

Lee Spiller, Executive Director
Citizens Commission on Human Rights-Texas
Testimony Against SB11

In the wake of two mass shootings and a stabbing on the University of Texas campus, it is clear that we need to do something to keep our schools and other public spaces safe. We testified on the original SB11 because we felt that although there were some parts of the bill we objected to, those could be corrected, and in the mean time the parts of the bill that dealt directly with school safety needed to move forward.

Unfortunately, in the process of passing through the Senate, the bill became something we could no longer support.

Threat Assessment and Safe and Supportive School Program Team- In reviewing threat assessment materials from the Texas School Safety Center, we found reason for concern. Certainly, prevention of school shootings and a law enforcement style of investigation are desirable, but what about rights?

We believe parental consent and warnings must be spelled out specifically in the bill. Schools already have an affirmative duty to find students with disabling conditions. This is part of the ChildFind process in our federal Special Education laws and rules. But a significant part of this bill involves mental health services and assessments.

Because Threat Assessment Teams involve law enforcement, have a mental health component, and also include Social Services personnel, we believe that both students and parents need a Miranda warning of some kind before their child undergoes any sort of questioning, or mental health assessment. Without this balance, a family could find their child questioned and find themselves in a world of hurt, when their child has done something that amounts to childish behavior.

We are particularly concerned about children with intellectual or developmental disabilities. In some populations, it is expected that children will have bad days. And yet, of all the sample documents on the Texas School Safety Center website to assist schools in the development of threat assessment policies and procedures, only two mention contacting parents immediately, one actually recommends contacting the parents last.

Recommended interviews involve highly personal questions, and given the makeup of Threat Assessment Teams, the answers to those questions can result in criminal, child welfare, and mental health involvement. We would submit that unless an incident is so urgent that it involves calling 911, parents should be contacted and warned. Informed consent should be obtained.

Psychotropic Drugging Risks- Psychotropic drugs are the mainstay of psychiatric treatment. However, there are significant risks involved. Multiple drugs are known to the FDA to be associated with suicidal thoughts and behaviors, aggression, agitation and hostility. Teachers need to be educated on these issues.

**Mental Health Treatment as a Solution
May Leave Students at Risk**

Devin Patrick Kelley

Diagnosed with ADHD in 4th Grade
Psychiatric Drug Use in Airforce
Violence in Airforce
Institutionalization
Sutherland Springs Shooting
Autopsy- Barbiturates, Benzodiazepines, THC

Nikolas Cruz

2002- Diagnosed with Developmental Delay
2013- 26 Disciplinary incidents in school year
2013- Domestic Violence, mother states Cruz has ADHD and OCD. **Mental Health Professionals state that Cruz does not have to undergo MH detention.**
2014- Cruz transfers to a school for kids with emotional problems.
2016- Multiple incidents. Cruz transfers to Stoneman-Douglas high school. Neighbor reports Cruz planning to shoot up the school.
2016- Medical neglect case opened on Cruz as a vulnerable adult. Case categorized as low-risk after mental health clinician notes Cruz **keeps his appointments and takes his medications.**
2017- Multiple incidents, concerns Cruz might shoot up school.
On multiple occasions, law enforcement or the mental health system could have intervened. And on multiple occasions, the fact that he was in mental health treatment, or keeping appointments, taking medications kept him at liberty.

February 2018, Cruz perpetrated one of the worst school shootings in U.S. history.

See footnote below

