Two statistical approaches primarily were used to respond to these research questions: descriptive and multivariate.

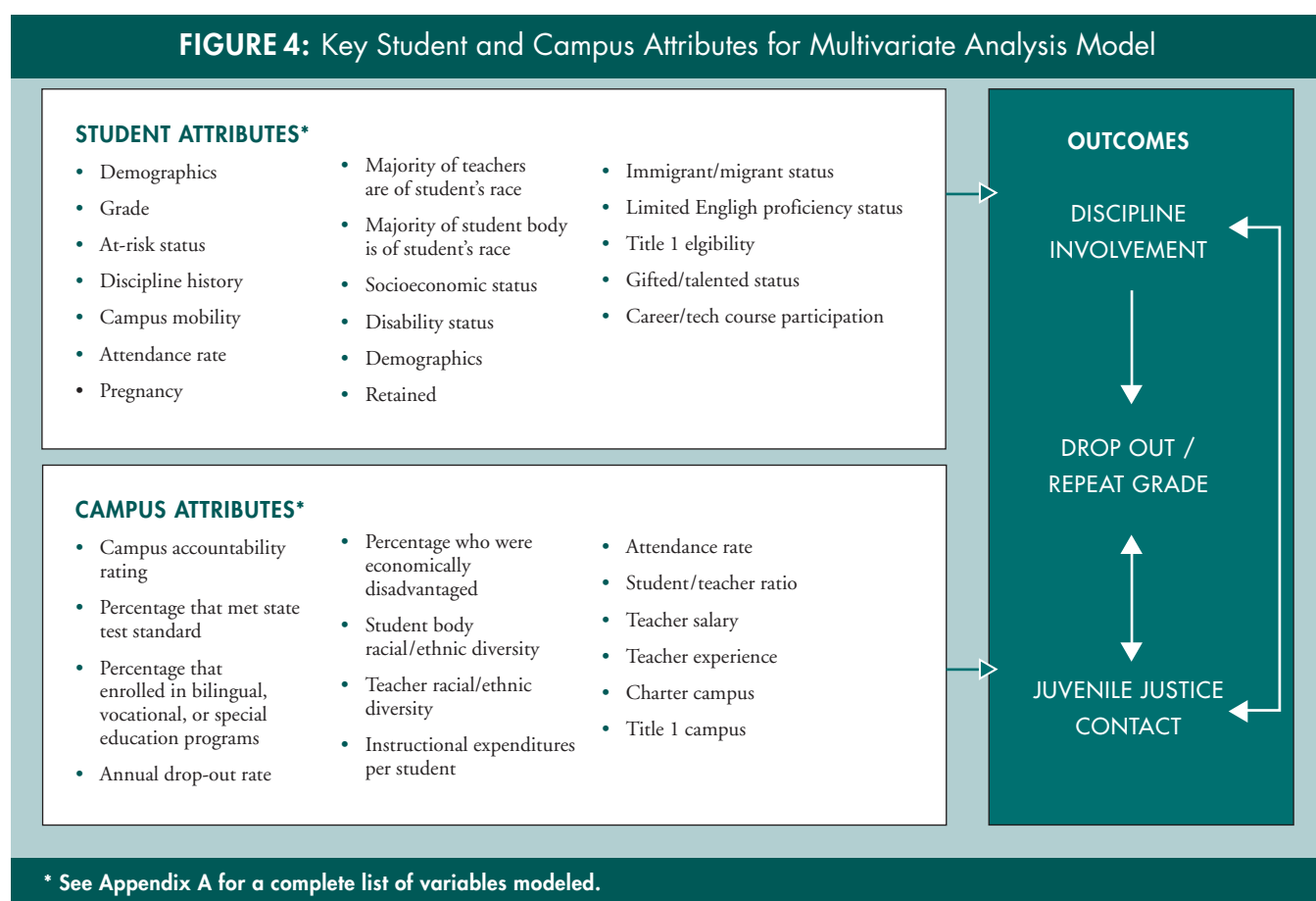
*Descriptive:* Most of the report is based on simple descriptions of relationships between two variables. Examples of such “bivariate” relationships, where only two variables are considered, include disciplinary involvement by race, or disciplinary involvement by disability. These types of statistics reveal important patterns that are often used to guide policy decisions. Yet descriptive statistics alone can provide an incomplete picture and can even be misleading.

*Multivariate:* Multivariate analyses allow for the simultaneous consideration of many different factors that combine to influence the likelihood that a student will be disciplined or encounter the juvenile justice system. Gender, race/ethnicity, socioeconomic status, language, special education needs, prior school performance, disciplinary history, and many other characteristics all can have an independent effect. Multivariate methodologies make it possible to isolate the effect of a single factor, while holding the remainder of the factors statistically constant. For instance, when the role of race in predicting school discipline is examined, multivariate methodologies allow for the comparison of juveniles who are identical in all characteristics measured except for their race.

Unlike simple frequencies or proportions, multivariate methods can untangle complex and overlapping relationships. As an example, adolescents who are poor, experience language or cultural barriers, and/or have learning disabilities may be more likely to become involved in school disciplinary or juvenile justice systems. These same adolescents also may be more likely to belong to racial or ethnic minority groups. Absent multivariate approaches, it is difficult to determine how much of their over-representation in the justice system is due to race alone and how much is due to other social and economic factors. The strength of this study is largely its ability to distinguish the separate effects of each characteristic examined. Figure 4 depicts some of the key variables in the multivariate analysis and how these relationships were modeled.

The multivariate analysis also considered a host of campus characteristics that can have an effect on school disciplinary rates as well. For instance, schools with the highest per-pupil expenditures might have been less likely to discipline their students—regardless of the pupils’ own socioeconomic status. Because of this, the analyses controlled for campus characteristics such as teacher experience, district wealth, and performance on the state’s standardized test among many others.

**FIGURE 4:** Key Student and Campus Attributes for Multivariate Analysis Model





In 2010, the CSG Justice Center convened a series of meetings with leading researchers, representatives of the U.S. Department of Education, the U.S. Department of Justice, various foundations and advocacy groups, and criminal justice and education policymakers. The purpose was to review the research methodology and the scope of the findings. Those conversations helped shape this report. The project team received ongoing support from several education experts within universities in and outside Texas to refine the analyses. They shared emerging findings with top administrators of the TEA, the policy staff of the Texas Office of the Governor, and a small group of administrators and teachers of the Austin Independent School District. A focus group was held to gather additional input from juvenile judges, a juvenile prosecutor, a public defender, and representatives from school police departments and personnel working in the juvenile probation system. These discussions led to refinements and conceptual clarifications that were integrated into the study report.



## STUDY FINDINGS

### FINDING 1

The majority of students in the public school system (59.6%) experienced some form of suspension or expulsion in middle or high school.

As discussed in the overview of the Texas disciplinary system, for the purposes of this study, disciplinary action means that the pupil was assigned to in-school suspension,<sup>74</sup> assigned to out-of-school suspension (removed from school for up to three days), placed in a Disciplinary Alternative Education Program (DAEP), or expelled to a Juvenile Justice Alternative Education Program (JJAEP)—or to the street if no JJAEP was available in that county.

Statistics presented in this section demonstrate that a high proportion of students are involved in the school disciplinary system.<sup>75</sup> Having calculated what percentage of students experienced suspension or expulsion, researchers examined the basis for school administrators' actions. Was it behavior for which state law mandates a particular response, or was it for violations of a school's code of conduct that are subject to school employees' discretion? Researchers also explored whether disciplinary action tended to be a one-time or repeat event and how administrators used the range of sanctions at their disposal.

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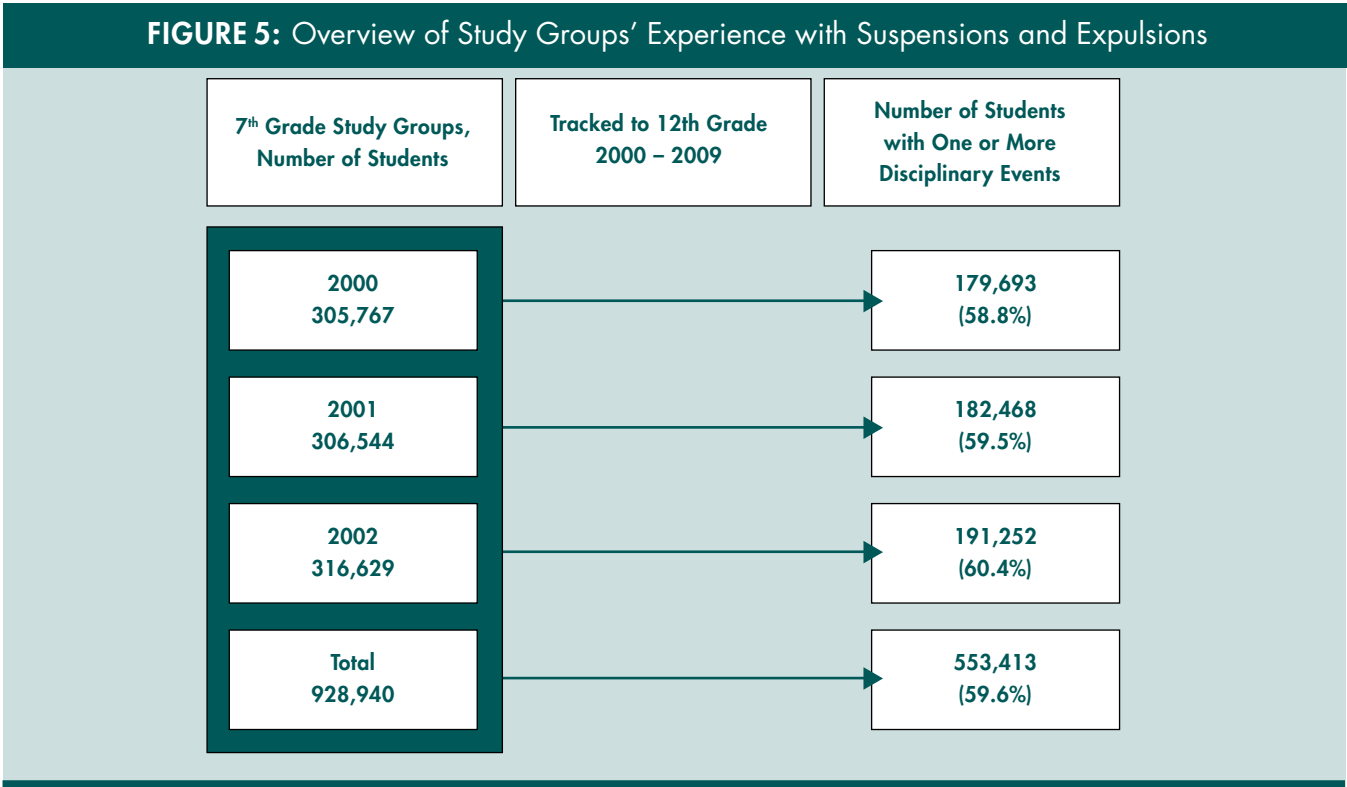
74. It is important to recall that there is no cap on the number of days that can be spent in in-school suspensions. In-school suspensions can also be administered in partial-day increments—even a single class period. Out-of-school suspensions are limited to a maximum of three days per incident, but there is no cap on the total number of days that a student can be suspended during the school year (Texas Education Code, Title 2, Chapter 37, Section 37.005).

75. The formal disciplinary actions described in this study do not include the issuance of Class C misdemeanor offense tickets by law enforcement in the schools. As mentioned earlier, the study findings also exclude the informal actions for which data are not kept, such as parent-teacher or school personnel team meetings. These data may be available in local databases that were not accessible through the study's databases. Research conducted by Texas Appleseed found that only 26 school districts and eight municipal courts had a searchable database with information about Class C ticketing and arrest data. The TEA does not mandate school districts to report this information, and few districts submit crime data to the Texas Department of Public Safety for federal Uniform Crime Reporting purposes. See *Ticketing, Arrest & Use of Force in Schools: How the Myth of the "Blackboard Jungle" Reshaped School Disciplinary Policy*, December 2010. Texas Appleseed, Austin, TX, at [http://www.texasappleseed.net/images/stories/reports/Ticketing\\_Booklet\\_web.pdf](http://www.texasappleseed.net/images/stories/reports/Ticketing_Booklet_web.pdf).

Supporting Data

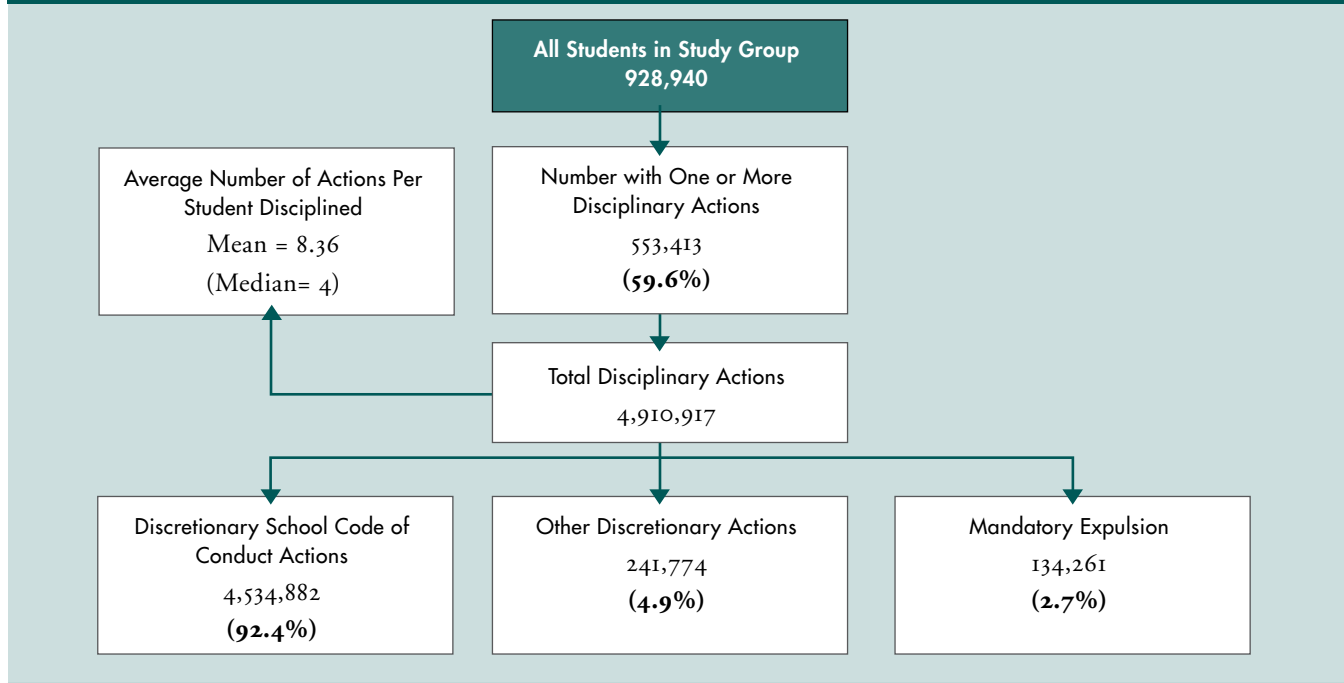
Bivariate Analyses

- More than half of the 928,940 students studied (59.6%) received at least one disciplinary action between seventh grade and twelfth grade (see Figure 5).



- For the majority of students who were suspended or expelled, this was not a one-time event. Half of all students who received such disciplinary actions were involved in at least four violations, and the average number of violations experienced by each disciplined student was more than eight. The three groups of students collectively accounted for more than 4.9 million violations during the eight-year tracking period (the six study years and the two reference years). (See Figure 6.)<sup>76</sup>

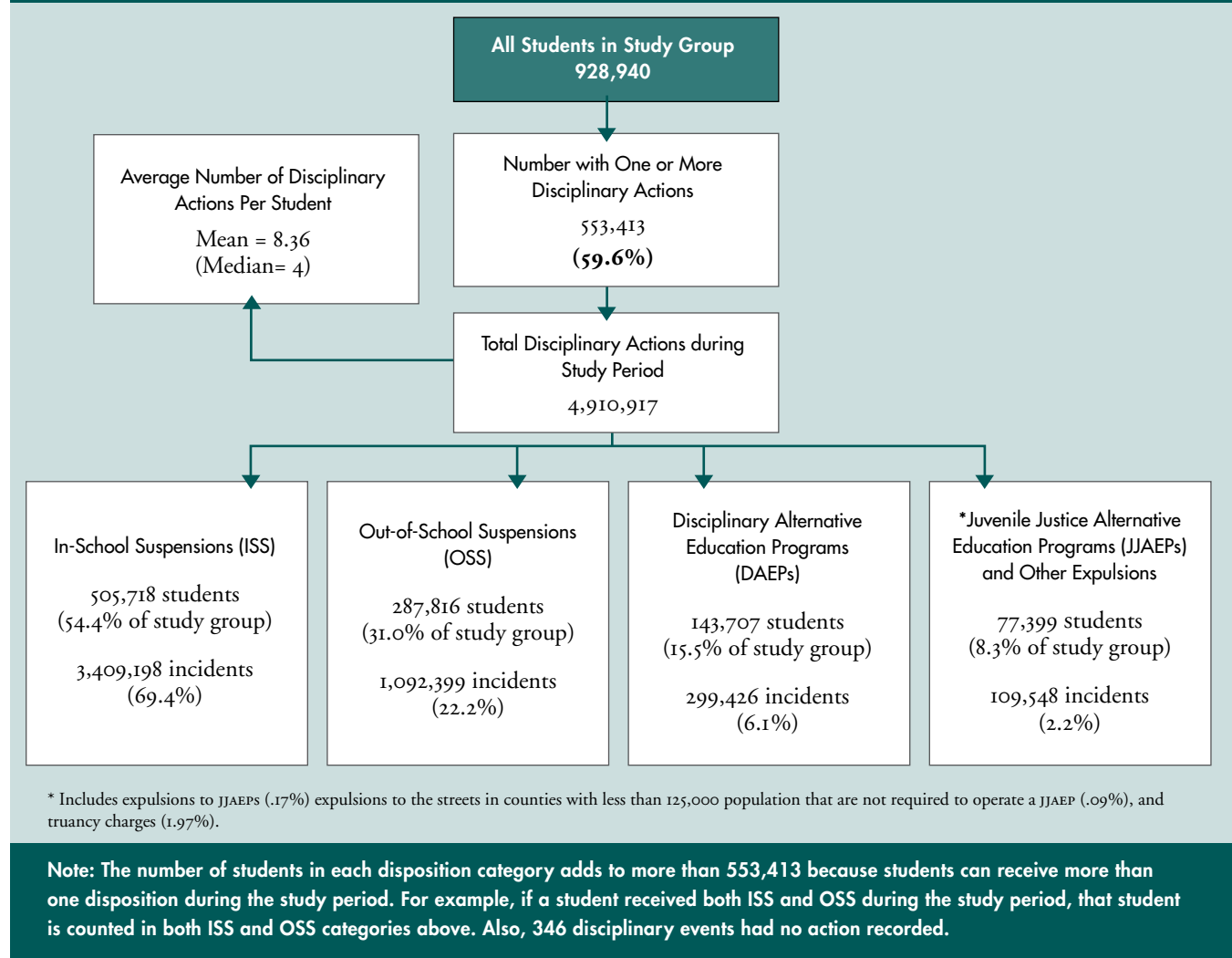
**FIGURE 6:** Types of Suspensions and Expulsions Experienced by All Students during Their Seventh- to Twelfth-Grade School Years



76. One of the variables in the PEIMS database is an offense code for disciplinary violations. This offense code tracks more than 75 individual violation types. The researchers grouped these violation types into the three categories in Figure 6: discretionary school code-of-conduct violations, other discretionary violations, and mandatory expulsion or removal violations. More than 90 percent of all formal disciplinary actions are coded in the record simply as a school code-of-conduct violation, without more specification. The category for “Other Discretionary Violations” includes violations outlined by state law for which school officials are permitted to use their discretion in how they respond. The most common other violations are Fighting/Mutual Combat (85%), Criminal Mischief (6%), Gang Violence (4%), and Misconduct Off-Campus at School-Related Activity (2%). There is no specification in the student electronic record to note the severity of any of these violations.

