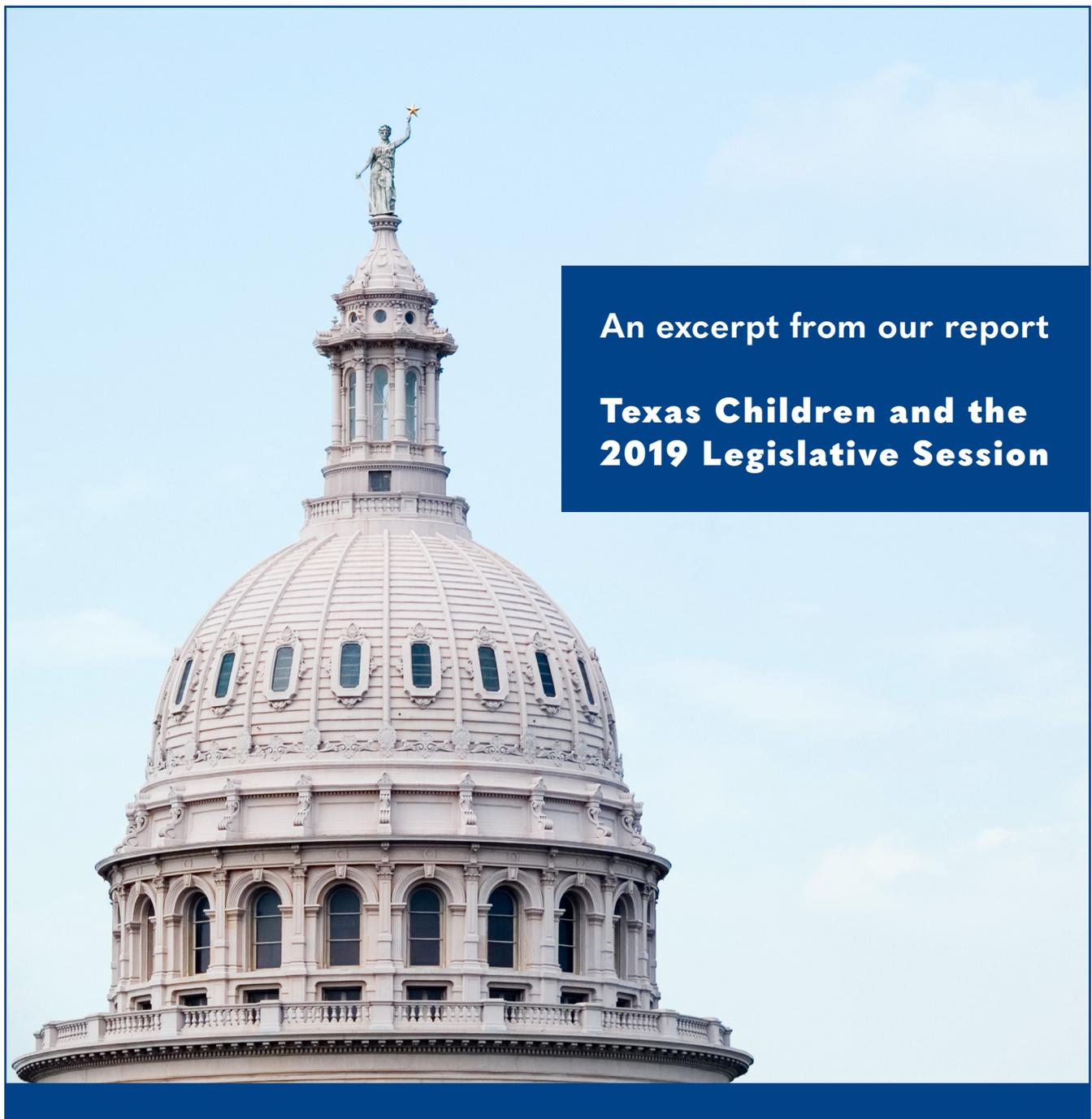


Review of

YOUTH JUSTICE

Policy Progress During the 2019 Texas Legislative Session



An excerpt from our report

**Texas Children and the
2019 Legislative Session**

Review of Children's Youth Justice Policy Progress During the 2019 Texas Legislative Session

