



Testimony of Texas Appleseed
Joint Hearing of the Education Committee & Committee
On Agriculture, Rural Affairs and Homeland Security
Re: Student Safety Policies

Senate Education Committee
Monday, January 28, 2013
Senate Chamber

Texas Appleseed Contacts: Deborah Fowler, Deputy Director
Kathryn Freeman, Staff Attorney
Mike Vitris, Staff Attorney
1609 Shoal Creek Blvd., Suite 201
Austin, TX 78701
(512) 473-2800
www.texasappleseed.net

We appreciate the opportunity to present testimony before the Education Committee and the Committee on Agriculture, Rural Affairs, and Homeland Security. Texas Appleseed, a non-partisan, non-profit, 501(c)(3) organization, is part of a national network of 16 public interest law centers in the United States and Mexico. Our mission is to promote justice for all Texans by leveraging the volunteer skills and resources of lawyers and other professionals to identify systemic, practical solutions to broad-based social and economic justice issues. Texas Appleseed's work includes advocacy on behalf of youth involved in the "School-to-Prison Pipeline," including those who have already had contact with the juvenile justice system.

Like many others across the nation, Texas Appleseed watched the events of Sandy Hook Elementary School unfold with a mixture of horror and deep sadness for the families who lost children and loved ones. It is impossible to imagine the grief and trauma that the entire Newtown community must continue to experience. Texas now struggles, along with the rest of the country, to learn what we can about how to ensure safe schools so that this does not happen again. We commend these two committees for opening the new legislative session with a thoughtful discussion of the tactics and approaches that have been proven to create safe schools.

Texas Schools are Safe Havens for Youth

We should start with the good news, news that Texas educators should be commended for: Texas schools are safe places. Violent crime is extraordinarily rare in Texas schools.¹ Texas Appleseed recently gathered arrest and ticketing data for 42 Texas school districts education about 25% of the state's schoolchildren.² Our analysis of that data showed that *school-based arrests for any criminal offense were unusual, but where they occurred, they were most commonly made for low-level misdemeanor offenses.*³ Mandatory disciplinary actions for serious crime occurring on Texas school campuses has continued to decrease, along with juvenile crime overall, for several years now.⁴

Texas began its work of ensuring that its schools were safe in the early 1990s, when fears surrounding increased juvenile crime led the Texas legislature to ask the Texas Education Agency and the Department of Public Safety to work together during the 1994 interim to conduct a study of the frequency of crime on Texas public school campuses.⁵ Even in 1994 – at the height of juvenile crime in Texas – their findings showed that serious crime was rare on Texas campuses. According to their findings:⁶

- About one-third (36%) of the campuses did not report any crimes during the reporting period.
- Crime frequency was actually lower in the largest districts than would be expected on the basis of chance alone.
- Most of the reported offenses involved no weapons. Of those that did, hands, fists and feet were the weapons most commonly used, while firearms of any kind were very rarely used. The most common offenses were simple assaults and disorderly

conduct.

Texas Appleseed commends the use of research-based alternatives in the juvenile justice arena, and the results speak for themselves. Today, juvenile crime in Texas is the lowest it has been in decades – certainly lower than it was in 1994 when this study was conducted.⁷ And, many of Texas Appleseed’s findings from its more recent reviews of ticketing and arrest data underscore the same trend.⁸

As is true in the rest of the nation, our public schools offer youth a safe haven, even in neighborhoods where serious threats may exist just outside the school gates. This does not mean that Texas should ignore this valuable opportunity to take a closer look to determine what we could do *even better* to assure student safety. Proven approaches to school safety exist, and we should take a close look to see whether Texas schools are currently embracing them.

Approaches to School Safety – What Works, What Does Not Work

Much research has been done since the Columbine school shootings to determine “what works” when it comes to school safety. A group of experts at the Interdisciplinary Group on Preventing School and Community Violence recently released a document that focuses on the key elements of strategies that work.⁹ The elements of successful research-based approaches to school safety emphasize:

- A **balanced** approach that consists of a variety of well-integrated programs that address physical safety, educational practices, and programs that support the social, emotional, and behavioral needs of students.
- Close **communication** and trust between students, the community, and school officials.
- A sense of **connectedness** between students and school. Students most at risk for delinquency and school violence feel alienated from their school community.
- A **supportive** community where students and adults feel safe, and where they have the capacity to support one another.¹⁰

