

## HB 3 and the School-to-Prison Pipeline

*By Ava Garderet*

Bill Wallace, who was arrested in school at age 15 and held in an adult prison, realized at the time, “I wasn’t quite sure I’m supposed to be sitting here in a cage.”

Wallace later founded Tomorrow’s Promise Foundation, a nonprofit working to eliminate incidents of youth contact with the criminal justice system.

He remembers that the situation and its consequences were hard to understand as such a young person. “But at that age, it still just didn’t feel right,” Wallace said.

In May 2023, Texas lawmakers passed a school safety bill, House Bill 3, that required every school to post an armed “security resource officer” on campus. The bill, intended to address the recent increase in school shooting threats, diverted school resources primarily to funding mandatory armed officers intended to respond to violent incidents. This sharp increase in armed officers in schools raises concerns about how nonviolent student behavior is being addressed and how student arrest rates might be impacted.

According to Andrew Hairston, director of Education Justice Project at Texas Appleseed, the school-to-prison pipeline can be defined as a patchwork of laws and politics that target the often routine, age-appropriate behavior of young people in schools.

“School policing targets behaviors of children, particularly Black, brown, and LGBTQ children, and children with disabilities, placing them in the criminal legal system through suspensions, alternative education placements and school policing,” Hairston said.

### Setting the scene - Texas’ school-to-prison pipeline

This “pipeline” from school to the carceral system is statistically clear, and this link holds especially true in Texas. Texas Appleseed has reported more than 80% of Texas adult prison inmates are school dropouts. Texas A&M’s Public Policy Research Institute published a 2005 report concluding that the single most important predictor for future involvement in the juvenile justice system is a history of disciplinary referrals at school.

Over 60% of Texas public school children were suspended or expelled between grades 7 and 12 from 2000 to 2009, according to Texas Appleseed. The vast majority (97%) of these disciplinary actions were made at the discretion of school officials, not for offenses mandating suspension or expulsion by state law. The study found that a student who was suspended or expelled from school had a tripled likelihood of contact with the juvenile justice system in the following school year, and that Black students were 31% more likely to receive discretionary disciplinary action.

### The effect of school arrests on students

Chas Moore, founder and co-executive director of the Austin Justice Coalition, spoke to the long-term effects of being exposed to law enforcement in a school setting, particularly for students from minority racial groups.

“There is a very deep psychological effect, probably more so on Black and brown kids, that prepares them to interact with the criminal legal system from a very early age,” Moore said. “Especially if you’re around people with guns your entire school career, and also live in a very racist society that is, more often than not, trying to push you towards the justice system.”

According to a 2016 report by the Texas Observer, if students are first arrested in high school, they are 50% more likely to drop out before they graduate. After school, an arrest record can be a significant barrier in a young person's ability to access housing, employment or social services like welfare.

Sarah Reyes, Youth Justice Policy Director at Texas Center for Justice and Equity, spoke to the long lasting effects that contact with the criminal justice system can have on students, particularly when expulsion leads to their transfer to an alternative education program.

"Those types of programs are overseen by the actual state carceral system itself, so that puts a kid immediately in the system," Reyes said. "By that point, you have a record that follows you for the rest of your life. And in Texas, at 17 you're considered an adult and held in an adult carceral facility. So there are all of these little systems in play with these school arrests, and I don't think that most people realize how impactful school policing can be to a single kid's life."

### History of the school-to-prison pipeline in Texas

The use of disciplinary action in Texas schools is rooted in the state's legal history and has been continuing to develop in recent years with bills like HB 3. According to Texas Appleseed, in Texas, the number of student disciplinary referrals and suspensions increased dramatically in the mid-1990s following passage of the Federal Gun Free Schools Act of 1994 and the subsequent 1995 overhaul of Texas school discipline law.

In the early 90s, alongside the national "war on drugs" campaigns of the 80s, the State Board of Education began to call for "zero tolerance" policies to prevent school violence and drug use, giving schools extreme discretion in their ability to remove students from the classroom for "offensive" behavior such as profanity, disrupting class and persistent violation of a student Code of Conduct.

### Flaws in the system

Hairston with Texas Appleseed said that the use of armed officers in schools is an example of broader flaws in the country's school and legal ecosystems.

"The school-to-prison pipeline is one example of how schools have become militarized," Hairston said. "Decades of experience and research shows us young people, particularly those who've been historically underserved, need to be brought to heal. But instead they are often met with very harsh, life-changing consequences just for daring to exist in a youthfully unruly or disorderly way."

William Kelly, University of Texas professor in the sociology department and founding director of the university's Center for Criminology and Criminal Justice Research, said that expulsion is the worst response to a student's misbehavior.

"It's a good idea at the moment, because it gets the kid out of that environment and quickly 'resolves' the circumstance, whatever it was. But then what happens after that?" Kelly asked. "We expel the kid from a learning environment to either an alternative that's a mix of criminal justice and a little bit of education, or just release them into a community without any kind of school structure and support."

He emphasized that relying on the justice system results in a failure to address the larger underlying issues often behind students' misbehavior.

"We don't appreciate bad parenting. We don't appreciate poor community efficacy, or that the public school system is majority minority, and that a lot of kids come from a background of poverty. What schools see are the symptoms of those things, and whether they realize what they might be, they still don't have

the resources to approach it,” Kelly said. “We just rely on this one go-to-system – the juvenile justice system – to quickly deal with many of the problems these kids are dealing with.”

### Alternatives to armed officers in schools

Many community activists fighting for youth and school justice suggest alternatives to armed officers in schools.

Some, like Hairston and Kelly, suggest ensuring that schools hire experts who may be more appropriately trained to respond to nonviolent student misconduct and behavior, like school counselors, psychologists and social workers.

“The unfortunate reality is that there does need to be security in schools because of all of the recent threats of violence – but I think that their role should be more limited,” Kelly said. “There should be a go-to person for a non-violent offense or situation, and it’s going to require people with expertise in behavioral health.”

Wallace said that there is an appetite for change in Texas schools. As an advocate he surrounds himself with Central Texas superintendents and school boards, where he said that he hears a willingness to address school discipline issues in a more equitable way.

“But even with conversations happening in these spaces, those people still have to act with support from the community, and they also have to answer to the governor,” Wallace pointed out. “So when you ask who has the power, I have to say the voter, because the biggest threat is really at the legislative level.”

### What comes next?

Since HB 3 was passed, it’s becoming more and more common to see armed officers in schools. In Texas, approximately 200 school districts have their own police forces, while others contract with local law enforcement agencies to place officers on school campuses. While these officers can be seen as a necessary layer of protection during a threat of crisis, those emergencies are rare. On a daily level, the presence of officers (and lack of counselors and other resources) can put more children at risk of being criminalized and arrested.

Mandi Zapata, Central Texas Co-Regional Director of Lioness, said that the increase in officers across Texas campuses actually increases the potential for misbehavior. Her son was taken out of his school setting by officers for being caught with a vape.

“I think students are losing even more respect for authority because they realize that their school environment is no longer about authority and teaching – it’s about oppression,” Zapata said.

Hairston with Texas Appleseed said that he is trying to use the momentum among advocates to shift the narrative to emphasize that school safety requires abundant resources.

“We need to emphasize relationship building, teaching kids that they can engage themselves and their teachers and other supporting staff members,” Hairston said. “We need to let them experience the culture of care that should surround them as they go through their childhood, adolescence and become who they are.”