

- SUBJECT:** Limiting tickets for disrupting school to students 12 and older
- COMMITTEE:** Public Education — favorable, without amendment
- VOTE:** 11 ayes — Aycock, Allen, J. Davis, Deshotel, Dutton, Farney, Huberty, K. King, Ratliff, J. Rodriguez, Villarreal
- 0 nays
- WITNESSES:** For — (*Registered, but did not testify:* Yannis Banks, Texas NAACP; Kathryn Freeman, Texas Appleseed; Travis Leete, The Texas Criminal Justice Coalition; Jeff Miller, Disability Rights Texas; Julie Shields, Texas Association of School Boards; Rona Statman, The ARC of Texas; Paul Trietsch Chaney)
- Against — None
- On — Lauren Rose, Texans Care for Children; Ted Wood, Office of Court Administration; (*Registered, but did not testify:* David Anderson and Lisa Dawn-Fisher, Texas Education Agency; David Slayton, Office of Court Administration)
- BACKGROUND:** Education Code, sec. 37.124 makes it a class C misdemeanor (maximum fine of \$500) to intentionally disrupt a class or other school activity through the following conduct:
- emitting loud noises;
 - enticing or attempting to entice a student away from class or other required school activity;
 - preventing or attempting to prevent a student from attending a class or other required school activity; and
 - entering a classroom without the consent of either the principal or the teacher and disrupting class activities through acts of misconduct or use of loud or profane language.
- Sec. 37.126 creates a similar offense for intentionally disrupting or interfering with the lawful transportation of children on a school bus to or from school or a school-related activity.

In 2011, the 82nd Legislature enacted HB 359 by Allen, which excepted the conduct of students in grade 6 or lower from the offenses of disruption of class and disruption of transportation.

DIGEST: HB 1231 would revise the exceptions to prosecution for disruptive behavior to include students younger than 12 years of age instead of students in grade 6 or lower.

The bill would take effect September 1, 2013, and would apply only to offenses committed after that date.

SUPPORTERS SAY: HB 1231 would protect students younger than 12 years old from being criminally charged with disrupting classes or school transportation. This would eliminate the extreme cases of 10- and 11-year-olds being dragged into the criminal justice system merely for disrupting class.

Law enforcement officers and prosecutors also agree that it is easier to prove age than grade level. Basing the exceptions on age would fall in line with the state's age-based criminal justice system. The bill would implement similar age-based changes added to law in 2011 regarding the issuance of class C misdemeanor tickets for failure to attend school.

HB 1231 would contribute to an ongoing effort to reform these types of zero-tolerance policies that have resulted in a number of children being charged with criminal conduct for misbehaving at school. Studies have found these policies are applied disproportionately to minorities and students in special education programs. There are better ways to deal with horseplay and other disruptive activities without charging young children with a crime. The bill would not prevent criminal charges for behavior that is violent, harassing, or sexual in nature.

OPPONENTS SAY: By limiting who could receive tickets for disrupting classes and school transportation, HB 1231 could reduce the tools available to school districts to handle disruptive students. Teachers, principals, and school bus drivers need to be able to maintain a safe atmosphere for the majority of students who are behaving properly.

OTHER OPPONENTS SAY: The limit should be set higher than age 12 for referring students to the criminal justice system for disrupting classes or school transportation. Criminal offenses that can result in students going before a judge should

be eliminated from the Education Code and placed in the Penal Code.