School Safety and Threat Assessments:
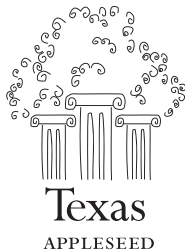
Assessing the Student Beyond the Threat

Texas
APPLESEED

School Safety and Threat Assessments:

Assessing the Student Beyond the Threat

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School Safety and Threat Assessments:

Assessing the Student Beyond the Threat

Across the twenty-first century, particularly after the tragic school shooting at Columbine High School in Colorado, the use of threat assessments has steadily increased throughout the United States. At Texas Appleseed, we approached these programs with the understanding that all school districts want to balance their efforts to achieve a safe and supportive learning environment with the need to address any potential security concerns that may arise. We supported the inclusion of threat assessments in SB 11 (signed into law following Texas' 86th Legislative Session in 2019) to combat the tide of terroristic threat prosecutions that were being employed by district attorneys across the state, recognizing that a threat assessment program could provide an evidence-based alternative to prosecution. After the school shooting in Santa Fe, Texas, there was a substantial increase in the number of these referrals to children who did not actually pose a threat. Texas Appleseed noted a 156% increase in referrals for terroristic threats from January 2017 to May 2018.[2] Moreover, we heard from attorneys who represented children who had been subjected to criminalization, including the following:

- a 12-year-old blind student who reacted to a bully by threatening him;

- an 11-year-old student in special education who learns in a self-contained classroom who threatened to "tase" the teachers who restrained him during a meltdown; and

- a 12-year-old student with a disability who was arrested and taken to detention for making a hand gesture and pretending to shoot make-believe creatures in an empty hallway at school.[3]

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[2] *See, e.g.,* Collateral Consequences (2018), Texas Appleseed, available at https://report.texasappleseed. org/collateral-consequences/.

[3] *Id.*

From 2021-2022, Texas Appleseed sent public information requests to the Texas Education Agency (TEA) and a select group of local education agencies to analyze how threat assessments were used during the coronavirus pandemic. Our organization was particularly interested in seeing how SB 11 (2019), which mandated threat assessments at schools across Texas, was implemented in its early years. We largely found that schools reported the data in inconsistent ways. Moreover, based on the data, we concluded that local education agencies are largely not reporting the reason for a threat assessment team being convened. Accordingly, it is unclear whether proper preventative and non-punitive measures are being put in place for young Texans before the formal threat assessment process commences.

As has been the case with American K-12 education policy across the twenty-first century, state, regional, and district level preliminary data reveal that school districts are implementing incomplete threat assessments. These occurrences result in mostly punitive, exclusionary consequences and referrals to law enforcement for threats deemed "imminent." Historically, these types of policies disproportionately harm students of color and students with disabilities, and they provide little to no meaningful intervention for students. For the two districts that reported race-related data for this report, Black students were disproportionately represented in threat assessment processes.

Additionally, threat assessment teams are lacking in credentials and training, and the involvement of law enforcement is prioritized. In short, some school districts are applying a threat assessment process that is incomplete, lacking, and without the needed student support. And while threat assessments are well-intentioned and developed to help schools create a safe environment, problems arise if they are not conducted proactively and comprehensively with a holistic focus on identifying mental health issues and implementing needed supports.

I. Threat Assessment Data Reveals Concerns

SB 11, the omnibus school safety bill passed by the Texas Legislature in 2019, included language requiring every school district in the state to create a threat assessment and safe and supportive school program and team.[4] This language also required the Texas Education Agency to adopt rules establishing a safe and supportive school program incorporating research-based best practices for school safety, as well as required the Texas School Safety Center (TSSC) to create model policies and procedures and to provide training to districts regarding evidence-based threat assessment programs.[5]

The bill required that the teams adopt policies and procedures that are consistent with the model policies and procedures developed by the TSSC.[6] The bill tasked superintendents with appointing members to the team that have expertise in counseling, behavior management, mental health and substance use, classroom instruction, special education, school administration, school safety and

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[4] Texas Legislature online, Senate Bill 11 text (2019) 86th Legislative Session, available at https://capitol.texas.gov/tlodocs/86R/billtext/pdf/SB00011F.pdf#navpanes=0.

[5] *Id.*

[6] *Id.*

security, emergency management, and law enforcement.[7] Once appointed, SB 11 required threat assessment teams to:

- Conduct threat assessments for students who make threats of violence or "exhibit harmful, threatening, or violent behavior;"[8]

- Gather and analyze data to determine the level of risk posed by the student, and the appropriate intervention, which could include referring a student to mental health services;

- Provide guidance to students and school employees on recognizing harmful, threatening, or violent behavior that may pose a threat to the community, school or individual; and

- Support the district in implementing the district's multihazard emergency operating plan.

In August 2021, the Texas School Safety Center issued an updated document that outlined policies and procedures related to threat assessment programs. As part of its eight-step guidance, the Center recommends that multidisciplinary threat assessment teams create a central reporting mechanism and define prohibited behaviors.[9] However, it appears that this decision-making is largely left to the local safe and supportive program team that is charged with conducting threat assessments. TEA also has yet to complete the rulemaking SB 11 required.

In September 2020, TEA issued a set of proposed rules to implement a Safe and Supportive School Program (SSSP) and Trauma-Informed Care Policy and Training.[10] The proposed rules established multidisciplinary SSSP teams to serve each school campus to include people with expertise in classroom instruction, special education, school administration, school counseling, behavior management, mental health and substance abuse, school safety and security, emergency management, law enforcement, and parent and family engagement.[11] The proposed rules provided detail on the six functions of an SSSP: promoting a positive school climate, establishing a multi-tiered system of supports (MTSS), conducting behavioral threat assessments, ensuring staff is well trained, collecting data to continuously improve the program, and supporting facility and school safety and security.[12]

The proposed rules also required each school district to develop and implement a trauma-informed care policy and training, and set forth requirements for that policy and training.[13] In February 2021, TEA withdrew all of these proposed rules "given the impact and additional challenges of COVID-19 on

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[7] *Id.*

[8] The bill language, which is codified in Chapter 37 of the Texas Education Code, defined "harmful, threatening, or violent behavior" to include "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" that could result in suspension, expulsion, or removal to a JJAEP. Tex. Educ. Code 37.114.

