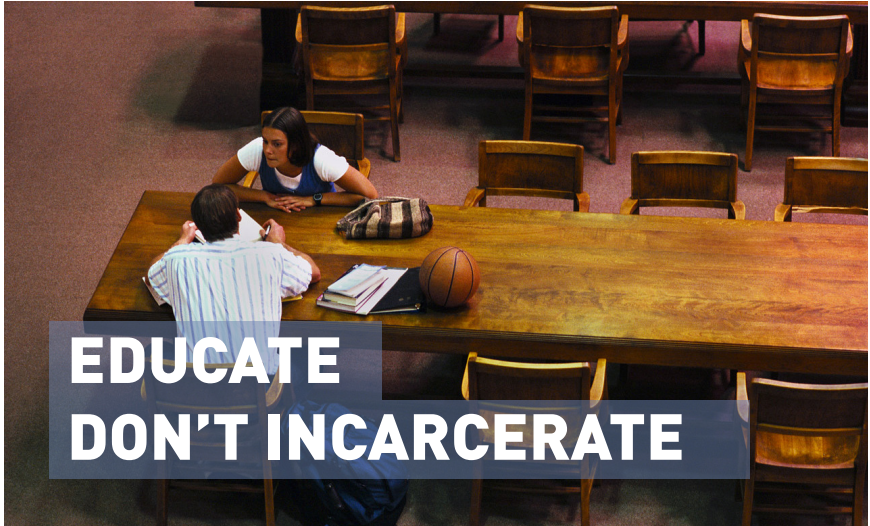


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**ACLU  
OF TEXAS**



**EDUCATE  
DON'T INCARCERATE**

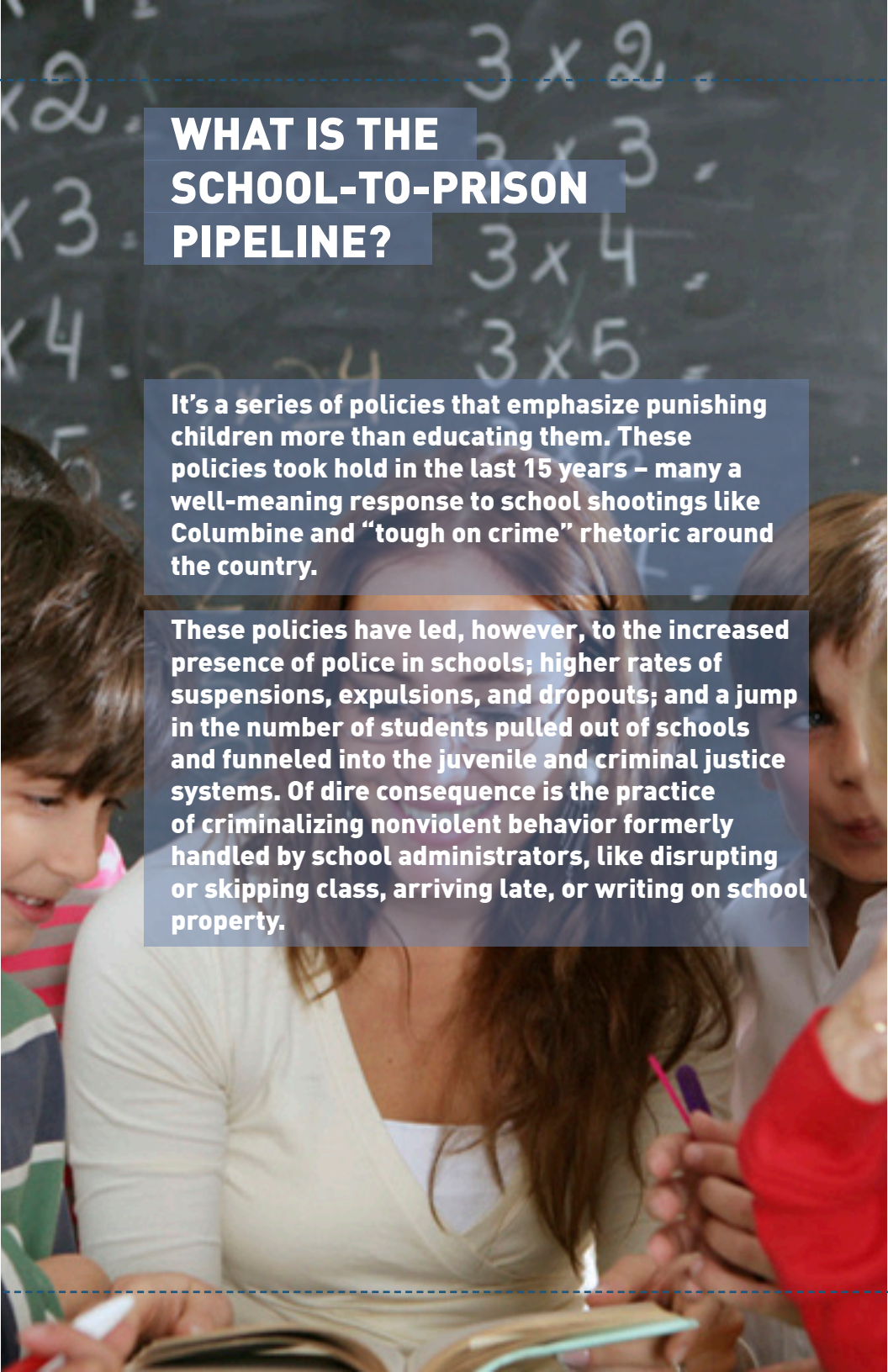
**STOP THE SCHOOL  
TO PRISON PIPELINE  
IN TEXAS**



**ACLU**

AMERICAN CIVIL LIBERTIES UNION  
of TEXAS

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The background of the image is a chalkboard with several multiplication problems written in white chalk:  $3 \times 2$ ,  $3 \times 3$ ,  $3 \times 4$ , and  $3 \times 5$ . In the foreground, a group of children are gathered around a table, looking at an open book. A girl in the center is holding a pink pencil. The children appear to be in a classroom setting, engaged in a learning activity.

