



Hogg Foundation
for Mental Health
House Public Education
Request for Information
Interim Charge 1 (F)
September 30, 2020

Thank you for allowing the Hogg Foundation for Mental Health to provide comments on this important issue. These comments will focus on how the state can continue the work began by Senate Bill 11, including the creation of safe and supportive school programs (SSSPs), to support student mental health and safe and supportive school climates.

The 2019-20 school year has presented with additional challenges as a result of the COVID-19 pandemic, and will continue and evolve in subsequent years. COVID-19 has not only emphasized the importance of mental health and well-being in schools, but the longstanding need to address inequities and disparities for Black, indigenous and people of color (BIPOC) students. Moving into the 87th session, there are opportunities to address gaps not adequately addressed last session, as well as the current and future needs of students, teachers, and schools.

Multi-Tiered System of Support

Students and educators are navigating unique and changed communities, as well as classrooms and schools. While data has not been collected on the pandemic's direct effect on student mental health in Texas, available data from other countries and its effects on adults is cause for concern. We do know that increased unemployment is associated with increased child abuse and neglect, increased incidence of injuries, and worsening of child and adolescent mental health.¹ As the state experiences the economic implications of COVID-19, holistically supporting students as they return to their classroom or remain online will be imperative.

A multi-tiered system of support (MTSS) is a framework for schools to plan and offer supports and strategies so all students are connected to the appropriate social, emotional, and behavioral supports. Positive behavior supports and interventions, as well as various models of social-emotional learning programs within a MTSS are able to build positive learning environments. Studies show a strong relationship between social-emotional skills and academic outcomes. However, unless school leaders also address existing systemic racist and harmful policies and practices, these strategies will have limited impact for BIPOC students.² While establishing a MTSS is a core function of SSSPs, diverse resources, strategies, policies, and a continuum of supports and services need to be available and evaluated through an equity lens.

Behavioral Threat Assessments

Another core function of SSSPs are behavioral threat assessment teams. Without proper training or oversight, threat assessment implementation for students with disabilities and for BIPOC students are concerning. According to federal data, schools with higher proportions of BIPOC students were more likely to report using threat assessments.³ In one New Mexico school district, 56 percent of their threat assessments were conducted on students in special education who made up just 18 percent of the total population. The same school district saw 80 percent of their assessments conducted on black students who made up only 2.6 percent of the total population.⁴ These inequities raise concern as Texas implements behavioral assessment teams. The state will need to adequately support schools with proper resources through a MTSS so that behavioral threat assessments do not further already present discipline disparities for BIPOC students and students with disabilities.

Disparate Discipline Practices

Behaviors stemming from unidentified mental health conditions, substance use, or trauma can be perceived as "bad" behavior, leading to punitive discipline practices. This effect is heightened when schools do not have adequate services to provide alternative responses to disruptive behavior. Without adequate or appropriate resources in the school or community, some teachers may request assistance from law enforcement, unintentionally leading to increased criminalization of our youth. Schools with on-campus police report 3.5 times

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Interim Charge 1[F]: : Monitor the agencies and programs under the Committee's jurisdiction and oversee the implementation of relevant legislation passed by the 86th Legislature. Conduct active oversight of all associated rulemaking and other governmental actions taken to ensure intended legislative outcome of all legislation, including the following: SB 11, which creates the Texas Child Mental Health Care Consortium to facilitate access to mental health care services through telehealth and expands the mental health workforce through training and funding opportunities. Monitor the creation of the consortium and agencies' rulemaking processes. Review how school districts are spending their school safety allotment.

as many arrests as schools without police, are 5 times more likely to refer children to the juvenile justice system for “disorderly conduct,” and have increased school suspensions and removals.⁵

Highlighted by COVID-19, the health disparities and inequities for BIPOC Americans is glaring. These disparities and inequities have long been identified in schools. Research shows that while BIPOC students do not “misbehave” more frequently nor more seriously, they are disproportionately disciplined and arrested at school.⁶ This may suggest that BIPOC students with mental health concerns are most affected by these practices. In exploring ways to improve mental health and wellness in schools, addressing systemic inequalities and their impact on BIPOC children in schools must be included.

Despite the lack of evidence that exclusionary discipline is an effective method of changing students’ behaviors in schools, it is often used. During the 2018-19 school year, one in ten Texas students were suspended, expelled, or removed from school.⁷ Students with disabilities and BIPOC students are disproportionately affected. Despite making up a smaller percentage of overall student population in Texas, they are disproportionately removed out of their classrooms and arrested more than white students and those without disabilities.⁸

Punitive discipline negatively affects students’ senses of safety, well-being, and abilities to learn.⁹ Further, research shows that exclusionary discipline increases the likelihood of lowered academic performance, dropping out, and antisocial behavior.^{10,11} School exclusion is a central element in the school-to-prison pipeline. Evidence proves a strong relationship between exclusionary discipline and academic failure, arrest, juvenile justice system involvement, criminal justice system involvement, and incarceration.^{12,13,14,15,16,17}

Recommendations

Building upon previous session’s work on mental health in schools, attention should focus on the increased need resulting from COVID-19 and the longstanding disparities for BIPOC students. Some recommendations include:

- Build on the passage of HB 674 (85th) to make positive behavior programs available to all grade-levels;
- Provide guidance to schools on positive discipline policies focused on developing, maintaining, and repairing relationships, rather than retributive and exclusionary consequences;
- Require school districts identified in the top percentile of discipline and disparities to create and implement discipline improvement plans;
- Direct TEA, in coordination with appropriate stakeholders, to develop best-practices and provide technical assistance for schools to utilize an equity lens when evaluating policies and procedures;
- Direct TEA, in coordination with appropriate stakeholders, to develop best-practices and provide technical assistance for districts to establish “Handle With Care” programs and policies; and
- Increase access to school-based support services for students by dedicated funding to:
 - Restorative discipline measures, specifically for teacher support and FTEs of Restorative Justice Coordinators;
 - Expanding the use of school social workers, LSSPs, and mental health counselors;
 - School and community-based substance use prevention programs; and
 - Assisting families in connecting to community-based services to address concerns that interfere with student learning with support such as providing family liaisons or peer support services.

