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New Report Finds that Texas Schools Continue to Rely on Police Officers, Courts, and Juvenile Probation to Address Minor School Misbehavior

Data Show that Youth of Color and Students with Disabilities are Disproportionately Subjected to Arrests, Court Involvement, Use of Force, and Juvenile Probation for Similar Behavior

AUSTIN, Texas—Data collected from Texas school districts, municipal courts, juvenile probation departments, the Texas Education Agency, and student surveys show that students in Texas schools are arrested, are sent to adult criminal courts, referred to juvenile probation, and experience use of force incidents at alarming rates, often for relatively minor misbehaviors. These punitive discipline methods are disproportionately used against Black and Latino students and youth with disabilities even though students of color are no more likely to misbehave, and students with disabilities should be receiving supports from their schools.

Statewide, 59,054 non-traffic Class C misdemeanor cases were filed against juveniles in 2015-16 alone. The report from Texas Appleseed and Texans Care for Children examines school-based incidents specifically. It found that of the 72 school districts that supplied data, officers arrested students 29,136 times and issued 41,304 tickets or complaints for Class C misdemeanors from 2011 to 2015. These 72 districts accounted for about one-third of the total student population in Texas. School-based behaviors that often result in Class C misdemeanor charges are low-level, yet the consequences of these criminal charges are extremely harmful and can include heavy fines and adult criminal records. Further, 16,814 referrals of students were made to juvenile probation for school-based behavior in 2015, accounting for 28 percent of all juvenile probation referrals. Instead of educators and school administrators addressing student behavior, it is clear from data analysis that Texas school districts rely heavily on law enforcement to police the behavior of students in schools, including two incidents in Dallas ISD involving children as young as six years old.

The report — [*Dangerous Discipline: How Texas schools are relying on law enforcement, courts, and juvenile probation to discipline students*](#) — tracks Class C tickets, complaints, arrests, and use of force incidents (i.e., use of Tasers, pepper spray and open hand control on students) from school years 2011 to 2015 and school-based juvenile probation referrals in calendar year 2015.

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Impact of Legislative Changes

In 2013, Senate Bills 393 and 1114 prohibited the ticketing of students on their home campuses for Class C misdemeanors and eliminated the frequently-charged offenses of Disruption of Class and Disruption of Transportation. Since September 1, 2013, students in schools can still be charged with Class C misdemeanors, but officers and districts must file a detailed complaint against the student, rather than quickly write and hand out a ticket. In just one school year, the 2013 reforms resulted in a more than 50 percent reduction in charges issued to Texas students in schools statewide, and within the 72 school districts data set, a 77 percent reduction. Yet, the new data from the report show that the initial reduction in ticketing has since largely plateaued. Thousands of complaints are still issued by districts and school police officers for Class C misdemeanor offenses every year, most involving classroom misbehavior or other relatively minor conduct. Texas students who are charged with these offenses are sent to Justice and Municipal courts, which are adult criminal courts. There, without court-appointed representation, they face fines and criminal records.

“Research shows that using courts to address student behavior is not only ineffective, but it can make underlying problems that students are facing worse and can increase the likelihood of grade retention and school dropout. Similarly, school-based arrests and use of force incidents are harmful for students and may also be physically dangerous.” said Deborah Fowler, Executive Director of Texas Appleseed.

Research also shows that processing youth through the juvenile justice system with probation referrals can create a cycle of delinquency and justice involvement.

New School Policing Surveys

Dangerous Discipline also features an analysis of school policing perceptions and experiences by youth. Texas Appleseed designed and administered the school policing survey to 425 youth incarcerated in secure juvenile facilities run by the Texas Juvenile Justice Department across the state. In the surveys, youth reported interactions that they and their peers had with police officers in their schools prior to incarceration, and how those interactions impacted school climate and the youths’ future expectations of interactions with police officers. The survey found that 64 percent of participants had been stopped or questioned by a school police officer, 66 percent had been sent to court by an officer or other school district official at least once, and 35 percent had been arrested at school before entering the juvenile facility. A majority of youth reported having been disciplined by a school police officer for minor, non-violent behavior and a majority reported having mostly negative experiences with officers.

“Research shows that when students are pushed out of class and into court or juvenile probation, they are more likely to be involved with the justice system when they get older. We must clarify the role of school police officers and provide schools better training and strategies to manage student behavior to keep kids on a path to success and out of the school-to-prison pipeline,” said Lauren Rose, Director of Youth Justice Policy at Texans Care for Children.

Other Key Report Findings

- **Black students are over-represented in arrests, court referrals, and use of force incidents, despite research showing they are no more likely to misbehave than their peers.** Though Black students are 13 percent of total Texas school enrollment, they represent 32 percent of tickets/complaints issued, 22 percent of arrests, and 40 percent of use of force incidents between 2011 and 2015.

