



**RESPONSE TO PUBLIC INTERIM CHARGE 1
RELATED TO BEHAVIORAL HEALTH**

TEXAS HOUSE PUBLIC HEALTH COMMITTEE

SUBMITTED BY

Alycia Castillo, Texas Criminal Justice Coalition
Jonathan Feinstein, The Education Trust in Texas
Andrew Hairston, Texas Appleseed
Chloe Latham Sikes, IDRA
Ana Ramón, IDRA

October 16, 2020

Dear Chairwoman Thompson and Committee Members:

Thank you for this opportunity to provide written testimony with respect to Interim Charge 1, related to SB 11, which creates the Texas Child Mental Health Care Consortium; this charge requires monitoring of the creation of the Consortium, as well as a review of how school districts are spending their School Safety Allotment.

Background and Needed Next Steps

With the leadership and support of your Committee, the passage of HB 18, HB 19, and SB 11 in 2019 was a major and necessary step forward in addressing the critical role that schools must play in supporting students' physical and psychological well-being. Together, this legislation acknowledged that schools have a responsibility and require additional capacity to ensure that all students feel safe and supported – and that this responsibility must be met for students to learn and develop academically. Furthermore, this legislation recognized the complex school-wide and highly-individualized factors that can interfere with student learning, both in-school or out-of-school – from grief and trauma, to social isolation and discrimination, to the disruptions caused by racial violence or natural disaster.

The rules and funding resulting from the 86th Session provide an important starting point for the 87th Legislature to build upon, especially in light of COVID-19's impact and what it has exposed about the challenges facing educators and students before the pandemic. Indeed, **now is the time for legislators to ensure that schools have access to the training and capacity needed to effectively and equitably implement evidence-based practices that meet the increased behavioral and mental health needs of students**, especially students of color, students from low-income families, and students with disabilities who have been disproportionately harmed by the pandemic and who were least likely to access positive school cultures and mental health supports prior to the pandemic. The 87th Legislature's ability to meaningfully address these needs will play a critical part in determining whether our students can truly return to learning and progress academically, both in the short term and for years to come.

Challenges and Opportunities

Rather than pass legislation as unfunded mandates, the 86th Legislature created the School Safety Allotment (SSA) in recognition that Texas schools would require additional and sustainable capacity to implement HB 18, HB 19, and SB 11. This allotment allowed for a wide variety of district uses, including (1) mental health supports, (2) positive school culture, (3) facility safety, and (4) emergency response coordination.

Without transparent public reporting of this spending and analysis of its effectiveness to date, it is unclear whether this funding stream is being used to advance evidence-based strategies that improve the physical and psychological safety of students – like social workers, restorative justice coordinators, and culturally inclusive, trauma-informed practices. However, as the social and emotional toll of the pandemic and civil uprisings become unavoidably clear, the 87th Legislature should direct future SSA funds to be used on mental health and school climate strategies rather than school hardening and monitoring strategies (like policing and surveillance), [which are not proven to make schools safer](#), and which are more likely to widen disparities in exclusionary student discipline actions and negatively impact school climate, further distancing students from learning environments at a time when they are likely to need additional academic instruction and social-emotional supports.

Recommendations

1. Prioritize students' mental health and enhance school climate by narrowing the allowable uses of School Safety Allotment (SSA) funds in the 2021-23 biennium, and by leveraging federal funds toward supportive systems and away from hardening measures.

The National Association of School Psychologists estimates that the COVID-19 pandemic will result in an overall [doubling or tripling of students](#) who show challenges at school. Having survived this unparalleled global upheaval, students will need significantly greater investments in mental health support services within their schools. As students re-enter classrooms, their trauma, social-emotional regression, and educational regressions will require care and attention. Students of color are likely to experience [physical and mental health disparities](#) post-COVID and will be best served by personnel uniquely equipped (with culturally responsive, trauma-informed methods) to assist with challenges that will arise.

