



ISSUE

Youth behaviors stemming from unidentified mental health concerns, substance use, or trauma can be misunderstood as “bad” behavior, frequently leading to punitive practices in schools and communities. Lack of access to mental health/substance use supports in a child’s community can have serious and lasting impacts across all areas of their life. Leaving children, their families, and communities without these supports and services contributes to school drop-outs, unemployment, and involvement with the juvenile or criminal justice systems.¹

Too often, 10-, 11-, and 12-year-olds are placed into the juvenile justice system and 17-year-olds into the adult system, which negatively impacts their mental wellness. Youth of color are disproportionately impacted by these punitive practices. While there are several strategies to address these issues, Texas should focus its efforts on policies and systems that prioritize creating healthy communities that support, rather than criminalize, the mental health concerns of youth. This includes recognizing when mental health/substance use services are needed, diverting youth from the justice system whenever possible, and connecting them to supports and services in the community.

RECOMMENDATIONS

- 1. Connect youth to resources in the appropriate setting by (a) Raising the automatic age of adult criminal jurisdiction from 17 to 18; (b) Raising the age of eligibility of juvenile jurisdiction from 10 to 13; and (c) Building and sustaining the Texas Model within the Texas Juvenile Justice Department, creating a risk- and needs-based strategy with greater resources for probation departments to build what is needed to best serve as many youths as possible.**
- 2. Address youth mental health concerns in schools through alternatives to punitive discipline by: (a) Requiring positive behavior programs be available to all grade-levels and ensuring the programs are culturally responsive; (b) Requiring schools to develop and implement restorative discipline practices; (c) Expanding the compensatory education allotment to be used to implement social-emotional learning programs; and (d) Directing a portion of School Safety Allotment funds to be used on mental health and school climate strategies.**

BACKGROUND

Brain development should be considered when discussing appropriate responses to youth behavior and needs. Studies show that parts of the average 17-year-old brain, such as the frontal lobes, which are responsible for decision-making, are not fully developed.² The prefrontal cortex impacts one’s ability to reflect, take all options into account, contemplate risks and consequences, and have social intelligence.³ Underdeveloped brains are more strongly connected to negative emotions such as impulsive and aggressive behavior.⁴

Criminalizing the mental health conditions of our youth in Texas is too common of an occurrence. According to the Texas Juvenile Justice Department, over 45 percent of youth on probation have a mental health condition, and over 60 percent within state facilities have a moderate to severe mental health condition.⁵ On probation, 29 percent of boys and 43 percent of girls have experienced four or more adverse childhood experiences (ACES). Within state facilities, four or more ACEs have been experienced by 53 percent of boys and 86 percent of girls.⁶ Further, youth in prisons are five times more likely to be at risk of sexual assault in adult versus youth facilities.⁷

The placement of children within correctional facilities is a common avenue for later involvement into a criminal justice system that increases the likelihood of experiencing trauma and exacerbating mental health conditions.^{8,9} The adult criminal justice system increases the likelihood of exposure to solitary confinement, physical/sexual violence, and abuse. These all lead to lifelong trauma. Not providing the appropriate responses

to these kids' needs further worsens mental health issues already present, and can tend to push kids deeper within the criminal justice systems.

Disproportionality is also a major issue. Despite Black people representing 13 percent of the Texas population, they represented 27 percent of the jail population in 2015 and 33 percent of the prison population in 2017.¹⁰ Within the juvenile justice system in Texas, in 2015 about 46 percent of youth were classified as Hispanic, almost 34 percent as Black or African American, and 20 percent as White.¹¹ Racial disparities in both the juvenile and adult justice system inflict additional racial trauma on people of color.¹²

Addressing Mental Health in Schools

Stress and trauma can affect various aspects of a student's experience in school, including academic performance, behavior in class, physical health, interpersonal relationships, and mental health.¹³ Actions perceived as "bad" behavior at school often lead to punitive discipline practices. Alternatives to punitive discipline can dismantle the school-to-prison pipeline and prevent youths' connections to the justice system. This issue is crucial for students of color and those with disabilities who experience disproportionate rates of removals from their classrooms.¹⁴ Research shows that while students of color do not "misbehave" more frequently or more seriously, they are disproportionately disciplined and arrested at school.¹⁵

Despite the lack of evidence that exclusionary discipline is an effective method of changing students' behavior in schools, it is often used. One in 10 Texas students were suspended, expelled, or placed in an alternative education program during the 2018-19 school year.¹⁶ When students are relocated out of their typical learning environment, research shows an increased likelihood of lowered academic performance, dropping out, antisocial behavior, and future contact with the justice system.^{17,18} Alternatively, cultivating well-being at schools is shown to subsequently improve academic achievement and the school's climate. Improvements include: increasing students' test scores, commitment to school, attendance, grades, graduation rates, and improving upon truancy and disciplinary rates.¹⁹

Increased reliance on exclusionary discipline is heightened when schools do not have adequate services to provide alternative responses to disruptive behavior. For some kids, schools often serve as the first point of intervention when services or supports are needed. Multi-tiered interventions that support student mental health and school climate can help school personnel more appropriately commit their time and resources.

CHALLENGES

Despite concerns, research from states that have recently raised the automatic age of adult criminal jurisdiction indicate that their juvenile systems have not been overburdened and did not see their costs rise dramatically.²⁰ This is largely due to resources being reallocated to community-based approaches and juvenile crime falling due to youth being less likely to reoffend when they avoid being involved with the adult criminal justice system.²¹ Another concern is allowing extremely violent 17-year-olds in the juvenile system. To address this, judges could refer 17-year-olds with extremely violent charges to the adult system on a case by case basis. Further, TJJD's ability to implement the Texas Model creates a risk- and needs-based strategy to ensure children are served in the best capacity in order to provide what is needed, as well as prioritizing community safety.

There may also be concerns about shifting away from traditional discipline practices with alternative responses, including lack of accountability and removing a teacher's ability to manage the classroom. However, supporting mental health in schools and improving the school's climate fosters an environment that is also beneficial for teachers. Research shows these strategies lead to teachers feeling better supported, higher rates of job satisfaction and teaching efficacy, healthier classroom environments and student-teacher relationships, and reported lower levels of stress.^{22,23}

SUMMARY

Texas should work to support youth mental health and well-being with more appropriate responses rather than punitive school discipline measures or utilizing correctional facilities. Punitive school discipline measures and placements in correctional facilities can negatively affect a student's sense of safety, well-being, and ability to learn.²⁴ Raising the age to enter the justice system, combined with expanding community mental health supports and services, is key to fostering positive environments for youth. Prioritizing strategies and policies that support youth mental health, rather than criminalizing it, will create healthier environments and a decreased reliance on the justice systems.²⁵

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