[9] *Model Policies and Procedures to Establish and Train on Threat Assessment*, Texas School Safety Center, available at https://locker.txssc.txstate.edu/f40474bcbab5f025bb1570f1bfbf9f06/Model-Policies-and-Procedures-to-Establish-and-Train-on-Threat-Assessment.pdf (last visited on February 27, 2023).

[10] 45 Tex. Reg. 6305 (proposed September 11, 2020).

[11] Safe and Supportive School Program Team Roles and Capacity for Executing Functions, 45 Tex. Reg. 6307 (proposed September 11, 2020).

[12] Requirements for the Six Primary Functions of the Safe and Supportive School Program, 45 Tex. Reg. 6309 (proposed September 11, 2020).

[13] Trauma-Informed Care Policy and Training, 45 Tex. Reg. 6312 (proposed September 11, 2020).

local education agency (LEA) capacity" and to "allow TEA to ensure additional stakeholder engagement in the rulemaking process and ensure that the rule aligns with other district and school improvement frameworks."[14] Although the coronavirus pandemic continues to affect the implementation of SB 11, available resources indicate that existing model policies are generally insufficient to ensure the efficient statewide administration of Safe and Supportive School Programs.

In an effort to better understand how these statutory changes were implemented, Texas Appleseed requested data via a public information request from TEA. We inquired about all state and region level data for the 2020-2021 school year related to school districts' SSSP and threat assessment team that is required to be collected by SB 11.[15]

TEA released limited data in response to Appleseed's request in December 2021. When asked for expansion of the limited data, TEA cited program delays related to the COVID-19 pandemic: "Due to the impacts of the pandemic, TEA has been phasing in the data collection requirements from Senate Bill (SB) 11 of the 86th legislative session in order to reduce the burden on local educational agencies (LEAs)."[16]

From TEA, Texas Appleseed obtained SSSP and threat assessment survey data submitted from 1,179 of the 1,215[17] Texas school districts.[18] While charter schools comprise 6.8% of all Texas school districts, they made up 32.5% of schools that failed to respond. No reason was provided for those school districts that failed to respond to TEA, nor was information provided regarding any subsequent action taken by TEA to address the failures in reporting the critical school safety data. Forty[19] school districts failed to submit an SSSP survey and are listed in Appendix A.

Texas Appleseed's analysis of the available data showed inconsistent implementation among school districts. As of the 2020-2021 school year, some school districts had yet to fully implement the statutory provisions.[20] The data also demonstrates inconsistent collection and reporting practices. Due to the pandemic, TEA did not require school districts to submit threat assessment data as required by

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[14] *Safe and Supportive Schools Program (SSSP) Updates*, Texas Education Agency, available at https://tea.texas.gov/about-tea/news-and-multimedia/correspondence/taa-letters/safe-and-supportive-schools-program-sssp-updates (last visited on February 27, 2023).

[15] All requirements of SB 11 can be found here: https://legiscan.com/TX/text/SB11/id/2027985. Citing the Texas Public Information Act, Texas Appleseed requested data via a public information request (PIR) from the Texas Education Agency (TEA). The PIR specified all state and region level data for the 2020-2021 school year related to school districts' SSSP program and threat assessment that is required to be collected by SB 11.

[16] TEA's response in Texas Appleseed's records.

[17] Number of school districts is based on the school districts listed in the 2020-2021 TEA directory: https://tealprod.tea.state.tx.us/Tea.AskTed.Web/Forms/ArchivedSchoolAndDistrictDataFiles.aspx.

[18] "School Districts" or "districts" refers to public school districts, open enrollment charter schools, juvenile justice districts, Texas School For the Blind and Visually Impaired, and Texas School For the Deaf.

[19] There were 40 school districts that did not submit an SSSP survey based on the 2020-2021 school directory. Additionally, there were 4 school districts that submitted a survey but were not in the 2020-2021 school directory. These four districts are: Doral Academy of Texas, Prelude Preparatory Charter School, Royal Public Schools, and Brillante Academy.

[20] Texas Legislature Online, Senate Bill 11 text (2019) 86th Legislative Session, available at https://capitol.texas.gov/tlodocs/86R/billtext/pdf/SB00011F.pdf#navpanes=0.

TEC § 37.115[21] for the 2019-2020, 2020-2021 and 2021-2022 school years.[22] TEA instead instructed all Texas public schools to complete Qualtrics surveys on their district-level Safe and Supportive School Programs and limited threat assessment data. For the 2022-2023 school year, TEA announced it will begin its collection of full SSSP and threat assessment data by school pursuant to statute (TEC § 37.115(k)).[23]

For the 2020-2021 school year, TEA data shows that, out of the school districts that responded to the survey, most school districts (95.34%) reported the implementation of a Safe and Supportive School Program (SSSP) compliant with SB 11 statutory requirements, and 4.66% reported no implementation. As for threat assessment counts, Texas school districts reported a total of **37,007** threats.[24] They were also required to separately report threat outcomes based on four categories: (1) No Risk and No Intervention; (2) No Risk but Intervention; (3) Risk and Intervention; or (4) Imminent Threat Referred to Law Enforcement. Table 1 and Chart 1 summarize the assessed outcomes of the reported threats.

Table 1: Threat Assessments and Outcomes Statewide, Based on TEA-Provided Data (SY 2020-2021)

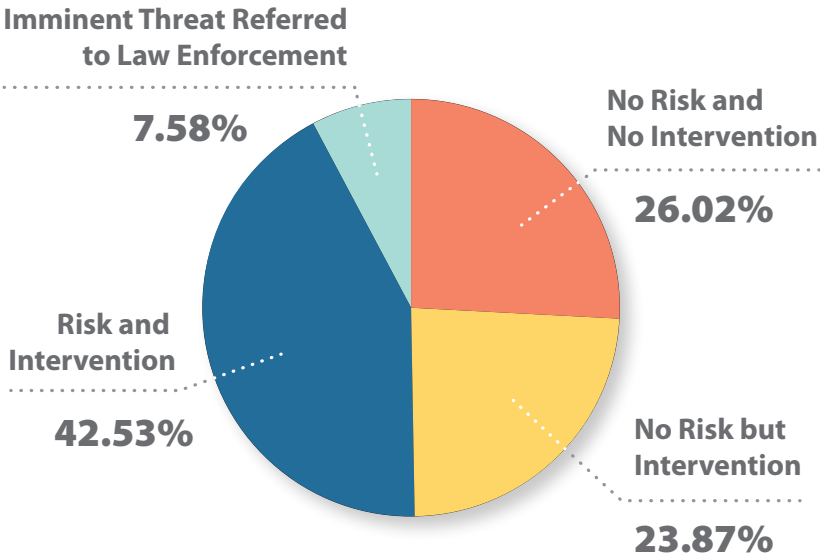|	No Risk and No Intervention	No Risk but Intervention	Risk and Intervention	Imminent Threat Referred to Law Enforcement
Number of Threats	8,932	8,192	14,597	2,603
Percent of Threats	26.02	23.87	42.53	7.58