Prior to the pandemic, Texas was well above recommended levels of student to support-staff ratios to maintain safe and supportive learning environments. The [National Association of School Psychologists](#) recommends a ratio of 500 to 700 students to every one school psychologist, and a ratio of 400 students to one social worker. Across all Texas schools, there were nearly 2,700 students for every one psychologist and over 6,900 students for every one social worker in the 2018-19 school year. More than three-quarters of Texas schools did not have any school psychologists or social workers on campus, according to [2015-16 Civil Rights Data Collection](#). Compared to other states, Texas ranked among the bottom 10 states for percentage of public high schools with social workers and school psychologists.

SSA funds should be allocated where needed most and therefore devoted to ramping up evidence-based practices to improve student mental health and school climate in districts across Texas.

- a. The SSA can be utilized to advance greater compliance with existing laws, such as SB 1707 [effective 2019], which directed school districts to enter into a memorandum of understanding that limits the role of School Resource Officers (SROs) by prohibiting their involvement with students in routine disciplinary and administrative activity. Allocating more of the SSA to trained mental health personnel equipped to engage in discipline in a safe, age-appropriate, culturally responsive manner, rather than SROs and law enforcement, will reduce the need for emergency response by implementing preventative strategies for student misconduct while maintaining a positive, healthy school climate.
- b. The federal Coronavirus Aid, Relief, and Economic Security (CARES) Act allows for funding to be allocated toward mental health supports and supports for low-income children or students, children with disabilities, English learners, students of color, students experiencing homelessness, and foster care youth. These funds should be utilized to enhance the components of Safe and Supportive Schools Programs, which best address students' needs during this pivotal moment.

2. Create district plans for implementation of the Safe and Supportive Schools Program (SSSP) by prioritizing the allotment of full-time employees toward mental health support, such as social workers, Communities In Schools personnel, and restorative justice coordinators, and district-wide training for culturally inclusive, trauma-informed care and positive school climate building.

- a. SB 11 created basic guidelines for SSSPs, which are to be facilitated by trained SSSP teams. Such teams must center the needs of students struggling with grief and trauma in this time. In addition to the importance of mental health supports for students impacted by the COVID-19 pandemic, such supports – along with the implementation of measures to create a positive school culture – will be integral to students’ success as they grapple with the reality of civil uprisings in their communities. Students will have fears and hard questions that must be addressed before they will be able to give full attention to their studies, and mental health supports must be leveraged to meet this moment.

Students of color will be especially vulnerable as they reenter campuses, many of which will place them near law enforcement for the first time since the death of George Floyd and the consequent national examination of violence between law enforcement and people of color. Reallocation of SSA funds away from hardening measures (such as school policing or emergency response) will be necessary as the behavioral needs of students will require age-appropriate, positive responses that might be exacerbated by the threat of arrest or other police interventions.

Funding through Project School Emergency Response to Violence (SERV) is one additional feature of the CARES Act that must be leveraged to respond to the increased mental health needs of youth. Research historically and consistently supports the idea that [safe school environments are created by ensuring that each student is adequately supported](#). Increased facility safety and emergency response have little effect on the outcome of things like violence in schools, substance use, and bullying; in many cases, they [increase harm and harsh, exclusionary measures](#) for students of color disproportionate to their white peers. Schools should be safe, supportive environments for all students. This moment presents an opportunity to restructure supports to be most aligned with [evidence-based, proven strategies for student success](#).

- b. Teachers and administrators are not immune to the difficulties posed by COVID-19 and the current social climate. In the past, they have long [reported feeling undervalued, overworked, and underpaid](#). It would be irresponsible to ask these personnel, who are specifically tasked with the challenge of educating children during a global health crisis, to enter roles that are not within their training or responsibility. Mental health practitioners, social workers, counselors, and restorative justice coordinators are all distinct, integral roles and should be funded as such to avoid placing undue burden and stress on Texas teachers.

3. Require greater data transparency – and help inform future decision-making – by publishing public reports of the funding allocations in each school district.

To adequately assess the efficacy of programs like the SSA, it will be key for the Legislature to be aware of exactly how the funds have been allocated. The lack of reporting requirements for these resources means we are unable to analyze the sufficiency of resourcing for mental health supports versus non-mental-health-related programs and prevents us from understanding more precisely how SSA funds may be supplementing or supplanting district spending on these differing approaches. This poses significant challenges for assessing districts’ success with positive climate building versus continued or expanded resourcing of law enforcement and surveillance.