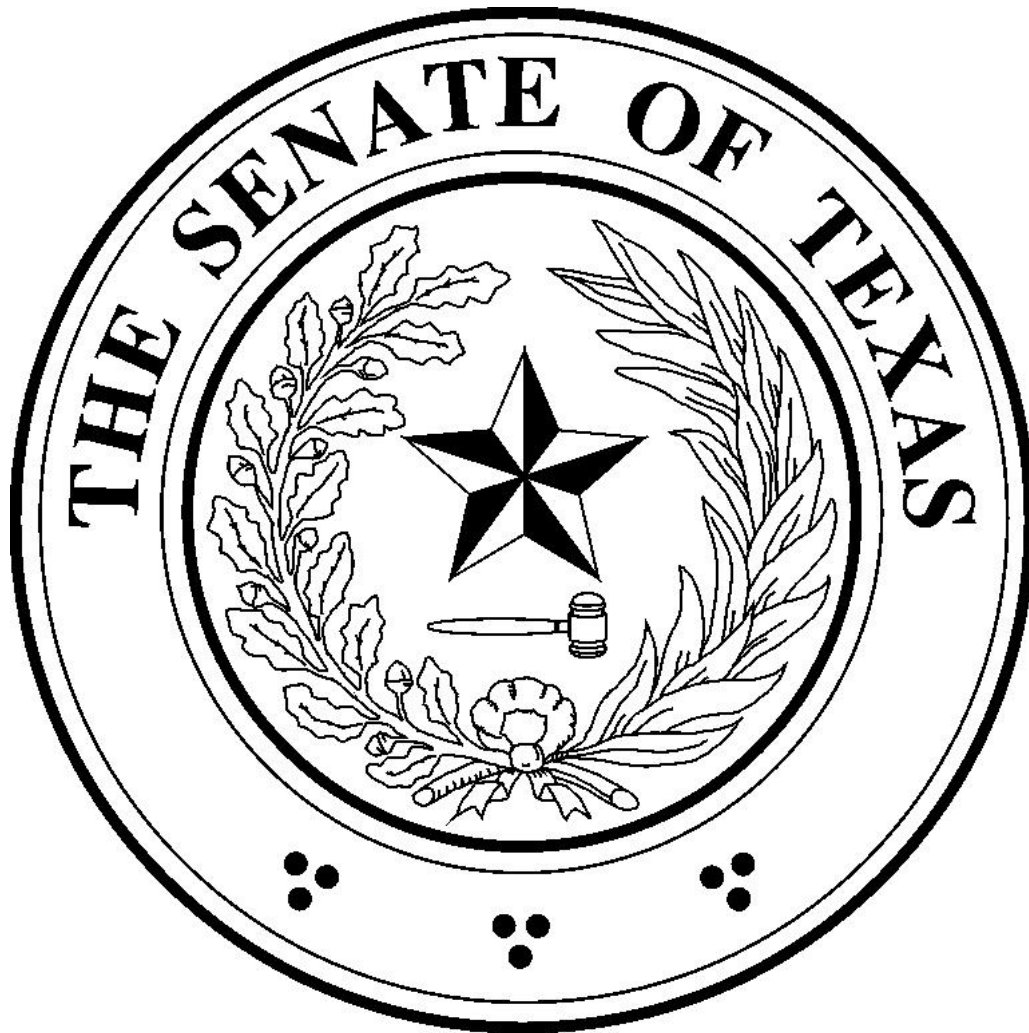


**SENATE SPECIAL COMMITTEE TO  
PROTECT ALL TEXANS**



*INTERIM REPORT TO THE 88TH LEGISLATURE*

*DECEMBER 2022*



December 19, 2022

The Honorable Dan Patrick  
Lieutenant Governor of the State of Texas  
Members of the Texas Senate  
P.O. Box 12068  
Austin, TX 78711

Dear Governor Patrick and Members of the Texas Senate:

The Chair of the Senate Special Committee to Protect All Texans is pleased to submit the final interim report with recommendations for consideration by the 88th Legislature in preparation for the regular session.

Respectfully submitted,

A handwritten signature in cursive script that reads "Robert Nichols".

Senator Robert Nichols, Chair

Members:

Senator Lois Kolkhorst, Vice-Chair  
Senator Brandon Creighton, Vice-Chair  
Senator Judith Zaffirini  
Senator Royce West\*  
Senator Juan "Chuy" Hinojosa\*  
Senator Brian Birdwell\*  
Senator Donna Campbell\*  
Senator Charles Perry  
Senator Paul Bettencourt  
Senator Bryan Hughes

*\*indicates a member has provided a letter included in the report*

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## *Dedication and Acknowledgements*

The committee would first like to acknowledge and remember the lives lost during the tragedy at Robb Elementary School on May 24, 2022. We extend our deepest and most sincere condolences to the families of the 19 children and 2 teachers who were murdered that day. There is nothing that will heal the wounds their families and the Uvalde community feel.