- As Figure 6 indicates, nine times out of ten, a student was suspended or expelled for violating the school's code of conduct (in which school officials have broad discretion on responsive actions). About 5 percent of violations were for non-code-of-conduct rule violations that are defined in state law but still allow school officials broad discretion as well. Less than 3 percent of violations were related to behavior for which state law mandates expulsion or removal.

**FIGURE 7: Number of Disciplinary Dispositions for the Study Group during Their Seventh- to Twelfth-Grade School Years**



- Almost 70 percent of the disciplinary incidents resulted in in-school suspensions. Twenty-two percent of the dispositions were for out-of-school suspensions of up to three days. An additional 6 percent of the incidents led to an expulsion to a DAEP placement. Expulsion to JJAEPs and the street accounted for a very small minority of the dispositions (approximately 2 percent). (See Figure 7.)
- A greater percentage of the male students (59%) than female students (41%) were disciplined with an in-school suspension. Males also experienced out-of-school suspension at a higher level than females (63.5% of males and 36.5% of females). An even greater percentage of males experienced DAEP (68.5%) or expulsion (78.6%) than did females (31.5% and 21.4%, respectively).
- The average number of days on which students missed at least some class time due to a disciplinary incident was 2 days for out-of-school suspension, 27 days for a DAEP placement, and 73 days for a JJAEP placement.<sup>77</sup>

## Conclusion for Finding 1

The majority of Texas secondary public school students studied were suspended from the classroom for at least one class period during their secondary school years. These removals were nearly always discretionary actions for violations of the school's locally determined code of conduct. Because so many students cycled through the disciplinary system repeatedly, additional examination is warranted to determine whether the experience of being suspended or expelled is having the desired impact on students' behavior. Continued research and discussion can help determine whether these suspensions and expulsions are yielding other sought-after outcomes, such as better academic performance, higher rates of high school completion, fewer juvenile justice contacts, and other results discussed in the findings that follow.

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77. The exact amount of class time missed due to in-school suspension could not be determined because this punishment is commonly administered in partial-day increments over multiple days, but the data available to researchers recorded the punishment in one-day units.

## FINDING 2

**African-American students were more likely than students of other races to be disciplined during their seventh- to twelfth-grade school years.**

Because this study followed all students in the Texas public school system who began seventh grade in the academic years 2000, 2001, or 2002 through to twelfth grade, the gender and racial breakdown of the groups studied represents that entire student body tracked for the full study period (see Figure 8). Of the nearly one million students whose records were reviewed for this study, slightly more than half of the students were male (51%), 14 percent were African American, 40 percent Hispanic, and 43 percent White/not Hispanic.<sup>78</sup>

Researchers looked at which types of behavior prompted disciplinary action, to what extent involvement in the school disciplinary system was a one-time event, and whether sanctions varied among students of different races. In addition, the researchers tested hypotheses about whether, after other known contributing factors are considered, children of color were disproportionately disciplined. The use of complex multivariate analyses made it possible to review millions of school records while controlling for 83 variables (see Appendix A). For example, the researchers were able to examine whether white children living in poverty frequently absent from school, or performing poorly in school (as measured by test scores), were just as likely as their African-American counterparts with these same attributes (determined by using the same measures) to be involved in the

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78. The PEIMS database used for this study included five student racial/ethnic classifications: (1) American Indian or Alaskan Native; (2) Asian or Pacific Islander; (3) Black, not of Hispanic origin, (4) Hispanic, and (5) White, not of Hispanic origin. This report focuses on African-American, Hispanic, and white students because the other categories, taken together (Asian/Pacific Islander, and American Indian or Alaskan Native students) compose less than 5 percent of the total student population. Furthermore, although the Asian/Pacific Islander population has increased steadily over the past decade, the risk for that population of the outcomes studied here (i.e., discipline, retention, dropping out, and juvenile justice contact) is the lowest of all the ethnic groups. Due to these considerations—small numbers of students and low risk attributes—Asian/Pacific Islanders, American Indians, and Alaskan Natives were not featured in the study.



school disciplinary system. They looked at ninth-grade students with identical profiles except for race and concluded that African-American students were still more likely to be disciplined than students of other races.<sup>79</sup>

To address any suggestions that children of color in Texas simply are more likely to break school rules than their white counterparts, researchers included in their analyses a comparison between profiles for students whose behavior prompted a discretionary action and students who received a mandatory removal from school. Interestingly, as the findings below reflect, although Hispanic students experienced a disparate level of involvement in school disciplinary actions, that disparity was not nearly as pronounced as that found for African-American students.

**FIGURE 8:** Overall Discretionary Disciplinary Actions by Race/Ethnicity and First Discipline Disposition Was for Discretionary Code of Conduct Violation

|                  | Percent with One or More Disciplinary Actions during Study Period | Percent FIRST DISCIPLINARY Action Was Code of Conduct Violation | FIRST DISPOSITION if FIRST DISCIPLINARY Action Was for a Discretionary Code of Conduct Violation: |                          |      |                 |
|------------------|-------------------------------------------------------------------|-----------------------------------------------------------------|---------------------------------------------------------------------------------------------------|--------------------------|------|-----------------|
|                  |                                                                   |                                                                 | In-School Suspension                                                                              | Out-of-School Suspension | DAEP | Expulsion/JJAEF |
| African American | 75.1%                                                             | 94.2%                                                           | 71.5%                                                                                             | 26.2%                    | 2.2% | 0.01%           |
| Hispanic         | 64.8%                                                             | 92.7%                                                           | 79.1%                                                                                             | 18.0%                    | 2.7% | 0.001%          |
| White            | 46.9%                                                             | 93.3%                                                           | 86.5%                                                                                             | 9.9%                     | 3.5% | 0.01%           |

79. Researchers decided to focus on one ninth-grade year for each of the three student cohorts because that is the grade level that Texas students between seventh and twelfth grades most commonly repeat. In 2006–2007, 18 percent of males and 13 percent of females repeated ninth grade, whereas just 2 percent and 1 percent of eighth graders repeated that grade. Texas Education Agency. 2008. *Grade Level Retention in Texas Public Schools, 2006–07*, p. 29. Available at [http://ritter.tea.state.tx.us/research/pdfs/retention\\_2006-07.pdf](http://ritter.tea.state.tx.us/research/pdfs/retention_2006-07.pdf); accessed on June 2, 2011.

## Supporting Data

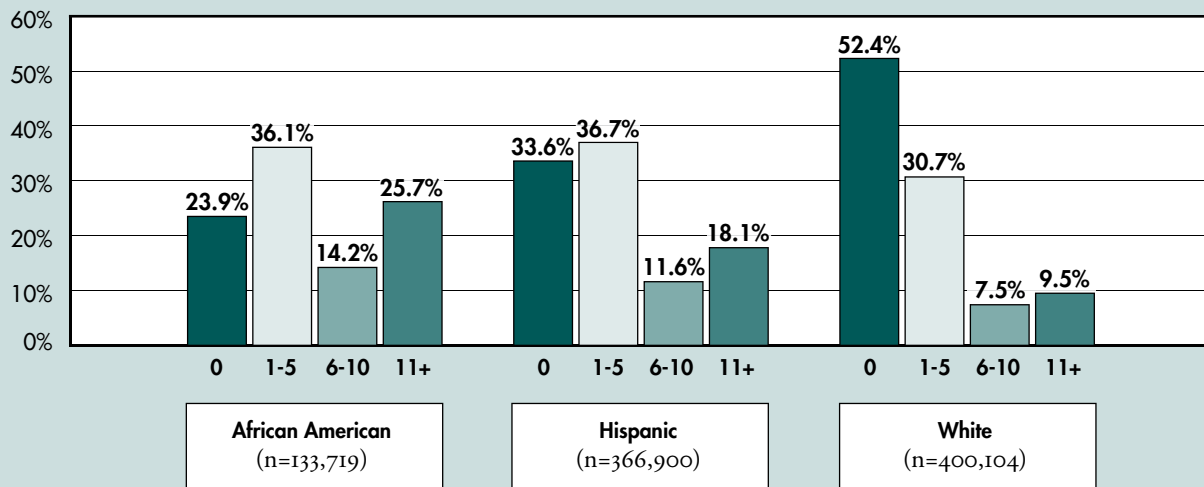
### *Bivariate Analysis*

- Seventy-five percent of the 133,719 African-American public school students (male and female) experienced involvement in the school disciplinary system between seventh and twelfth grades—either as a result of a discretionary or mandatory response to student misconduct—as compared with 64.8 percent of the 366,900 Hispanic and 46.9 percent of the 400,104 white students. (See Figure 8.)
- The great majority of African-American *male* students had at least one discretionary violation (83%) compared to 74 percent for Hispanic male students, and 59 percent for white male students. The same pattern was found, though at lower levels of involvement, for females—with 70 percent of African-American female pupils having at least one discretionary violation, compared to 58 percent of Hispanic female pupils and 37 percent of white female pupils.
- More than 90 percent of all students with a disciplinary action (94.2% of African Americans, 92.7% of Hispanics, and 93.3% of whites) first became involved in the school disciplinary system because of a violation of the school district’s code of conduct (behaviors that are not subject to mandatory removal under state law). (See Figure 8.)
- A much larger percentage of African-American (26.2%) and Hispanic (18%) students were placed in out-of-school suspensions for their first violation than were whites (9.9%).
- A greater percentage of white students (86.5%) had as their first disposition an in-school suspension compared to African-American (71.5%) and Hispanic (79.1%) pupils.
- African-American and Hispanic students were more likely than white students to experience repeated involvement with the school disciplinary system for multiple school code of conduct violations. About one-fourth of African-American students (25.7%) had more than 11 discretionary disciplinary actions, compared to about one-fifth of Hispanic students (18.1%) and less than one-tenth of white students (9.5%). (See Figure 9.)<sup>80</sup>

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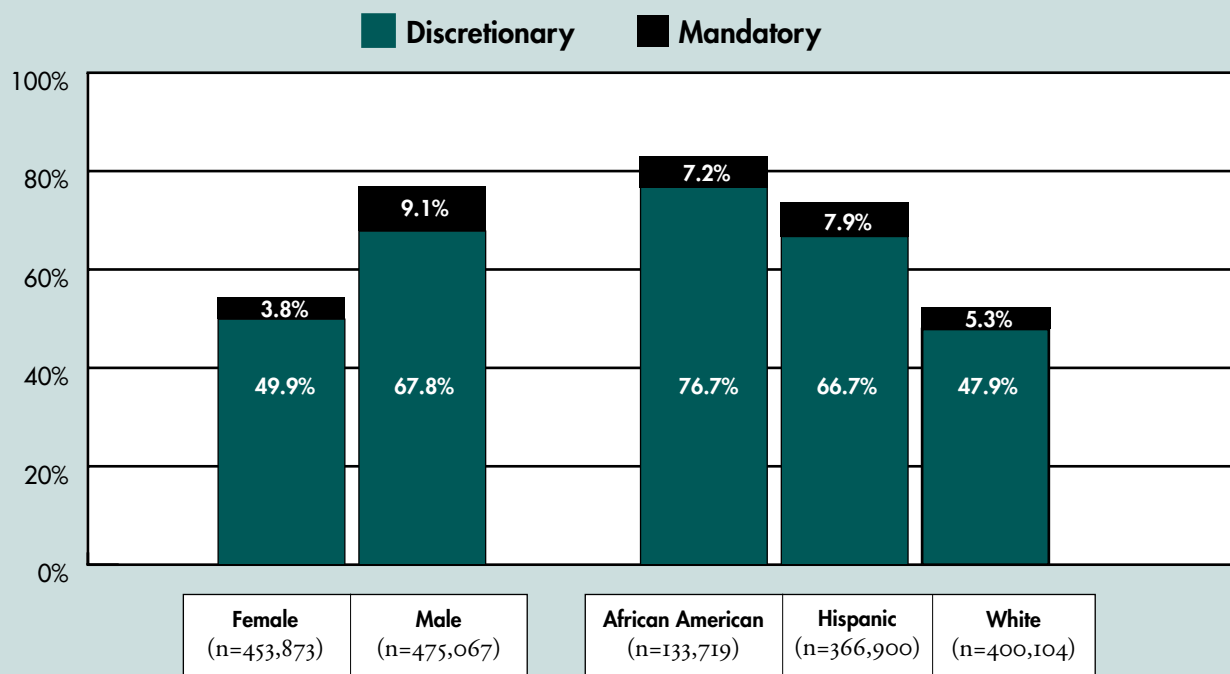
80. The reader should not discount the possibility that overrepresentation of African Americans among students who are repeatedly disciplined flows from the previous finding that African-American students are disproportionately involved in the discipline system in the first place.

**FIGURE 9:** Percent of Students with Mandatory and/or Discretionary Violations, by Race



- In contrast to students subject to discretionary actions—where a notable disparity among racial groups was seen—the percentages of white, Hispanic, and African-American students *subject to mandatory removal from school* for serious violations (which meet the definition of a felony and include illegal use of a firearm and sexual assault on school property), were, in contrast, low and comparable (less than 8 percent of all violations). (See Figure 10.)
- The percentage of Hispanic students who committed a mandatory violation was the highest, at 7.9 percent, followed by African-American students at 7.2 percent, and whites at 5.3 percent. Almost 1 in 10 males had a mandatory violation, compared to 1 in 27 females.
- A very small percentage of white, Hispanic, and African-American students experienced expulsion to a JJAEP or the streets (the most severe response a school can impose) as their first disposition. On the other hand, 3.5 percent of white students and 2.7 percent of Hispanic students experienced placement in a DAEP as a first disposition, whereas this happened to just 2.2 percent of African-American students. (Refer back to Figure 8.)

**FIGURE 10: Percent of Students Committing Discretionary and Mandatory Violations, by Gender and Race/Ethnicity<sup>81</sup>**



**Note:** Because students could have received both mandatory and discretionary violations, the total percent of students with mandatory and/or discretionary violations in the bars above is greater than the total percent of students that received disciplinary actions as reported elsewhere in this report.

The aggregate statistics presented thus far suggest that African-American students, and to a lesser extent Hispanic students, were more frequently involved in discretionary school discipline incidents than white students. However, these statistics do not tell the whole story. It is possible that the relationships observed could be explained by factors that correlate with race. Multivariate analyses offer a tool to account statistically for other possible competing explanations for which data are available, yielding a better estimate of the effect of race.

<sup>81</sup>. As shown in Figure 6 on page 37, 553,413 (59.6%) of the 928,940 students in the study had ever received at least one disciplinary action of any kind. Figure 10 shows the percentage of students of each race and gender category that had ever received *discretionary or mandatory* violations: 548,905 (59.1%) of the 928,940 students in the study had ever received a discretionary violation; 60,558 (6.5%) of the 928,940 students in the study had ever received a mandatory violation. There were 56,050 students who had ever received both mandatory and discretionary violations, so those students were counted in both of these categories in Figure 10 above.

### Multivariate Analysis

- Within the ninth-grade year, African-American students had about a 31 percent higher likelihood of a discretionary school disciplinary action, compared to the rate for otherwise identical white students (see Table 1). Hispanic students, on the other hand—when a host of other factors were controlled for—were no more likely than otherwise identical white students to experience a discretionary school disciplinary action.
- Within the ninth-grade school year, African-American students had about a 23 percent *lower* likelihood of facing a mandatory school disciplinary action while Hispanic students had about a 16 percent higher likelihood of receiving a mandatory action, compared to otherwise identical white students. (See Table 1.)

## Conclusion for Finding 2

African-American students (particularly African-American males) were especially likely to be involved in the school disciplinary system. This finding is consistent with previous research highlighting the disproportionate impact of school

**TABLE 1:** Probability of School Discipline Involvement in 9th Grade by Race  
(Controlling for All Other Measurable Student and Campus Attributes)

| Chance of<br>→          | DISCRETIONARY<br>disciplinary action<br>in 9 <sup>th</sup> grade | MANDATORY<br>disciplinary action<br>in 9 <sup>th</sup> grade |
|-------------------------|------------------------------------------------------------------|--------------------------------------------------------------|
| For students who are... |                                                                  |                                                              |
| White                   | Reference Group                                                  | Reference Group                                              |
| African American        | 31.1% higher                                                     | 23.3% lower                                                  |
| Hispanic                | Equal chance                                                     | 16.4% higher                                                 |

discipline policies on students of color.<sup>82</sup> One explanation offered for this disparity has been that African-American students disproportionately may come from low-income households, may be overly represented among special education students, or may have missed more school than students of other races, which some researchers have correlated with misbehavior in school. This study, however, controlled for these and the remainder of the variables in Appendix A. Although it was impossible to control for every conceivable factor, the multivariate analysis was able to account for the factors most often associated with poor school performance. Still, race was a predictive factor for whether a student would be disciplined, particularly for discretionary disciplinary actions.

Consistent with national studies, this study found that African-American students were no more likely than students of other races to commit serious offenses that mandate that a student be removed from the campus.<sup>83</sup> Indeed, analyses conducted for this report demonstrated that white and Hispanic students were *more likely* than African-American students to commit offenses that trigger mandatory expulsion.

