

Effective School Discipline: Lower Costs, Safer Schools *Testimony Before Senate Jurisprudence Committee on SB 393, SB 394, and SB 395*

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The Texas Public Policy Foundation is a 501(c)3 nonprofit, non-partisan research institute guided by the core principles of liberty, personal responsibility, and free enterprise.

The Foundation has conducted research into the state of current discipline policies in Texas schools. Our research has revealed that those policies are largely ineffective in reducing misbehavior and come at a significant cost to Texas schools.

Currently, Texas schools spend over \$327 million on security and monitoring services. A portion of this security and monitoring is expended on the processes of issuing Class C misdemeanor tickets. At least 100,000 and as many as 200,000 of these Class C misdemeanor tickets are issued to Texas students each year.

This use of Class C misdemeanor tickets does nothing to address underlying behavior, and in fact clogs up court dockets, preventing them from dealing with actual risks to public safety. Municipal and justice of the peace court officials report that their courts have become the source of discipline for Texas students and that they feel like school principals. Worse, they have few, if any, tools at their disposal other than imposing a fine inevitably paid by the parent many weeks or months after the incident.

The Foundation has researched alternative systems that can reduce costs and overreliance on the justice system for in-school misbehavior. Pioneered by Clayton County, Georgia, the “tiered system” of school discipline management requires schools to try something else prior to sending a youth to court for school-based misbehavior with a Class C misdemeanor citation.

Clayton County has used this system for five years, and has benefited from the resulting 67 percent drop in referrals to the courts, 73 percent drop in the incidence of weapons brought on campus, and 20 percent increase in graduation rates.

Furthermore, school resource officers report enhanced positive interactions with students on campus.

Waco Independent School District (ISD) has begun implementing a pilot project of this system under a grant from the Office of the Governor, Criminal Justice Division. Waco ISD attained a 77 percent drop in tickets in just one year.

SBs 393, 394, and 395 are a good step in the direction towards more effective and efficient school discipline. However, our research suggests that in-school behavior management should also occur prior to citation for Class C misdemeanor tickets for offenses in the Penal Code.

In addition, we would urge a reconsideration of whether the Education Code offenses need to exist at all. Our research into over-criminalization includes the duplication of offenses in multiple codes outside of the Penal Code. The current Education Code offenses, Failure to Attend School, Disruption of Classes, and Disruption of Transportation, all cover behavior that is dually penalized in the Penal Code and the Family Code.

In conclusion, the Foundation’s research supports eliminating offenses in the Education Code, and requiring in-school discipline prior to court referrals for Penal Code Class C misdemeanor offenses in order to create more effective and cost-efficient school discipline in Texas.

I would be happy to answer any questions. Thank you. ★