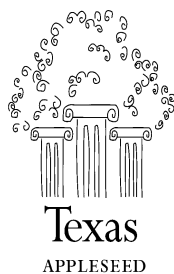




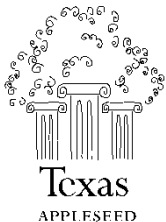
Breaking Rules, Breaking Budgets:

Cost of Exclusionary Discipline in 11 Texas School Districts





Breaking Rules, Breaking Budgets: Cost of Exclusionary Discipline in 11 Texas School Districts



TEXAS APPLESEED
1609 Shoal Creek
Suite 201
Austin, TX 78701 512-473-2800
512-473-2800 www.texasappleseed.net

October 2012

Report Team

Kathryn Freeman, *Staff Attorney*, Primary Author

Deborah Fitzgerald Fowler, *Deputy Director*

Rebecca Lightsey, *Executive Director*

Mike Vitris, *Policy Analyst*

Janis Monger, *Communications Director*

Texas Appleseed also thanks Anna Lipton-Galbraith and Audrey Lynn for contributing to this report, and to Amy Friedman for her editorial assistance.

Texas Appleseed Mission

Texas Appleseed promotes justice by using the volunteer skills of lawyers and other professionals to find practical solutions to broad-based barriers to justice facing the most vulnerable—including children, at-risk youth, low-income families, and persons with intellectual disabilities. This report seeks to quantify the “dollars and cents” cost associated with school districts exercising their discretion to remove students from school for misbehavior—through suspension, expulsion, and referral to disciplinary alternative schools—and the school policing and security costs that support this traditional form of discipline. Because a substantial body of research documents that “exclusionary discipline” increases the risk of dropout, grade retention, and future juvenile justice system involvement, Texas Appleseed is seeking to encourage a dialogue about *the potential to scale back these forms of discipline*—which are expensive to implement—and to use part of the cost savings *to transition to less costly, evidenced-based behavior management programs*, such as those outlined in this report, that have proven successful in reducing student disciplinary referrals at less cost in schools across the country and in some pioneering schools in Texas.

First Edition ©2012, Texas Appleseed. All rights are reserved, except as follows: Free copies of this report may be made for personal use. Reproduction of more than five (5) copies for personal use and reproduction for commercial use are prohibited without the written permission of the copyright owner. The work may be accessed for reproduction pursuant to these restrictions at www.texasappleseed.net.

Acknowledgements

This report would not have been possible without the generous support of **Atlantic Philanthropies, Houston Endowment, Public Welfare Foundation, and The Boone Foundation.**

Texas Appleseed is also deeply grateful to these individuals who provided valuable feedback during the drafting of this report: **John Hubbard**, Principal, Premier Legislative Consulting; **Lauren Rose**, Juvenile Justice Policy Associate, Texans Care for Children; and **Ida Garcia-Musgrove.**

Breaking Rules, Breaking Budgets:

Cost of Exclusionary Discipline in 11 Texas School Districts

TABLE OF CONTENTS

Overview	1
Recommendations	8
Bryan Independent School District	10
Conroe Independent School District	15
Cypress-Fairbanks Independent School District	21
Dallas Independent School District	25
Fort Bend Independent School District	31
Fort Worth Independent School District	36
Houston Independent School District	41
Humble Independent School District	47
Northside Independent School District	52
Plano Independent School District	58
San Antonio Independent School District	62
A Summary: Cost of Discipline Survey Trends	68
Cost-Effective Alternatives to Exclusionary Discipline	73
Conclusion	76
<i>Appendix A: Methodology</i>	81
<i>Appendix B: Grant Funding for Alternatives to Exclusionary Discipline</i>	87

Breaking Rules, Breaking Budgets:

Cost of Exclusionary Discipline in 11 Texas School Districts

Overview

The Council of State Governments (CSG) released a groundbreaking report, *Breaking Schools' Rules*, in 2011, which documented the negative impacts that suspension or expulsion from Texas public schools have on students. The CSG report revealed a large “human cost” for children who have been suspended and/or expelled even *once* during their academic career, including increased probability of grade retention, school dropout, and future involvement in the juvenile justice system.

The human costs of *exclusionary discipline*—out-of-school suspensions, expulsions, and referrals to alternative education programs—are high, but so are the financial costs:

- According to the most recent report by the Legislative Budget Board, school districts spent **\$232 million** statewide on Disciplinary Alternative Education Programs (DAEP) during the 2008-09.¹
- During the 2010-11 school year, the total combined county and school expenditures for Texas' 26 Juvenile Justice Alternative Education Programs (JJAEP) were **more than \$31 million**.²
- Additionally, Texas school districts spent **more than \$327 million on security and monitoring services** in 2010-11.³

Because the dollar-and-cents “cost of discipline” is rarely evaluated “in total,” it is important to spotlight current spending in this area and to draw attention to those evidence-based alternatives to exclusionary discipline that not only can *reduce disciplinary costs* but have a track record of success in *improving school climate, student behavior and academic outcomes*. It is important to note that the vast majority of student removals from school are made at the discretion of school districts. It is also true that school districts can exercise their *discretion to reduce the “cost of discipline”* and adopt new approaches to managing student behavior and keeping schools safe.

¹ LEGISLATIVE BUDGET BD., TEXAS STATE GOVERNMENT EFFECTIVENESS AND EFFICIENCY 537 (2011) *available at* http://www.lbb.state.tx.us/Performance%20Reporting/TX_Govt_Effective_Efficiency_Report_82nd.pdf.

² TEX. JUVENILE JUSTICE DEP'T, JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAMS PERFORMANCE ASSESSMENT REPORT, 2010-11 62 (2012).

³ TEX. EDUC. AGENCY, ACADEMIC EXCELLENCE INDICATOR SYSTEM, 2010-11 STATE PERFORMANCE REPORT (2011), *available at* www.tea.state.tx.us.

To frame a meaningful dialogue around evidence-based, cost-effective alternatives to traditional, exclusionary school discipline, Texas Appleseed believed it important to quantify what it costs to suspend, expel, and educate students at alternative schools in a sample of Texas school districts. Eleven districts were selected because they *educate almost a million Texas public school students each year—about 25 percent of Texas’ four million public school students*. These school districts vary in size and demographics.

Demographics of Surveyed Texas School Districts, 2010-11

School District	Enrollment	African American Students	Hispanic Students	White Students	Economically Disadvantaged
Bryan ISD	15,750	22%	50%	27%	72%
Conroe ISD	50,849	6%	32%	56%	37%
Cypress-Fairbanks ISD	105,860	16%	43%	31%	47%
Dallas ISD	156,784	25%	68%	5%	87%
Fort Bend ISD	68,710	29%	26%	20%	36%
Fort Worth ISD	81,511	23%	59%	14%	76%
Houston ISD	203,294	26%	62%	8%	81%
Humble ISD	35,678	18%	27%	49%	34%
Northside ISD	94,632	6%	69%	20%	53%
Plano ISD	55,294	11%	22%	44%	25%
San Antonio ISD	54,894	6%	91%	2%	93%
State	4,912,385	13%	50%	31%	59%

*However, differences in demographics among student populations are not the controlling factor in varying discipline rates.*⁴ The Council of State Government’s report also found that

⁴ Eric A. Booth et. al, Comparing Campus Discipline Rates: A Multivariate Approach for Identifying Schools with Significantly Different than Expected Exclusionary Discipline Rates, 3 *Journal of Applied Research on Children*:

even schools with similar student populations and demographics varied significantly in how often students were suspended or expelled.⁵ *The report concluded that individual school districts and campuses could make a difference in their use of exclusionary discipline regardless of student risk factors.*⁶

Surveyed School Districts: Types of Exclusionary Discipline

The rate of out-of-school suspensions, DAEP referrals, and JJAEP placements varies widely among these 11 districts—even among districts of similar size and demographics.

Out-of-School Suspension

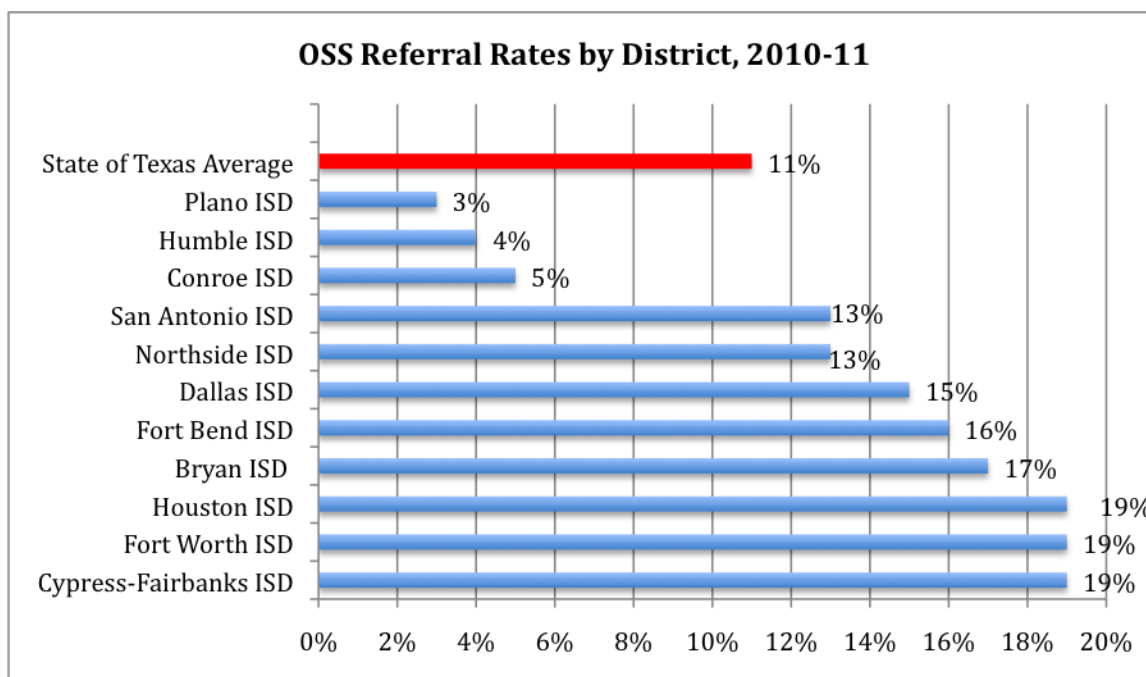
While Chapter 37 of the Texas Education Code limits a student’s suspension from school to a maximum of three days, there is no limit on the number of times a student may be suspended in one year.⁷ The school’s decision to suspend a student is *discretionary* and is most often a response to a violation of the local Student Code of Conduct—usually minor misbehavior that does not pose a significant risk to school safety. Because a school district’s average daily attendance rate is used to calculate the amount of state aid it receives, districts stand to lose money when students miss school due to out-of-school suspensions. The following chart documents the differences in out-of-school suspension (OSS) rates among surveyed districts.

Informing Policy for Children at Risk, No. 2, (2012) available at <http://digitalcommons.library.tmc.edu/childrenatrisk/>

⁵ COUNCIL OF STATE GOV’TS, BREAKING SCHOOLS’ RULES: A STATEWIDE STUDY ON HOW SCHOOL DISCIPLINE RELATES TO STUDENTS’ SUCCESS AND JUVENILE JUSTICE INVOLVEMENT 73 (2011).

⁶ *See id.*

⁷ TEX. EDUC. CODE ANN. §37.005 (2006).



Disciplinary Alternative Education Programs

Every Texas school district is required to provide a **Disciplinary Alternative Education Program (DAEP)**, and districts may join together to support one such program. In smaller, rural districts, a DAEP may be a separate classroom on the school campus where referred students are isolated from other students, but more frequently DAEPs are housed on separate campuses.

Children younger than 10 sent to DAEPs must be separated from older students.⁸ Students younger than six can be placed in a DAEP for *only one reason*: bringing a firearm to school.⁹ Chapter 37 lists the serious offenses for which a student must be mandatorily removed to a DAEP—generally offenses punishable as a felony and assault or controlled substance violations that pose physical harm to another student, teacher, administrator, or staff.¹⁰

Chapter 37 also gives Texas schools wide discretion to send students to a DAEP for other Code of Conduct violations.¹¹ Depending on the school district, these offenses can range from fighting and gang activity to disrupting class, using profanity, or playing a prank. The average length of stay in a DAEP in Texas is currently about 27 days.¹² If a student is sent for a longer period, his

⁸ *Id.* at §37.006(f).

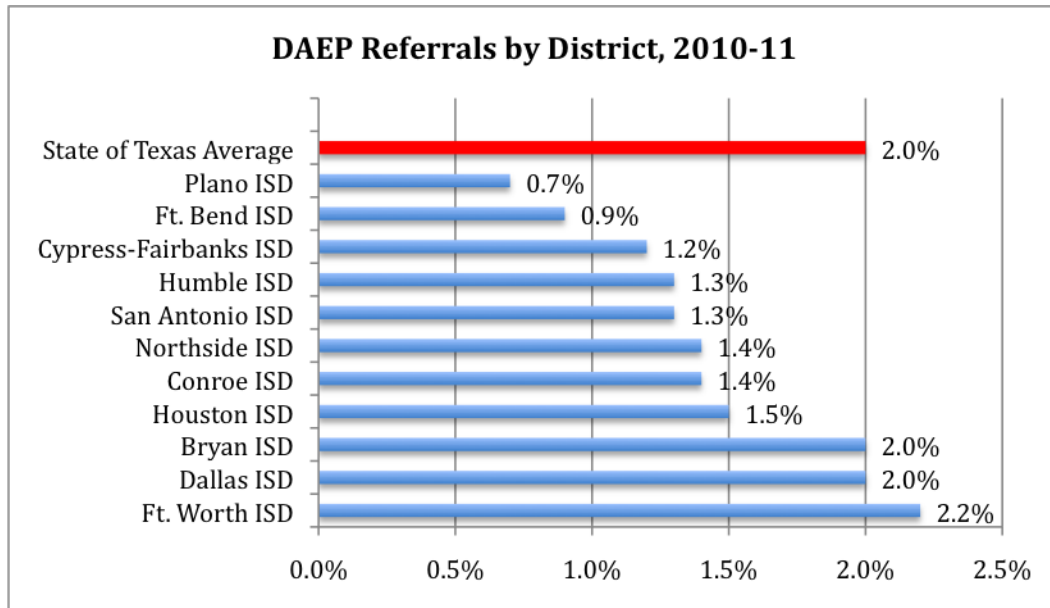
⁹ *Id.* at §37.006(f)(1).

¹⁰ *Id.* at §37.006(a).

¹¹ *Id.* at §37.001.

¹² COUNCIL OF STATE GOV'TS, *supra* note 5, at 39.

or her status must be reviewed every 120 days.¹³ The following chart shows the range in DAEP referral rates between the 11 surveyed school districts:



Juvenile Justice Alternative Education Programs

A **Juvenile Justice Alternative Education Program (JJAEP)** is a collaborative effort between the county juvenile board and the independent school districts located in the county. Counties with populations of more than 125,000 are required by law to operate at JJAEP.¹⁴ Chapter 37 outlines terms for mandatory and discretionary expulsion from schools to JJAEPs. Mandatory expulsions usually involve aggravated assault, violent crime, and/or possession of weapons or controlled substances.¹⁵ Courts also can mandate that a student attend a JJAEP if he or she engaged in conduct that mandates their expulsion from school and have engaged in delinquent conduct under Title 3 of the Family Code.¹⁶ School districts can also exercise their discretion to expel a student. If a student is expelled to a JJAEP *at the discretion of the school district*, the district must pay the cost to educate that student in the juvenile facility.¹⁷

Previously, students could be expelled from a DAEP to a JJAEP for engaging in “serious and persistent misbehavior.” However, the Legislature eliminated this expulsion reason in the 2011

¹³ TEX. EDUC. CODE ANN. §37.009 (2006).

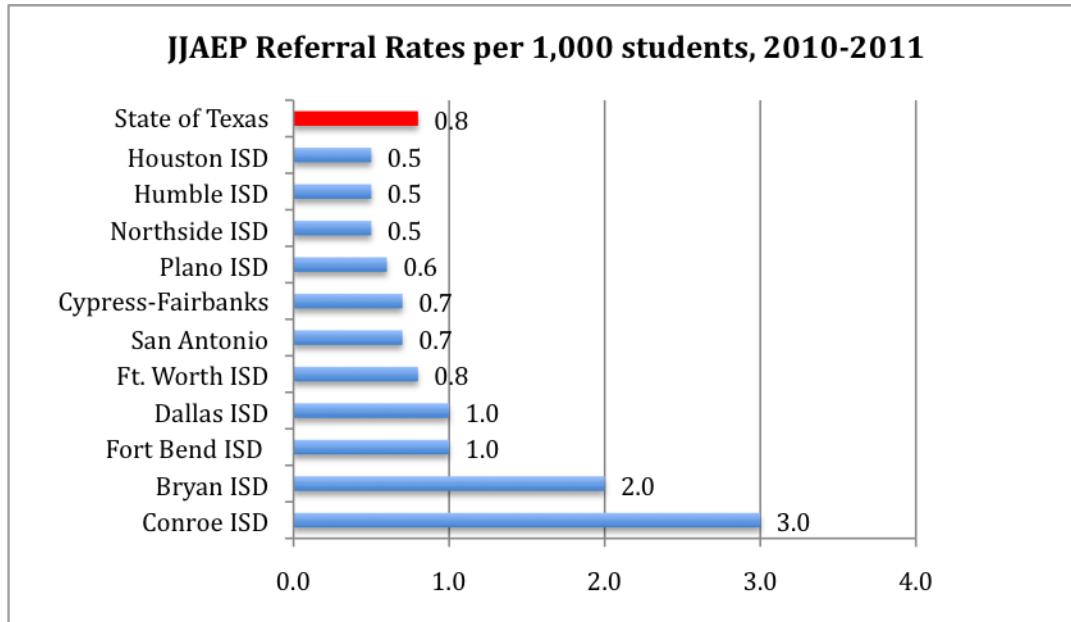
¹⁴ *Id.* at §37.011.

¹⁵ *Id.* at §37.007(a).

¹⁶ *Id.* at §37.011(b).

¹⁷ TEX. JUVENILE JUSTICE DEP’T, *supra* note 2, at 61.

legislative session.¹⁸ This is likely to significantly reduce the number of students discretionarily expelled to JJAEPs.



Calculating the “Cost of Discipline”

The “cost of discipline” for each surveyed school district in this report includes: 1) the lost state funding reimbursement for average daily attendance as a result of out-of-school student suspensions; 2) the cost to operate DAEP campuses; 3) the cost to educate students expelled for discretionary reasons to a JJAEP; and 4) the expense of campus security and monitoring, including policing costs.

The 11 surveyed school districts included in this report spent nearly a combined **\$140 million in 2010-11** in out-of-school suspensions, referrals to DAEPs, and student expulsions to JJAEPs.

These 11 districts also spent **about \$87 million** on security, monitoring services, and campus policing in 2010-11. However, mounting research shows that school campuses are—and always have been—safe places and that a large police presence tends to place a high number of students in contact with court systems for low-level misbehavior.¹⁹

¹⁸ During the 2011 Legislative Session, the Texas Legislature passed HB 968, which eliminates expulsions for “persistent misbehavior” from a DAEP and defines “serious misbehavior.” See TEX. EDUC. CODE ANN. §37.007(c) (2012).

¹⁹ See generally DEWEY G. CORNELL, SCHOOL VIOLENCE FEARS VERSUS FACTS (2006); see also Mark Anderson *et al.*, *School-Associated Violent Death in the United States, 1994-1999*, 286 J. AM. MED. ASS’N 21, 2695 (2001); Rachel Garver & Pedro Noguera, *For Safety’s Sake: A Case Study of School Security Efforts and Their Impact on Education Reform*, 3 J. Applied Res. on Child. 7, 22 (2012) available at

The costs associated with operating a large school district police department make up the lion's share of security spending in seven of the 11 surveyed school districts. Those operating their own independent police departments include: Cypress-Fairbanks, Dallas, Houston, Humble, Fort Bend, Northside, and San Antonio ISDs.

Spending on school security and policing far outweighs what these 11 districts spend on social work services—a combined \$18.6 million in 2010-11. Spending additional funds on counseling and social work services could do more to address the root causes of student behavioral problems at school.

See *Appendix A* for a detailed discussion of methodology and sources of financial data.

Cost of Exclusionary Discipline in 11 School Districts, 2010-11

School District	Out-of-School Suspension Costs	DAEP Costs	JJAEF Costs	Security & Monitoring Costs	Total Cost
Bryan ISD	\$145,327	\$723,655	\$50,526	\$668,147	\$1.5 million
Conroe ISD	\$132,567	\$979,638	\$512,915	\$4.3 million	\$5.3 million
Cypress-Fairbanks ISD	\$1 million	\$2.8 million	\$41,580	\$4.4 million	\$8.4 million
Dallas ISD	\$1.5 million	\$9 million	\$709,194	\$19.9 million	\$31.3 million
Fort Bend ISD	\$561,966	\$3.4 million	\$217,486	\$5.1 million	\$9.2 million
Fort Worth ISD	\$845,318	\$6.1 million	\$192,250	\$10.3 million	\$17.4 million
Houston ISD	\$2 million	\$15.6 million	\$914,760	\$20.6 million	\$38.7 million
Humble ISD	\$70,130	\$1.3 million	\$86,950	\$2.2 million	\$3.7 million
Northside ISD	\$679,244	\$5.7 million	\$208,937	\$6.5 million	\$13.1 million
Plano ISD	\$103,137	\$1.9 million	\$102,947	\$2.2 million	\$4.4 million
San Antonio ISD	\$447,940	\$4.7 million	\$28,121	\$5.9 million	\$11.1 million

Evidence-Based, Cost Effective Alternatives to Exclusionary Discipline

Given the poor outcomes and high costs associated with exclusionary discipline, it is critical that school districts implement alternatives that result in better student outcomes. Positive Behavioral Interventions and Supports, Social and Emotional Learning, and Restorative Justice are evidence-based, cost effective approaches shown to improve student behavior and academic success. These approaches provide consequences for misbehavior and emphasize taking responsibility for one's actions, while teaching positive behavior and reinforcing healthy ways to resolve conflict.

These programs are discussed in greater detail in this report (*See page 71*).

Recommendations

Texas school districts are being asked to do more with less. In the 2011 legislative session, the State cut \$5.4 billion out of the public education budget.²⁰ With limited resources, school districts must be more strategic in directing those dollars to evidence-based programming linked to good student outcomes. This necessitates an evaluation of their current disciplinary models and student disciplinary data and making thoughtful, necessary changes. However, there is little evidence that districts have embraced the opportunity to look for more effective alternatives to exclusionary discipline. According to a recent report by the advocacy organization Children at Risk, 60% of Texas school districts made no adjustment to security spending as a result of the recent school funding crisis.²¹

Successful implementation of the following recommendations could help reduce both the “human” and financial costs of exclusionary discipline:

- **Limit out-of-school suspensions** to the most egregious acts of misbehavior—those that impact school and student safety. Keeping more students in school would increase school districts' funding reimbursements for average daily attendance.
- **Amend Student Codes of Conduct to limit the kinds of misbehavior that can trigger a DAEP referral** to only those serious offenses where other forms of intervention have not proven successful or campus safety is at risk.

²⁰ Ericka Mellon, *School districts statewide cut 25,000 positions after budget cuts*, HOUSTON CHRON., March 6, 2012, <http://www.chron.com/news/houston-texas/article/School-districts-statewide-cut-25-000-positions-3413929.php> (last visited on Oct. 23, 2012).

²¹ CHILDREN AT RISK, *DOING MORE WITH LESS? PUBLIC EDUCATION IN A NEW FISCAL REALITY* 15 (2012), available at <http://childrenatrisk.org/wp-content/uploads/2012/08/Doing-More-With-Less-Public-Education-in-a-New-Fiscal-Reality.pdf>.

- **Target additional training in effective classroom management** to administration and staff at individual campuses with high numbers of OSS, DAEP, and JJAEP referrals.
- **Implement cost-effective, evidence-based disciplinary programs**, which have been proven to reduce out of classroom disciplinary referrals, limit classroom disruptions, and increase instructional time.
- **Evaluate discipline data and spending associated with campus policing, security, and monitoring services** and target security services to where they are truly needed—thereby freeing additional resources for counseling and social work services. Also, school police officers should receive specialized training to better prepare them to work in child-centered environments.

What follows is a detailed breakdown of the cost of exclusionary discipline in the 11 surveyed school districts.

BRYAN ISD

The Cost of Discipline

During the 2010-11 school year, Bryan ISD’s reliance on out-of-school suspension (OSS), referrals to district-operated Disciplinary Alternative Education Programs (DAEPs), discretionary expulsions to the Juvenile Justice Alternative Education Program (JJAEP), and the salaries of eight school resource officers cost district taxpayers about **\$1.5 million**:

- ❖ \$145,327 State dollars for average daily attendance lost to out-of-school suspension in Bryan ISD.²²
- ❖ \$723,655 Operating cost of Bryan ISD DAEP.²³
- ❖ \$50,526 District fees associated with discretionary expulsions to a JJAEP.²⁴
- ❖ \$668,147 Security and Monitoring Services²⁵

❖ **\$1.5 million Cost of Discipline**

Out-of-School Suspensions

During the 2010-11 school year, Bryan ISD made 2,712 out of-school suspension referrals. The vast majority—81 percent—were made at the discretion of school administrators for behavior that did not pose a risk to school or student safety.²⁶ Students can receive an out-of-school suspension for any general conduct violation, which includes “disregard for authority” and “dress code violations.”²⁷

²² See app. A.