## WHAT IS THE SCHOOL-TO-PRISON PIPELINE?

It's a series of policies that emphasize punishing children more than educating them. These policies took hold in the last 15 years – many a well-meaning response to school shootings like Columbine and “tough on crime” rhetoric around the country.

These policies have led, however, to the increased presence of police in schools; higher rates of suspensions, expulsions, and dropouts; and a jump in the number of students pulled out of schools and funneled into the juvenile and criminal justice systems. Of dire consequence is the practice of criminalizing nonviolent behavior formerly handled by school administrators, like disrupting or skipping class, arriving late, or writing on school property.

## WHY WE CARE

Here in Texas, we are doing advocacy around the state to push the legislature to amend the Texas Education Code and reverse the most damaging policies. This includes removing the law which criminalizes truancy, stopping the practice of expelling students for “serious misbehavior,” and making sure police in schools ensure safety without punishing students.

We are involved in a class action lawsuit, *De Luna v. Hidalgo County*, challenging the unconstitutional jailing of scores of low-income teens age 17 and older for their inability to pay onerous fines associated with missing school when they were 13 or 14.

And we are working to arm student and community activists to petition their local School Boards for change.

When it comes to policies that criminalize nonviolent offenses and systematically push children out of school, students’ due process rights are often violated.

When it comes to schools that employ school police – or school resource officers as they’re often called – but fail to train them properly, fail to make their use of force policies public, and fail to require them to report data on arrests, ticketing and use of force, issues of transparency and accountability are at stake.

When one examines the statistics on how discretionary policies like the “serious or persistent” misbehavior statute are applied, grave civil rights concerns arise. There is substantial statistical evidence that students of color and special ed students are being penalized more than their white, mainstream peers. In some Texas districts, African-American students are 2 to 54 times more likely to be expelled for “serious or persistent misbehavior.” And while special education students make up 10 percent of Texas’ student body, they account for 21 percent of all expulsions. This disproportionate impact is exactly the kind of systemic bias that the ACLU has challenged throughout its history.

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## **EDUCATE YOURSELF, AND TAKE ACTION.**

- The Problems:
- Truancy
  - Policing in Schools
  - School Discipline
  - Stats & Myths about the School-to-Prison Pipeline
  - What's the ACLU doing?

## **TEN ACTIVITIES PROVEN TO KEEP KIDS IN SCHOOL**

1. Putting the focus on learning, not punishing students.
2. Letting teachers & principals handle school discipline. Limiting SROs' roles to dealing with serious and immediate threats to safety.
3. Keeping classes small to medium size. Giving teachers adequate training in how to handle unruly students.
4. Involve students in the governance of their school – through youth committees involved in discipline policies, School Board meetings, and disciplinary hearing.
5. Offering stimulating after-school sports, arts, and academic programs.
6. Providing mental health services. Having school counselors that are dedicated to the well-being of students.
7. Only expelling students or sending them to alternative juvenile justice schools as a last resort – and only for serious violations.
8. Making sure students, especially those who get bored and restless, have access to college prep courses, career counseling, and internship opportunities.
9. Maintaining data on any use of force against students by SROs.
10. Collecting data on discretionary expulsions including the age, race and disability of the student (if applicable), and reason for being expelled.

## **CONTACT THE ACLU**

We are dedicated to fighting discrimination and upholding principles of equality, dignity, fairness, and due process rights for students at schools. Because we are an impact litigation organization, we can only take a very limited number of cases each year. But we would like to hear your story. We will help if we can. Go to [www.aclutx.org](http://www.aclutx.org) and click "Request Legal Assistance" to request help.

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## **A FEW STORIES TO ILLUSTRATE THE PROBLEM...**

In some cases, students are actually arrested. In others, they're issued tickets with fines up to \$500. These are criminal citations. They prematurely, unnecessarily entangle youth in the juvenile justice system. They turn students off of school.

Ticketing increases the chances a regular kid will become a "problem kid." It creates animosity between students and school staff. It turns what used to be after-school detention or a trip to the principal's office into a criminal record that can hurt a student's chances of gaining employment or admission to college.

Pushing students into disciplinary "alternative" schools often only speeds up their entry into the juvenile justice system. Students of color and students with special education needs are disproportionately punished and sent to alternative schools with few resources. Often, these students are denied the right to an adequate education and abandoned.

During the 2008-2009 Texas school year, 8,202 students were expelled. Approximately 100,000 students were sent to a disciplinary alternative education program. Texas A&M's School of Government estimates dropouts from the 2012 class will cost the state \$6 billion to \$11 billion over their lifetimes.

The school-to-prison pipeline costs our children their futures. It costs our country an educated and motivated workforce. It costs our families their hope. It costs our communities tens of thousands of children who begin to believe they are criminals rather than future college students, career professionals, dreamers, people with something to give back to their communities.

It's not too late to save our schools and give all students – including students of color and special education students – a shot at a decent education, and a future.

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## EFFECTIVE SCHOOL DISCIPLINE

When we discuss the failures of our educational system, we talk about “dropouts.” Many of the young people we count as dropouts did not want or intend to leave school. Instead, they were pushed out.