While refuting some potential explanations why African-American students were particularly likely to be disciplined for lower-level violations of a school code of conduct, this analysis does not pinpoint the reasons for it. High rates of disciplinary involvement among African-American students were driven chiefly by violations that are subject to the discretion of school employees. It is important to explore, with educators, parents, students, and others, what might be contributing to this disproportionality. Bringing rates of discipline for these violations in line with those for white students (i.e., reducing them by 10 percent) would have significant implications. If the African-American students had the same probability as whites of being involved in a school disciplinary action, there would have been 13,496 fewer African-American pupils disciplined in the groups studied between their seventh- and twelfth-grade school years—or roughly 4,500 African-American students for every cohort.<sup>84</sup>

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82. See, for example, Russell Skiba, Robert S. Michael, Abra C. Nardo, and Reece L. Peterson, “The Color of Discipline: Sources of Racial and Gender Disproportionality in School Punishment,” *Urban Review* 34 (2002): 317–342; Michael P. Krezmien, Peter E. Leone, and Georgianna M. Achilles, “Suspension, Race, and Disability: Analysis of Statewide Practices and Reporting,” *Journal of Emotional and Behavioral Disorders* 14 (2006): 217–226 (see discussion on pp. 222 and 223, in particular); and Virginia Costenbader and Samia Markson, “School Suspension: A Study with Secondary School Students,” *Journal of School Psychology* 36 (1998): 59–82.

83. R. Skiba, Michael, R., A. Nardo, and R. Peterson. (2002). The color of discipline: Sources of racial and gender disproportionality in school punishment. *The Urban Review*, 34(4), 317–342.

84. This figure represents the difference between the 133,719 African-American students disciplined at 56.7 percent (75,861) and the number that would have been disciplined at the rate of 46.6 percent for whites (62,365). The discipline rates are based on the multivariate analysis that eliminates the (Continued on p. 47)

### FINDING 3

Nearly three out of four students who qualified for special education services during the study period were suspended or expelled at least once between their seventh- and twelfth-grade school years. The level of disciplinary involvement by these students, however, varied significantly according to the specific type of educational disability they had.<sup>85</sup>

Primary and secondary schools have become increasingly sophisticated in identifying children with special needs related to both physical and mental health. These special needs make learning the standard curriculum without modifications or additional services and supports especially challenging for these students. Pursuant to the Individuals with Disabilities Education Act (IDEA), the U.S. Department of Education requires schools that receive federal funding to provide “appropriate” education programs to students with disabilities, which meet those students’ individual needs, “to the same extent that the needs of nondisabled students are met.”<sup>86</sup> School officials and personnel long have recognized that effectively meeting the needs of these students is of great importance, but that goal poses distinct challenges. Improving outcomes for this population in particular is, appropriately, an especially high priority for education administrators everywhere.

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(84 cont.) effect of the variables in Appendix A to better isolate the predictive effect of race/ethnicity on school discipline.

85. In the context of this report, “educational disability” is the umbrella term used to encompass those disabilities defined in the Individuals with Disabilities Education Act. Individual states, including Texas, use that federal statute and associated regulations as parameters for identifying those disabilities, which, when present in a student, make him or her eligible for additional school-based supports and services.

86. U.S. Department of Education, Office for Civil Rights, *Free Appropriate Public Education for Students With Disabilities: Requirements Under Section 504 of the Rehabilitation Act of 1973* (Washington, DC: Author, 2010) retrieved June 11, 2011 from <http://www2.ed.gov/about/offices/list/ocr/docs/edlite-FAPE504.html>. Terms and definitions provided in the IDEA and its regulations guide how states, in turn, define disability.

For this report, researchers explored whether students with disabilities were involved more frequently in the school disciplinary system than their peers without these disabilities. To that end, the research team isolated the records of those students who, in any year during the six-year analysis period (grades seven to twelve), were coded as having a disability that made them eligible for special education.<sup>87</sup>

Of the 928,940 students tracked for this study, nearly 13.2 percent (122,250) were recorded as having a disability or a special need that made them eligible for special education services under federal law. Of these 122,250 students with special needs, 70.8 percent had a learning disability, 9.9 percent had an emotional disturbance,<sup>88</sup> and 1.6 percent had some other disability, such as autism, mental retardation, traumatic brain injury, or development delay.<sup>89</sup> An additional 17.7 percent of these 122,250 students were eligible for special education services because, according to their student records, they were coded as having an orthopedic, auditory, visual, speech, or other physical health impairment. (See Figure 11.)

Focusing on the 122,250 students who qualified for special education, researchers determined whether, at any point between seventh and twelfth grades, these youths were involved in the school discipline system. In fact, nearly three-quarters of the students with educational disabilities were suspended or expelled.

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**87.** A student may decline special education services, or may avail him- or herself of special education one year, but not in a subsequent year.

**88.** Data reported in PEIMS reflect that 1.3 percent of the entire group of students studied (not just those with educational disabilities) had an emotional disturbance. There is considerable variation in what states report as the prevalence rates of emotional disturbance among students in their school systems, but the average prevalence rate that states report, taken in the aggregate, is approximately 0.9 percent of the student population, and that rate has remained relatively unchanged since the Office of Special Education Programs began collecting these data in 1976. [Donald P. Oswald and Martha J. Coutinho, "Identification and Placement of Students with Serious Emotional Disturbance. Part I: Correlates of State Child-Count Data," *Journal of Emotional & Behavioral Disorders* 3 (1995): 224–229.]

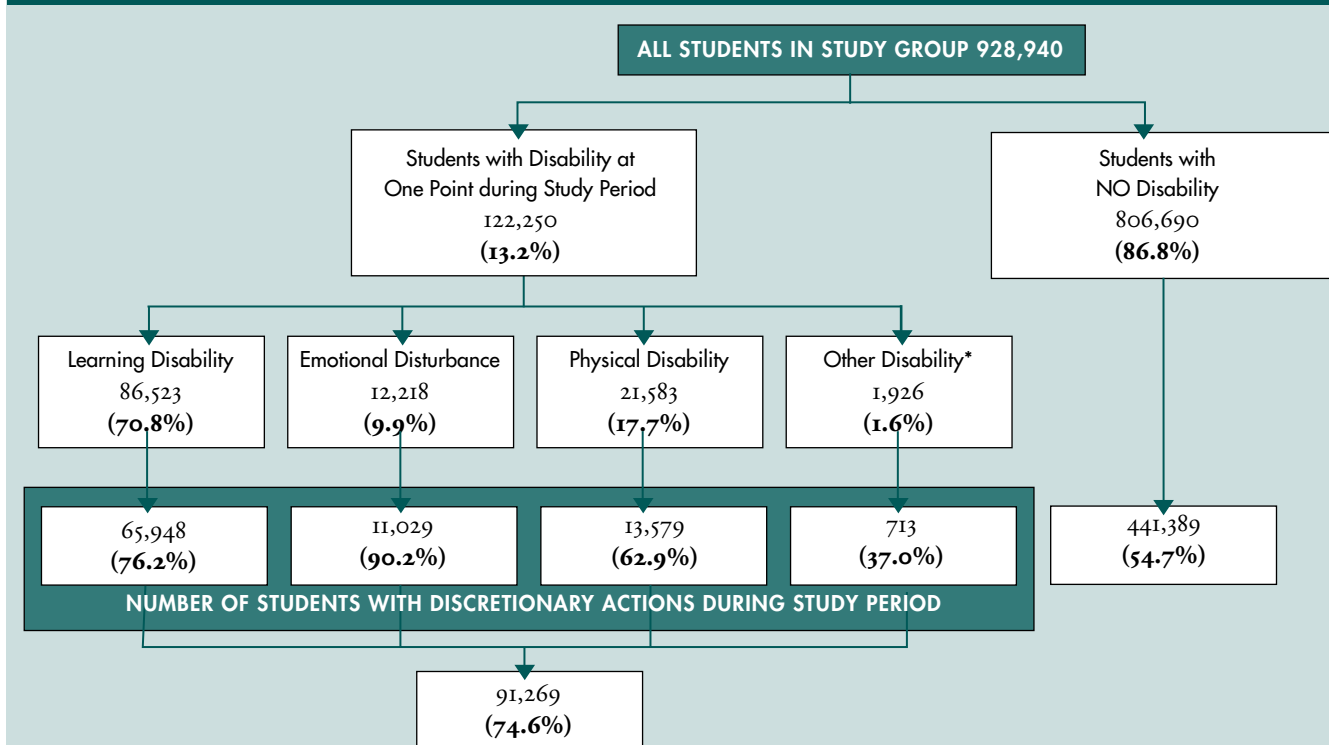
Federal agencies, national advocacy groups, and mental health experts, however, have estimated higher national prevalence rates of emotional disturbances among children. Many experts believe that an identification rate of 3 percent to 6 percent would be more accurate than 0.9 percent, and the rate of children and adolescents with emotional disturbances, not just those who meet federal guidelines for special education, may be as high as 8 percent to 12 percent. [See Robert M. Friedman, Krista Kutash, and Albert J. Duchnowski, "The Population of Concern: Defining the Issues," in *Children's Mental Health: Creating Systems of Care in a Changing Society*, ed. Beth A. Stroul (Baltimore, MD: Brookes, 1996), 69–96; Mary M. Wagner, "Outcomes for Youths with Serious Emotional Disturbance in Secondary School and Early Adulthood," *Critical Issues for Children and Youths* 5 (1995): 90–112.]

**89.** Students may have more than one disability, but, in these instances, researchers considered the primary disability only. The PEIMS database indicates which disability was the "primary" disability. The terms and definitions of emotional disturbance, mental retardation, and other disabilities in this study are consistent with the parameters provided in IDEA and associated regulations. Other federal agencies use different criteria to determine whether a youth with an emotional disturbance qualifies for services for which federal funding is made available. Definitions provided by the other federal agencies contemplate a broad array of mental health conditions, some of which may also lead to eligibility under IDEA. For example, the Center for Mental Health Services (Continued on page 49)



In addition to the analyses above, researchers used a multivariate analysis to control for various factors to determine whether students with particular disabilities were especially likely to experience suspension or expulsion.<sup>90</sup>

**FIGURE 11:** Overview of Discretionary Disciplinary Actions by Disability Status of Students



\*Includes students with Autism, Mental Retardation, Traumatic Brain Injury, and Developmental Delay.

**Note:** There were approximately 6,900 students who were not coded as having/not having a disability. They are included in the count of students with "No Disability" in this figure.

(89 cont.) defines children with serious mental illnesses to guide state access to public mental health services. That definition, developed "pursuant to Section 1911(c) of the Public Health Service Act, defines 'children with a serious emotional disturbance' as persons:(1) [who are] from birth up to age 18; (2) who currently have, or at any time during the past year have had a diagnosable mental, behavioral or emotional disorder of sufficient duration to meet diagnostic criteria specified within DSM-III-R; and (3) [who display behavior that has] resulted in functional impairment which substantially interferes with or limits the child's role or functioning in family, school, or community activities." Federal Register Volume 58 No. 96, May 20, 1993, pp. 29422–29425. The Social Security Administration's (SSA) definition of eligibility for the children's Supplemental Security Income program is the presence of a mental condition that can be medically proven and that results in marked and severe functional limitations of substantial duration. Meeting these CMHS and/or SSA criteria described above, however, does not automatically qualify a student for services funded through IDEA.

90. The researchers examined disciplinary actions in the academic year following the year in which that student's record reflected the disability.

## Supporting Data

### *Bivariate Analysis*

- Fifty-five percent of students with no recorded disability had a suspension and/or expulsion during the study period. In contrast, 74.6 percent of students with *any* educational disability had at least one suspension and/or expulsion. Breaking this down further, 76.2 percent of students with a learning disability code and 90.2 percent of students identified as having an emotional disturbance had at least one disciplinary action during the study period. In addition, 62.9 percent of students with a physical disability were disciplined during that time.
- As Figure 11 suggests, although students with learning disabilities and emotional disturbances were disciplined more than students with no disability, children with “other” types of disabilities had comparatively less involvement in the disciplinary system: 37 percent of students with such other disabilities as autism and mental retardation were disciplined during the study period.
- As was the case with other categories of students studied who were disciplined, nearly all of the suspensions or expulsions (98.1%) resulted from a discretionary decision by a school official—not a mandatory removal under state law.
- Of those students between the seventh and twelfth grades who experienced suspension and/or expulsion no more than one time, less than one in 12 was identified as having a learning disability. In contrast, one out of every six of those students who experienced suspension and/or expulsion 11 or more times in the same timeframe had a learning disability.
- Of those students who experienced suspension and/or expulsion between seventh and twelfth grades (59 percent of all students studied), about one out of every 50 students was at some point identified as “emotionally disturbed.” In contrast, nearly one out of every 20 students disciplined 11 times or more (4.2 percent) was given this designation during the study period.
- Approximately half (48.4%) of the students coded as having an emotional disturbance were suspended or expelled 11 or more times.

### *Multivariate Analyses*

- When controlling for all other study variables, researchers found that the presence of a learning disability increased the likelihood of the student's being suspended or expelled as the result of a school official's discretionary decision, but by just 2.5 percent. Students with other disabilities, including autism, mental retardation, and physical disability, were substantially less likely to experience such a suspension or expulsion.
- When controlling for all other study variables, the study showed that youths whose student records reflected that they had been coded as emotionally disturbed had a 23.9 percent higher probability of being suspended or expelled for a discretionary action.

**TABLE 2:** Probability of Disciplinary Action in the School Year, Controlling for Disability Status and for All Measurable Student and Campus Attributes

| Chance of<br>→           | DISCRETIONARY<br>disciplinary action in<br>the school year | MANDATORY<br>disciplinary action<br>in the school year |
|--------------------------|------------------------------------------------------------|--------------------------------------------------------|
| For students who have... |                                                            |                                                        |
| No Disability            | Reference Group                                            | Reference Group                                        |
| Emotional Disturbance    | 23.9% higher                                               | 13.4% higher                                           |
| Learning Disability      | 2.5% higher                                                | 8.1% higher                                            |
| Physical Disability      | 8.9% lower                                                 | Equal chance                                           |
| Mental Retardation       | 50.0% lower                                                | 41.9% lower                                            |
| Autism                   | 63.8% lower                                                | 71.3% lower                                            |

### Conclusion for Finding 3

Approximately three out of every four students (74.6%) with a disability were suspended or expelled between the seventh and twelfth grades. Analyzing these data closely, however, revealed that a student's involvement in the disciplinary system varied significantly, depending on his or her disability. Whereas nine out of ten students identified as emotionally disturbed were removed from the classroom at least once because of a violation of their local code of conduct, just a little more than one in three (37%) of the students with a disability such as autism or mental retardation were similarly involved in the disciplinary system.

The multivariate analyses conducted demonstrated that, when other factors were controlled for, having an emotional disturbance increased the likelihood of a student's removal from the classroom. On the other hand, having a learning disability essentially did little to increase the probability of suspension or expulsion. Students with other disabilities, namely mental retardation or autism, were at a much lower risk of exposure to disciplinary actions. The data revealed also that students with a learning disability and students with an emotional disturbance were more likely than students with no disability to receive a state law-mandated suspension or expulsion for serious misconduct at school.

There is an important contrast between the descriptive findings from the bivariate analysis and the multivariate analysis: The descriptive findings of the aggregate data show significant overrepresentation of students with educational disabilities experiencing suspension and expulsion. The multivariate analysis suggests that simply having an educational disability did not increase a student's likelihood of being suspended or expelled; the *type* of educational disability was the better predictor of disciplinary action. For example, students coded as having an emotional disturbance had a greater likelihood of being suspended or expelled than students with a learning disability. This contrast demonstrates why a multivariate analysis is so useful, in this case enabling researchers to isolate with more precision those factors that seemed to contribute most to involvement in the school disciplinary system. Given the finding that the presence of an emotional disturbance, but not a learning disability, had such a significant impact on suspension and/or expulsion, additional research would be helpful in understanding why this is the case.

No one needs another study to confirm that managing, within one classroom, the behaviors of children with diverse needs, including those with particular disabilities, can be challenging. That said, to maintain safe and effective learning environments for all students, and to improve outcomes for students with educational disabilities—in particular students with emotional disturbances—state and local government officials need assistance across systems. They need input from health professionals, educators, advocates for children with disabilities, researchers, representatives of the juvenile justice system, and others whose differing perspectives about policies, programs, and practices may shape future multidisciplinary initiatives to reduce high rates of suspension or expulsion among this particular subset of students.

## FINDING 4

Students who experienced suspension or expulsion, especially those who did so repeatedly, were more likely to be held back a grade or drop out of school than students who were not involved in the disciplinary system.

Previous research has found that students who are suspended or expelled from school tend to do worse academically over time than students who comply with school rules.<sup>91</sup> The findings from the Texas study confirm that vast numbers of students were involved in the school disciplinary system—and many of them repeatedly. Understanding the implications of these classroom removals for Texas students is important to policymakers as they seek to improve children’s academic performance. As mentioned previously, even when educators ensure that students are given their schoolwork when they are suspended (and many school officials acknowledge that this is not always the case), the environment may not be conducive to learning.<sup>92</sup> This finding focuses on this question: To what degree, if any, are suspensions and expulsions affecting the academic outcomes for students who misbehave?

In response to this question, the researchers conducted a bivariate analysis comparing students who had been suspended and/or expelled to students who had not been disciplined. For each group, the percentage of students who dropped out of school or repeated a grade (or both) was calculated. But the question remained whether the suspensions or expulsions were related to these undesired academic outcomes, or whether other factors were responsible.

