

Texas Public Policy Foundation

# Keeping Texas Competitive

## A Legislator's Guide to the Issues 2013-2014



### School Discipline and Delinquency Prevention

#### The Issue

Public schools across Texas are designed to educate our youth and provide them with the building blocks for higher education or future employment. To effectively impart this education, schools must be safe places for students of all ages, which requires effective school discipline.

Unfortunately, school discipline has recently become far too reliant on justice system interventions. Students' minor misbehavior, previously handled with traditional disciplinary methods by teachers collaborating with parents, is now often handled in the justice system through formal court proceedings. This shift came as a result of the adoption of zero-tolerance policies, as well as the ease of offloading responsibility onto the justice system.

Exchanging school discipline for justice system intervention comes at a high cost. To the youths and families involved, the cost includes precious education hours missed while sitting in court or in an out-of-school disciplinary program, not to mention the time lost at work and costs to the parents when forced to accompany their children to court. These costs can be unnecessary in the absence of conduct that creates a substantial danger, in contrast to the minor misbehavior often underlying disciplinary action, such as spraying perfume or shouting in class.

This exchange also comes at great cost to Texas taxpayers and citizens. Simple, effective, and low-cost in-school disciplinary measures have been forgone for more expensive justice system interventions—such as the frequent use of Class C misdemeanor tickets and referrals to Juvenile Justice Alternative Education Programs (JJAEPs). These expend valuable court resources, overfill dockets of municipal court judges, squander precious district funds, and overburden taxpayers. Texas courts are clogged with hundreds of thousands of school discipline cases, limiting access for citizens and cases in true need of justice handed down from the bench.

Fortunately, there is an exit strategy from this overreliance. Implementation of a tiered school discipline program can provide effective intervention in a misbehaving student's life, while ensuring appropriate justice system referrals are still available for serious problems on school campuses.

Such a policy would operate in this way: prior to referring a student to the justice system, school administrators would simply be required to use traditional disciplinary methods first. After exhausting the first "tiers" of a disciplinary system, if the misbehavior has not been corrected, then more serious justice system interventions are available. Further, serious incidents of criminal behavior, such as bringing a weapon to school, would be eligible for immediate referral to the justice system, ensuring that schools remain a safe, effective, educational environment for all students while preventing overreliance on the justice system.

In addition to implementing a reasonable tiered discipline policy, policymakers can look to streamlining disciplinary standards codified in the Education Code and reducing the categories of mandatory suspensions and expulsions, permitting teachers and school districts more latitude to properly discipline their students.

## The Facts

- Citable offenses are too broad. Disrupting class is a citable offense in the Education Code, which includes ordinary misbehavior such as “emitting noise of an intensity that prevents or hinders classroom instruction,” and requires a student to appear in court with a fine of up to \$500.
- Disciplinary Alternative Education Programs (DAEPs) are ineffective but have expanded over the last decade. From 1999-2009, the number of youth assigned increased 24%, to 92,719 students, including 13,382 first through sixth graders. The dropout rate for students assigned to a DAEP is 225% higher than the dropout rate for Texas schools as a whole (and 80% of Texas adult inmates are dropouts).
- In the 2009-10 school year, there were 284,028 students suspended out-of-school 575,306 times. Notably, 95% of these suspensions were discretionary. These suspensions translate to multiple days spent without parental supervision or education.

## Recommendations

- Require districts to implement a tiered discipline system that first uses traditional disciplinary methods prior to justice system involvement except for serious offenses.
- Permit school police officers and other law enforcement personnel to issue civil citations to juveniles rather than arresting them for minor misdemeanors. Civil citation programs often include community service.
- Narrow the focus of citable offenses in the Education Code to behavior that poses a danger to others and reduce arbitrariness in enforcement.
- Incorporate school disciplinary outcomes into the state school accountability system.
- Narrow categories of conduct mandating expulsions and suspensions to limit such responses to blameless behavior, such as validly prescribed but unregistered prescription drugs or asthma inhalers.

## Resources

*Expelling Zero Tolerance, Reforming Texas School Discipline for Good* by Jeanette Moll, Texas Public Policy Foundation (Aug. 2012).

*Testimony before the House Public Education Committee Regarding Juvenile Justice Reforms* by Jeanette Moll, Texas Public Policy Foundation (Apr. 2012).

*Schooling a New Class of Criminals: Better Disciplinary Alternatives for Texas Students* by Marc Levin, Texas Public Policy Foundation (Mar. 2006).

