



# SALLY HERNANDEZ FOR SHERIFF

## A working comprehensive draft plan to end the school to prison pipeline in Travis County

November 24, 2015

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### The School to Prison Pipeline

#### What is the “school to prison pipeline”?

The term “school to prison pipeline” refers to practices and policies that push our students into the juvenile and criminal justice system and out of desks and classrooms.<sup>1</sup>

#### Who does the school to prison pipeline affect?

The school to prison pipeline has the potential to affect all students. However, it is alarming that those most affected by the school to prison pipeline are minority students, special education students, and LGBTQIA students.

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<sup>1</sup> *What Is The School-To-Prison Pipeline?*, AMERICAN CIVIL LIBERTIES AND THE ACLU FOUNDATION, no date, <https://www.aclu.org/fact-sheet/what-school-prison-pipeline>.

Nationwide, over 70% of student involved in school related arrests or referred to law enforcement are Hispanic and African-American.<sup>2</sup> Additionally, African-American, Hispanic, and LGBTQ students are more likely to be suspended or expelled. African-American are three times more likely to be suspended or expelled.<sup>3</sup> Latinos are 1.5 times more likely to be suspended or expelled.<sup>4</sup> LGBTQ students are 1.4 times more likely to be expelled.<sup>5</sup> This is concerning because studies have indicated that just one school suspension during the 9th grade doubles the risk that a student will drop out before graduation and three times more likely to be in contact with the juvenile system the following year.<sup>6</sup>

Statewide, the school to prison pipeline disproportionately affects minority students and special education students. According to Texas Appleseed, during the 2013-2014 school year, African-American students made up 20% of truancy violations across Texas even though they make up less than 13% of the school population.<sup>7</sup> Additionally, Hispanic students made up 64% of truancy violations across Texas even though they make up 52% of the school population.<sup>8</sup> Finally, special education students made up 13% of truancy violations across Texas even though they make up 8.5% of the school population.<sup>9</sup>

Locally, the attrition rate is highest for African-American and Hispanic students.<sup>10</sup> According to Missing School Matters, the attrition rate is the percentage change of a

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<sup>2</sup> *School-To-Prison Pipeline*, ADVANCEMENT PROJECT, no date, [http://b.3cdn.net/advancement/a6feca50e851bccdd3\\_eam6y96th.pdf](http://b.3cdn.net/advancement/a6feca50e851bccdd3_eam6y96th.pdf).

<sup>3</sup> *School-To-Prison Pipeline [Infographic]*, AMERICAN CIVIL LIBERTIES AND THE ACLU FOUNDATION, no date, <https://www.aclu.org/infographic/school-prison-pipeline-infographic>.

<sup>4</sup> *The School To Prison Pipeline: and the pathways for LGBTQ youth*, GAY STRAIGHT ALLIANCE NETWORK, 2011, <https://www.gsanetwork.org/files/resources/STPPdiagram.pdf>.

<sup>5</sup> *Id.*

<sup>6</sup> *School-To-Prison Pipeline [Infographic]*.

<sup>7</sup> *Report: Texas Prosecutes More Truancy Cases Than All Other States Combined*, THE TEXAS OBSERVER, Mar. 5, 2015, <http://www.texasobserver.org/report-texas-prosecutes-truancy-more-than-all-other-states-combined/>.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Dropouts and Attrition*, E3 ALLIANCE, 2015, <http://e3alliance.org/wp-content/uploads/2015/05/Dropouts-and-Attrition.pdf>.

single group of students from the 9<sup>th</sup> grade to graduation.<sup>11</sup> During the 2013-2014 school year in central Texas, the attrition rate was 27% for Hispanic students, 21% for African-American students, 11% for white students, and -3% for Asian-American students.<sup>12</sup> Additionally, attrition rates are higher for male students than for female students and low income students drop out at higher rates than the general student body.<sup>13</sup>

### **Why do students miss school?**

Students miss school for a variety of reasons. Students do not just simply skip class. Student may miss class because they are homeless<sup>14</sup>, because they are being bullied<sup>15</sup>, because they are taking care of a parent, because they are not getting the special education resources they need, because of a mental or physical health problem, among many other reasons. Students are more likely than not to miss school due to situations out of their control.

### **How are school children pushed into the school to prison pipeline?**

Students are pushed into the school to prison pipeline because of inadequate resources, zero-tolerance policies, disengagement, and misguided policy. First, inadequate resources in public school for things such as “counselors, special education services, and [] textbooks...increases disengagement and dropouts, increasing the risk of later court involvement.”<sup>16</sup> Second, some schools have implemented zero-tolerance policies which impose punishment regardless of the circumstances.<sup>17</sup> Indeed, from 1974 to 2000, the rate of suspensions increased from 1.7 million to 3.1 million.<sup>18</sup> Third, once a student is disengaged from school, they can fall behind on school work and are left without the help they need to address school or personal situations.<sup>19</sup> Fourth, some schools rely on police rather than teacher and administration for discipline.<sup>20</sup> Sadly, as

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<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> LGBTQ youth make up between 20% to 40% of all homeless youth. *The School To Prison Pipeline: and the pathways for LGBTQ youth.*

<sup>15</sup> Nearly 1/3 of LGBT students who drop out of high school do so to escape harassment. *The School To Prison Pipeline: and the pathways for LGBTQ youth.*

<sup>16</sup> *What Is The School-To-Prison Pipeline?.*

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

we have seen in South Carolina, situations that arise out of minor non-violent behavior result in police involvement that is unacceptable.