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[21] Tex. Educ. Code § 37.115. In conducting threat assessments, the team must assess and report individuals who make threats of violence or exhibit harmful or violent behavior; gather and analyze data to determine the level of risk and appropriate intervention, including: referring the student for mental health assessment and implementing an escalation procedure; provide guidance to students and school employees on recognizing harmful, threatening, or violent behavior that may pose a threat to the community, school, or individual.

[22] Texas Education Agency (TEA), SSSP Data Collection Questions for 2021-2022 School Year, https://tea.texas.gov/sites/default/files/sssp-data-collection-questions-for-2021-2022-school-year.pdf.

[23] Texas Education Agency (TEA), Safe and Supportive School Program Update, (April 7, 2022), available at https://tea.texas.gov/about-tea/news-and-multimedia/correspondence/taa-letters/safe-and-supportive-school-program-update; *see also* SSSP Data Collection Questions for the 2022-2023 School Year, available at https://tea.texas.gov/sites/default/files/sssp-data-collection-questions-for-2022-2023-school-year.pdf.

[24] Each district is required to provide data to TEA broken down by these categories: Number of threats reported, number of threats assessed as not posing a risk and not referred for interventions or help/supports, number of threats assessed as not posing a risk but referred for interventions or help/supports, number of threats assessed as posing a risk and referred for interventions or monitoring, number of threats assessed as posing an imminent risk and referred to law enforcement. The sum of "number of threats reported" for all districts across the state is 37,007. The sum of threats classified under each outcome is reflected in Table 1. Summarizing these totals results in 34,324 threats reported. The discrepancy in totals is due to some districts reporting a total number of threats that is more than the sum of threats reported under each outcome category. Additionally, Austin ISD reported a total of 12,222 threats assessed, but only 7,633 were broken down by outcome category. The percentages in Table 1 are based on the 34,324 total.

The data demonstrates that 49.89%, or 17,124, of all threats were assessed to have no risk while 50.11%, or 17,200, were assessed to have some risk and received an intervention or were referred to law enforcement. According to TEA data, Austin ISD ranked with highest numbers among all Texas school districts in two categories: "Risk and Intervention" and "Imminent Threat Referred to Law Enforcement." IDEA Public Schools had the highest number of "No Risk, No Intervention;" Irving ISD had the highest number of "No Risk but Intervention." Of those classified as a risk, 42.53%, or 14,597, received some intervention other than a referral to law enforcement. However, the data provided does not inform as to the type of intervention provided for the student. Intervention types include support in counseling, mental health services, substance abuse services, behavior management services, special education services, student attendance assistance, and other services and actions. The remaining 7.58%, or 2,603 in the Risk category, were assessed to be an imminent threat and were referred to law enforcement. Of those referred to law enforcement, the data does not provide specificity as to subsequent action taken by law enforcement. Namely, the data does not provide identification of the criminal charge of the offense, if charges were filed, if the student was arrested, if the student was restrained, if the student was ultimately adjudicated for a crime or if criminal charges were dismissed. Nor does the data indicate whether these students, deemed imminent threats, received some meaningful intervention at any point, such as counseling, mental health or other student support service, as encouraged by the Texas School Safety Center's model policies and procedures.

For threats assessed, no data was provided as to whether the student received administrative consequences or consequences affecting their regular instruction in school. Namely, data provided by TEA does not show how many students received a change in placement including placement to a juvenile justice alternative education program (JJAEP), disciplinary alternative education program

(DAEP), out-of-school suspension (OSS), or in-school suspension (ISS). It is unclear whether educational consequences are included in the Intervention category or whether the interventions taken refer only to mental health and student support services. Disaggregating SSSP data collected by TEA by each of the respective therapeutic or remedial categories aforementioned and also by educational or punitive exclusionary discipline consequence, in addition to showing any overlap, would be valuable to fully understanding the scope of any interventions applied to the student and the school district's implementation of its Safe and Supportive School Program and threat assessment process.

Table 2 shows the school districts within each of the state's 20 school regions with the highest rate of threats per 100 students.[25] Assessing the rate per 100 students permits an accurate and more reliable comparison among school districts, given that student enrollment varies greatly across school districts—and looking at counts alone would provide an incomplete picture.

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[25] We decided to look at top districts in each region to gain an understanding of how SSSPs and threat assessments are occurring statewide. Assessing top districts in the state, regardless of region, could exclude areas.

Table 2: Districts with the Highest Rate of Threats Assessed per Region, Based on TEA-Provided Data (SY 2020-2021)

Region	District	Count of Threats Assessed	Threats Assessed per 100 Students	Count of Threats Assessed and Referred to Law Enforcement	Threats Assessed and Referred to Law Enforcement per 100 Students
ESC 01 Edinburg	IDEA Public Schools	2,830	4.55	87	0.14
ESC 02 Corpus Christi	Corpus Christi ISD	948	2.75	26	0.08
ESC 03 Victoria	Yorktown ISD	29	5.53	3	0.57
ESC 04 Houston	Yellowstone College Preparatory	17	7.39	0	0.00
ESC 05 Beaumont	West Hardin County CISD	24	4.99	1	0.19
ESC 06 Huntsville	Magnolia ISD	697	5.31	33	0.25
ESC 07 Kilgore	UT Tyler University Academy	28	3.39	0	0.00
ESC 08 Mount Pleasant	Texarkana ISD	210	2.74	4	0.05
ESC 09 Wichita Falls	Bowie ISD	25	1.48	2	0.12
ESC 10 Richardson	Princeton ISD	1,373	23.60	100	1.72
ESC 11 Fort Worth	Tolar ISD	34	4.22	0	0.00
ESC 12 Waco	Orenda Charter School	384	20.78	0	0.00
ESC 13 Austin	Austin ISD	12,222	16.33	735	0.98
ESC 14 Abilene	Snyder ISD	322	12.34	0	0.00
ESC 15 San Angelo	Schleicher ISD	12	2.30	0	0.00
ESC 16 Amarillo	Friona ISD	26	2.39	3	0.28
ESC 17 Lubbock	Slaton ISD	76	5.73	2	0.15
ESC 18 Midland	UTPB STEM Academy	13	1.64	0	0.00
ESC 19 El Paso	Ysleta ISD	103	0.27	0	0.00
ESC 20 San Antonio	Eleanor Kolitz Hebrew Language Academy	44	9.44	0	0.00

