

June 8, 2016

**Delivered via email**

The Honorable Lew Blackburn, President  
*District 5*  
lblackburn@dallasisd.org

The Honorable Edwin Flores, Trustee  
*District 1*  
edwinflores@dallasisd.org

The Honorable Miguel Solis, First Vice President  
*District 8*  
miguelisolis@dallasisd.org

The Honorable Jaime Resendez, Trustee  
*District 4*  
jaimeresendez@dallasisd.org

The Honorable Joyce Foreman, Second Vice President  
*District 6*  
joyceforeman@dallasisd.org

The Honorable Audrey Pinkerton, Trustee  
*District 7*  
audreypinkerton@dallasisd.org

The Honorable Dan Micciche, Secretary  
*District 3*  
danmicciche@dallasisd.org

The Honorable Bernadette Nutall, Trustee  
*District 9*  
benutall@dallasisd.org

Dallas ISD Board of Trustees  
Dallas Independent School District  
3700 Ross Avenue  
Dallas, Texas 75204

**RE: PROMOTING THE EDUCATIONAL SUCCESS OF YOUTH AND LIMITING EXCLUSIONARY DISCIPLINE FOR OUR YOUNGEST ELEMENTARY SCHOOL STUDENTS IN DALLAS ISD**

Dear Members of the Dallas ISD Board of Trustees:

We write in support of the proposal to amend Dallas ISD Board Policy FO (Local), which was briefed before the board on May 12, 2016 by Trustee Miguel Solis. The proposed policy changes will prohibit discretionary Out-of-School Suspensions (OSS), Disciplinary Alternative Education Program (DAEP) referrals, and expulsions for students in grades pre-K to 2 and will require that those disciplinary actions are consequences of last resort for students in grades 3 to 5. The policy will also require faculty and staff training related to positive school climate, crisis prevention, and restorative justice strategies, and will require the district to make disciplinary data publicly available online. Together, the various components of the policy will ensure that teachers have the tools to intervene successfully in student misbehavior and create a safe classroom environment.

We applaud Trustee Solis for putting this policy before the Board, and urge the Board to adopt the policy without delay. The amendments to FO (Local) are common sense strategies to ensure that Dallas ISD elementary students can succeed in school. At the urging of parents and community members, Dallas ISD has been a leader in school disciplinary reform, making Class C misdemeanor

citations a last resort before the Texas state legislature passed ticketing reform in 2013<sup>1</sup> and piloting Positive Behavior Interventions and Supports on 35 campuses and restorative discipline test programs in six Dallas ISD schools in the 2015–2016 school year.<sup>2</sup> The proposed policy on exclusionary discipline will ensure that Dallas ISD continues to be a leader in school discipline reform in Texas.

Classroom removals come in two forms: mandatory removals, which are required by state law for certain types of misbehavior, and discretionary removals, which are issued at discretion of school administrators. This policy leaves the first category untouched; the proposal addresses only discretionary removals, which make up the majority of classroom removals in Texas.<sup>3</sup>

Limiting the use of discretionary removals is critical to address the widespread impacts of zero-tolerance policies on students. Districts across Texas suspend, make alternative school referrals, and expel students at alarming rates. In the 2013–2014 school year, elementary school students in Texas received over 88,000 out-of-school suspensions and over 193,000 in-school suspensions—over a third of which went to K to 2nd grade students.<sup>4</sup> Dallas is no exception. For example, during the 2014–2015 school year, Dallas ISD elementary school students received over 5,400 out-of-school suspensions, averaging approximately 6 OSS actions for every 100 students.<sup>5</sup>

The practical impacts of these widespread removals have far-reaching and damaging lasting effects. In the immediate short-term, suspensions and expulsions deprive young students of time in the classroom and opportunities for positive behavioral interventions. These missed opportunities often cause the students to fall behind, triggering a cycle of repeated removals that compound negative educational outcomes. Administrators have less time in school with students to identify physical, developmental, and mental health challenges contributing to misbehavior and develop Individualized Education Plans (IEPs) to address those challenges. Meanwhile, families struggle to adjust work schedules or pay day-to-day costs of childcare to accommodate suspensions and find solutions for students who have been expelled.<sup>6</sup>

