

RECOMMENDATIONS OF DATA/BEST PRACTICES SUB-COMMITTEE:

Begin Collecting Data on the Issuance of School-Related Citations

Ticketing of children poses serious questions about school disciplinary policies in Texas. Such questions come on the heels of groundbreaking statistical research using large samples of data collected by the Texas Education Agency (TEA) which suggest disproportionate disciplinary treatment of minority students in Texas public schools. Texas, however, does not require schools to collect data on citations issued on school grounds or school owned property.

Recommendation: The Legislature should require each school district to report the following: the number of tickets issued, the offense, the race of the child, the age of the child, and whether or not the child is receiving special education services. Policy-makers may then develop better insight into the use of citations and the relationship to other disciplinary practices and trends involving children in Texas public schools. Furthermore, such data would allow us to know exactly what percentage of children who receive citations at school are eligible or are receiving special education services. (This recommendation is taken, in part, from Ryan Turner's paper "Ticketing, Confidentiality, and Special Education Issues" given at the State Bar of Texas 8th Annual Special Education and the Juvenile Justice System Course on June 29, 2012 and the "Breaking Schools' Rules" Report of the Justice Center and the Public Policy Research Institute.)

Begin Collecting Data on the Dollar Amount of Class C Misdemeanor Fines Imposed on Children for School-Related Offenses Relative to the Dollar Amount of Fines Actually Collected

It would be widely recognized that most children would be considered indigent and unable to independently pay fines. Further, there is a belief that the dollar amount of fines actually collected in these circumstances would be modest and might not even support the cost of personnel to attempt collection. Collection of this data which would support or negate this theory might also encourage more creative ways of accomplishing the punitive goals of a fine without imposing an undue hardship on the youthful defendant. Use of a community service option was proposed in the last legislative session by the Texas Municipal Courts Association; however, this proposal did not make it through the legislative process.

Recommendation: The Legislature should expressly require the collection of data regarding fines assessed against children for school related offenses relative to the dollar amount of those fines actually collected from these children.

Requiring All Juvenile Offenders to Be Furnished Appropriate Information Regarding Their Rights Including Their Right to Counsel in Appropriate Circumstances

This Committee would support an amendment to the law which would include a right to counsel for all juvenile offenders rather than just those whose offense is being considered under Family Code provisions. Recognizing, however, the expense involved in such a requirement, the committee also considered other ways to provide important rights information to juvenile offenders.

Recommendation: The Judicial Council and the Office of Court Administration should assist in the development of written materials similar to those prepared by Celina Moreno at TRLA (found at <http://www.texasfosteryouth.org/resources.html>) which could be widely and cheaply disseminated with the recommendation or requirement that the information be furnished to all defendants. Alternatively, DVD's could be developed and, again, widely disseminated for viewing by such defendants. Additionally, programs aimed at encouraging the use of volunteer mentors or advocates with the assistance of organizations such as Communities in Schools could be fostered by the Council or the OCA.

Encouraging Crisis Intervention Training for All School District Officers

It is the understanding of this sub-committee that all peace officers are required to receive a minimum of 16 hours of training in mental health. San Antonio, though, has developed a 40 hour crisis intervention training course aimed specifically at children's crisis intervention for school district officers.

Recommendation: The Legislature should require or the Judicial Council should encourage all school districts to provide CIT training for all school officers and should assist in the implementation of a program which would make this type of training more easily available for school districts around the state.

Develop and Facilitate a "Mini-Summit" on Positive Behavioral Interventions And Supports

The committee understands that all schools are required to have a "core team" which has had de-escalation or crisis management training. The committee believes, however, that training in behavioral management which would address problems before they arrive at the crisis level would be desirable and would have the effect of reducing the number of crisis incidents. The committee also recognizes, though, that smaller school districts in more remote parts of the state may not have the resources to send large numbers of staff to a state-wide conference such as the one which was held in Houston at the end of June of this year.

Recommendation: A small road show, or Mini-Summit, similar to the Shared Solutions Summit should be developed with the assistance of the Judicial Council or the Office of Court Administration to be presented in various parts of the state throughout the year which would provide this type of training for teachers, school administrators, and school resource officers.

These recommendations speak to identifying *"initiatives that work to reduce referrals without having a negative impact on school safety; limit recidivism; and preserve judicial resources."*