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C.S.H.B. 3758

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REDUCE THE OVER-CRIMINALIZATION OF SCHOOL MISBEHAVIOR AMONG ELEMENTARY AND MIDDLE SCHOOL STUDENTS

PROBLEM

The rationale behind the implementation of strict discipline policies in Texas – to deter violent misbehavior and make schools safe learning environments – is well intentioned, but the policies often lead to unfair and harsh consequences for youth already considered at-risk. For instance, the policies' heavy-handed and often inequitable use, including for minor on-campus misbehavior, increases school truancy and dropout rates, potentially resulting in more youth entering the juvenile justice or adult prison system, at tremendous cost to the state.

Data trends not only point to increasing rates of discipline in Texas schools, but to certain categories of students most likely to be targeted. Indeed, evidence indicates that bias plays a significant role in the discipline process, further undermining the legitimacy and effectiveness of schools' policies. Statistics obtained by the Texas Education Agency from school districts across the state illustrate that male students, minority students, students of low socioeconomic status, and students in special education programs are disproportionately impacted by school discipline policies.

Sadly, due to overzealous campus discipline policies, **thousands of youth in Texas who are 12-years-old and under, and some as young as 5, are being issued Class C citations for low-level behavioral issues** during school hours. A disproportionate number of these youth are minority and special needs students.

KEY FINDINGS

- Many schools utilize untrained police officers and security personnel, and, as a result, they have seen a hike in school arrests for nonviolent violations of the school's code of conduct.¹ The vast majority of students arrested on campus commit nonviolent and vague offenses, such as "disruption of class" or "disorderly conduct."²
- Not only do increased arrests pose long-term problems for students with records, but they clog court dockets and detention facilities with nonviolent youth who would be better served through alternatives.
- Enforcing strict disciplinary policies can especially backfire when youth are at such an early stage in their lives, effectively pushing them out of schools and increasing their potential likelihood of entering the juvenile justice system.

SOLUTION: SUPPORT C.S.H.B. 3758 BY REPRESENTATIVE GIDDINGS

C.S.H.B. 3758 prohibits students 12 years old or younger from receiving a Class C citation for nonviolent, non sexual-related, and non harassment-related offenses on school campuses or during school hours, such as disruption of class or lower-level disorderly conduct.

Under this bill, the state will experience a positive fiscal impact through savings associated with fewer youth entering the juvenile justice system unnecessarily.

¹ Texas Appleseed, "Texas' School-to-Prison Pipeline: Ticketing, Arrest & Use of Force in Schools," December 2010, pgs. 4, 5.

² *Ibid.*, pg. 68