It’s the school-to-prison pipeline in action.

Students are pushed out by counterproductive disciplinary policies. Unnecessary suspensions leave them struggling to catch up on schoolwork. Unfair punishments that make them feel they are not welcome or wanted at their schools. Criminal records undermine their future.

Until this year, a policy outlawing “serious or persistent” misbehavior led to 2,900 students a year being expelled from disciplinary alternative educative programs in Texas. “Serious or persistent” was never defined, and instead was left to the discretion of school officials to figure out on a case-by-case basis.

The result? In some districts, African-American students were more than 50 times as likely to be expelled under “serious or persistent.” Special education students accounted for 21% of expulsions though they make up 10% of the population. In seven districts, special education students were the only ones expelled for “serious or persistent” misbehavior.

Though the ACLU helped amend this law – to drop “persistent” from the language and define “serious” misbehavior – we want to be sure that this rule is applied fairly and evenly to all students. When it comes to punishing young people without a criminal record in the U.S., black students are six times more likely to be incarcerated than white students. These are mostly for nonviolent low-level offenses. It’s time to make sure that deep-seated prejudices, whether conscious or not, no longer weigh heavily in school disciplinary decisions.

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Other factors that push students out of school:

- Laws provide that special education students have certain rights; they cannot be punished for behavior directly related to their disability. But many are.
- Ticketing students for childish misbehavior is counterproductive, when it leads to hundreds of dollars in fines for families and a criminal record for a child who's simply acting out in a manner which would never amount to a crime for an adult.
- Bullying and harassment remains a major problem in many schools, but the failure of teachers and administrators to intervene (despite a legal obligation to intervene) leaves students afraid to attend school.
- This is a stark problem for LGBT students – many of whom are not supported by their administration enough to start Gay Straight Alliance clubs or stand up for equal treatment in their schools.

The answer? Support students more than we punish them. Positive Behavioral Interventions & Supports (PBIS) is a different approach to fixing our schools. PBIS does not rely on discretionary policies which criminalize students viewed as inferior or troubled, or use the threat of suspension, expulsion, and alternative disciplinary schools to make students behave. Rather, it finds ways to reward students for positive behavior and use group peer pressure to put the focus on learning.

The best thing about PBIS is it's based on evidence. It's already proven to:

- Reduce disciplinary problems and referrals;
- Increase academic achievement;
- Decrease anti-social behavior such as bullying;
- Reduce rates of overrepresentation of minority and special education students in disciplinary referrals.

It's been implemented in more than 14,000 schools nationwide, including 1,000 in Texas. Together, we can work to make schools about learning and community, rather than discipline.

Thus schools benefit from PBIS by fostering safer and more academically successful campuses, while students benefit from PBIS by experiencing a less punitive school climate and a reduced likelihood of being referred into the juvenile justice system.

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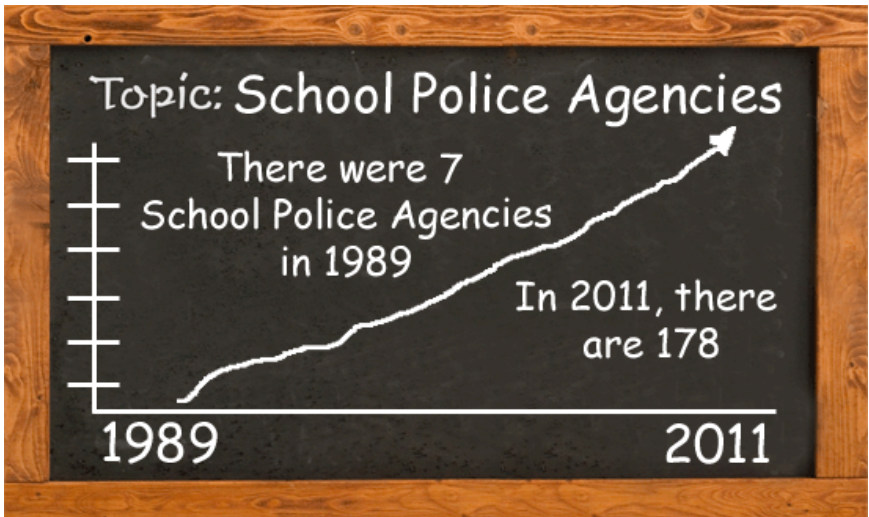
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## OVER-POLICING & USE OF FORCE

In the '90s, after tragic school shootings such as Columbine, in a climate of increasing "tough on crime" rhetoric, schools began arming themselves with law enforcement. Today, more than 170 Texas school districts have their own police department. Nationwide, there are nearly twice as many school safety employees as there are counselors in public schools. Many never receive training to learn how to deal with children or work in schools.

What started as a well-meaning effort to protect children has turned some schools into police zones. Schools rely on SROs to deal with minor disciplinary issues. What used to be handled through detentions, warnings by teachers, or a trip to the principal's office can now lead to entanglement with school police.

In recent years, there have been several high-profile incidents in which children were arrested at school in questionable circumstances. Children as young as five have been led out of classrooms in handcuffs for acting out or scribbling graffiti on desks. Students have been arrested for throwing an eraser at a teacher, breaking a pencil, and having rap lyrics in a locker. These children do not belong in jail.







The proliferation of SROs also diverts precious resources from education. Some districts spend millions on security, despite the fact that their schools lack basic resources like textbooks and libraries.

SROs are there to protect students' safety. They should only get involved in serious situations—where public safety is in immediate danger.

