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House Bill 968

FACT SHEET, 2011

PROTECT ACADEMIC ACHIEVEMENT AND SCHOOL SAFETY BY CLARIFYING GROUNDS FOR EXPULSION

PROBLEM

Although expulsion is the most serious disciplinary action against students – an action that often leads to student dropout and potential entry into the juvenile or criminal system¹ – Texas does not currently define what behaviors can justify a discretionary expulsion from a Disciplinary Alternative Education Program (DAEP). This lack of guidance has resulted in inconsistent district policies that tend to have a negative impact on academic achievement, rather than increase school safety.² In Texas, the vast majority of discretionary expulsions are for nonviolent, non-criminal behavior, and those discretionary expulsions are disproportionately given to minority students and students with disabilities.

While maintaining schools' ability to expel students for criminal or serious misconduct, Texas legislators should clarify what behavior justifies discretionary expulsion from a DAEP.

KEY FINDINGS³

- Overuse of expulsion has been shown to have a negative impact on academic achievement, and has also been linked to poor school climate and increased probability for dropout.
- During the 2008-2009 school year, 71 percent of all expulsions in Texas were discretionary, and most of those discretionary expulsions were for “serious or persistent misbehavior” in a DAEP. “Serious or persistent misbehavior” is not defined in Texas law, is not an expellable offense in non-DAEP school settings, and is not a crime.
- The 15 highest expelling school districts each define “serious or persistent misbehavior” differently. The listed infractions range from violations of the school’s Student Code of Conduct to murder.
- The greater determining factor in whether a student is expelled for discretionary reasons is where a child attends school – not the nature of the offense.
- Minority and special education students are significantly overrepresented in discretionary expulsions.

SUPPORT H.B. 968 BY REPRESENTATIVE STRAMA

- **H.B. 968 defines “serious misbehavior” to provide clear guidance for discretionary expulsions from Disciplinary Alternative Education Programs.** The bill defines “serious misbehavior” as deliberate violent behavior, extortion, coercion, public lewdness, indecent exposure, criminal mischief, hazing, or harassment. The bill removes “persistent misbehavior” as grounds for discretionary expulsion. The bill also requires documentation of the serious misbehavior and the district’s behavioral interventions.
- **H.B. 968 creates greater consistency by adding aggravated robbery to the list of crimes requiring a child’s removal from the classroom.** Because the crime involves serious bodily injury or a weapon, it should be included.

¹ Texas Appleseed, *Texas’ School to Prison Pipeline: School Expulsion, The Path From Lockout to Dropout*, 2010, http://www.texasappleseed.net/index.php?option=com_docman&task=doc_download&gid=380&Itemid.

² Texas Appleseed, *Texas’ School to Prison Pipeline: Dropout to Incarceration*, 2007, www.texasappleseed.net.

³ *Ibid.*