The committee would like to thank Lieutenant Governor Dan Patrick for its creation and for appointing Senator Nichols as chair. We would like to further thank both vice chairs Senator Lois Kolkhorst, chair of the Senate Committee on Health and Human Services, and Senator Brandon Creighton, chair of the Senate Committees on Public Education and Higher Education, as well as the other members of the committee and their staff for their contributions.

We would like to thank those who came forward with their experience to testify and who made many suggestions to better protect the public. The committee would further like to acknowledge and thank the members of the committee's staff who worked diligently on this important mission - Angus Lupton, Tina O'Jibway, Jake Ellis, and especially Shelby Conine, who headed up and coordinated the effort.

We would dedicate these collective efforts to the families who have lost loved ones from acts of violence. The committee submits this report with utmost respect for the victims and acknowledgement that more must be done to ensure the safety of Texas school children.

## *INTRODUCTION*

The purpose of this committee is to examine current regulations regarding school safety, mental health, social media, police training, and firearm safety and make recommendations to improve the laws and practices governing those subject areas. This committee was not tasked with investigating the events of the shooting at Robb Elementary School and this report does not contain any further details of the shooting beyond those that have already been reported.

The committee held two hearings on June 21 and June 22 to discuss the five subject areas it was tasked with examining. When the committee began this process, members were asked to come to the hearings without any specific policy outcomes in mind in order to remain open to all recommendations presented to us. Following those hearings, members and staff worked collaboratively to produce the following report which lists recommendations based on a consensus of the committee members. Letters from some members with additional thoughts or recommendations are included at the end of this report.

## **INTERIM CHARGE 1 - SCHOOL SAFETY**

The Senate Special Committee to Protect All Texans held a hearing on June 21, 2022 and received both invited and public testimony on its charge related to school safety. A digital recording of the hearing is available via the Committee's website.

The hearing included invited testimony relevant to the charge from the following individuals:

- Mike Morath, Commissioner, Texas Education Agency (TEA)
- Dr. Kathy Martinez-Prather, Director, Texas School Safety Center (TxSSC)
- Mike Matranga, School Board Member At-Large, Texas City ISD
- Keith Bryant, Lubbock-Cooper ISD Superintendent, Texas Association of School Administrators (TASA) Legislative Chair
- Jay Kilgo, Vidor ISD Superintendent

### **SUMMARY:**

The Committee heard testimony and discussed varying aspects of school safety, including school infrastructure safety improvements, previous legislation related to school safety, school safety audit procedures, and practices within schools, among other topics. Witnesses testified to the resources currently available, the implementation of previous legislation, current school safety issues within schools, and recommendations for the state to improve school safety.

Commissioner Mike Morath gave an overview of the Texas Education Agency (TEA) and the agency's role in school safety. He then discussed legislation passed in the 86th legislature, Senate Bill 11, and the statutes that govern school safety. He highlighted major components of SB 11 that pertain to safety including required multi-hazard operations plans which are approved by the Texas School Safety Center (TxSSC), security audits which are reviewed by the TxSSC, facility standards as adopted by TEA, the Safe and Supportive Schools Program through TEA, and the establishment of Behavioral Threat Assessment teams in school districts. The Texas School Safety Center (TxSSC) is the state's central repository for school safety and security information. The TxSSC reviews school safety audits and assists schools in developing school safety plans and security protocols. It also provides trainings, establishes best practices, and develops model policies and procedures to assist school districts. Commissioner Morath then explained the major components of SB 11 that pertain to mental health. Those components include directing TEA to develop a statewide plan to ensure students have access to mental health services, establishing the Texas Child Mental Health Care Consortium, requiring trauma-informed practices in schools and trainings approved by TEA, and curriculum changes around mental health, suicide prevention, and digital citizenship. He highlighted the school safety allotment of \$9.72 per average daily attendance and the school safety grant through TEA that provided \$100 million in funding for physical upgrades to schools. Commissioner Morath went on to describe additional duties

prescribed to TEA which fall into a few major areas: rulemaking, grants and funding, oversight, data collection, incident response, facilities and access control, and behavioral threat assessment. The agency also provides trainings, technical assistance, and implements certification requirements. Commissioner Morath said that TEA will work with TxSSC and Advanced Law Enforcement Rapid Response Training Center (ALERRT) to improve training, technical assistance, and make updates as needed.

Senator Kolkhorst discussed truancy and the enforcement of current truancy laws. There have been problems enforcing truancy laws that were exacerbated by the COVID-19 pandemic.

Senator Zaffirini asked questions about preparedness training and the effect such exercises may have on students. Commissioner Morath explained that live shooting simulations should only be done on Saturdays when students are not on the campus. Other drills like fire, tornado, and some lockdown drills are appropriate to conduct with students on campus. The agency will be providing clarity on types of drills, when they should be conducted, and who should participate.