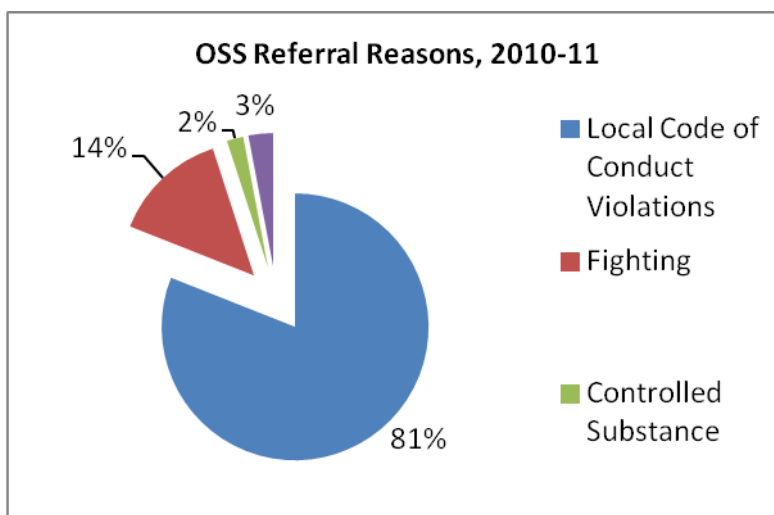
²³ TEX. EDUC. AGENCY, ACADEMIC EXCELLENCE INDICATOR SYSTEM, 2010-11 SCHOOL PERFORMANCE REPORT, available at www.tea.state.tx.us.

²⁴ Bryan ISD Budget provided via Open Records Request

²⁵ See *id.*

²⁶ TEX. EDUC. AGENCY, DISTRICT LEVEL ANNUAL DISCIPLINE SUMMARY PEIMS DISCIPLINE DATA, 2010-11, available at www.tea.state.tx.us.

²⁷ BRYAN ISD, STUDENT CODE OF CONDUCT 2012-2013, available at <http://sfaustin.bryanisd.org/ourpages/auto/2012/8/4/37151108/Code%20of%20Conduct.pdf>.



Bryan ISD has the fourth highest out-of-school suspension referral rate of the surveyed districts in this report.²⁸ This is particularly striking given the size of Bryan ISD. Several Bryan ISD campuses have higher OSS referral rates than the district average, with one campus OSS referral rate *four* times the district average. The Bryan ISD campuses with the highest referral rates are:

Campus (Enrollment)	OSS Referral Rate	Number of OSS Referrals
Davila Middle School (555)	68%	378
Jane Long Middle School (871)	36%	314
Rudder High School (1219)	30%	360
Sam Rayburn Middle School (858)	20%	172
Bryan High School (2203)	15%	335

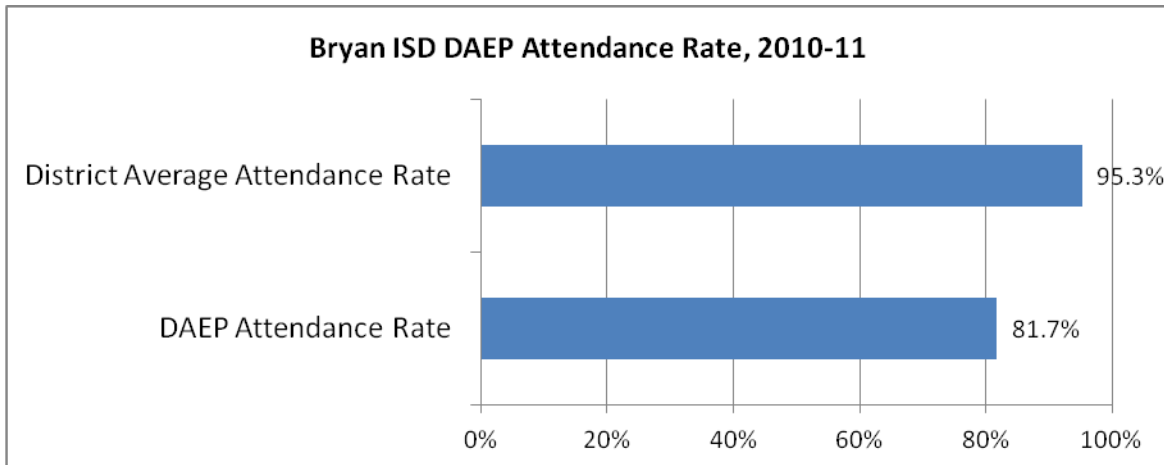
Disciplinary Alternative Education Program (DAEP)

The DAEP is the most expensive component of Bryan ISD’s disciplinary system. During the 2010-11 school year, Bryan ISD spent almost a million dollars to operate its DAEP. The annual cost to educate one student in Bryan ISD’s DAEP (\$21,284) is almost **three times the average cost** of educating a student in the regular classroom (\$8,392).²⁹

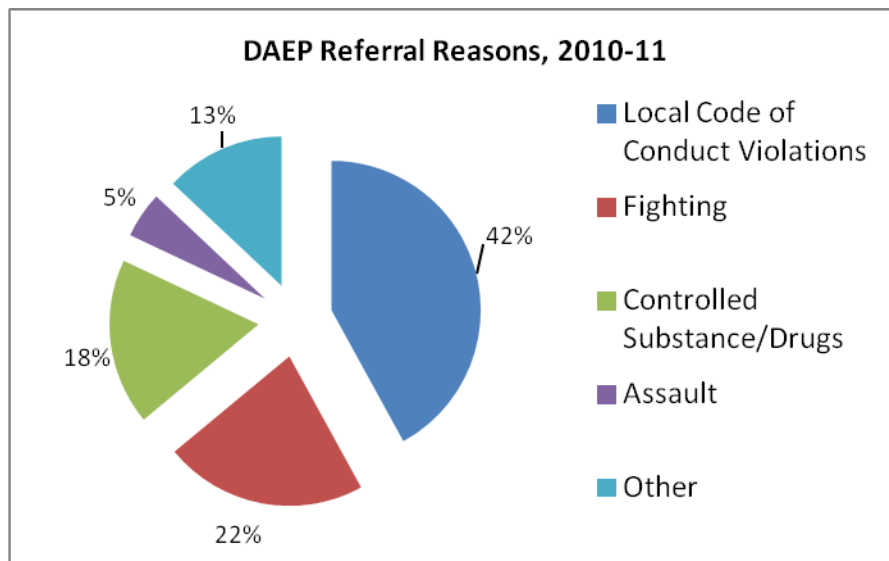
²⁸ See *infra* pp. 3 (Table labeled “ISD OSS Referral Rate”).

²⁹ TEX. EDUC. AGENCY, *supra* note 23.

In addition to the cost to maintain a separate DAEP facility (irrespective of how many students are referred there at any one time), Bryan ISD also loses state funding, which is tied to a district's weighted average daily attendance (WADA), due to the low attendance rate at the DAEP.



During the 2010-11 school year, Bryan ISD administrators made 348 DAEP referrals—67 percent were discretionary removals for reasons not mandated by state law.³⁰ The majority of DAEP removals in Bryan ISD in 2010-11 were for violations of the local Student Code of Conduct.³¹



³⁰ TEX. EDUC. AGENCY, DISTRICT LEVEL ANNUAL DISCIPLINE SUMMARY PEIMS DISCIPLINE DATA FOR 2010-2011, available at www.tea.state.tx.us.

³¹ TEX. JUVENILE JUSTICE DEP'T, *supra* note 2.

Juvenile Justice Alternative Education Program

A Juvenile Justice Alternative Education Program (JJAEP) is a collaborative effort between the county juvenile board and the independent school districts located within the county. Counties with populations over 125,000 are required by state law to operate JJAEPs.

Bryan ISD only pays to educate the students who are discretionarily expelled from a school within the district. The Texas Juvenile Justice Department reimburses counties \$79 per day for each student who receives a mandatory referral to the JJAEP.³² The combined county and school district expenditures on the Brazos County JJAEP amount to \$212.30 per day.³³

During the 2010-11 school year, Bryan ISD paid \$50,526 for the students discretionarily expelled to the Brazos County JJAEP.³⁴ Bryan ISD expelled 39 students to the JJAEP, during the 2010-11 school year.³⁵

Security and Monitoring Services

During the 2010-11 school year, Bryan ISD spent almost \$668,147 on security and monitoring services³⁶—compared to \$365,332 on social work services.³⁷

³² *Id.* at 61.

³³ *Id.*

³⁴ BRYAN ISD, ANNUAL FINANCIAL REPORT FOR YEAR ENDED AUGUST 31, 2011 (2012) (provided to Texas Appleseed by Open Records Request).

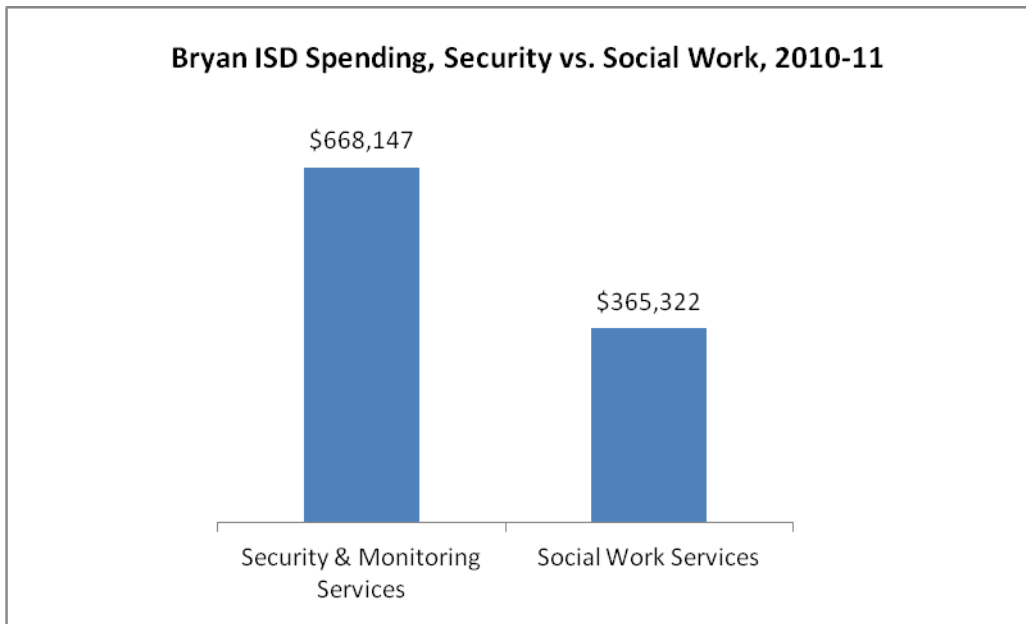
³⁵ TEX. EDUC. AGENCY, *supra* note 30.

³⁵ See TEX. EDUC. CODE ANN. §37.006 (2012)

³⁶ Bryan ISD Annual Financial Report For Year Ended August 31, 2011, provided to Texas Appleseed by Open Records Request.

³⁷ Social Work Services, as defined by 34 C.F.R. §300.24(b)(13), includes:

- Preparing a social or developmental history on a child/adult student with a disability
- Group and individual counseling with the child/adult student and family
- Working with those problems in a child/adult student's living situation (home, school, and community) that affect the child/adult student's adjustment in school
- Mobilizing school and community resources to enable the child/adult student to learn as effectively as possible in his or her educational program
- Assisting in developing positive behavior intervention strategies.



In addition, Bryan ISD contracts with the City of Bryan to provide School Resource Officers at eight school campuses. Bryan ISD and the City of Bryan divide the cost of officer salaries and vehicles. During the 2010-11 school year, Bryan ISD spent more than 50 percent of its budget for security and monitoring services for the employment of eight school resource officers.³⁸

³⁸ Memorandum of Understanding between Bryan ISD and City of Bryan, Bryan ISD, (on file with Texas Appleseed).

Conroe ISD

The Cost of Discipline

During the 2010-11 school year, Conroe ISD’s reliance on out-of-school suspension (OSS), referrals to district-operated Disciplinary Alternative Education Programs (DAEPs), and expulsion to the Juvenile Justice Alternative Education Program (JJAEP), in addition to expenditures on security services, cost district taxpayers about **\$5.3 million**.

- ❖ \$132,567 State dollars for average daily attendance lost to out-of-school suspension in Conroe ISD.³⁹
- ❖ \$979,638 Operating cost of Conroe ISD DAEPs.⁴⁰
- ❖ \$512,915 District personnel costs for JJAEP staff⁴¹
- ❖ \$4,334,235 Security and Monitoring Services⁴²

❖ **\$5.3 million Cost of Discipline**

Out-of-School Suspension

During the 2010-11 school year, Conroe ISD **made 2,514 out-of-school suspension referrals**,⁴³ and **75 percent of those referrals were for local Code of Conduct violations**.⁴⁴ The Conroe ISD Student Code of Conduct allows students to be placed on out-of-school suspension or in a DAEP for any General Conduct Violation listed in the Code of Conduct. General Conduct violations include provisions like “failure to comply with directives of school personnel.”⁴⁵

³⁹ See app. A.

⁴⁰ Data provided to Texas Appleseed in response to an Open Records Request

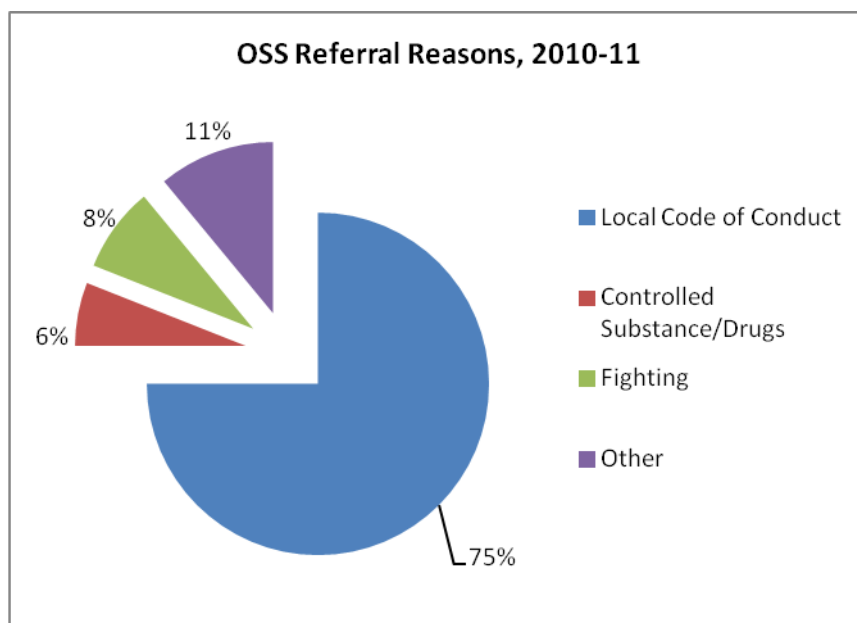
⁴¹ See *id.*

⁴² CONROE ISD, COMPREHENSIVE ANNUAL FINANCIAL REPORT 2010-11 (2011), available at <http://administration.conroeisd.net/accounting/2010-2011%CAFR.pdf>.

⁴³ TEX. EDUC. AGENCY, *supra* note 30.

⁴⁴ *Id.*

⁴⁵ CONROE ISD, STUDENT CODE OF CONDUCT 2012-2013, available at www.conroeisd.net/pdf/policies/CodeOfConduct.pdf.



Many Conroe ISD campuses have **OSS referral rates more than twice the district average**, with Caney Creek High School referring at a rate five times the district average.⁴⁶ The campuses with the highest OSS referral rates in 2010-11 are:

Campus (Enrollment)	OSS Referral Rate	No. of OSS Referrals
Caney Creek High School (1693)	28%	479
Washington Junior High (577)	19%	108
Peet Junior High School (1,040)	18%	183
Moorhead Junior High School (975)	12%	119
Houston Elementary School (901)	11%	99

While Conroe High School is not among the schools in Conroe ISD with the highest referral rates, more than 300 Conroe High School students were referred to out-of-school suspension during the 2010-11 school year.⁴⁷

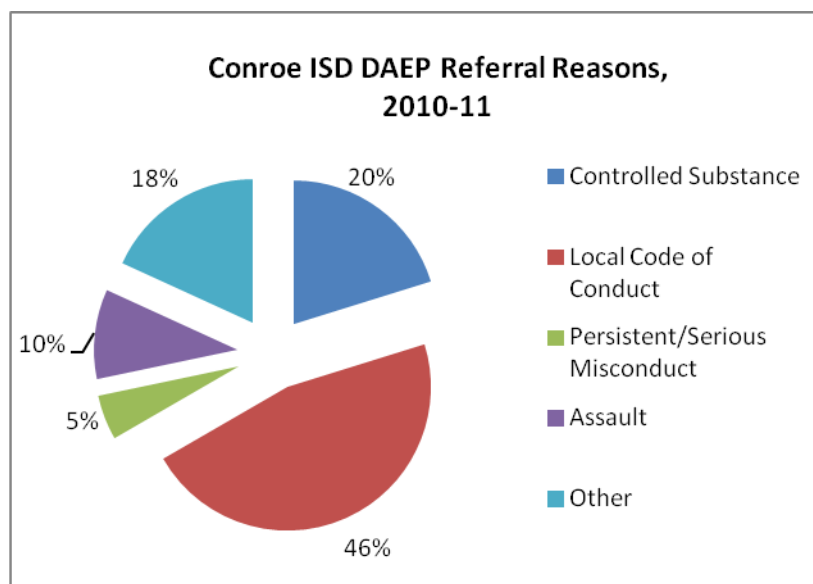
⁴⁶ Data provided to Texas Appleseed in response to an Open Records Request.

⁴⁷ *Id.*

Disciplinary Alternative Education Program

During the 2010-11 school year, Conroe ISD spent almost \$1 million on its Disciplinary Alternative Education Programs (DAEPs). The high school program is located on the campus of the Hauke Alternative School, and the programs for elementary and intermediate students are located on the campus of the Jett Center.

During the 2010-11 school year, 733 students were referred to a DAEP a total of 940 times.⁴⁸ Of the 940 referrals— 61 percent were made at the discretion of school administrators.⁴⁹ Many of these students were referred for violations of the district’s Code of Conduct rather than behavior that posed a threat to school safety.



The average DAEP referral rate for Conroe ISD is approximately 2 percent, although the referral rates vary across campuses. Some campuses have DAEP referral rates that are at least twice the district average. The Conroe ISD campuses in the following chart had the highest referral rates during the 2010-11 school year:⁵⁰

⁴⁸ TEX. EDUC. AGENCY, *supra* note 30.

⁴⁹ *See id.*

⁵⁰ Data provided to Texas Appleseed via Open Records Request.

Campus (Enrollment)	DAEP Referral Rate	Number of DAEP Referrals
Washington Junior High School (577)	11%	61
Caney Creek High School (1693)	7%	111
Moorhead Junior High School (975)	6%	56
Peet Junior High School(1,040)	6%	61
Conroe High Scholl (3054)	5%	141

Juvenile Justice Alternative Education Program

The Juvenile Justice Alternative Education Program (JJAEP) is collaboration between the Montgomery County Juvenile Board and the independent school districts that send students to the JJAEP. The combined county and school district expenditures on the Montgomery County JJAEP amount to \$140.85 per day.⁵¹

Usually, school districts must pay the county for students who are discretionarily expelled to the JJAEP, but Conroe ISD provides teachers at the JJAEP and does not pay the county for discretionary JJAEP expulsions.⁵² The costs detailed in this report for Conroe ISD are associated with the cost of providing personnel to the Montgomery County JJAEP.

Still, Conroe ISD has the **highest JJAEP referral rate** of the districts surveyed in this report.⁵³ Conroe ISD made 172 JJAEP referrals during the 2010-2011 school year,⁵⁴ with 42 percent made at the discretion of school administrators,⁵⁵ By way of comparison, Plano ISD, which is similarly –sized with similar demographics, made 38 JJAEP referrals—24 percent of which were discretionary⁵⁶ (see chart below).

⁵¹ TEX. JUVENILE JUSTICE DEP'T, supra note 2, at 62.

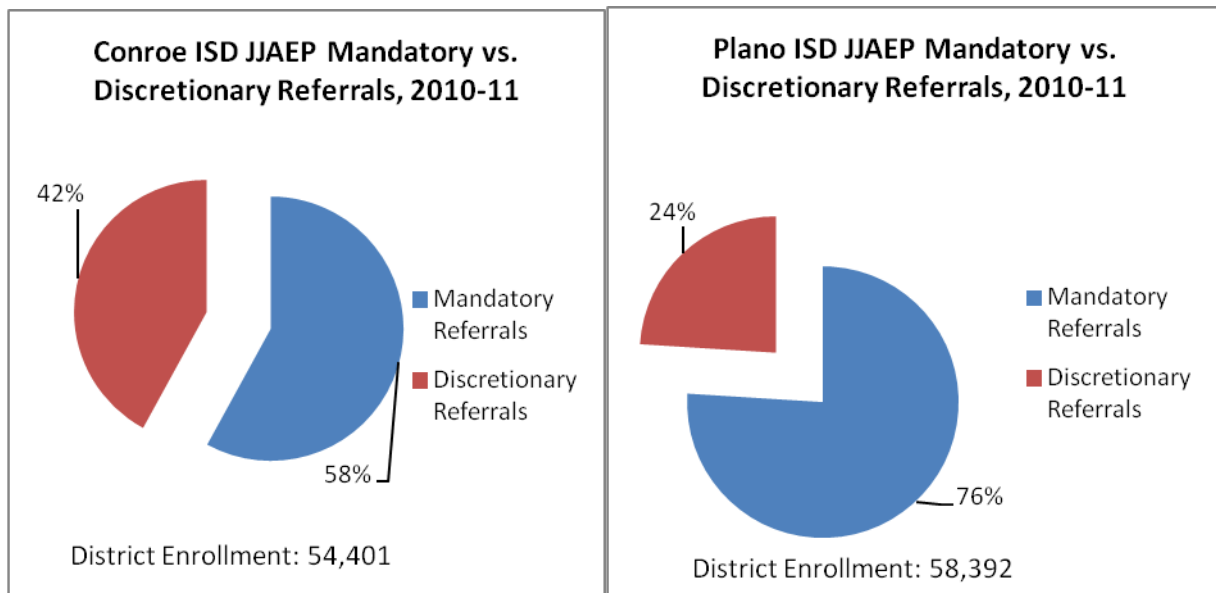
⁵² Information provided to Texas Appleseed via Open Records Request.

⁵³ Conroe ISD made 3 JJAEP referrals for every 1000 students compared to average of 1 referral for every 1000 students in the other 10 districts included in this report.

⁵⁴ TEX. EDUC. AGENCY, CONROE ISD DISTRICT LEVEL ANNUAL DISCIPLINE SUMMARY 2010-2011, available at www.tea.state.tx.us.

⁵⁵ *Id.*

⁵⁶ TEX. EDUC. AGENCY, PLANO ISD DISTRICT LEVEL ANNUAL DISCIPLINE SUMMARY 2010-2011, available at www.tea.state.tx.us.



The significant number of discretionary referrals of students to out-of-school suspension, DAEPs, and the JJAEP suggests that Conroe ISD may be able to reduce the costs of disciplinary referrals by using alternative approaches to address Code of Conduct violations.

Security and Monitoring Services

During the 2010-11 school year, Conroe ISD spent about \$4.3 million on security and monitoring services—a 15 percent increase from the 2009-10 school year.⁵⁷ Conroe ISD maintains its own internal police force, which employs 46 full-time officers, seven part-time officers, and nine security guards.⁵⁸

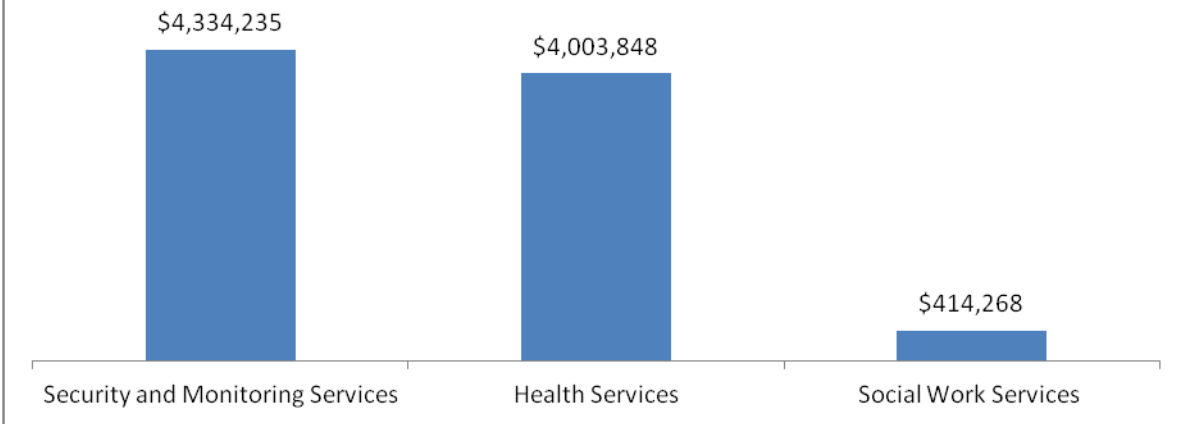
The district’s spending on security and monitoring exceeds spending on both health services and social work services.⁵⁹

⁵⁷ CONROE ISD, *supra* note 42; *see also* TEX. EDUC. AGENCY, *supra* note 3.

