



The Pipeline Between School and Prison: Legal and Public Policy Issues

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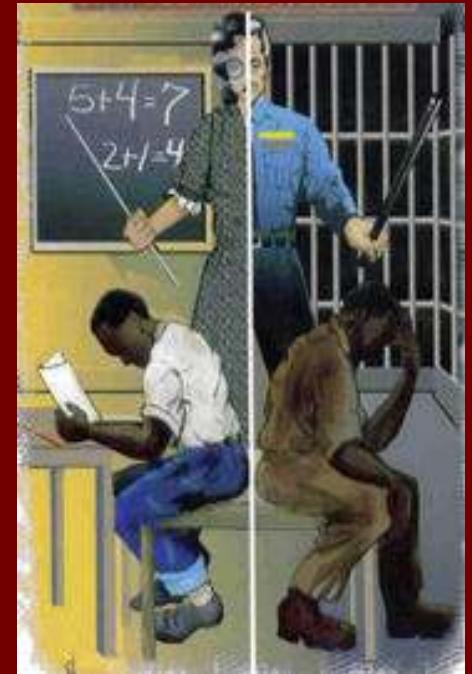
Texas Public Policy Foundation

Center for Effective Justice

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Education & Incarceration

- 62 percent of Texas prison inmates have no high school diploma or GED. 44 percent are functionally illiterate.
- 31% of youths were dropouts before entering the Texas Youth Commission and more than 80% of Texas prison inmates are dropouts .
- States with higher rates of out-of-school suspension also have higher overall rates of juvenile incarceration.



In-School Suspension (ISS)

- **In 2006 there were 1.7 million referrals to in-school suspension (ISS), totaling more than a third of the state's 4.7 million students.**
- **Three days at a time but no limit on total number of days.**
- **Often as many as 40 students of varying grade levels supervised by a proctor, not a certified teacher.**

Out-of-School Suspension (OSS)

- In 2006, over 286,000 Texas students were placed in OSS, resulting in more than 1 million school days missed.
- Research indicates that OSS retards academic progress and does not improve behavior.
- Special-ed students have recourse under federal IDEA if total OSS is more than 10 days in a school year, but other students cannot appeal.



DAEPs

- **Some 130,000 students are referred to Disciplinary Alternative Education Programs (DAEPs) every year. Little or no data on the number of students in DAEPs who end up in juvenile detention, TYC, or adult prisons.**
- **DAEPs lack standards and oversight that state applies to JJAEPs. House Bill 426 by Rep. Jerry Madden passed this session requires TEA to adopt standards and provide oversight.**
- **Some DAEPs are only half day programs and they need only provide two hours of instruction under state law, although they pull down full funding. Legislation to require full school day was not passed.**



Jerry Madden

DAEPs

- **An amendment by Senator Royce West added Madden's HB494 to HB2532, which requires that DAEP students there for 90 days or more be administered a diagnostic exam on intake and outtake, which will finally give us some barometer. Data is also needed on students' subsequent academic achievement, behavior, attendance, and encounters with the criminal justice system.**
- **DAEPs are not required to offer the courses needed to graduate and most fail to offer an elective. The largest school districts should be required to do so and smaller districts should take advantage of the new virtual schools legislation passed this session.**
- **Legislature did not act to limit school districts' authority to make discretionary DAEP referrals for virtually any misbehavior. For example, in HISD a student can be referred to a DAEP for one instance of vulgar language, one instance of wearing clothes that the school thinks are associated with gangs, one inappropriate email, or two instances of missing class.**

DAEPs

- **The Legislature also did not limit mandatory referrals, which include the presence of any alcohol, such as in the trunk of a student's car within 300 feet of the campus.**
- **While a special panel must approve DAEP placement of special education students, for other students schools are not required to allow any appeal of a DAEP placement and if they choose to permit appeal to the school board, their decision is final under state law.**
- **Some other independent source of review should be available, but volume of referrals may make it difficult to implement a procedure that would not be too burdensome for school districts.**



JJAEPs

- **Types of JJAEPs are military, therapeutic, and classroom. The Juvenile Probation Commission provides oversight and publishes data, which shows that JJAEPs improve student performance by at least one grade level and result in better behavior and attendance upon returning to school.**
- **One third of students exiting JJAEPs, which amounts to 790 students per year, have subsequent contact with the juvenile probation system. 60 percent of the offenses resulting in these contacts are felonies. This does not include those who have subsequent TDCJ involvement.**
- **Expand JJAEPs to 221 remaining counties where kids are expelled to the street through new facilities perhaps serving several counties or distance learning combined with home monitoring by juvenile probation officers or school district officers.**