Senator Zaffirini and Senator Hinojosa asked questions regarding which entity ensures that schools are in compliance with the provisions of Senate Bill 11. Commissioner Morath explained that multiple entities are responsible for ensuring compliance and that TEA is responsible for responding to complaints. There is no pro-active entity within TEA that checks compliance. He elaborated that there is also no third-party auditing system for schools. It was always contemplated as a self-auditing system. Further discussion ensued about the need for a single auditing system to check schools and not having multiple agencies with regulatory authority over school safety. Many entities, including Texas School Safety Center, TEA, Education Service Centers, Health and Human Services Commission, Local Mental Health Authorities, ALERRT, Texas Child Mental Health Care Consortium, and others, have a hand in the school safety eco-system.

Senator West asked what steps TEA is taking immediately to ensure safety before students return to campuses in the fall. The agency is conducting a full facilities access point review, an evaluation of issues that arise from the facilities review, evaluating safety policies at schools, and the status of each school districts Safety and Security Committee. That review will encompass a check on every one of the roughly 340,000 exterior doors in Texas schools. Commissioner Morath emphasized that the agency does not currently have the regulatory authority to conduct third-party security audits of schools at this time.

Senator West and Senator Perry discussed new facility construction requirements, including locking mechanics, mapping, identification of buildings and rooms, and other facilities requirements in schools. They also brought up audits showing that many districts in Texas had insufficient or no Emergency Operations Plan (EOP).

Senator Perry brought up issues with the discipline systems and different available options for school districts. They discussed Discipline Alternative Education Programs (DAEP) and Juvenile Justice Alternative Education Programs (JJAEP). Questions arose about placement in JJAEP and whether certain behaviors met the statutory standards to qualify for JJAEP. Commissioner Morath explained the way Chapter 37 of the Education Code is structured might not be ideal for addressing

behaviors schools are experiencing today and that there may be limits to what schools can do statutorily. He acknowledged that DAEP and JJAEP could both be reformed and needed capacity support.

Senator Bettencourt discussed the threat assessment procedures in place in schools. Commissioner Morath noted the prevalence of absenteeism as an indicator that would trigger actions within the school to help the student. They also discussed how students who are chronically absent are promoted through elementary school. Only about 0.5 percent of students are held back each year. A student cannot get course credit if they are absent for more than 25 percent of the school year under state law. However, if they do not fall under that category, a plan is developed to continue progression through school.

Senator Bettencourt and Senator West asked about bond proposals and security plans within those packages. They discussed DAEP programs and how they relate to mass shooters, if they relate at all. Commissioner Morath pointed out that the Secret Service conducted a report on mass shooters to determine if there was a "profile" or common characteristics many shared and concluded there is not one profile that fits all mass shooters.

Senator Nichols asked questions about facilities standards for new construction versus existing construction. Commissioner Morath explained that all new construction has to meet minimum standards that are set by rule by the agency. The agency is now seeking to retroactively apply some of those standards to older construction and leased property.

Senator Nichols and Senator Taylor asked for clarity on discipline and how schools discipline records affect their accountability scores. Commissioner Morath clarified that under state law, schools do not receive adverse marks for an increase in discipline infractions. However, under federal law, schools with an increase in discipline infractions for special education students will be negatively effected on their performance review.

Senator Nichols talked about a framework for school safety review teams that could visit campuses multiple times a year to check for key vulnerabilities. Commissioner Morath noted that he has been working with the leadership of TxSSC to develop an integrated team that could accomplish that. He mentioned it would be distinct from a facilities review.

Senator Kolkhorst asked questions about mental health supports and how previous legislation impacted the mental health system within schools. Commissioner Morath outlined the financial structure of Senate Bill 11, explaining that the only dollars school districts had complete control over was the school safety allotment. Those funds can be spent on prevention and mental health support. Members continued asking questions about the school safety allotment and the idea of creating a school safety allotment "floor" that would guarantee a minimum funding level for each district.

Dr. Kathy Martinez-Prather, Director of the Texas School Safety Center at Texas State University was called to testify. Dr. Martinez-Prather gave an overview of the TxSCC including its mission as the clearinghouse for the dissemination of safety and security information, including training,



technical assistance, and best practices for K-12 schools, charter schools, and junior community colleges. TxSSC provides training for teachers, administrators, school-based law enforcement, and other personnel on emergency operations planning, drilling and exercising, safety and security audits, school behavioral threat assessments, and specialized training for school-based law enforcement. The Center trained 18,000 school personnel and school-based law enforcement in 2021 and 38,000 completed the agency's online courses. The Center collects school safety and security audit information from schools and reviews their emergency operations plans. Districts conduct their own safety and security audits every three years and report the results to TxSSC. The goal is to identify gaps, make corrective improvement, and make further recommendations. She then explained the process for compliance with TxSSC directives. If districts do not comply, they must have a school board meeting to let the community know about the failures and their plan to address that failure. There is then a time period within which corrective action must be taken. If it's not taken, TEA has the authority to appoint a conservator. She then discussed behavioral threat assessment teams. These teams have expertise in counseling, behavior management, substance abuse, mental health, special education, school administration, and law enforcement. They are available to each campus. The purpose of the teams is to connect students with resources before an act of violence occurs. They provide a proactive, evidence-based approach to identify individuals who may pose a threat, not just to others but also to themselves, and intervene to provide appropriate resources to improve the safety and wellbeing of the person in crisis and the school. The goal is not to punish the child. Dr. Martinez-Prather emphasized that these teams are essential in preventing violence. TxSSC is required to provide behavioral threat assessment training. The training has four parts: identify students of concern, gather information about them, evaluate information to see if the students pose an imminent threat to themselves or others, and develop and implement a plan to manage the situation and reduce risk. The center has trained over 23,000 personnel who serve on threat assessment teams.