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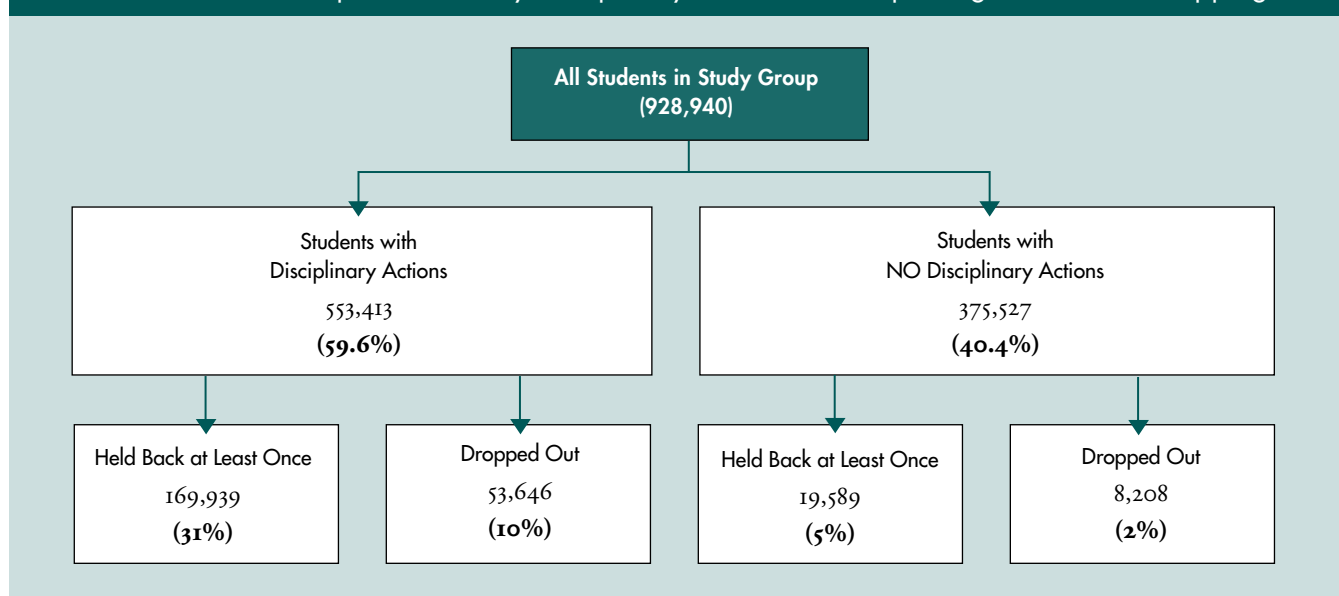
91. See, e.g., I.S. Gersch and A. Nolan, “Exclusions: What the children think,” *Educational Psychology in Practice* 10 (1994): 35–45; P. Yelsma, J. Yelsma, and A. Hovestadt, “Autonomy and intimacy of self- and externally disciplined students: Families of origin and the implementation of the adult mentor program,” *School Counselor* 39 (1991): 20–29; Russell Skiba and M. Karega Rausch, *The Relationship between Achievement, Discipline, and Race: An Analysis of Factors Predicting ISTEP Scores. Children Left Behind Policy Briefs. Supplementary Analysis 2-D* (Bloomington, IN: Center for Evaluation and Education Policy, 2004).

92. See discussion on pages 20–21 of the Overview of the Texas System citing the Legislative Budget Board findings.

To eliminate the possibility that other factors in the study, rather than the disciplinary event, were related to repeating a grade, the researchers used multivariate analyses to create statistically identical profiles for students, who differed in one respect—whether they had been involved in the school disciplinary system.<sup>93</sup> Using these profiles, the researchers then determined whether suspension or expulsion had increased the likelihood of a student repeating a grade that same academic year.

Although grade-retention statistics drawn from the state PEIMS are reliable, the database likely does not reflect the full number of school dropouts.<sup>94</sup> Accordingly, the findings below likely understate the impact that school discipline had on student drop-out rates.

**FIGURE 12: Relationship between Any Disciplinary Contact and Repeating a Grade or Dropping Out**



93. The variables that were controlled for are the 83 listed in Appendix A.

94. Grade retention (repeating a grade) was computed based upon whether a student was in the same grade in the previous school year. Recall from the discussion in the methodology (pages 28–30) that the drop-out measure is not stable over time. TEA used a less inclusive measure for the annual drop-out rate for the study's academic years 1999–2006 before adopting the National Center for Education Statistics' definition in the 2006 school year. Drop-out measures based on "annual" drop-out indicators are much lower than the percentage reflected in the TEA's "longitudinal" drop-out findings. Accordingly, using a one-year perspective, the findings here likely understate the impact of school discipline on students' completion of high school.

## Supporting Data

### *Bivariate Analysis*

- Thirty-one percent of those students with one or more suspensions or expulsions repeated their grade level at least once. In contrast, about 5 percent of students (5.2%) with no disciplinary actions were held back. (See Figure 12.)
- Nearly 10 percent of those students with at least one disciplinary contact dropped out of school, compared to just 2 percent of students with no disciplinary action. (See Figure 12.)
- Whereas just 5.3 percent of students who had no *discretionary* actions repeated a grade, 55.6 percent of students who had experienced 11 or more discretionary suspensions and/or expulsions were held back at least once during the study period. (See Figure 13.)
- Fifteen percent of students with 11 or more suspensions or expulsions dropped out of school prior to graduation, compared to a 2 percent drop-out rate among students with no disciplinary actions.

Whether a student graduated during the study period is also an important metric of academic performance; graduation is a measure distinct from whether a student dropped out or repeated a grade. Figure 14 describes what researchers found while examining the percentage of students who did not graduate during the study period.<sup>95</sup> A student who did not graduate may have dropped out; or may have repeated a grade at least once and still been involved in the Texas public school system in some capacity when the study period concluded.<sup>96</sup>

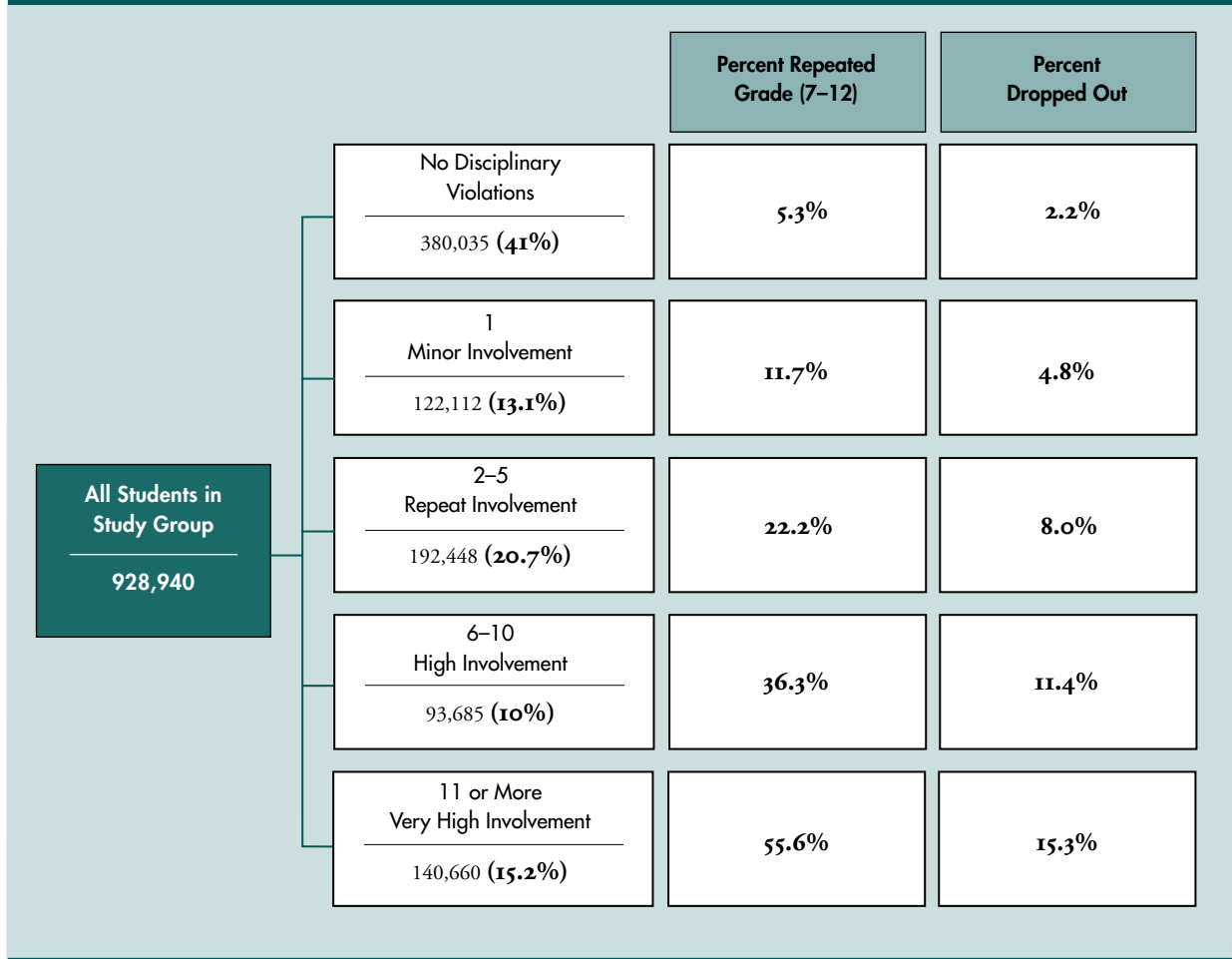
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<sup>95</sup>. As explained previously [see methodology, pages 28–29], students were followed for one to three years beyond the year they were projected to graduate when they were in seventh grade. Students who were in seventh grade in 2000 were followed through 2009, or three years beyond the year they were originally scheduled to graduate; students who were in seventh grade in 2002 were also followed through 2009, or one year beyond the year they were originally scheduled to graduate.

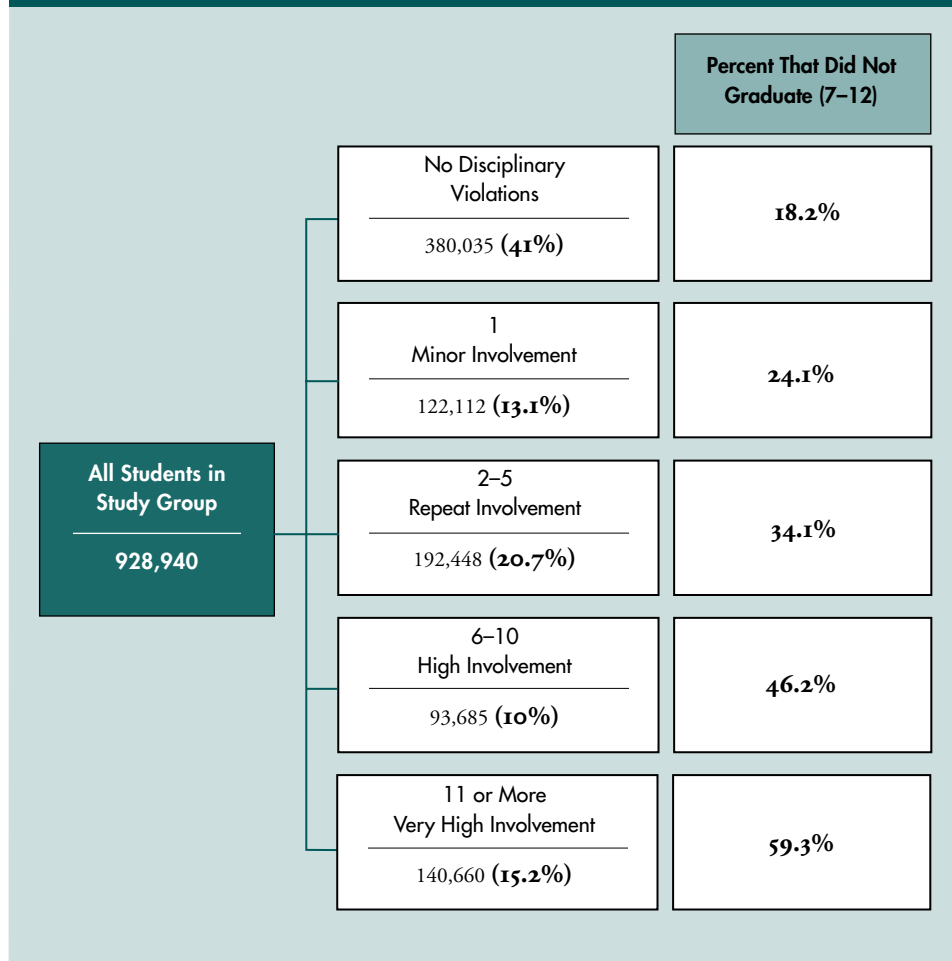
<sup>96</sup>. It is possible for a student to have repeated a grade at some point during the study period *and* subsequently to have dropped out, meaning he or she would show up as both “not graduating” *and* “repeating a grade” and “dropped out.”



**FIGURE 13:** Percent of Students by Level of Discretionary Disciplinary Involvement That Repeated a Grade or Dropped Out within the Study Period



**FIGURE 14:** Percent of Students by Level of Discretionary Disciplinary Involvement That Did Not Graduate within the Study Period



Another scenario, which applied to a small subset of students, was that they left the Texas public school system, transferring out of state or into private schools or home-schooling. There is no reason to believe that the effect of prior discipline on graduation rates differed for students who left the Texas public school system versus for those who remained.

- Whereas 18.2 percent of students who had not been disciplined did not graduate from a public school in Texas during the study period, 59.3 percent of students who had experienced 11 or more suspensions or expulsions failed to complete high school during the study period. (See Figure 14.)

### *Multivariate Analysis*

In addition to the descriptive bivariate relationships described above, researchers used a multivariate analysis to help isolate the relationship between suspension and expulsion and the likelihood of a student's repeating a grade. These multivariate analyses controlled for individual student and campus characteristics so that students were statistically similar except for their involvement in the school discipline system.

- The multivariate analysis revealed that a student who had experienced a discretionary disciplinary action was twice as likely to repeat a grade compared to a student who had the same characteristics and attended a similar school but was not suspended or expelled.

## Conclusion for Finding 4

These results indicate that a student disciplined and removed from the classroom for a suspension or expulsion was more likely to be held back that year or to drop out than was a student who had not been similarly disciplined. This finding appears to highlight an opportunity to reduce drop-out rates and increase rates of grade completion at the time students are in contact with the disciplinary system. Given how many students experience suspension or expulsion, often repeatedly, between seventh and twelfth grade, schools that are successful in addressing those student behaviors that result in disciplinary action could potentially improve academic outcomes. For example, researchers calculated that, had students in the study group who had been suspended or expelled repeated a grade with the same frequency as those students not involved in the disciplinary system, a total of 14,320 students across the entire study group would not have repeated a grade.<sup>97</sup>

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<sup>97</sup>. This estimate assumes that the child received in-school suspension each year during grades seven through twelve. Researchers also ran a scenario using a lower discipline rate, in which students received an in-school suspension just once (in the ninth grade). In that case, where students received in-school suspension only once in the ninth grade, the model still predicted 12,466 fewer students held back. See footnote 79 in Finding 2 for an explanation as to why grade nine is used for this model.

## **FINDING 5**

**More than one in seven students were in contact with the juvenile justice system between seventh and twelfth grade. Students who were suspended or expelled had a greater likelihood of contact with the juvenile justice system in their middle or high school years, particularly when they were disciplined multiple times.**

The proposition that a student who misbehaves in school is more likely to become involved in the juvenile justice system than a student who adheres to a school's code of conduct seems intuitive, but the dynamics related to how and when students who are disciplined end up in the juvenile justice system has not been adequately explored in a statewide context. A fundamental goal of the school discipline system is to correct student behavior, increase student compliance with the code of conduct, and prevent additional rule-breaking or criminal activity—which in turn should reduce the likelihood of more serious engagement with the juvenile justice system. Accordingly, a key objective of this study was to determine whether there is a relationship between disciplinary action for failure to comply with a school's code of conduct and the probability of juvenile justice system engagement.

The first step in assessing linkages between discipline and delinquency was to determine how many of the nearly one million students tracked for this analysis had contact with the juvenile justice system between seventh and twelfth grade. To that end, researchers obtained the records of all boys and girls who had contact with the juvenile justice system during the study period. (For the purposes of this report, “contact with the juvenile justice system” refers to contact with a county's juvenile probation department. See sidebar (p. 62) for further explanation.) The research team then determined who of those youths with juvenile justice records were also among the three groups studied—all Texas public school students who were in seventh grade during the 2000–2001, 2001–2002, or 2002–2003 academic school years. This analysis yielded an important finding: Sometime between seventh and twelfth grade, nearly 15 percent of the Texas students studied (more than one in every seven students) had contact with the juvenile justice system.

#### WHAT "CONTACT WITH THE JUVENILE JUSTICE SYSTEM" MEANS

As used in this study, contact with the juvenile justice system refers to a student's contact with a county's juvenile probation department. Such interactions may come from a number of sources (with a very small percentage from direct school referrals) and may occur for any reason, ranging from a paper referral (in which a police officer counsels and releases a youth engaged in minor delinquent activity, and then submits paperwork to the local juvenile probation department) to a more serious violation involving detention or arrest. A juvenile who is taken into custody may either be detained in a juvenile detention facility or released to a parent or guardian.

If juveniles' alleged "delinquent offenses" qualify as crimes punishable by jail had they been committed by an adult, the youths are fingerprinted and their records are entered into a statewide central repository at the Texas Department of Public Safety (TDPS). The resulting criminal history record may then be accessed by law enforcement and juvenile justice agencies throughout the state. Any youth referred to the local probation department for truancy, running away, or expulsion from a disciplinary alternative education program for serious or persistent misconduct is considered a Child in Need of Supervision (CINS) under the Texas Family Code. He or she is not fingerprinted and may not be detained more than 24 hours.

In either case, all referrals to the county juvenile probation department result in a record that is reported to the state juvenile justice agency: the Texas Juvenile Probation Commission (TJPC). For the current study, the TEA matched these TJPC records with student records, enabling researchers to identify the number of students between seventh and twelfth grade who had been in contact with the juvenile justice system.

As high as this study's reported rate of juvenile justice involvement appears to be (nearly 15% of the 928,940 students studied), it does not factor in other relatively common circumstances in which students can come into contact with law enforcement. For example, a juvenile may be arrested and/or detained by police and released to his or her parent or guardian without notification to TJPC. Similarly, TJPC records may not capture occasions when police, particularly school police, issue tickets to students for Misdemeanor C offenses that are referred to municipal courts. In both scenarios, the juvenile justice contacts are not counted in this study because they are not included in the study's databases of student records or in the juvenile probation system information that is reported to the state.

Having identified the number of all students studied who had juvenile justice contact between seventh and twelfth grade, the project team sought to determine the relationship between this involvement and prior school disciplinary action. Previous findings in this report explain that the majority of the students in Texas public schools who were studied were involved in the school disciplinary system at least once during middle or high school. In the vast majority of these instances, suspensions and expulsions were a discretionary response to students' violations of the school code of conduct. Less than 3 percent of the disciplinary actions were triggered by behavior severe enough to warrant a mandatory expulsion or mandatory DAEP referral, such as assault or bringing a gun to school.<sup>98</sup>

A school official's discretionary decision to suspend or expel a student may include a referral to the juvenile court system.<sup>99</sup> For example, destruction of school property, a school fight, or theft amount not only to violations of a school's code of conduct, but can also be subject to criminal prosecution. Data available for this study were not sufficient to determine, however, when a student's suspension was coupled with a referral by school officials to the juvenile court system. The disciplinary events in the PEIMS database that were available to researchers reflected only the academic year in which the disciplinary action was taken (not the specific date), making it impossible to determine when, for the same disciplinary event, a student was suspended *and* referred to the juvenile court system.<sup>100</sup>

What is clear is that few *discretionary* school disciplinary actions were coupled with a referral by school officials to the juvenile justice system. In 2009–2010, of the 85,548 formal referrals to juvenile probation in Texas from all sources, only about 6 percent (just 5,349) came directly from schools.<sup>101</sup> In that same year, more than one

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**98.** Mandatory expulsion does not necessarily mean automatic contact with the juvenile justice system. For instance, a student can be expelled to a Disciplinary Alternative Education Program (DAEP), which is not part of the juvenile justice system.

