



September 2017, Number 85-1

Public Education

Texas limits out-of-school suspensions for young students

September 13 — Texas public school students in prekindergarten through grade 2 no longer may be placed in out-of-school suspension for certain disciplinary infractions under a law enacted this year by the 85th Legislature. [HB 674](#) by E. Johnson, which took effect June 12, applies to school districts and open-enrollment charter schools beginning this school year. Under the new law, out-of-school suspensions for up to three school days are still allowed for young students who, while on school property or attending a school-related activity, engage in certain conduct involving weapons, violent assaults, controlled substances, dangerous drugs, or alcohol.

Education Code, [sec. 37.001](#) requires school boards to adopt a student code of conduct for the district and specify the circumstances under which a student may be removed from a campus. Several Texas school districts, including Austin, Dallas, El Paso, and Houston, already had taken steps to limit out-of-school suspensions for younger students.

The new law also allows school districts and charter schools to implement a positive behavior program for students below grade 3 who violate the school's code of conduct. Such programs must provide alternative disciplinary courses of action that do not rely on the use of in-school suspension, out-of-school suspension, or placement in a disciplinary alternative education program. The programs must be developed in consultation with campus behavior coordinators and representatives of a regional education service center and meet certain requirements, including being age-appropriate and research-based and providing behavior

management strategies. Districts and charter schools may conduct annual training for staff on the alternative disciplinary program.

Supporters of the bill said it would end a form of punishment used disproportionately on certain young students, particularly boys, black students, and students with special education needs. They said some schools have used suspensions for relatively minor infractions of school conduct codes and that the bill would retain suspensions for serious infractions involving assaults, weapons, and alcohol or drugs. When young students are suspended, supporters of the bill said, they miss classroom instruction and can develop negative attitudes about school. These suspensions do little to change behavior and can result in young children being labeled as “problem students,” they said. The bill's proponents said it would encourage use of programs that have proven effective in helping teachers manage their classrooms.

Opponents of the bill said it would remove a disciplinary tool that should be available to teachers, as needed, to manage their classrooms. They said local school officials and classroom teachers are responsible for maintaining a good learning environment and should be trusted to make disciplinary decisions that are in the best interest of all students.

— Janet Elliott