



## Hogg Foundation for Mental Health

### House Public Health Committee Request for Information Interim Charge 1 – Related to Behavioral Health October 16, 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 to support behavioral health in schools. We appreciate the legislature's previous work to promote positive school safety and mental health policies through a comprehensive multi-tiered systemic approach. However, we have identified additional opportunities to help ensure disparities and unintended consequences are minimized.

The COVID-19 pandemic has presented new and unexpected challenges for schools. These incredible challenges will continue and evolve throughout the current school year and likely beyond. 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 students of color. Moving into the 87<sup>th</sup> session, there are opportunities to address gaps that remain, as well as the current and future needs of students, teachers, and schools.

#### **Multi-Tiered System of Supports**

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.<sup>1</sup> As the state experiences the economic implications of COVID-19, holistically supporting students and teachers as they return to their classroom or remain online should be a priority.

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 build positive learning environments. While studies show a strong relationship between social-emotional skills and academic outcomes, unless school leaders also address existing systemic racism and harmful policies and practices, these strategies will have limited impact for students of color.<sup>2</sup> Establishing a MTSS is a core function of Safe and Supportive School Programs (SSSPs), however 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 students of color are concerning. According to federal data, schools with higher proportions of these students were more likely to report using threat assessments.<sup>3</sup> 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.<sup>4</sup> These inequities raise concern as Texas implements behavioral assessment teams.

We know that mental health concerns including trauma, depression, substance use, and suicide are projected to rise as result of COVID.<sup>5</sup> The emotional and behavioral effects of trauma are known to spike more than a year after trauma exposure. Expertise is required to recognize when a child's behavior may be the result of unaddressed trauma, a mental health concern, substance use, or disability. Without acute awareness in these areas, an interpretation of a child's

actions or behaviors may be incorrect. The state will need to support schools in implementing MTSS, so that behavioral threat assessments do not further exacerbate discipline disparities for students of color 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 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 as many arrests as schools without police, are five times more likely to refer children to the juvenile justice system for “disorderly conduct,” and have increased school suspensions and removals.<sup>6</sup>

Highlighted by COVID-19, the health disparities and inequities for people of color is glaring. These disparities and inequities have long been identified in schools. Research shows that while students of color do not “misbehave” more frequently or more seriously, they are disproportionately disciplined and arrested at school.<sup>7</sup> This may suggest that students of color 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 these children 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.<sup>8</sup> Students with disabilities and students of color are disproportionately affected. Despite making up a smaller percentage of overall student population in Texas, they are disproportionately removed from their classrooms and arrested more than white students and those without disabilities.<sup>9</sup>

Punitive discipline negatively affects students’ senses of safety, well-being, and abilities to learn.<sup>10</sup> Further, research shows that exclusionary discipline increases the likelihood of lowered academic performance, dropping out, and antisocial behavior.<sup>11,12</sup> 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.<sup>13,14,15,16,17,18</sup>

### **Recommendations**

Building upon the 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 students of color. Some recommendations include:

- Build on the passage of HB 674 (85<sup>th</sup>) 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 and teachers. The mental health needs of students of color require awareness of cultural differences that may exist and should be considered when support and services are provided. Funding should be dedicated to:
  - Restorative discipline measures, specifically for teacher support and FTEs of Restorative Justice Coordinators;
  - Expanding the use of school social workers, LSSPs, and other mental health professionals;
  - School-based youth prevention and intervention services administered by HHSC; and
  - Assisting families in being connected to community-based services, utilizing family liaisons or family-partner support services.

### **Summary**

While the 87<sup>th</sup> Legislature will be tasked with making difficult budgetary and legislative decisions, Texas schools should be able to adequately support the mental health and wellness of all students. Rather than punitive discipline as a response to unaddressed mental health conditions or trauma, it will be important for kids to continue to receive educational services in the classroom or through integrated learning environments rather than exclusionary settings. As a result of the COVID-19 pandemic, it is crucial for Texas to support the increased mental health needs of all students and teachers. As mental health in schools is addressed, inequities and disparities must be in the forefront of these conversations. We appreciate your consideration of the information offered and the recommendations we have provided. As always, we are happy to provide additional information upon request.

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