When compared across all regions, Princeton ISD had both the highest rate of total threats assessed per 100 students enrolled and the highest rate of assessed threats referred to law enforcement. Although Orenda Charter School in the Waco ESC has the second highest rate of threats assessed per 100 students, none of the threats assessed were referred to law enforcement. The data shows that Austin ISD has the third-highest rate of threats assessed per 100 students and the second-highest rate of threats referred to law enforcement among the leading districts in each region; this fact is striking because Austin ISD is such a large district, and they consistently reported no threats to our direct inquiries. In total, nine school districts with the highest rates in their respective regions did not refer any threats assessed to law enforcement. Chart 2 shows the rate of threats referred to law enforcement among districts.

Chart 2: Threats Assessed and Referred to Law Enforcement per 100 Students for the Top District in Each Region, Based on TEA-Provided Data (SY 2020-2021)
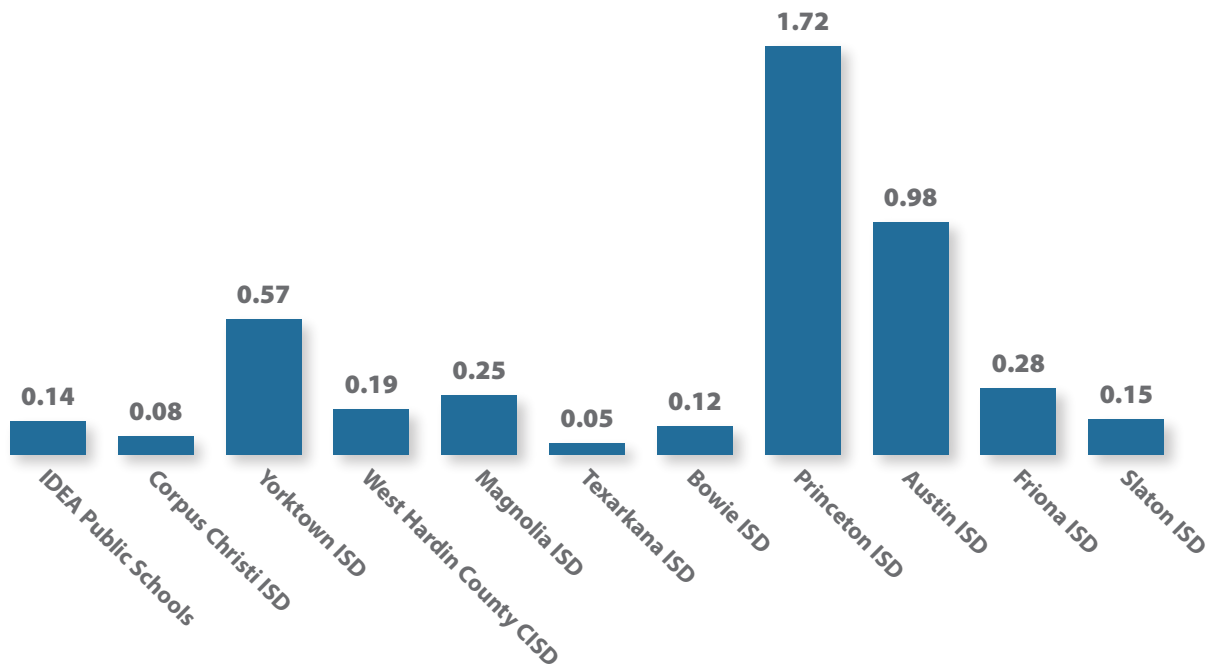
In an effort to gain a complete picture of school districts' SSSP and threat assessment processes, Texas Appleseed requested data directly from school districts to assess whether districts were gathering additional data that was not being gathered by TEA. We requested detailed threat assessment data directly from 15 independent school districts to include the top 10 with the highest student enrollment across Texas and 5 other school districts—based on the high preliminary TEA threat assessment counts or other student discipline history data.[26] The 15 school districts include: Austin, Conroe, Cypress-Fairbanks,

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[26] Texas Appleseed sent public information requests (PIRs) to the top 10 school districts with highest student enrollment based on TEA data: Houston, Dallas, Cypress-Fairbanks, Northside, Katy, Fort Worth, Fort Bend, Austin, Conroe, and Frisco. Texas Appleseed also sent PIRs to Judson, Yselta, IDEA Public Schools, Pasadena, and Princeton based on high preliminary TEA threat assessment counts or other student discipline history data.

Dallas, Fort Bend, Fort Worth, Frisco, Houston, IDEA, Judson, Katy, Northside, Pasadena, Princeton, and Ysleta. Aligned with threat assessment statutory requirements outlined in TEC § 37.115(k),[27] Texas Appleseed requested the following 2020-2021 threat assessment data from the school districts: the number of threats assessed, the reason for the assessments, the outcome of assessed threats, a demographic breakdown of students who received a threat assessment, and information on each district's SSSP team. Data received varied by school district with most data being partial or incomplete.

The data provided by each district is summarized in the following tables. Notably, in response to Texas Appleseed's threat assessment data public information request, some districts reported different numbers than those reported to the Texas Education Agency for the same threat assessment data. Conroe, Cypress-Fairbanks, Frisco, Katy, Pasadena, and Princeton school districts only provided the same data they reported to TEA, but Dallas, Houston, and Ysleta school districts provided additional data that was not in TEA's SSSP dataset. Furthermore, Fort Bend ISD provided detailed data broken down by offense type, referrals to counseling or mental health services, and change in placement. It is important to note that some districts provided disciplinary data that was irrelevant to threat assessments, indicating confusion about the Safe and Supportive Schools Program. Table 3 summarizes threats assessed by school district by outcome.