### **House Bill 2398**

In 1995, the Texas Legislature passed a bill that made truancy a class C misdemeanor.<sup>21</sup> A student with at least 10 unexcused absences within a six-month period, at least 10 part-day absences within a six-month period, or absences on three or more days during a four week period were subject to a class C misdemeanor.<sup>22</sup> Thereafter, the student would be referred to adult criminal courts.<sup>23</sup> Under this regime, students could be fined, ordered to complete community services, and in certain situations jailed.<sup>24</sup> Additionally, parents could “be found guilty of the offense of being a parent contributing to school nonattendance.”<sup>25</sup>

This was a problem because in Texas, in 2013, there were 115,000 cases of truancy. This number amounts to “twice the number of truancy cases in all other states combined.”<sup>26</sup> Additionally, four out of five students sent to adult criminal courts were considered economically disadvantaged because the student either received free or reduced lunch.<sup>27</sup>

During the 84th Regular Session, the Texas Legislature passed House Bill 2398 which “changes the way school districts and courts treat children who have unexcused absences from school.”<sup>28</sup> According to Texas Appleseed, “[s]chools will be required to provide more help to families in order to ensure students attend school before they send students to court.”<sup>29</sup> For example, schools will be required to have a truancy prevention facilitator who will implement truancy prevention measures promulgated

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<sup>21</sup> HB 2398, HOUSE RESEARCH ORGANIZATION, May 8, 2015, <http://www.hro.house.state.tx.us/pdf/ba84r/hb2398.pdf#navpanes=0>.

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> Schools, Courts Worry About New Truancy Law, THE TEXAS TRIBUNE, Jul. 12, 2015, <http://www.texastribune.org/2015/07/12/schools-courts-worry-about-truancy-law/>.

<sup>25</sup> HB 2398.

<sup>26</sup> Report: Texas Prosecutes More Truancy Cases Than All Other States Combined.

<sup>27</sup> Class, Not Court, TEXAS APPLESEED, Mar. 2015, [https://www.texasappleseed.org/sites/default/files/TruancyReport\\_All\\_FINAL\\_SinglePages.pdf](https://www.texasappleseed.org/sites/default/files/TruancyReport_All_FINAL_SinglePages.pdf).

<sup>28</sup> HB 2398: Truancy Reform, TEXAS APPLESEED, no date, <https://www.texasappleseed.org/sites/default/files/2398WebsiteUpdateFINAL.pdf>.

<sup>29</sup> *Id.*

by the Texas Education Agency.<sup>30</sup> Further, a school has the discretion not to send a student to court if the truancy intervention measures are working.<sup>31</sup> Finally, students who miss class due to “pregnancy, homelessness, being in foster care, or being the main income-earners for their families” may not be sent to court.<sup>32</sup>

One of the most important changes is that missing school will no longer be a criminal offense. As such, students will no longer be fined or have a criminal record due to missing school.<sup>33</sup> All previous truancy related criminal records will be automatically expunged.<sup>34</sup> Now, students who are referred to civil truancy court because they have at least ten unexcused absences within a six month period will have their case reviewed.<sup>35</sup> If it is determined that adjudication is proper, then the case will be referred to specifically designated truancy courts.<sup>36</sup> Parents may still be charged with the criminal offense of contributing to school nonattendance, which carries a fine.<sup>37</sup>

### **Precinct 3 and Missing School Matters Partnership**

Under my leadership, the Precinct 3 Constable’s Office partnered with the Missing School Matters task force. The mission of Missing School Matters is to build the “strongest education pipeline in the country.”<sup>38</sup> Precinct 3 is the only law enforcement agency in central Texas that has partnered with Missing School Matters. Other partners include Any Baby Can, Austin Interfaith, Central Health, College Forward, Leadership Austin, and United Way for Greater Austin.<sup>39</sup> Under our partnership, Precinct 3 sends out articles, statistics, and statements in our monthly Precinct 3 newsletter and promotes—during Child Safety presentations—to parents and students information sheets detailing the importance of staying in school. My Precinct’s goal is to help educate parents and students on the importance of being in school. Additionally, we help families and schools find resources in order to seek out help. Finally, we meet

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<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> *E3 Alliance: Education Change through Data-Driven Impact*, E3 ALLIANCE, 2014, <http://e3alliance.org/wp-content/uploads/2015/09/E3-Alliance-Overview-Education-Change-through- Data-Driven-Impact-vB.pdf>.

<sup>39</sup> *Community*, E3 ALLIANCE, 2015, <http://e3alliance.org/community/>.

once a month with the Missing School Matters task force in order to strengthen our partnership and set out objectives.

**My plan to support Travis County students:**

- Strengthen and create partnerships between law enforcement and absentee/intervention programs, youth and their families, schools, and communities in order to combine party strengths.
- Encourage law enforcement staff to be involved in youth mentoring programs.
- Create a resource webpage where educators and parents may access information sheets on why missing school matters, how law enforcement works, how to interact with law enforcement, and reaching out to law enforcement for help.