Studies have found that a punitive approach to discipline doesn't make students behave. It's part of what drives them to drop out. Policing children makes them feel like criminals. What's worse, students end up with a criminal record for offenses (chewing gum, talking out of turn, being "disrespectful") that'd never rise to the level of a crime if committed by an adult.

The way we punish these offenses has serious repercussions for students' futures. Students can be denied admission to college because of their "criminal" records. They may be ineligible for public housing or certain professional licenses because they "have a record."

Students begin to feel a sense of inevitability and resignation when it comes to getting in trouble at school or ending up in the juvenile or criminal justice systems.

## 5 CHANGES WE NEED

1. Fewer SROs in schools
2. Training for SROs
3. Policies that Ban Tasers and Pepper Spray
4. Clear Use of Force Policies that limit physical aggression by SROs to the most extreme situations when students' or school employees' safety is on the line
5. Data on Every Time Force is Used in Schools

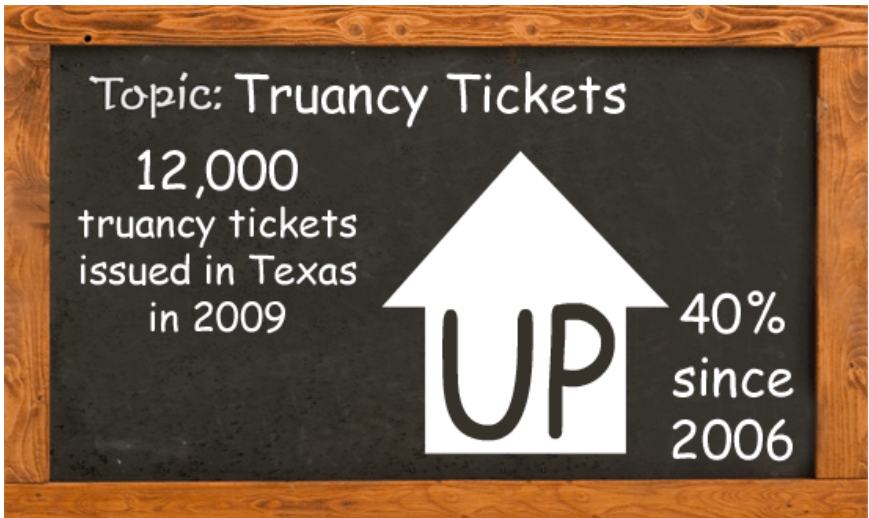
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## TICKETING & TRUANCY

Over the last 15 years, schools throughout Texas have started dealing with poor attendance by issuing fines for truancy. The state of Texas issued more than 120,000 tickets for truancy in 2009. Tickets run as high as \$500; failure to pay can lead to an additional \$500. In some of the most outrageous cases, teenagers have been sent to adult jails—for days, weeks sometimes months—because of their inability to pay such heavy fines.

Parents can also be slapped with fines, and then charged an additional \$500 for every day their child misses school. This can quickly add up to thousands of dollars.

This is an unfair and unnecessarily punitive policy that does nothing to reduce dropout rates. If anything, it is one more factor that pushes struggling students out of school.



Punishing students for truancy has not proven to raise attendance rates. Yet districts often prosecute minors under the Family Code with “Failure to Attend School”—a Class C misdemeanor with criminal consequences. Schools also tickets students in the 7th grade and up for “Disruption of Class” and “Disruption of Transportation”—in other words, acting out in class or on the school bus—both Class C misdemeanors under the Education Code.

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The ACLU of Texas supported legislation last session which means that students 6th grade and younger can no longer be charged with Class C misdemeanors. This is a step in the right direction.

**HAVE YOUR RIGHTS BEEN SERIOUSLY VIOLATED AT SCHOOL?**

Contact us. We are an impact litigation organization. We look for ways to challenge unfair systems and policies — not simply challenge individual wrongdoing — so many cases are better handled by a regular attorney. You should contact one while you wait to hear back from us.

If you have a story to share, contact us at [info@aclutx.org](mailto:info@aclutx.org). We'd love to include it on our website and use it to make our case with the Texas Legislature. We'd love to have a video of you telling your story. You may send audio or written accounts as well.

But the effects of ticketing on older students are still grave. By condoning ticketing, we essentially criminalize misbehavior, or being a bad student. We are sending thousands of children into juvenile and criminal justice system, and saddling children with criminal records for acts that would never amount to a "crime" in the real world. While we could be embracing Positive Behavioral Intervention & Supports—programs proven to improve behavior and attendance—instead, we make it more likely that those on the verge of dropping out will be harassed and intimidated rather than supported in their efforts to get an education.

We continue the fight to ensure that ineffective policies, such as using the courts to ensure attendance, are removed as an option in Texas schools. We recently brought a class action lawsuit against Hidalgo County, where over 100 teens 17 and older served jail time during 2009-2010 for unpaid fines for failure to attend school or other in-school misdemeanors. These are offenses that are not supposed to be punishable by jail time. And sending kids to jail has done nothing to stem the 40% dropout rate.

Elsewhere, we are working to strike Class C misdemeanors from the Texas Education Code.

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## MYTHS

### **Increasing discipline makes schools safer.**

Studies have shown that the proliferation of law enforcement in schools has, if anything, led to more altercations between students and school staff without a decrease in violence or misbehavior.

Likewise, many students complain they feel alienated in an environment where zero tolerance policies dole out a one-size-fits-all punishment for any even small infractions.

### **We have to get tough with the 5% of the kids who cause the trouble so the other 95% can learn.**

SROs may actually encourage kids to act out more.

