



**Texas Senate Education Committee and Senate Criminal Justice Committee Joint Interim Hearing
October 30, 2012**

Charge #7 Conduct a comprehensive review of school discipline practice.

Texans Care for Children is a statewide nonpartisan, nonprofit advocacy organization dedicated exclusively to improving the lives of Texas children through policy change. We look to our broad base of community-based experts—our partners and 220 members throughout the state who together represent thousands of Texas children—to inform our work and help us in developing our legislative agenda. We also co-convene various stakeholder groups that bring together a wide range of organizations, families, and advocates around our areas of focus, which are: early opportunities; infant, child and maternal health; children’s mental health; child welfare; and juvenile justice.

As the joint committee looks at school discipline practices that have proven to be ineffective and push students out of schools, Texans Care for Children urges you to look for an approach that can be effective in all schools by reducing the need for disciplinary action and increasing educational outcomes for all students.

School Discipline leads to diminished educational success and justice system involvement

Texas schools are regularly confronted with student behavioral challenges that get in the way of teachers’ teaching and students’ learning. Failure to address these challenges impacts everyone in the school – the students behaving inappropriately who face ineffective or inconsistent interventions, school teachers and administrators who must take time away from educating to address behavior concerns, and even students who do not get in trouble but find their learning compromised from repeated classroom disruptions or because they don’t feel safe at school.

In a 2011 report, “Breaking School Rules”, the Council on State Governments’ Justice Center looked at all Texas public school students in 7th through 12 grade over a six year time frame to determine the prevalence of removing students from the classroom in the name of discipline as well as the impact of these disciplinary actions on a student’s educational success as well as future justice system involvement.

The research found that nearly 60% of youth were suspended or expelled at least once during the study period, including 15 percent of all students being referred to a DAEP at least once for an average time of 27 days out of the classroom and 8% percent of students referred to a JJAEP for an average of 73 days. 8% of students were sent to a school run by the local juvenile justice probation department for misbehavior in the classroom that was not necessarily illegal, but at the discretion of a teacher or the school.

School discipline referrals disproportionately impact youth of color and students with educational disabilities, and particularly African American males and students identified as having an emotional disturbance.

The study also found that students who were removed from the classroom multiple times were more likely to have later involvement in the justice system, be held back a grade or drop out of school than their peers.

Texas needs a school discipline environment that does not make criminals out of youth, but rather promotes positive behavior.

RECOMMENDATION: Promote the use of School-Wide Positive Behavior Interventions and Supports (SW-PBIS) to reduce the need for disciplinary action and provide teachers additional classroom management tools

SW-PBIS is the application of evidence based strategies and systems to assist schools to decrease problem behavior, increase academic performance, increase safety and establish positive school cultures. It is a proactive, evidence based alternative to the traditional punitive, reactive approach to discipline.

The goal of SW-PBIS is to create a positive school culture and climate in order to provide the behavioral support necessary for all students, reducing lost instructional time, improving student social outcomes, and creating an environment which promotes improved academic outcomes for the entire student body.

Schools that implement SW-PBIS have been shown to see:

- Fewer disciplinary problemsⁱ
- Greater sense of safety on campusⁱⁱ
- Reduction in bullying behaviorⁱⁱⁱ
- Improved academic performance^{iv}
- Increased attendance^v
- Reduced staff time spent on disciplinary issues^{vi}
- Decreased disproportionate disciplinary actions^{vii}

Some schools have seen up to a 60% reduction in disciplinary incidents following school-wide implementation of SW-PBIS.^{viii}

What is School-wide Positive Behavioral Interventions and Supports (SW-PBIS)?

SW-PBIS is an approach schools can use to help them coordinate effective strategies and interventions targeting student behavior in an integrated manner that improves outcomes for all students. Instead of waiting for inappropriate behavior to occur before intervening, SW-PBIS works to establish a climate in which appropriate behavior is the norm, teaching behavioral expectations and rewarding students for following them. SW-PBIS is not a curriculum, intervention, or practice, but rather a data-driven decision-making framework that guides a school's selection, integration, and implementation of a continuum of evidence-based practices aimed at improving all students' learning and behavior.^{ix} Students who do not respond to prevention interventions receive more targeted interventions based on their individual needs, in a graduated, multi-tiered process.

How is SW-PBIS Being Implemented in Texas?

PBIS is the recommended approach for addressing challenging behavior in children with disabilities.^x Regional Education Service Centers (ESCs) are required to offer Texas schools training or technical assistance on using PBIS with students with disabilities. ESCs may offer services related to SW-PBIS, but levels of support and criteria for participation vary across regions. There is no systematic leadership, planning, or coordination at the state level related to the use of SW-PBIS to address behavioral outcomes of all students - not just special education students. In 2008, just 61 schools in Texas reported implementing SW-PBIS.^{xi} Other schools implement SW-PBIS without support from an ESC, but it is not known how many, nor how closely they are following best-practices. Some schools report challenges in sustaining an effective SW-PBIS approach on their own.

How Can Texas Assist Local Schools in Implementing SW-PBIS?

SW-PBIS will be implemented most effectively when teachers and administrators are supported in using it in their school. Texas can promote the use of SW-PBIS by providing state leadership and guidance and by establishing effective structures for collaboration between education and other systems that support students' success at school, such as the mental health system. For local efforts to succeed with sustainability and maintaining fidelity, a statewide leadership and infrastructure is needed to assist districts and schools in their efforts.