Summary

While the 87th Legislature will be tasked with making difficult budgetary and legislative decisions, Texas schools should be adequately supported in preparation of appropriately responding to supporting mental health and wellness in schools. Rather than punitive discipline as a response to unaddressed mental health conditions or trauma, it will be imperative that kids remain in their classrooms. Especially in light of the COVID-19 pandemic, it is crucial for Texas to support schools’ capacity to support the increased mental health needs of students and teachers. As the mental health school is addressed, inequities and disparities for BIPOC students must be in the forefront of these conversation. We are hopeful that you will consider the information offered during the interim and the recommendations we have provided. As always, we are happy to provide additional information upon request.

Submitted by The Hogg Foundation for Mental Health. For more information, please contact Shannon Hoffman, MSW, LCDC | Policy Specialist | shannon.hoffman@austin.utexas.edu | 512-471-7627 | 3001 Lake Austin Blvd., Austin, TX 78703

¹ Bubonya, M., Cobb-Clark, D. A., Christensen, D., Johnson, S. E., & Zubrick, S. R. (2019). The great recession and children's mental health in Australia. *International Journal of Environmental Research and Public Health*, 16(4), 537. <https://doi.org/10.3390/ijerph16040537>

² <https://edtrust.org/wp-content/uploads/2014/09/Social-Emotional-and-Academic-Development-Through-an-Equity-Lens-August-6-2020.pdf>

³ Sawchuk, S. (2019, September 3). *What schools need to know about threat assessment techniques*. Education Week. Retrieved from <https://www.edweek.org/ew/articles/2019/09/04/what-schools-need-to-know-about-threat.html>

⁴ <https://nmpoliticalreport.com/2019/10/21/whos-the-threat-hundreds-of-special-ed-students-idd-as-potential-threats/>

⁵ Dolan, K. & Johnson, E.S. (2018). *Students under siege: How the school-to-prison pipeline, poverty, and racism danger our school children*. Institute for Policy Studies. Retrieved from <https://ips-dc.org/wp-content/uploads/2018/08/KAREN-REPORT-2.pdf>

⁶ <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.html#ftn7>

⁷ Texas Education Agency. (September 19, 2019). *State level annual discipline summary: PEIMS Discipline data for 2018- 2019*. Retrieved from https://rptsvr1.tea.texas.gov/cgi/sas/broker?_service=marykay&_program=adhoc.download_static_summary.sas&district=&agg_level=STATE&referrer=Download_State_Summaries.html&test_flag=&_debug=0&school_yr=19&_eport_type=html&Download_State_Summary=Next

⁸ <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.html#ftn7>

⁹ Institute for Policy Studies. (2018). *Students under siege: How the school-to prison pipeline, poverty, and racism danger our school children*. Retrieved from <https://ips-dc.org/wp-content/uploads/2018/08/KAREN-REPORT-2.pdf>

¹⁰ Pufall, Jones, E., Margolius, M., Rollock, M., Tang Yan, C., Cole, M.L., & Zaff, J.F. (2018). *Disciplines and disconnected: How students experience exclusionary discipline in Minnesota and the promise of non-exclusionary alternatives*. Washington, DC: America's Promise Alliance. Retrieved from <https://gradnation.americaspromise.org/report/disciplined-and-disconnected>

¹¹ Texas Appleseed. (2019). *Texas: The state of school discipline. A Look at the data: 2017-2018*. Retrieved from <https://www.texasappleseed.org/sites/default/files/SchoolDisciplineinTexas-new.pdf>

¹² Ramey, D.M. (2016). The influence of early school punishment and therapy/medication on social control experiences during young adulthood. *Criminology*, 54(1), 113-141.

¹³ Fabelo, T., Thompson, M.D., Plotkin, M., Carmichael, D., Marchbanks III, M.P., & Booth, E.A. (2011). *Breaking schools' rules: A statewide study of how school discipline relates to students' success and juvenile justice involvement*. Council of State Governments Justice Center and The Public Policy Research Institute, Texas A&M University. Retrieved from https://knowledgecenter.csg.org/kc/system/files/Breaking_School_Rules.pdf

¹⁴ Mowen, T., & Brent, J. (2016). School discipline as a turning point: The cumulative effect of suspension on arrest. *Journal of Research in Crime and Delinquency*, 53(5), 628–653. <https://doi.org/10.1177/0022427816643135>

¹⁵ Perry, B. L., & Morris, E. W. (2014). Suspending progress: Collateral consequences of exclusionary punishment in public schools. *American Sociological Review*, 79(6), 1067–1087. <https://doi.org/10.1177/0003122414556308>

¹⁶ Wolf, K. C., & Kupchik, A. (2017). School suspensions and adverse experiences in adulthood. *Justice Quarterly*, 34(3), 407-430. <https://doi.org/10.1080/07418825.2016.1168475>

¹⁷ Shollenberger, T. L. (2014). Racial disparities in school suspension and subsequent outcomes. In D.J. Losen (ed.), *Closing the school discipline gap: Equitable remedies for excessive exclusion*, Teachers College Press.