



Understanding Discipline Policies and Practices is Key to Strengthening School Safety and Student Success

IDRA Testimony for HB 4449, submitted by Alisha Tuff to the Texas House Committee on Youth Health and Safety, April 17, 2023

Dear Chair Thompson and Honorable Members of the Committee:

My name is Alisha Tuff, and I am Education Policy Fellow at IDRA, an independent, non-partisan 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.

IDRA supports HB 4449 as a common-sense measure that will provide critical data, analysis and recommendations relating to the state of Texas schools' discipline policies and practices. The bill creates a task force with broad representation that will review Chapter 37 of the Education Code, the state's school discipline and safety law. The composition of this task force is modeled after the collaborative task force on public school mental health services, authored by Chair Thompson and passed by this Legislature in 2019 (HB 906, 86R).

Since its creation in 1995, Chapter 37 has been amended several times to reflect changes in state and federal laws related to school safety and student discipline. While these changes were well-intended, in practice Chapter 37 has become confusing and in some places conflicting – particularly with respect to the use of exclusionary discipline practices like disciplinary alternative education programs (DAEPs). In addition, Chapter 37 has evolved significantly in the last decade with the introduction of threat assessment teams and campus behavior coordinators as key school personnel involved in discipline decision-making.

Of particular note, Texas authorized the use of DAEPs in 1995, and the 89th legislative session will mark 30 years since beginning implementation of this practice (Cortez, 2009). The purpose of HB 4449 is to create a task force that has diverse and community-based representation to study and make recommendations on re-writing Chapter 37 to align with current research and student, family and educator needs. The legislature authorized a similar study in 2007, which yielded important data and recommendations (Fabelo, et al., 2011).

Students should be given ample opportunities to succeed in their classroom environments, and legislators should prioritize investments in evidence-based strategies that address the root causes of student behaviors, proactively build positive school climates, and support educators (Craven, 2022). Further, school discipline and safety measures should support, and not detract from, high academic achievement for all Texas students. A large body of research has found that exclusionary discipline practices are associated with negative educational outcomes for individual

students and their peers (LiCalsi, et al., 2021). HB 4449 provides an historic opportunity for stakeholders from diverse backgrounds to work together to understand and make recommendations regarding school safety and discipline in Texas.

The bill would also allow the task force to study and make recommendations to address the disproportionate impact of exclusionary school discipline practices on students from historically marginalized backgrounds. For example, in 2018-19, Black students represented 13% of public school enrollment in Texas but 26% of students receiving in-school suspensions. In comparison, white students represented 27% of enrollment but 22% of students receiving in-school suspensions (IDRA, 2020; Johnson, 2016; TCJC, 2020). Similarly, on average, 26% of Black students are suspended compared to 8% of white students. This body cannot ignore the grossly disparate impact of these policies on Black and other historically-marginalized children and must take action to address this inequality.

Many things have changed in schools and education since the inception of Chapter 37, including the immense disruption of COVID-19 and the unprecedented impact of the youth mental health crisis. The current landscape of education requires all stakeholders to take a step back to reevaluate how policies and procedures are impacting students' safety, security and attrition rates. Having a safe learning environment is vital to a child's success in the classroom.

HB 4449 will enable the task force to gather the most up-to-date data and facilitate a thorough investigation of the challenges faced by students, educators and families in creating and sustaining a safe and welcoming school environment. The task force also will determine which students have been impacted by these challenges and best practices to promote safe and supportive learning environments for all students and educators. This bill will give the legislature the ability to gain firsthand knowledge of ways in which Chapter 37 has both failed and succeeded and actions the state can take in the future to increase school safety and student success.

Students deserve to be in the best learning environment possible – one that enables students to be met where they are and accounts for the context of their situation and provides adequate resources. We urge you to support HB 4449 as it will strengthen Texas schools by ensuring students have safe school environments that do not rely on harmful discipline rather implement evidence-based policies and practices that help every child to feel seen, heard and valued.

IDRA is available for any questions or further resources that we can provide. Thank you for your consideration. For more information, please contact Alisha Tuff at alisha.tuff@idra.org or Paige Duggins-Clay, J.D. at paige.duggins-clay@idra.org

Resources

Craven, M. (June 16, 2022). What Safe Schools Should Look Like for Every Student – A Guide to Building Safe and Welcoming Schools and Rejecting Policies that Hurt Students – IDRA Issue Brief. IDRA.

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Fabelo, T., Thompson, M.D., Plotkin, M., Carmichael, D., Marchbanks, M.P., & Booth, E.A. (July 2011). Breaking Schools' Rules: A Statewide Study of How School Discipline Relates to Students' Success and Juvenile Justice Involvement. Council of State Governments Justice Center and Public Policy Research Institute, Texas A&M University. https://csjusticecenter.org/wp-content/uploads/2020/01/Breaking_Schools_Rules_Report_Final.pdf

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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 leading policy analyses and advocacy; dynamic teacher training and principal coaching; useful research, evaluation and frameworks for action; and innovative student, family and community engagement.