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[27] Tex. Educ. Code § 37.115(k): A team must report to the agency in accordance with guidelines developed by the agency the following information regarding the team's activities and other information for each school district campus the team serves: (1) the occupation of each person appointed to the team; (2) the number of threats and a description of the type of the threats reported to the team; (3) the outcome of each assessment made by the team, including: (A) any disciplinary action taken, including a change in school placement; (B) any action taken by law enforcement; or (C) a referral to or change in counseling, mental health, special education, or other services; (4) the total number, disaggregated by student gender, race, and status as receiving special education services, being at risk of dropping out of school, being in foster care, experiencing homelessness, being a dependent of military personnel, being pregnant or a parent, having limited English proficiency, or being a migratory child, of, in connection with an assessment or reported threat by the team: (A) citations issued for Class C misdemeanor offenses; (B) arrests; (C) incidents of uses of restraint; (D) changes in school placement, including placement in a juvenile justice alternative education program or disciplinary alternative education program; (E) referrals to or changes in counseling, mental health, special education, or other services; (F) placements in in-school suspension or out-of-school suspension and incidents of expulsion; (G) unexcused absences of 15 or more days during the school year; and (H) referrals to juvenile court for truancy; and (5) the number and percentage of school personnel trained in: (A) a best-practices program or research-based practice under Section 38.351, including the number and percentage of school personnel trained in: (i) suicide prevention; or (ii) grief and trauma-informed practices; (B) mental health or psychological first aid for schools; (C) training relating to the safe and supportive school program established under Subsection (b); or (D) any other program relating to safety identified by the commissioner.

Table 3: Total Threats and Outcomes, Based on District-Provided Data (SY 2020-2021)

District	Total Threats Assessed	No Risk and No Intervention	No Risk but Intervention	Risk and Intervention	Imminent Threat Referred to Law Enforcement
Austin ISD	0	0	0	0	0
Conroe ISD	262	194	0	79	27
Cypress-Fairbanks ISD	164	0	141	23	0
Dallas ISD	90	0	46	39	5
Fort Bend ISD	134	See table 5[28]	See table 5	See table 5	See table 5
Fort Worth ISD	12	No data	No data	No data	No data
Frisco ISD	131	44	54	34	8
Houston ISD	30	No data	30	No data	1
IDEA[29] Public Schools	No data[30]	1,637	809	528	104
Judson ISD	0	0	0	0	0
Katy ISD	184	157	6	12	9
Northside ISD	16[31]	0	0	0	0
Pasadena ISD	117	39	63	31	5
Princeton ISD	1,373	1,050	150	73	100
Ysleta ISD[32]	103	37	45	21	0

In total threats assessed for the 2020-2021 school year, IDEA Public Schools and Princeton ISD ranked one and two among the 15 districts, and they were noticeably distant from all other sampled school districts. IDEA Public Schools did not report an aggregate total but provided disaggregated data for all four

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[28] The outcomes of threats assessed for Fort Bend ISD are in a separate table because they classified outcomes under different categories than what is summarized by Table 1 and Table 3.

[29] Numbers broken down by outcome in IDEA Public Schools are the summations of data disaggregated at the individual school level. Please note that these numbers are estimates. Some schools within the district reported "too many to count" or "less than 10" for different outcomes. Texas Appleseed disregarded this data, and this data is not reflected in the totals.

[30] IDEA Public Schools did not provide an aggregate total number of threats. Using categorical estimates would not provide an accurate picture, as a single threat assessed could be double counted if referred to interventions and law enforcement.

[31] Northside ISD reported 16 threats that were all on social media. Upon investigation, they were unable to identify any Northside ISD students.

[32] Ysleta ISD provided totals reported to TEA via the SSSP survey which are reflected in Table 3. However, they also provided threats for each school in their district. Note, the summed total of threats for each school in the district is inconsistent with the total provided to TEA.

categories.[33] Based on our categorical estimates from district-provided data, at least 528 threats were deemed as a risk with some intervention type, and at least 104 threats were referred to law enforcement.[34] It is unclear if some threats referred to law enforcement were also captured in threats receiving other interventions, once again proving the need for clarity in data reporting. Princeton ISD reported 1,373 total threats, with 1,050 requiring no intervention due to no risk, 73 assessed as a risk and referred to an intervention, and 100 referred to law enforcement. While some students were referred for intervention, the data provided does not specify the intervention type as monitoring, counseling, mental health services, or other student support services.

The Texas Legislature can step in to address discrepancies by clarifying the data collection techniques that should be employed by local education agencies. For example, it is conspicuous that the fourth largest school district in the state, Northside ISD (103,151 student enrollment), reported only 16 threats. All threats were on social media, and the district was unable to identify any Northside ISD students. Further, the eighth largest school district in the state, Austin ISD (74,871 student enrollment), reported no threats assessed and no outcomes, contrary to TEA-provided data. According to TEA data, Austin ISD reported 12,222 threats assessed. What's more, the TEA data shows that Austin ISD ranks the highest among all Texas school districts in the number of threats categorized as "Risk and Intervention" or "Imminent Threat Referred to Law Enforcement." These two assessed outcomes or categories are descriptive of more serious threats, either to self, to others, and/or school safety. However, because Austin ISD was not forthcoming with their threat assessment data in response to our public information request and maintained they had no data related to our request, we cannot delve further into exploring the threats in these categories and what specific interventions might have been put in place by the district's threat assessment team to enhance school safety protocols.

It is improbable that these large school districts would assess no threats for an entire school year, unless the Safe and Supportive School Program and threat assessment process are not being properly implemented. Other reasons could be that the districts elected not to share school district SSSP data that should be publicly available, or there was some confusion by the school districts involving Texas Appleseed's public information data requests regarding threat assessments. Additionally, Judson ISD also reported no threats assessed, contrary to TEA's data. Fort Worth ISD initially refused to release data after seeking the opinion of the attorney general. We followed up with a second request and were provided limited data. After a lengthy delay and needed follow-up, Houston ISD finally submitted data. Finally, Conroe, Cypress-Fairbanks, Frisco, Katy, Pasadena, and Princeton ISDs only provided a copy of the SSSP survey they reported to TEA.

Using TEA school district student enrollment data, Texas Appleseed calculated the rate of threats assessed per students enrolled. Table 4 summarizes the rate of threats assessed for the 12 districts that provided data.