JJAEPs

- **In larger counties with many JJAEPs, research which students would do best in each type of JJAEP and make referrals accordingly.**
- **HB2532 by Rep. Diane Patrick and Sen. Florence Shapiro will send students who commit violent crimes off-campus to JJAEP rather than DAEP.**
- **Further reform zero tolerance policies. HB603 last session clarified that schools may consider student's intent and disciplinary history before invoking mandatory suspension. Students have been expelled for legitimate prescription drugs, a pocket or hunting knife in their car, etc. Legislation to require these factors and a student's disability to be considered failed this session.**
- **Hurst ISD recently expelled a 16 year-old varsity swim team star Taylor Hess to a JJAEP for a year for having a butter knife in his truck in the school parking lot. The knife had fallen into the bed of his truck while he was helping move some of the belongings of his Grandmother.**

JJAEPs

- **Control disciplinary JJAEP referrals, which are 70 to 80 percent of referrals. Utilize better teacher training, particularly with regard to special ed and learning disabled students, and tiered DAEPs in larger school districts. Wichita Falls ISD has successfully eliminated discretionary referrals from DAEPs and Tarrant County has been very successful with its two tiers of DAEPs.**



Denton County 's military-style JJAEP utilizes drill sergeants.

Juvenile Probation & Detention and Postadjudication Facilities

- There are over 150,000 juveniles arrested every year in Texas and more than 50,000 are held in local secure detention facilities.
- Juvenile Probation Commission monitors these facilities in an effort to ensure that abuses like those at TYC do not occur.
- Greater emphasis on day treatment and, for older youths, job training and work release.



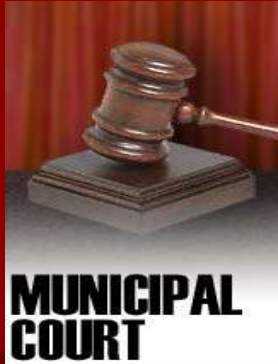
Juvenile Probation & Detention and Postadjudication Facilities

- TJPC reports that 43% of juvenile probation departments offered fewer services to juveniles in 2005 than in 2001; half of all felony juvenile sex offenders on probation received no sex offender treatment in 2005; and most juveniles under supervision do not have access to mental health or drug treatment services.
- While downsizing TYC, the Legislature put more resources into juvenile probation, recognizing that 75 percent of TYC commitments were on juvenile probation.

Texas Youth Commission



- **Reforms under conservator have led to 1,000 fewer youths incarcerated.**
- **SB103 eliminates incarceration of misdemeanants, ensures release after the youth has been rehabilitated by instituting independent review panels, allows more parental visitation, and institutes an ombudsman and office of independent counsel to prevent abuse and measure outcomes.**
- **Texas should move towards Missouri group home model and Ohio's RECLAIM funding system.**



Passing of the Paddle

- **State Rep. Harold Dutton successfully defended in municipal court an 8-year old issued a Class C for chewing gum**
- **2004-05 some 10,149 Education Code cases referred to municipal court**
- **House Bill 278 by Madden was passed, repealing the authority of school districts to issue misdemeanor citations for misbehavior that is not a crime under state law or local ordinance.**

Restorative Practices



- **Expand teen courts, create diversion court in school and utilize school and/or community service instead of suspension, expulsion, or criminal justice system.**
- **Utilize behavior contracts signed by student, parent, and principal.**
- **Implement victim-offender mediation programs in schools and within juvenile probation departments. Meta-analysis looking at 27 victim-offender mediation programs in North America found that 72% of them lowered recidivism. Victims 50 percent less likely to fear being victimized again.**
- **House Bill 2291 by Rep. Joe Farias and Sen. Carlos Uresti tasks the Juvenile Probation Commission with doing a study on juvenile victim-offender mediation.**

Effect of Adult System on Youth

- **Dedicate separate unit for 18-25 year olds referred from TYC to serve remainder of their sentences so they are not mixed in with career criminals.**
- **Some 70 percent of TDCJ inmates have children and 80 percent of women. Children with an incarcerated parent are 6 to 7 times more likely to be imprisoned. New budget will redirect nonviolent drug possession offenders into community-based treatment , giving kids back their mothers and fathers.**
- **Texas adult inmates owe \$2.5 billion in child support . Prison work programs like PIE that pay wages should be expanded with earning used for restitution and child support.**