**99.** Readers should recall that referrals to the juvenile justice system may also come from law enforcement officers who are assigned to the school or who are alerted to the offense (see discussion pages 23–24). Such referrals, however, were not necessarily captured in the PEIMS database used for this study.

**100.** The researchers did not know when a disciplinary action *led* to a juvenile justice referral, but they did know when a disciplinary action *occurred before* a juvenile justice system referral. Although they were unable to isolate whenever a specific school disciplinary event included a referral to juvenile justice system, they were able to identify when a disciplinary event occurred in the academic year preceding the juvenile justice referral, which in turn enabled researchers to calculate a statistical relationship between disciplinary action and juvenile justice involvement.

**101.** Statistical tables from Texas Juvenile Probation Commission provided to researchers by Nancy Arrigona, director of research, May 2011.

million students in the grades studied were disciplined by school officials,<sup>102</sup> but the referrals from schools directly to juvenile probation represented less than 1 percent of all the disciplined students. The researchers investigated further whether students who were disciplined in school were more likely to have contact with the juvenile justice system even if the school was not the referring agent. That is, even if schools were referring only a small number of students directly to the juvenile justice system, there was still the need to investigate whether students' involvement in the school disciplinary system could predict subsequent juvenile justice contact.

Multivariate analyses enabled the researchers to control for all study variables, to create statistically identical student profiles, with one difference—whether the student had been involved in the disciplinary system during the preceding academic year.<sup>103</sup> In conducting these analyses, researchers identified students subject to a discretionary action in a particular academic year and determined which of those students were then in contact with the juvenile justice system at any time during the following school year. Because the model was predicting “first” juvenile contact, once a student was observed to have a juvenile justice referral, he or she was dropped from analyses in subsequent school years.

A second multivariate analysis then examined whether frequency of discipline affected the chance students would come into contact with the juvenile justice system. Students were sorted into the same five categories as those found in previous figures, based on their number of discretionary disciplinary actions: those with no violations, those with minor involvement (one discretionary action), those with repeat involvement (two to five discretionary actions), those with frequent involvement (six to ten discretionary actions), and those with very frequent involvement (11 or more discretionary actions).<sup>104</sup> For each of these groups, researchers conducted additional analyses to ascertain the impact of multiple disciplinary violations on juvenile justice involvement.

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**102.** Texas Juvenile Probation Commission statistical run per request of the authors, May 2011. These were formal referrals. See sidebar on page 62 for an explanation regarding “paper” referrals, which are not included in this total. Including those referrals would not substantially change the finding that few referrals to the juvenile justice system came directly from schools.

**103.** The variables that were controlled can be found in Appendix A.

**104.** The multivariate model assumed that the “1 discipline” group was disciplined in sixth grade, the “2–5 disciplines” group was disciplined once each year over a five-year period, the “6–10 disciplines” group was disciplined twice each year for five years, and the “11+ disciplines” group was disciplined three times per year for five years.



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#### RISK AND NEEDS ASSESSMENTS THAT CONSIDER SCHOOL DISCIPLINARY ACTION

The Texas Juvenile Probation Commission's Risk and Needs Assessment instrument (RANA) is designed to measure a juvenile's risk of committing a subsequent offense and his or her need for programs and services. The assessment was developed by the agency's research division based on information gathered on more than 3,000 youths referred to juvenile probation departments throughout the state in 2003. Data elements collected for the assessment study included demographic, juvenile justice, family dynamics, substance use, education, abuse and neglect, runaway behavior, and mental health information. Analysis of the more than 500 data elements collected identified 11 factors that best predicted a juvenile's risk of becoming a chronic offender. Top among these factors were frequent drug use, lack of parental control, and school disciplinary referrals.

School disciplinary referrals, chronic truancy, and failing a grade in school are common characteristics of youth in the juvenile justice system. The study found that when assessing risk, juvenile probation youth with one school disciplinary referral were 10 percent more likely to become chronic offenders than juveniles with no school disciplinary referrals. Each additional referral increased a youth's risk of re-offense by an added 10 percent. In 2010, 64 percent of juveniles assessed had one or more school disciplinary referrals in the year prior to their offense.

The RANA, in use by local Texas juvenile probation departments since June 2009, provides information on a juvenile's risk and needs levels as well as case management recommendations based on the juvenile's risk and need factors. The education domain appears when a juvenile has had three or more school disciplinary referrals in the year prior to an offense. Probation staff and officers supervising the youth are encouraged to provide the supervision and services necessary to increase school success and reduce subsequent juvenile justice involvement.<sup>105</sup>

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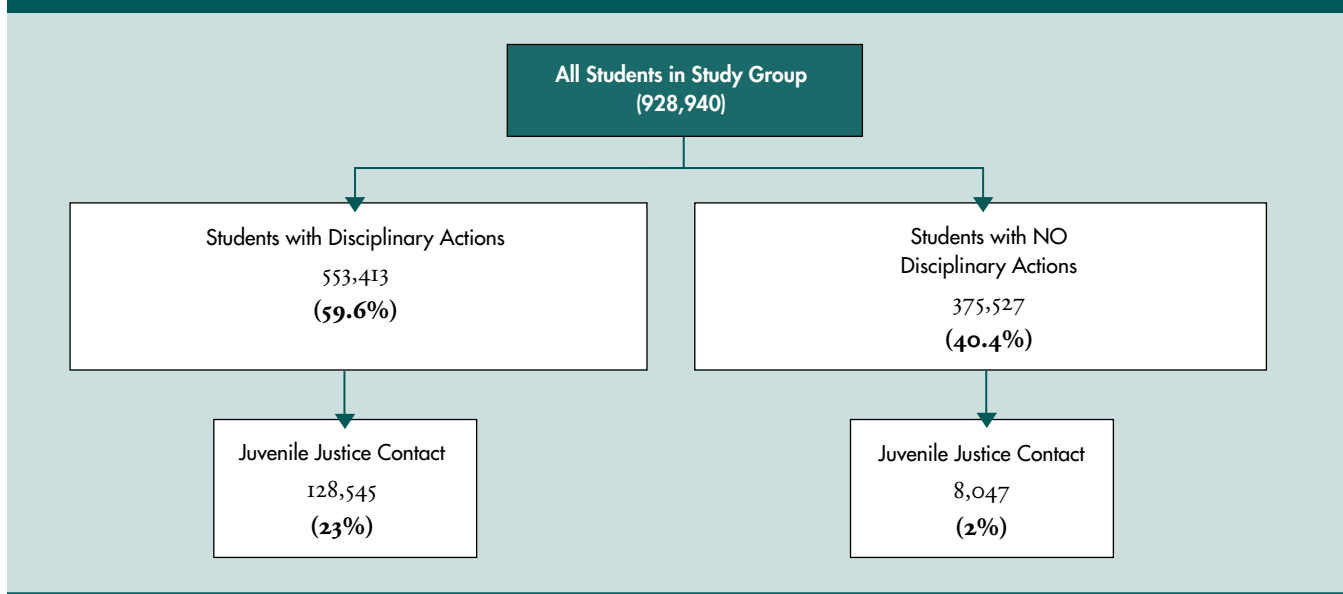
**105.** The information for this sidebar was provided by Nancy Arrigona, director of research for the Texas Juvenile Probation Commission; conversation with the author Tony Fabelo, April 20, 2011.

## Supporting Data

### *Bivariate Analyses*

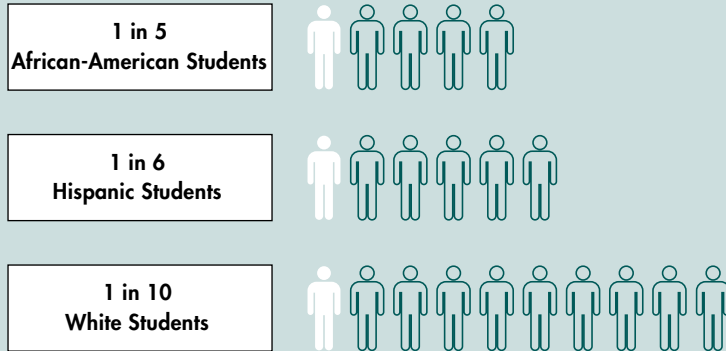
- Of the 928,940 children studied, nearly 15 percent (19 percent of the males and nearly 10 percent of the females) had juvenile justice system contact.
- As Figure 15, indicates, 23 percent of students who were involved in the school disciplinary system (including those students subject to a mandatory removal from the school) had a contact with the juvenile justice system. Of those students who had no involvement in the school disciplinary system, just 2 percent had contact with the juvenile justice system.

**FIGURE 15:** Relationship between Disciplinary Action and Juvenile Justice Contact



- Figure 16 reveals that one in five (20%) of African-American students were in contact with the juvenile justice system during the study period. In contrast, about 1 in 6 (17%) Hispanic students had a juvenile justice contact, and about 1 in 10 (11%) of white students were involved with the juvenile justice system.

**FIGURE 16: Race of Students with Juvenile Justice Contact**



- African-American males (25.6%) had greater involvement in the juvenile justice system than Hispanic (22%) or white male students (13.9%) during the study period. (See Figure 17.)

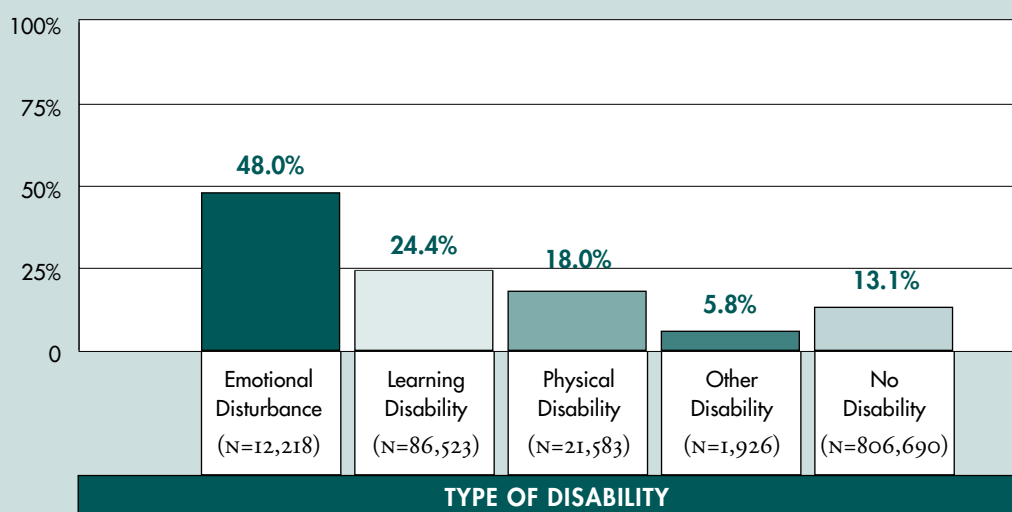
**FIGURE 17: Percent of Males and Females by Racial/Ethnic Group with Juvenile Justice Contact**

| Male                                      |                                                                      | Female                                    |                                                                      |
|-------------------------------------------|----------------------------------------------------------------------|-------------------------------------------|----------------------------------------------------------------------|
| Racial/Ethnic Distribution of Study Group | Racial/Ethnic Distribution of Students with Juvenile Justice Contact | Racial/Ethnic Distribution of Study Group | Racial/Ethnic Distribution of Students with Juvenile Justice Contact |
| African-American Male<br>67,919           | African-American Male<br>17,360 (25.6%)                              | African-American Female<br>65,800         | African-American Female<br>9,474 (14.4%)                             |
| Hispanic Male<br>187,099                  | Hispanic Male<br>41,123 (22.0%)                                      | Hispanic Female<br>179,801                | Hispanic Female<br>22,870 (12.7%)                                    |
| White Male<br>205,519                     | White Male<br>28,642 (13.9%)                                         | White Female<br>194,585                   | White Female<br>15,366 (7.9%)                                        |

\* Other races/ethnic groups not shown. Racial/ethnic distribution of study group population was 14.3% African American, 39.4% Hispanic, 43% white.

- The same pattern held for the female students studied: African-American girls had greater contact (14.4%) with the juvenile justice system than their peers who were Hispanic (12.7%) or white (7.9%).
- Figure 18 indicates that nearly half (48%) of the students classified as having an emotional disturbance during the study period had contact with the juvenile justice system, compared with just over 13 percent of the students with no disability.

**FIGURE 18: Percent of Students in Different Disability Categories with Juvenile Justice Contact**



\* Note: There were approximately 6,900 students who were not coded as having/not having a disability. They are included in the count of students with “No Disability” in this figure.

- Students with a learning disability or a physical disability also had higher rates of contact with the juvenile justice system (24.4% and 18.0%, respectively), while students in the “other” category—such as autism, mental retardation, traumatic brain injury, and development delay—had a lower rate (5.8%).

**FIGURE 19:** Percent of Students (by Number of Discretionary Disciplinary Actions) with Juvenile Justice Involvement during the Study Period

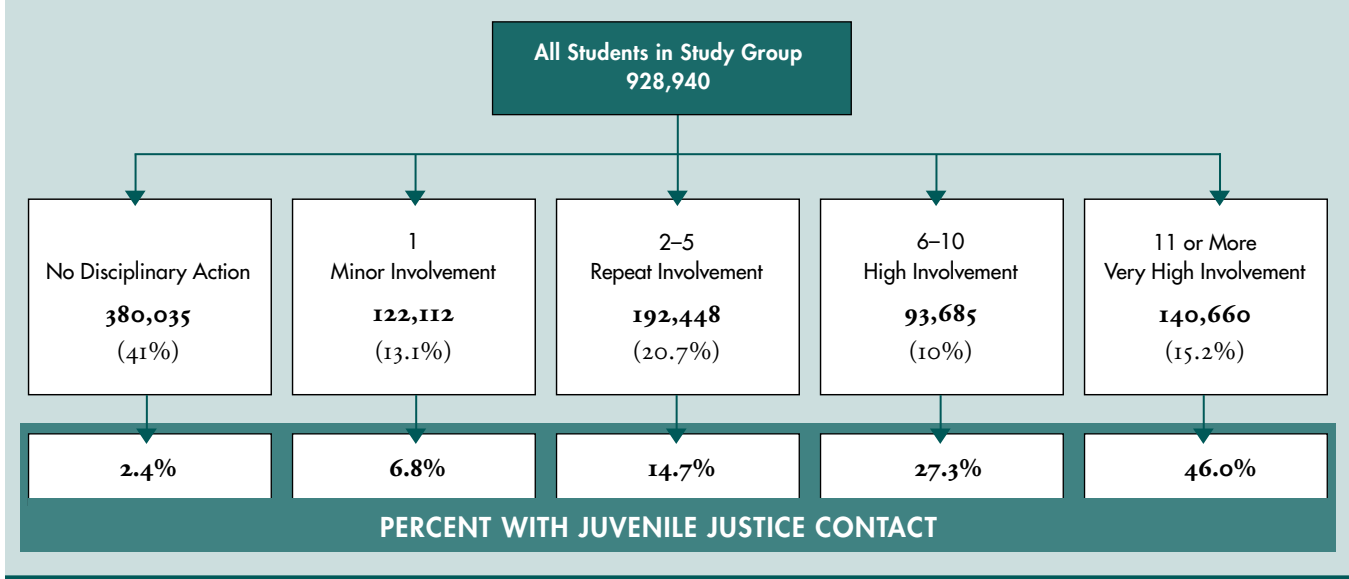


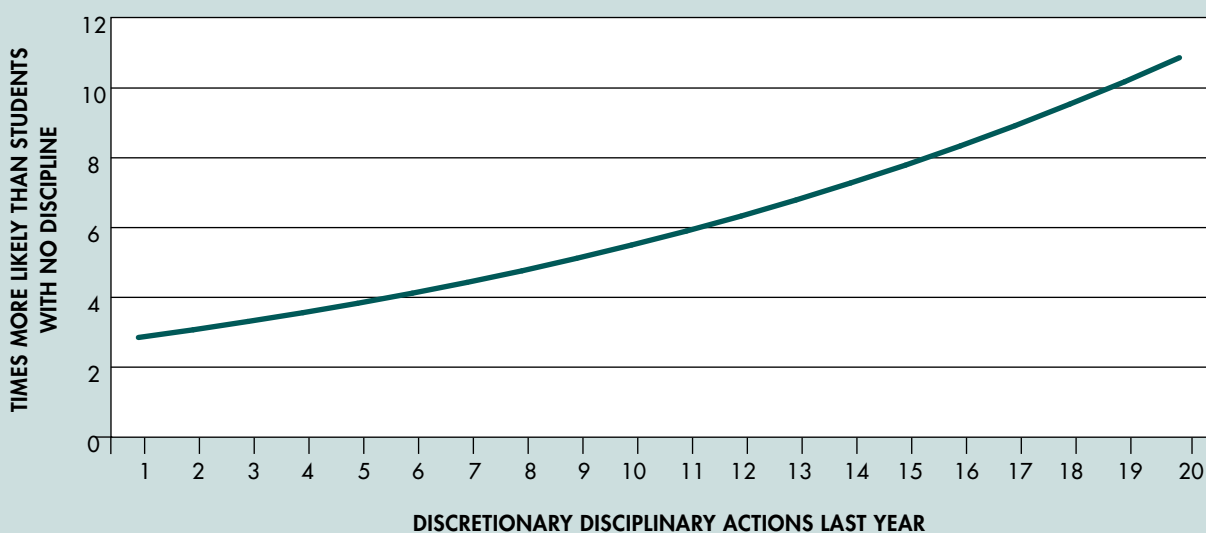
Figure 19 shows that 10 percent of the students had high involvement (six to ten discretionary actions) and 15 percent had very high involvement (11 or more discretionary actions) in the school disciplinary system. More than one quarter of the students with high involvement (27.3%), and nearly half of the students with very high involvement (46%), had a contact with the juvenile justice system.

- For those students who were not disciplined or were disciplined just once (discretionary actions) in the years from seventh to twelfth grade (collectively, 54 percent of all students in these grades), contact with the juvenile justice system was extremely low (2.4% and 6.8%, respectively).
- Recall that more than one in four African-American students were disciplined 11 or more times (25.7%), compared to nearly one in five Hispanic (18.1%) and nearly one in ten (9.5%) white students. (See Figure 9 on page 43.)