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[33] While IDEA Public Schools did not report an aggregate total number of threats to us, note that they reported 2,830 total threats to TEA.

[34] See footnote 29 for why these numbers are an undercount.

Table 4: Threats Assessed by Rate for Sampled School Districts, Based on District-Provided Data (SY 2020-2021)

District	Student Enrollment	Total Threats Assessed	Rate per 100 Students
Conroe ISD	64,563	262	0.44
Cypress-Fairbanks ISD	114,881	164	0.14
Dallas ISD	145,113	90	0.06
Fort Bend ISD	76,735	134	0.17
Fort Worth ISD	76,858	12	0.02
Frisco ISD	63,493	131	0.21
Houston ISD	196,943	30	0.02
IDEA Public Schools	62,158	2,830[35]	4.55
Katy ISD	84,176	184	0.22
Pasadena ISD	50,614	117	0.23
Princeton ISD	5,818	1,373	23.60
Ysleta ISD	38,390	103	0.27

By far, Princeton ISD had more threats assessed per 100 students with a rate of 23.60 compared to the other school districts. IDEA has the next highest rate of 4.55, a dramatic drop from Princeton's 23.60 rate. Not only did Princeton ISD have the highest rate of threats, they reported the fewest members trained and conceded the need for more training in the SSSP and threat assessment process. These numbers alarmed our team because of Princeton ISD's relatively low enrollment, as compared to other districts in our data sample.

From the school districts named, Texas Appleseed also requested SY 2020-2021 threat assessment data by classification of reason or conduct identified as the threat and outcome. Analyzing threats assessed by reason is beneficial to understanding the nature of the threat, individuals at risk of the threat or potential student conduct, and how best to meaningfully intervene.

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[35] IDEA did not provide an aggregate total. The number and rate of threats for IDEA is based off of the TEA-provided total. We included this number as it is comparable to disaggregated data provided by the district.

As previously outlined, the TEC § 37.115 defines a threat as "harmful, threatening, or violent behavior" and specifically identifies a non-exhaustive list of conduct that meets the definition including: "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."[36] Notably, this is not an exhaustive list of conduct that may warrant a threat assessment. For example, while the discipline offense of Terroristic Threat is not explicitly included in the list, it can be properly grouped as threatening behavior for which a threat assessment is appropriate. In fact, it is common for school officials and law enforcement to categorize threats against school safety, particularly threats of school shootings, as Terroristic Threat.

Of the 15 school districts that received our request, Dallas ISD, Fort Bend ISD, and Houston ISD responded and provided data pertaining to reason and/or outcome.[37] However, only Fort Bend ISD provided the requested SY 2020-2021 data linking the reason to the outcome of each threat. Houston ISD reported threats by reasons and outcomes but did not link the two categories together; they reported 10 threats as terroristic, six as threats, one for possession of a weapon, nine for homicidal ideation, two electronic threats, and two incidents of students carrying explosives. Dallas ISD reported aggregate totals of 40 cases referred to mental health services (MHS); 15 referred to MHS, counseling, and community resources for both suicidal and homicidal ideation; and 12 cases of depression referred to MHS, counseling, and community resources.

As stated, Fort Bend ISD provided the requested SY 2020-2021 data by both the reason for and outcome of each assessed threat. Table 5 shows Fort Bend's list of reasons, which resembles the conduct cited in statute and includes the following: assault, cyberbullying, disturbance, fighting, harassment, harassment of teacher, sexual harassment, sexual misconduct, teen dating violence, terroristic, use or possession of a weapon, and verbal threat.

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36 Tex. Educ. Code § 37.115.

37 Ysleta ISD provided outcome of threats broken down by each school in the district. However, the data was unreliable as referrals to services and changes in placements were often much greater than the number of threats reported.

Table 5:[38] Threats Assessed by Reason and Outcome for Fort Bend ISD, Based on District-Provided Data (SY 2020-2021)

Reason	Total Threats Assessed	Total Referred to Counseling, Mental Health, or Special Education Services	Total Referred to Law Enforcement	Referred to Law Enforcement and NOT Referred to Counseling, Mental Health, or Special Education Services	Referred to BOTH Law Enforcement and Counseling, Mental Health, or Special Education Services
Assault	4	1	2[39]	2	0
Cyberbullying	2	0	0	0	0
Disturbance	21	4	1	0	1
Fighting	1	0	0	0	0
Harassment	2	0	0	0	0
Harassment of Teacher	10	5	4	3	1
Sexual Harassment	9	2	4	3	1
Sexual Misconduct	1	0	0	0	0
Teen Dating Violence	2	2	0	0	0
Terroristic	33	17	13	7	6
Use or Possession of Weapon	13	5	5	5	0
Verbal Threat	36	16	2	1	1
TOTAL	134	52	31	21	10

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[38] Note we chose not to include a column for threats assessed that were referred to neither law enforcement or supportive services.

[39] Fort Bend ISD reported that 2 threats assessed for assault were referred to law enforcement, and an additional threat resulted in the notification of the SRO.

Fort Bend reported 134 threats assessed by reason and outcomes, including referrals to law enforcement and referrals to a counselor, mental health provider, or special education services. The top two reasons, by a large margin, include verbal threats and terroristic threats with 36 and 33 threats assessed, respectively. Most outcomes for these categories indicate a referral to counseling, mental health services, or special education services. Notably, 21 of the 134 threats assessed were referred to law enforcement with no referral to a support service, and 10 received both a referral to law enforcement and a support service.

Houston ISD and Fort Bend ISD also provided data on change in placement.[40] Houston ISD reported that all 30 threats were referred to counseling, six students were placed in a JJAEP or DAEP, 10 received in-school or out-of-school suspension, and one was referred to law enforcement. Fort Bend ISD linked change in placement to the type of offense, with two arrests made for the use or possession of a weapon, and one made for a terroristic threat.[41]

Texas Appleseed also requested student demographic information for those receiving threat assessments. Only Houston and Dallas ISDs provided the requested information. Out of 30 students assessed for threats in Houston, 33% were Hispanic/Latino, 23% were Black, and 43% the race/ethnicity was unknown. Due to a larger sample size, we summarized Dallas ISD race data in Table 6 and Chart 3.