There are a number of programs that work to create healthy school climates, where students feel a sense of connectedness that fosters close communication, and adults and students feel supported. Research-based programs include School-wide Positive Behavioral Interventions & Supports (SWPBIS), Social and Emotional Learning, and Restorative Justice.¹¹ In Texas, school districts that have implemented SWPBIS report a lower number of disciplinary referrals and improved school climate, and usually at a much lower cost than districts with an overreliance on exclusionary discipline and a heavy police presence.¹²

Finding ways to incentivize and encourage use of these programs in Texas schools would go a long way toward furthering the goal of ensuring safe schools. These methods are also far more cost-effective than traditional, exclusionary discipline.¹³ Experts also

recommend school-based mental health programs as a method of helping to ensure school safety.¹⁴

Recent research has also given us more information about school policing programs that work most effectively to promote school safety. Juvenile Judge Steven Teske pioneered a model in Clayton County, Georgia, that has become a national model.¹⁵ This model relies on a “school offense protocol” that uses a progressive sanctions model for offenses that do not pose a threat to school or student safety, leaving school police available to respond to serious threats.¹⁶ The protocol allows school police and administrators to readily distinguish between *disciplinary* matters best handled by school officials and *policing* matters that involved a threat to school safety.¹⁷ This protocol resulted in a 73% reduction in weapons possession, but also improved graduation rates and reduced court referrals for low-level misbehavior that was more effectively handled at the school level.¹⁸

With funding from the Governor Perry’s Office, Waco ISD recently implemented a “Positive Policing” program modeled after the successful Clayton County initiative and included training for school police officers around child development.¹⁹ While it is only in its second year of implementation, data already shows positive results.²⁰

All of these programs incorporate the key elements emphasized above – but they also share the goal of creating a continuum of interventions, focused at the broadest levels of prevention and intervention.

Just as we know what works to create school safety, we also know much about what does not work. Recent research has clearly shown that some approaches are ineffective:

- **Zero Tolerance Discipline** has been shown to increase students’ sense of alienation and negatively impact school climate – key indicators of campus safety.²¹
- **Over-reliance on school police and security measures**, to the neglect of adequate prevention and early behavioral intervention efforts, can foster a highly restrictive, distrustful school environment that actually undermines order and student safety.²²

Policy Recommendations

The Texas Legislature has a unique opportunity this session to take a close look at school safety measures, determine what is already in place, and take action to fill gaps by encouraging strategies that may have been overlooked.

Texas Appleseed recommends the following measures to encourage increased school safety:

- **Move prevention and intervention funds to one agency.** In 2011, the Legislative Budget Board published a report concluding that Texas’ system of funding juvenile delinquency prevention and intervention services through several state agencies (Department of Family and Protective Services, Texas Education Agency, and the Texas Department of State Health Services) has lead to duplicative, inefficient, and possibly ineffective services to “at risk” youth.²³ The legislature should consolidate this funding under one state agency and task it with ensuring that this money is effectively & efficiently used on proven programs that successfully meet the needs of “at risk” youth.
- **Continue to fund the Texas Juvenile Justice Department (TJJD) at its current levels, and add funding for the Department’s Legislative Appropriation Request (LAR) exception item 5 – funding for a continuum of mental health services.** Demographers predict that the bubble of youth reaching young adulthood will mean increased referrals to our juvenile system. We must make sure our juvenile system has the funding it needs to provide the mental health interventions that are proven to successfully reduce future crime. Youth with mental health issues recidivate at a rate nearly 40% higher than other youth, however Texas counties widely report that they do not have the funding they need to address the needs of youth with mental health issues.
- **Increase transparency by requiring schools to begin collecting data related to school crime.** Texas does not currently require school police to collect and report data related to ticketing and arrest. This data, broken down by type of offense, and the ethnicity and special education status of the student, is critical to ensuring that policymakers have adequate information related to these practices and giving schools a powerful tool to better understand the impact on students of its disciplinary policies.
- **Require school police to devote part of the training that they must complete for their licensing to topics specific to school crime and interacting with young people.**
- **Pass bills reflecting the Texas Judicial Council’s recommendations** related to Class C misdemeanor tickets issued to students by school police. This will reduce the likelihood that school police are called upon to discipline students, rather than enforce the law, freeing them up to focus on threats to school safety.
- **Encourage school districts to adopt meaningful programs aimed at reducing court referrals for failure to attend school.** A report on truancy in Tarrant County by the National Center for School Engagement found that harsh disciplinary practices –and court referrals for truancy—served to further alienate students and were counterproductive. Poor school attendance is a critical early warning sign of a dropout and truancy is often a gateway to greater acts of juvenile delinquency. Incentivizing school districts to implement more effective models such as the “community-based court approach” of the Williamson County

Neighborhood Conference Committee or the “mediation and problem-solving approach” used in Lubbock County and Arlington ISD with the use of local alternative dispute resolution centers. Students served through these research-based models are show improved attendance rates, are more likely to graduate, and less likely to dropout.²⁴

¹ Texas Appleseed, *Texas’ School-to-Prison Pipeline: Ticketing, Arrest & Use of Force in Schools* (2010).