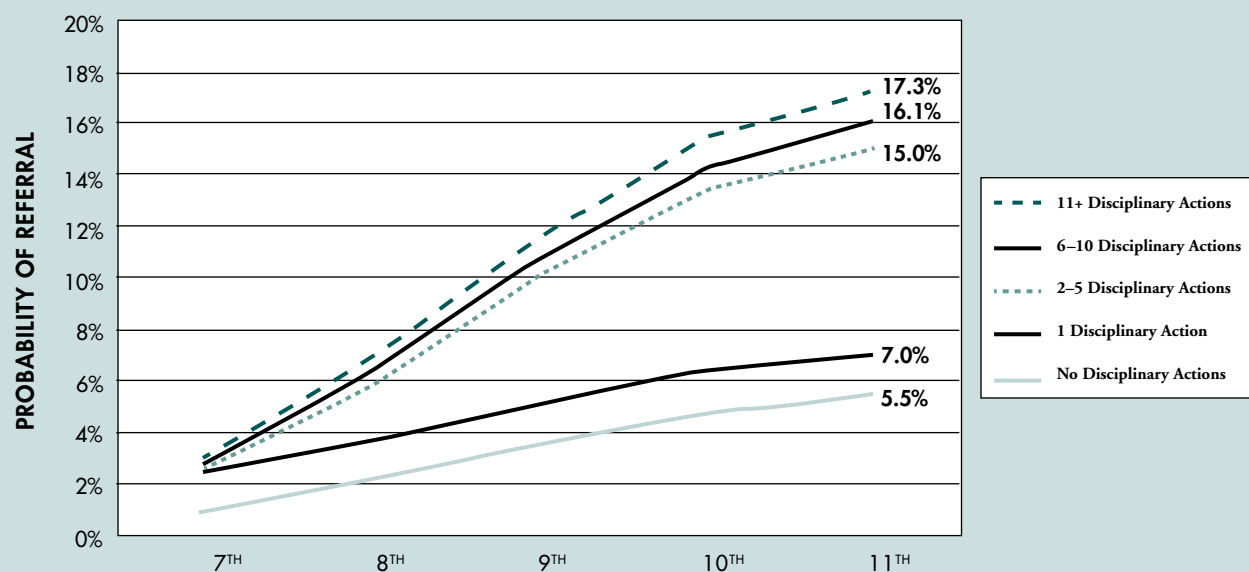
### *Multivariate Analysis*

- The results of the first multivariate analysis demonstrated that when a student was suspended or expelled for a discretionary school disciplinary violation, this action nearly tripled (2.85 times) the likelihood of juvenile justice contact within the subsequent academic year. Further, as shown in Figure 20, each additional discretionary encounter exponentially increased further the likelihood of juvenile justice involvement.

**FIGURE 20:** Effect of Discretionary Disciplinary Action on the Chance of a First Juvenile Probation Referral



**FIGURE 21:** Probability of Juvenile Justice Contact by Number of Discretionary Disciplinary Actions



- A multivariate model controlling for all campus and student variables except disciplinary history demonstrates that a student with no prior school discipline involvement had about a one in 20 (5.5%) chance of ultimate juvenile justice contact.<sup>106</sup> In contrast, a student who had been disciplined more than 11 times faced a nearly one in five chance (17.3 percent) of a juvenile justice contact. (See Figure 21.)

### Conclusion for Finding 5

The data summarized above make it evident that large numbers of students in the Texas school system have been in contact with the juvenile justice system. These data also provide statistical support for the long-standing concerns among policymakers, practitioners, and advocates that some children are cycling through the school disciplinary system without positive effect. The data reflect calls from

**106.** Variables included a student's socioeconomic status, standardized test scores, attendance rates, income of parents, learning disability, grades, race, and many others. For a full list of the variables that were controlled, see Appendix A.

school officials and educators to provide more effective tools and supports that can be applied early, to prevent repeated disciplinary involvement and stem the flow of children into the juvenile justice system. Had the disciplined students in this study had a rate of juvenile justice referrals that was similar to that of non-disciplined students, then, assuming all other things being equal—as the multivariate analysis model did—52,159 students in the study groups would not have been in contact with TJPC. That is more than 17,000 students per study group.<sup>107</sup>

Learning more about the subset of students who are repeatedly in contact with the school disciplinary system makes particular sense. When so many students are suspended (or worse) again and again, for discretionary violations, the school's objectives of correcting student behavior and preventing more serious violations are not achieved. Although there will always be some subset of students who simply cannot abide by school rules and need to be removed from the classroom, many educators and juvenile justice professionals would agree that the number of children who cycle through the school disciplinary system should be reduced.<sup>108</sup> Effective interventions to prevent repeat disciplinary actions will likely improve not only the academic and juvenile justice outcomes for these pupils, but also ensure that teachers and the remaining classmates can enjoy a safer environment that is conducive to learning. These data confirm that reducing students' contact with the juvenile justice system depends in part on finding ways to lower the number of students who cycle in and out of in-school and out-of-school expulsions and removals.

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**107.** This estimate assumed that disciplined children received in-school suspension once each year during grades six through ten. When researchers employed a scenario assuming a lower disciplinary rate, where students only received in-school suspension once in the eighth grade, the model still predicted 37,169 fewer students in contact with TJPC.

**108.** These perspectives were offered by focus group members convened for this study.



## **FINDING 6**

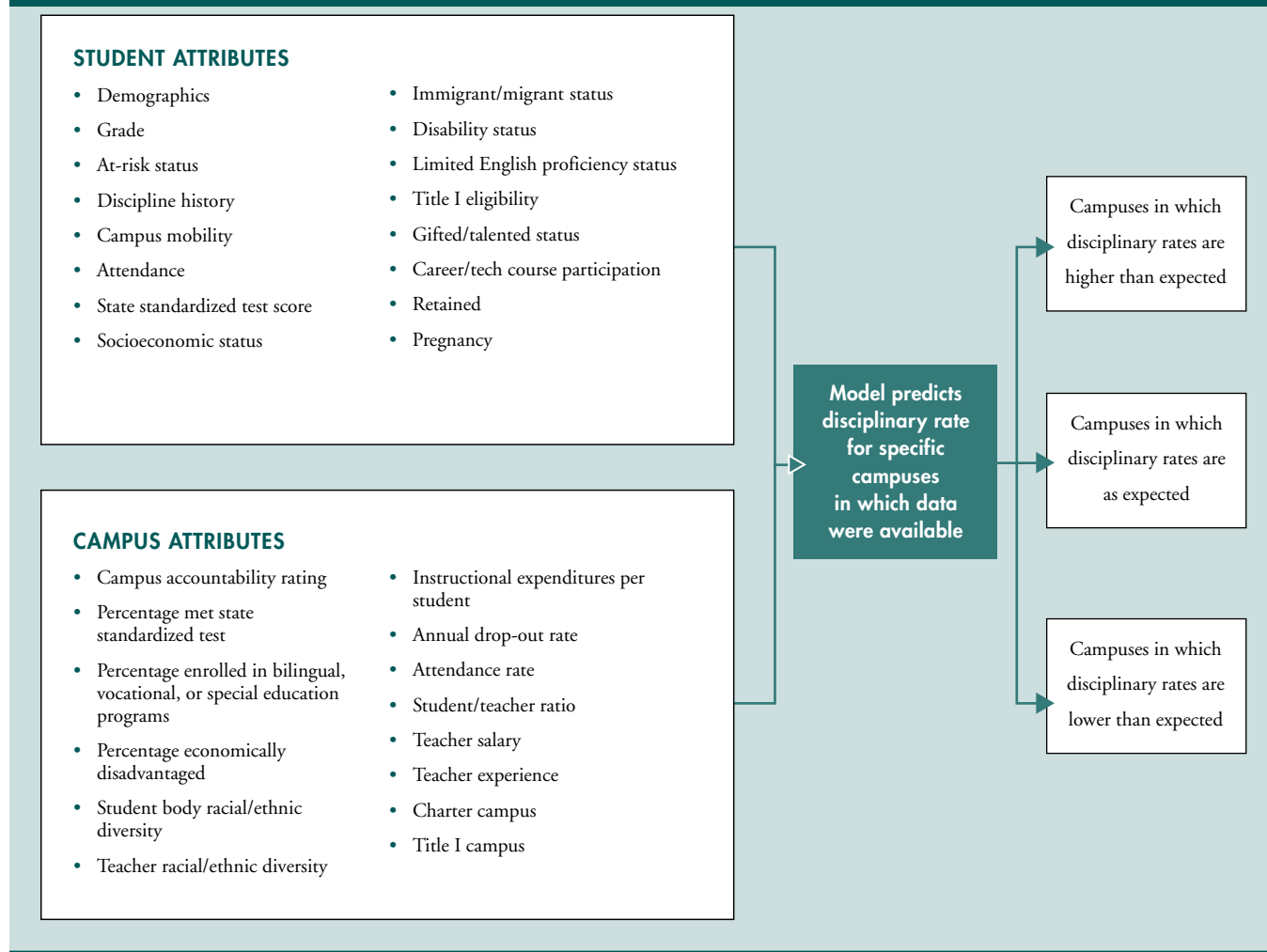
**Schools that had similar student populations and were alike in other important regards varied significantly in how often they suspended or expelled pupils.**

Previous findings underscore that the vast majority of decisions to discipline students in this study were discretionary—not made in response to misbehaviors for which state law mandates suspension or expulsion. Focus groups emphasized that the large numbers of discretionary actions reflected teachers' needs for additional tools to maintain order and hold students accountable for their actions. But can schools really be expected to change their use of suspension and expulsion, given the levels of student disruption and disorder that many face? This question prompted the study team to examine closely whether schools with similar campus and student characteristics react the same way to common challenges.

The most obvious way to gauge the extent to which students are disciplined differently across schools is simply to compare disciplinary rates among individual school campuses. Ensuring, however, that comparisons are made among schools that have similar characteristics, particularly in the composition of their student bodies, is difficult. To address this challenge, researchers conducted multivariate modeling—a widely accepted, methodologically-rigorous approach that allows the comparison of schools that are statistically identical in terms of a broad array of measured characteristics. Figure 22 depicts the key student and campus attributes for the multivariate analysis model.

Using this modeling, researchers could identify broad discipline patterns based on data representing all campuses. Furthermore, this approach made it possible to highlight variations among different types of campuses in their levels of disciplinary action, without calling out particular schools by name and/or district. Specific schools with unusually high or low disciplinary rates were not named because extensive visits would have been needed to explain the factors underlying these differences, and such visits were beyond the scope of this project.

**FIGURE 22: Key Student and Campus Attributes for the Multivariate Analysis as Applied to the Campus-Based Model**



Constructing this particular model involved several steps. First, the research team computed the *chance of discipline for each student* by considering the study's individual and campus characteristics in Appendix A. Such factors included the student's race, his/her test scores, the presence of a particular type of disability, economic status, prior disciplinary history, and dozens of other factors, including those discussed in previous findings. Campus characteristics included students' and teachers' racial makeup, percentage of students who were economically disadvantaged or had a disability, percentage of students enrolled in special programs such as career and technical education, the campus attendance rate,

teacher experience, and indicators of wealth (e.g., taxable property value per student). Individual risk probabilities were averaged for all students in the study group attending the same school, making it possible to estimate the percentage of students *expected to be disciplined* at each campus.

For the second step, the researchers derived *the actual rate of disciplinary contact for these same students* at each campus using information from the PEIMS database. The research team computed the difference between the expected and actual rates of suspensions and expulsions to identify campuses that had significantly higher- or lower-than-expected rates of discipline.

With data in hand identifying the percentage of students expected to be disciplined at each campus and the actual rate of disciplinary contact for these same students, the researchers, as part of step three, then looked at the data three different ways to examine more closely how much disciplinary rates varied among schools with statistically similar student and campus characteristics.

### *1. The Comparison of Campuses' Actual and Predicted Levels of Disciplinary Actions*

To what extent was it common for a school to use suspension and expulsion at rates that differed from the expected disciplinary level, given a particular school's student population and campus risk factors? Also, did discrepancies between actual and predicted levels of discipline occur only in schools expected to have high disciplinary rates? Researchers analyzed the data to answer these questions.

In order to reduce the complexity of all the available data for campuses and years, researchers selected results for a single school year (2004–2005), when the largest percentage of students involved in the study were in grades nine to eleven (the grades when students were most likely to be disciplined). Focusing on the 1,504 high school campuses where those ninth, tenth, and eleventh graders were enrolled that year, the research team was able to calculate for each school the *average* student's risk of being disciplined in that academic year (as described above).<sup>109</sup>

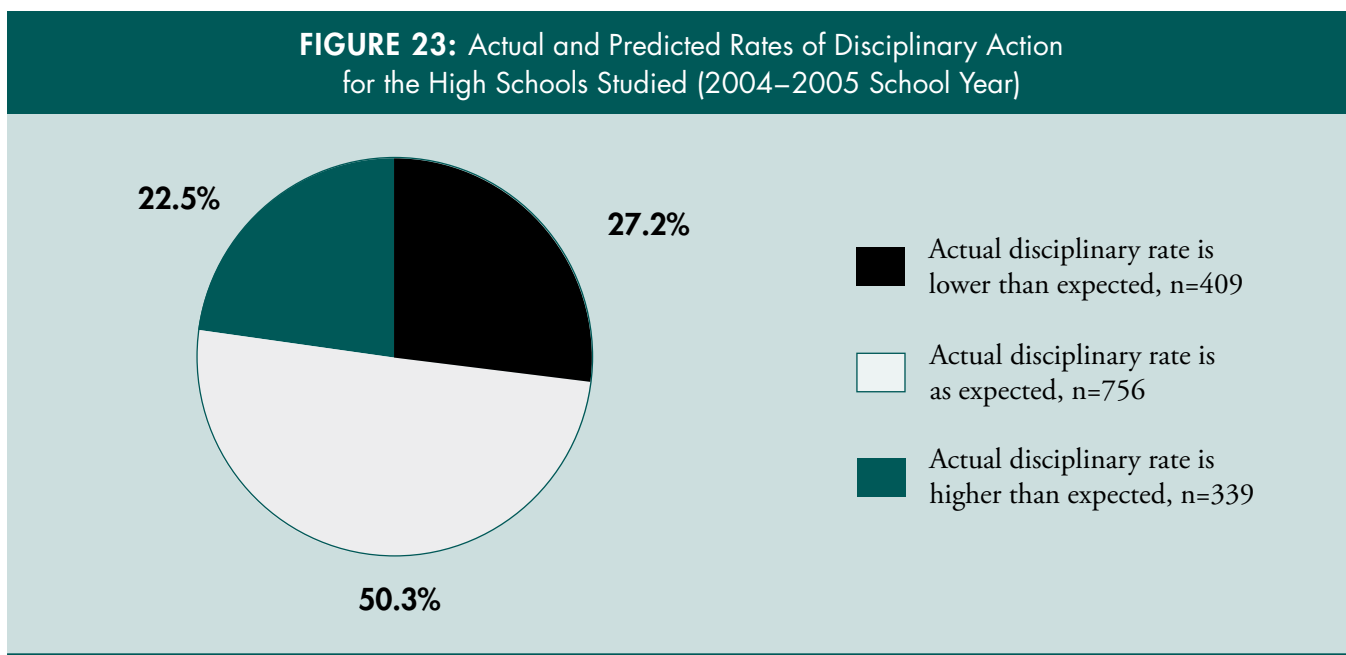
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**109.** Examples of factors that, according to this study's multivariate analyses, increased the likelihood that a student would be involved in the school disciplinary system in any given school year included the following: Students whom the TEA designated "at-risk" were 20.8 percent more likely to be disciplined; students who were economically disadvantaged were 19.3 percent more likely; students who had ever failed a state standardized exam were 18 percent more likely; students who had been retained in their grade were 16.3 percent more likely; also, with every standard deviation decrease in students' school attendance, there occurred a commensurate increase in the risk of school discipline involvement by 25.5 percent. Students with limited English proficiency were 8.6 percent less likely to be involved in school discipline. Many school campuses with higher-than-average numbers of students designated as "at-risk" (or those schools that had a number of factors indicating a higher probability of school disciplinary system involvement), had rates of suspension or expulsion considerably lower than ordinarily would have corresponded to a student body with these characteristics.

Using these data, the research team assigned the 1,504 school campuses to one of three categories based on whether each school was “expected” to have a low, medium, or high rate of disciplinary actions. Within each category, the researchers then organized the schools into three sub-groups to examine which schools’ actual discipline rates were significantly lower or higher than, or consistent with, the predicted rate.<sup>110</sup>

The findings showed that there was, indeed, significant variation in discipline rates among schools with similar characteristics.

*Supporting Data for the Analysis of Campuses’ Actual and Predicted Levels of Disciplinary Actions*



**110.** In schools with higher-than-expected discipline rates, 32 percent of the students had six or more disciplinary actions; in schools with expected rates, 24 percent of students had six or more disciplinary actions; and in schools with lower-than-expected discipline rates, 12 percent of students had six or more actions.

- As Figure 23 indicates, while half (50.3 percent) of the high schools analyzed had discipline rates consistent with what researchers had projected, given the characteristics of the student population and the school campus, the other half had significantly higher or significantly lower rates of school discipline than projected. Among the 1,504 high schools in the multivariate analysis, 339 schools (or 22.5 percent) had disciplinary rates that were significantly higher than what researchers had projected, and 409 of the schools (or 27.2 percent) had disciplinary rates that were significantly lower than what had been projected.

**FIGURE 24:** Actual Disciplinary Rates Compared to Predicted Disciplinary Rates for Campuses Attended by Study Participants in Grades 9–11 (2004–2005)

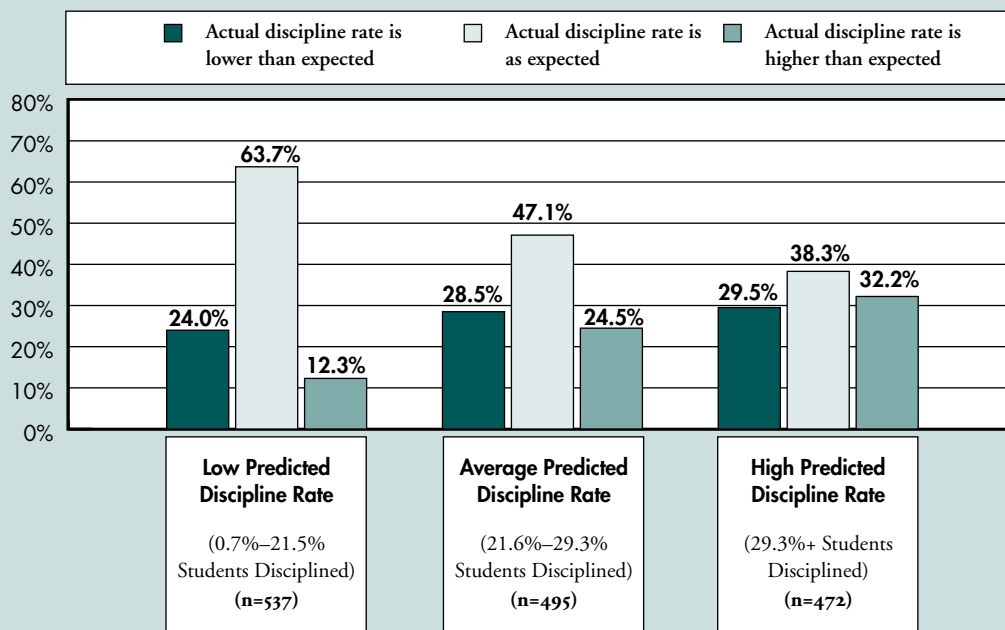


Figure 24 demonstrates how the 1,504 high schools analyzed were organized into three clusters of approximately 500 schools according to these categories: “low predicted discipline” (where 0.7 to 21.5 percent of the students were projected to be suspended or expelled in academic year 2004–2005); “average predicted

discipline” (where 21.6 to 29.3 percent of students were projected to be suspended or expelled in 2004–2005); and “high predicted discipline” (where schools were predicted to be suspended or expelled, equaling more than 29.3 percent of students in 2004–2005).

