Texas Rep. Jerry Madden, chair of the Texas House Corrections Committee, believes prisoners come in two varieties: “The ones we’re afraid of and the ones we’re mad at.”

He believes students facing discipline in schools fall in those same categories. The problem, he said Tuesday, is that schools often use the same disciplinary action for both categories of students.

Madden, a member of the CSG Justice Center’s board of directors, spoke during a panel discussion following the release of “Breaking Schools’ Rules: A Statewide Study of How School Discipline Relates to Students’ Success and Juvenile Justice Involvement,” an unprecedented study of 1 million Texas public secondary school students by The Council of State Governments’ Justice Center.

That study, which followed students for more than six years, found 59.6 percent of all Texas students in grades seven through 12 were suspended or expelled at some point in their middle/high school years. Only 3 percent of the disciplinary actions were for conduct for which state law mandated suspension or expulsion; the rest were for violations of local schools’ conduct codes and decided by teachers and school administrators.

Moreover, African-American students were disproportionately disciplined for discretionary reasons. For instance, 70 percent of African-American girls had at least one discretionary violation, compared to 58 percent of Hispanic girls and 37 percent of white girls. Eighty-three percent of African-American boys had at least one discretionary violation, while 59 percent of white boys had at least one discretionary violation.

And the level of discipline also illustrated disparity: 26.2 percent of African-American students were placed in out-of-school suspension for their first violation, compared to 18 percent of Hispanic students and 9.9 percent of white students. Comparatively, 86.5 percent of white students received in-school suspension for their first violation, while 79.1 percent of Hispanic students and 71.5 percent of African-American students received the same disciplinary action.

“If you look at the data here—even equal schools, equal populations—the black male students get treated differently,” said Sen. Leticia Van De Putte, a member of the Texas Senate Education Committee. She said the state can develop programs to address the need for discipline, but “we’ve got to take a good internal look at ourselves.”

Sen. Florence Shapiro, chair of the Texas Senate Education Committee, raised concerns about the fact that “the school a student attends largely influences how, when or if a student is removed from the classroom for disciplinary reasons. The data suggests that individual school campuses often have
a pronounced influence over how often students are suspended or expelled.”

That’s a key, since the report also found that repeated suspensions and expulsions predicted poor academic outcomes. Of the 15 percent of students who were suspended or expelled 11 times or more, only 40 percent graduated from high school during the study period. And 31 percent of students disciplined one or more times repeated a grade at least once.

One in seven middle and high schoolers in Texas have been involved with the juvenile justice system, according to the report.

“As a juvenile judge, for years parents would come to me and say, ‘Help me; Johnny won’t mind me.’ That’s not a crime,” Jeanne Meurer, a judge in Travis County, Texas, said. “Now I’m hearing from schools: ‘Help me; Johnny won’t come to school. Help me; Johnny cusses me out. Help me; Johnny won’t do what I say when I say to do it.’”

To Meurer, that’s a misuse of the criminal justice system. “It is not supposed to be a tool for behavior management,” she said.

Texas Chief Justice Wallace B. Jefferson, who convened Tuesday’s meeting in Austin to discuss the report, would agree. He said a goal should be “to make referral to the criminal justice system the exception rather than the rule.

“We should ask whether teachers and principals, rather than police officers and judges, are best suited to discipline kids who commit minor infractions,” he said.

Sen. John Whitmire, chair of the Texas Criminal Justice Committee, said the state should revisit its zero tolerance policies and ensure teachers have the proper training to address these disciplinary issues.

“We need to maintain realistic expectations of what educators alone can accomplish in today’s challenging classrooms,” he said in a press release. “At the same time, this report demonstrates that if we want our kids to do better in school and reduce their involvement in the juvenile justice system, we in the legislature need to continue looking into how teachers can be better supported and how the school discipline system can be improved.”

Whitmire said getting this information is just the first step for Texas. “Now the work begins,” he told CSG.

The CSG Justice Center plans to convene a group of experts and opinion leaders to discuss recommendations for policymakers and practitioners. Whitmire believes the Texas efforts will benefit states around the country.

“I don’t think it’s just a Texas phenomenon; it’s a national one,” he said.

Jefferson said the report “will set the stage for extensive policy discussions in Texas and, I hope, across the country.”

CSG Resources

- CSG Justice Center [3]
- CSG Justice Center / Breaking Schools' Rules [4]
- ”Breaking Schools’ Rules: A Statewide Study of How School Discipline Relates to Students' Success and Juvenile Justice Involvement” [5]
Resources

- *The Washington Post* [7], “Study shows wide varieties in discipline methods among very similar schools” [7]
- *The Washington Examiner* [9], “Study looks at school discipline in Texas” [9]

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