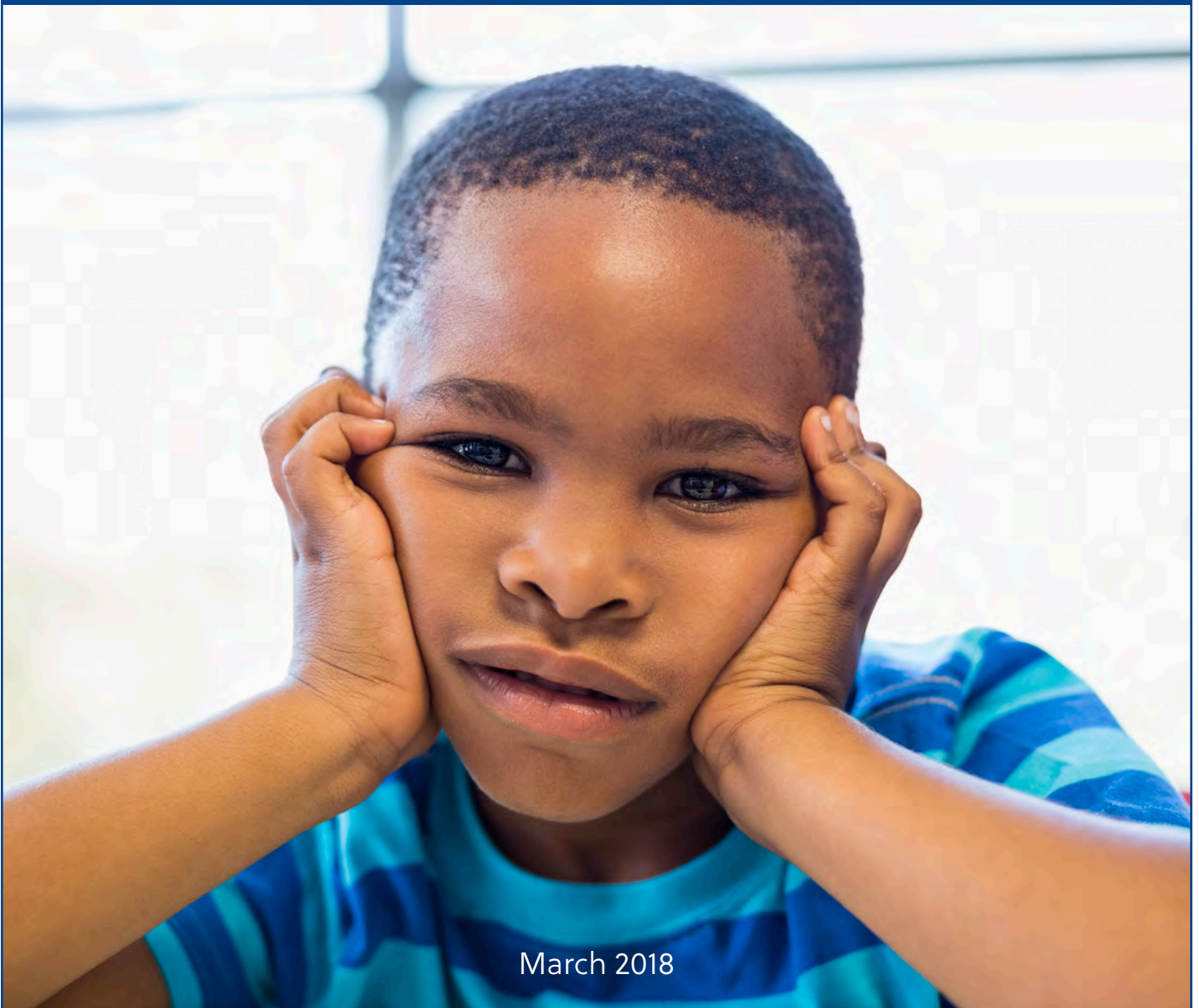


KEEPING KIDS IN CLASS

PRE-K THROUGH 2ND GRADE SUSPENSIONS
IN TEXAS AND A BETTER WAY FORWARD

EXECUTIVE SUMMARY



March 2018

Introduction

For children, the experiences during the first few years of life and school serve as the foundation for the rest of their lives. Their brains are rapidly developing in these early years, and an effective, supportive learning environment is critical to helping them get a solid start in school and life.

For teachers, supporting and nurturing young children is a passion, but appropriate training, tools, and support are critical for managing the challenges and frustrations they can face in their jobs.

For Texans, the way we treat the youngest children in our schools and communities not only shapes the future of our state but also says something about our values.

