



Criminalizing Youth is a Failed Policy That Hurts Students, Families, and School Communities

IDRA Written Testimony Against SB 1924 and SB 1925 Submitted by Paige Duggins-Clay, J.D., to the Texas Senate Committee on Education K-16, March 25, 2025

Dear Chair Creighton and Honorable Members of the Committee:

My name is Paige Duggins-Clay, J.D. I am the Chief Legal Analyst at IDRA, an independent, non-partisan non-profit committed to achieving equal educational opportunity for every child through strong public schools that prepare all students to access and succeed in college.

At IDRA, we work to transform education by putting children first. It is with that commitment that IDRA opposes Senate Bills 1924 and 1925, which seek to roll back critical, bipartisan policies that unnecessarily push students out of school and into the juvenile and adult criminal justice system.

SB 1924 attempts to return Texas law to the pre-2013 status quo when students could receive Class C misdemeanors for school offenses. It further requires criminal referral for harm or imminent harm to a teacher.

SB 1925 (as filed) would eliminate school districts' responsibilities (established in 2015) to engage in truancy prevention, intervention and education measures prior to referring a student and their family to truancy court. We oppose this provision because addressing chronic absenteeism requires schools to identify the root causes of the absence, and that cannot successfully occur without regular outreach and intervention. A student and family's situation can change dramatically in a matter of months, weeks and even days, and expediting a student's referral to truancy court without first ensuring that no preventative, school-based measures can address the truant behavior is counterproductive and likely to create even more hardship for families in ensuring their child attends school.

Criminalizing school-based status offenses – such as truancy, “disorderly conduct” and “disruption” – harms Texas students and families by exacerbating educational inequities and increasing justice system involvement (Fowler et al., 2015).

Historically, when the state was operating under the policy proposed by SB 1924, the Office of Court Administration conservatively estimated that more than 275,000 non-traffic tickets were issued to juveniles in Texas each year (OCA, 2015). The vast majority of these tickets were issued for offenses most commonly linked to school-related misbehavior: disruption of class, disorderly conduct, disruption of transportation, truancy and simple assaults related to student fights (Fowler, 2010).

Also staggering, at the height of the policy underlying SB 1925, Texas prosecuted over 100,000 students annually for truancy, treating young people as criminals rather than addressing underlying issues contributing to absenteeism (Fowler, 2015).

These punitive approaches disproportionately impact economically disadvantaged students, Black students and other students of color, and students with disabilities, further marginalizing already vulnerable populations (OCR, 2019; Balfanz & Byrnes, 2012; Fowler et al., 2015). Instead of fostering educational success, these policies increase dropout rates and long-term economic instability for affected students and their families (IDRA, 2023; Quintanilla-Muñoz, 2022).

Individually and together, SB 1924 and SB 1925 will unnecessarily flood our local courts with juvenile cases, pushing children and families into overwhelmed systems ill-equipped with the resources or expertise to serve them. They also threaten students' due process and civil rights.

These threats are magnified considering the legislature's passage of House Bill 3 in 2023, mandating the presence of a peace officer as the default for every Texas campus. By empowering officers stationed on school campuses with the ability to ticket and police children for school-based behavior, it is almost certain that the number of children pushed into the juvenile and adult criminal justice system will balloon in numbers beyond the hundreds of thousands of young people caught up in the system before the 2013 and 2015 reforms.

Recommendations

We urge this committee to reject any proposal that includes imposing fines or criminalizing youth and families for school-based status offenses and truant conduct. Instead, the committee should prioritize and pass legislation that addresses the root causes of challenging student behaviors and chronic absenteeism. The legislature should further invest in the staffing and resources that will support schools, families and communities working together to create supportive environments that engage students in their education and address the systemic barriers that contribute to absenteeism and misconduct.

IDRA is available for any questions or further resources that we can provide. Thank you for your consideration. For more information, please contact Paige Duggins-Clay, J.D., IDRA's chief legal analyst, at paige.duggins-clay@idra.org.

Resources

- Balfanz, R., & Byrnes, V. (May 2012). The Importance of Being in School: A Report on Absenteeism in the Nation's Public Schools. Johns Hopkins University Center for Social Organization of Schools. https://www.attendanceworks.org/wp-content/uploads/2017/06/FINALChronicAbsenteeismReport_May16-1.pdf
- Fowler, F., Schmid, M.S., Johnson, K., & Craven, M. (2015). Class, Not Courts. Reconsidering Texas' Criminalization of Truancy. Texas Appleseed. <https://www.texasappleseed.org/sites/default/files/2023-05/truancyreport-execsummary-final-singlepages.pdf>
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- IDRA. (2023). Breaking the School-to-Prison and School-to-Deportation Pipelines – IDRA Texas Priority Brief. https://www.idra.org/education_policy/breaking-the-school-to-prison-and-school-to-deportation-pipelines-idra-texas-priority-brief/
- NCLD. (2018). Absenteeism and Students with Disabilities. National Center for Learning Disabilities.
- NCSL. (2017). Truancy: State Policies and Strategies. National Conference of State Legislatures.
- OCA. (2015). Truancy Reform: Changes in the Law Effective September 1, 2015. Office of Court Administration. <https://www.txcourts.gov/media/1047343/truancy-legislation-power-point-12-15.pdf>
- OCR. (2016). Chronic Absenteeism in the Nation's Schools: An Unprecedented Look at a Hidden Educational Crisis. U.S. Department of Education, Office for Civil Rights.
- Quintanilla-Muñoz, C. (June 2022). How the Pandemic May Impact School Policies and Practices that Lead to Higher Dropout Rates IDRA Attrition Study 2020-21. Texas Public School Attrition Study 2020-21, pp 29-31. IDRA. <https://idra.news/Attrition21p>

IDRA is an independent, non-profit organization led by Celina Moreno, J.D. Our mission is to achieve equal educational opportunity for every child through strong public schools that prepare all students to access and succeed in college.