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Austin ISD Board of Trustees  
Austin Independent School District  
1111 West 6<sup>th</sup> Street  
Austin, Texas 78703

Trustee Gina Hinojosa  
At-Large Position 8

September 19, 2016

Dear Trustees:

We write to urge you to consider adopting a proposal that would prohibit discretionary suspensions, Disciplinary Alternative Education Program (DAEP) referrals, and expulsions for AISD students in grades pre-K through 2 and that would make those disciplinary actions consequences of last resort for all other elementary school students. In order to support students, parents, staff, and teachers, any proposal should also include adequate training in research-based discipline methods and provide for more transparency in disciplinary data.

Across Texas, young children are being excluded from their classrooms in shockingly high numbers. During the 2013-14 school year, students in grades pre-K through 5 received over 88,000 out-of-school suspensions and over 193,000 in-school suspensions.<sup>1</sup> In Austin ISD, elementary school students—some as young as four years old—received 181 in-school suspensions and 693 out-of-school suspensions during the 2014-15 school year.<sup>2</sup>

Research shows that the majority of school exclusions are not mandatory, or required by law.<sup>3</sup> Rather, they are made at the discretion of educators and school administrators, often in response to

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<sup>1</sup> TEXAS APPLESEED, *SUSPENDED CHILDHOOD: AN ANALYSIS OF EXCLUSIONARY DISCIPLINE OF TEXAS' PRE-K AND ELEMENTARY SCHOOL STUDENTS* (2015), <https://slate.adobe.com/a/6dvQB/>.

<sup>2</sup> Austin ISD Fact Sheet (attached) based on data collected from the Texas Education Agency.

<sup>3</sup> THE COUNCIL OF STATE GOVERNMENTS, *BREAKING SCHOOLS' RULES: A STATEWIDE STUDY OF HOW SCHOOL DISCIPLINE RELATES TO STUDENTS' SUCCESS AND JUVENILE JUSTICE INVOLVEMENT*, July 2011. (This study found that less than 3% of classroom removals are in response to the more serious types of behavior that require removal from under state law. Over 97% of removals were for violations that allowed for school official discretion.)

entirely age-appropriate behavior or behavior that is a symptom of a larger problem that should be addressed with proper evaluation, counseling, or services.

Many times, these discretionary punishments impact students of color and students who receive special education services at disproportionately high rates. For example, during the 2013-14 school year, African-American students made up only 8% of the pre-K-2 student population of AISD, but accounted for 40% of out-of-school suspensions.<sup>4</sup> In the same grades, 9% of students received special education services, but accounted for 32% of all out-of-school suspensions.<sup>5</sup>

The potential for immediate and future harms related to the use of exclusionary discipline is well documented. In addition to lost classroom learning time, children who are suspended, expelled, and sent to DAEPs are more likely than their peers to fall behind academically, experience future classroom exclusions, repeat grades, and have contact with the juvenile justice system.<sup>6</sup> These children risk being labeled by teachers and peers and can become frustrated and angry at an education system that seems to punish, rather than help them. Further, the families of young children who are suspended must find or provide childcare, which can be costly and harmful to job stability.

Research also shows that the children who remain in a classroom when others are excluded do not benefit. In fact, schools with higher rates of suspensions and expulsions also have lower rates of student achievement, more negative school climate ratings, and spend a disproportionately high amount of time on student discipline.<sup>7</sup> Research-based programs that are effective in addressing behavioral challenges and encouraging a positive and supportive school climate include Positive Behavioral Interventions and Supports (PBIS), Social and Emotional Learning (SEL), and Restorative Justice.<sup>8</sup>

AISD is in a unique position to adopt measures to prohibit the use of exclusionary discipline. Your district has already implemented Social and Emotional Learning and recently hired a Social and

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<sup>4</sup> TEXAS APPLESEED, *SUSPENDED CHILDHOOD: AN ANALYSIS OF EXCLUSIONARY DISCIPLINE OF TEXAS' PRE-K AND ELEMENTARY SCHOOL STUDENTS* (2015), <https://slate.adobe.com/a/6dvQB/>.