Table 6: Racial Breakdown of Students Who Received a Threat Assessment in Dallas ISD, Based on District-Provided Data (SY 2020-2021)
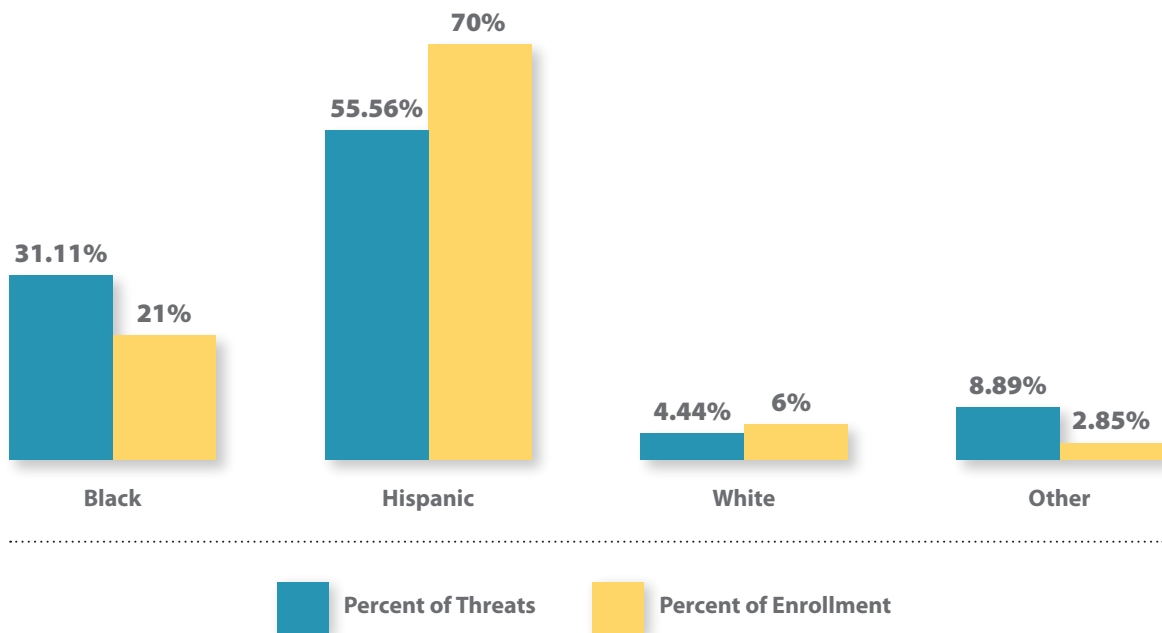
Race	Number of Students	Percent of Threats	Percent of Total Enrollment[42]
Black	28	31.11	21
Hispanic	50	55.56	70
White	4	4.44	6
Other	8	8.89	2.85

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[40] Ysleta ISD provided change in placement at the individual school level, but total change in placements was inconsistent with change in placement to DAEP and JJAEP and thus was excluded from this report.

[41] Fort Bend ISD reported change in placement to DAEP and JJAEP. They also listed DAEP and JJAEP as discipline actions. These were inconsistent and thus excluded from the report.

[42] PEIMS enrollment data, available at https://rptsvr1.tea.texas.gov/cgi/sas/broker?_service=marykay&_program=adhoc.addispatch.sas&endyear=22&major=st&minor=e&format=w&selsumm=id&linespg=60&charsln=120&grouping=e&loop=2&key=057905&_debug=0.

In Dallas ISD, of those receiving threat assessments, Black students represent a disproportionate number of referrals. Black students make up 31.11% of all those impacted by threat assessments, but only account for 21% of enrollment. Additionally, two students were identified as being in the Limited English Proficiency (LEP) Program, one in English as a Second Language (ESL), and 11 in the 504 program. And, 30 of the 90 students, or one-third of students impacted by threat assessments, are receiving Special Education services. Dallas, however, reported that their Safe and Supportive Schools Program team (SSSP) has no special education staff representation, as is disclosed in the next section. This reality seems troubling, especially as Dallas ISD continually implements a reset room program to address racial discrimination in school discipline.[43]

Additional areas of concern revealed by the threat assessment data involve not only the composition of the SSSP threat assessment teams but also the preparation and training of SSSP teams. The TEA survey asked school districts to provide training information regarding their SSSP team members. Table 7 shows how school districts responded when asked if their SSSP team had a member trained in or representing each category.

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[43] *See, e.g.,* Emily Donaldson, *Inside Dallas schools' attempt to eliminate most suspensions to help students of color*, The Dallas Morning News, May 18, 2022, available at https://www.dallasnews.com/news/education/2022/05/18/inside-dallas-schools-attempt-to-eliminate-most-suspensions-to-help-kids-of-color/ (last visited on February 27, 2023).

**Table 7: SSSP Personnel Trained in/Representing Categories, Based on TEA-Provided Data[44] (SY 2020-2021)**

Category	Yes	No	No Response
Class Instruction	51.48%	6.53%	41.98%
Special Education	52.25%	5.85%	42.15%
School Administration	57.51%	0.93%	41.56%
School Counseling/Professional School Counselor	53.52%	4.92%	41.56%
Behavior Management	50.30%	7.55%	42.15%
Mental Health and Substance Abuse	45.80%	11.70%	42.50%
School Safety/Security	53.69%	4.24%	42.07%
Emergency Management	47.67%	10.00%	42.32%

Of the eight required categories of representation for the SSSP team, school administration (57.51%) and school safety/security (53.69%) are the most represented professionals, while mental health and substance abuse (45.8%) and emergency management (47.67%) are professionals most commonly lacking. However, it is important to note that over 40% of districts failed to respond on team representation at all. Based on the data, it is unclear whether districts across the state have appropriate staffing to meet SSSP requirements.

The TEA survey also asked school districts to rank additional training areas needed for their SSSP threat assessment team members to be more effective. Chart 4 displays school district responses for the five select categories provided to school districts: Positive School Environment, Building Multi-tiered System of Support, Conducting Behavioral Threat Assessments, SSSP Team Data Collection, and Supporting Emergency Planning and Execution. Members were asked to rank the five categories from most needed to least needed. The school districts' order from most needed to least needed is as follows: (1) Positive School Environment, (2) SSSP Team Data Collection, (3) Conducting Behavioral Threat Assessments, (4) Building Multi-tiered System of Support, and (5) Supporting Emergency Planning and Execution. The graph totals are reflective of the number of school districts that view each respective training as most needed.