⁵⁸ CONROE ISD POLICE DEPARTMENT, DEPARTMENT OVERVIEW, *available at* http://police.conroeisd.net/Docs/Dept%20Overview_secure.pdf.

⁵⁹ CONROE ISD, *supra* note 42.

Conroe ISD Spending on Health & Social Work Services vs. Security Services, 2010-11



Cypress-Fairbanks ISD

The Cost of Discipline

During the 2010-11 school year, Cypress-Fairbanks ISD's reliance on out-of-school suspension (OSS), referrals to district-operated Disciplinary Alternative Education Programs (DAEPs), and expulsion to the Juvenile Justice Alternative Education Program (JJAEP) and expenditures on security services cost district taxpayers **\$8.8 million**.

- ❖ \$1,088,793 State dollars for average daily attendance lost to out-of-school suspension in Cypress-Fairbanks ISD.⁶⁰
- ❖ \$2,875,192 Operating cost of Cypress-Fairbanks ISD DAEPs.⁶¹
- ❖ \$41,580 Cypress-Fairbanks ISD expenditures on discretionary expulsions to a JJAEP.⁶²
- ❖ \$4,834,051 Safety and Security Costs⁶³

❖ **\$8.8 million Cost of Discipline**

Out-of-School Suspension

During the 2010-11 school year, Cypress-Fairbanks ISD made **21,867 out-of-school suspension referrals**.⁶⁴ **Cypress-Fairbanks lost \$1 million** in additional state revenue, under the conservative assumption that every OSS referral is equivalent to an absence of 1.5 days.

During the 2010-11 school year, 8,912 students received an OSS referral, which indicates that some students received multiple referrals during the school year.⁶⁵ If a student misses nine days

⁶⁰ See app. A.

⁶¹ TEX. EDUC. AGENCY, PEIMS DISTRICT FINANCIAL ACTUAL REPORTS, *available at* www.tea.state.tx.us.

⁶² CYPRESS-FAIRBANKS ISD, COMPREHENSIVE FINANCIAL ANNUAL REPORT 2010-11 (2011), *available at* <http://www.cfisd.net/dept2/finance/finance.htm>.

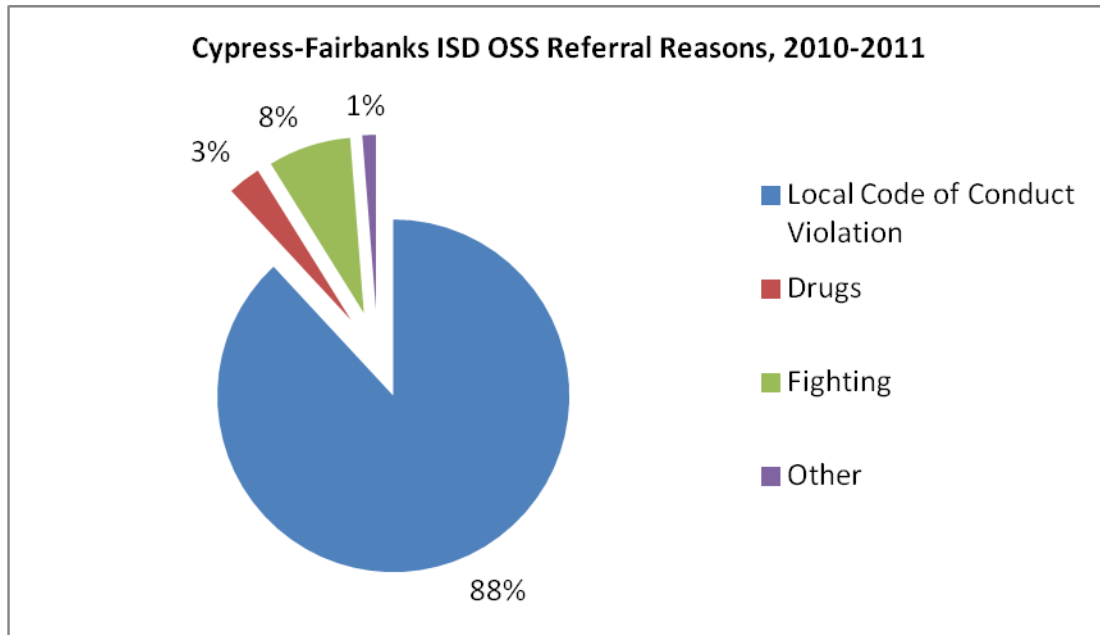
⁶³ *Id.*

⁶⁴ TEX. EDUC. AGENCY, CYPRESS-FAIRBANKS ISD DISTRICT LEVEL ANNUAL DISCIPLINE SUMMARY 2010-2011, *available at* www.tea.state.tx.us.

⁶⁵ *Id.*

during a 180-day school year, the district loses 5% of the funding a student with perfect attendance would generate.⁶⁶

During the 2010-11 school year, **96 percent of the OSS referrals were discretionary**, meaning students were removed from school for violating the local Student Code of Conduct rather than for misbehavior triggering a mandatory removal from school under the Texas Education Code.⁶⁷



The OSS referral rates were significantly higher at some campuses. The following Cypress-Fairbanks campuses had the highest OSS referral rates in 2010-11.⁶⁸

⁶⁶ EquityCenter.org, School Finance Glossary, <http://www.equitycenter.org/resources/school-finance-glossary> (last visited Oct. 24, 2012).

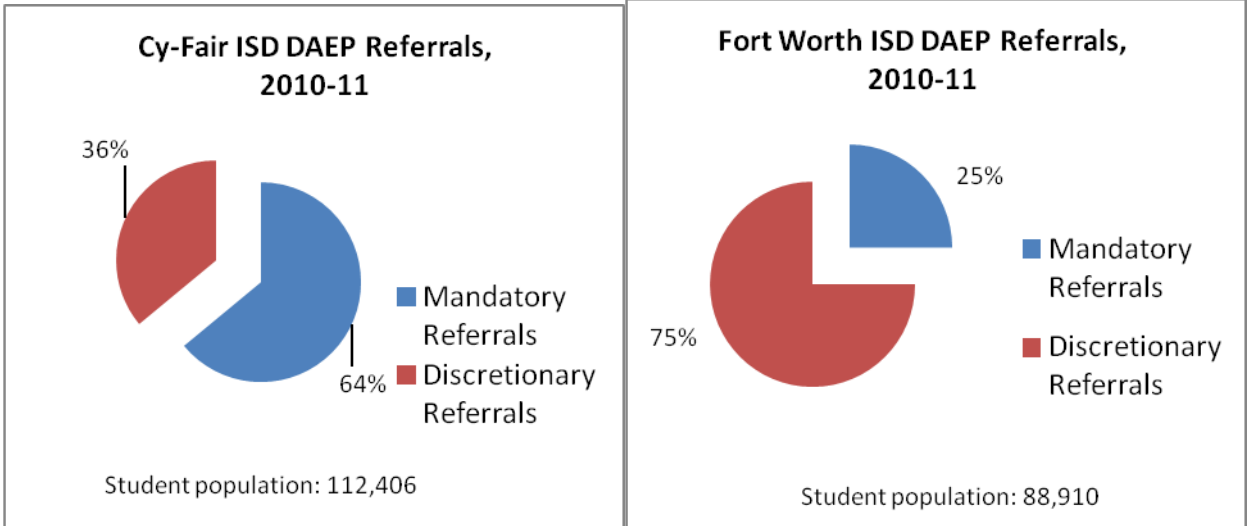
⁶⁷ TEX. EDUC. AGENCY, CYPRESS-FAIRBANKS ISD COUNT OF STUDENTS AND INCIDENTS BY DISCIPLINE ACTION REASON 2010-2011, available at www.tea.state.tx.us.

⁶⁸ Data provided to Texas Appleseed through Open Records Request.

Campus (Enrollment)	OSS Referral Rate	Number of OSS Referrals
Campbell Middle School (1232)	99%	1225
Cypress Lakes High School (3208)	82%	2624
Cypress Springs High School (2488)	63%	1614
Bleyl Middle School (1574)	59%	934
Cypress Ridge High School (3000)	50%	1510

Disciplinary Alternative Education Programs

The cost to operate Cypress-Fairbanks ISD’s three Disciplinary Alternative Education Programs (DAEPs) was **\$2.8 million** during the 2010-11 school year.⁶⁹ Cypress-Fairbanks made 1,647 DAEP referrals that year.⁷⁰ Unlike several other school districts examined in this report, the majority of DAEP referrals were mandatory to address specific serious misconduct outlined in state law.



⁶⁹ TEX. EDUC. AGENCY, *supra* note 61.

⁷⁰ TEX. EDUC. AGENCY, *supra* note 30.

Juvenile Justice Alternative Programs

Cypress-Fairbanks ISD has entered into a memorandum of understanding with the Harris County Juvenile Board to provide educational services for expelled students at the Harris County Juvenile Justice Alternative Education Program. The combined county and school district expenditures on the Harris County JJAEP translate to a cost of \$141.44 per day.⁷¹

Cypress-Fairbanks ISD pays to educate students who are *discretionarily* expelled to the Harris County JJAEP; the state covers the cost for mandatory expulsions. During the 2010-11 school year, 82 students were expelled from Cypress-Fairbanks ISD; the majority—53 students—were expelled for discretionary reasons.⁷² Cypress-Fairbanks paid \$41,580 for the discretionary student expulsions.⁷³

Security and Monitoring Costs

During the 2010-11 school year, Cypress-Fairbanks ISD contracted with their local constable's office for security services and spent \$4.8 million on security and monitoring services.

During the 2011-12 school year, Cypress-Fairbanks ended their contract with their local constable and formed their own school district police department.⁷⁴ Cypress-Fairbanks ISD's proposed budget for the 2012-13 school year includes **\$6.8 million** for security and monitoring services. The **42 percent increase in security spending** is likely associated with the expense of operating an ISD police department.⁷⁵

⁷¹ TEX. JUVENILE JUSTICE DEP'T, *supra* note 2.

⁷² TEX. EDUC. AGENCY, *supra* note 64.

⁷³ CYPRESS-FAIRBANKS ISD, *supra* note 62.

⁷⁴ Marie Leonard, *Bragg to lead CFISD's First Police Department*, COMMUNITY IMPACT NEWSPAPER, Jan. 23, 2012, <http://impactnews.com/articles/bragg-to-lead-cfisd%E2%80%99s-first-police-department> (last visited Oct. 24, 2012).

⁷⁵ CYPRESS-FAIRBANKS ISD, CYPRESS-FAIRBANKS ISD GENERAL OPERATING BUDGET 2012-2013, *available at* <http://www.cfisd.net/dept2/finance/2012-13%20Budget.pdf>.

Dallas ISD

The Cost of Discipline

During the 2010-11 school year, Dallas ISD's overreliance on out-of-school suspension (OSS), referrals to district-operated Disciplinary Alternative Education Programs (DAEPs), and expulsion to the Juvenile Justice Alternative Education Program (JJAEP) in addition to spending on security services, cost Dallas ISD taxpayers **\$31.3 million**.⁷⁶

- ❖ \$1,551,844 State dollars for average daily attendance lost to out-of-school suspension in Dallas ISD.⁷⁷
- ❖ \$9,085,181 Operating costs of Dallas ISD DAEPs.⁷⁸
- ❖ \$709,194 Dallas ISD expenditures on discretionary expulsions to a JJAEP.⁷⁹
- ❖ \$19,965,614 Cost of Security and Monitoring Services⁸⁰

❖ **\$31.3 million Cost of Discipline**

Out-of-School Suspensions

During the 2010-11 school year, Dallas ISD made **22,837 out-of-school suspensions** (OSS) referrals and had an out-of-school suspension referral rate that was significantly higher than the state average.⁸¹ In fact, Dallas ISD has the highest OSS referral rate of any of the other school districts reviewed in this report. Of the 22,837 OSS referrals in 2010-11, most of the OSS referrals were for violations of the local Code of Conduct (see chart below)—behavior that does not pose a risk to school or student safety.⁸²

⁷⁶ Texas Appleseed published a detailed cost study of Dallas ISD in March.

⁷⁷ See app. A.

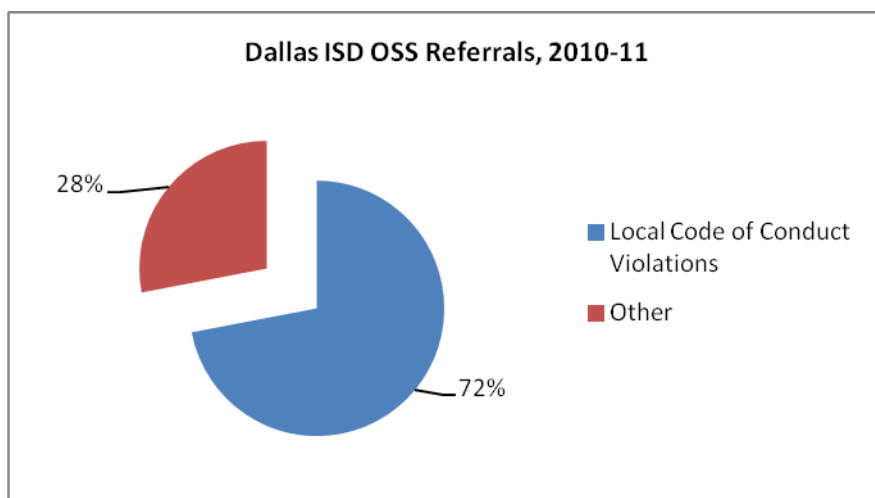
⁷⁸ TEX. EDUC. AGENCY, *supra* note 23.

⁷⁹ DALLAS ISD, ANNUAL FINANCIAL REPORT FOR FISCAL YEAR ENDED JUNE 30, 2011 (2011).

⁸⁰ TEX. EDUC. AGENCY, *supra* note 3.

⁸¹ The average referral rate for the state is approximately 11% compared to Dallas ISD's rate of about 15%. See Texas Education Agency, DALLAS ISD DISTRICT LEVEL ANNUAL DISCIPLINE SUMMARY 2010-2011, available at www.tea.state.tx.us

⁸² *Id.*



Many Dallas ISD campuses have referral rates that are more than twice the district average, with some campuses referring at a rate exceeds 100% of their student body. The following campuses had the highest OSS referral rates in 2010-11:

Campus (Enrollment)	Referral Rate	Number of Referrals
Rusk Middle School (762)	123%	938
Storey Middle School (733)	96%	705
Anderson Middle School (450)	96%	432
Hood Middle School (1,436)	87%	1,251
Florence Middle School (1,037)	61%	637

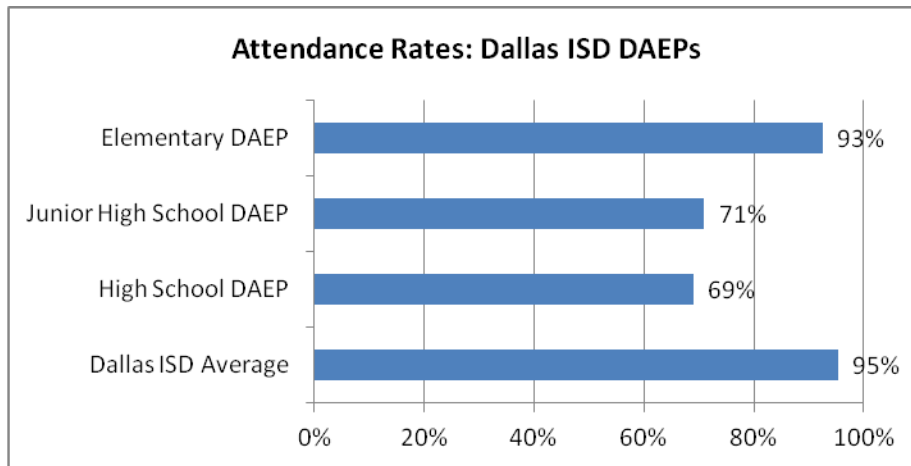
Disciplinary Alternative Education Program

During the 2010-11 school year, Dallas ISD operated three separate DAEP campuses for elementary, junior high, and high students.⁸³ Operating costs for the three DAEPs totaled more than **\$9 million**. (They merged two of these campuses in the current school year.)

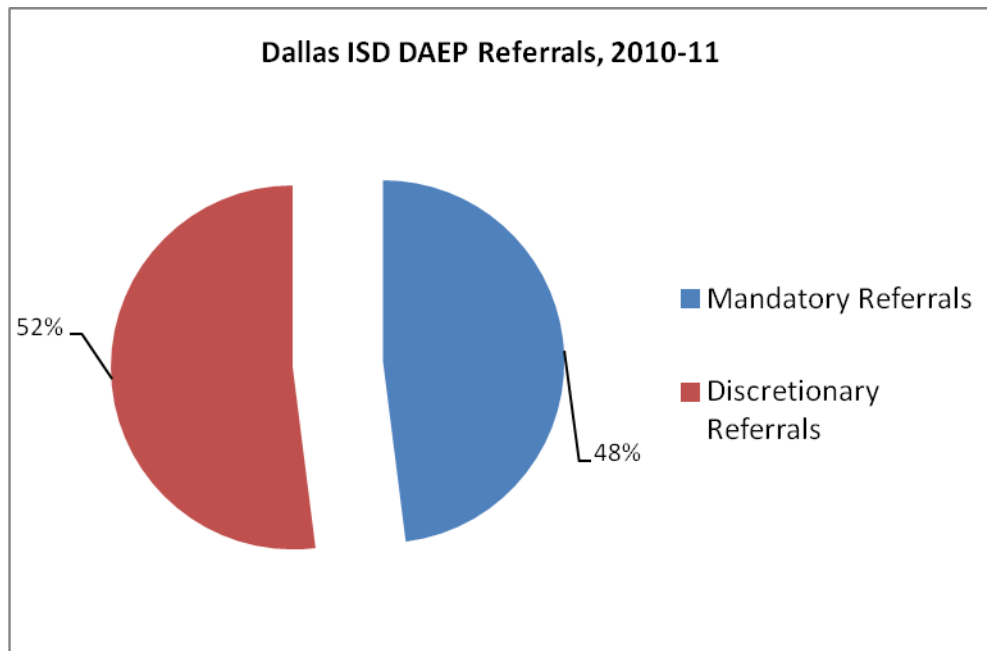
In addition to the high operating costs for these alternative campuses, low attendance rates in Dallas DAEPs reveal another hidden cost—loss of state funding associated with Weighted

⁸³ For the 2012-2013 school year, Dallas ISD combined the three separate campuses, and now operates one large DAEP. Previously, Dallas ISD operated an elementary DAEP, a middle school DAEP, Learning Alternative Center for Empowering Youth, and a high school DAEP, School Community Guidance Center.

Average Daily Attendance (WADA). While the district's average attendance rate for the 2010-11 school year was 95.3%, the DAEPs had noticeably lower attendance rates⁸⁴ (see the chart below).



During the 2010-11 school year, Dallas ISD school administrators made **2,739 referrals** to a DAEP.⁸⁵ The majority of referrals to Dallas DAEPs are made at the discretion of school administrators (see the following chart).



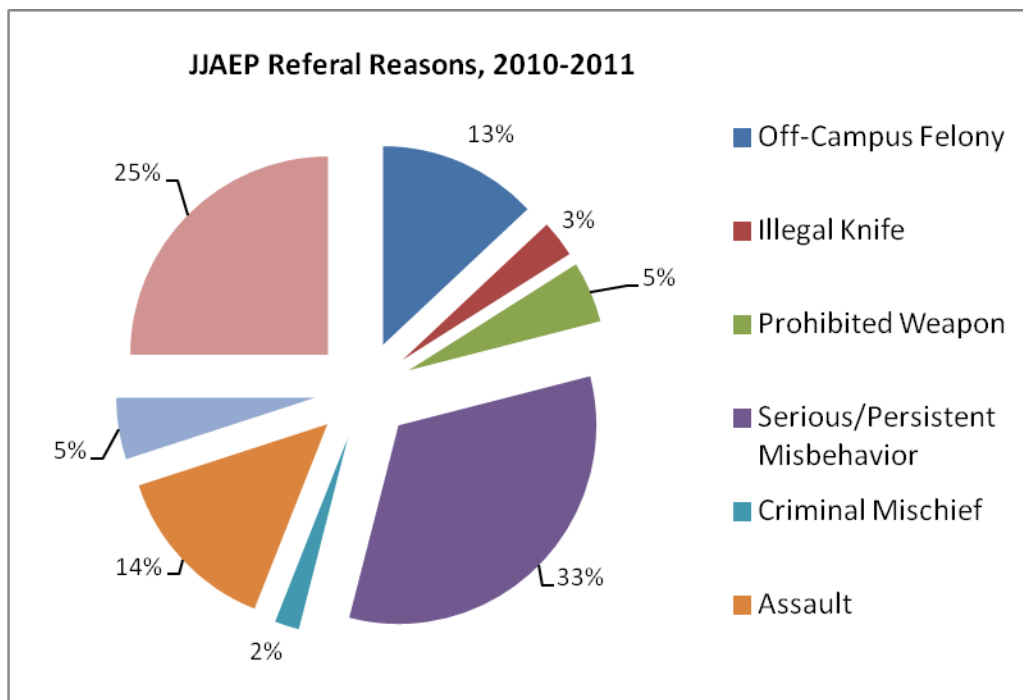
⁸⁴ TEX. EDUC. AGENCY, *supra* note 3.

⁸⁵ TEX. EDUC. AGENCY, DALLAS ISD COUNT OF STUDENTS AND INCIDENTS BY DISCIPLINE ACTION REASON 2010-2011, *available at* www.tea.state.tx.us.

Juvenile Justice Alternative Education Program

Dallas ISD only pays to educate students who are discretionarily expelled to the JJAEP; the state pays the cost of mandatory expulsions. Of the 241 students expelled by Dallas ISD to the JJAEP during the 2010-11 school year, the majority—150 students—were expelled for discretionary reasons.⁸⁶ During 2010-11 school year, Dallas ISD paid **\$719,194** for the students discretionarily expelled to the JJAEP.⁸⁷

A large percentage of the students were discretionarily expelled for “serious or persistent misbehavior.”



School Security and Monitoring Services

Until the financial challenges of the 2011-12 school year, Dallas ISD’s costs associated with school security and monitoring steadily increased, from more than \$18 million in 2007-08 to more than \$20 million in 2010-11.⁸⁸ Though the district’s budget for 2011-12 reduced spending for security and monitoring, Dallas ISD still spent more than \$17 million in taxpayer dollars on these items—which is much more than it budgeted for social work services.⁸⁹

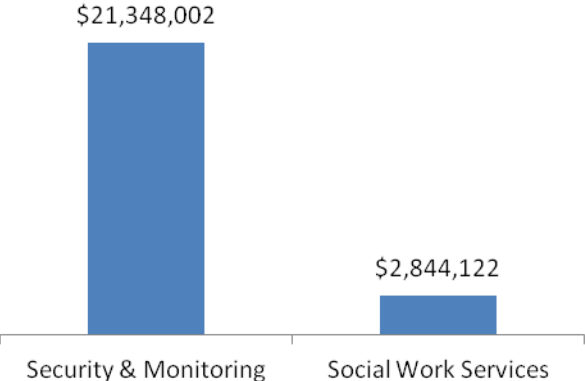
⁸⁶ TEX. EDUC. AGENCY, DALLAS ISD DISTRICT LEVEL ANNUAL DISCIPLINE SUMMARY 2010-2011, *available at* www.tea.state.tx.us.

⁸⁷ Dallas ISD, Annual Financial Report for Fiscal Year Ended June 30, 2011, *available at* www.dallasisd.org.

⁸⁸ Dallas ISD, FISCAL YEAR 2011-2012 PROPOSED BUDGET (2011), *available at* www.dallasisd.org

⁸⁹ Dallas ISD, Annual Financial Report for Fiscal Year Ended June 30, 2011, *available at* www.dallasisd.org

**Dallas ISD Spending:
Security vs. Social Work, 2010-11**



New Approaches: Closing and Consolidating DAEPs

Because students do best academically when educated on their home campuses, some Texas school districts are taking new approaches to sending students to Disciplinary Alternative Education Programs (DAEPs).

For example, San Antonio ISD and Cypress Fairbanks ISD have located their elementary DAEPs on a regular school campus.

While consolidating multiple stand-alone DAEP campuses can save money, a critical opportunity is missed when a portion of the dollar savings from consolidation is not used to fund new disciplinary strategies. For example, Dallas ISD no longer operates a stand-alone DAEP for elementary students, instead consolidating its DAEP campuses into one last year. Unfortunately, none of the \$1.4 million cost-savings resulting from this change was applied to more innovative disciplinary approaches that could reduce student referrals.

Investing just \$76,000 to implement evidence-based Positive Behavior Interventions and Supports at the five Dallas schools with the highest number of DAEP referrals could potentially reduce disciplinary referrals and boost student achievement. This money could fund a PBIS coach, as well as training, data management, and evaluation costs.