<sup>5</sup> Calculations based on data collected from the Texas Education Agency.

<sup>6</sup> See *SUSPENDED CHILDHOOD; BREAKING SCHOOLS' RULES; U.S. DEP'T HEALTH & HUMAN SERVS. & U.S. DEP'T EDUC., POLICY STATEMENT ON EXPULSION AND SUSPENSION POLICIES IN EARLY CHILDHOOD SETTINGS* (2014), <https://www2.ed.gov/policy/gen/guid/school-displine/policy-statement-ece-expulsions-suspensions.pdf>.

<sup>7</sup> See American Psychological Association Zero Tolerance Task Force, *Are Zero Tolerance Policies Effective in Schools?: An Evidentiary Review and Recommendations*, *AM. PSYCHOLOGIST* 854 (Dec. 2008).

<sup>8</sup> See MICHAEL GRIFFITHS, *EFFECTIVENESS OF POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORTS: A REPORT TO THE TEXAS LEGISLATURE* (2012), <https://www.tjjd.texas.gov/publications/reports/PBISLegislativeReport2012-12.pdf> (outlining the results of implementing PBIS in TJJJ facilities); see also TREVOR FRONIUS ET AL., *RESTORATIVE JUSTICE IN U.S. SCHOOLS: A RESEARCH REVIEW* (2016), [http://jprc.wested.org/wp-content/uploads/2016/02/RJ\\_Literature-Review\\_20160217.pdf](http://jprc.wested.org/wp-content/uploads/2016/02/RJ_Literature-Review_20160217.pdf) (overlooking research on the impact of restorative justice techniques on school discipline, attendance, school climate, and academic outcomes); JENNI OWEN ET AL., *INSTEAD OF SUSPENSION: ALTERNATIVE STRATEGIES FOR EFFECTIVE SCHOOL DISCIPLINE* (2015), [https://law.duke.edu/childedlaw/schooldiscipline/downloads/instead\\_of\\_suspension.pdf](https://law.duke.edu/childedlaw/schooldiscipline/downloads/instead_of_suspension.pdf) (outlining the implementation of various alternative programs, including PBIS and restorative justice, in districts across the country); *DIGNITY IN SCHOOLS, FACT SHEET: CREATING POSITIVE SCHOOL CLIMATE AND DISCIPLINE*, [http://www.dignityinschools.org/sites/default/files/Creating\\_Positive\\_Discipline\\_Fact\\_Sheet.pdf](http://www.dignityinschools.org/sites/default/files/Creating_Positive_Discipline_Fact_Sheet.pdf) (summarizing data on implementation of PBIS and restorative justice programs in Denver, Philadelphia, Chicago, Los Angeles, Florida, and Illinois).

Emotional Learning Mindfulness Specialist to provide assistance to teachers and create a curriculum that can be used to address behavioral challenges.<sup>9</sup> Additionally, AISD has implemented restorative justice in some campuses and has generally strived to be a leader in considering forward-thinking policies that benefit students.

Still, there are opportunities to continue your efforts. In the District Equity Self-Assessment (Spring 2016), survey participants indicated that there are race- and income-based disproportionalities in the administration of school discipline in the district.<sup>10</sup> Your changing student demographics suggest there is a need to address the concerns of families of color in your district and attract (or welcome back) families who are searching for a school district that is actively working to address inequities.<sup>11</sup>

Other Texas school districts, including Houston ISD,<sup>12</sup> El Paso ISD,<sup>13</sup> and Dallas ISD,<sup>14</sup> have begun adopting and discussing policies that eliminate disciplinary exclusions for young children. They join a growing number of states and cities, including Oregon, California, Washington, D.C., New York, New Jersey, and Georgia, which have also enacted or are currently considering policies to prohibit exclusionary discipline for young children.

