

FOR IMMEDIATE RELEASE –

Wednesday, February 20, 2013

Civil Rights Complaint Filed Against Texas School District for Issuing Class C Misdemeanor Tickets at Higher Rate to African-American Students

AUSTIN, Texas – Bryan Independent School District’s use of school resource officers to issue criminal sanctions for a range of minor student misbehavior unlawfully impacts African-American students, who are “cited” at a rate four times that of other students, according to a complaint filed today with the **U.S. Department of Education’s Office for Civil Rights (OCR)**, on behalf of the public interest law center **Texas Appleaseed** and the **Brazos County branch of the NAACP**.

Attorneys with the **NAACP Legal Defense Fund** and the **National Center for Youth Law** serve as legal counsel to the Complainants.

The complaint outlines a historical and continuing pattern of issuing “Class C misdemeanor” tickets to students for “Disruption of Class” and “Disorderly Conduct-Language” (generally meaning profanity). These ticketing categories encompass minor behavior that is not generally deemed “criminal” and disproportionately harms African-American students in Bryan ISD. In Texas, such ticketing can mean missed class time due to required appearances in adult justice of the peace or municipal courts, fines, and the potential for a criminal record in addition to any other school-based punishment.

“In a very real sense, the Bryan school district is using law enforcement as its disciplinary arm. The school district must be held accountable for the disproportionate impact on African-American students, who are also much more likely to be suspended and expelled from Bryan schools,” said **Senior Attorney Michael Harris**, with the National Center for Youth Law. The school district spent about \$376,790 in 2011-12 to cover half of the salaries and benefits paid to the eight school resource officers assigned from the local police department to Bryan schools.

While African-American students comprise less than 25% of the students in Bryan public schools, they are significantly more likely to receive Class C misdemeanor tickets than their peers. “Over the last three school years, African-American students received *more than half of all tickets*

issued—and are four times more likely to receive a ticket for ‘Disruption of Class’ or ‘Disorderly Conduct-Language’ than other students,” said Texas Appleseed **Deputy Director Deborah Fowler**.

The Impact on Bryan ISD Students

“In Texas, the consequences are particularly serious because ticketed students are sent to adult courts that do not extend young people the confidentiality and other protections provided in juvenile courts,” Fowler said.

In Bryan ISD, African-American students accounted for only 21% of its student population in 2011-12, but received the majority of citations for “Disruption of Class” (143 tickets, 53%) and “Disorderly Conduct-Language” (54 tickets, 51%)—two categories of offenses that encompass non-dangerous, adolescent misbehavior historically addressed through school discipline rather than citations that lead to court involvement.

Ann Boney, President of Brazos County N.A.A.C.P., said, “The entire Bryan community has a stake in this issue. Research shows that a discipline policy that removes students from school and introduces them to the justice system increases the risk of dropping out. When that happens, everyone suffers.”

Bryan ISD’s ticketing rate (59.6 tickets per 1,000 students in 2010-11) ranks second highest (only after Galveston ISD) among the 42 Texas school districts recently analyzed by Texas Appleseed and remains “consistently high” over time, according to the OCR filing.

A National Problem

The complaint comes at a time of a focused national dialogue regarding the appropriate ways to promote safe and healthy schools in light of the tragedy at Sandy Hook Elementary School in Newtown, Connecticut. Since then, there has been much debate about the impact of police in schools. What is happening in Bryan ISD is part of a disturbing national trend. Bryan is one of many communities in Texas and across the country where school police have crossed the line between safety and discipline, thereby criminalizing typical adolescent behavior that does not pose a danger to others. Misdemeanor tickets, suspensions, expulsions, and other disciplinary action are meted out to children as young as elementary-school age, and for offenses as harmless as throwing a tantrum or swearing. Research shows that in many school districts, African-American students are disciplined at a much

greater rate than white students and are often punished more harshly for engaging in the same behavior as their white peers.

According to the OCR, which recently began collecting data on school-based law enforcement referrals and arrests, 42% of public school students referred to law enforcement and 35% of students arrested in school are African-American, compared to a nationwide student population that is only about 18% African-American.

“Experts agree that issuing tickets to children does not make schools safer,” said **Rachel Kleinman, Assistant Counsel** with the NAACP Legal Defense and Educational Fund. “Ticketing also exacerbates inequalities because African-American students are subject to overzealous discipline much more than their peers. Instead of ‘policing’ students, school districts should adopt proven alternatives to keep misbehavior in check without treating young people like criminals.”

School disciplinary practices—and their disproportionate impact on African Americans and other minor students—have been challenged by advocacy groups in New York, Florida, Colorado, Illinois, and California, among other states.

Remedy Sought

The complaint filed today focuses on the racial disparities in Bryan’s issuance of Class C misdemeanor tickets. Complainants are asking the OCR to apply what is known as the “disparate impact” standard. In applying that standard, the OCR can hold the Bryan ISD liable if its policies have the *effect* of discrimination based on race, regardless of whether that discrimination is intentional.

The Complainants are asking the OCR to require Bryan ISD to restore the distinction between school *safety* and school *discipline* by developing and implementing clear guidelines regarding the kind of school-based behavior that is properly handled by School Resource Officers (SROs)—and to provide additional training for SROs in adolescent behavior, conflict resolution and de-escalation techniques, and cultural factors affecting children’s behavior. Implementation of research-based alternatives to ticketing—such as Positive Behavior Interventions and Supports—is strongly encouraged. Also requested are:

- Revisions to the Bryan Student Code of Conduct to establish graduated consequences for misbehavior that minimize missed class time and reserve suspension, expulsion, and police responses to student misbehavior to *only those incidents that pose a safety risk*;
- Required campus-based quarterly reporting of data on ticketing and school-related arrests, by type of incident disaggregated by race; and
- Intervention services for students who receive multiple Class C citations and/or disciplinary referrals and who are at risk of educational failure.

FOR MORE INFORMATION, CONTACT:

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Parent

Marjorie Holman, whose son previously attended Bryan ISD, is also available to answer questions about the impact of ticketing on her child and others in the Bryan school district.

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