Dr. Martinez-Prather testified that the Center conducted a high level review of districts' multi-hazard emergency operations plans (EOP) beginning in 2020. During the review, they identified only 67 districts that had a viable, comprehensive EOP. Viable plans were defined as those which followed best practices and had all elements required under the Education Code. The remaining 955 districts all had a basic plan in place, but had areas for improvement. Since that report, all school districts have a basic plan in place. Further, Dr. Martinez-Prather discussed how drills are required to be part of all districts' EOPs. Districts are required to conduct one secure drill, two lockdown drills, one evacuation drill, one shelter-in-place drill, one severe weather drill, and four fire evacuation drills. In addition, Dr. Martinez-Prather explained that every school district is required to have a safety and security committee tasked with overseeing the development and implementation of the EOP, reporting safety audit data to TxSSC, making recommendations to the school board for improvement, and other required tasks. The committee makeup is specified in law and is required to meet three times a year.

Senator Hinojosa asked questions about the number of districts currently in compliance with all TxSSC directives. Dr. Martinez-Prather noted there is one district that is not in compliance and will be having a public hearing. Members also asked questions about how many schools are in

compliance with all aspects of previous legislation, Senate Bill 11. Dr. Martinez-Prather explained that there are many elements to SB 11 and schools are required to self-report most components.

Senator Perry and Senator Campbell asked if the Center had adequate staff. Dr. Martinez-Prather explained that with Governor Abbott's directive to conduct intruder assessments at every district this fall or a more comprehensive audit, TxSSC does not currently have enough staff to accomplish that. Members discussed the need to hold school districts accountable for lax security efforts through audits.

Senator Creighton asked questions about the behavioral threat assessment teams and data related to the outcomes of the work of those teams. Dr. Martinez-Prather explained that TEA is tasked with collecting the data on the outcomes of behavioral threat assessments and any disciplinary actions that were taken. Members asked for that data to be shared with the committee.

Senator Zaffirini asked if the requirements of SB 11 and Chapter 37 of the Education Code were comprehensive and specific enough to safeguard and harden schools. Dr. Martinez-Prather replied in the negative. Members continued asking questions about specific facilities needs and pitfalls within schools and the financial aspect of school safety. Dr. Martinez-Prather pointed out the TxSSC does not have oversight into how school districts prioritize different school safety needs in their budget process. She said they would like the opportunity to facilitate and educate boards on what they should be prioritizing. When asked if schools should prioritize hardening assets or hiring school resource officers when they have limited resources, Dr. Martinez-Prather stated while both are better, she would prioritize hardening schools.

Senator Zaffirini asked for specifics on what the Center was looking for in EOPs and in audits. Dr. Martinez-Prather outlined several components that the Center looked for specifically, beyond just active response. She discussed the process of reviewing the plans submitted to TxSSC, how the Center helps school districts with continued improvements to their plans, and explained that plans are collected at the district - not campus - level. She also discussed the criteria that is used by TxSSC to rate EOPs. She explained that there was a discrepancy between what districts were reporting to TxSSC in their audit reports and what the TxSSC saw in their EOPs. Dr. Martinez-Prather further explained that school districts conduct their own audits by law and then submit that information to the Center. Members asked if the Center was understaffed and Dr. Martinez-Prather replied in the affirmative. She also said TxSSC does not have clear authority to do follow up compliance checks with school districts.

Senator West discussed the timeframe within which plans should be sent to TxSSC. Dr. Martinez-Prather suggested that it would be helpful to tighten up the timeframe within which districts must submit their EOP to TxSSC. She said there's too long of a gap between when TxSSC requests a plan and when the school district must supply the plan or be considered not in compliance.

West asked questions about the implementation of recent legislation, specifically as it relates to training of school board members. Dr. Martinez-Prather explained that TxSSC had developed a training for school board members related to school safety in conjunction with the State Board of

Education (SBOE), as directed by the legislature. The training program is currently at the SBOE and would be implemented this fall for all school board members. SBOE oversees compliance.

Senator West asked specifically if Uvalde ISD had an active shooter plan in place as part of their EOP. Dr. Martinez-Prather said that while they did have a plan, their actions did not comply with the elements of their EOP. Senator Hinojosa and Senator Taylor further asked if TxSSC was charged with doing after action reports on how a district responded to an event and if they followed their plan. Dr. Martinez-Prather responded in the negative and stated they did not have the authority to do so and that no agency had the express authority to do so.