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[44] The percentages represent the 1,179 school districts who completed the SSSP survey.

Chart 4: Training Cited as Most Needed by School Districts, Based on TEA Data (SY 2020 - 2021)
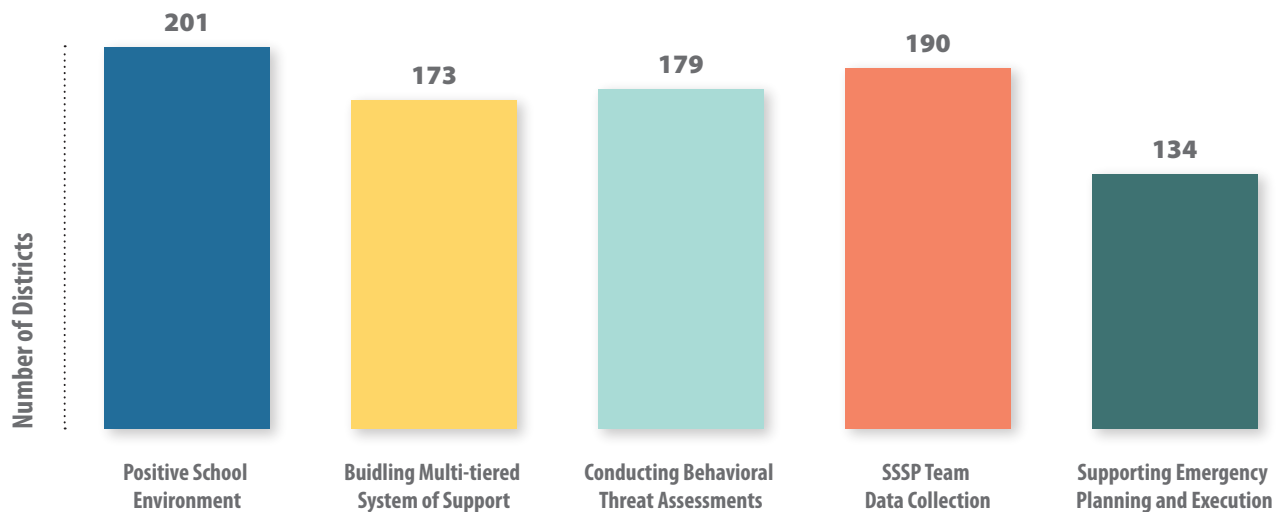
By a small margin (201-190), "Positive School Environment" ranked first among the five categories as training that is most needed among educators. Placing this category as the highest ranking serves to underscore the awareness educators have regarding the importance of cultivating and maintaining a positive, inclusive school environment. A positive school environment is foundational to any effective Safe and Supportive School Program in that it influences school climate and school culture, which directly impacts school safety.

II. School Safety Data Collection, Analysis, Transparency, and Monitoring

Concerns surrounding the collection, auditing, analysis, transparency, and availability of school safety data remain for many communities, parents, and organizations. As Texans continue to deal with the fallout from the coronavirus pandemic—and its detrimental impact on data transparency—there is an urgent call to action that school safety data collection and availability be made a priority by school leaders and policymakers. School safety data should comprise both school/district level data and school law enforcement data to include the following:

- student non-attendance/chronic absenteeism/truancy
- student discipline
- school police or law enforcement referrals/citations/arrests/filings-at-large/restraints
- staff counts for school police
- staff counts for counselors, social workers, school psychologists, other mental health and student support services
- student threat assessment data

It is unclear why school districts would not be eager to share their school safety data and procedures, such as threat assessment processes, with their school community and the general public. Providing data in response to public information requests that is not consistent with the data sets submitted to TEA, or being less than forthcoming on data that is critical to the safety of the district's schoolchildren, only serves to raise concerns and questions about the school safety program, implementation, and priorities. Moreover, such action or inaction does nothing to earn confidence from their respective school communities in the ability to keep students and staff safe.

In the wake of the deadliest Texas school shooting in history, threat assessment data disaggregation and collection by school districts and data monitoring by TEA must be high-level priorities for the Texas Legislature. With renewed momentum, Texas communities have elevated their voices insisting school safety data be collected, audited, analyzed, and disaggregated. To augment school safety and violence prevention processes and procedures, decisions ought to be based on comprehensive, all-available meaningful school safety data. School safety decision-making must be data-driven and evidence-based—with actionable goals. This process must be transparent to all school stakeholders, the school community, and to the public at large. Finally, governing agencies for Texas public schools should develop and implement effective data monitoring and auditing processes.

III. Recommendations

1. The Texas Legislature should prioritize measures that advance accountability in TEA monitoring, collecting, analyzing, and auditing of data required by TEC § 37.115(k), including sanctions; these measures should provide funding for SSSP training, data collection, and data reporting, among other measures, and the Legislature should prioritize adding money to the budget for training and mental health resources;

2. The Texas Legislature should prioritize measures that advance data transparency to better assess the implementation of SB 11 (2019) and related school safety bills across the board, and;

3. Local education agencies should prioritize the hiring of and funding of counselors, psychologists, and social workers who can identify threats and mass shooting warning signs before the violence occurs ahead of hiring more school resource officers.

Appendix A: Districts that Failed to Submit an SSSP Survey to TEA

Agua Dulce ISD

Alice ISD

Argyle ISD

Aristoi Classical Academy

Austin Discovery School

Ballinger ISD

Ben Bolt-Palito Blanco ISD

Brooks County ISD

Cleburne ISD

Coppell ISD

Crowley ISD

Ennis ISD

Flour Bluff ISD

Fort Worth ISD

Gateway Charter Academy

Harris County Department
  of Education

Horizon Montessori Public Schools

Jean Massieu Academy

Lewisville ISD

Marble Falls ISD

Marlin ISD

McMullen County ISD

Meridian World School LLC

Nyos Charter School

Odem-Edroy ISD

Panther Creek CISD

Pettus ISD

Pioneer Technology & Arts Academy

Ramirez CSD

Rochelle ISD

Santa Maria ISD

Savoy ISD

Sinton ISD

Skidmore-Tynan ISD

University of Houston Charter School

University of Texas at Austin
  High School

Valor Public Schools

Weslaco ISD

Whitesboro ISD

Windham School District

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