These issues are particularly problematic because exclusionary discipline falls disproportionately upon students of color and special education students. Statewide, Black students make up 13% of elementary school students, but receive 42% of all pre-K to 5th grade out-of-school suspensions; special education students make up 9% of the elementary school population in Texas, but 22% of all pre-K to

---

<sup>1</sup> See Matthew Haag, *Dallas ISD Police Push to Reduce Citations Given to Students*, DALL. MORNING NEWS (Jan. 14, 2013), <http://www.dallasnews.com/news/education/headlines/20130114-dallas-isd-police-push-to-reduce-citations-given-to-students.ece>.

<sup>2</sup> Tawnell D. Hobbs, *At Dallas' Medrano Middle School, Discipline Driven By Relationships, Not Punishment*, DALL. MORNING NEWS (Nov. 30, 2015), <http://www.dallasnews.com/news/education/headlines/20151130-at-dallas-medrano-middle-school-discipline-driven-by-relationships-not-punishment.ece>.

<sup>3</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/> (“A study of nearly one million Texas public school children found that 97% of classroom removals were discretionary and were not required by law. These removals were made in response to Student Code of Conduct violations.”).

<sup>4</sup> *Id.*

<sup>5</sup> TEXAS APPLESEED, *FACT SHEET: SCHOOL DISCIPLINE TRENDS AMONG DALLAS ISD ELEMENTARY STUDENTS* (2016).

<sup>6</sup> TEXAS APPLESEED, *BANNING CLASSROOM REMOVALS FOR YOUNG CHILDREN POLICY GUIDE* (2016), <https://www.texasappleseed.org/sites/default/files/Yg-Stud-SuspensionBanPolicyGuide.pdf>; 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-discipline/policy-statement-ece-expulsions-suspensions.pdf>.

5th grade out-of-school suspensions.<sup>7</sup> The disparities are even starker in Dallas, where Black students make up 13% of pre-K through 2nd grade students but receive 64% of pre-K through 2nd grade out-of-school suspensions.<sup>8</sup>

In addition to the human costs, the monetary costs are high. In the 2010–11 school year, Dallas ISD’s reliance on out-of-school suspensions, DAEP referrals, and expulsions cost taxpayers an estimated \$11.3 million.<sup>9</sup> The district lost an estimated \$1.5 million in state aid from students who were absent from school on suspensions because their missed class time drove the district’s average daily attendance figure down; meanwhile, the district spent an average of \$9,410 for each seat in a DAEP program and \$4,727 for each expulsion to a Juvenile Justice Alternative Education Program (JJAEP) program.<sup>10</sup> Costs for elementary students are particularly high: the district spent an average of \$57,746 for each elementary student in a DAEP program.<sup>11</sup> DAEP referrals also carry a hidden cost—DAEP attendance rates, which are significantly lower than district-wide attendance rates, drive the weighted average daily attendance down, further reducing overall state aid.<sup>12</sup>

The data show that exclusionary discipline is not an effective tool to address misbehavior: schools that have higher rates of suspensions and expulsions also have lower school climate ratings, lower levels of student achievement, and spend a disproportionate amount of time on school discipline.<sup>13</sup> There are far more successful methods that teachers and administrators can use to address behavioral challenges, including Positive Behavioral Intervention and Supports (PBIS), Social and Emotional Learning, and Restorative Justice, which are evidence-based, effective alternatives to improve behavior and educational outcomes.<sup>14</sup> The policy before the trustees will require the district to develop a program to train and support administrators and staff so that they can effectively implement these disciplinary methods in classrooms across the district. And, by requiring the district to publicly disclose

---

<sup>7</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>8</sup> TEXAS APPLESEED, *FACT SHEET: SCHOOL DISCIPLINE TRENDS AMONG DALLAS ISD ELEMENTARY STUDENTS* (2016).