Mike Matranga, School Board Member At-Large at Texas City ISD, Former Head of Security at Texas City ISD, and Former US Secret Service agent, was called to testify. He testified to his experience in the security realm and behavioral threat assessments. He said while there is no profile of active shooters, there are always pre-attack symptoms, behaviors, and indicators. He said that plans are good, but are meaningless without action. He believes that most plans are there to "check the box" without anyone following up to see if it's actionable. He also stated most plans do not go far enough in terms of planning. He would like the committee to consider behavioral profiling, not racial, gender, or ethnic profiling. He also emphasized the importance of investing in facilities that are secure with access controls, automatic locking mechanisms, and adequate personnel who are appropriately trained and equipped to provide additional layers of security. He highlighted the work he did at Texas City ISD to enhance safety on campuses within the district.

Senator Kolkhorst asked questions about behavioral profiles and commonalities between those profiles. Mr. Matranga said some of those characteristics include severe childhood trauma like sexual abuse, physical abuse, or verbal abuse, early drug use, lower socioeconomic status in *some* instances, truancy issues, and some mental health conditions, to name a few.

Senator Kolkhorst asked specific questions pertaining to the Uvalde shooter and what behaviors he may have displayed that were indicative of a student in crisis. Mr. Matranga explained some behaviors that he believed would have been indicators, but said he couldn't speak to it entirely as he didn't have the full picture. He went on to say that discipline in schools is a problem and should be looked at by the committee.

Mr. Matranga went on to explain a scenario at Texas City ISD whereby a student was detained for making a threat against a teacher. It later became apparent that the student had a lengthy disciplinary record at the school, but that many incidents had been mis-coded as "Code of Conduct" violations when in reality the behaviors were assaultive, in his opinion. When he asked about the practice of mis-coding the incidents, the school said they were worried they would be "dinged" by the state and would face financial penalties. Mr. Matranga explained that in reality it would have been the federal government that "dinged" the school, but nevertheless, schools are feeling the pressure to avoid being deemed an "unsafe school."

Later in the hearing, Chairman Nichols called Keith Bryant, Lubbock-Cooper ISD Superintendent and Texas Association of School Administrators Legislative Chair, and Dr. Jay Kilgo, Vidor ISD Superintendent, to testify. Mr. Bryant discussed the security protocols the district has in place on

each campus including having at least one school resource officer per campus. He highlighted three integral functions they serve: deterrence and surveillance, building relationships with the community, and constant security for all events on campus. He discussed hardening measures that Lubbock-Cooper ISD has taken to ensure security, including multiple layers of security, locked doors, and secure access. He emphasized the role of mental health treatment and supporting students who are struggling. Mr. Bryant also wanted to ensure that security plans were kept confidential and that emergency operations plans, floorplans, and other safety documents and procedures would not be released to the public. Finally, he discussed the school safety allotment and how it's used at Lubbock-Cooper ISD. With the allotment allocating \$9.72 per average daily attendance, the district receives roughly \$73,000 per year under the allotment. Their current commitment to safety and security for personnel, benefits, training, and equipment is \$810,000 a year. He explained that the safety and security of their campuses is a commitment the community has been willing to make, but that the current allotment should be increased. He acknowledged there should be flexibility in size and location, but that it's important to increase the total allotment.

Dr. Jay Kilgo testified about his experiences as a superintendent in a slow-decline, small, rural district. He noted that out of their \$40 million budget, he spends over half a million dollars on safety and security. Under the allotment, he receives far less than that. He said they have four officers and six security guards at their six campuses. They do not have an officer at every campus, but they're close. In terms of facilities, the district is composed of older buildings with newer wings built after hurricane damage. The district emphasizes locked doors, controlled access, drilling, and after action meetings on drillings. For mental health, they utilized grant funding to hire mental health professionals in the wake of Hurricane Harvey. It is now part of the district budget. He mentioned that the average district spends \$113 per student on school safety.

Senator Campbell asked how much value the audit process through the TxSSC added. Mr. Bryant and Dr. Kilgo said they valued the audit for the feedback from the TxSSC and having another set of eyes on district documents.

Senator West asked the superintendents what the consensus was within their districts on raising the age to purchase a semi-automatic weapon to 21. Both replied that they have not heard opinions regarding raising the legal age and discussion had been focused mostly on the safety of students and the tragedy at Uvalde. TASA had not taken an official stance on raising the age at that time.

Senator West asked about funding for school safety and school safety committees. The superintendents said that parents are more concerned with the efficacy of security measures rather than the amount spent. Dr. Kilgo added that local discretion allows ISDs to determine how funds are spent to best serve local needs.

