



November 13, 2023

Dear Chairs Garlick and Lewis, Vice Chairs DiDomenico and Ultrino, and members of the Massachusetts Legislature Joint Committee on Education:

My name is Andrew Hairston, and I direct the Education Justice Project at Texas Appleseed in Austin. I thank you all for the opportunity to weigh in on H.537/S. 276 through written and telephonic testimony, as well as Matt Cregor and other advocates for uplifting this opportunity. I am an attorney who is licensed to practice law in Texas and Louisiana, and I have developed expertise in school safety policies over the past seven years. I submit my testimony primarily to highlight how inconsistent training procedures for team members and a lack of data transparency can hinder the effectiveness of a statewide threat assessment program. Moreover, I urge you to use other legislative mechanisms to invest in prophylactic student support services and mental health resources for K-12 learners in Massachusetts; these programs, rather than threat assessments, create the supportive learning environments that young people deserve.

Right before I joined Texas Appleseed in June 2019, my boss, Deborah Fowler, worked on getting [SB 11](#) passed during the 86th regular legislative session in Texas. SB 11, an omnibus school safety bill, introduced threat assessment programs in schools across Texas. After the tragic school shootings in Santa Fe, Texas and Parkland, Florida in 2018, Texas Appleseed released a report entitled [Collateral Consequences](#); in this report, we detailed how school districts in Texas witnessed an intense spike in terroristic threat prosecutions across the rest of the year. We used this report to push for the passage of SB 11 in 2019, and the threat assessment process in Texas ostensibly incorporated evidence-based components that seemed poised to stop the tide of children being referred to local prosecutors.

During the 88th legislative session in Texas, I advocated for a bill that was ultimately signed into law by Governor Abbott; [HB 473](#) increases parental rights in the threat assessment



process. This advocacy coincided with a report that we released in March 2023: [\*School Safety and Threat Assessments: Assessing the Student Beyond the Threat\*](#). In this report, based on data we received from the Texas Education Agency for the 2020-2021 academic year, we found that 17,124 of the 37,007 threats assessed during this time period were either deemed no risk, no intervention or no risk, but intervention. These findings illustrate the pitfalls of implementing a threat assessment program with insufficient training for team members and an over-emphasis on law enforcement. I am encouraged that parents must now be notified in Texas before a threat assessment takes place, but I also recognize that this model - like other modern school safety policies - can detrimentally burden students of color, LGBTQ young people, and kids with disabilities. Policymakers should continually monitor the ways in which threat assessments impact students based upon their race, gender, and special education status.

To the point in the preceding paragraph, in our March 2023 report, Texas Appleseed highlighted that the independent school district in Dallas was one of the few that gave us threat assessment data broken down by race. In that district, for the 2020-2021 academic year, Black students represented 31.11% of the threats assessed, while only comprising 21% of enrollment in the district. It is important that H.537/S.276 requires a breakdown of the gender and race of the student facing the intervention as a component of the annual reports to the departments of health and human services and education. These data findings need to be scrupulously reviewed each year, with the goal of eliminating racial disparities in the administration of threat assessments.

Ideally, robust student support and mental health services would be in place in schools across the country to curb the necessity of threat assessments. Unfortunately, the fear of school shootings continues to be the reality for a number of children across the U.S; accordingly, many policymakers continue to turn to evidence-based threat assessment programs to strike a balance. Through my professional experience, if threat assessments are given the green light, they must be accompanied by robust training for team members, data transparency, and constant evaluation to protect historically underserved young people from unnecessary criminal legal consequences.



However, as we still grapple with the threat assessment implementation process in Texas nearly five years later, I believe strongly that non-punitive measures are the best way to address perceived student misbehavior. Racial disparities and injustices for kids with disabilities still plague the school-based threat assessment process, regardless of how much training team members receive. In Massachusetts, like Texas, there are not enough social workers, school counselors, and school psychologists to support school campuses across the state. Rather than putting more political capital into the threat assessment process, the Joint Committee on Education should look to the [White House's guidance](#) on the Safer Communities Act and streamline the process for more counselors, social workers, and psychologists to join schools across the state. Finally, as students seek to continually heal from the pandemic, ramping up mental health staffing can provide relief to students and prevent thousands of students from facing threat assessments where no credible threat is ultimately identified.

I hope that this testimony is helpful to the Joint Committee on Education, and I am available for any questions that arise. My email address is [ahairston@texasappleseed.org](mailto:ahairston@texasappleseed.org), and my office line is 737-900-9437. Thank you again for this opportunity to offer my perspective.