

Students Need Positive, Safe School Climates – Texas Legislature Should Change Hardening Measures in SB 11

**IDRA Testimony on Interim Charge 1F: SB 11 Implementation and Rulemaking Processes
Submitted by Dr. Chloe Latham Sikes before the Texas House Public Education Committee,
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Chairman Huberty and Honorable Members of the House Public Education Committee:

IDRA (Intercultural Development Research Association) is an independent, non-partisan, education 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. Thank you for considering our testimony on SB 11 implementation and the use of the school safety allotment. Our testimony focuses on the importance of directing resources to support positive and safe school climates as a primary pillar to achieving school safety.

Positive and Safe School Climates

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;
- implementing research-based schoolwide behavior practices, and culturally-relevant curriculum and teaching practices;
- supporting students' mental and social-emotional health; and
- 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. However, components of SB 11 promote hardening strategies that can harm students.

Concerns with Threat Assessments

SB 11 requires districts to establish Safe and Supportive School Program (SSSP) teams to supervise various initiatives related to school safety and climates. SSSP teams implement multi-tiered systems of support to address student behavior, mental health needs, and appropriate personnel and to engage in cultivating positive school climates.

One of their duties is to implement the threat assessment protocol in response to perceived threats. The vast majority of times this protocol should result in appropriate services or supports for students, but our concern is the misuse and overuse of threat assessments and the potentially harmful and discriminatory outcomes for students, which are confirmed by research. Threat

assessments are intended to be fact-based investigations into the reported behavior, but they can result in administering excessively severe interventions on students. The results of the threat assessment then inform the school response and any student interventions, including disciplinary actions.

Disparate Disciplinary Impacts on Students

In practice, school teams conduct threat assessments on a disproportionate share of students of color and students with disabilities (Rollin, 2019). 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 could exacerbate the school-to-prison pipeline that overly punishes students of color and students with disabilities and compromise students' data and privacy (U.S. Commission on Civil Rights, 2019).

Data and Privacy

Transparent and appropriately-monitored data are critical at both the district and student level. But threat assessments 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 to be used, generated, stored and managed in the process of conducting threat assessments, or for data on how schools conduct threat assessments.

Recommendations

1. **Safe and Supportive Schools Program teams should include a variety of trained adults familiar with students and their needs, and they should not require law enforcement members.** We recommend that the statutory inclusion of law enforcement be removed in favor of diverse SSSP team membership of other adults familiar with the student, family and their needs. This could include members who are trained in restorative discipline practices and the inequities of the school-to-prison pipeline and could additionally involve family and/or community engagement stakeholders. In the event that a SSSP team determine a plausible threat, they may request law enforcement intervention at that time.

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. **Threat assessments should be carefully monitored, be used sparingly and have publicly accessible data reports through TEA.** 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. Conducting equity audits regularly 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. **Legislators should adopt a student-to-social worker/counselor ratio that must be met before a district may introduce or expand law enforcement personnel.** The average student-to-counselor ratio in Texas is 470:1, nearly twice that of the recommended 250:1 by the American Counseling Association (Fowler et al., 2016). In order to cultivate positive and safe school climates, state policymakers must place greater priority on mental and behavioral health supports and personnel for schools through SB 11 implementation and other legislation. Adopting a lower student-to-counselor ratio would facilitate the recruitment and incorporation of trained counselors and social workers.
4. **Legislators should ensure that the school safety allotment is directed toward building positive school climates.** HB 3 created the school safety allotment to fund additional school safety measures, with over \$49.3 million for 2019-20. Among other uses, the law stipulates that allotment funds may be used for “hardening” practices, such as increased law enforcement and surveillance in schools.

Allotment 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) 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.

5. **Legislators and TEA officials must ensure privacy protections for student data and information.** 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. The legislature must provide appropriate fiscal and regulatory supports to TEA to facilitate districts’ transparent data gathering and reporting procedures and not circumvent student privacy protections. In addition, TEA must collect the reported uses by local education agencies of the school safety allotment.
6. **Legislators should pass legislation that prohibits punitive discipline practices,** including suspensions, corporal punishment, alternative school placements and expulsions that punish students for behaviors that are a response or reaction to COVID-19 trauma. COVID-19 presents new challenges to students, school personnel and families. An IDRA survey of families in the early months of the pandemic found increased levels of stress and concerns for the mental, emotional and health safety of students (Ramón, 2020).

IDRA is available for any questions or further resources that we can provide. Thank you for your consideration. For more information, please contact Chloe Latham Sikes, Ph.D., IDRA Deputy Director of Policy, at chloe.sikes@idra.org.

Additional Resources

Fowler, D., Craven, M., Wright, Y., Rose, L., & Johnson, K. (2016). *Dangerous Discipline: How Texas Schools are Relying on Law Enforcement, Courts, and Juvenile Probation to Discipline Students*. Austin, Texas: Texas Appleseed. <http://stories.texasappleseed.org/dangerous-discipline#:~:text=The%20average%20student%2Dto%2Dcounselor,graduation%20and%20school%20attendance%20rates>

Ramón, A. (May 29, 2020). What We're Hearing from Families, Students and Educators: Part II. Learning Goes On, *Learning Goes On*. <https://www.idra.org/resource-center/what-we-are-hearing-from-families-students-and-educators-part-ii/>

Rollin, M. (December 2019). Here's How Threat Assessments May be Targeting Vulnerable Students, *Education Post*. <https://educationpost.org/heres-how-threat-assessments-may-be-targetingvulnerable-students/>

Texas Appleseed, IDRA, Hogg Foundation for Mental Health, Coalition of Texans with Disabilities, National Association of Social Workers, Southern Coalition for Social Justice, Texas Counseling Association, Texans Care for Children. (May 2020). Open Letter from Advocates to State Policymakers, Officials, and Administrators Regarding Education Justice Responses to COVID-19. <https://www.idra.org/wp-content/uploads/2020/05/Texas-COVID-19-Education-Justice-Response.pdf>

U.S. Commission on Civil Rights. (2019). *Beyond Suspensions: Examining School Discipline Policies and Connections to the School-to-Prison Pipeline for Students of Color with Disabilities*. Washington, D.C.: U.S. Commission on Civil Rights. <https://www.usccr.gov/pubs/2019/07-23-Beyond-Suspensions.pdf>