Senator Zaffirini asked about ISDs that did not adopt or implement active shooter plans and how to address that. The superintendents felt school boards had the responsibility to hold their superintendents accountable for that. He pointed to the school safety audit system that holds schools accountable. Mr. Bryant again emphasized the need for confidentiality for school safety and publishing data or other specifics may be more harmful than helpful.

Questions were asked about how ISDs interacted and communicated with local, county, state, and federal law enforcement to prepare for emergencies. Mr. Bryant said they collaborated with all levels of law enforcement to conduct drills on campuses and on the emergency operations plans. Dr. Kilgo reiterated the same. He added that the school safety and security committees were valuable and helped coordinate and plan. Members asked about equipment needed on campus for security personnel. Each superintendent had different types of equipment and both hoped to continue upgrading their equipment with the safety allotment. Follow up questions about arming teachers were posed and Mr. Bryant said they left that to the trained police officers they hired, so arming teachers was not necessary. Dr. Kilgo echoed the sentiment that they would rather arm other, trained employees.

Senator West asked how the superintendents would feel about a letter grade system to rate ISDs on school safety. Mr. Bryant said he was not in favor of a letter grade system. He said that districts should be allowed time to rectify problems and that a public list would allow bad actors to target schools whose security is deemed insufficient. Dr. Kilgo agreed and expressed concern that the diverse needs and situations of each district might not be reflected under a letter grade system. He added implementation would be overly complex. Members continued discussing a letter grade systems and how that would incentivize rapid improvement.

Senator Kolkhorst discussed parent involvement and how that affects students. The superintendent said parent involvement led to more productive students. He said schools must do all they can to communicate with parents regarding students' behavior as well as their academic achievement. Follow up questions regarding truancy came up and both superintendents said they have experienced an increase in truancy issues since changes in law removed the ability to criminally charge truant students. COVID-19 has only exacerbated the problem.

Senator Kolkhorst and the superintendents discussed mental health care for students. In Lubbock-Cooper ISD, the district hired two licensed professional counselors on staff, in addition to school counselors. At Vidor ISD, the district received grants after Hurricane Harvey from the Red Cross and Texas Children's Hospital. He said the district contributes resources and provides mental health support through Texas Child Health Access Through Telemedicine (TCHAT).

### **Since the Hearing**

Since that hearing, the Legislative Budget Board (LBB) has executed its authority twice to appropriate additional dollars for school safety. In late June, LBB transferred \$7 million to the Texas School Safety Center for on-site campus assessments to evaluate access control measures and \$17,104,000 to TEA for distribution to school districts to allow for the purchase of silent panic alert technology. In late October, LBB transferred \$400 million to TEA to assist school districts in replacing or upgrading doors, windows, fencing, communications, and other safety measures. TEA also developed new facility safety standards for existing facilities, which were also released in late October. Those additional standards and proposed rules are included in the appendix of this report.

## RECOMMENDATIONS:

Regarding its interim charge on school safety, the Committee makes the following policy recommendations:

*School Safety Review Teams:* Consider legislation that would create School Safety Review Teams that check key vulnerabilities as established by the Texas School Safety Center on a semiannual basis. The team would be administratively housed within the Texas School Safety Center, but would physically work out of each regional Education Service Center. On-site vulnerability assessments of each campus would be announced to the superintendent within a week of the review. These teams would function as an accessible resources within ESCs for districts who have questions or concerns about their emergency operations plans, safety and security committees, drilling, or other guidance. The results of their review would be reported to the superintendent and the school safety and security committee.

*School Safety Allotment:* Consider changing the school safety allotment to better reflect the specific school security needs of individual campuses. Adjustments could follow based on campus size, but current funding mechanisms do not reflect the basic costs of securing a campus no matter how many students attend on a daily basis. Some of the state's smallest districts are getting less than \$800 per year for school safety for the whole district. The legislature should consider an allotment that reflects the needs of each campus to hire or train personnel, purchase and maintain technology, or other school infrastructure measures.

*School Safety and Security Grant:* Consider continuing to fund the School Safety and Security Grant as established by SB 500 (86R) for facilities improvements and other, one-time school safety projects in school districts. TEA should use a need-based system that accounts for the age and condition of facilities to award grants and establish baseline safety and security standards for each facility. TEA recently completed a review of all facilities standards and developed new baseline standards for each campus. A summary of the proposed rule changes are attached in the appendix.

*School Marshal Program:* Consider legislation to improve the school marshal program. Currently, the program is limited by capacity restraints. The Texas Commission on Law Enforcement (TCOLE) testified that there are only two licensed training providers for school marshals in the state located in College Station and Abilene. That leaves large portions of the state without a training provider within the region. Consider directing TCOLE to allow more licensed training providers across the state to create more access to the program. Additional locations could be provided at existing police academies across the state. An expansion of this caliber may require start up funding from the legislature for hiring more personnel to teach the course at police academies.

Additionally, to ensure that our school marshals are adequately prepared to fulfill their mission of preventing the act of murder or seriously bodily injury on school premises, the legislature should consider adding ALERRT training to the school marshal training in lieu of the current active shooter training school marshals receive. ALERRT training is considered the gold standard for active shooter response training and school marshals should certainly be receiving the best training possible to fulfill their role.

