Professor Marrus was quoted in an article in today’s *Houston Chronicle* about recent Texas legislation that would give schools more information on juvenile parolees.

The following article appeared in the *Houston Chronicle* on Wednesday, June 15, 2011 (available online at http://www.chron.com/disp/story.mpl/metropolitan/7610976.html):

**Student privacy vs. teacher safety**

**Bill on Perry’s desk would give schools details of juvenile parolees**

By Megan Ryan

A bill awaiting Gov. Rick Perry’s signature would give Texas schools more information about students’ criminal histories, prompting debate over the proper balance between safety and privacy.

The Teacher Protection Act would require law enforcement agencies to provide school superintendents with "all pertinent details" of offenses committed by juvenile parolees; superintendents would have to inform teachers. Teachers also would receive written notice of student arrests. Current law allows teachers to be told orally.

The goal is to make schools a safe environment, said the bill's sponsor, Rep. Jerry Madden, R-Plano.

"I would hope they (teachers) would be able to provide better services with the information and have a better understanding of the youth but also be prepared and understand the difficulty," Madden said.

Both houses of the Legislature passed the bill during the regular session. A Perry spokeswoman said the governor was reviewing the measure before deciding whether to sign it.

The Texas State Teachers Association supports the bill, said spokesman Clay Robison. Once teachers have knowledge of the criminal records, Robison said, they can take precautions to avoid danger.

"If the kid needed help after class, you could call a security guard to stay with you or stand out in the hall," he said. "If you were walking to your car and you saw the kid lurking about, you might want to ask a security guard or another teacher to walk you to the car."

**Perception concerns**

Under current law, teachers sometimes don't know about students' criminal pasts until it's too late, said Frances Smith, president of the Cypress-Fairbanks ISD chapter of the Texas State Teachers Association.

"Some students have tempers, and we have to worry about their interaction with other students," she said. "We can keep a lid on things if we are more knowledgeable."

Some juvenile justice experts, however, worry that being labeled as former offenders could hamper students’ efforts to get their lives back on track.

"Forty-year-old research says when a child is perceived as a delinquent, they are treated as a delinquent," said Daniel Macallair, executive director of the Center on Juvenile and Criminal Justice. "The adult decision-makers are less likely to cut them slack and more likely to push for imposing harsher treatment."

Macallair, a former teacher, said it should be left up to probation officers to monitor students and make sure they are on the right track. The probation officer, he said, should act as an advocate for the student.

"To just start revealing — that is taking us down a slippery slope, and it will have negative consequences because of the way adults will perceive that kid from then on," he said. "It permanently stigmatizes kids."
Currently, privacy laws for high school students are the same as for any child in the juvenile system, said Ellen Marrus, a professor of law at the University of Houston. The records are confidential and shouldn't be released, she said.

Gayle Fallon, president of the Houston Federation of Teachers, which represents teachers in the Houston Independent School District, said she knows several teachers who have been badly injured by students. One student with prior assault convictions, including one against a school employee, attacked a teacher who asked him to get a hall pass, Fallon said.

"He was ready to smash her head in, and the boys in her class pulled him off," she said.

'It's not lounge talk'

Had the teacher known about the student's history, Fallon said, she could have been more careful.

"First thing teachers need to understand is that it's confidential, it's not lounge talk," she said. "They don't treat them any differently. They're a little bit more cautious."

Fallon said her review of a record of HISD students' crimes showed that a number had assaulted family members.

"If you're willing to hit Mom, you're probably willing to hit the teacher," she said.