<sup>9</sup> TEXAS APPLESEED, *BREAKING RULES, BREAKING BUDGETS: THE COST OF EXCLUSIONARY DISCIPLINE IN DALLAS ISD 1* (2012), <https://www.texasappleseed.org/sites/default/files/160-STPP-DISDCostAnalysis.pdf>.

<sup>10</sup> *Id.* at 3, 5, 9.

<sup>11</sup> *Id.* at 6.

<sup>12</sup> *Id.*

<sup>13</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>14</sup> See Hobbs, *supra* note 2 (reporting that the restorative justice pilot program at Medrano Middle School reduced infractions from 329 to 77 during the first few months of the school year); MICHAEL GRIFFITHS, *EFFECTIVENESS OF POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORTS: A REPORT TO THE TEXAS LEGISLATURE* (2012), <https://www.tjtd.texas.gov/publications/reports/PBISLegislativeReport2012-12.pdf> (outlining the results of implementing PBIS in TJJD 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) (overviewing 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).

its disciplinary data online, the public will be able to track the efficacy of these interventions in reducing the overall use of exclusionary policies for elementary school students.

The guidance accompanying the policy will ensure that the changes to school discipline are implemented carefully and thoughtfully. In the year before the policy goes into effect, a taskforce will develop the best practices and training necessary to address misbehavior under the new framework. By filling the taskforce with administrators, educators, community members, and researchers that intimately understand DISD, the District can ensure that the changes are locally tailored to ensure DISD teachers and children succeed.

By passing the proposed changes, the Dallas ISD Board of Trustees will move the district in line with districts across the country that have limited exclusionary discipline in various forms for their young students, including Houston, Miami, Minneapolis, Seattle, Washington D.C., and the states of California, Connecticut, New York, and Oregon.<sup>15</sup> We urge the Members of the Dallas ISD Board of Trustees to pass the proposed policy and continue being a leader on the forefront of forward-thinking, effective school disciplinary policies.

Sincerely,

**American Civil Liberties Union (ACLU) of Texas** | [www.aclutx.org](http://www.aclutx.org)  
Contact: 214-346-6577

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

**Texas Organizing Project** | [www.organizetexas.org](http://www.organizetexas.org)  
Contact: 214-586-0867

**Center for Public Policy Priorities** | [forabettertexas.org](http://forabettertexas.org)

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

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

**Faith in Texas** | [www.faithintx.org](http://www.faithintx.org)

**Grassroots Leadership** | [grassrootsleadership.org](http://grassrootsleadership.org)

**Hyped About HYPE Youth Outreach** | [www.facebook.com/hypedaboutHYPE](http://www.facebook.com/hypedaboutHYPE)

**Justice Seekers Texas** | [justiceseekertexas.ning.com](http://justiceseekertexas.ning.com)

**Kirkwood Temple CME** | [www.kirkwoodtemplecme.org](http://www.kirkwoodtemplecme.org)

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

---

<sup>15</sup> TEXAS APPLESEED, KIDS CAN'T LEARN IF THEY'RE PUSHED OUT OF SCHOOL,  
[https://www.texasappleseed.org/sites/default/files/TexasAppleseed\\_Suspensions\\_Infographic.pdf](https://www.texasappleseed.org/sites/default/files/TexasAppleseed_Suspensions_Infographic.pdf).

**Michael S. MacNaughton, Chair, Dallas Friends of Public Education (DFPE) | [www.dfpe.org](http://www.dfpe.org)**

**Mothers Against Police Brutality | [mothersagainstpolicebrutality.org](http://mothersagainstpolicebrutality.org)**

**National Law Center on Homelessness & Poverty | [www.nlchp.org](http://www.nlchp.org)**

**Dallas National Association for the Advancement of Colored People (NAACP) | [www.naacpdallas.org](http://www.naacpdallas.org)**

**North Texas LULAC (League of United Latin American Citizens) | [www.ntxlulac.org](http://www.ntxlulac.org)**

**Organize Justice | [www.organizejustice.org](http://www.organizejustice.org)**

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

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

**Workers Defense Project | [www.workersdefense.org](http://www.workersdefense.org)**