

Report of the States: Texas

Submitted by:
Rebeca Huddle
Justice, First Court of Appeals
rhuddle@txcourts.gov
713.274.2724

The issue: “School-to-Prison Pipeline”

A 2005 study of nearly one million public secondary school students in Texas revealed that, of the risk factors associated with future involvement in the juvenile justice system, the single greatest predictor is a history of disciplinary referrals at school.¹ School disciplinary actions and ticketing were most often used to punish students for nonviolent offenses like disruption of class, disorderly conduct, or truancy. The vast majority of these disciplinary actions were at the discretion of school officials, not for offenses mandating suspension or expulsion under state law. While African-American, Hispanic, and white students were removed from school for mandatory disciplinary violations at rates comparable to their respective proportions of the school population, minority students were disciplined for discretionary violations and had contact with the juvenile justice system at disproportionately higher rates.

What Texas is doing about it:

The Texas Legislature passed Senate Bills 393 and 1114, effective September 1, 2013. These bills amended Texas’ Code of Criminal Procedure, Education Code, Family Code, and Penal Code to, among other things, effect the following reforms:

- prohibit the issuance of tickets for low-level non-traffic misdemeanors committed by students on school property;
- require, as a prerequisite to court adjudication of a student for a non-traffic Class C misdemeanor, the filing of a complaint with an offense report, statement by a witness and victim, and statement from a school employee regarding (1) whether the child is eligible to receive special education services and (2) the graduated sanctions imposed on the student before the filing of the complaint;
- authorize courts to discharge a fine and costs by permitting community service or receiving tutoring;
- restrict access to records of youth who received a dismissal after a deferred disposition for a fine-only offense; and
- prohibit the issuance of a citation for delinquent conduct on school grounds to a child under age 12.

¹ Tony Fabelo et al., Council of State Gov’ts Justice Ctr. & Pub. Policy Research Inst. at Tex. A&M Univ., *Breaking Schools’ Rules: A Statewide Study of How School Discipline Relates to Students’ Success and Juvenile Justice Involvement* (2011), available at http://csgjusticecenter.org/wp-content/uploads/2012/08/Breaking_Schools_Rules_Report_Final.pdf.