### **It's only a small percentage of students who encounter these issues of unfairness in school. It's not that big a deal.**

When you amass the 80% of adult prison inmates who dropped out of school – that's more than 135,000 prisoners in the state of Texas today – you see the cumulative effect the school-to-prison pipeline has. You can see the legacy we're creating.

### **Ticketing is an effective way to discipline students without disrupting class.**

In the end, ticketing does disrupt class because students, and their families, have to take off to go to court and settle debts. It is simply unfair to saddle families with fines of hundreds of dollars for infractions like chewing gum or skipping class, and to saddle a student with a criminal record because of his or her inability to pay. Discipline should not have a dollar amount.

### **If you send students a strong message early on, it scares them into following the rules and taking school seriously.**

Right on Crime, a conservative think tank, has found that unnecessary incarceration tends to make lower-risk youths more likely to re-offend, as it groups them in with more serious offenders and cuts off ties to their family and community.

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## **BASIC FACTS**

As policies that criminalize school misconduct have taken hold, dropout rates have risen. One third of Texas public school students drop out every year.

Students are more likely to drop out of school if they have a history of disciplinary problems in school.

The United States has the **HIGHEST RATE OF INCARCERATION** in the world.

Texas is the **ONLY** state in the nation to penalize 18- to 21-year-olds for truancy.

For adolescents, involvement in the juvenile justice system is the single biggest predictor of involvement in the criminal justice system as an adult.

It costs just over \$7,000 to educate a child in public school for one year, and nearly \$68,000 to incarcerate them.

**HALF OF ALL** students with mental illness drop out of high school. **THREE-QUARTERS** of those will be arrested within five years.

High school dropouts are three times more likely to be incarcerated than graduates.

African-American students are far more likely than white students to be suspended, expelled, or arrested for the **SAME** conduct.

Students in the U.S. are suspended and expelled at almost double the rate they were 25 years ago.

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## AN EDUCATOR'S PERSPECTIVE

"Tickets should be a last resort in discipline measures." – Mel Waxler, Austin ISD

Studies show being arrested nearly doubles the odds of dropping out of school. An arrest and court appearance nearly quadruples the odds of dropout, lowers standardized test scores, reduces future employment prospects, and increases the likelihood of future interaction with the criminal justice system. – Gary Sweeten, *Who Will Graduate? Disruption of High School Education by Arrest and Court Involvement*, 2006

Alternatives to juvenile incarceration programs have been shown to reduce jail populations by two-thirds, arrests by half, and juvenile crime by more than a quarter according to the Annie E. Casey Foundation.

"It may be that millions of tax dollars are being spent on inappropriate training for school police officers, that school policing tactics are ineffective or, as a worst case scenario, that the presence of police officers in schools creates more harm than good." – Ben Brown, *Understanding and Assessing School Police Officers*, 2006

"SROs may need help to 'unlearn' some of the techniques they learned to use on patrol duty that are not appropriate in dealing with students (for example, resorting too quickly to using handcuffs or treating misconduct as part of a person's criminal make-up when in a student the behavior may be an example of youthful indiscretion)." – National ACLU Report, *Hard Lessons: School Resource Officer Programs & School-Based Arrests in Three Connecticut Towns*, 2008

## AN ECONOMIST'S PERSPECTIVE

Students who drop out rather than graduate in 2012 will cost the state between \$6 and 11 billion over their lifetimes. – Texas A&M School of Government

- \$7,250 – Cost of public school education for one year
- \$67,890 – Cost of juvenile incarceration for one year
- \$270 a day – Incarceration in a Texas state juvenile facility
- \$7 to \$73 a day – Diversion or supervision programs

The unemployment rate for high school dropouts is 46%, according to a Northeastern University report.

- \$8,358 – Average annual income in Texas for dropouts
- \$14,600 – for high school graduates
- \$24,800 – for those with a bachelor's degree

## HOW DO CITIES IN TEXAS MEASURE UP?

Tickets issued in a year for profanity, fighting, disruption (2005-2006)

- Houston 5,763
- Dallas 4,400
- Austin 2,364

Special education students are more likely to be expelled for "serious or persistent" behavior.

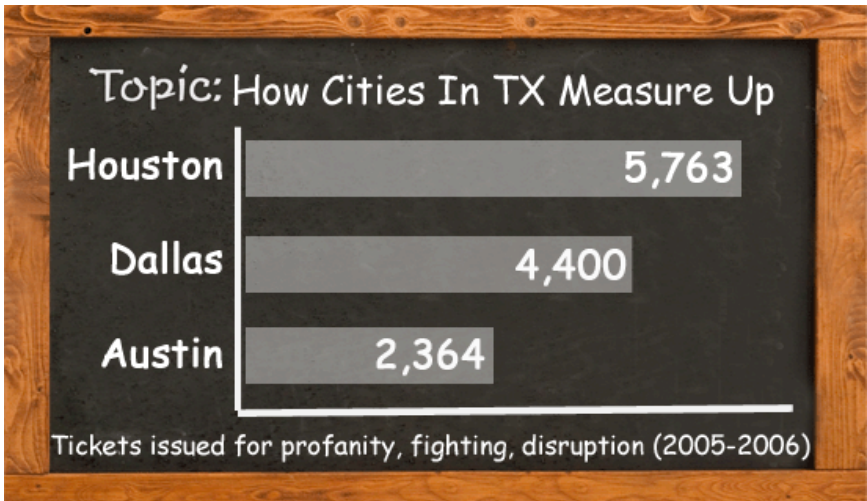
- 15x more likely in Cedar Hill ISD
- 8x more likely in Klein ISD
- 7x more likely in New Caney, North East & Temple ISDs
- 6x more likely in Abilene ISD

