



# School Discipline & Delinquency Prevention

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## THE ISSUE

Tens of thousands of Texas students as young as 10 receive tickets for Class C misdemeanors in school, most commonly for disrupting class, which is broadly defined in the Education Code to include such ordinary misbehavior as “emitting noise of an intensity that prevents or hinders classroom instruction.”

Ticketed youngsters must appear with a parent in municipal or justice of the peace court, where they face fines of up to \$500. If they do not appear or do not pay, the case is typically referred to juvenile probation and, if the matter is not cleared up by the time a youth turns 17, an arrest warrant is issued.

Some 7,000 Texas youths are in Juvenile Justice Alternative Education Programs (JJAEPs), which are non-residential educational programs overseen by counties for students who have been expelled, committed certain criminal offenses, or engaged in serious and persistent misbehavior while at alternative schools called Disciplinary Alternative Education Program (DAEPs). Under zero tolerance policies, Texas students have been expelled for accidentally bumping into an alarm and possessing prescription drugs and asthma inhalers that they were legitimately using but failed to register with school authorities.

In a recent zero tolerance case, honor student and soccer team goalkeeper Pavlos Karnezis in Fort Bend ISD was expelled and banished for months to a JJAEP for a small knife that was used for school-sponsored internship at Texas Instruments that was volunteered to a physics teacher when she asked for something to cut with. His graduation would have been delayed had his parents not moved him to a private school.

Additionally, more than 311,000 Texas students are placed in out-of-school suspension, resulting in more

than 1 million school days missed. Texas students are many times more likely to commit a criminal offense while suspended, as these youths often lack parental supervision during the day.

Some 106,000 students are suspended and placed in DAEPs. All districts must have a DAEP, but smaller districts often share them with one or more neighboring districts. Most DAEPs are operated by school districts although several in Houston and Dallas are run by private entities that contract with school districts. DAEPs' drop-out rate is five times that of regular campuses and some 80 percent of Texas adult prisoners are drop-outs.

Also in 2007, the Legislature instructed the Texas Education Agency to promulgate standards for DAEPs that, for the first time, require a full-school day, ensure DAEPs offer the courses needed to graduate, and specify that students placed at a DAEP for 90 days or longer be given an intake and outtake exam. However, TEA is still developing rules for the intake and outtake exam even though this provision was enacted in 2007. The Iowa Test of Basic Skills is already administered to students placed at JJAEPs for 90 days or more. This has provided a barometer indicating that JJAEP students make academic progress that is more than commensurate with their placement period while also facilitating comparisons among different types of JJAEPs (classroom, military, and therapeutic) and JJAEPs in various counties.

## THE FACTS

- ★ DAEP placements have increased from 70,728 in 1999-2000 to 100,666 in 2007-08. Approximately 76 percent of DAEP placements are discretionary while the remainder are mandatory, because they involve conduct on or near the campus such as as-

sault, drug or alcohol possession, and setting off a false alarm that automatically trigger suspension and DAEP placement under provisions in Chapter 37 of the Education Code.

- ★ Some 569 pre-kindergarten and at least 3,118 first grade students have been referred to DAEPs.

## RECOMMENDATIONS

- ★ Place limits on the issuance of criminal citations to students for misbehavior that does not violate any traditional criminal law. Policymakers should re-examine the age at which it is appropriate to ticket students for “crimes” such as disrupting class and narrow the wording of those crimes in the Education Code to reduce arbitrariness in enforcement.
- ★ Make expulsion discretionary for students caught with prescription drugs and asthma inhalers. Expulsions are now mandated by state law in these circumstances. Schools should be free to exercise discretion in whether to expel such students based on their disciplinary history, intent, etc.
- ★ Make suspension to a DAEP discretionary instead of mandatory for possession of alcohol and abuse of volatile chemicals, such as glue and correction fluid. A high school student with a beer can in the trunk of his car, parked in the school lot, could be disciplined in ways other than being sent to a DAEP, which tends to disrupt academic progress. Principals, not state officials, are best situated to make disciplinary decisions based on the unique facts in each case.

## RESOURCES

*The ABC's Before TYC: Enhancing Front-End Alternatives in the Juvenile Justice System* by Marc Levin, Texas Public Policy Foundation (Feb. 2008) <http://www.texaspolicy.com/pdf/2008-02-PP04-ABCofTYC-ml.pdf>.

*Schooling a New Class of Criminals* by Marc Levin, Texas Public Policy Foundation (Mar. 2006) <http://www.texaspolicy.com/pdf/2006-03-PP-DAEP-ml.pdf>.

*Disciplinary Alternative Education Programs: What Is and What Should Be* by Marc Levin, Texas Public Policy Foundation (Dec. 2005) <http://www.texaspolicy.com/pdf/2005-12-DAEPs-pb.pdf>.

*Texas' School-to-Prison Pipeline: Dropout to Incarceration*, Texas Appleseed (Oct. 2007) <http://www.texasappleseed.net/pdf/Pipeline%20Report.pdf>. ★