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- **Students who receive special education services are over-represented.** Only 14 school districts (out of 72 that provided data) were able to report data fully disaggregated by students' special education status. In those districts, students who receive special education services represented 9 percent of student enrollment, but 12 percent of tickets/complaints issued, 24 percent of arrests, and 16 percent of use of force incidents between 2011 and 2015.
- **Texas school districts appear to spend more on police officers than counselors.** The 53 school districts that provided financial data spent \$79 million on school police officer programs in 2014-15, much of which was used to address violations like "Disorderly Conduct" and "Curfew Violations." On average, each district spent over \$1.4 million on its school police officers. By contrast, in 2014-15, all 1,247 Texas school districts each spent an average of approximately \$534,000 on counselor salaries.
- **Black students are over-represented in school-based referrals to juvenile probation.** Statewide, Black youth represent 13.9 percent of the 10- to 17-year-old population, yet they accounted for 25 percent of school-based juvenile probation referrals in 2015—a rate that is 2.86 times higher than their White peers. Disparities in referral rates are even more alarming if age is considered. Twelve-year-old Black youth were referred to juvenile probation for school-based offenses at the same rate as 15- and 16-year-old White youth.
- **Latino youth are over-represented in school-based referrals to juvenile probation.** Statewide, Latino youth represent 46 percent of the 10- to 17-year-old population, yet they accounted for 53 percent of school-based juvenile probation referrals in 2015—a rate that is 1.87 times higher than their White peers.
- **Boys were over-represented in tickets/complaints, arrests, and use of force incidents at schools.** Boys accounted for 74 percent of incidents overall, despite representing 51 percent of the student population.

“The over-representation of Black and Latino youth in our arrest, complaint, and probation and court referrals data is disturbing. We know from years of research that children of color are not more likely to misbehave than their peers, and yet they continue to be punished at disproportionately high rates. The current system of overly-punitive school discipline results in discriminatory outcomes.” said Morgan Craven, Director of Texas Appleseed’s School-to-Prison Pipeline Project.

Independent School Districts (ISDs) and Counties that top the lists in the report include:

- **Houston ISD and Austin ISD:** Highest average number of tickets/complaints issued per year at 1,581 and 982, respectively (2011-2015).
- **Mount Pleasant ISD, Quinlan ISD, and Coldspring-Oakhurst Consolidated ISD:** Highest rates of tickets/complaints issued (considering district size) at 49, 23, and 19 per 1,000 students, respectively (2014-15).
- **Austin ISD and San Antonio ISD:** Highest annual average number of arrests at 1,307 and 1,140, respectively (2011-2015).
- **Winnsboro ISD, Laredo ISD, and Edgewood ISD:** Highest rates of arrests (considering district size) at 14, 11, and 11 per 1,000 students, respectively (2014-15).
- **Ector County ISD, Dallas ISD, and Brownsville ISD:** Highest number of use of force incidents at 220, 177, and 105, respectively (2011-2015).

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- **Austin ISD and Dallas ISD:** Both districts have extreme examples of disproportionate issuing of tickets/complaints for Black students. Though Black students were 8 percent of Austin ISD’s student enrollment from 2011-2015, they accounted for 20 percent of tickets/complaints. Black students were 23 percent of Dallas ISD’s student enrollment from 2011 to 2015, but accounted for 49 percent of tickets/complaints issued.
- **Coldspring-Oakhurst ISD:** Highest spending on school police at \$227 per student in 2014-15.
- **Webb County, Lubbock County, and Brazos County:** Youth in these counties were referred to juvenile probation at rates of 17.6, 17.4 and 17.1 per 1,000 youth, respectively, over three times higher than the statewide rate of 5.3 referrals per 1,000 youth.
- **Brazos County and Lubbock County:** In both counties, Black students are referred to juvenile probation from schools at a rate that is almost eight times the state average—44 and 42 referrals to probation per 1,000 students, respectively (2015).
- **Travis County:** Despite having an overall school-based juvenile probation referral rate close to the state average, Black youth in Travis County are referred at a rate 5.4 times higher than their White peers and Latino youth are referred at a rate 3.7 times higher than their White peers.

According to the report, the Texas legislature, the Texas Education Agency, and school districts should adopt a number of reforms, including:

- Eliminate the fines and criminal records associated with Class C misdemeanors that are issued to youth so that students are not saddled with unreasonable costs and do not have to experience the many consequences associated with criminal records.
- Improve data collection and publication requirements so that Texas families, educators, advocates, and lawmakers are aware of the frequency and nature of interactions between students and school police officers.
- Establish counselor-to-officer ratios to ensure districts are appropriately allocating their monies in favor of prevention, intervention, and improved school climate and safety through counseling services over punitive discipline methods like school police programs.
- Fund and train educators in research-based positive behavior models to use as an alternative to punitive measures like school police and court referrals.
- Revise the contracts between school districts and law enforcement agencies so that the role of school police officers is clearly defined and limited to responding to emergencies that actually threaten the safety of students or school staff.

About Texas Appleseed

Texas Appleseed is a public interest justice center that works to change unjust laws and policies that prevent Texans from realizing their full potential. The nonprofit conducts data-driven research that uncovers inequity in laws and policies and identifies solutions for lasting, concrete change. For more information, visit www.TexasAppleseed.org.

About Texans Care for Children

Texans Care for Children envisions a Texas in which all children grow up to be healthy, safe, successful, and on a path to fulfill their promise. As a statewide, non-profit, non-partisan, multi-issue children's policy organization, Texans Care for Children develops policy solutions, produces research, and engages Texas community leaders to educate policymakers, the media, and the public about what works to improve the well-being of Texas children and families. For more information, visit www.txchildren.org.