Most students expelled

- Aldine
- Dallas
- Fort Worth
- NorthEast

Expel more than 1% of all students

- Aldine
- Waco
- Fort Bend



## BY THE NUMBERS

- More than 80% of Texas prison inmates are dropouts.
- 7 – the number of school police agencies in Texas in 1989
- 178 – the number of school police departments in Texas today
- 2,900 – the number of students in Texas kicked out of school for “serious or persistent” behavior in one year
- 120,000- number of tickets issued for truancy in Texas in 2009. *Up 40% since 2006. This equals millions of dollars in fines.*
- \$500 – A maximum truancy fine
- \$825 – Average monthly income in Hidalgo, where the ACLU brought a class-action suit on ticketing.
- \$50 a day – The way those cannot pay may work off their debt in jail
- 92 – the number of tickets Dallas ISD issued to 10-year-olds in 1 year
- 163 – the number of tickets Alief ISD issued to grade school students in 1 year
- 891 – the number of adults Houston ISD filed truancy charges from January through June in 2010
- 33% of students sent to juvenile probation have a diagnosed mental illness.
- 60% of those incarcerated need mental health treatment.
- Special education students make up 10% of the population but 21% of expulsions.
- 9,000 – the number of U.S. schools using Positive Behavioral Support Programs
- 85% – the amount that suspensions went down at one Illinois school within two years of adopting Positive Behavioral Supports

Topic: Positive Support

9000 U.S. schools are using  
Positive Behavioral  
Support Programs



Topic: Expulsions

Special education students make up

10% of the population



But 20% of expulsions

**“85% – the amount that suspensions went down at one Illinois school within two years of adopting Positive Behavioral Supports”**

Topic: Positive Support

Suspensions  
went down

**85%**

at one Illinois school within 2 years  
of adopting Positive Behavioral  
Supports

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## COMMONSENSE SOLUTIONS

We do not mean to suggest that it is easy to educate children, or deal with chronic misbehavior. What we do know is that there's no proof that ticketing, over-policing, or zero tolerance improves education.

There is, however, plenty of evidence to suggest programs emphasizing positive behavioral interventions and supports improve education and minimize disciplinary issues.

It's time to stop choosing punishment and push-out over ways proven to proactively engage students in school. Here's what we suggest.

### **The Problem**

- Treating truancy as a ticketable criminal offense does not keep kids in school. All it does is mire families in hefty fines and red tape.

### **The Fix**

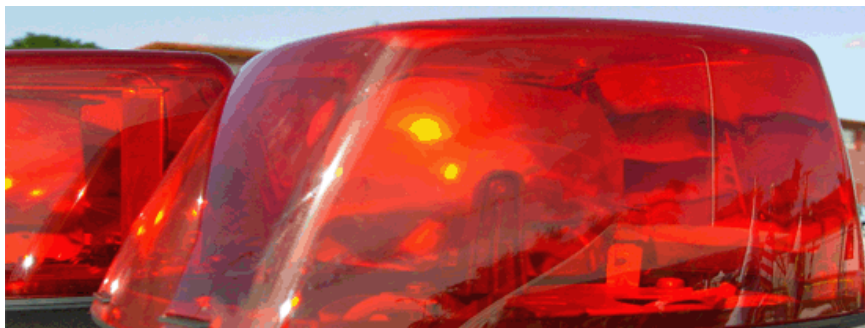
- Amend the Education Code to do away with "Failure to Attend School" as a criminal offense. Until state legislation is passed, you can pressure your local school district to not criminalize truancy.

### **The Problem**

- Creating a climate of fear and mistrust where police patrol the halls, and students see peers handcuffed, Tasered, or pepper sprayed.

### **The Fix**

- Demand specialized training for SROs. There should be a clear policy that SROs imminent threats to public safety, not run-of-the-mill disciplinary problems.
  - Require clear use of force policies. Force need never be used unless there is a threat of imminent harm to a student or school staff.
  - Ban the use of Tasers and pepper spray in schools. New evidence suggests that Tasers have led to several deaths; this could be especially dangerous for younger, smaller people like students.
  - Every incident involving use of force should be reported to a statewide database that includes the following ten criteria:
    1. Student's offense/reason for arrest/use of force;
    2. Type of force used;
    3. Campus/location where the incident took place;
    4. The year in which the incident occurred;
    5. SRO's race/ethnicity;
    6. Student's age & grade;
    7. Student's gender;
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8. Student's race/ethnicity;
9. Student's special education status;
10. Student's eligibility for free or reduced lunch.

### **The Problem**

- Too many of our students are getting kicked out of school for nonviolent offenses. Statistics reveal that, in some districts, African-American students are being punished more than 50 times more than white students. Special education students are punished at a rate 10 times higher than their counterparts. As standards become harsher, more children end up in the juvenile justice system with few educational resources. Inequities based on race and class are perpetuated.

### **The Fix**

- Amend Texas law to implement Positive Behavioral Interventions & Supports and limit punishment for "serious misbehavior." Suspending or expelling students for discretionary offenses such as "serious misbehavior" often creates more problems than it solves. One third of all students expelled in Texas in recent years have been under the "serious or persistent" misbehavior law.

### **The Problem**

- Heavy-handed approaches to discipline have done little to reduce misbehavior or increase the rate of high school graduation.

