

Analysis of HCSB11

This bill has a number of provisions aimed at school safety. However, it still erodes privacy, liberty, fails to warn parents or children that school Threat Assessment Teams are watching over, and potentially questioning their non-dangerous children, with no Miranda warning, no notification that questions have been asked.

While state provisions requiring parental consent remain intact, and while there is a provision on parental notification if they think your child is suicidal, this simply isn't enough protection.

The fact is, Threat Assessment Teams are geared toward considerable questioning and intelligence. We do not know the track record of threat assessment teams at preventing anything.

Absent an immediate and obvious threat, there is no screening, assessment, or interview that can dependably prevent violence. Even the American Psychiatric Association has stated that when it comes to long term predictions of future dangerousness, they get it wrong in at least two out of three cases.

Texas School Safety Center forwards a number of model policies or programs from the Secret Service and from other states. All are intrusive, many envision some very open ended questions that could result in law enforcement or other contact. In at least one model, parents are informed LAST.

Here are links to recommended questions and practices:

<https://txssc.txstate.edu/tools/tam-toolkit/implementation>

Model from L.A. County Unified School District is particularly problematic. It's next to the last links on the page linked above.

Section 1: Facilities standards- has to do with construction or retrofitting of buildings.

Section 2: Non-physician mental health professionals- These are to forward unspecified initiatives that are required under state law, required under a memorandum of understanding, or that may be forwarded by the Texas Education Agency or others.

They are employed by Local Mental Health Authorities.

These non-physician mental health facilities may not treat or assess an individual student.

This contrasts with HB18, where such "professionals" may assess or treat an individual student.

HHSC is required to submit an annual report of outcomes of such programs.

Section 4: It appears that Charter Schools are required to have "healthy relationship" training, and are subject to school safety requirements.

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Section 9 of the bill allows the School Health Advisory Council to recommend the required number of hours of age appropriate education on a number of things under existing law. Adds suicide. After sex ed, it adds healthy relationships.

Under the strategies the SHAC may recommend are strategies to increase parental awareness of risky behaviors, mental illness, etc... and also make them aware of community resources.

School board has to approve healthy relationship components based on certain statutory criteria, including evidence based, age appropriate (page 15, beginning on line 22)

Section 11: School Safety Training, by Texas School Safety in conjunction with Governor's Office of Homeland Security.

Page 19. Line 23 Psychological safety practices during a disaster or the recovery phase has to align with practices under Texas Health and Safety Code Sec.161.325- these are the suicide prevention best practices already required by the state. Includes suicide prevention, grief informed, trauma informed practices.

Psychological safety practices agreed on by TEA Commissioner and Texas School Safety Center.

Page 25, beginning on line 19: THREAT ASSESSMENT AND SAFE AND SUPPORTIVE SCHOOL PROGRAM TEAM.

(1) "Harmful, threatening, or violent behavior" includes behaviors, such as verbal threats, threats of self harm, bullying, cyberbullying, fighting, the use or possession of a weapon, sexual assault, sexual harassment, dating violence, stalking, or assault, by a student that could result in:

(A) specific interventions, including **mental health or behavioral supports**;

(B) in-school suspension;

(C) out-of-school suspension; or

(D) the student's expulsion or removal to a disciplinary alternative education program or a juvenile justice alternative education program.

Page 26, line 17: (3) a systemic and coordinated multi-tiered support system that addresses school climate, the social and emotional domain, and behavioral and mental health; and

Page 27, line 12: (d) The superintendent of the district shall ensure that the members appointed to each team have expertise in counseling, behavior management, mental health and substance use, classroom instruction, special education, school administration, school safety and security, emergency management, and law

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enforcement. A team may serve more than one campus of a school district, provided that each district campus is assigned a team.

The upside of this team is that it includes people with special education and school administration. This could actually be a good thing because they are more likely to have the training and experience to ensure parental rights are respected and parental and civil rights protections of special ed law are followed. Another advantage is that in the event of litigation, no one can say they were ignorant of these rights.

Page 28, beginning on line 1:

(f) Each team shall:

(1) conduct a threat assessment that includes:

(A) assessing and reporting individuals who make threats of violence or exhibit harmful, threatening, or violent behavior in accordance with the policies and procedures adopted under Subsection (c); and

(B) gathering and analyzing data to determine the level of risk and appropriate intervention, including:

(i) referring a student for mental health assessment; and

(ii) implementing an escalation procedure, if appropriate based on the team's assessment, in accordance with district policy;

Concern with this section is that parental consent is not specifically delineated. Also, escalation is not defined. Am concerned that escalation procedure could include CPS or other referral.

Page 28, beginning on line 23:

(g) On a determination that a student or other individual poses a serious risk of violence to self or others, a team shall immediately report the team's determination to the superintendent. If the individual is a student, the superintendent shall immediately attempt to inform the parent or person standing in parental relation to the student. The requirements of this subsection do not prevent an employee of the school from acting immediately to prevent an imminent threat or respond to an emergency.

This section provides at least some protection because it shunts the process over to existing statute for suicide prevention, which provides for parental consent.

ChildFind portions of special ed law also protect parental consent prior to assessments.

This language is in both bills in some form.

Page 36, beginning on line 43- school safety allotment must pay for:

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(3) school safety and security training and planning, including:

(A) active shooter and emergency response training;

(B) prevention and treatment programs relating to addressing adverse childhood experiences; and

(C) the prevention, identification, and management of emergencies and threats, including:

(i) providing mental health personnel and support;

(ii) providing behavioral health services; and