We have attached the policies that Houston ISD and El Paso ISD recently adopted as well as a Fact Sheet that highlights the rates of classroom removal in Austin's elementary schools. We are happy to work with Austin ISD to craft a policy that eliminates classroom removals for young children, supports students and teachers, and encourages a more fair school climate.

Sincerely,

**Texas Appleseed** | [www.texasappleseed.org](http://www.texasappleseed.org)  
Contact: 512-473-2800

**The Excellence and Advancement Foundation** | [www.breakthepipeline.com](http://www.breakthepipeline.com)  
Contact: 512-596-0091

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<sup>9</sup> *Take a Deep Breath: Austin ISD Hires SEL Mindfulness Specialist*, <https://www.austinisd.org/announcements/take-deep-breath-austin-isd-hires-sel-mindfulness-specialist> (The new Specialist, James Butler, notes that SEL mindfulness "can actually add minutes to [a teacher's] day because you're not dealing with as many behavioral problems.")

<sup>10</sup> Schmitt, Lisa & Shaun D. Hutchins, *Equity in Austin Independent School District: Results from the District Equity Self-Assessment*, Spring 2016.

<sup>11</sup> A 2014 study suggests that one reason African-American families may be moving out of the city of Austin at unusually high rates given the city's growth, is unhappiness with disparities in public education. While that study focuses specifically on school funding, a more fair discipline system that does not punish African American students at disproportionately high rates would almost certainly contribute to a more positive and inclusive school climate that is attractive to families of color. See Tang, Eric & Chunhui Ren, *Outlier: The Case of Austin's Declining African-American Population*, THE INSTITUTE FOR URBAN POLICY RESEARCH & ANALYSIS, THE UNIVERSITY OF TEXAS AT AUSTIN, May 8, 2014 available at

[http://liberalarts.utexas.edu/iupra/\\_files/pdf/Austin%20AA%20pop%20policy%20brief\\_FINAL.pdf](http://liberalarts.utexas.edu/iupra/_files/pdf/Austin%20AA%20pop%20policy%20brief_FINAL.pdf)

<sup>12</sup> [http://pol.tasb.org/Policy/Download/592?filename=FO\(LOCAL\).pdf](http://pol.tasb.org/Policy/Download/592?filename=FO(LOCAL).pdf)

<sup>13</sup> [https://www.episd.org/file\\_mgr/policy\\_office/policy\\_alerts/2016/FO%28LOCAL%29%20Student%20Discipline%20-%20Approved%20BOT%205.17.16.pdf](https://www.episd.org/file_mgr/policy_office/policy_alerts/2016/FO%28LOCAL%29%20Student%20Discipline%20-%20Approved%20BOT%205.17.16.pdf)

<sup>14</sup> Patrick Michels, *Dallas ISD Considers Ending Suspensions for Young Children*, *Texas Observer*, Sep. 14, 2016, available at <https://www.texasobserver.org/dallas-isd-suspension-ban/>

**American Civil Liberties Union (ACLU) of Texas** | [www.aclutx.org](http://www.aclutx.org)

**Disability Rights Texas** | [www.disabilityrightstx.org](http://www.disabilityrightstx.org)

**Texans Care for Children** | [www.txchildren.org](http://www.txchildren.org)

**Texas Criminal Justice Coalition** | [www.TexasCJC.org](http://www.TexasCJC.org)

**Mexican American Legal Defense and Educational Fund** | [www.maldef.org](http://www.maldef.org)

**Earl Carl Institute for Legal & Social Policy Inc.** | [www.tsulaw.edu/centers/ECI/](http://www.tsulaw.edu/centers/ECI/)

**Educators in Solidarity** | <https://educatorsinsolidarity.wordpress.com/>

**Black Sovereign Nation** | [www.blacksovereignnation.org](http://www.blacksovereignnation.org)