Fort Bend ISD

The Cost of Discipline

During the 2010-2011 school year, Fort Bend ISD’s reliance on out-of-school suspension (OSS), referrals to district-operated Disciplinary Alternative Education Programs (DAEPs), and expulsion to the Juvenile Justice Alternative Education Program (JJAEP) and expenditures on security services cost district taxpayers more than \$9.3 million.

- ❖ \$561,966 State dollars for average daily attendance lost to out-of-school suspension in Fort Bend ISD.⁹⁰
- ❖ \$3,406,798 Operating costs of Fort Bend ISD DAEP.⁹¹
- ❖ \$217,486 Fort Bend ISD expenditures on discretionary expulsions to a JJAEP.⁹²
- ❖ \$5,211,484 Security and Monitoring Services.⁹³

❖ **\$9.3 million Cost of Discipline**

Out-Of-School Suspension

During the 2010-2011 school year, Fort Bend ISD made 11,113 out-of-school suspension referrals.⁹⁴ These out-of-school suspensions cost Fort Bend ISD \$1.8 million. During the 2010-11 school year, 96 percent of the OSS referrals were made at the discretion of school administrators and 80 percent of those referrals were for Local Code of Conduct violations—behavior that does not pose a risk to school or student safety (see chart below).⁹⁵

⁹⁰ See app. A.

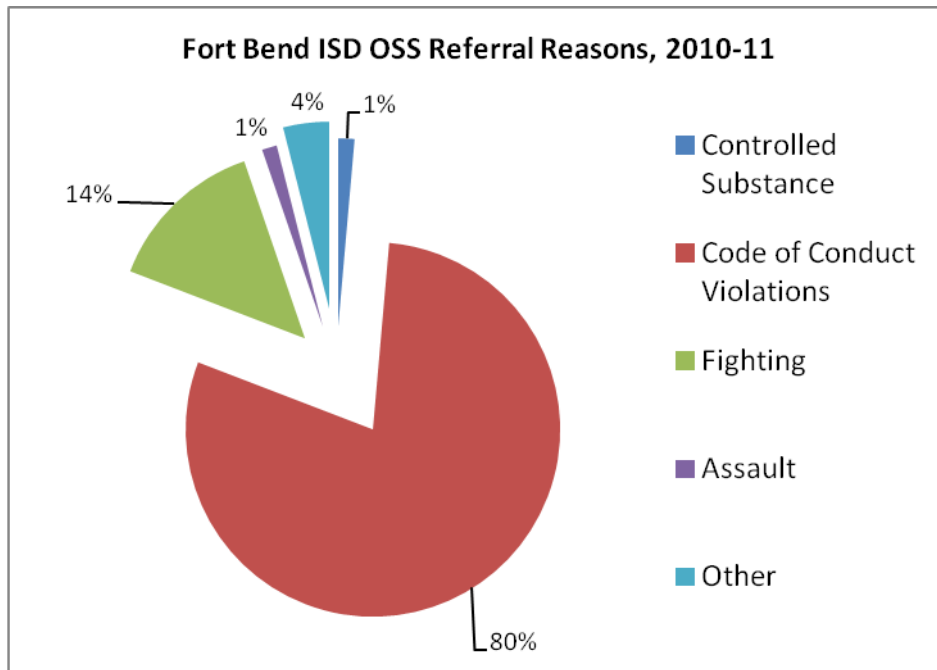
⁹¹ TEX. EDUC. AGENCY, *supra* note 23.

⁹² Data provided to Texas Appleseed through Open Records Request.

⁹³ TEX. EDUC. AGENCY, 2010-2011 ACTUAL FINANCIAL DATA *available at* www.tea.state.tx.us.

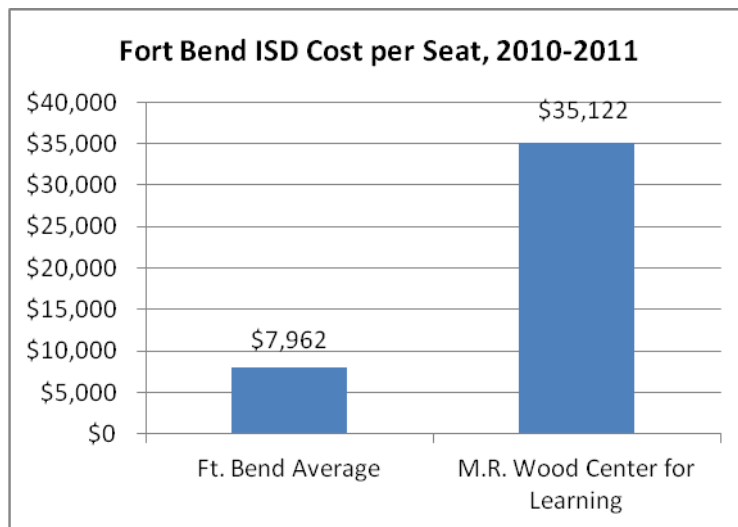
⁹⁴ TEX. EDUC. AGENCY, *supra* note 23.

⁹⁵ TEX. EDUC. AGENCY, *supra* note 30.



Disciplinary Alternative Education Program

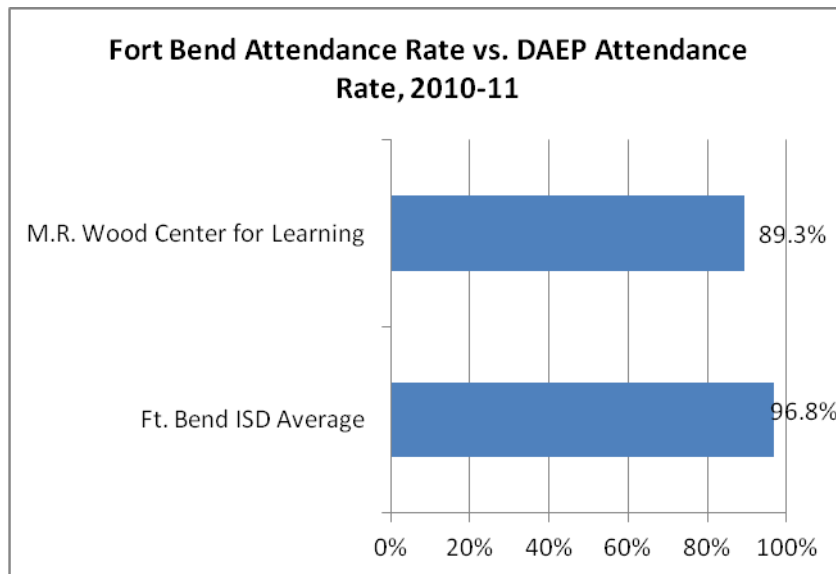
During the 2010-11 school year, Fort Bend ISD spent \$3.1 million to operate its Disciplinary Alternative Education Program (DAEP), M.R. Center for Learning.⁹⁶ **The cost per seat at the DAEP is \$35,122—more than three times the district average of \$7,962.**⁹⁷



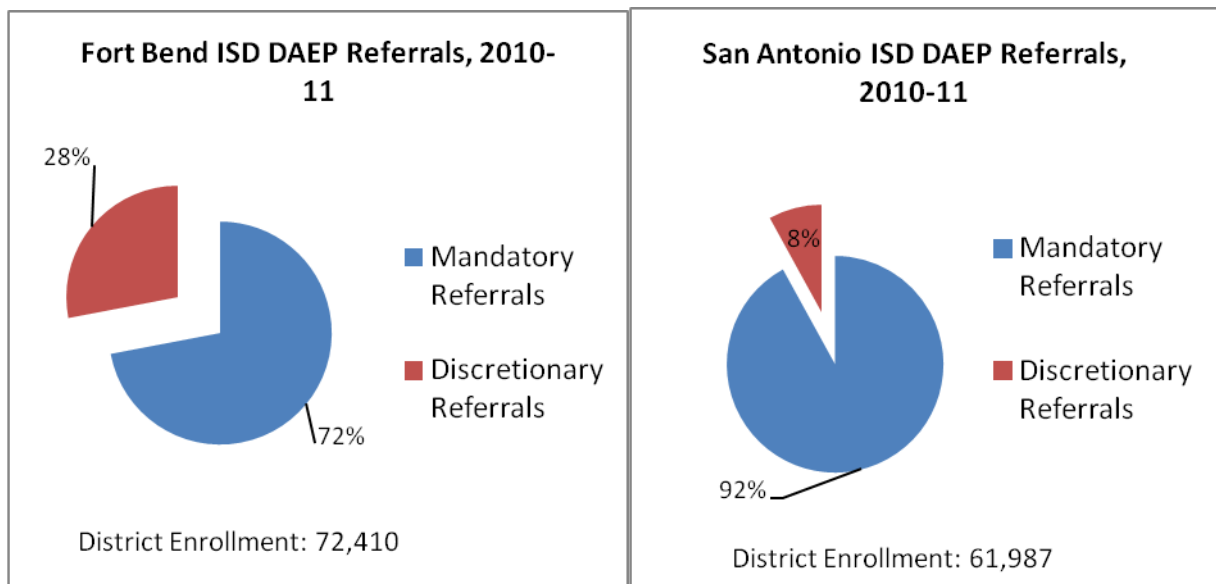
⁹⁶ TEX. EDUC. AGENCY, *supra* note 23.

⁹⁷ *Id.*

Again, the hidden costs of DAEPs can be found in the lower attendance rate at the M.R. Wood Center for Learning.

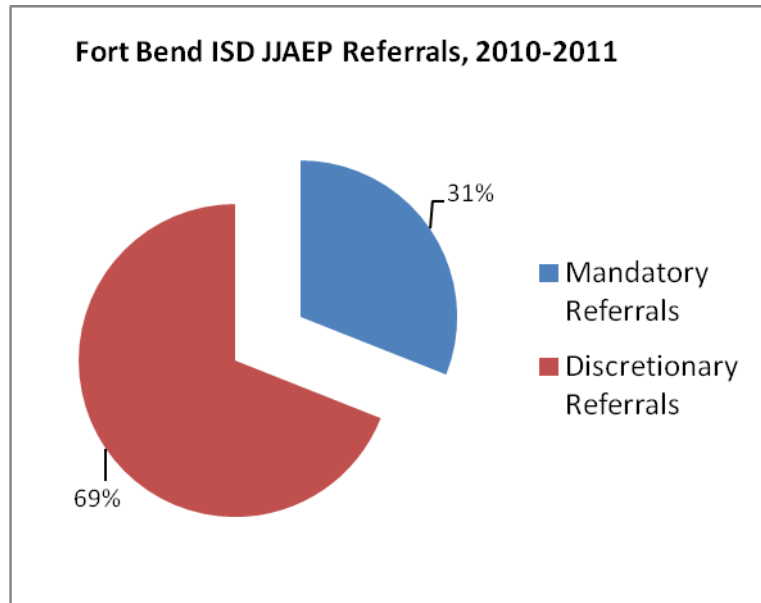


Unlike the OSS referrals, the majority of DAEP referrals were mandatory removals under state law, but Fort Bend ISD still has a higher number of discretionary DAEP than similarly sized district, San Antonio ISD (see chart below).



Juvenile Justice Alternative Education Program

Fort Bend ISD only pays to educate students who are discretionarily expelled to the Fort Bend County Juvenile Justice Education Program (JJAEP). During the 2010-11 school year, Fort Bend ISD discretionarily expelled 50 students to the JJAEP, at a cost of **\$217,486**.⁹⁸



Security and Monitoring Services

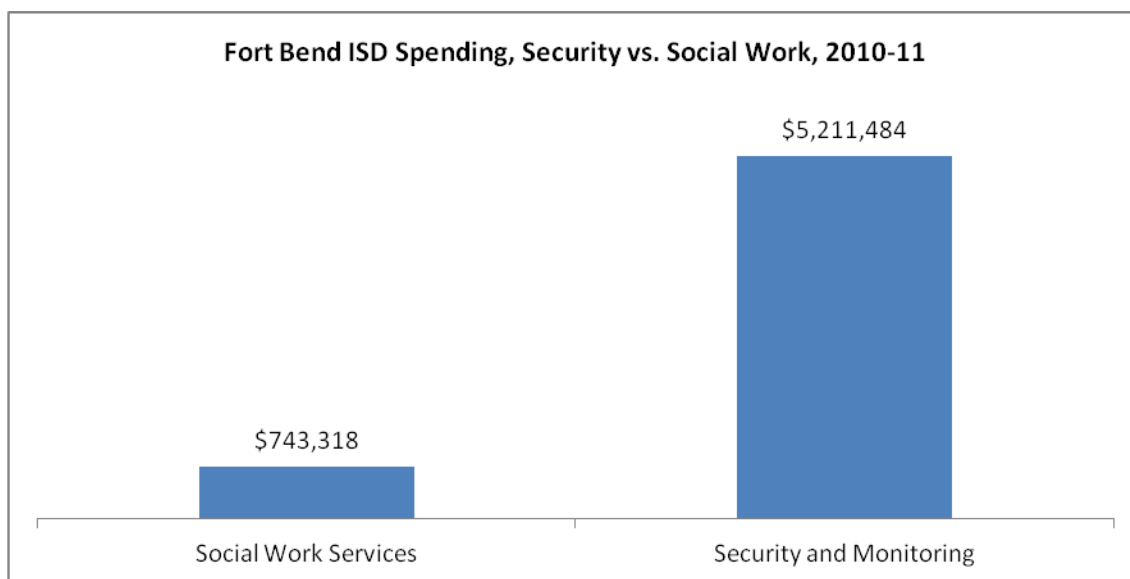
Since the 2007-08 school year, the cost associated with Fort Bend ISD's security services have steadily increased from \$3.9 million to **\$5.2 million** during the 2010-2011 school year.⁹⁹

The district spends *five times more* on security and monitoring services than it does on social work services.¹⁰⁰

⁹⁸ Data provided to Texas Appleseed through Open Records Request.

⁹⁹ TEX. EDUC. AGENCY. PEIM ACTUAL FINANCIAL REPORTS 2007-11, available at www.tea.state.tx.us.

¹⁰⁰ FORT BEND ISD, FORT BEND ISD COMPREHENSIVE ANNUAL FINANCIAL REPORT 2010-2011, available at <http://www.fortbendisd.com/docs/financial-reports/2011-cafr.pdf>.



The ISD police department does operate several prevention programs, but redirecting additional funds from security and monitoring services to student support services would prove far more beneficial in addressing the root causes of student misbehavior.¹⁰¹

¹⁰¹ See FORT BEND ISD POLICE DEP'T, FORT BEND ISD POLICE DEPARTMENT PROGRAMS AND SERVICES, *available at* <http://www.fortbendisd.com/departments/administration/police>.

Fort Worth ISD

The Cost of Discipline

During the 2010-2011 school year, Fort Worth ISD's overreliance on out-of-school suspension (OSS), high number of referrals to Disciplinary Alternative Education Programs (DAEPs), and discretionary expulsions to the Juvenile Justice Alternative Education Program (JJAEP, and expenditures on security and monitoring services cost district taxpayers \$18 million.

- ❖ \$845,318 State dollars for average daily attendance lost to out-of-school suspension in Fort Worth ISD.¹⁰²
- ❖ \$6,127,682 Operating costs of Forth Worth ISD DAEPs.¹⁰³
- ❖ \$195,250 Forth Worth ISD expenditures on discretionary expulsions to the JJAEP.¹⁰⁴
- ❖ \$10,884,035 Forth Worth ISD Security and Monitoring costs¹⁰⁵

❖ **\$18 million Cost of Discipline**

Out-of-School Suspension

During the 2010-11 school year, Fort Worth ISD made **15,109** out-of-school suspension referral.¹⁰⁶ Of these, 96 percent of the OSS referrals were made at the discretion of school administrators and 96 percent of those referrals were for local code of conduct violations—behavior that does not pose a risk to school or student safety (see chart below).¹⁰⁷

¹⁰² See app. A.

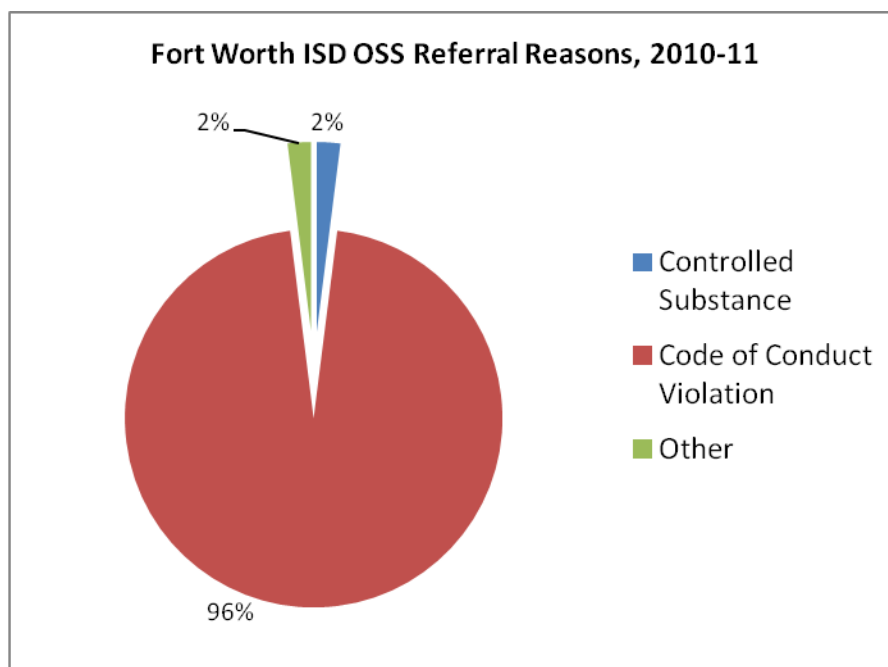
¹⁰³ TEX. EDUC. AGENCY, *supra* note 23.

¹⁰⁴ FORT WORTH ISD, FORT WORTH ISD 2010-2011 COMPREHENSIVE ANNUAL FINANCIAL REPORT, *available at* www.fwisd.org

¹⁰⁵ *Id.*

¹⁰⁶ TEX. EDUC. AGENCY, *supra* note 30.

¹⁰⁷ *Id.*



Disciplinary Alternative Education Program

During the 2010-11 school year, Fort Worth ISD operated three separate Disciplinary Alternative Education Programs (DAEPs)—one elementary, one junior high, and one high school program. The total operating costs for the three campuses for the district was **more than \$6 million**.

❖ Elementary DAEP ¹⁰⁸	\$2,186,571
❖ Junior High DAEP ¹⁰⁹	\$1,577,278
❖ High School DAEP ¹¹⁰	\$2,363,833

The cost per seat of the High School DAEP is *two times* the cost of the district average while the cost per seat at the Junior High DAEP is *four times* the district average of \$8,889.¹¹¹

Both the junior high and high school DAEPs have lower attendance rates than the district average, which means that the district is losing Weighted Average Daily Attendance (WADA) funds from the state.¹¹²

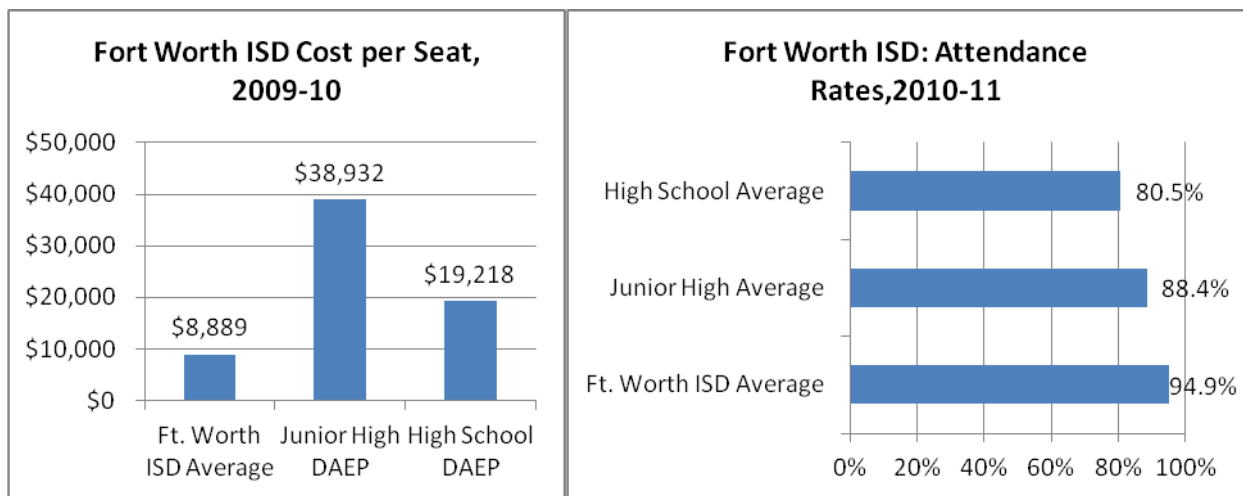
¹⁰⁸ Fort Worth ISD contracts with Lena Pope Home Inc. for the provision of elementary DAEP services as of April 2011, available at www.fwisd.org/funding/Documents/2011-04-12_DAEP.pdf

¹⁰⁹ Middle Level Learning Center (MLLC)

¹¹⁰ Metro Opportunity High School

¹¹¹ TEX. EDUC. AGENCY, *supra* note 23.

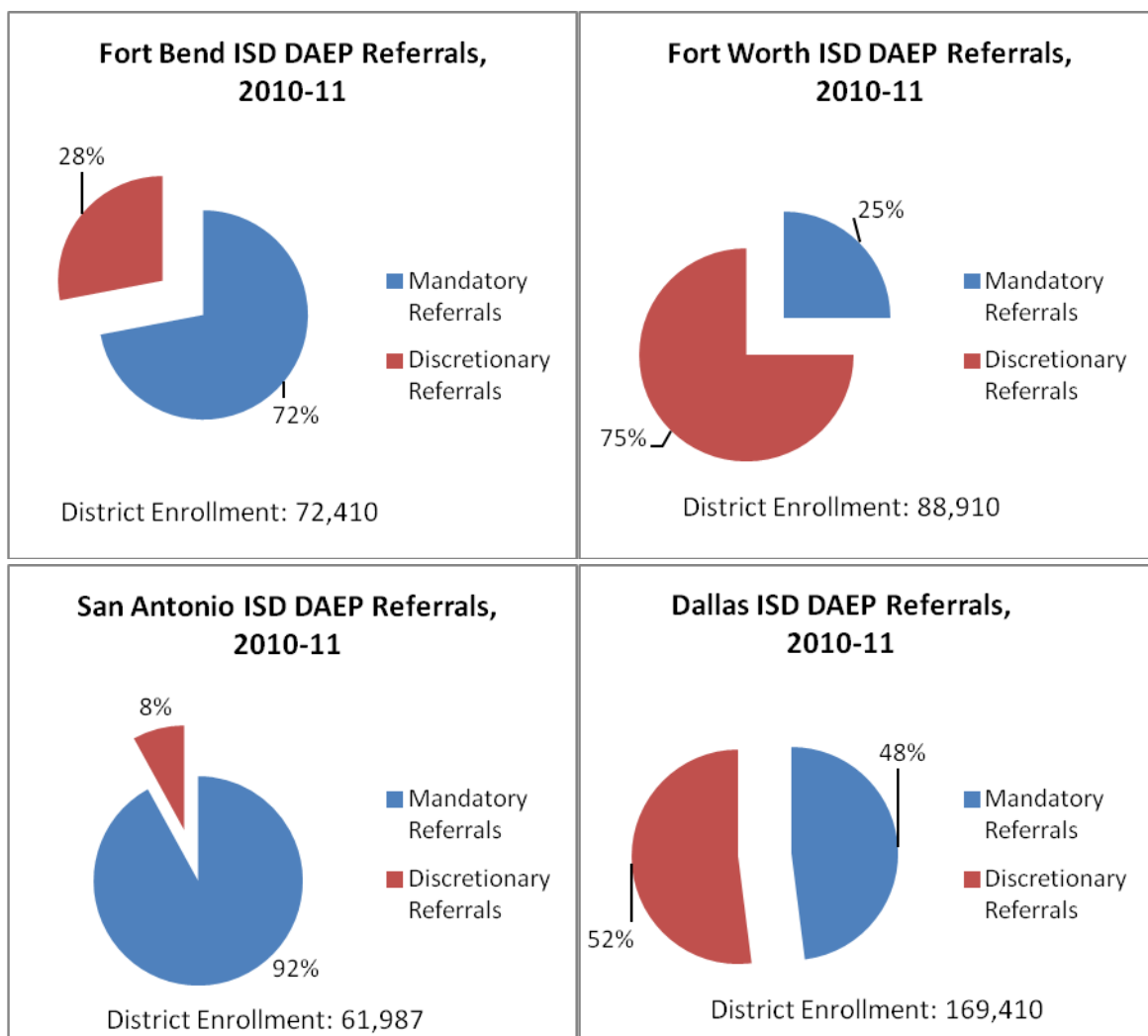
¹¹² *See id.*



During the 2010-11 school year, Fort Worth ISD made **2,323** DAEP referrals. Of these, 75 percent were made at the discretion of local school administrators for violations of the Student Code of Conduct—behavior that does not pose a risk to student or school safety.¹¹³

Of the 11 districts in our study, Fort Worth ISD has the highest number of discretionary DAEP referrals (see chart below for a comparison with similarly-sized and demographically similar districts)

¹¹³ TEX. EDUC. AGENCY, *supra* note 30.



