



HB 97 Ensures that Charter Admissions Policies Are Not Discriminatory

IDRA Testimony for House Bill 97, Presented by Chloe Latham Sikes, Ph.D., to the Texas House Public Education Committee, April 6, 2021

Dear Chairman Dutton and Honorable Members of the Committee:

My name is Dr. Chloe Latham Sikes, and I am the Deputy Director of Policy at IDRA, an independent, non-partisan, education non-profit committed to achieving equal educational opportunity for every child through strong public schools that prepare all students to access and succeed in college. We support HB 97.

House Bill 97 ensures that open-enrollment charter school admission policies cannot discriminate against students based on their discipline history. Admission policies that consider students' discipline histories, including suspension and expulsion, risk discriminating against students with disabilities, Black students and Latino students, who are disproportionately disciplined across Texas. Even though students of color are not more likely to break school rules than their peers, they are more likely to be punished and to be punished harshly. Basing school enrollment on discipline history threatens to perpetuate a system that already unfairly targets students of color.

Similarly, students with disabilities are overrepresented in punitive discipline systems, even when the supports and interventions they need to succeed in their classrooms have been identified. When charters are able to deny admission to these students on the basis of discipline history, they contribute to a systemic denial of educational opportunities.

Students in special education are disciplined at double the rate of their enrollment. They make up just 10% of the Texas student population, but experience 20% of in-school suspensions and expulsions, 21% of DAEP assignments and 27% of JJAEP assignments.

Similarly, **Black students account for just over 12% of the student population but experience in-school suspension at over twice that rate (26%) and out-of-school suspensions at nearly three times that rate (33%).** Latino students receive nearly half of all suspensions.

No publicly funded school should be able to discriminate against a student for admission. Frequent suspensions and expulsions can lead to higher school dropout rates for students, meaning lower graduation rates and foreclosed educational opportunities for college and career success. Rather than rely on punitive discipline systems, all schools, including charters, should ensure they have the personnel and research-based programs that are necessary to support all students and adults in the school community.

Recommendations

We recommend that this Committee:

- Adopt HB 97 to protect against discrimination in charter school admission policies; and
- Support policies that promote positive, safe school climates and institute best practices for alternative discipline, such as programs in restorative justice and that support building healthy student relationships.

IDRA is available for any questions or further resources that we can provide. Thank you for your consideration. For more information, please contact Chloe Latham Sikes, Ph.D., IDRA Deputy Director of Policy, at chloe.sikes@idra.org.

Resources

- IDRA. (2021). Create Safe and Welcoming Pathways for All Students, policy brief. San Antonio: Intercultural Development Research Association. https://www.idra.org/education_policy/breaking-the-school-to-prison-and-school-to-deportation-pipelines-idra-texas-priority-brief/
- Johnson, R. (2021). Texas Public School Attrition Study, 2018-19. San Antonio: Intercultural Development Research Association. <https://www.idra.org/wp-content/uploads/2021/03/Texas-Public-School-Attrition-Study-2018-19.pdf>
- Johnson, R. (2016). Zero Tolerance Policies Push Students Away – High Attrition Rates of Black Students and Hispanic Students Are Linked to Exclusionary Discipline. San Antonio: Intercultural Development Research Association. <http://www.idra.org/wp-content/uploads/2016/11/IDRA-Discipline-Article-2016.pdf>
- Losen, D., Keith, M., Hodson, C., & Martinez, T. (March 2016). Charter Schools, Civil Rights and School Discipline: A Comprehensive Review. The Center for Civil Rights Remedies. <https://civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/federal-reports/charter-schools-civil-rights-and-school-discipline-a-comprehensive-review/losen-et-al-charter-school-discipline-review-2016.pdf>
- Texas Education Agency. Discipline data, 2018-19. IDRA analysis available upon request.

IDRA is an independent, non-profit organization led by Celina Moreno, J.D. Our mission is to achieve equal educational opportunity for every child through strong public schools that prepare all students to access and succeed in college. IDRA strengthens and transforms public education by providing dynamic training; useful research, evaluation, and frameworks for action; timely policy analyses; and innovative materials and programs.