The Legislature should also consider expanding the list of eligible persons who can become a school marshal. Currently, school marshals must have a valid license to carry. The Legislature should consider adding retired peace officers and honorably discharged veterans who do not have a license to carry to that list. Retired peace officers and honorably discharged veterans have extensive training with firearms over the course of their careers. Adding them to the list for school marshals would expand the pool of eligibility.

Lastly, school marshal training is currently only offered during the summer due to the length of the course and the inability of school personnel to take that much time off during the school year. To address that barrier, the legislature should consider directing TCOLE to develop a version of the training that could be taught over several consecutive Saturdays during the school year. Removing barriers to entry in the school marshal program is imperative to expanding the presence of school marshals on our campuses.

As an increase in school marshals occurs, so would the demand on the Governor's School Marshal Grant program, which pays for tuition, fees, and other qualifying expenses for school marshal training. The legislature should consider increasing the funding for the grant program to allow more qualified applicants to attend training.

*Truancy:* The Legislature should consider legislation to make further improvements to the truancy system. During the 84th Legislature, House Bill 2398 passed and aimed to decriminalize truancy by repealing the criminal offense for skipping school, among other provisions. The offense of Failure to Attend School changed from a Class C misdemeanor to a civil offense called "truant conduct." Additionally, the legislation required districts to enhance interventions to address truant students and their behavior before referring a student to court. The intent of the law was to use truancy courts as a last resort and to prevent the school-to-prison pipeline. The new law still includes criminal misdemeanors for parents who contribute to their student's nonattendance, but only if a school can prove the absences were the result of the parents' negligence. The effect of this legislation has complicated the truancy process. Superintendents testified that districts have had issues with truancy due to these changes. Districts find the process exhaustive and lacking teeth. As such, the legislature should consider improvements to truancy law allowing districts more authority and options to handle truant students, including but not limited to mandatory home visits by school district personnel for chronically truant students or mandatory meetings with the school for parents or guardians.

*Discipline:* Consider legislation to improve Chapter 37 of the Education Code, which houses statutes on discipline in schools. Throughout the hearings, multiple members and witnesses described continued issues with certain definitions and limitations within Chapter 37. The construction of the chapter no longer serves students or the community. Additionally, the legislature should consider legislation to allow student discipline records or any behavioral threat assessments to follow the student if they move from district to district. This would allow administrators and teachers to identify students who may pose a threat to the community they are moving into.

*Delineation of responsibility between TEA and the Texas School Safety Center:* During the course of the committee's hearings, it became apparent that the school safety space has many stakeholders without clarity on which agencies have jurisdiction over different responsibilities. As such, the legislature should consider clearly defining each agency's role in the school safety process. TEA should be the primary apparatus for enforcement and investigation as it pertains to school safety. The Texas School Safety Center should become formally attached to TEA. They will be overseen by the new School Safety Chief position created within TEA that answers to both the Commissioner and the Governor. TEA has existing infrastructure for rulemaking, enforcement, investigations, and other state agency responsibilities. Districts already have an existing relationship with TEA and bringing clarity to the school safety environment is vital for its continued improvement.



## ***INTERIM CHARGE 2 - MENTAL HEALTH***

The Senate Special Committee to Protect All Texans held a hearing on June 22, 2022 and received both invited and public testimony on its charge related to mental health. A digital recording of the hearing is available via the Committee's website.

The hearing included invited testimony relevant to the charge from the following individuals:

- Dr. David Lakey, MD - Presiding Officer, Texas Child Mental Health Care Consortium; Vice Chancellor for Health Affairs and Chief Medical Officer, UT-System
- Dr. Laurel Williams, DO - Medical Director, Texas Child Mental Health Care Consortium; Chief of Psychiatry, Director of Residency Training, and Associate Professor of Psychiatry and Behavior Sciences, Texas Children's Hospital and Baylor College of Medicine
- Sonja Gaines, Deputy Executive Commissioner - Intellectual and Developmental Disability and Behavioral Health Services, Texas Health and Human Services Commission
- Chance Freeman, Director - Disaster Behavioral Health Services, Texas Health and Human Services Commission
- Wayne Young, CEO, Harris County Community Center
- Dr. Celeste Caballero, Pediatrician, Texas Medical Association
- Dr. Roshni Koli, Director - Pediatric Mental Health, Dell Children's Medical Center
- Dr. Stephanie Chapman, PhD, Director of Primary Care Psychology, Texas Children's Hospital
- Dr. Andy Keller, PhD, President and CEO, Meadows Mental Health Policy Institute

### **SUMMARY:**

Dr. David Lakey MD, Presiding Officer of the Texas Child Mental Health Care Consortium (the Consortium) and Dr. Laurel Williams, DO, Medical Director for the Child Psychiatric Access Network (CPAN) and the Texas Child Health Access Through Telemedicine (TCHAT) programs at the Consortium gave a report on the Consortium's activities.

