



Zero Tolerance Discipline Has Not and Will Not Help Texas Students, Families or Teachers

IDRA Written Testimony Against HB 6 Submitted by Kaci Wright, to the Texas Senate Committee on Education K-16, May 8, 2025

Dear Chair Creighton and Honorable Members of the Committee:

My name is Kaci Wright, and I am a former public-school teacher and a current 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. I have over six years of experience with working with children and have experienced the monumental impact that strong teacher-student relationships have on positive student behavior outcomes.

At IDRA, we work to transform education by putting children first. It is with that commitment that IDRA respectfully opposes House Bill 6, which would unnecessarily expand schools' ability to remove students for vaguely defined behaviors and allow for unlimited in-school suspension placements.

IDRA is disappointed with the removal of the repeal provision for mandatory disciplinary alternative educational placement (DAEP) referrals for students found in possession of an electronic cigarette or vape device. We strongly encourage this provision be added back into HB 6.

IDRA Opposes Section 8 of HB 6 – Wholesale Removals of Time Limitations for Student Placements in In-School Suspension Are Unfair and Harmful to Student Success and Well-Being

Section 8 of CS HB 6 would remove any time limits to a student's placement in in-school suspension. IDRA opposes efforts to lower the bar for schools to push children out of class, particularly considering the overwhelming evidence on the harmful impact of exclusionary discipline like suspensions on children's education, mental health and social development (Loomis, et al., 2021; Meek & Gilliam, 2016). Having no limits on disciplinary placement also raises significant due process, academic success and civil rights concerns.

In-school suspension was established to provide a temporary setting for students to reset and receive interventions to correct problematic behavior that is negatively impacting the learning environment. These settings were not intended to provide long-term academic or behavioral health support to students, let alone to meet the needs of students with disabilities, emergent bilingual students, or students in at-risk situations.

Current law appropriately balances the need for schools to temporarily remove a student from the classroom for the purpose of de-escalation, creating a behavior management plan, and/or implementing another evidence-based intervention alongside the rights of students and parents.

To ensure that schools do not overuse ISS, HB 6 should include language that caps the number of days a student can be placed in ISS.

IDRA Opposes Section 7 of HB 6: “Disruptive” Behavior and “Disorderly Conduct” are Vague Terms Susceptible to Multiple Interpretations for our Youngest Students

IDRA opposes Section 7 of CSHB because it authorizes the removal of students from the classroom to include any time a student “interferes” with teacher communication or student learning or a student demonstrates even a single instance of “unruly” or “disruptive” behavior. This is a significant expansion of current law, which allows removal when a student “is so unruly, disruptive or abusive that it seriously interferes with” the learning environment (Tex. Educ. Code 37.002) or when a student engages in serious behavior with criminal implications (Tex. Educ. Code 37.006).

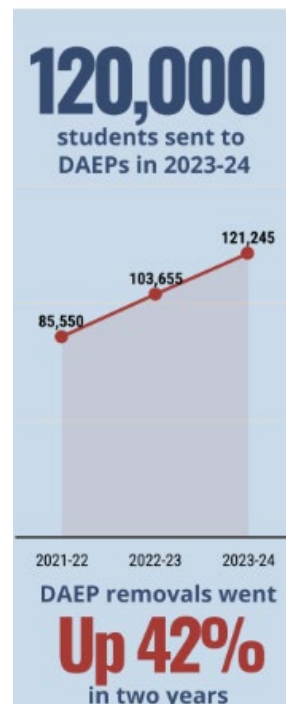
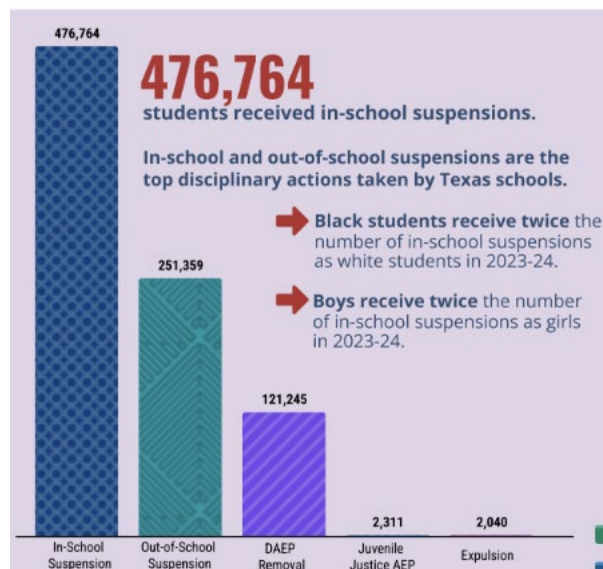
When used in student discipline codes, the term “disruptive” often leads to subjective interpretations that disproportionately affect marginalized student populations. Research indicates that exclusionary discipline practices, such as suspensions and expulsions, do not enhance school safety or student outcomes. Instead, they contribute to higher dropout rates and increased involvement with the criminal justice system (Lyons, 2023; Craven, 2022; González et al., 2022).

Furthermore, IDRA opposes Section 7 because of the expansion of out-of-school suspensions for our youngest students in pre-K through second grade. In 2017, this body ended out-of-school suspensions for very young students in pre-K through second grade, *except* in cases where students brought weapons to school or acted in violent ways that threatened classroom safety.

This bill will expand out-of-school suspensions for very young children to include vague, subjective offenses that result in “disruption to the classroom.” Expanding out-of-school suspensions for vague reasons unrelated to classroom safety could be particularly harmful to young students with disabilities and young Black children who are suspended disproportionately.