### **The Fix**

- Begin diverting resources from discipline to Positive Behavior Interventions and Supports. PBIS has been proven to reduce disciplinary referrals, cutting costs and leaving more time for actual learning. This leads to happier teachers, smarter students, and more money left over for school supplies and programs.
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## **OUTRAGEOUS STORIES**

A glimpse into the damage the school-to-prison pipeline can cause in students' lives.

### **Ticketing & Truancy**

By the age of 18, Francisco De Luna, from McAllen Texas, had racked up 20 tickets and \$10,000 in fines for failure to attend school. That's more than the average median income where Francisco lives. Although Francisco's tickets were transferred to juvenile court and fully resolved, in January 2010 he spent 18 days in Hidalgo County jail because he and his family could not pay these fines. He would have spent more than 100 days in jail had the public defender not noticed his case and demanded his release.

Elizabeth Diaz, age 19, still plans to graduate high school in Edinburg, Texas. But last winter, she spent 18 days in Hidalgo County jail for her inability to pay \$1,600 in fines for not attending school several years ago – though she was back in school and doing well when she was arrested and jailed. She missed her TAKS test while in jail and was unable to graduate with her classmates. And technically, she became truant again for serving jail time and her charter school enrollment was revoked.

### **Over-Policing**

New Mexico – A third grade boy was arrested, handcuffed and given a citation for “disorderly conduct.” The boy had begun crying and saying he wanted to go home when his mother came to school, but the counselor said he could either go back to class or two officers would put him in a cell “until he changes his attitude.”

Los Angeles – A sixteen-year-old girl was arrested for battery after dropping a piece of birthday cake in the school lunch area and failing to clean it up to the satisfaction of the school resource officer.

Florida – A six-year-old girl was charged with battery of a school official – a felony – and two misdemeanor counts of disruption of school and resisting arrest for throwing a temper tantrum.

### **Pushing Out Minorities & Special Ed Students**

Paris, Texas – Fourteen-year-old Shaquanda Cotton was sentenced to seven years in the juvenile justice system for pushing a teacher's aide. A white student her age was convicted of arson and only received probation.

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### **POLITICIANS & NGOS WEIGH IN**

“Once children drop out or are pushed out, the prison pipeline is only one wrong move away.” – Marian Wright Edelman, Director of the Children’s Defense Fund

“It is entirely feasible to move children from a cradle to prison pipeline to a cradle to college, or jobs, pipeline.” – Bobby Scott, Congressman, Sponsor of Youth PROMISE Act

“Zero tolerance... has redefined students as criminals, with unfortunate consequences. These policies eliminate the common sense that comes with discretion, and at great cost to society and to children and families, do little to improve school safety.” – American Bar Association

“Can you tell me why you’d write a ticket... instead of just ordering a kid to study hall or to stay after school on a pretty day?” – Texas Senator John Whitmire

“One of the most frequent and destructive mistakes many SRO programs make is to fail to define the SROs’ roles and responsibilities in detail before—or even after—the officers take up their posts in schools. When programs fail to do this, problems are often rampant.” — U.S. Dep’t. of Justice Report on School Resource Officers, 2008

“For hundreds of thousands of school children in the US, violence inflicted by those in authority is a regular part of their experience at school.” – Human Rights Watch

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## **STUDENT ACTIVIST**

Whether you're looking to advocate for yourself or to create a more positive and fair environment for all students, there's something you can do. The best way to make lasting, school-wide change is to take it to the School Board.

### **Get empowered.**

Read your school code of conduct. It's true, nobody likes reading rulebooks or instruction manuals, but the only way you will be able to advocate for a more student-friendly policy is if you know what the current policy is.

Sometimes, school district policies can be found in the student handbook. Key phrases to look out for: "serious or persistent," "disorderly conduct," "disruption of classes," "disruption of transportation." These are vague terms that encourage severely punishing students for nonviolent crimes. They lead to inequalities in discipline and how it is meted out.

Write a letter to your principal suggesting the policy be changed & ask if you could meet with him or her to discuss it. Get 10 of your friends to sign it. Be sure to ask students involved in different activities – from student government to the football team and theater club – to sign it. There is power in numbers, and there is power in diversity.

### **Get equal.**

Don't stand for discrimination. If you feel you've been targeted based on your race, gender, sexual orientation, national origin, religion, political beliefs, or disability, demand accountability.

- Follow all steps above in scheduling a conference or hearing.
- Speak with your teacher or principal. Ask them to investigate and address the situation.
- If they do not respond, speak to the superintendent or Board of Trustees.
- Along the way, document all your efforts to get the school's attention and help.

