



Testimony on Texas Senate Bill 11 Interim Monitoring and Implementation Regarding Threat Assessments, School Safety, and Discipline

Testimony of IDRA Presented on March 18, 2020

Chairman Taylor and Senate Education Committee members, thank you for considering public testimony from IDRA on the monitoring and implementation of Senate Bill 11. IDRA is a non-profit educational organization, established in 1973. 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.

This testimony focuses on threat assessments, the funding and development of school safety procedures, and the implications for school discipline. Based on IDRA's extensive knowledge of and experience in supporting strong public schools, we know what safe schools look like. Safe schools prioritize strong relationships between teachers and students by providing classroom supports; by implementing research-based schoolwide behavior practices, and culturally relevant curriculum and teaching practices; by supporting students' mental and social-emotional health; and by engaging in non-discriminatory and non-punitive discipline practices. Safe schools do not incorporate "hardening" strategies, such as increased armed personnel, security searches, or increased presence of law enforcement in schools.

SB 11 instituted new Safe and Supportive Schools Program (SSSP) teams that will be assembled at district and campus levels. One responsibility of the SSSPs is to conduct threat assessments of students deemed at risk of harming themselves or others. Our testimony outlines specific concerns with the development and implementation of school safety procedures, threat assessment policies, and school discipline.

How Threat Assessments Function and Their Link to School Discipline

SB 11 requires that SSSP teams conduct threat assessments when they receive notice regarding a student displaying "harmful, violent or threatening behavior." Threat assessments are intended to be fact-based investigations into the reported behavior. The results of the threat assessment then inform the school response and any student interventions, including disciplinary actions.

In practice, school teams conduct threat assessments on a disproportionate share of students of color and students with disabilities. School discipline systems already target these same students, and threat assessments can be triggered by a perceived threat from an incident that could be addressed through simpler approaches such as one-on-one counseling or targeted behavioral interventions. When left unchecked, threat assessments exacerbate the targeted school-to-prison pipeline that overly punishes students of color and students with disabilities.

Issues and Recommendations

Given IDRA's concern of the implications of threat assessments and school safety procedures for discipline practices, we review the following specific issues and recommendations.

1. **Positive and Safe School Climates:** Safe schools intentionally build and support positive school climates through fostering trusting relationships between teachers, staff, and students; positively

engaging parents and families; encouraging mental and physical health; and prioritizing the needs of students, particularly students with disabilities, language needs, and other behavioral needs.

Recommendation: SSSP Teams should include a variety of trained adults familiar with students and their needs, and not overly rely on law enforcement members. We recommend that the statutory inclusion of law enforcement be balanced by the diverse SSSP team membership of other adults familiar with the student, their family, and their needs. This could include members who are trained in restorative discipline practices, the inequities of the school-to-prison pipeline, and additionally involve family and/or community engagement stakeholders.

In addition, SSSP teams should include special education instructors, parent support specialists, and restorative discipline specialists, among others. If a campus does not have trained special education personnel, they must seek someone with relevant training. All students deserve to have their needs appropriately assessed and considered, particularly when it comes to student safety.

- 2. Disparate Disciplinary Impacts on Students:** Research shows that threat assessments can have disparate focus and impacts on students of color and students with disabilities. Students of color and students with disabilities already experience disproportionate school discipline. Nationally, students who receive special education services make up over 50% of those with threat assessment reports, yet just 18% of the student population. The consequences of this contribute to the school-to-prison pipeline that targets these same students.

Recommendation: Threat assessments should be carefully monitored, used sparingly, and have publicly accessible data reports. Each district should conduct annual equity audits that examine the frequency, determination, and resulting actions of threat assessments for disparate impacts on students of color and students with disabilities. Equity audits are intentional reviews of district data and practices for inequitable effects on student groups. Regular equity audits would help ensure that threat assessments are not another category of discrimination against students of color and those with disabilities. TEA should make threat assessment data publicly available that disaggregates reports and assessment determinations by student race/ethnicity, sex, disability status, language status, and other characteristics.

- 3. Use of School Safety Allotment:** HB 3 created the school safety allotment to fund additional school safety measures, with over \$49.3 million for 2019-2020. The law stipulates its usage for “hardening” practices such as increased law enforcement and surveillance in schools. However, positive and safe school climates are shown to be more effective than these hardened approaches for promoting school safety.

Recommendation: TEA should ensure that the allotment is directed toward building positive school climates. Funds should be directed toward evidence-based, effective prevention practices (i.e. more trained counselors, social workers, social-emotional learning, restorative justice practices, culturally-relevant instruction, robust mental-health supports, etc.) rather than toward responses that have not been shown to be effective for safe schools, such as overly-hardened school facilities, unnecessarily invasive surveillance equipment, and increased law enforcement.

- 4. Data and Privacy:** Threat assessment reports can collect and expose sensitive student information. At present, there are not clear model data and privacy monitoring procedures in place for how student data are used, generated, stored, and managed in the process of conducting threat assessments, or for data on how schools conduct threat assessments.

Recommendation: Privacy protections for student data and information must be ensured. Threat assessment reports should not be used to get around any state or federal student privacy laws or regulations, and school districts should not create their own databases to track students based on behaviors or personal characteristics resulting from threat assessments. TEA and districts should employ transparent data gathering and reporting procedures to ensure safety and equity in schools, and not circumvent student privacy protections.

All students deserve safe, positive learning environments. These recommendations promote positive school climates as a key method for achieving safer schools over hardening practices that are shown to contribute to disparate disciplinary practices and the school-to-prison pipeline.

IDRA is available for any questions or further resources that we can provide. Thank you for your consideration. For more information, please contact Chloe Sikes, IDRA deputy director of policy, at chloe.sikes@idra.org.

Resources

[Education Civil Rights Alliance.](#)

IDRA. (February 2019). [Focus: Fair Discipline.](#) *IDRA Newsletter.*

Office for Civil Rights. (2018). ["School Climate and Safety."](#) U.S. Department of Education.

Rollin, M. (December 2019). ["Here's How Threat Assessments May be Targeting Vulnerable Students."](#) *Education Post.*

The Intercultural Development Research Association 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. IDRA strengthens and transforms public education by providing dynamic training; useful research, evaluation, and frameworks for action; timely policy analyses; and innovative materials and programs.