



Senate Criminal Justice
SB 1116
March 29, 2011

Members, I am Lauren Rose with Texans Care for Children, a statewide nonprofit organization dedicated exclusively to improving the lives of Texas children through policy change. We look to our broad base of community-based experts—our partners and 147 members throughout the state who together represent thousands of Texas children—to inform our work and help us in developing our legislative agenda. We also co-convene various stakeholder groups that bring together a wide range of organizations, families, and advocates around our areas of focus, which are: family economic security; infant, child and maternal health; children’s mental health; child welfare; and juvenile justice.

Texans Care for Children supports SB 1116 to eliminate the issuance of Class C Misdemeanors to students as a means for implementing school and school bus disciplinary policy . Issuing tickets - a criminal citation - for all types of school disciplinary violations is becoming increasingly common and more school districts now house their own police departments. **Children as young as six have received such tickets**, which come with fines ranging from \$250 to \$500. Judges determine whether failure to pay the fines will result in community service or jail time.ⁱ

Instead of issuing citations to students – which can put students on the early path to the criminal justice system, schools should implement more age appropriate disciplinary measures as well as prevention measures that promote child development and safe schools.

The public education system is the gateway by which many of the 150,000 Texas juveniles arrested each year first come into contact with the criminal justice system.ⁱⁱ Schools are increasingly likely to use disciplinary measures that take children out of the classroom for even minor offenses and enter them into the correctional system, a trend advocates term the “school-to-prison pipeline.” In fact, according to a report by the Texas A&M Public Policy Research Institute, “the single greatest predictor of future incarceration is a history of disciplinary referrals at schools.”ⁱⁱⁱ

In Texas, school districts’ disciplinary practices vary widely. For example, disrupting a classroom (which can include things such as swearing or chewing gum) could be handled in the classroom by a teacher in some districts and could result in expulsion or a criminal ticket in another district. Some districts expel students or issue criminal tickets many times more often than other districts. Further, neither districts themselves nor parents have access to basic information about how districts compare in discipline responses. This combination of discretion and lack of transparency results in significant gaps between outcomes for various groups of students.

School police officers have the responsibility of keeping schools safe from violence. For many, however, their time is spent primarily on violations of school discipline policies, not violent crime.

Further, when a school police officer issues a criminal ticket to a child or youth, the city courts that handle the tickets do not use a normal court process involving a defense attorney, prosecuting attorney, judge, or jury. They can, but in practice, they do not. This means that Texas children and youth do not in practice have basic due process to resolve criminal charges they are subject to based on school discipline practices. An additional concern is the inherent incentive to ticket children. Though not all school districts report what is done with revenue from tickets issued to students, in at least some districts, a portion of the revenue from tickets funds the school police departments that issue the citations. To avoid conflict of interest, funds from tickets should not perpetuate a school police presence.^{iv}

In addition to decriminalizing student behavior as SB 1116 does, school-wide Positive Behavior Interventions and Support (PBIS) is an evidence-based approach effective at reducing disciplinary incidents, increasing school safety, and improving academic outcomes.^v Texas needs a school discipline environment that does not make criminals out of youth, but rather redirects problem behavior. Our valuable criminal justice resources should be redirected into things that protect the public from violent crime, while our teachers and principals need sufficient resources and training to manage students in need of behavioral interventions.

Thank you for your favorable consideration of SB 1116.

Respectfully,

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ⁱ Brian Thevenot, "School District Cops Ticket Thousands of Students," The Texas Tribune, June 2, 2010, <http://www.texastribune.org/texas-education/public-education/school-district-cops-ticket-thousands-of-students/>.

ⁱⁱ Marc A. Levin, "Juvenile Justice & School Discipline." (Austin: Texas Public Policy Foundation, January 29, 2009), <http://www.texaspolicy.com/pdf/2008-LegEntry-JuvenileJustice-ml.pdf>

ⁱⁱⁱ Dottie Carmichael, Guy Whitten, and Michael Voloudakis, Study of Minority Over-Representation in the Texas Juvenile Justice System: Final Report to the Office of the Governor Criminal Justice Division, (College Station, TX: The Public Policy Research Institute at Texas A&M University, 2005), <http://dmcfinalreport.tamu.edu/>.

^{iv} Senate Committee on Criminal Justice (Senate Committee Meeting, Austin, Texas, April 29, 2010), Senate Real Media Archives 2010, <http://www.senate.state.tx.us/avarchive/?yr=2010>.

^v Office of Special Education Programs Center on Positive Behavioral Interventions & Supports. (2009) *What is School-Wide Positive Behavioral Interventions and Supports?* <http://www.pbis.org/common/cms/documents/WhatIsPBIS/WhatIsSWPBS.pdf>