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Senate Bill 1116

FACT SHEET, 2011

SUPPORT S.B. 1116 BY SENATORS WHITMIRE AND HINOJOSA ***FOCUS SCHOOL DISCIPLINARY RESOURCES ON HIGH-LEVEL MISBEHAVIOR***

PROBLEM

Each year, campus police at Texas schools issue hundreds of thousands of Class C misdemeanor citations to students. The overwhelming majority of these citations are for low-level, nonviolent offenses. Although school disciplinary plans should be designed to provide a safe and supportive learning environment for Texas students, significant resources are instead spent processing these low-level offenses through courts, with no effective measure of decreased student misbehavior.¹ The use of positive behavior supports that could more appropriately address minor disciplinary issues are often overlooked. Worse, these citations – a disproportionate number of which are issued to minorities and students with disabilities² – often draw students away from school and into the criminal justice system.³

The use of Class C misdemeanor citations should be reserved for those situations where intervention by law enforcement and courts is truly warranted.

KEY FINDINGS

- Texas schools are safe: The vast majority of the approximately 300,000 Class C misdemeanor citations issued to Texas juveniles at school each year are based on low-level, nonviolent behavior, such as truancy.⁴
- Because a juvenile must appear in court to resolve a misdemeanor, he or she often is required to miss significant class time.
- Prioritizing positive behavior support for minor disciplinary issues can reduce dropout rates and minimize involvement in the costly school-to-prison pipeline.

SUPPORT S.B. 1116 BY SENATORS WHITMIRE AND HINOJOSA

- **S.B. 1116 protects children younger than 12.** For behavior occurring at school or on a school vehicle, the bill raises the minimum age for a citation to 12 years old. This common sense change recognizes that a misdemeanor citation is not an effective disciplinary response for very young students.
- **S.B. 1116 focuses disciplinary action on serious offenses.** The bill requires that courts receive an offense report, a statement by a witness, and a statement by a victim, if any, for each citation. These reports ensure that a court can focus its resources on conduct that causes serious harm to school discipline.
- **S.B. 1116 clarifies that “disorderly conduct” – not “disruption” – is a student criminal offense.** The bill amends the Education and Penal Codes, clarifying that a student’s disruption of a class is not a criminal offense, but a student’s disorderly conduct (“breach of the peace”) is an offense. This ensures only high-level misbehavior receives the attention of law enforcement.

¹ Texas Appleseed, *Texas’ School-to-Prison Pipeline, Dropout to Incarceration: The Impact of School Discipline and Zero Tolerance*, (October 2007), 145, <http://texasappleseed.net/pdf/Pipeline%20Report.pdf>.

² *Ibid.* 88, 95.

³ *Ibid.*

⁴ Texas Appleseed, *Ticketing, Arrest & Use of Force in Schools*, December 2010, 76, http://www.texasappleseed.net/images/stories/reports/Ticketing_Booklet_web.pdf.