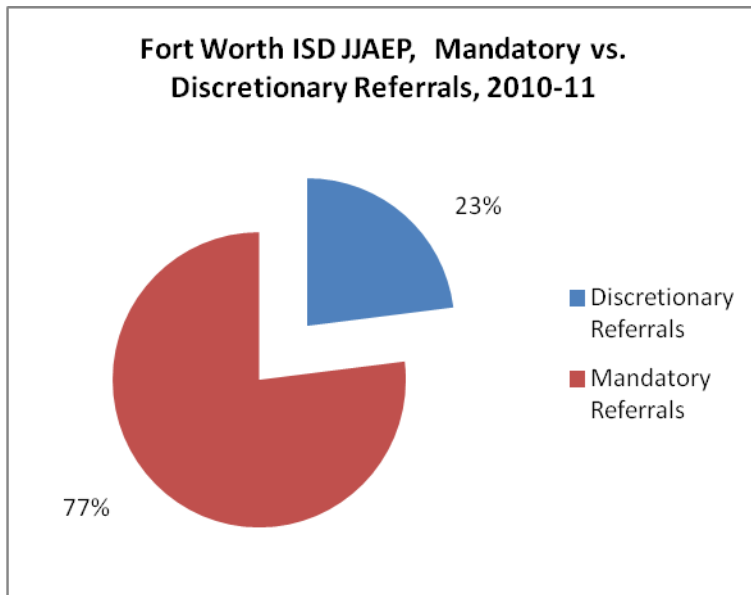
Juvenile Justice Alternative Education Program

Fort Worth ISD has entered into a partnership with the Tarrant County Juvenile Board for the provision of educational services for students expelled to the Juvenile Justice Alternative Education Program (JJAEP). The combined county and school district cost to operate the Tarrant County JJAEP is \$220.59 a day.

Fort Worth ISD only paid for 17 students discretionarily expelled to the JJAEP in 2010-11.¹¹⁴ **The school district spent \$195,250 to discretionarily expel those 17 students.**¹¹⁵

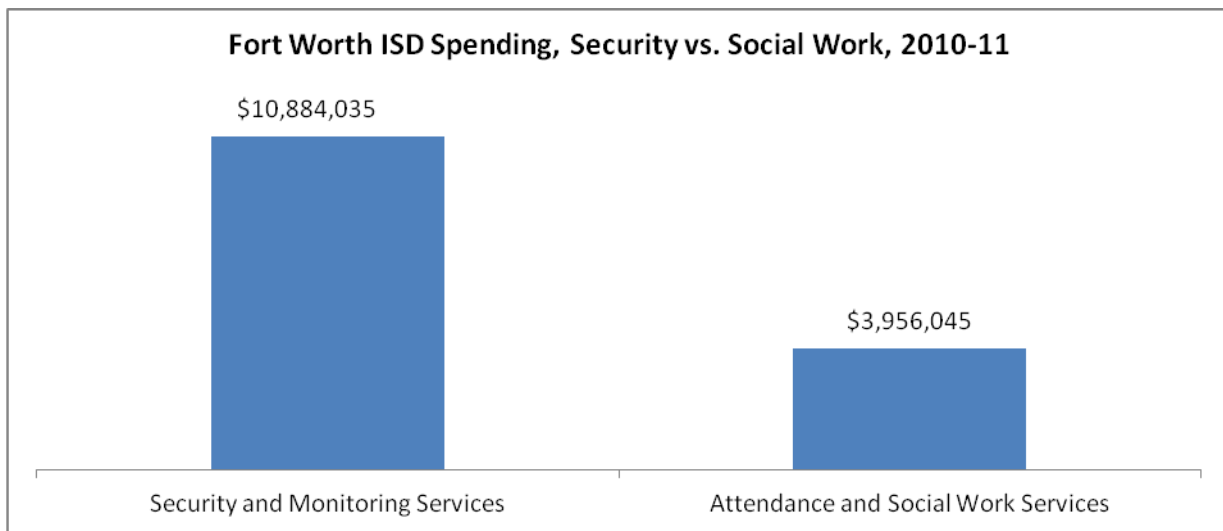
¹¹⁴ *Id.*

¹¹⁵ Fort Worth ISD 2010-2011 Comprehensive Annual Financial report, *available at* www.fwisd.org



Security and Monitoring Costs

During the 2010-11 school year, Fort Worth ISD spent **about \$10.8 million** on security and monitoring services, which far exceeds spending on attendance and social work services.¹¹⁶



¹¹⁶ *Id.*

Houston ISD

The Cost of Discipline

During the 2010-11 school year, Houston ISD's reliance on out-of-school suspension (OSS), referrals to district-operated Disciplinary Alternative Education Programs (DAEPs), and expulsion to the Juvenile Justice Alternative Education Programs (JJAEP) cost district taxpayers more than **\$38.9 million**.

- ❖ \$2,049,597 State dollars for average daily attendance lost to out-of-school suspension in Houston ISD.¹¹⁷
- ❖ \$15,626,885 Operating Cost of Houston ISD DAEP.¹¹⁸
- ❖ \$914,760 Houston ISD expenditures on discretionary expulsions to a JJAEP.¹¹⁹
- \$20,382,003 Security and Monitoring Expenditures¹²⁰

❖ **\$38.9 million Cost of Discipline**

Out-of-School Suspensions

During the 2010-11 school year, Houston ISD made **38,627** out-of-school suspension referrals, and the district's out-of-school suspension referral rate that was significantly higher than the state average.¹²¹ The high out-of-school suspension numbers cost Houston ISD at least **\$2.2 million** in state aid, assuming that each OSS referral is the equivalent to an absence of 1.5 days.

Because **96 percent** of the OSS referrals were discretionary, Houston ISD has the ability to increase its amount of state funding by limiting the use of discretionary OSS referrals.¹²² About

¹¹⁷ See app. A.

¹¹⁸ Data provided to Texas Appleseed through Open Records Request.

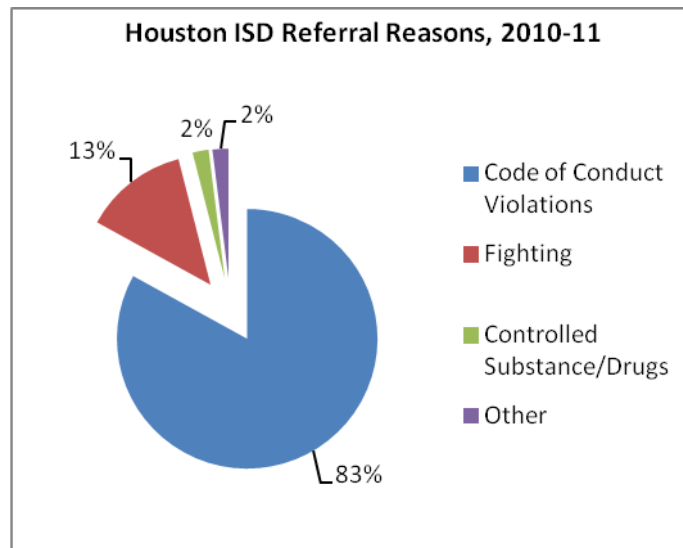
¹¹⁹ Data provided to Texas Appleseed through Open Records Request.

¹²⁰ HOUSTON ISD, COMPREHENSIVE ANNUAL FINANCIAL REPORT 2010-11, *available at* www.houstonisd.org

¹²¹ TEX. EDUC. AGENCY, *supra* note 30.

¹²² See *id.*

83 percent of the discretionary referrals were for violations of the Student Code of Conduct¹²³— behaviors that include the use of profanity and failure to cover up tattoos.¹²⁴



OSS referral rates vary by campus, but there are many campuses with referral rates twice the district average—with **two campuses referring at a rate exceeding 100% of their student body**.¹²⁵ The campuses with the highest OSS referral rates were:

Campus (Enrollment)	OSS Referral Rate	Number of OSS Referrals
Black Middle School (490)	162%	794
Wheatley High School (1070)	108%	1154
Welch Middle School (1099)	98%	1080
Revere Middle School (883)	90%	793
Frost Elementary (442)	79%	347
Yates High School (1179)	72%	850
Davis High School (1614)	65%	1047
Gregory Lincoln Center-ES (352)	63%	222

¹²³ TEX. EDUC. AGENCY, HOUSTON ISD, District Discipline Action Group Summaries by Discipline Action Reasons 2010-11, *available at* www.tea.state.tx.us.

¹²⁴ HOUSTON ISD, STUDENT CODE OF CONDUCT 2010-2011, *available at* www.houstonisd.org.

¹²⁵ Data provided to Texas Appleseed via Open Records Request.

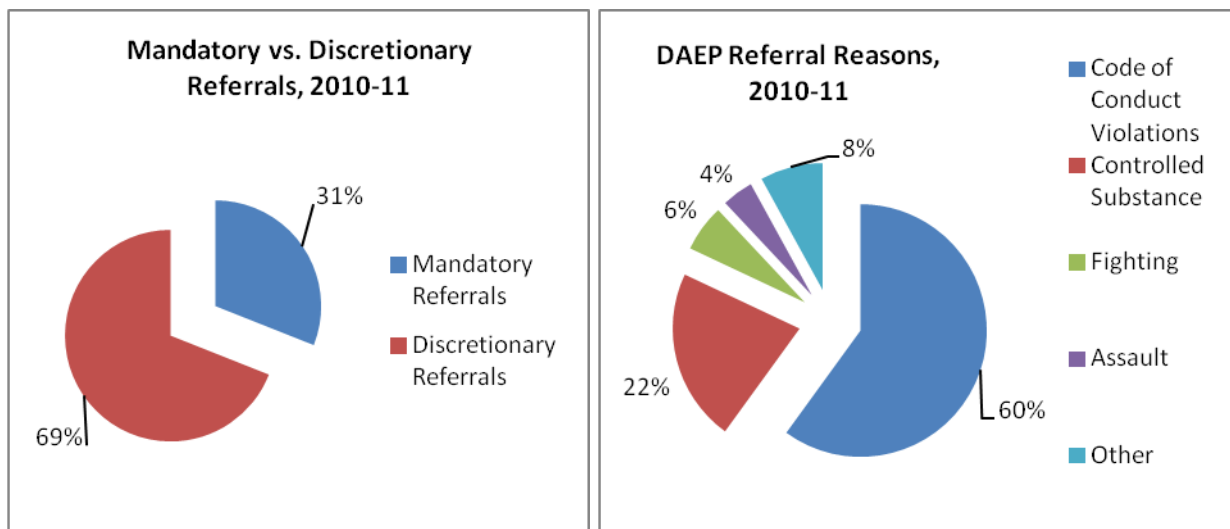
Dowling Middle School (1301)	63%	819
Hartman Middle School (1527)	62%	941

15 elementary campuses in Houston ISD reported more than a 100 OSS referrals. The poor outcomes associated with suspension—as documented by the Council of State Governments report—should give these campuses pause in using suspensions so frequently, particularly given the critical learning skills such as reading that are developed in elementary school.

Disciplinary Alternative Education Programs

Houston ISD contracts with Community Education Partners (CEP) for the operation of its Disciplinary Alternative Education Program (DAEP), Beechnut Academy. In 2009, Houston ISD approved an initial contract with CEP for 1,600 students at a cost of about \$18.2 million.¹²⁶ The current contract is for 1,000 students at a cost of about \$11.9 million, with the district paying an additional \$65.30 per day for every day over 1,125.¹²⁷ The current contract has been extended through 2017.

During the 2010-11 school year, **Houston ISD paid CEP a little over \$15.6 million.**¹²⁸ The same year, **Houston ISD made 3,741 DAEP referrals, the vast majority—69 percent—were discretionary referrals** for local Code of Conduct violations.¹²⁹



¹²⁶ Contract with CEP, Houston ISD, Oct. 17, 2012 (on file with Texas Appleseed).

¹²⁷ See *id.*

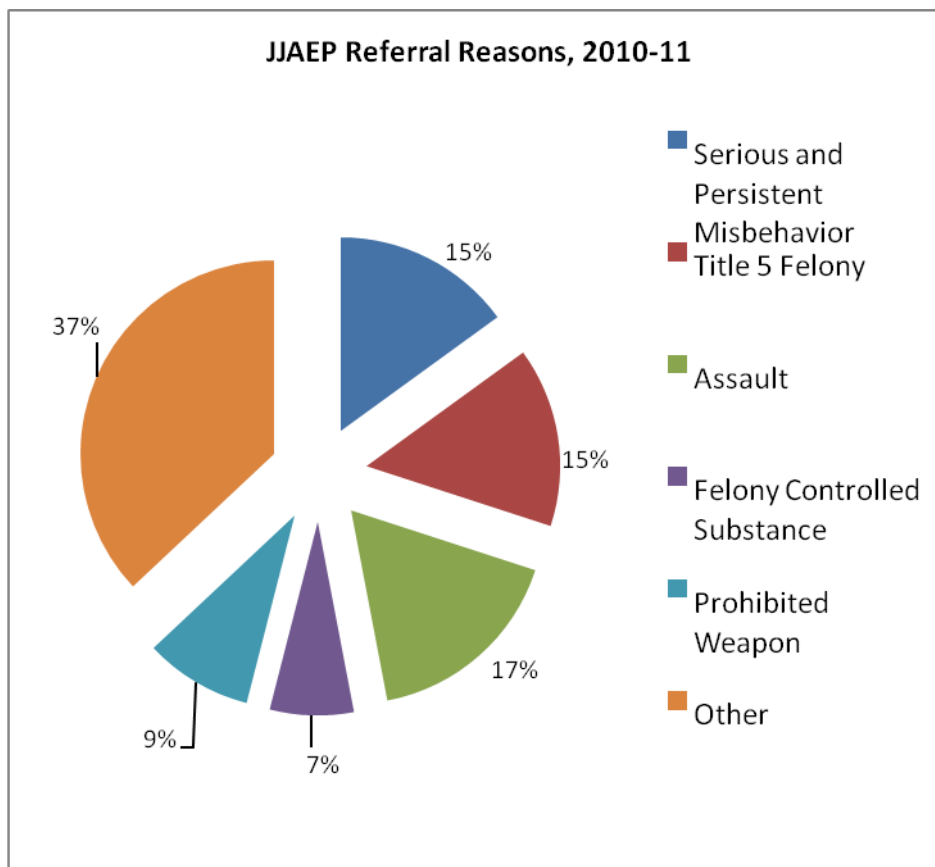
¹²⁸ Data provided to Texas Appleseed through Open Records Request.

¹²⁹ TEX. EDUC. AGENCY, *supra* note 30.

Juvenile Justice Alternative Education Programs

The Juvenile Justice Alternative Education Program (JJAEP) is a collaborative effort between Houston ISD and the Harris County Juvenile Board. The JJAEP in Harris County is part of the special school division of the Harris County Department of Education.

Houston ISD only pays the county for the students it discretionarily expels to the JJAEP. Of the 110 referrals to the JJAEP during the 2010-11 school year, 69 percent were for discretionary reasons—costing Houston ISD \$ 914,760 .¹³⁰



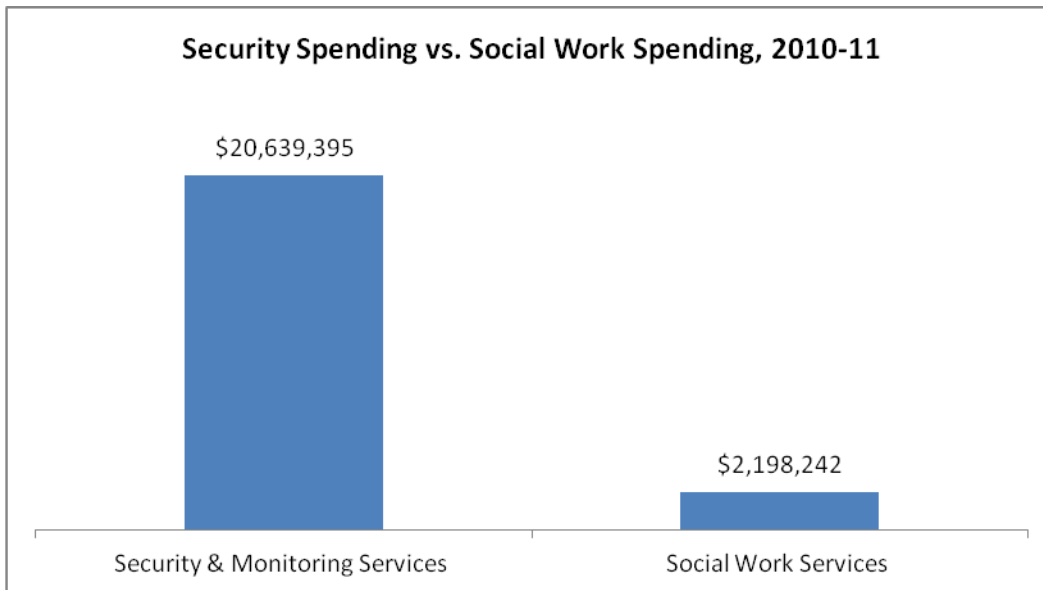
During the 2010-11 School year, 15 percent of JJAEP referrals were for “serious or persistent misbehavior” while at a DAEP, an offense eliminated from the Texas Education Code during the 82nd Legislative Session.¹³¹ This is likely to significantly reduce the number of students expelled during the 2012-13 school year when the law takes effect.

¹³⁰ TEX. EDUC. AGENCY, *supra* note 30. See also Data provided to Texas Appleseed via Open Records Request

¹³¹ During the 2011 Legislative Session, the Texas Legislature passed HB 968, which eliminates expulsions for “persistent misbehavior” from a DAEP and defines “serious misbehavior.”

Security and Monitoring Services

During the 2010-11 school year, **Houston ISD spent \$20,639,395 on security and monitoring services**, which includes the cost of operating a large district police department.¹³² Houston ISD spending on security services represents nearly 10 times what the district spent on social work services.¹³³



¹³² TEX. EDUC. AGENCY, *supra* note 23.

¹³³ HOUSTON ISD, COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2011 (2011), available at http://www.houstonisd.org/Controller/Home/CAFR/JH_CAFR%202011.pdf.

New Approaches: Rethinking Out-of-School Suspensions

To keep more students in school and maintain an optimum level of state reimbursement for average daily attendance (ADA), some schools are looking at alternatives to out-of-school suspension.

In 2010-11, Pflugerville ISD lost about a 1,150 attendance days to out-of-school suspensions. So, this year, Pflugerville ISD created an alternative for all middle school students. Instead of being suspended from school, students may be referred to an off-campus, in-school suspension program located on the alternative school campus where they are separated from other students. They receive character education in making better choices and changing negative behaviors through assignments that also help prepare them for STAAR testing.

“We wanted to keep kids at school rather than at home or on the street,” said Freddie McFarland, Pflugerville ISD Director of Student Affairs. Not only are students more engaged in school, but the district is recouping more state dollars by improving attendance, he said.

Most important, students repeatedly referred to this program are targeted for additional counseling or social work services.

Humble ISD

The Cost of Discipline

During the 2010-11 school year, Humble ISD’s reliance on out-of-school suspension (OSS), referrals to district-operated Disciplinary Alternative Education Programs (DAEPs), and expulsion to the Juvenile Justice Alternative Education Program (JJAEP), and expenditures on security and monitoring services cost district taxpayers **\$4.4 million**.

- ❖ \$70,130 State dollars for average daily attendance lost to out-of-school suspension in Humble ISD.
- ❖ \$1,356,268 Operating costs of Humble ISD DAEPs.¹³⁴
- ❖ \$86,950 Humble ISD expenditures on discretionary expulsions to a JJAEP.¹³⁵
- \$2, 979,431 Security & Monitoring Services¹³⁶

❖ **\$4.4 million Cost of Discipline**

Out-of-School Suspension

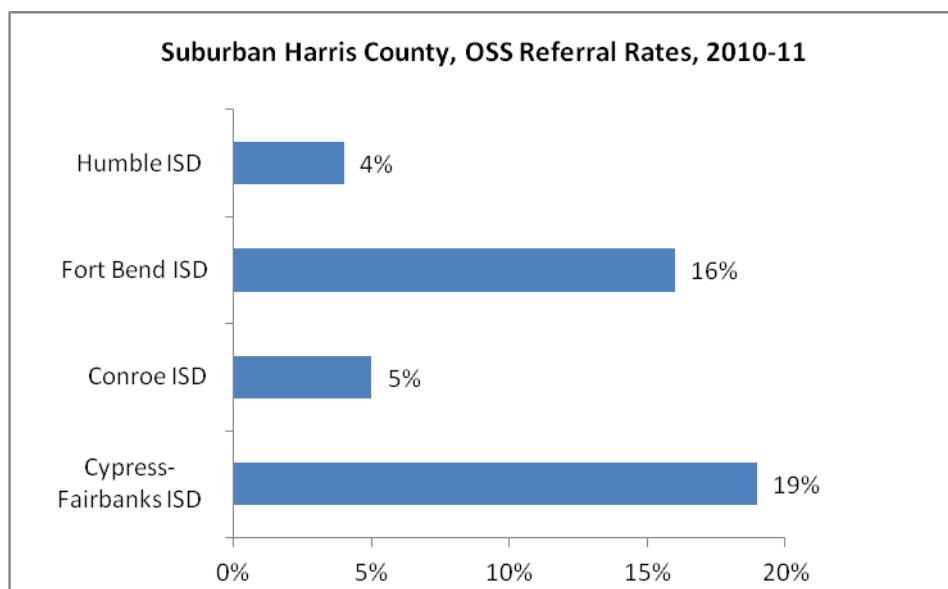
During the 2010-11 school year, Humble ISD made 1,386 out-of-school suspension referrals. About 92 percent of the OSS referrals were for discretionary reasons—behavior that does not usually pose a safety risk to the campus or other students.

Humble ISD has one of the **lowest OSS referral rates** of the districts surveyed in this report, and their OSS rate is significantly lower than the other Harris County suburban districts.

¹³⁴ Texas Education Agency, PEIMS Financial Reports 2010-11, *available at* www.tea.state.tx.us.

¹³⁵ HUMBLE ISD, COMPREHENSIVE ANNUAL FINANCIAL REPORTS 2010-11, *available at* www.humble.k12.tx.us

¹³⁶ *See id.*

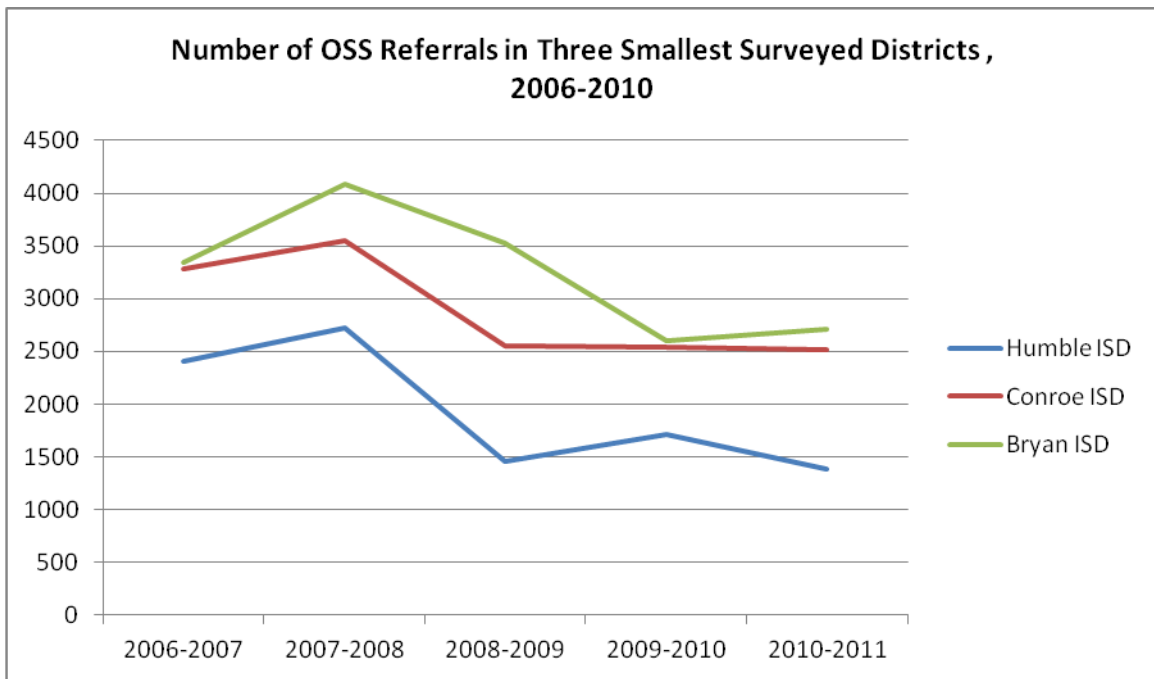


Of the districts surveyed in this report, Humble ISD had one of the lowest out-of-school suspension rates. One explanation is that Humble ISD is one of several Texas school districts that have implemented Positive Behavior Supports and Interventions (PBIS). PBIS is an evidence-based, data-driven proactive approach to student discipline that reinforces positive student behavior and has been shown to reduce disciplinary referrals, increase instruction time, and improve school climate.¹³⁷ (See *Cost-Effective Alternatives to Exclusionary Discipline* for more detailed discussion of PBIS, which is also less expensive to implement than many of the more traditional approaches to student discipline.) Humble ISD has implemented PBIS for the last several years, but began to focus their efforts over the last three years to ensure fidelity across campuses.¹³⁸

¹³⁷ See Tex. Behavior Support, *Possible Outcomes*, <http://www.txbehaviorsupport.org/default.aspx?name=pbs.possibleoutcomes> (last visited Oct. 24, 2012) (providing a list of positive outcomes documented by schools implementing school-wide PBIS in Texas and across the nation).

