



Written Testimony In Opposition to HB 759

Texas House Public Education Committee

SUBMITTED BY

Chloe Latham Sikes, IDRA
Jonathan Feinstein, The Education Trust in Texas
Alycia Castillo, Texas Criminal Justice Coalition
Andrew Hairston, Texas Appleseed
Josette Saxton, Texans Care for Children

ENDORSED BY

Coalition of Texans with Disabilities (CTD)
Federation of Families - Texas
Teach Plus Texas
The Arc of Texas
Mental Health America of Greater Houston
ONE Houston
PODER
Youth Rise Texas
Leadership ISD
Dallas CORE
Latinos for Education

March 16, 2021

March 16, 2021

Dear Chairman Dutton and Honorable Members of the Public Education Committee:

The undersigned organizations respectfully oppose House Bill 759, relating to the operation of threat assessment teams in public schools and the establishment of a student threat assessment database.

As the coronavirus pandemic continues to take a tremendous detrimental toll on student and teacher mental health, House Bill 759 represents the wrong course of action. Rather than place additional unnecessary administrative burdens on schools and further criminalize both young people and teachers, Texas should invest in support services and training to implement existing legislation and address heightened levels of stress and trauma.

If history and current practices are guides, creating a statewide database within the threat assessment program will disproportionately harm Black and Brown students, students who have a disability, and students from low-income backgrounds. Data shows that Black and Brown students are disproportionately represented in every type of school discipline, from in-school-suspensions to referrals to Disciplinary Alternative Education Programs and Juvenile Justice Alternative Education Programs. They also are disproportionately represented in Class C misdemeanor complaints filed by school police officers, as well as in school-based arrests, despite research showing that their behavior at school is no different than that of their white peers. The same is true of students who have a disability.¹

This bill turns a tool that the Texas Legislature clearly intended to be used to support students into an unnecessary arm of the criminal justice system that could risk students' privacy and postsecondary educational opportunities. Legal requirements for school safety data collection and recording are already included in statute (Art. 15.27, Code of Criminal Procedure), making the proposed database redundant despite the lack of empirical evidence that similar databases employed in large cities across the United States prevent imminent harm or future acts of mass violence.² Furthermore, this bill would negatively impact students by adding potentially damaging information to their permanent cumulative record and tracking them until age 21.

Implementation of the Safe and Supportive Schools Program, including threat assessments, is simply too nascent to justify this dramatic step. Many districts are still struggling to form teams with the required multi-disciplinary expertise; districts also exhibit wide disparities in their provision of mental health resources to students, and they require additional training related to the role of law enforcement and addressing bias. There has been no aggregate threat assessment data made public, and collection of disaggregated data has not even begun -- reinforcing concerns that disparities in other categories of school disciplinary action will be reflected in this database. In short: We simply know too little at this point about how threat assessment teams are, or are not, working to add additional layers to these measures.

¹ Texas Criminal Justice Coalition, *Reversing the Pipeline to Prison in Texas*, 2020, <https://www.texascjc.org/system/files/publications/Reversing%20the%20Pipeline%20Report%202020.pdf>.

² Jason P. Nance, *Student Surveillance, Racial Inequalities, and Implicit Racial Bias*, 66 Emory L. J. 765 (2017), <https://scholarlycommons.law.emory.edu/cgi/viewcontent.cgi?article=1093&context=elj>.

Finally, this bill includes the creation of a criminal offense for the mishandling of this sensitive student information and may create an undue burden on school administrators in their efforts to determine the purpose of the data's use and its proper disclosure. Without clearer guidelines and extensive training on the use and sharing of such data, it would be premature and counterproductive to establish such a discretionary offense.

We urge the committee to vote against HB 759. For more information, please contact Chloe Latham Sikes, Ph.D., IDRA Deputy Director of Policy at chloe.sikes@idra.org; Andrew R. Hairston, J.D., Texas Appleseed Education Justice Project Director at ahairston@texasappleseed.net; Alycia Castillo, Policy Analyst, Texas Criminal Justice Coalition at acastillo@texascjc.org; Jonathan Feinstein, State Director, The Education Trust in Texas at jfeinstein@edtrust.org; and/or Annalee Gulley, Director of Public Policy and Government Affairs, Mental Health America of Greater Houston at agulley@mhahouston.org.