We cannot afford to move backwards. Before the law passed in 2017, this body recognized that Black students made up about 13% of the elementary school population in Texas, but they accounted for 47% of all elementary school out-of-school suspensions (TEA, 2016).

Section 7 of CSHB 6 is unnecessary and far too broad. It should either be struck because current law provides schools with sufficient grounds to



address unsafe or harmful behavior through removal or, rather than relying on vague language such as “disruptive” and “unruly,” which can include a variety of behaviors, including developmentally and age-appropriate actions, this bill should use clear, objective behavior standards that prioritize safety.

Current Law Provides Sufficient Grounds for Educators to Remove Students Who Exhibit Threatening, Dangerous or Illegal Behavior

Chapter 37 contains several provisions allowing educators to remove students for a variety of behaviors, including options for removing students on an emergency basis for threatening, dangerous or illegal behavior. For example, TEC 37.006 allows for the removal of students for alleged felony behavior; assault; possession, use or distribution of controlled substance; public lewdness; harassment; and a variety of criminal behaviors.

Teachers currently have broad discretion to remove students from the classroom under the law. In 2023-24, **over 600,000 students were removed from the classroom**. Between 2020-21 and 2023-24, the number of students disciplined in Texas schools increased by 6% (TEA, 2024). Expanding this discretion and building new barriers to reentry will further escalate the student removal trends in our school.

We respect teachers and vocally support policies that increase their pay, offer training and technical assistance on creating safe and culturally sustaining schools, and invest in professional support staff, including counselors and behavioral health specialists, who can support educators in managing challenging behaviors. The evidence is clear, however, that resorting to “zero tolerance” exclusionary discipline policies against children is an ineffective and harmful response to student misbehavior, especially behavior that is subjectively labeled as “disruptive” and “unruly.”

To the contrary, exclusionary discipline practices – especially discretionary practices – are well-documented as having a disproportionate harm to Black students, other students of color, and students with disabilities. For example, in 2023-24, Black students represented 13% of public school enrollment in Texas, but nearly double (24%) the percentage of students receiving in-school suspensions, even though they are not more likely to misbehave. In comparison, white students represented 25% of enrollment but 20% of students receiving in-school suspensions (TEA, 2024).

The solution to supporting students and educators is not to increase barriers to return to the classroom but to instead implement research-based, student-centered approaches to address problematic behavior and de-escalate conflict. School districts must adopt policies and practices that cultivate strong relationships between diverse, well-prepared educators and staff and the students and families in a school community. These relationships help to promote positive and supportive school climates and enable challenging issues to be identified and addressed early, with appropriate interventions.

Recommendations

We acknowledge that there are times when a child may need to be temporarily removed from the classroom for the safety of themselves, their classmates and their educators. But temporary and limited removals from the classroom are not the same as indefinite removals to in-school suspension or non-violent out-of-school suspensions for our youngest students. While the former

is designed to ensure safety and identify meaningful interventions, the latter harms student learning and development.

Removals must be temporary, be implemented in conjunction with appropriate supports and applicable civil rights laws, and include a plan to transition back into the learning environment once the student and family have received appropriate interventions and educators have received appropriate support.

This committee should set aside the harmful provisions identified above and instead:

- Eliminate the mandatory referral to DAEP for possession of an electronic cigarette;
- Strengthen student and parent due process protections in school disciplinary proceedings;
- Invest in professional development for teachers on behavior management; and
- Invest in evidence-based academic and behavioral support that address root causes of challenging student behavior and value all children in our schools.

IDRA is available for any questions or further resources that we can provide. Thank you for your consideration. For more information, please contact Kaci Wright, IDRA's Texas Education Policy Fellow, at kaci.wright@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.

<https://idra.news/SafeSchoolsIB>

David-Ferdon, C., Vivolo-Kantor, A., Dahlberg, L.L., Marshall, K.J., Rainford, N., & Hall, J. (2016). A Comprehensive Technical Package for the Prevention of Youth Violence and Associated Risk Behaviors. Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, Division of Violence Prevention.

<https://stacks.cdc.gov/view/cdc/43085>

Loomis, A., Davis, A., Cruden, G., Padilla, C., & Drazen, Y. (2021). Early Childhood Suspension and Expulsion: A Content Analysis of State Legislation. *Early Childhood Education Journal*, 1-18.

https://www.researchgate.net/publication/349139687_Early_Childhood_Suspension_and_Expulsion_A_Content_Analysis_of_State_Legislation

Lyons, M. (February 24, 2023). 33 Years Later, Tough On Crime Still Bad For Students. IDRA Knowledge is Power.

<https://www.idra.org/resource-center/33-years-later-tough-on-crime-still-bad-for-students/>

Meek, S., & Gilliam, W. (October 31, 2016). Expulsion and Suspension in Early Education as Matters of Social Justice and Health Equity. NAM Perspectives. Discussion Paper National Academy of Medicine.

<https://nam.edu/wp-content/uploads/2016/10/Expulsion-and-Suspension-in-Early-Education-as-Matters-of-Social-Justice-and-Health-Equity.pdf>

TEA. (2016). TEA Discipline Reports Annual State Summary, 2015-16. Texas Education Agency.

https://rptsvr1.tea.texas.gov/adhocrpt/Disciplinary_Data_Products/statewidediscipline.html

TEA. (2024). TEA Discipline Reports Annual State Summary, 2023-24. Texas Education Agency.

https://rptsvr1.tea.texas.gov/adhocrpt/Disciplinary_Data_Products/statewidediscipline.html

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