¹³⁸ Telephone Interview with Lesa Pritchard, Director of Student Support Services, Humble ISD (Oct. 2, 2012).

The chart below compares the number of out-of-school suspensions of the three smallest districts surveyed in this report.



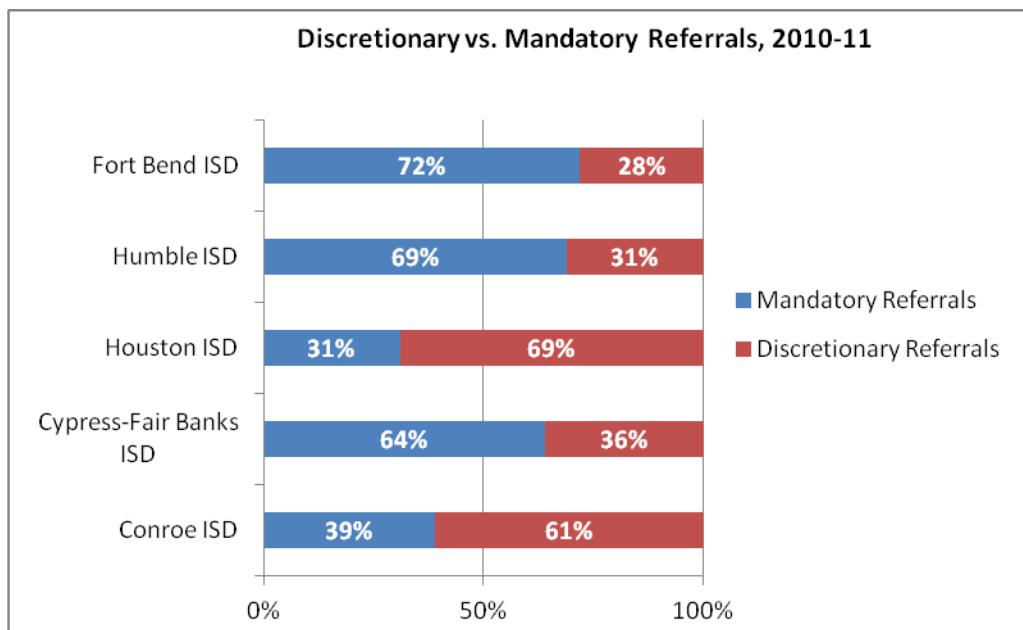
Disciplinary Alternative Education Programs

During the 2010-11 school year, Humble ISD spent about **\$1.3 million** for the operation of its Disciplinary Alternative Education Program (DAEP). The DAEP in Humble ISD is located on the campus of the Community Learning Center, which is also home to its credit recovery program.

Humble ISD also contracts for nine seats at Highpoint Academy, a DAEP run by the Harris County Department of Education. Humble ISD made 598 DAEP referrals, the majority of the referrals—69 percent—were mandated for misconduct outlined in state law.¹³⁹

¹³⁹ TEX. EDUC. AGENCY, *supra* note 30.

The chart below is a comparison of the mandatory versus discretionary DAEP referrals for the Houston area school districts surveyed in this district.



Juvenile Justice Alternative Education Programs

The Juvenile Justice Alternative Education Program (JJAEP) is a collaborative effort between Humble ISD and the Harris County Juvenile Board. Humble ISD only pays to educate students who have been discretionarily expelled to the JJAEP; the state pays the costs for mandatory expulsions.

During the 2010-11 school year, Humble ISD paid \$86,950 for discretionary JJAEP student expulsions. By contrast, Cypress-Fairbanks ISD placed 82 students at the same JJAEP for the 2010-2011 school year at a cost of \$41,580. We believe the difference is attributable to the fact that Humble ISD pays a higher placement cost of \$119 per day, due to the fact they did not reserve student spaces prior to the start of the school year.¹⁴⁰ Due to the small number of expulsions—only 17—during the 2010-11 school year, the Texas Education Agency does not have the referrals broken down by referral reason.¹⁴¹

¹⁴⁰ According to the Memorandum of Understanding with Harris County Department of Education, the rate for reserved student spaces was \$99 per day, if the slots were reserved prior to August 31, 2010. Spaces for discretionary placements after that date could be made at a cost of \$119 per day. Memorandum of Understanding with Harris County Department of Education, Humble ISD, May 5, 2012 (on file with Texas Appleseed).

¹⁴¹ See *id.*

Security and Monitoring Costs

During the 2010-11 school year, Humble ISD spent **\$2.5 million** on security and monitoring services, which includes the operation of an internal police department. The costs of security and monitoring services are by far the most expensive component of Humble ISD's discipline system.

Northside ISD

The Cost of Discipline

During the 2010-11 school year, Northside ISD’s use of out-of-school suspension (OSS), referrals to Disciplinary Alternative Education Programs (DAEPs), discretionary referrals to the Juvenile Justice Alternative Education Program (JJAEP), and spending on security services cost district taxpayers more than **\$13 million**.

- ❖ \$679,244 State dollars for average daily attendance lost to out-of-school suspension in Northside ISD. ¹⁴²
- ❖ \$5,718,073 Operating costs of Northside ISD DAEPs. ¹⁴³
- ❖ \$208,937 Northside ISD expenditures on discretionary expulsions to a JJAEP. ¹⁴⁴
- \$6,571,943 Expenditures on Security and Monitoring Services ¹⁴⁵

❖ **\$13.1 million** Cost of Discipline

Out-of-School Suspensions

During the 2010-11 school year, Northside ISD made **12,329** out-of-school suspension referrals, 93 percent of referrals were made for discretionary reasons. ¹⁴⁶ Almost 80 percent of the OSS referrals were made for violations of the local Code of Conduct—behavior that does not threaten school or student safety. ¹⁴⁷

¹⁴² See app. A.

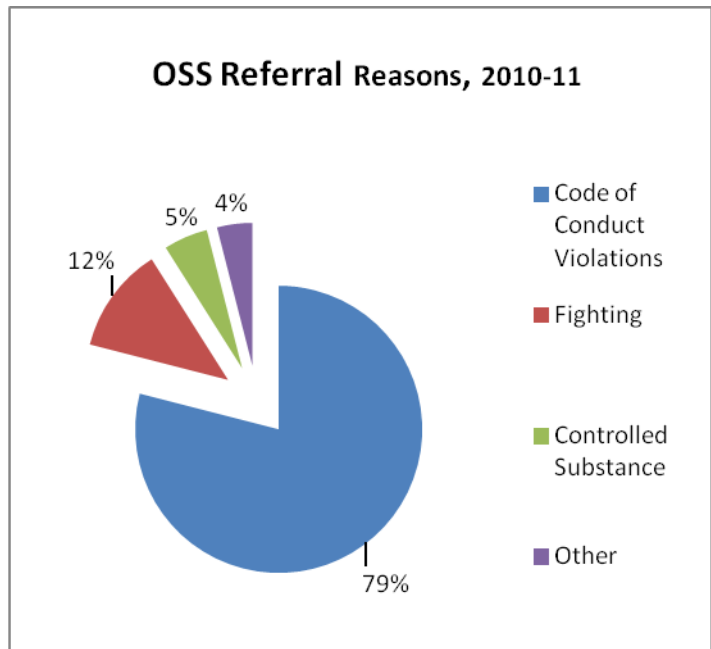
¹⁴³ TEX. EDUC. AGENCY, *supra* note 23.

¹⁴⁴ NORTHSIDE ISD, COMPREHENSIVE ANNUAL FINANCIAL REPORTS 2010-11, *available at* <http://www.nisd.net/business/sites/nisd.net.business/files/reports/annuals/2010.pdf>.

¹⁴⁵ See *id.*

¹⁴⁶ TEX. EDUC. AGENCY, *supra* note 30.

¹⁴⁷ TEX. EDUC. AGENCY, NORTHSIDE ISD, District Discipline Action Group Summaries by Discipline Action Reasons 2010-11, *available at* www.tea.state.tx.us.



Several Northside ISD campuses have OSS referral rates *more than three times* the district average of 13 percent.¹⁴⁸ During the 2010-11 school year, the campuses with the highest OSS referral rates were:

Campus (Enrollment)	OSS Referral Rate	Number of OSS Referrals
Alternative HS		1006
Jay HS (2901)	61%	1776
Rayburn MS (939)	59%	550
Ross MS (1041)	56%	581
Pease MS (1141)	51%	583
Jones MS (1104)	44%	487

These campuses have lower OSS referral rates than the above schools, but still made 300 or more OSS referrals in 2010-2011¹⁴⁹:

- Stevenson Middle School 386 referrals
- Holmes High School 492 referrals

¹⁴⁸ Data provided to Texas Appleseed via Open Records Request

¹⁴⁹ Data provided to Texas Appleseed via Open Records Request

- Warren High School 494 referrals
- O'Connor High School 607 referrals
- Stevens High School 696 referrals

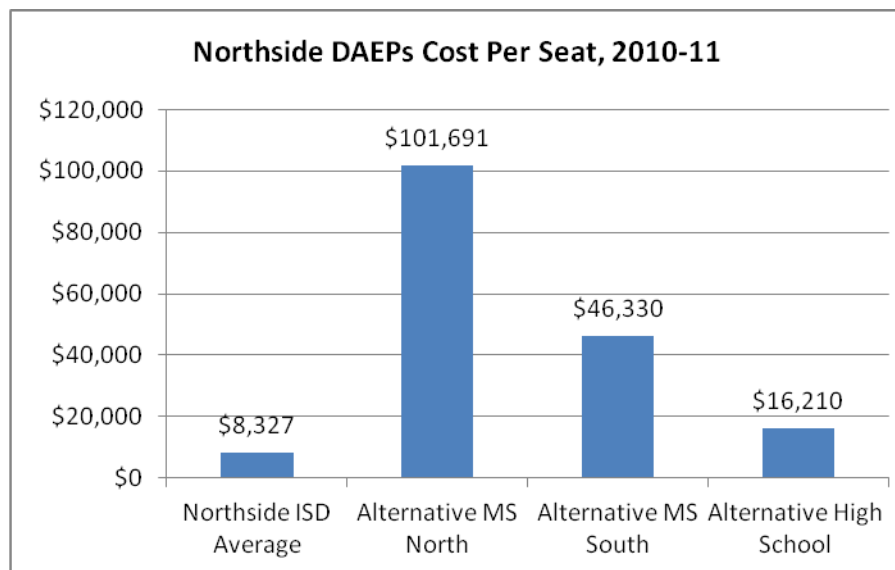
Disciplinary Alternative Education Programs

During the 2010-11 school year, Northside ISD spent almost **\$6 million** to operate three disciplinary alternative education programs—two middle school campuses and a high school campus.¹⁵⁰

- Alternative Middle School North \$1,728,750
- Alternative Middle School South \$1,297,244
- Alternative High School \$2,692,079

Northside ISD also operates a DAEP program for special education students on the campus of the Holmgreen Center, an alternative school for special education students with diagnosed emotional disorder. The operating budget for the Holmgreen Center is \$5,228,948.¹⁵¹

The cost per seat in the Northside DAEPs is more than the district average, and in the case of Alternative Middle School North, *the cost per seat is 12 times* the district average.¹⁵²



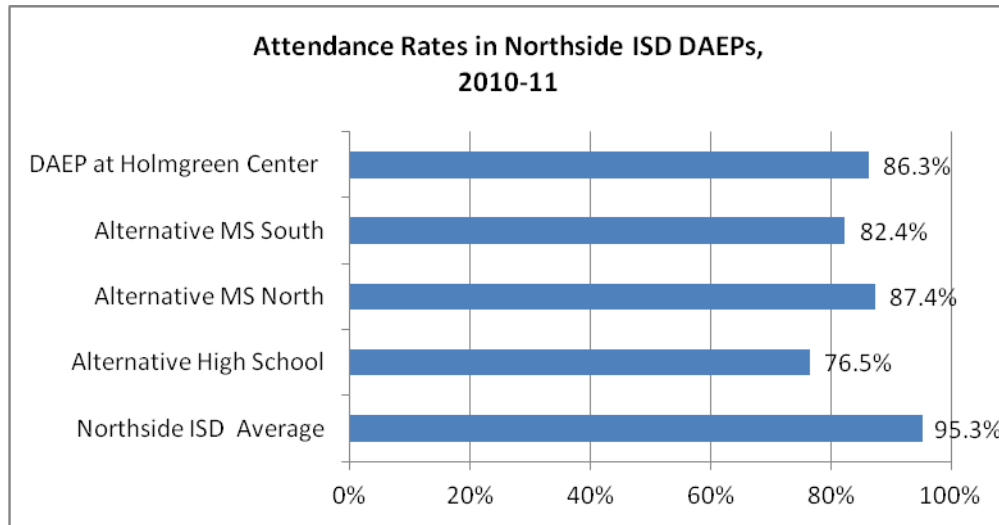
Another hidden cost associated with DAEPs are the low attendance rates at the above campuses. While the district's Weighted Average Daily Attendance for the 2010-11 school year was

¹⁵⁰ TEX. EDUC. AGENCY, *supra* note 23.

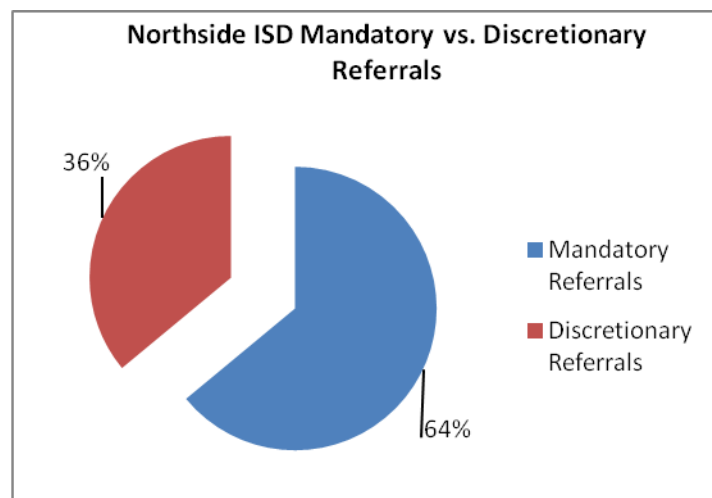
¹⁵¹ *See id.*

¹⁵² *See id.*

95.3%,¹⁵³ the all of the DAEPs have much lower attendance rates. This means that the district is losing state funds due to the poor attendance at its DAEPs.



During the 2010-2011 school year, Northside ISD made 1,685 referrals to DAEPs—with 64 percent of these referrals made for conduct violations mandated by state law.¹⁵⁴



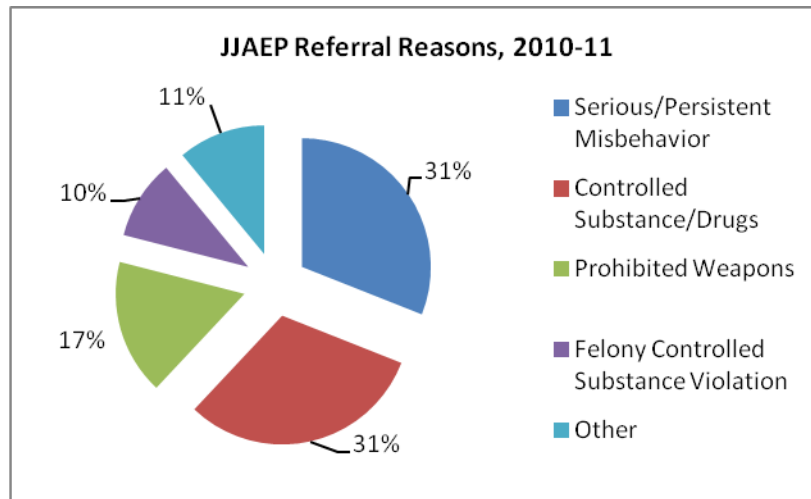
Juvenile Justice Alternative Education Program

Northside ISD contracts with the Bexar County Juvenile Board for the provision of education services for students who have been expelled from a regular campus. Northside ISD pays to educate students who are discretionarily expelled to the JJAEP; the state must cover the cost of

¹⁵³ Data provided to Texas Appleseed through Open Records Request

¹⁵⁴ TEX. EDUC. AGENCY, *supra* note 23.

mandatory JJAEP expulsions. During the 2010-11 school year, Northside ISD paid **\$208,937** for students discretionarily expelled to the JJAEP.¹⁵⁵



As illustrated by the above chart, 31 percent of the discretionary expulsions were for “serious and persistent misbehavior” while attending a DAEP.¹⁵⁶ During the 82nd Legislative Session, lawmakers passed a bill that eliminates expulsions for “persistent misbehavior” from the Texas Education Code and defines “serious misbehavior.”¹⁵⁷ This change in the law is likely to result in a reduction in the number of expulsions.

Security & Monitoring Costs

During the 2010-11 school year, Northside ISD spent **\$6.5 million** on security and monitoring services.¹⁵⁸

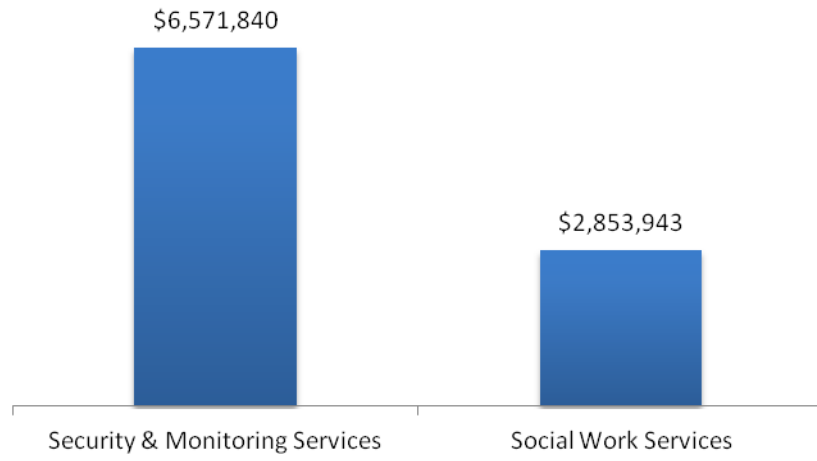
¹⁵⁵ NORTHSIDE ISD, *supra* note 144.

¹⁵⁶ TEX. EDUC. AGENCY, *supra* note 147.

¹⁵⁷ TEX. EDUC. CODE ANN §37.007(c) (2012).

¹⁵⁸ NORTHSIDE ISD, *supra* note 144.

**Northside ISD: Security Spending vs. Social Work Spending,
2010-11**



Plano ISD

The Cost of Discipline

During the 2010-11 school year, Plano ISD's use of out-of-school suspensions (OSS), referrals to district-operated Disciplinary Alternative Education Programs (DAEPs), expulsions to the Juvenile Justice Alternative Education Program (JJAEP), and spending on security and monitoring services cost district taxpayers **\$4.45 million**.

- ❖ \$103,137 State dollars for average daily attendance lost to out-of-school suspension in Plano ISD.¹⁵⁹
- ❖ \$1,999,799 Operating costs of Plano ISD DAEPs.¹⁶⁰
- ❖ \$102,947 Plano ISD expenditures on discretionary expulsions to a JJAEP.¹⁶¹
- \$2,244,796 Security and Monitoring Services¹⁶²

❖ **\$4.45 million Cost of Discipline**

Out-of-School Suspensions

During the 2010-11 school year, Plano ISD made 1,851 out-of-school suspension referrals.¹⁶³ Of these, 93 percent were made at the discretion of school administrators—the majority of which were for local Code of Conduct violations.¹⁶⁴

¹⁵⁹ See app. A

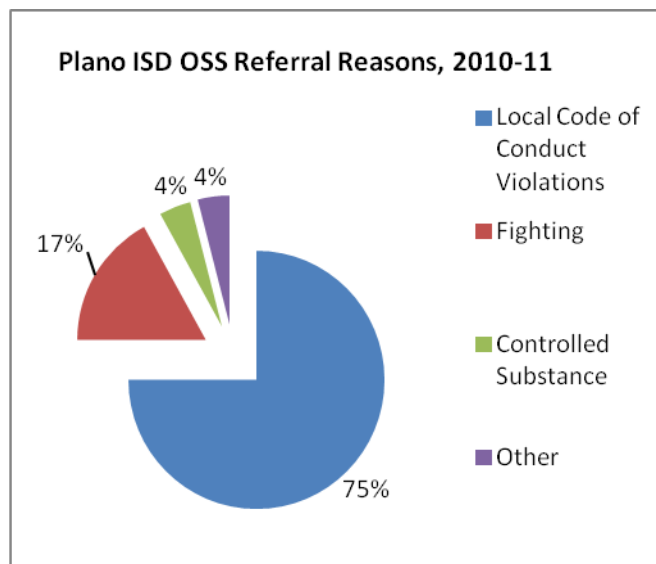
¹⁶⁰ Texas Education Agency, PLANO ISD PEIMS Financial Report 2010-2011, available at www.tea.state.tx.us

¹⁶¹ PLANO ISD, PLANO ISD 2010-2011 COMPREHENSIVE ANNUAL FINANCIAL REPORT, available at <http://www.pisd.edu/about.us/budget/documents/PISD2011CAFRfinal.pdf>.

¹⁶² *Id.*

¹⁶³ TEX. EDUC. AGENCY, *supra* note 30.

¹⁶⁴ *Id.*



During the 2010-11 school year, Plano ISD had the **lowest OSS referral rate** of the districts surveyed for this report.¹⁶⁵

Disciplinary Alternative Education Program

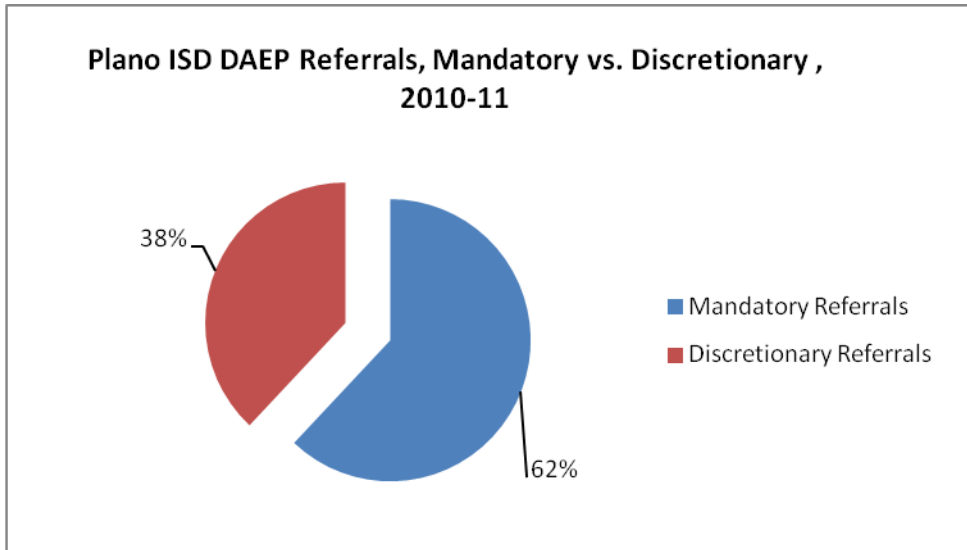
During the 2010-11 school year, Plano ISD made 438 referrals to their Disciplinary Alternative Education Programs (DAEPs).¹⁶⁶ And, 62 percent of the referrals to the DAEP were made at the discretion of school administrators for conduct that does not pose a major risk to school or student safety.¹⁶⁷ Only 38 percent of the DAEP referrals were required by state law, typically for felony conduct.¹⁶⁸

¹⁶⁵ See *infra* pp. 3 (Table labeled “ISD OSS Referral Rate”).

¹⁶⁶ TEX. EDUC. AGENCY, *supra* note 30.

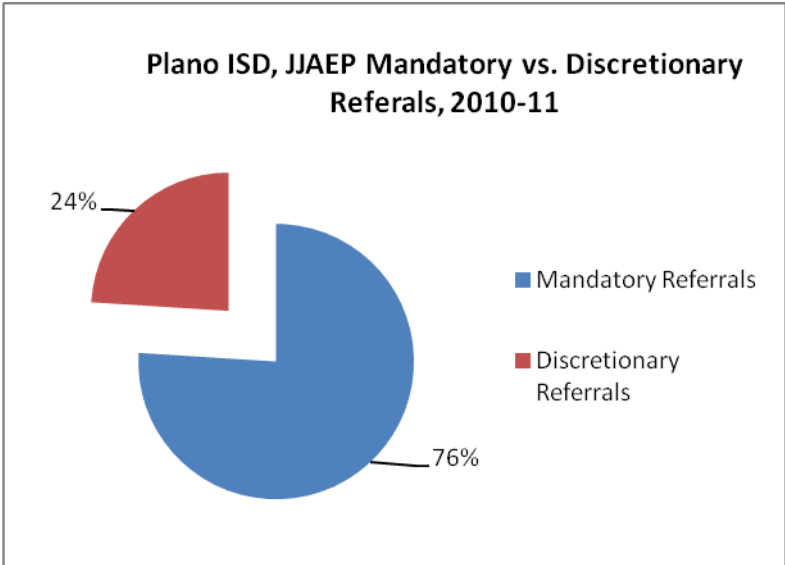
¹⁶⁷ *Id.*

¹⁶⁸ *Id.*



Juvenile Justice Alternative Education Program

Plano ISD has entered into a memorandum of understanding with the Collin County Juvenile Board to provide educational services to students who are expelled to the JJAEP. During the 2010-11 school year, Plano ISD paid \$102,947 for the students who were discretionarily expelled to the JJAEP.¹⁶⁹ The state covers the education costs for students who receive mandatory JJAEP referrals.