### **File a complaint with the US Department of Education's Office for Civil Rights**

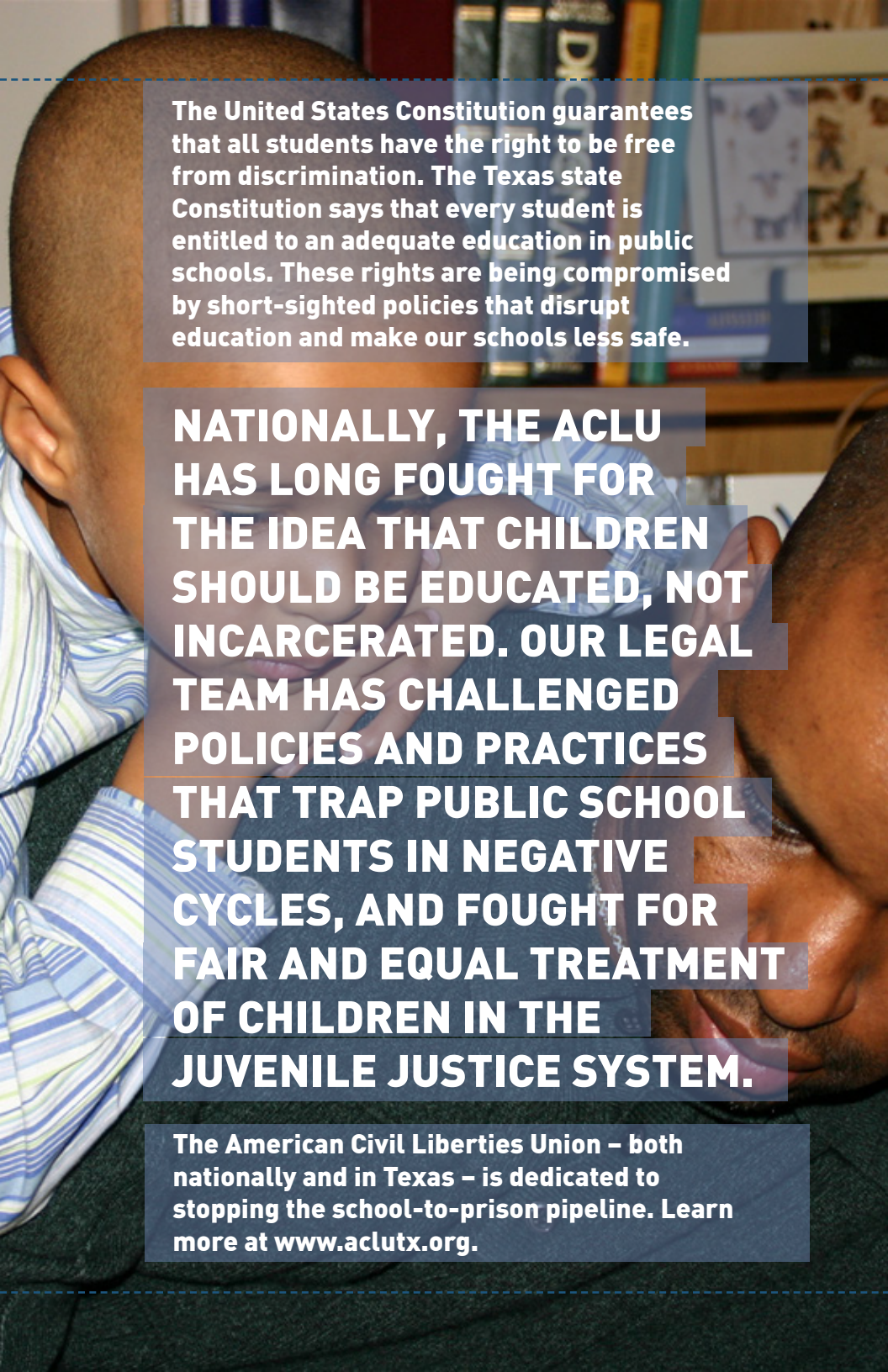
Contact them at 1-800-421-3281 or online. Or you lodge a complaint with the Texas Education Agency at (512) 463-9734. This process will move slowly, but it will insure the claim is investigated.

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If you've been suspended, expelled, or sent to an alternative discipline school (DAEP) and don't feel you've broken a serious school rule, here is what you can do.

- Request a conference in writing. Keep a copy of everything you or your parents sent to the school, and everything the school gives to you. Whether or not you request one, the principal is supposed to schedule a conference within three days & inform you and your parent. The school should be willing to be somewhat flexible if your parent works and would like to attend.
  - Be at your best at the conference. Arrive on time. Dress up. Be polite when asking or answering questions. Show you take the matter seriously.
  - In advance, prepare in writing your side of the story. The school staff will also explain their side. Be sure to bring a parent, or older family member who supports you to the conference. School administrators will take your case much more seriously if they see there are adults that support you.
  - During the conference or immediately after, take detailed notes on everything that happened and what was said. Also, request a written decision or order.
  - If your decision is reversed, great. If not, check your Student Code of Conduct, Student Handbook, or school board policy to see if your district allows you to request a review of the decision by the Superintendent or school board. If the procedure is unclear, ask the principal for copies of the appeal procedure.
  - Most districts allow one appeal for a suspension or DAEP placement. If yours does not, there is not much you can do.
  - In the case of expulsion, the school is required to hold a hearing within 10 days. Prepare your statement in writing. Arrive on time. Bring an adult who can back you up and supports your desire to graduate. By law, you can appeal the decision to the School Board, and if you are unhappy, to the district court.
  - In some extreme cases – only if a student is believed to be so unruly, abusive, disruptive, or dangerous that class cannot go on – the principal may expel a student immediately and hold the conference and hearing after the fact.
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**The United States Constitution guarantees that all students have the right to be free from discrimination. The Texas state Constitution says that every student is entitled to an adequate education in public schools. These rights are being compromised by short-sighted policies that disrupt education and make our schools less safe.**

**NATIONALLY, THE ACLU HAS LONG FOUGHT FOR THE IDEA THAT CHILDREN SHOULD BE EDUCATED, NOT INCARCERATED. OUR LEGAL TEAM HAS CHALLENGED POLICIES AND PRACTICES THAT TRAP PUBLIC SCHOOL STUDENTS IN NEGATIVE CYCLES, AND FOUGHT FOR FAIR AND EQUAL TREATMENT OF CHILDREN IN THE JUVENILE JUSTICE SYSTEM.**

**The American Civil Liberties Union – both nationally and in Texas – is dedicated to stopping the school-to-prison pipeline. Learn more at [www.aclutx.org](http://www.aclutx.org).**