Best practice and national research shows us that a SW-PBIS mandate does not and will not work. Teachers and school administrators must want to implement SW-PBIS for it to produce the greatest outcomes and be successful in the long term. However, for teachers and administrators to want to implement SW-PBIS, they must be made aware of the positive outcomes schools have seen implementing PBIS school-wide and receive encouragement from the state level to begin creating buy-in. State leadership should begin promoting these successes and encouraging schools and district to consider implementing the proven approach.

How much does SW-PBIS cost to implement?

There is no "one-size-fits-all" way to implement SW-PBIS. While some schools choose to seek additional funds to support their SW-PBIS efforts, most can implement SW-PBIS for minimal or no additional money. Guidance provided by the state leadership team would assist schools interested in implementing SW-PBIS in accessing many of the supports necessary to implement it to fidelity, such as recommendations on realigning existing resources targeting student behavior to be used more effectively and seeking outside funding sources to augment their efforts.

RECOMMENDATION: Require schools that, through discretionary discipline policies, disproportionately discipline students of color or special education students through expulsion, suspension and referral to Disciplinary Alternative Education Programs to develop and implement a remediation plan.

Before the "Breaking School Rules" report, a 2005 report, "Study of Minority Over-Representation in the Texas Juvenile Justice System: Final Report to the Office of the Governor Criminal Justice Division," the Public Policy Research Institute at Texas A&M University found that disproportionate representation in the juvenile justice system can be attributed to many factors, particularly disproportionate disciplinary referrals in schools.^{xii}

Requiring schools that disproportionately discipline students of color or special education students to implement a remediation plan could directly reduce the Disproportionate Minority Contact in the Texas Juvenile Justice system as well as directly reduce the overall number of youth in the juvenile justice system – while at the same time reducing the overall disciplinary referrals and increasing academic outcomes in individual schools.

When implemented to fidelity, school-wide PBIS has been shown to reduce disproportionality for students of color and students with disabilities and would be a good option for schools looking for remediation options for reducing disproportionality, and could be recommended to be used as part of or as a remediation plan.^{xiii}

Thank you for your time and commitment and ensuring all children the opportunity to succeed. If you have any questions, please feel free to contact me.

Respectfully,
Lauren Rose
Juvenile Justice Policy Associate
Texans Care for Children
lrose@txchildren.org
512.473.2274

ⁱ Horner, R., Sugai, G., Smolkowski, K., Eber, L., Nakasato, J., Todd, A., and J. Esperanza. (2009). "A Randomized, Wait-List Controlled Effectiveness Trial Assessing School-Wide Positive Behavior Support in Elementary Schools, *Journal of Positive Behavior Interventions*." *Journal of Positive Behavior Interventions*, Vol. 11, No. 3, 133-144 ; Sprague, J., and R. Horner (2007) "School Wide Positive Behavioral Supports", in *The Handbook of School Violence and School Safety: From Research to Practice*. Shane R. Jimerson & Michael J. Furlong, eds.

ⁱⁱ *ibid*

ⁱⁱⁱ Ross, S., & Horner, R., (2009). "Bully prevention in positive behavior support." *Journal of Applied Behavior Analysis*, 42 (4) 747-760

^{iv} Regional Educational Laboratory. (2010). *Positive Behavior Interventions and Supports: What does research say about the impact of Positive Behavior Interventions and Supports (PBIS) on student achievement?*

^v Luiselli, J. K., Putnam, R. F., & Sunderland, M. (2002). Longitudinal evaluation of behavior support intervention in a public middle school. *Journal of Positive Behavior Interventions*, 6(3), 182-188.

^{vi} "Cost/Benefit Worksheet," PBIS Maryland, <http://pbismaryland.org/costbenefit.xls>

^{vii} http://www.pbis.org/common/pbisresources/publications/PBIS_Bullying_Behavior_Apr19_2011.pdf

^{viii} Bazelon Center for Mental Health Law (2009) Fact Sheet: *Why States and Communities Should Implement School-Wide Positive Behavior Support Integrated with Mental Health Care. Way to Go — School Success for Children with Mental Health Needs.*

^{ix} Office of Special Education Programs Center on Positive Behavioral Interventions & Supports. (2009) *What is School-Wide Positive Behavioral Interventions and Supports?* <http://www.pbis.org/common/cms/documents/WhatIsPBIS/WhatIsSWPBS.pdf>

^x U.S. Department of Education. (2000). *Applying positive behavioral support in schools: Twenty-second Annual Report to Congress on the Implementation of the Individuals with Disability Act.*

^{xi} Spaulding, S.A., Horner, R.H., May, S.L., & Vincent C.G. (2008) *Evaluation Brief: Implementation of School-wide PBS across the United States.* OSEP Technical Assistance Center on Positive Behavior Intervention and Supports.

^{xii} Dottie Carmichael, Guy Whitten, and Michael Voloudakis, *Study of Minority Over-Representation in the Texas Juvenile Justice System: Final Report to the Office of the Governor Criminal Justice Division*, (College Station, TX: The Public Policy Research Institute at Texas A&M University, 2005), <http://dmcfinalreport.tamu.edu/>.

^{xiii} http://www.pbis.org/common/pbisresources/publications/PBIS_Bullying_Behavior_Apr19_2011.pdf