The Legislature took some steps forward this session on school discipline practices, passing targeted legislation regarding suspensions and the role of school police officers on campuses. Lawmakers also took at least one step backwards on school discipline as part of its focus on school safety. Additionally, the Legislature passed a handful of bills to make improvements to juvenile justice but showed little interest in high priority proposals to close unsafe secure facilities run by the Texas Juvenile Justice Department (TJJD) or raise the age of juvenile court jurisdiction.

Building on its efforts in 2017, this session the Legislature continued to work to address **school discipline measures such as suspensions**. Lawmakers passed HB 65 to collect more data on suspensions, HB 692 to prohibit out-of-school suspensions of students experiencing homelessness, and HB 811 to require districts to consider if a child is in foster care or experiencing homelessness when it makes school discipline decisions. The progress on this front is also reflected in legislation passed this session to support student mental health, trauma-informed schools, and positive school climates, which represent a more effective approach to improving student behavior. However, legislators also passed a bill that raises some concerns. SB 2432 requires students to be placed in a disciplinary alternative education program (DAEP) for harassment of a school employee, which includes making obscene comments with the intent to annoy or embarrass the school employee. At the end of

session, legislators removed a good provision of the bill requiring districts to employ an evidence-based threat assessment before removing students from school.

Lawmakers also passed HB 878, SB 712, and SB 1707 to address **school police officers** and other personnel who are involved in school safety or discipline matters. Taking action on a concern that Texans Care for Children and other advocates have raised in recent years, the Legislature passed HB 878 as an amendment to SB 11. The legislation requires all school districts to ensure that school police officers are trained to work with youth, building on current state law that requires the training only in large districts.

During recent years, one of the top priorities for juvenile justice advocates has been **raising the age** of juvenile court jurisdiction, but momentum stalled again this session. In 2017, the bill to make the juvenile justice system the default for 17-year-olds passed the House but did not receive a Senate hearing. This year, however, the bill, HB 344, was not scheduled for a vote of the full House after it passed the House Committee. Because of legislative inaction, Texas will continue to automatically send 17-year-olds to the adult justice system for even minor misdemeanors.

Over the last two years, advocates and others raised a number of concerns about how unsafe and ineffective state-run **juvenile lockups** are, prompting discussions about potentially

closing one or even all of the costly facilities and moving youth to local facilities and programs. However, the Legislature did not take up these proposals this session.

Following the legislative session, state leaders and advocates must continue working to raise the age of juvenile court jurisdiction and

plot a course forward for continued reform of the juvenile justice system. On the school discipline front, it will be important to continue to monitor and limit practices that are often ineffective and even counterproductive, such as suspensions, and continue to implement more effective practices in our schools.



Outcomes for Key Youth Justice Legislation

PASSED

Support Children

HB 65 by Rep. E. Johnson

This bill requires school districts to report information on students facing suspensions and expulsions, including the race, sex, and age of students as well as the basis for these suspensions.

HB 692 by Rep. White

Similar bill: SB 1001 by Sen. Watson

This bill prohibits school districts from placing a student who was homeless in out-of-school suspension.

HB 811 by Rep. White

Similar bill: SB 424 by Sen. West

This bill requires school districts to consider if a student is in foster care or homeless as part of decisions related to school discipline.

HB 878 by Rep. Allen

Passed as an amendment to SB 11

This bill requires any school district with school resource or police officers in their schools, regardless of the size of the district, to adopt a policy requiring those officers to be trained in working with youth.

HB 1760 by Rep. White

Similar bill: SB 1025 by Sen. Perry

This bill improves the handling of certain juvenile records so that treatment and service providers can have appropriate access but confidential information is protected from further disclosure.