Unfortunately, for too many young Texas students, their prime learning time is disrupted by ineffective school discipline policies that permit children — even ones as young as four years old — to be suspended from their classrooms.

Fortunately, in 2017 the Texas Legislature passed House Bill 674. The new law, which went into effect on September 1, 2017, prohibits out-of-school suspensions for public school students from pre-k through second grade except for very narrow circumstances, such as a student bringing a gun to school. HB 674 still permits in-school suspensions and placement in Disciplinary Alternative Education Programs (DAEP) for these grades. It also outlines alternative strategies that districts may implement to reduce challenging behaviors and support students' needs. Similar bans on early grade suspensions policies were approved in 2016 and 2017 by school boards in Austin, Dallas, El Paso, and Houston Independent School Districts (ISDs).

While the new law is a major step forward, school districts, the Texas Education Agency (TEA), and state policymakers have significant work to do to implement the legislation, reduce in-school suspensions, and ensure effective practices are in place in our schools.



Remaining steps include:

- Ensuring that out-of-school suspensions in pre-k through second grade are replaced by effective, positive strategies to address behavior and support students and teachers;
- Reducing reliance on the pre-k through second grade discipline measures not covered by HB 674, including in-school suspensions and DAEP, and ensuring these practices are not expanded to replace out-of-school suspensions;
- Rooting out the disproportionate use of in-school suspensions and other harmful discipline practices among certain students in early grades;
- Addressing expulsions, suspensions, and other counterproductive discipline practices in the grades not covered by HB 674; and
- Addressing expulsions and suspensions, as well as

alternative strategies, in child care programs outside of the public school system.

This report covers both in-school suspensions (ISS) and out-of-school suspensions (OSS) among Texas students from pre-k through second grade. Because expulsions are so rare in pre-k through second grade in Texas (there were only three in 2015-2016), this report does not focus on them. The report does include limited data on DAEP, which includes all expulsions for students under age 10 in Texas as well as other placements in DAEP that are functionally similar to expulsions. In large measure, this report's descriptions of the reasons for suspensions, concerns about suspensions, and alternatives to suspensions would also apply to DAEP placements and other punitive discipline measures in early grades. Unless otherwise noted, the data presented in this report are for traditional school districts as well as charter districts.



Executive Summary

In 2017, the Legislature passed House Bill 674, prohibiting out-of-school suspensions for public school students from pre-k through second grade unless a student brings a gun to school, commits a violent offense, or is involved with drugs or alcohol. HB 674, which went into effect on September 1, 2017, still permits in-school suspensions and placement in Disciplinary Alternative Education Programs (DAEP) for these grades. It also outlines alternative strategies that districts may implement to reduce challenging behaviors and support students' needs.

The new law is a major step forward, but school districts and state policymakers still have significant work to do. They must implement the legislation, ensure effective strategies are implemented in our schools, and address the ongoing use of in-school suspensions in early grades and other ineffective discipline practices that are still permitted.

Suspensions harm pre-k through second grade students in three primary ways. They give students a first impression of school as a negative place where they don't belong just as young students are forming impressions about school and how they fit into it. When schools suspend young students, they are missing an opportunity to identify and address the causes of challenging behavior. And suspensions deny valuable classroom learning time to young students. In addition to the harm they do to individual students, early childhood suspensions are a sign that a district, campus, and/or classroom is not implementing positive behavioral strategies and creating supportive school climates.

There are several, sometimes overlapping reasons why schools suspend young students. Students may engage in challenging but age-appropriate behavior. They may engage in challenging behavior stemming from family and life challenges such as hunger or homelessness; mental, behavioral, or developmental

disorders; or trauma and toxic stress. Or classroom settings and practices, such as difficult schedules or sitting too long, may trigger challenging behavior. Some teachers and administrators react more harshly to student behavior compared to other educators because of high stress levels or a lack of positive behavior strategies. Some educators react more harshly to similar behavior from different students due to implicit bias, the unconscious attitudes or beliefs that all people have about others.

State policies in several areas may contribute to early suspensions. State cuts to Early Childhood Intervention (ECI) for children under age three with disabilities and delays, low access to quality child care, too-large pre-k class sizes, inadequate support for mental health and behavior strategies in schools, and the state's previous cap on special education enrollment may lead to more challenging behavior in early grades and a lack of tools for effectively addressing behavior.

State data from 2015-2016 show a high number of early childhood suspensions in Texas, including in-school suspensions, which are still permitted under state law. During the 2015-2016 school year, districts meted out over 101,248 suspensions to students in pre-k through second grade: 64,773 in-school suspensions and 36,475 out-of-school suspensions. Texas schools issued 2,147 in-school suspensions and 2,544 out-of-school suspensions to pre-k students.