- Nearly one quarter (24%) of the schools predicted to have “low” rates of school discipline had actual rates of suspension/expulsion that were even lower than expected. On the other hand, 12.3 percent of the schools predicted to have “low” rates of school discipline had actual rates of suspension/expulsion that were higher than expected.
- Nearly three in ten (29.5 percent) of the schools predicted to have “high” rates of school discipline had actual rates of suspension/expulsion that were lower than expected. In contrast, just as many (32.2 percent) of the schools predicted to have “high” rates of school discipline had actual rates of suspension/expulsion that were even higher than expected.

## *2. Examples of Schools with Similar Characteristics and Academic Outcomes, but Different Discipline Rates*

In the second analysis, the research team looked for examples to see whether it was possible for comparable schools to perform similarly on dimensions such as school attendance and grade completion—even when the schools’ rates of disciplining students differed. To this end, the researchers identified nine middle school campuses from the 2000–2001 through 2003–2004 school years, when members of the three study groups were in grades seven or eight.<sup>111</sup> The selected campuses differed in their use of suspension and expulsion, but the student bodies were nearly identical in terms of size, and other indicators commonly believed to explain discipline rates. These indicators included the racial composition of the student body and the percentage of students who were economically disadvantaged, behind their grade for their age, and who had limited English proficiency.

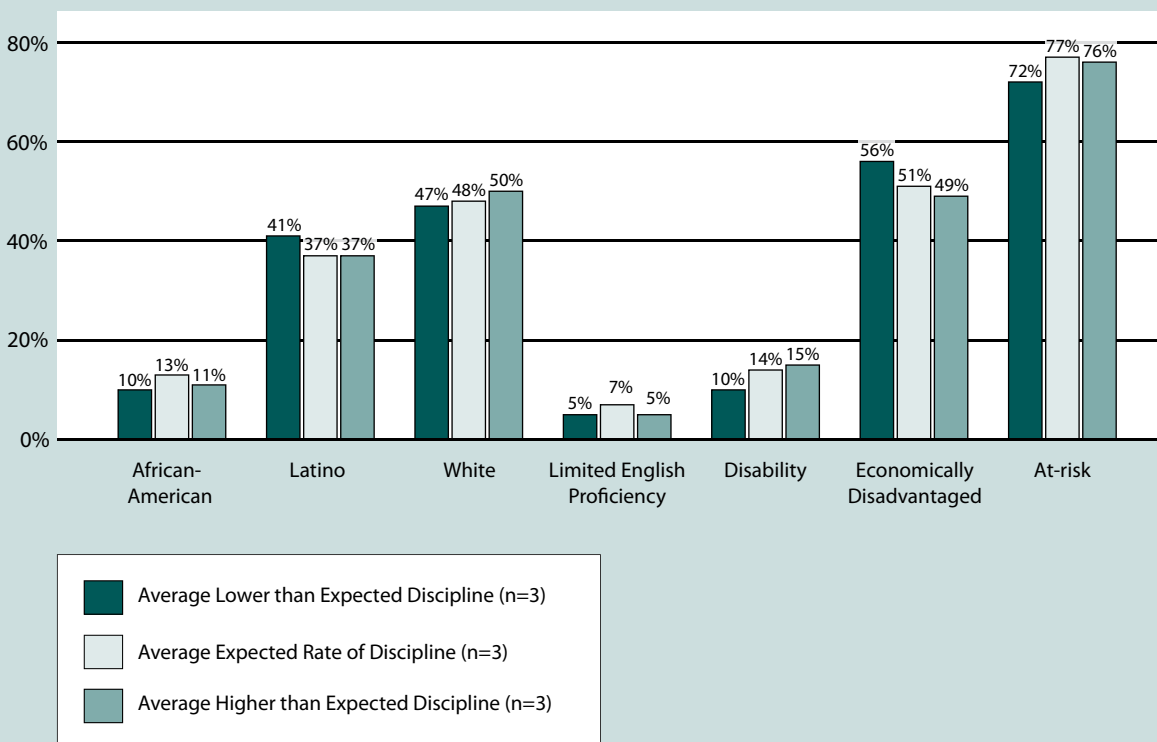
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<sup>111</sup>. To identify these schools, researchers divided into three groups the middle schools that study participants attended during the 2001–2002 through 2003–2004 school years. The groups were organized according to four variables, including their percentages of African-American, Latino, and at-risk students, and number of students enrolled. Forty-four campuses were identified that were in the middle third on all of these variables. These 44 campuses were then organized into subgroups based on whether their disciplinary rates were higher than expected, as expected, or lower than expected. Within each subgroup, the research team identified three campuses that were similar with regard to key characteristics.

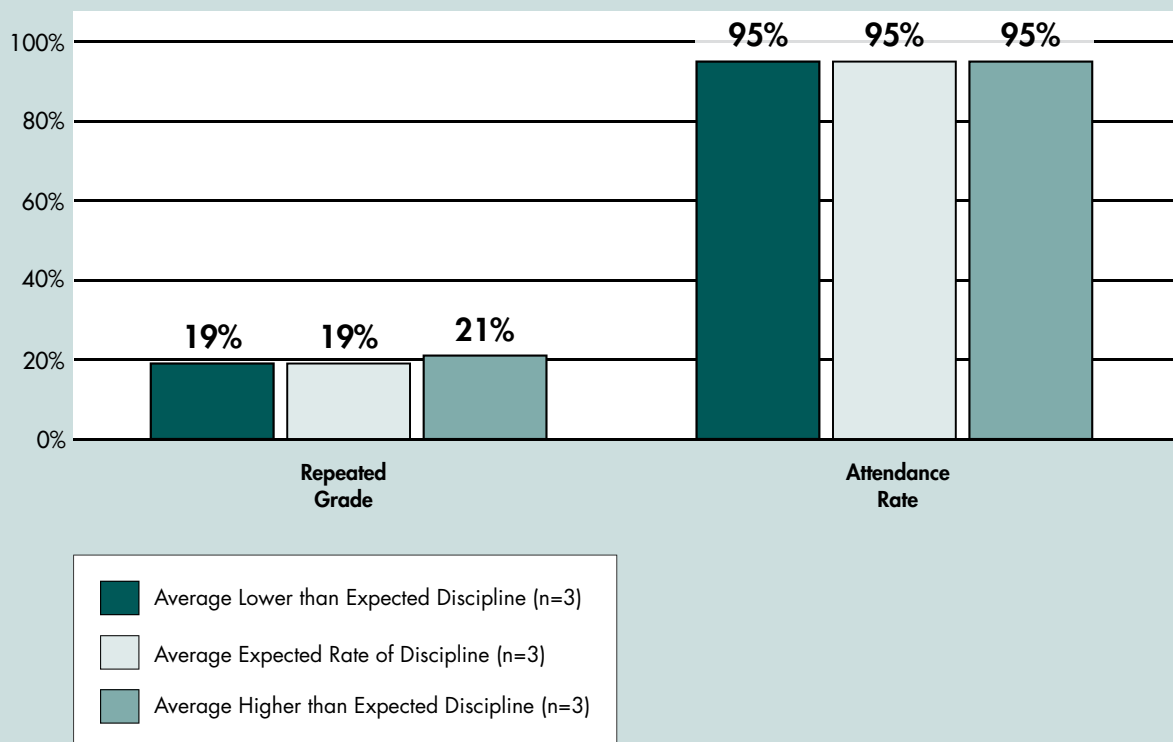
*Supporting Data for Analysis of Nine Middle Schools with Similar Student Compositions and Comparable Academic Outcomes, but Different Discipline Rates*

- Nine selected middle schools were nearly identical in their racial composition and their percentage of students who were “economically disadvantaged” or “at risk,” but varied significantly in their use of student discipline: Three of the schools had “higher than expected” rates of discipline and three of the schools had “lower than expected” rates of discipline. (See Figure 25.)
- Even though these nine selected schools, alike in their student populations, disciplined students at different rates, they did not differ in attendance rates or in the percentage of students who repeated a grade. (See Figure 26.)

**FIGURE 25: Nine Selected Middle School Campuses with Similar Student Bodies, but Different School Discipline Rates**



**FIGURE 26:** Nine Selected Middle School Campuses with Similar Academic Outcomes, but Different Rates of School Discipline



### 3. Analysis of Disciplinary Variation Among and Within Texas's Largest School Districts

The third analysis focused on the five largest school districts in Texas to determine whether individual schools within each of these districts had rates of discipline substantially different from what the multivariate model had predicted. The specific districts are neither identified by name in this report nor listed in order of size, in order to preserve anonymity. The researchers had two objectives: to examine how the use of school discipline differed from one large school district to the next, and to gauge the extent to which schools within the same district (where officials reported to the same superintendent) varied in their use of disciplinary actions. The data that follow provide compelling evidence to show that how a school uses suspension and expulsion is driven in large part by the decisions of officials at *both* the district and individual school level.



*Supporting Data for the Analysis of Disciplinary Variation Among and Within Texas's Largest School Districts*

- The use of discipline in the five largest school districts (largest both in terms of numbers of school campuses and in terms of overall students) varied significantly among these independent school systems.<sup>112</sup> As Table 3 indicates, there was also considerable variation even within a district.

**Table 3:** Percent of Campuses in Five Largest School Districts: Annual Disciplinary Rates Compared with Predicted Performance from Campus-Based Multivariate Model

|                    | Lower Than Expected | As Expected | Higher Than Expected |
|--------------------|---------------------|-------------|----------------------|
| District 1         | 64.3 %              | 14.3 %      | 21.4 %               |
| District 2         | 55.6 %              | 27.8 %      | 16.7 %               |
| District 3         | 76.9 %              | 15.4 %      | 7.7 %                |
| District 4         | 20.0 %              | 33.3 %      | 46.7 %               |
| District 5         | 23.7 %              | 39.5 %      | 36.8 %               |
| Number of Campuses | 51                  | 34          | 31                   |

- In three of the five largest districts (those labeled 1, 2, and 3), the majority of the schools had disciplinary rates that were lower than what was expected, based on the risk factors and the composition of these schools' student bodies (ranging from 55.6 percent to nearly 77 percent of each district's schools with lower-than-predicted disciplinary rates).<sup>113</sup>

**112.** These five districts collectively had 116 campuses.

**113.** Schools in impoverished areas with large numbers of students with characteristics related to misbehavior may have been predicted to have a high number of disciplinary actions. Given that high threshold, some schools may still have had high numbers of disciplinary actions but managed to stay below the large number of predicted actions.

- The proportion of campuses within a single district with higher-than-expected disciplinary rates ranged from 7.7 percent to 46.7 percent—a six-fold difference. Similarly, the proportion of campuses within a district with lower-than-expected disciplinary rates was as low as 20 percent and as high as 76.9 percent.
- Variation was obvious even within a single district. For example, in one district (labeled “District 4”), disciplinary rates were as expected in one-third of the schools; on the other hand, one-fifth of the schools disciplined students at lower-than-expected rates; and nearly half (46.7 percent) of the schools disciplined students at higher-than-expected rates.

## Conclusion for Finding 6

Three themes emerged from these data:

First, how and when students—with very similar characteristics and risk factors—were disciplined appears to depend on which school they attend. Many schools with large numbers of students at high risk of school disciplinary action actually suspended and expelled those students less frequently than schools with comparable student compositions.

Second, a school that makes frequent use of suspension and expulsion does not necessarily create an environment that enables the overall school to achieve better academic outcomes. Stated another way, a school that does not suspend or expel students at the high rates that had been expected does not doom that school to underperform academically. The researchers identified examples in which schools with similar student bodies that suspended and expelled students at higher rates did no better on key school performance measures than those schools that had fewer suspensions and expulsions.

Third, it was not unusual for administrators working at different school campuses, but employed by the same school district and accountable to the same superintendent, to differ in how they used the school disciplinary system. Data illustrating variations in school disciplinary involvement within the five largest school districts indicate that how student behavior was managed and how school officials approached the use of suspension and expulsion depended in part on the officials in a particular school.

What these data suggest is that individual school campuses can make a difference in whether students are successful in avoiding disciplinary actions independent of their risk factors. Certainly, schools in distressed neighborhoods may have more students facing poverty and related factors that put them in greater jeopardy of school disciplinary involvement. But these analyses showed that schools do not all respond in the same ways. The three analyses described above, however, do not reveal what schools were doing differently. It was not possible in this study to isolate the reasons why some campuses appeared to achieve the lower-than-expected disciplinary rates that they did—whether schools with unexpectedly lower disciplinary rates tended to be more tolerant of misbehavior or were particularly effective in managing and changing student behavior. Similarly unclear was why some campuses with an affluent or otherwise advantaged student population had higher discipline rates than expected relative to similar schools.<sup>114</sup>

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**114.** Initiatives, such as those described in the introduction to this report, are underway in Texas and elsewhere to understand apparent successes and to determine how to replicate them. See, for example, pages 7–8, citing work by the Texas Legislative Budget Board—a nonpartisan, authoritative source of analysis for state lawmakers—that examined strategies from six different school districts, and different campuses within those school districts, to identify approaches with the potential to yield better outcomes.



## CONCLUSION

Texas state leaders' interest in learning what the data say about school discipline policies and practices in their state made this report possible. The commitment they demonstrated to research-driven policymaking should be a model for all elected state officials, regardless of their political views. Policymakers elsewhere, however, may find it challenging to replicate this report's comprehensive analyses without a state-of-the-art electronic school-records system and statewide juvenile justice database comparable to those found in Texas.

Still, a rigorous analysis like the one in this report depends on more than just available data. As Texas officials have demonstrated, examining these issues publicly requires considerable courage, as the same issues being discussed nationally are brought into stark detail at the state level.

A major revelation in this report is that, during the study's six-year analysis period, it was common for students to be suspended, for intervals ranging from a single class period to several consecutive days, at least once between their seventh- and twelfth-grade years. Nonwhite students and students with specific educational disabilities were especially likely to be removed from the classroom for disciplinary reasons. In addition, students who were suspended or expelled were at increased risk of repeating a grade, dropping out, or coming into contact with the juvenile justice system.

These findings should prompt policymakers to ask whether the school discipline system, as it is currently functioning, is achieving its objectives. In answering this question, policymakers should consider in particular the students who are suspended or expelled over and over again (15 percent in Texas—in excess of ten times) during the course of their middle and high school years.

Surely Texas is not alone in seeing groups of adolescents disengage from school and come into contact with the juvenile justice system. For anyone determined to lower drop-out rates, improve academic performance, and decrease the number of children involved in the juvenile justice system, this report makes a compelling case that those efforts should include strategies to change student behaviors that can reduce the use of suspensions and expulsions.

The last finding in this report is perhaps its most encouraging: Schools do not need to wait for a change in law or state policy to improve outcomes for

misbehaving students. As it is, schools' approaches to the use of suspension and expulsion vary significantly from each district—and each campus—to the next.

This report builds on a considerable body of knowledge regarding the effects of removing students from the classroom for disciplinary reasons. In compiling their research, the authors consulted many national experts who have written on this subject, along with people who work on the front lines of the systems that serve school-age children. These exchanges made clear that everyone cares deeply about the large number of students involved in the school discipline system; ensuring that *all* children succeed is a goal everyone shares. But each constituency views this goal through a different lens. Accordingly, policymakers seeking to improve outcomes for students who engage in misconduct in school find that the recommendations they receive depend on whom you ask. As they query professionals from different systems, these same policymakers gradually end up hearing a cacophony of suggestions. Above that din are the voices of students, community-based advocates, and parents, who also need to be heard.

At the end of the day, no single system—not law enforcement, the courts, health services, departments of children and families, schools, or others—is exclusively responsible for the students who are repeatedly suspended or expelled. Instead, all of these systems have a role to play in supporting these students, their families, teachers, and the communities where they live.

What policymakers need most are consensus-based recommendations: a chorus from these distinct stakeholders. The tune, though, cannot simply be about their need for more resources—that is just not feasible, given state and local government budgets. Instead, agreement among the different systems and advocacy groups should translate into specific and practical ideas that are not all contingent on more money.

This report is a contribution to the research base and hopefully advances discussions on finding greater common ground among the many people focused on improving the response to students who break schools' rules. To what degree these stakeholders can work in concert, employing strategies that research says will work, will dictate in part the success of our next generation.

A list of Frequently Asked Questions and related resources about the study findings and their implications is available at <http://justicecenter.csg.org/resources/juveniles>.