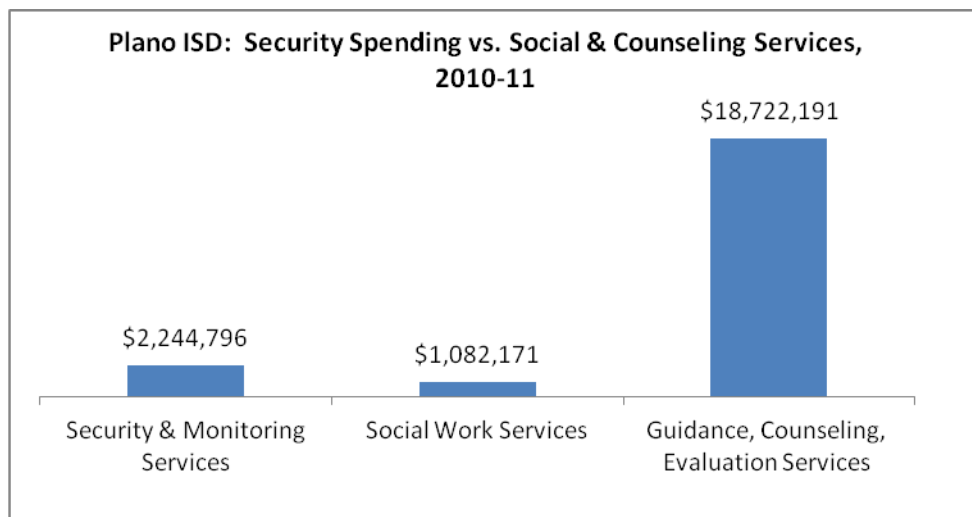


¹⁶⁹ PLANO ISD, COMPREHENSIVE ANNUAL FINANCIAL REPORTS 2010-11, available at <http://www.pisd.edu/about.us/budget/documents/PISD2011CAFRfinal.pdf>.

Security & Monitoring Services

During the 2010-11 school year, Plano ISD spent almost **\$2.2 million** on security and monitoring services.¹⁷⁰ Plano ISD does not operate its own police department; instead they have a contract with the City of Plano to provide the district with school resource officers.

While Plano ISD spends substantially more on security & monitoring services than on social work services, **the district does spend almost ten times its security budget on counseling services.**¹⁷¹



The district has invested heavily in counseling services, possibly due to the important role school counselors' play in their discipline management system, "Understanding Students." The focus of the program is working in partnership with students and parents on a plan for the student to change his or her behavior.¹⁷²

While Plano ISD could reduce the number of discretionary OSS and DAEP referrals, their data-driven, holistic approach to school discipline is reflected their low disciplinary referral numbers.

¹⁷⁰ *Id.*

¹⁷¹ *Id.*

¹⁷² See PLANO ISD, 2011-2012 STUDENT CODE OF CONDUCT available at <http://www.pisd.ed/codeofconductENGLISH.pdf>; see also Plano ISD, *Student Support Programs*, <http://www.pisd.edu/students/support.programs/index.shtml#discipline> (last visited Oct. 24, 2012).

San Antonio ISD

The Cost of Discipline

During the 2010-11 school year, San Antonio ISD's reliance on out-of-school suspension (OSS), referrals to district-operated Disciplinary Alternative Education Programs (DAEPs), and expulsion to the Juvenile Justice Alternative Education Program (JJAEP), and spending on security services cost district taxpayers about \$11.1 million.

- ❖ \$447,940 State dollars for average daily attendance lost to out-of-school suspension in San Antonio ISD.¹⁷³
 - ❖ \$4,727,013 Operating costs of San Antonio ISD DAEPs.¹⁷⁴
 - ❖ \$28,121 San Antonio ISD expenditures on discretionary expulsions to a JJAEP.¹⁷⁵
 - ❖ \$5,971,861 Expenditures on Security and Monitoring Services¹⁷⁶
-

❖ **\$11.1 million Cost of Discipline**

Out-of-School Suspension

During the 2010-11 school year, San Antonio ISD made **7,964** out-of-school suspension referrals and had an out-of school suspension referral rate that was slightly higher than the state average.¹⁷⁷ Since Texas uses a district's Average Daily Attendance (ADA) to calculate state funding obligations, San Antonio could recoup additional state funds by limiting the number of days students lose to out-of-school suspensions.

Under the conservative assumption that every referral represents an absence of 1.5 days, San Antonio ISD lost almost *a half a million dollars* in state aid in the 2010-11 school year.¹⁷⁸ There are additional costs with repeatedly referring the same students for out-of-school suspensions. During the 2010-11 school year, 4,207 students received an OSS referral, which indicates several students are receiving multiple OSS referrals in a school year. If a student

¹⁷³ See app. A.

¹⁷⁴ TEX. EDUC. AGENCY, *supra* note 23; see also SAN ANTONIO ISD COMPREHENSIVE ANNUAL FINANCIAL REPORT 2010-11, available at <http://www.saisd.net/admin/finance/accounting/index.shtm>.

¹⁷⁵ SAN ANTONIO ISD, COMPREHENSIVE ANNUAL FINANCIAL REPORT 2010-11, available at <http://www.saisd.net/admin/finance/accounting/index.shtm>.

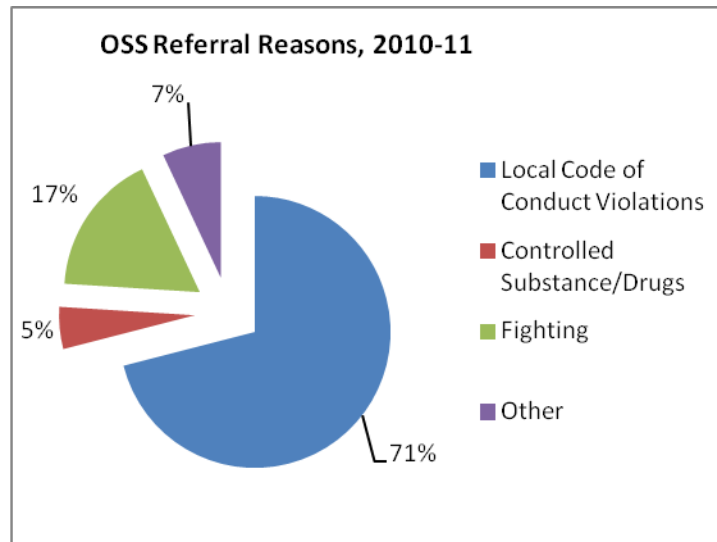
¹⁷⁶ See *id.*

¹⁷⁷ TEX. EDUC. AGENCY, *supra* note 30; See *infra* pp. 3 (Table labeled "ISD OSS Referral Rate").

¹⁷⁸ *Supra* note 173.

misses nine days during the school year, the district loses 5 percent of the funding a student with perfect attendance would generate.¹⁷⁹

San Antonio ISD has the ability to immediately reduce the cost associated with out-of-school suspensions. Specifically, 91 percent of the 7,964 OSS referrals were made at the discretion of school administrators.¹⁸⁰ The majority of the discretionary OSS referrals were for local code of conduct violations—behavior that does not pose a risk to school or student safety.



Out-of-school suspension rates vary by campus. During the 2010-11 school year, the campuses with the highest OSS referral rates were:¹⁸¹

Campus (Enrollment)	OSS Referral Rate	Number of OSS Referrals
Davis Middle School (572)	85%	485
Rhodes Middle School (744)	56%	415
Cameron Elementary (346)	42%	144
Longfellow Middle School (904)	32%	285
Lanier High School (1473)	31%	444
Tafolla Middle School (904)	31%	293

¹⁷⁹ The Equity Center, *supra* note 66.

¹⁸⁰ TEX. EDUC. AGENCY, *supra* note 30.

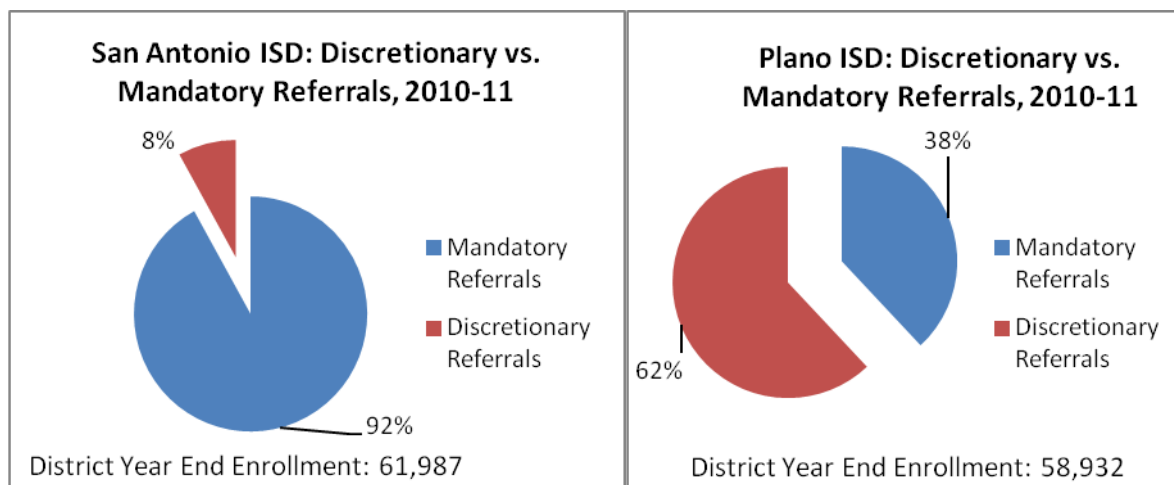
¹⁸¹ Data provided to Texas Appleseed by San Antonio ISD in response to an Open Records Request.

In addition to these six schools, there were three other campuses where the OSS referral rate was twice the district average.¹⁸²

Disciplinary Alternative Education Programs

San Antonio ISD operates two Disciplinary Alternative Education Programs (DAEP): J.T. Brackenridge Academy (Grades 1-6) and Estrada Academy (Grades 7-12). During the 2010-11 school year, San Antonio ISD spent a little over \$4 million to operate its two DAEPs.¹⁸³

During the 2010-11 school year, San Antonio ISD made 905 DAEP referrals, but unlike the majority of districts in this report, most of the DAEP referrals were mandated by state law.¹⁸⁴



Additionally, student codes of conduct violations make up less than 3 percent of the discretionary DAEP referrals in San Antonio ISD.¹⁸⁵

Juvenile Justice Alternative Education Programs

San Antonio ISD has entered into a memorandum of understanding with the Bexar County Juvenile Board for the provision of educational services for students who are discretionarily expelled to the Bexar County Juvenile Board.

According to the Memorandum of Understanding between Bexar County Juvenile Board and San Antonio ISD, the district must pay \$ 135.85 per day of attendance for most discretionary

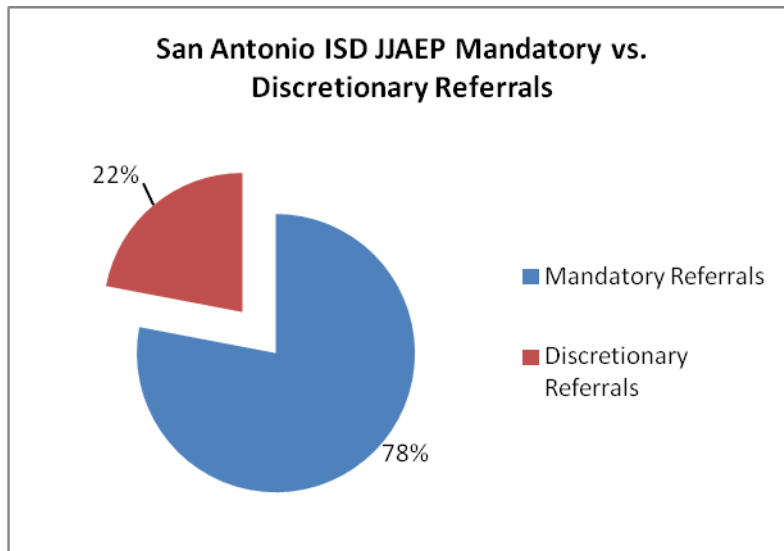
¹⁸² Data provided to Texas Appleseed by San Antonio ISD in response to an Open Records Request. Campuses with twice the district OSS referral rates include; Irving Academy, Brackenridge High School, and Rodriguez Elementary.

¹⁸³ TEX. EDUC. AGENCY, *supra* note 23; *see also* SAN ANTONIO ISD, *supra* note 174.

¹⁸⁴ TEX. EDUC. AGENCY, *supra* note 30.

¹⁸⁵ *Id.*

expulsions.¹⁸⁶ During the 2010-11 school year, San Antonio ISD paid **\$28,121** for students who were discretionarily expelled to the JJAEP.¹⁸⁷ Again, state law mandated the majority of San Antonio ISD JJAEP referrals.¹⁸⁸



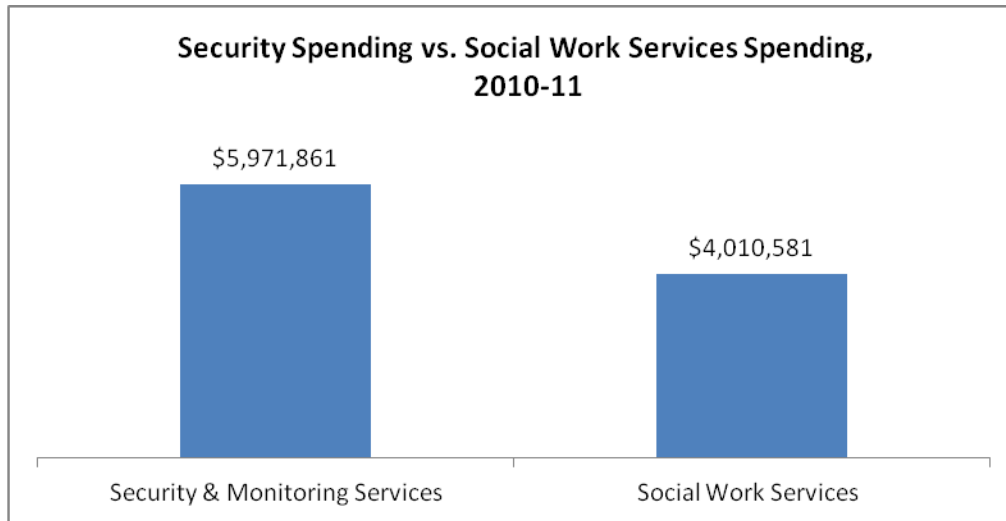
¹⁸⁶ Information provided to Texas Appleseed pursuant to an open records request. The district pays \$140.31 per day for Title 5 Felony Discretionary expulsions.

¹⁸⁷ SAN ANTONIO ISD, *supra* note 174.

¹⁸⁸ TEX. EDUC. AGENCY, *supra* note 30.

Security and Monitoring Services

During the 2010-11 school year, San Antonio ISD spent **\$5.9 million security and monitoring services.**¹⁸⁹ San Antonio ISD employs its own internal police department. The department consists of 65 licensed police officers and a support staff of 12.¹⁹⁰



¹⁸⁹ SAN ANTONIO ISD, COMPREHENSIVE ANNUAL FINANCIAL REPORTS 2010-11, available at www.saisd.net

¹⁹⁰ San Antonio ISD Police Dep't, *Who We Are*, available at <http://www.saisd.net/admin/police/index.htm>

New Approaches: Student Code of Conduct

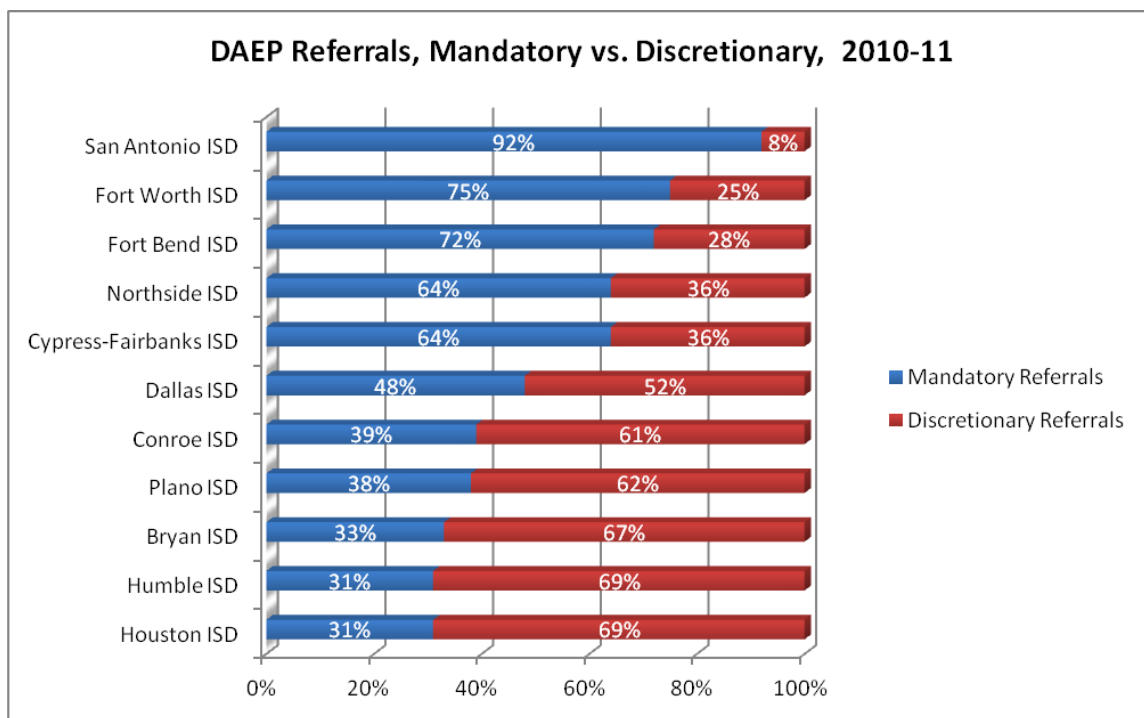
- Revise Student Codes of Conduct to exclude minor misconduct—such as tardiness or cell phone use—from possible discretionary referrals to out-of-school suspension (OSS), Disciplinary Alternative Education Programs (DAEPs), and Juvenile Justice Alternative Education Programs (JJAEPs).
 - One district in the Appleseed survey includes removal to a DAEP as a possible consequence for public display of affection or tardiness in its Code of Conduct.
- Clearly articulate prohibited behavior in the Student Code of Conduct and tie it to a specific consequence. Clarity, consistency, and predictability result in better behavior, research shows.
 - One surveyed imposes more serious consequence for “fighting” than it does for “scuffling,” but its Code of Conduct only defines one of these terms.

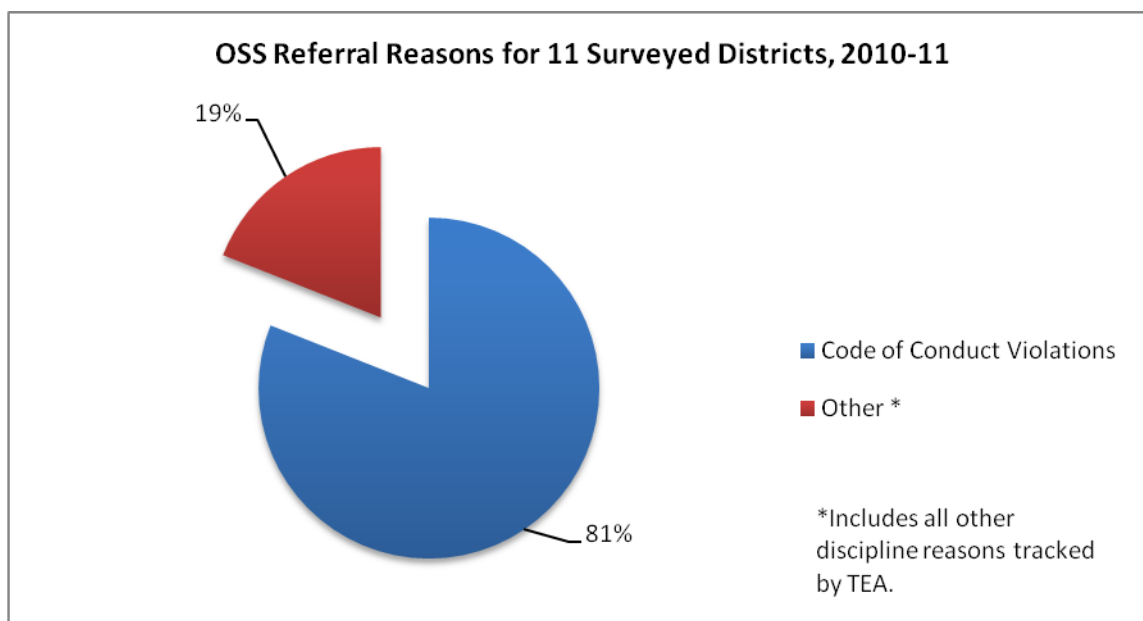
A Summary: Cost of Discipline Survey Trends

The following trends emerged from the survey of the cost of discipline in the 11 Texas school districts:

Most disciplinary referrals (OSS and DAEP) that removed students from the regular school campus were a discretionary response to violations of the district Code of Conduct—misbehavior that includes public displays of affection, scuffling or horseplay, and defiance.

The majority of disciplinary referrals were made at the discretion of local school administrators for local Code of Conduct violations.





Several surveyed school districts reported a large number of Out-of-School Suspensions (OSS) at their Disciplinary Alternative Education Program (DAEP) during the 2010-11 school year.

This trend raises questions about whether these DAEPs are having the desired impact on student behavior—and whether the high cost to operate them is justified. For example:

- The Alternative High School in Northside ISD made 1,006 OSS referrals, which accounted for 8 percent of the OSS referrals made in NISD.
- In Houston ISD, the alternative school formerly known as CEP-Southeast made 555 OSS referrals.
- In Cypress-Fairbanks ISD, the two DAEP campuses were responsible for 760 OSS referrals.

DAEPs usually represent one of the highest costs in school districts' discipline system. They typically have lower attendance rates, meaning the district is losing state reimbursement for Average Daily Attendance for the days the students are absent.

Given the high costs associated with DAEPs, districts should consider whether DAEPs are effectively modifying student behavior, since students continue to have disciplinary issues while in some alternative programs.

While the disciplinary cost per student varies by district, there is a price tag associated with these failed methods of discipline.

School District	Cost per Student
Bryan ISD	\$95.23
Conroe ISD	\$104.23
Cypress-Fairbanks ISD	\$79.35
Dallas ISD	\$199.64
Fort Bend ISD	\$133.90
Fort Worth ISD	\$213.47
Houston ISD	\$190.36
Humble ISD	\$103.70
Northside ISD	\$138.43
Plano ISD	\$79.57
San Antonio ISD	\$202.21

The costs of Juvenile Justice Alternative Education Programs vary by county.

The variation in cost raises a number of interesting questions about effectiveness of programming and the factors that are driving high costs in some facilities.

County	Total JJAEP Cost	JJAEP Cost Per Day
Bell County	\$925,800	\$381.46
Bexar County	\$1,324,853	\$103.17
Brazoria County	\$753,329	\$179.41
Brazos County	\$433,520	\$212.30
Cameron County	\$1,084,751	\$81.90
Collin County	\$1,178,374	\$274.30
Dallas County	\$3,731,451	\$149.50

Denton County	\$1,253,821	\$262.58
El Paso County	\$393,946	\$104.77
Fort Bend County	\$2,226,466	\$236.48
Galveston County	\$381,184	\$329.46
Harris County	\$3,445,685	\$141.44
Hays County	\$313,917	\$136.43
Hidalgo County	\$801,325	\$98.55
Jefferson County	\$951,527	\$228.02
Johnson County	\$227,696	\$189.27
Lubbock County	\$610,500	\$180.73
McLennan County	\$758,980	\$125.85
Montgomery County	\$1,639,956	\$140.85
Nueces County	\$888,284	\$220.86
Tarrant County	\$2,906,263	\$220.59
Taylor County	\$366,343	\$218.32
Travis County	\$755,816	\$205.55
Webb County	\$1,264,935	\$161.55
Wichita County	\$663,216	\$209.02
Williamson County	\$1,800,581	\$214.97

The surveyed schools with lower discipline rates have taken a pro-active, data-driven approach to student discipline without heavy reliance on exclusionary discipline (suspension and expulsion).

Humble ISD has implemented Positive Behavior Interventions and Supports (PBIS). PBIS is a comprehensive and proactive approach to school discipline aimed at preventing problem behavior before it begins. PBIS focuses on prevention and improving school climate.

In Plano ISD, the discipline management system is called “Understanding Students.”¹⁹¹ The goal of the plan is to encourage students’ academic progress so that they can become good citizens at school and in society. The program was developed with input from school principals, parents, and students. The program includes the development of a positive plan to address the students’ inappropriate behavior so they can successfully remain on their home campus. Also, worth noting that Plano ISD **spends almost 10 times** as much on counseling services than on school policing.