Schools disproportionately suspend pre-k through second grade students who are Black, male, in special education, or in foster care. In the 2015-2016 school year, compared to White students, Black students in these early grades in Texas were almost five times more likely to receive out-of-school suspension and more than twice as likely to receive in-school suspension. Hispanic students were even less likely than White students in these grades to be suspended. Boys were more than four times more likely to be suspended —

either in-school or out-of-school — than girls. Students in special education were two times more likely to receive in-school and out-of-school suspensions than the overall pre-k through 2nd grade student population. Schools also disproportionately suspended students in foster care, with their rates of in-school suspension exceeding the rate for students in special education, boys, or any racial/ethnic categories. Shockingly, there were over 21 suspensions per 100 students in foster care in kindergarten through 2nd grade. Students in foster care were nearly three times more likely to receive out-of-school and in-school suspension than the overall pre-k through 2nd grade student population.

State data indicate that certain school districts — most notably Jasper and Killeen ISDs — have particularly high suspension rates for pre-k students.

A total of 44 districts in the state had a rate of 10 or more suspensions per 100 pre-k students in 2015-2016. Jasper ISD had the highest overall pre-k suspension rate in the state (65 suspensions per 100 pre-k students) and the highest rate of in-school suspension in the state (58 per 100 students). Out of a pre-k enrollment of just 122 students, Jasper ISD issued a stunning 71 in-school suspensions to 23 students and 9 out-of-school suspensions to 5 students. In Killeen ISD, the number of pre-k suspensions exceeds all other school districts. Killeen ISD's 1,460 total pre-k suspensions in 2015-2016 account for 31 percent of the 4,691 pre-k suspensions statewide, yet the district is only 1.6 percent of the total statewide pre-k enrollment. Killeen ISD combines one of the highest pre-k suspension rates in the state (43 per 100 students) with one of the largest pre-k enrollments in the state (3,423 students in 2015-2016). The district suspended non-military-connected pre-k students twice as often as it suspended military-connected pre-k students. The district issued an astonishing 632 suspensions to its 917 non-military pre-k students in 2015-2016.

There are more effective strategies for districts and schools to address student behavior, but unfortunately, many school boards, administrators, principals, and teachers may not be aware of or well-trained on these strategies.

Schools can help students learn to manage their emotions and navigate conflicts using models such as Social Emotional Learning (SEL). Positive Behavioral Intervention and Supports (PBIS) is an evidence-based framework to bring about proactive systems change within a school using a three-tiered model with "universal supports" for all students,

"targeted" supports for students at risk of behavioral and other non-academic challenges, and "individualized" wraparound interventions for students with intensive needs. Other effective approaches include Restorative Discipline; educator access to coaches, early childhood mental health consultants, and behavior specialists; maximizing the use of school counselors; referral to outside services; on-site school mental health services; and training and technical assistance offered by Educational Service Centers. Additionally, districts and schools should assess and systematically address disparities in school discipline.

Before the Legislature passed HB 674 in 2017, Austin, Dallas, El Paso, and Houston ISDs passed similar early grade suspension bans and spent years implementing more effective strategies.

Houston ISD and El Paso ISD implemented their bans during the 2016-2017 school year, one school year ahead of HB 674. Their use of positive behavior strategies reduced their rates of early grade in-school and out-of-school suspensions. The Austin ISD and Dallas ISD bans were to be implemented the same school year as HB 674. These four districts can serve as models to other districts as they look to reduce suspensions and implement innovative ways to support their students.

Suspensions and expulsions are also concerning in child care.

Texas does not collect data on the subject, but studies conducted in other states suggest private child care providers expel pre-k students at even higher rates than public school or Head Start programs. Existing efforts to reduce removals include recommendations provided by federal agencies, the collaboration of mental health professionals with parents and early care providers through the Infant and Early Childhood Mental Health Consultation (IECMHC) model, the new Texas Department of Family and Protective Services (DFPS) requirement for child care centers to establish a policy on suspensions and expulsions, and positive steps to address young children's needs in certain Texas communities through the Texas LAUNCH Project.

There are further steps that should be taken to address early childhood suspensions in Texas.

The Texas Legislature, the Texas Education Agency (TEA), and school districts should work together to track and reduce in-school suspensions, analyze and eliminate the disproportionate use of suspensions for certain groups of students, and expand the use of positive behavior strategies in Texas schools, among other actions.



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