## APPENDIX A. VARIABLES MODELED

The following is the list of independent variables included in the multivariate models predicting student disciplinary actions, retention (repeating a grade), dropping out, and juvenile justice contact. Variables were lagged by one school year where appropriate to account for a temporal order of events. In instances where the first occurrence of one of these variables was used as a dependent variable (e.g., retention or disciplinary action), that variable was excluded from the set of independent variables.

| STUDENT DEMOGRAPHICS                                          |                                                                                                                                             |        |
|---------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|--------|
| Label                                                         | Definition                                                                                                                                  | Type   |
| 1. African American                                           | Student is African American                                                                                                                 | Binary |
| 2. Latino                                                     | Student is Hispanic                                                                                                                         | Binary |
| 3. Other Race                                                 | Student is not a white, Hispanic, or African-American student                                                                               | Binary |
| 4. Male                                                       | Student is male                                                                                                                             | Binary |
| 5. African American in a Non-African American Majority School | Student is African American in a school with a majority of students that are non-African American; must be a clear majority of another race | Binary |
| 6. Hispanic in a Non-Hispanic Majority School                 | Student is Hispanic in a school with a majority of students that are non-Hispanic; must be a clear majority of one race                     | Binary |
| 7. Other Race in a Non-Other Race Majority School             | Student is “Other Race” in a school with a majority of students that are non-“Other Race”; must be a clear majority of one race             | Binary |
| 8. White in a Non-White Majority School                       | Student is white in a school with a majority of students that are non-white; must be a clear majority of one race                           | Binary |

## APPENDIX A. VARIABLES MODELED (continued)

| STUDENT ATTRIBUTES              |                                                                                                                                                                                                 |            |
|---------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| Label                           | Definition                                                                                                                                                                                      | Type       |
| 9. Title I Indicator            | Student receives Title I services                                                                                                                                                               | Binary     |
| 10. Economically Disadvantaged  | Student is eligible for free or reduced-price lunch or other public assistance                                                                                                                  | Binary     |
| 11. Limited English Proficiency | Student is classified as having limited English proficiency                                                                                                                                     | Binary     |
| 12. Immigrant                   | Student is classified as an immigrant                                                                                                                                                           | Binary     |
| 13. Migrant                     | Student is classified as a migrant                                                                                                                                                              | Binary     |
| 14. Ever Pregnant               | Student was pregnant in any previous year                                                                                                                                                       | Binary     |
| 15. Student Racial Majority     | Majority of students on the campus are of the student's race                                                                                                                                    | Binary     |
| 16. Teacher Racial Majority     | Majority of teachers on the campus are of the student's race                                                                                                                                    | Binary     |
| 17. Number of Schools Attended  | Number of schools the student attended in the year                                                                                                                                              | Continuous |
| 18. Autism                      | Student is diagnosed with autism                                                                                                                                                                | Binary     |
| 19. Emotional Disturbance       | Student is diagnosed with an emotional disturbance                                                                                                                                              | Binary     |
| 20. Learning Disability         | Student is diagnosed with a learning disability                                                                                                                                                 | Binary     |
| 21. Mental Retardation          | Student is diagnosed with mental retardation                                                                                                                                                    | Binary     |
| 22. Physical Disability         | Student is diagnosed with an orthopedic impairment, auditory impairment, visual impairment, deaf-blind diagnosis, speech impairment, non-categorical early childhood or other health impairment | Binary     |
| 23. Traumatic Brain Injury      | Student is diagnosed with a traumatic brain injury                                                                                                                                              | Binary     |



| STUDENT ACADEMIC PERFORMANCE |                                                                                                                                   |            |
|------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|------------|
| Label                        | Definition                                                                                                                        | Type       |
| 24. At-Risk of Dropping Out  | Student is at risk of dropping out (TEA designation)                                                                              | Binary     |
| 25. Gifted                   | Student is classified as gifted                                                                                                   | Binary     |
| 26. Vocational Education     | Student is in a vocational education class                                                                                        | Binary     |
| 27. Has Failed a TAKS Test   | Student has failed a TAAS/TAKS test (state test) before or during the study period                                                | Binary     |
| 28. Failed Last TAKS Test    | Student failed at least one section of the TAAS/TAKS test (state test) at least one time in the last year he or she took the exam | Binary     |
| 29. Retained                 | Student was retained in the previous year (repeated a grade)                                                                      | Binary     |
| 30. Years Behind             | Number of years student is behind expected grade level                                                                            | Continuous |
| 31. Attendance Rate          | Student's attendance rate                                                                                                         | Continuous |

| STUDENT DISCIPLINE CONTACT             |                                                                                         |            |
|----------------------------------------|-----------------------------------------------------------------------------------------|------------|
| Label                                  | Definition                                                                              | Type       |
| 32. Disciplined                        | Student was disciplined                                                                 | Binary     |
| 33. Encountered TJPC in the Past       | Student was referred to TJPC in the past                                                | Binary     |
| 34. Number of ISS Disciplinary Actions | Total number of disciplinary events where the action taken was in-school suspension     | Continuous |
| 35. Number of OSS Disciplinary Actions | Total number of disciplinary events where the action taken was out-of-school suspension | Continuous |

## APPENDIX A. VARIABLES MODELED (continued)

| STUDENT DISCIPLINE CONTACT (continued)       |                                                                                      |            |
|----------------------------------------------|--------------------------------------------------------------------------------------|------------|
| Label                                        | Definition                                                                           | Type       |
| 36. Number of DAEP Disciplinary Actions      | Total number of disciplinary events where the action taken was referral to a DAEP    | Continuous |
| 37. Number of JJAEP Disciplinary Actions     | Total number of disciplinary events where the action taken was referral to a JJAEP   | Continuous |
| 38. Number of Expulsion Disciplinary Actions | Total number of disciplinary events where the action taken was expulsion             | Continuous |
| 39. Number of Fine Disciplinary Actions      | Total number of disciplinary events where the action taken was truancy-related fines | Continuous |
| 40. Number of No-Action Disciplinary Events  | Total number of disciplinary events where no action was taken                        | Continuous |
| 41. Number of Unknown Disciplinary Actions   | Total number of disciplinary events where the action taken was not reported.         | Continuous |
| 42. Number of TJPC Referrals                 | The number of TJPC referrals that the student had in the year                        | Continuous |

| COHORT MEASURES                    |                                                                                     |            |
|------------------------------------|-------------------------------------------------------------------------------------|------------|
| Label                              | Definition                                                                          | Type       |
| 43. 7th Grade                      | Student is in the seventh grade                                                     | Binary     |
| 44. 8th Grade                      | Student is in the eighth grade                                                      | Binary     |
| 45. 9th Grade                      | Student is in the ninth grade                                                       | Binary     |
| 46. Ninth Grade * Held Back        | Student is in the ninth grade and is at least two years behind expected grade level | Binary     |
| 47. 10th Grade                     | Student is in the tenth grade                                                       | Binary     |
| 48. 11th Grade                     | Student is in the eleventh grade                                                    | Binary     |
| 49. Cohort Year                    | The number of years the student's cohort has been in the study                      | Continuous |
| 50. African American * Cohort Year | The cohort year for African-American students; all other students receive a 0       | Continuous |
| 51. Latino * Cohort Year           | The cohort year for Latino students; all other students receive a 0                 | Continuous |
| 52. Other Race * Cohort Year       | The cohort year for Other Race students; all other students receive a 0             | Continuous |

## APPENDIX A. VARIABLES MODELED (continued)

| CAMPUS MEASURES                            |                                                                                                                                             |            |
|--------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|------------|
| Label                                      | Definition                                                                                                                                  | Type       |
| 53. Charter School                         | Student attends a charter school                                                                                                            | Binary     |
| 54. Title I School                         | Student attends a Title I school                                                                                                            | Binary     |
| 55. Exemplary Campus                       | Campus accountability rating is “exemplary”                                                                                                 | Binary     |
| 56. Recognized Campus                      | Campus accountability rating is “recognized”                                                                                                | Binary     |
| 57. Unacceptable Campus                    | Campus accountability rating is “unacceptable”                                                                                              | Binary     |
| 58. Missing Rating                         | Campus accountability rating is “missing”                                                                                                   | Binary     |
| 59. AEA-Acceptable Campus                  | Alternative education accountability campus rating is “acceptable” — for alternative campuses only                                          | Binary     |
| 60. AEA-Unacceptable Campus                | Alternative education accountability campus rating is “unacceptable “ — for alternative campuses only                                       | Binary     |
| 61. Average Campus Attendance Rate         | Average attendance rate for all students at a campus over the entire school year                                                            | Continuous |
| 62. Annual Campus Drop-out Rate            | Percentage of 7th–12th grade students in attendance at a campus at any time during the school year who drop out before the next school year | Continuous |
| 63. Student/Teacher Ratio                  | The number of students per teacher on the campus                                                                                            | Continuous |
| 64. Percent Bilingual/ESL Education        | Percentage of students at the campus enrolled in bilingual/ESL education                                                                    | Continuous |
| 65. Percent Career and Technical Education | Percentage of students at the campus enrolled in career and technical education                                                             | Continuous |
| 66. Percent Special Education              | Percentage of students at the campus enrolled in special education                                                                          | Continuous |

| <b>CAMPUS MEASURES (continued)</b>                                    |                                                                                                                                                                                                                                                                                          |             |
|-----------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| <b>Label</b>                                                          | <b>Definition</b>                                                                                                                                                                                                                                                                        | <b>Type</b> |
| 67. Percent Met Standard on all TAKS Subjects                         | Percentage of students at the campus who met the standard on all TAKS subjects (state test)                                                                                                                                                                                              | Continuous  |
| 68. Percent Economically Disadvantaged                                | Percentage of students at the campus eligible for free or reduced-price lunch or other public assistance                                                                                                                                                                                 | Continuous  |
| 69. Teachers' Average Salaries                                        | Average salary paid to each FTE teacher at the campus                                                                                                                                                                                                                                    | Continuous  |
| 70. Average Years of Experience of Teachers                           | Average years experience for teachers at the campus                                                                                                                                                                                                                                      | Continuous  |
| 71. Per-Capita Instructional \$                                       | Average total instructional expenditures per student at the campus                                                                                                                                                                                                                       | Continuous  |
| 72. District Wealth Per Capita                                        | Total taxable property value per student                                                                                                                                                                                                                                                 | Continuous  |
| 73. Diversity Measure (Student)                                       | Measure of student diversity at the campus.<br>Calculated: $1 - (\text{Percentage, black students})^2 - (\text{Percentage, white students})^2 - (\text{Percentage, Hispanic students})^2 - (\text{Percentage, Other students})^2$<br>[0 = perfect homogeneity; 0.75 = perfect diversity] | Continuous  |
| 74. Diversity Measure (Teacher)                                       | Measure of teacher diversity at the campus.<br>Calculated: $1 - (\text{Percentage, black teachers})^2 - (\text{Percentage, white teachers})^2 - (\text{Percentage, Hispanic teachers})^2 - (\text{Percentage, Other teachers})^2$<br>[0 = perfect homogeneity; 0.75 = perfect diversity] | Continuous  |
| 75. Student/Teacher Racial Congruence (Higher Value =Less Congruence) | Chi-square based measure indicating the student /teacher racial congruence at the campus<br>[0= perfect congruence. Higher values indicated less congruence (more differences)]                                                                                                          | Continuous  |

## APPENDIX A. VARIABLES MODELED (continued)

| COUNTY MEASURES                         |                                                                                                                                                                                                                                                                                     |            |
|-----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| Label                                   | Definition                                                                                                                                                                                                                                                                          | Type       |
| 76. Suburban County                     | Student lives in a suburban county                                                                                                                                                                                                                                                  | Binary     |
| 77. Non-Metro Adjacent County           | Student lives in a non-metro county adjacent to a metro county                                                                                                                                                                                                                      | Binary     |
| 78. Rural County                        | Student lives in a rural county                                                                                                                                                                                                                                                     | Binary     |
| 79. Percentage, Single Parent Families  | Percentage of families in the student's county headed by either a father or mother only (2000 Census)                                                                                                                                                                               | Continuous |
| 80. Percentage, Population With Diploma | Sum total of the percentage of individuals ages 25 and up within the student's county with one of the following educational attainments: high school graduate (includes equivalency), some college, no degree, associate degree, bachelor's degree, or graduate/professional degree | Continuous |
| 81. Percentage, Homes Rented            | Percentage of occupied homes in the student's county that are rented by the occupant (2000 Census)                                                                                                                                                                                  | Continuous |
| 82. Average Household Size in County    | Average household size in the student's county (2000 Census)                                                                                                                                                                                                                        | Continuous |
| 83. Income per Capita                   | 2006 per capita income in the student's county (Comptroller's Office)                                                                                                                                                                                                               | Continuous |

## APPENDIX B: DISCIPLINARY VIOLATIONS

The 43 possible student discipline violations reported by school districts to the Texas Education Agency were recoded into five categories reflecting the nature or seriousness of the offenses involved. The following tables show the violations that comprised each category used in the analysis. Additional information related to discipline is available at [http://www.tea.state.tx.us/chapter37\\_reporting.html](http://www.tea.state.tx.us/chapter37_reporting.html), Appendix E.

| VIOLATIONS REQUIRING MANDATORY EXPULSION |                                                                                                                                                                |
|------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11                                       | Used, exhibited, or possessed a firearm — TEC §§37.007(a)(1)(A) and 37.007(e) and/or brought a firearm to school— EC §37.007(e)                                |
| 12                                       | Used, exhibited, or possessed an illegal knife — TEC §37.007(a)(1)(B) (Illegal knife blade longer than 5.5 inches)                                             |
| 13                                       | Used, exhibited, or possessed a club — TEC §37.007(a)(1)(C)                                                                                                    |
| 14                                       | Used, exhibited, or possessed a prohibited weapon under Penal Code §46.05 — TEC §37.007(a)(1)(D)                                                               |
| 16                                       | Arson — TEC §37.007(a)(2)(B)                                                                                                                                   |
| 17                                       | Murder, capital murder, criminal attempt to commit murder, or capital murder — TEC §37.007(a)(2)(C)                                                            |
| 18                                       | Indecency with a child — TEC §37.007(a)(2)(D)                                                                                                                  |
| 19                                       | Aggravated kidnapping — TEC §37.007(a)(2)(E)                                                                                                                   |
| 29                                       | Aggravated assault under Penal Code §22.02 against a school district employee or volunteer — TEC §37.007(d)                                                    |
| 30                                       | Aggravated assault under Penal Code §22.02 against someone other than a school district employee or volunteer — TEC §37.007 (a)(2)(A)                          |
| 31                                       | Sexual assault under Penal Code §22.011 or aggravated sexual assault under Penal Code §22.021 against a school district employee or volunteer — TEC §37.007(d) |

## APPENDIX B. DISCIPLINARY VIOLATIONS (continued)

| VIOLATIONS REQUIRING MANDATORY EXPULSION (continued) |                                                                                                                                                                                         |
|------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 32                                                   | Sexual assault under Penal Code §22.011 or aggravated sexual assault under Penal Code §22.021 against someone other than a school district employee or volunteer — TEC §37.007(a)(2)(A) |
| 36                                                   | Felony controlled substance violation — TEC §37.007(a)(3)                                                                                                                               |
| 37                                                   | Felony alcohol violation — TEC §37.007(a)(3)                                                                                                                                            |
| 46                                                   | Aggravated robbery — TEC §37.007(a)(2)(F)                                                                                                                                               |
| 47                                                   | Manslaughter — TEC §37.007(a)(2)(G)                                                                                                                                                     |
| 48                                                   | Criminally negligent homicide — TEC §37.007(a)(2)(H)                                                                                                                                    |

| VIOLATIONS REQUIRING MANDATORY REFERRAL TO A DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM (DAEP) |                                                                                                                                                                                                                   |
|------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 02                                                                                             | Conduct punishable as a felony — TEC §37.006(a)(2)(A)                                                                                                                                                             |
| 04                                                                                             | Possessed, sold, used, or was under the influence of marihuana or other controlled substance — TEC §§37.006(a)(2)(C) and 37.007(b)                                                                                |
| 05                                                                                             | Possessed, sold, used, or was under the influence of an alcoholic beverage — TEC §§37.006(a)(2)(D) and 37.007(b)                                                                                                  |
| 06                                                                                             | Abuse of a volatile chemical — TEC §37.006(a)(2)(E)                                                                                                                                                               |
| 07                                                                                             | Public lewdness or indecent exposure — TEC §37.006(a)(2)(F)                                                                                                                                                       |
| 08                                                                                             | Retaliation against school employee — TEC §§37.006(b) and 37.007(d)                                                                                                                                               |
| 09                                                                                             | Based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity for felony offenses in Title 5, Penal Code — TEC §37.006I and TEC §37.007(b)(4) |
| 23                                                                                             | Emergency Placement/expulsion — TEC §37.019                                                                                                                                                                       |



**VIOLATIONS REQUIRING MANDATORY REFERRAL TO A DISCIPLINARY  
ALTERNATIVE EDUCATION PROGRAM (DAEP) (continued)**

|    |                                                                                                                                 |
|----|---------------------------------------------------------------------------------------------------------------------------------|
| 26 | Terrorist threat — TEC §37.006(a)(1) or §37.007(b)                                                                              |
| 27 | Assault under Penal Code §22.01(a)(1) against a school district employee or volunteer — TEC §37.007(b)(2)(C)                    |
| 28 | Assault under Penal Code §22.01(a)(1) against someone other than a school district employee or volunteer — TEC §37.006(a)(2)(B) |
| 35 | False alarm/false report — TEC §§37.006(a)(1) and 37.007(b)                                                                     |

**STUDENT CODE OF CONDUCT VIOLATIONS ALLOWING FOR  
DISCRETIONARY PUNISHMENT**

|    |                                                                                                                                                                                       |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 01 | Permanent Removal by a Teacher from Class (Teacher has removed the student from classroom and denied the student the right to return. TEC §37.003 has been invoked.) — TEC §37.002(b) |
| 20 | Serious or persistent misconduct violating the student code of conduct while placed in a disciplinary alternative education program — TEC §37.007I                                    |
| 21 | Violation of student code of conduct not included under TEC §§37.002(b), 37.006, or 37.007 (does not include student code of conduct violations covered in reason codes 33 and 34)    |

**TRUANCY AND TOBACCO VIOLATIONS ALLOWING FOR DISCRETIONARY  
JUVENILE COURT REFERRALS**

|    |                                                                                                                                                |
|----|------------------------------------------------------------------------------------------------------------------------------------------------|
| 33 | Possessed, purchased, used, or accepted a cigarette or tobacco product as defined in the Health and Safety Code, Section 3.01, Chapter 161.252 |
| 42 | Truancy (failure to attend school) — Parent contributing to truancy — TEC §25.093(a)                                                           |
| 43 | Truancy (failure to attend school) — Student with at least three unexcused absences — TEC §25.094                                              |

## APPENDIX B. DISCIPLINARY VIOLATIONS (continued)

| TRUANCY AND TOBACCO VIOLATIONS ALLOWING FOR DISCRETIONARY JUVENILE COURT REFERRALS (continued) |                                                                                       |
|------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 44                                                                                             | Truancy (failure to attend school) — Student with 10 unexcused absences — TEC §25.094 |
| 45                                                                                             | Truancy (failure to attend school) Student failure to enroll in school — TEC §25.085  |

| OTHER VIOLATIONS ALLOWING FOR DISCRETIONARY PUNISHMENT |                                                                                                                                                                                                                                                          |
|--------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10                                                     | Based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity for felony offenses not in Title 5, Penal Code — TEC §37.006(d) and TEC §37.007(b)(4)                                  |
| 22                                                     | Criminal mischief — TEC §37.007(f)                                                                                                                                                                                                                       |
| 34                                                     | School-related gang violence — Action by three or more persons having a common identifying sign or symbol or an identifiable sign or symbol or an identifiable leadership who associate in the commission of criminal activities under Penal Code §71.01 |
| 41                                                     | Fighting/Mutual Combat — Excludes all offenses under Penal Code §22.01                                                                                                                                                                                   |
| 49                                                     | Engages in deadly conduct — TEC §37.007(b)(3)                                                                                                                                                                                                            |
| 50                                                     | Used, exhibited, or possessed a non-illegal knife as defined by student code of conduct and as allowed under TEC 37.007. (Knife blade equal to or less than 5.5 inches.)                                                                                 |

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