¹⁹¹ Plano ISD , Student/Parent Guide 2012-2013, *available at www.pisd.edu/policyguide.English.pdf*

Cost-Effective Alternatives to Exclusionary Discipline

The financial cost of exclusionary discipline—suspensions and expulsions—consumes a significant share of the overall budgets of many Texas school districts. However, there are alternative approaches that not only cost less than exclusionary discipline, but also are evidence-based methods designed to improve students' behavior and academic outcomes. School districts can implement these approaches with monies saved by either limiting discretionary referrals to OSS, DAEPs, and JJAEPs—or redirecting a small amount from what is now spent on security and monitoring after analyzing school crime trends to ensure that their police force is consistent with safety needs.

Three frameworks to manage student behavior have been widely used by schools around the country and are available to Texas schools, often at a **much lower cost** than exclusionary discipline practices. These are Positive Behavior Interventions and Supports, Social and Emotional Learning, and Restorative Justice. Each of these frameworks can be tailored to meet the unique needs of students and educational environments. But, studies show that effective discipline models align student support, school safety and academic achievement.¹⁹²

The largest cost associated with implementing these programs is the expense of training and materials. Federal grants are available to implement these types of approaches; see the *Appendix B* for a listing of several grants available to schools to cover implementation costs.

Positive Behavior Interventions and Supports

School-wide Positive Behavior Interventions and Supports (PBIS) is a framework, not a curriculum, which has been shown through research to improve academic and behavior outcomes for students.¹⁹³ School-wide PBIS uses data, evidence-based practices, and systems to reinforce behaviors enabling students to achieve better academic and behavior outcomes.¹⁹⁴ The PBIS framework is guided by six principles that focus on teaching social skills, arranging environments that prevent student misbehavior, and data- and evidence-based practices

¹⁹² Rachel Garver & Pedro Noguera, *For Safety's Sake: A Case Study of School Security Efforts and Their Impact on Education Reform*, 3 *Journal of Applied Research on Children: Informing Policy for Children at Risk* at 7 & 22 (2012) available at <http://digitalcommons.library.tmc.edu/childrenatrisk/vol3/iss2/5/>; See also David Osher et al., *Developing Safe, Supportive and Effective Schools: Facilitating Student Success to Reduce School Violence*, *Handbook of School Violence and School Safety* (2011).

¹⁹³ *What Is School-Wide Positive Behavioral Interventions & Supports?*, **OSEP TECHNICAL ASSISTANCE CENTER ON POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORTS**, http://www.pbis.org/school/what_is_swpbs.aspx (last visited Sept. 27, 2012). See also David Osher et al., *How Can We Improve School Discipline?*, 39 *Educational Researcher*, No. 1, 48-58, (2010).

¹⁹⁴ *Id.*

supported by monitoring student progress.¹⁹⁵ Schools that implement PBIS have students who are more academically engaged and have “less reactive, aversive, dangerous, and exclusionary” environments.¹⁹⁶

Personnel Costs of PBIS:

- a. ~\$50,000 per PBIS coach (may share one coach per five schools)
- b. ~\$40,000—a district coordinator (option to assign this duty to current position)

Training Costs of PBIS:

- a. ~\$4,000 per 4-day training (assume up to 10 campuses per training)
- b. ~\$1,000—district leadership training
- c. ~\$3,000—3-day PBIS coach training
- d. ~\$500—half a day of SWIS training
- e. ~\$3,000 for follow-up training of PBIS team, leadership team, and coaches (10 schools)
- f. Trainer travel expenses vary

Other Implementation Costs:

- a. \$250 per campus for SWIS data management program
- b. \$1,500 per campus for PBIS materials and incentives
- c. ~\$170 per campus for newsletters and public relations
- d. \$1,000 per campus for annual external evaluation of PBIS fidelity

Social and Emotional Learning Framework

Social and Emotional Learning (SEL) is not one curriculum or program; rather, it is a systems change framework that should occur throughout the entire school.¹⁹⁷ In general, costs of implementing a SEL framework will include training costs and student surveys.¹⁹⁸ Hiring additional personnel is usually unnecessary.¹⁹⁹ Several specific frameworks or programs can be used to implement SEL, including Developmental Assets, Caring School Community program, and Tribes Learning Community.

The goal of SEL is to help children strengthen their ability to work constructively with others, manage their emotions, resolve conflicts with consideration for others, develop positive relationships, work more effectively, and make responsible, safe, and ethical decisions.²⁰⁰ SEL

¹⁹⁵ *Id.*

¹⁹⁶ *Id.*

¹⁹⁷ Telephone Interview with Donna Black, Educational Consultant (Sept. 17, 2012).

¹⁹⁸ *Id.*

¹⁹⁹ *Id.*

²⁰⁰ *What Is SEL?*, COLLABORATIVE FOR ACADEMIC, SOCIAL, AND EMOTIONAL LEARNING, <http://casel.org/why-it-matters/what-is-sel/> (last visited Sept. 27, 2012).

can foster school improvement and can be implemented from preschool through high school.²⁰¹ Effective SEL programming taught consistently can reduce school dropout, nonattendance, conduct problems, and substance use.²⁰²

Restorative Justice Model

Restorative Justice, when applied to a school setting, focuses on how student behavior has harmed others and how to make amends.²⁰³ Schools often use the Restorative Justice model as a way to build community in schools and to strengthen connections between students and the school as an institution.²⁰⁴ By building these connections, restorative justice focuses on student culture as a whole, rather than merely directing change at singular issues, such as drug and alcohol abuse.²⁰⁵

In a school setting, restorative justice often occurs in restorative circles in the classroom, where students can deal with the harm of student misbehavior or rule-breaking that has affected the classroom or school community.²⁰⁶ A restorative circle in the classroom provides an opportunity to use community values to address the problem and allows everyone to communicate.²⁰⁷ It is essential to have a whole school approach to restorative justice.²⁰⁸ Positive Behavioral Intervention and Support (PBIS) is a helpful framework to have in place or to implement with restorative justice.²⁰⁹

Costs of implementing the Restorative Justice model vary among schools and districts.²¹⁰ Ed White Middle School in San Antonio implemented the model by providing a two-day training, materials, and a part-time consultant to visit the school three to four days a week and to attend staff meetings.²¹¹ The Institute of Restorative Justice and Restorative Dialogue at The University of Texas at Austin is using the model at Ed White for research on restorative justice.²¹² Ed White uses the highly recommended whole school approach to restorative justice.²¹³

²⁰¹ *Id.*

²⁰² See David Osher et. al, *Developing Safe, Supportive and Effective Schools: Facilitating Student Success to Reduce School Violence, Handbook of School Violence and School Safety* (2011).

²⁰³ David R. Karp and Beau Breslin, *Restorative Justice in School Communities*, 33 *Youth & Society* 249, 250 (2001).

²⁰⁴ *Id.*

²⁰⁵ *Id.*

²⁰⁶ Telephone Interview with Dr. Marilyn Armour, Associate Professor, The University of Texas at Austin and Institute for Restorative Justice and Restorative Dialogue (Sept. 24, 2012).

²⁰⁷ *Id.*

²⁰⁸ *Id.*

²⁰⁹ *Id.*

²¹⁰ *Id.*

²¹¹ *Id.*

²¹² *Id.*

²¹³ *Id.*

*Cost of restorative justice at Ed White Middle School for one year:*²¹⁴

- a. \$3,000 for a 2-day staff training
- b. \$8,000 for a part-time consultant at the school
- c. \$5,000 for materials and research costs

Conclusion

For the foreseeable future, education funding in Texas will struggle to keep up with the exponential growth in the numbers of students and the escalating costs of providing a sound educational system. Texas school districts have to be more strategic in maximizing their resources. This report highlights the imperative for districts to reevaluate its spending on costly student disciplinary systems and expensive school-policing models that reflect an overreliance on suspension and expulsion, which carry their own heavy “human” costs to students. Both the human and the financial costs of exclusionary discipline—and the imperative to redouble efforts to encourage school engagement and better academic outcomes—should motivate Texas school districts and state leaders to investigate and support restructuring of school discipline systems.

School districts are incurring millions in expenses to support a model of discipline that a wide body of national research has identified as failing to improve student behavior and academic achievement for either the students who are removed from the classroom or the ones to remain behind.²¹⁵ Several studies have shown that students who attend schools with more positive school culture have higher levels of academic engagement and that academic engagement is a central part of developing a positive and safe school culture.²¹⁶ Fortunately, there are good alternatives that have already been widely tested in schools across the country—models like school-wide Positive Behavior Interventions and Supports (PBIS)—which have been proven to reduce disciplinary referrals, improve school climate and also save taxpayers money.

The costs outlined in this report are a *conservative* estimate of the financial burden that the 11 surveyed school districts bear as a result of their over-reliance on suspension and expulsion. Appleseed’s analysis does not calculate the considerable expense associated with:

²¹⁴ *Id.*

²¹⁵ Council of State Governments’, *Breaking Schools’ Rules : A Statewide Study of How School Discipline Relates to Students’ Success and Juvenile Justice Involvement*, 82 (July 2011).

²¹⁶ Rachel Garver & Pedro Noguera, *For Safety’s Sake: A Case Study of School Security Efforts and Their Impact on Education Reform*, 3 *Journal of Applied Research on Children: Informing Policy for Children at Risk* at 7 & 22 (2012) available at <http://digitalcommons.library.tmc.edu/childrenatrisk/vol3/iss2/5/>; See also David Osher et. al, *Developing Safe, Supportive and Effective Schools: Facilitating Student Success to Reduce School Violence*, *Handbook of School Violence and School Safety* (2011).

- Lost instructional time due to student misconduct. One study of a Maryland elementary school found that implementing school-wide PBIS allowed the school to recapture an average **of almost 16 days per school year** in teacher and administrator time due to the resulting reduction in disciplinary referrals.²¹⁷
- State revenue lost to low attendance in DAEPs.

Based on a careful analysis of the costs of discipline in a representative sample of Texas school districts, Texas Appleseed recommends the following approaches to reduce the cost.

Recommendations

- **Limit out-of-school suspensions** to the most egregious acts of misbehavior—those that impact school and student safety. Keeping more students in school would increase school districts’ funding reimbursements for average daily attendance.
- **Amend Student Codes of Conduct to limit the kinds of misbehavior that can trigger a DAEP referral** to only those serious offenses where other forms of intervention have not proven successful or campus safety is at risk.
- **Target additional training in effective classroom management** to administration and staff at individual campuses with high numbers of OSS, DAEP, and JJAEP referrals.
- **Implement cost-effective, evidence-based disciplinary programs**, which have been proven to reduce out of classroom disciplinary referrals, limit classroom disruptions, and increase instructional time.
- **Evaluate discipline data and spending associated with campus policing, security, and monitoring services** and target security services to where they are truly needed—thereby freeing additional resources for counseling and social work services. Also, school police officers should receive specialized training to better prepare them to work in child-centered environments.

²¹⁷ Terence M. Scott & Susan B. Barrett, *Using Staff and Student Time Engaged in Disciplinary Procedures to Evaluate the Impact of School-Wide PBIS*, J. Pos. Behavioral Interventions, Vol. 6, No. 1, at 21 (2009).

APPENDIX

Appendix A: Methodology

Out-of-School Suspension Costs

Cost range depends on whether all students were suspended for one day or three days. The actual number of days missed due to suspensions is not reported to the Texas Education Agency. For the purposes of this study we used an average of 1.5 days

To calculate the average WADA of removals:

Total Number of OSS Referrals x 1.5 days = Total days lost to OSS
Days Lost to OSS x (District average daily attendance to weighted average daily attendance ratio) = WADA lost

Because OSS referrals don't equate with the total number of students we divide the total weighted OSS referrals for the year by the number of days a district has school.

WADA lost/ 180 (days in public school year) = Average WADA of Removals on Any Given Day

Average WADA of Removals x District Target Revenue = Total Cost of Out- of-School Suspensions

Bryan ISD

Assuming a 1.5 day suspension:

$$2,712 \times 1.5 = 4,068$$

$$4,068 \times 1.23 = 5,003.64$$

$$5,003.64/180 = 27.80$$

$$27.80 \times \$5,228 = \$145,327.94$$

Assuming a 3 day suspension:

$$2,712 \times 3 = 8,136$$

$$8,136 \times 1.23 = 10,007.28$$

$$10,007.28/180 = 55.60$$

$$55.60 \times \$5,228 = \$290,655.89$$

Conroe ISD

Assuming a 1.5-day suspension:

$$\begin{aligned}2,514 \times 1.5 &= 3,771 \\3,771 \times 1.16 &= 4,374.36 \\4,374.36/180 &= 24.30 \\24.30 \times \$5,455 &= \$132,567\end{aligned}$$

Assuming a 3 day suspension:

$$\begin{aligned}2,514 \times 3 &= 7,542 \\7,542 \times 1.16 &= 8,749 \\8,749 /180 &= 48.60 \\48.60 \times \$5,455 &= \$ 265,135\end{aligned}$$

Cypress-Fairbanks ISD

Assuming a 1.5 day suspension:

$$\begin{aligned}21,867 \times 1.5 &= 32,800 \\32,800 \times 1.19 &= 39,033 \\39,033/180 &= 216.85 \\216.85 \times \$5,021 &= \$1,088,804\end{aligned}$$

Assuming a 3 day suspension:

$$\begin{aligned}21,867 \times 3 &= 65,601 \\65,601 \times 1.19 &= 78,065 \\78,065/180 &= 433.69 \\433.69 \times \$5,021 &= \$2,177,577\end{aligned}$$

Dallas ISD

Assuming a 1.5 day suspension:

$$\begin{aligned}22,837 \times 1.5 &= 34,255 \\34,255 \times 1.4 &= 47,957 \\47,957/180 &= 266.42 \\266.42 \times \$5,834 &= \$1,554,294\end{aligned}$$

Assuming a 3 day suspension:

$$\begin{aligned}22,837 \times 3 &= 68,511 \\68,511 \times 1.4 &= 95,915 \\95,915/180 &= 533 \\533 \times \$5,824 &= \$3,109,522\end{aligned}$$

Fort Bend ISD

Assuming a 1.5 day suspension:

$$11,113 \times 1.5 \text{ days} = 16,670$$

$$11,670 \times 1.16 = 19,336$$

$$19,366/180 = 170.43$$

$$170.43 \times \$5,231 = \$561,966$$

Assuming a 3 day suspension:

$$11,113 \times 3 = 33,339$$

$$33,339 \times 1.16 = 38,673$$

$$38,673/180 = 214.85$$

$$214.85 \times \$5,231 = \$1,123,880$$

Fort Worth ISD

Assuming a 1.5 day suspension:

$$15,109 \times 1.5 = 22,664$$

$$22,664 \times 1.31 = 29,690$$

$$29,690/180 = 164.94$$

$$164.94 \times \$5,125 = \$845,318$$

Assuming a 3 day suspension:

$$15,109 \times 3 = 45,327$$

$$45,327 \times 1.31 = 59,378$$

$$59,378/180 = 329.88$$

$$329.88 \times \$5,125 = \$1,690,634$$

Houston ISD

Assuming a 1.5 day suspension:

$$38,627 \times 1.5 = 51,941$$

$$51,941 \times 1.31 = 68,042$$

$$68,042 / 180 = 378.01$$

$$378.01 \times 5,422 = \$2,049,597$$

Assuming a 3 day suspension:

$$38,627 \times 3 = 115,881$$

$$115,881 \times 1.31 = 151,804$$

$$151,804/180 = 843.35$$

$$843.35 \times 5,422 = \$4,572,673$$

Humble ISD

Assuming a 1.5 day suspension:

$$1,386 \times 1.5 = 2,079$$

$$2,079 \times 1.17 = 2,432$$

$$2,432/180 = 13.51$$

$$13.51 \times 5,191 = \$70,130.41$$

Assuming a 3 day suspension:

$$1,386 \times 3 = 4,158$$

$$4,158 \times 1.17 = 4,864$$

$$4,864/180 = 27.02$$

$$27.02 \times 5,191 = \$140,272.35$$

Northside ISD

Assuming a 1.5 day suspension:

$$12,329 \times 1.5 = 18,493.50$$

$$18,493.50 \times 1.22 = 22,562.07$$

$$22,562.07/180 = 125.34$$

$$125.34 \times 5,419 = \$679,243.65$$

Assuming a 3 day suspension

$$12,329 \times 3 = 36,987$$

$$36,987 \times 1.22 = 45,124$$

$$45,124/180 = 250.69$$

$$250.69 \times 5,419 = \$1,358,487$$

Plano ISD

Assuming a 1.5 day suspension:

$$1,851 \times 1.5 = 2,776$$

$$2,776 \times 1.15 = 3,192$$

$$3,192/180 = 17.73$$

$$17.73 \times 5,816 = \$103,137$$

Assuming a 3 day suspension:

$$1,851 \times 3 = 5,553$$

$$5,553 \times 1.15 = 6,385.95$$

$$6,385.95/180 = 35.48$$
$$35.48 \times 5,816 = \$206,351.68$$

San Antonio ISD

Assuming 1.5 day suspension:

$$7,964 \times 1.5 = 11,946$$
$$11,964 \times 1.34 = 16,007.64$$
$$16,007.64/180 = 88.93$$
$$88.93 \times \$5,037 = \$447,940.41$$

Assuming a 3 day suspension:

$$7964 \times 3 = 23,892$$
$$23,892 \times 1.34 = 32,015.28$$
$$32,015.28/180 = 177.86$$
$$177.86 \times \$5,037 = \$895,894.25$$

To Calculate District Disciplinary Referral Rates

In order to improve comparability across districts of varying sizes, we calculated the disciplinary referral rates for each district. In district's that provided out-of-school suspensions (OSS) by campus, we calculated the OSS referral rate by dividing the total number of out-of-school suspensions by the campus enrollment.

Funding for Disciplinary Alternative Education Programs

School district do not receive designated funds from the state to finance their DAEPs, instead they rely on a combination of federal, state, and local funds. School districts may use their compensatory education allotment to fund their DAEPs. The Legislature had previously capped the amount of the allotment that could be used for a DAEP at 18 percent of each district's compensatory education allotment,²¹⁸ During the last legislative session, that cap was removed.²¹⁹ For this report, we calculated DAEP costs for each campus based on the Academic Excellence Indicator System (AEIS). In district's where the DAEP was not listed in AEIS, we used the district level data found in the Public Education Information Management System Budget and Actual Financial Reports.

²¹⁸ See Senate Bill 702, 77th Legislature, amending Tex. Educ. Code 42.152(c)(1), signed into law June 13, 2001.

²¹⁹8 Tex. Educ. Code Ann. § 42.152(c).

Funding for Juvenile Justice Alternative Programs

A Juvenile Justice Alternative Education Program (JJAEP) is a collaborative effort between the county juvenile board and the independent school districts located within the county. Counties with populations over 125,000 are required by state law to operate JJAEPs. JJAEPs are funded through local school districts, county commissioners' courts and state appropriations through the Texas Juvenile Justice Department (TJJD). TJJD provides approximately 25% of the total JJAEP funding (i.e., \$79 per mandatory student attendance day); the remaining 75% is provided through the local juvenile boards and the local school districts.²²⁰ School districts must pay for the students who are discretionarily expelled to the JJAEP. *For more information on the variances in cost per day on juvenile justice alternative education programs, see the Texas Juvenile Justice Department Juvenile Justice Alternative Education Programs Performance Assessment Report.*

²²⁰ Texas Juvenile Justice Department, Juvenile Justice Alternative Education Programs Performance Reports 2010-2011, 3 (May 2012).

Appendix B: Grants for Alternatives to Exclusionary Discipline

The Texas Education Agency and/or local school districts may apply for the following grants aimed at helping school districts implement Positive Behavior Supports and Interventions:

School Improvement Grants are used to raise student achievement in low-performing schools. State educational agencies may apply for School Improvement Grants, which are authorized by Title I. If grant funds are given, state education agencies must distribute at least 95 percent of the grant funds to local education agencies. Positive behavioral supports may be implemented under the grant. For Tier I and Tier II schools, the grant requires implementation of one of four school intervention models: (1) turnaround (2) restart (3) closure, or (4) transformation of schools. While the grants are often used for Tier I or Tier II schools, LEAs can also use funds in Tier III schools that are Title I schools in improvement, corrective action, or restructuring or in other Title I eligible or newly eligible Tier III schools. State education agencies may apply for one-year renewals of the grants. More information about these grants can be found on the U.S. Department of Education’s website at <http://www2.ed.gov/programs/sif/index.html>.

State educational agencies may apply for **Special Education—Grants to the States** in order to fund positive behavioral interventions and supports. Most of the funds must be distributed to local education agencies. The grant program has a forward-funded program and an advance appropriation. The forward-funded part is available on July 1 of the year until September 30 of the following year, and the advance appropriations are available on October 1 of the appropriation year, ending on September 30 at the same time as the forward funds. The grants are for special education purposes. They may be spent on the following other state-level activities: special education teacher salaries, therapist and psychologist costs, technical assistance, personnel preparation, positive behavioral interventions and supports, and classroom technology. More information about these grants may be found on the U.S. Department of Education’s website at <http://www2.ed.gov/programs/osepgrts/index.html>.

State educational agencies or local educational agencies may apply for **Special Education—National Activities—Technical Assistance and Dissemination Grants**. The purpose of these grants is to improve results for children with disabilities through technical assistance, model demonstration projects, dissemination of useful information, and implementation activities supported by scientifically-based research. These grants include several specific projects, and more detail can be found at <http://www2.ed.gov/programs/oseptad/eligibility.html>. One of the specific projects, “Technical Assistance Center to Support Implementation of Evidence-based Practices” provides grants for 36 months with a possible extension for 24 additional months.

Local educational agencies may apply for **Race to the Top Grants** to fund positive behavioral interventions and supports. The next application deadline is October 30, 2012. Applicants should show how they can personalize education to students and how their program will substantially accelerate and deepen individual student learning. Equity and access of education are priorities for grants, and local education agencies that have policies, systems, capacity, and

culture enabling the closure of achievement gaps will be more likely to be successful applicants. More information may be found at the U.S. Department of Education website at <http://www2.ed.gov/programs/racetothetop-district/index.html>.

Local educational agencies may apply to the **Investing in Innovation Fund**. The purpose of these grants is to provide grants to applicants with a record of improving student achievement and attainment in order to expand the implementation of, and investment in, innovative practices that are demonstrated to have an impact on improving student achievement or student growth, closing achievement gaps, decreasing dropout rates, increasing high school graduation rates, or increasing college enrollment and completion rates. Grants may be used to develop innovative practices that can be used as models for other educational agencies. To receive grants, educational agencies should have a partnership with an organization in the private sector, including philanthropic organizations. Additional requirements include significant closure of achievement gaps regarding economically disadvantaged students, students from major racial and ethnic groups, students with limited English proficiency, or students with disabilities or improvement in graduation rates, high-quality teacher and principal placement. The maximum grant amount is \$55,000,000 in a one year period. More information about these grants may be found at <http://www2.ed.gov/programs/innovation/index.html>.

TEXAS APPLESEED BOARD OF DIRECTORS

J. Chryst Dougherty, Chair Emeritus
Graves Dougherty, Hearon & Moody - Austin*

Allene D. Evans, Chair
UT System - Austin*

Mark Wawro, Immediate Past Chair
Susman Godfrey L.L.P. - Houston*

George Butts, Secretary-Treasurer
George Butts Law - Austin*

Hon. Marilyn Aboussie
San Angelo

Sydney Ballesteros
Gibbs & Bruns, L.L.P. - Houston*

Ricardo G. Cedillo
Davis, Cedillo & Mendoza, Inc. - San Antonio*

Clinton Cross
Office of County Attorney - El Paso*

Dennis P. Duffy
Baker Hostetler LLP - Houston*

Edward F. Fernandes
Hunton & Williams, LLP - Austin*

N. Scott Fletcher
Jones Day - Houston*

R. James George
George & Brothers, LLP - Austin*

David Gerger
Gerger & Clarke - Houston*

Mark K. Glasser
Sidley Austin LLP - Houston*

Sean Gorman
AZA Law P.C. - Houston*

Gregory Huffman
Thompson & Knight, LLP-Dallas*

Tommy Jacks
Fish & Richardson P.C. - Austin*

Susan Karamanian
George Washington University Law School
Washington, D.C.*

Charles Kelley
Mayer Brown LLP - Houston*

Layne Kruse
Fulbright & Jaworski L.L.P. - Houston*

Neel Lane
Akin Gump Strauss Hauer & Feld, LLP
San Antonio*

Thomas S. Leatherbury
Vinson & Elkins LLP-Dallas*

Michael Lowenberg
Gardere Wynne Sewell LLP - Dallas*

Elizabeth Mack
Locke Lord LLP - Dallas*

Carrin F. Patman
Bracewell & Giuliani LLP - Houston*

Michael Rodriguez
Atlas, Hall & Rodriguez, LLP - Brownsville*

David Sharp
Gunderson, Sharp & Walke, L.L.P. - Houston*

Allan Van Fleet
McDermott Will & Emery LLP - Houston*

Patricia J. Villareal
Jones Day - Dallas*

* Affiliations listed for identification only



Texas
APPLESEED

www.texasappleseed.net