² Texas Appleseed, *Ticketing & Arrest Data Update* (2012), available at <http://www.texasappleseed.net>

³ *Id.*

⁴ See Council of State Governements, *Breaking Schools Rules* (2011); Texas Appleseed, *Texas’ School-to-Prison Pipeline – School Expulsion, the Path from Lockout to Dropout* (2010); Texas Appleseed, *Texas’ School-to-Prison Pipeline, Dropout to Incarceration: the Impact of School Discipline and Zero Tolerance* (2007).

⁵ Texas Education Agency, *Texas Independent School District Crime Report* (1995).

⁶ *Id.* at 10-11.

⁷ See Texas Legislative Budget Board, *Adult and Juvenile Correctional Population Projections Fiscal Years 2012-2017* (2012).

⁸ See Texas Appleseed, *supra*, notes 1 & 2.

⁹ Interdisciplinary Group on Preventing School and Community Violence, *December 2012 Connecticut School Shooting Position Statement* (December 19, 2012).

^{10 10} *Id.* at 2.

¹¹ See Texas Appleseed, *Breaking Rules, Breaking Budgets: Cost of Exclusionary Discipline in 11 Texas School Districts* 73-6 (2012).

¹² *Id.*

¹³ *Id.*

¹⁴ See UCLA Center for Mental Health in Schools, *The Current Statute of Mental Health in Schools: A Policy and Practice Analysis* (2006); see also Texas Appleseed, *Texas School-to-Prison Pipeline – School Expulsion*, *supra* note iv, at 65-68.

¹⁵ Judge Steven Teske & Judge J. Brian Huff, *The Court’s Role in Dismantling the School-to-Prison Pipeline*, *Juvenile & Family Justice Today*, Winter 2011, at 16.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Steven J. Teske, *A Study of Zero Tolerance Policies in Schools: A Multi-Integrated Systems Approach to Improve Outcomes for Adolescents*, 24 *J. of Child & Adolescent Psychiatric Learning* 88, 93 (2011).

¹⁹ Office of the Governor, Criminal Justice Division, Waco ISD & Public Policy Research Institute of Texas A&M University, *Positive Polcing in Waco ISD: Re-thinking Law Enforcement in Texas Schools* (PowerPoint presentation 2012).

²⁰ *Id.*

²¹ M. Karega Rausch & Russell J. Skiba, *The Academic Cost of Discipline: The Relationship Between Suspension/Expulsion and School Achievement* (2006); Russell Skiba et al., American Psychological Association, *Zero Tolerance Task Force, Are Zero*

Tolerance Policies Effective in the Schools? An Evidentiary Review and Recommendations (2006).

²² Matthew J. Meyer & Peter E. Leone, *A Structural Analysis of School Violence and Disruption: Implications for Creating Safer Schools*, 22 *Education and Treatment of Children* 333, 349 (1999); Arrick Jackson, *Police-school Resource Officers' and Students' Perception of the Police and Offending*, 25 *Policing & Int'l J. Police Strategies & mgmt.* 631, 634 (2002); Randall R. Beger, *The Worst of Both Worlds*, 28 *Crim. Just. Rev.* 336, 340 (2003); Gary D. Gottfredson et al, *School Climate Predictors of School Disorder: Results from a National Study of Delinquency Prevention in Schools*, 42 *J. of Research in Crime & Delinquency* 412, 433 (2005); Philip J. Cook et al., *School Crime Control and Prevention* 74-76 (2009); Kathleen Nolan, *Police in the Hallways: Discipline in an Urban High School* 53 (2011); Rachel Garver & Pedro Noguera, *For Safety's Sake: A Case Study of School Security Efforts and Their Impact on Education Reform*, 3 *Journal of Applied Research on Children* 23-4 (2012).

²³ Legislative Budget Board, *Texas At Risk Youth Service Project* (2011).

²⁴ Charles L. Johnson, *Transitions of Truants: Community Truancy Board as a Turning Point in the Lives of Adolescents*, 2 *Journal of Juvenile Justice* 34-51 (2012).