



## Children Need Education and Support, Not Zero Tolerance Discipline

**IDRA Testimony against SB 9, submitted by Paige Duggins-Clay, J.D. to the Texas Senate Education Committee, March 22, 2023**

Dear Chair Creighton and Honorable Members of the Committee:

My name is Paige Duggins-Clay, J.D., and I am the chief legal analyst at IDRA, an independent, non-partisan non-profit committed to achieving equal educational opportunity for every child through strong public schools that prepare all students to access and succeed in college.

IDRA opposes SB 9 and is specifically concerned about Section 12 of the bill and any other legislative proposals that increase the use of punitive and exclusionary discipline practices in schools.

Section 12 amends current law authorizing the removal of students from the classroom to include any time a student “interferes” with teacher communication or student learning; demonstrates “disrespectful” behavior toward an adult; or engages in bullying. This is a significant expansion of current law, which only allows removal when a student “is so unruly, disruptive or abusive that it seriously interferes with” the learning environment (Tex. Educ. Code 37.0832). The bill further prohibits the students’ return to class until an educator has given “written consent” and until a “return to class plan” has been prepared for that student.

We respect teachers and vocally support policies that increase their pay, offer training and technical assistance on creating safe and culturally sustaining schools, and invest in professional support staff, including counselors and behavioral health specialists, who can support educators in managing challenging behaviors. However, we do not believe that resorting to zero tolerance exclusionary discipline policies against children is an appropriate or effective response to student misbehavior – especially behavior that is subjectively labeled as “disrespectful.”

“Zero tolerance” policies were originally adopted in response to calls for more robust drug enforcement in schools. But these policies and practices grew to encompass a constellation of punitive and exclusionary consequences for student infractions, regardless of severity or circumstances. While zero tolerance practices vary, the general approach is the same: removing students who disrupt the learning environment.

I want to be clear: there is no evidence to support that zero tolerance makes schools any safer.

To the contrary, exclusionary discipline practices –especially discretionary practices – are well-documented as having a disproportionate impact on Black students, other students of color and

students with disabilities. For example, in 2018-19, Black students represented 13% of public school enrollment in Texas, but 26% of students receiving in school suspensions. In comparison, white students represented 27% of enrollment but 22% of students receiving in-school suspensions. Similarly, on average, 26% of Black students are suspended compared to 8% of white students (IDRA, 2022).

School districts must adopt policies and practices that cultivate strong relationships between diverse and well-prepared educators and staff and the students and families in a school community. These relationships help to promote positive and supportive school climates and enable challenging issues to be identified and addressed early, with appropriate interventions. Removal from the classroom harms those relationships. It does not give students the opportunity to understand the harmful impact of the behavior and disincentivizes educators from teaching students critical social emotional skills to manage their own behavior and relationships in the classroom.

We urge the committee to remove Section 12 from the bill. Rather than adopting harmful exclusionary discipline policies like Section 12 of SB 9, IDRA urges the committee to:

- Increase school-based mental and behavioral health resources, including counseling and social work professionals;
- Invest in effective alternatives to exclusionary discipline that address root causes of challenging behavior;
- Train teachers and school employees in effective classroom management techniques, including on how to recognize and effectively intervene in instances of bullying and harassment; and
- Collect and assess comprehensive data to better identify and address disparate disciplinary outcomes.

IDRA is available for any questions or further resources that we can provide. Thank you for your consideration. For more information, please contact Paige Duggins-Clay, J.D., at [paige.duggins-clay@idra.org](mailto:paige.duggins-clay@idra.org).

## References

- Abrams, Z. (January 1, 2023). Kids' mental health is in crisis. Here's what psychologists are doing to help. American Psychological Association. <https://www.apa.org/monitor/2023/01/trends-improving-youth-mental-health>
- Craven, M. (June 16, 2022). What Safe Schools Should Look Like for Every Student – A Guide to Building Safe and Welcoming Schools and Rejecting Policies that Hurt Students, IDRA Issue Brief. <https://idra.news/SafeSchoolsIB>
- Johnson, R. (October 2016). Zero Tolerance Policies Likely Contribute to High Attrition Rates of Black Students and Hispanic Students. Texas Public School Attrition Study, 2015-16. <http://www.idra.org/wp-content/uploads/2016/11/IDRA-Discipline-Article-2016.pdf>

*IDRA is an independent, non-profit organization led by Celina Moreno, J.D. Our mission is to achieve equal educational opportunity for every child through strong public schools that prepare all students to access and succeed in college. IDRA strengthens and transforms public education by leading policy analyses and advocacy; dynamic teacher training and principal coaching; useful research, evaluation and frameworks for action; and innovative student, family and community engagement.*