HB 2184 by Rep. Allen

Similar bill: SB 1155 by Sen. Huffman

This bill requires alternative education programs and school districts to work together to plan for and support the reentry of justice-involved youth back into their public school classrooms.

HB 2229 by Rep. Jarvis Johnson

This bill requires the TJJJ to collect data on youth in the agency's custody who have been in foster care in order to inform efforts to prevent foster youth from entering the juvenile justice system.

HB 2737 by Rep. Wu

This bill requires the Children's Commission to develop guidelines for judges that will establish greater uniformity in how Texas handles juvenile justice or CPS cases involving children with mental illness; placement of children and termination of parental rights in CPS cases; and the release of detained children, certification of juveniles to stand trial as adults, and the use of restraints or clothing worn during juvenile proceedings.

Support Children (continued)

SB 712 by Sen. Lucio

Similar bill: HB 3630 by Rep. Meyer

This bill protects students by prohibiting school district employees, volunteers or independent contractors from using interventions that involve electric shock or releasing noxious fumes; employ ridicule, verbal abuse or humiliation; interfere with the student's ability to communicate; immobilize or restrain the student; or interfere with the student's breathing.

SB 1702 by Sen. Whitmire

Similar bill: HB 3648 by Rep. Guillen

This bill allows the Texas Juvenile Justice Department (TJJD) ombudsman to inspect facilities owned by TJJD and other post-adjudication correctional and residential facilities where juveniles are placed and investigate complaints alleging violations of the rights of the youth in these facilities.

SB 1707 by Sen. Lucio

Similar bill: HB 3470 by Rep. Allen

This bill requires school districts that have school resource or police officers working in their schools to adopt and publicize policies delineating the responsibilities of these officers, which may only include tasks related to law enforcement, not routine school discipline.

SB 1746 by Sen. Miles

Similar bill: HB 2116 by Rep. White

This bill expands the list of students considered at risk of dropping out of school to include students who have been incarcerated or have a parent or guardian who has been incarcerated during the student's lifetime.

Raise Concerns

SB 2432 by Sen. Taylor

This bill requires students to be placed in a disciplinary alternative education program for harassment of a school employee, which includes making obscene comments with the intent to annoy or embarrass the school employee.

DID NOT PASS

Support Children

HB 344 by Rep. Dutton

This bill would have raised the age of juvenile court jurisdiction to include 17-year-olds.

Support Children (continued)

HB 1189 by Rep. Jarvis Johnson

This bill would have required courts to prescribe community service to youth in foster care in the place of fines and costs that might otherwise be charged.

HB 1364 by Rep. Wu

This bill would have ensured that more 10- and 11-year-old children avoid involvement with the juvenile justice system and instead receive more developmentally appropriate services in their communities.

HB 2991 by Rep. Talarico

This bill would have required schools to create and implement a positive behavior program for all grade levels that includes restorative practices and establishes a restorative justice coordinating council to assist TEA in developing guidance and resources for districts.

HB 4606 by Rep. White

Similar bill: SB 2242 by Sen. Whitmire

This bill would have increased the availability of youth diversion programs for a child who is alleged to have engaged in conduct that constitutes a Class C misdemeanor, other than a traffic offense.

Raise Concerns

HB 1381 by Rep. Wray

This bill would have enhanced the criminal penalty for aggravated assault committed in or on school property or on a passenger transportation vehicle of a primary or secondary school.

VETOED

Support Children

HB 1771 by Rep. Thierry

This bill sought to prevent children under age 17 from being prosecuted or referred to juvenile court for prostitution and requires law enforcement to make best efforts to connect the child with relatives, treatment services, and/or DFPS if the child cannot be returned to her family.

HB 3195 by Rep. Wu

This bill would have given TJJD flexibility to reduce the amount of time certain youth would need to spend in highly structured residential programs and improves the process of transition planning and reentry into the community.