Created by Senate Bill 11 in the 86th Legislative Session, the Consortium's mission is to advance mental health care quality and access for all Texas children and adolescents through inter-institutional collaboration, leveraging the expertise of the state's health related institutions of higher education (HRIs), local and state government agencies, and local and state mental health organizations.

The Consortium is administratively attached to the Texas Higher Education Coordinating Board (THECB) and staffed by the University of Texas System. It is comprised of 35 committee members, 26 of which represent HRIs and medical schools in Texas, HHSC, three non-profit organizations (the Hogg Foundation for Mental Health, the Meadows Foundation, and the Texas

Council of Community Centers), a hospital system (Children's Health), THECB, and Baylor Scott & White, and the UT System.

The Consortium is tasked with five bodies of work:

Child Psychiatric Access Network (CPAN) This program offers provider-to-provider consultations related to specific patients or general questions, care coordination, and training to pediatric clinicians to assist with identifying and treating mental health issues in their young patients. Dr. Lakey testified that the goal of the program is to help coordinate care and provide resources for primary care physicians, allowing them to speak to a psychiatrist within 30 minutes. Providers can call as frequently as necessary regarding a patient.

Texas Child Health Access Through Telemedicine (TCHAT) TCHAT provides telemedicine and telehealth programs to school districts to help identify and assess the behavioral needs of children and adolescents and provide access to mental health services. With parental consent, Texas children and their parents or care-givers can access board-certified child psychiatrists, psychologists and licensed therapists. Dr. Lakey testified that it can be very challenging to find urgent mental and behavioral health care without traveling significant distances, and that this model allows healthcare to be embedded in school and/or home settings, minimizing disruptions to children's and parents' schedules.

Child and Adolescent Psychiatry Fellowships (CAP) The goal of CAP is to increase the number of medical professionals in Texas who specialize in the diagnosis and treatment of psychiatric and associated behavioral health issues affecting children and adolescents. Partnering with HRIs to add fellowship capacity will, over time, increase the ratio of psychiatrists to children population, reduce the number of designated mental health professional shortage areas, and reduce waiting times to see a psychiatrist.

Community Psychiatry Workforce Expansion (CPWE) This program funds full-time academic psychiatrists as academic medical directors and new psychiatric resident rotation positions at facilities operated by community mental health providers. It collaborates and coordinates community mental health providers to expand the amount and availability of mental health care resources by developing training opportunities for residents and supervising residents at facilities operated by Local Mental Health Authorities (LMHAs) and community mental health providers, as well as increasing the number of Texas-trained psychiatry residents who work in the public mental health system upon completion of their residencies.

Children's Mental Health Research - Through networks established at HRIs, goals for research include better understanding and improving mental health services to address youth trauma, depression and suicide, identifying regional and statewide service delivery gaps to inform policy makers, and to improve the mental health of children and youth in Texas.

The Consortium stands alone in the nation as a model partnership between medical schools, state government, local schools and local providers, including mental health authorities. Established during the COVID-19 pandemic - a time at which many healthcare systems could arguably be seen

as retreating from the expansion of services to instead protect against and treat the transmission of a new and highly communicable disease - the Consortium succeeded in recruiting provider partners and establishing a robust network of referring school districts. It received its first referral to TCHATT only 9 months after authorizing statutes took effect as law.

The Legislature appropriated state funds totaling \$99 million in FY 20-21 and \$118 million in FY 22-23 to the Consortium. An additional \$113 million in federal funds from the American Rescue Plan Act under Senate Bill 8 (87th Legislature, 3rd Called Session) was appropriated for FY 22-23.

As of June 22nd, 2022, 354 school districts had entered into a Memorandum of Understanding with the Consortium for use of TCHATT services, representing 3,155 school campuses and 2,176,528 covered students. Dr. Lakey testified that the most significant challenge associated with expanding TCHATT access statewide was related to workforce issues.

As of May 31st, 2022, TCHATT had 8,422 enrolled providers, 1,564 enrolled clinics, 10,367 completed consults and 9,230 patients served. Services available include supportive therapy, cognitive behavioral therapy, case management, assessments, psychosocial education, as well as many others. Neither students nor their parents pay any out-of-pocket expenses, which are entirely supported by the state.

Dr. Lakey indicated that the greatest challenge to expanding access to mental health services is workforce-related, and spoke to the need to monitor access for those who would have difficulty finding a mental health provider and to ensure equitable access. He gave an overview on how provider-types are based on parental preference, and while TCHATT is designed to facilitate up to 5 consultations, they will work to identify another local provider if longer-term treatment is deemed necessary. Frequently care is available within two to three days.

Over 18,000 students have been served across the state in the Consortium's first biennium of operations. There is a slight preponderance of young women, compared to young men, which is routine in mental health, according to Dr. Lakey. It was noted that young women can be more prone to talking about mental health needs compared to young men. Of the populations served, there appears to be an equal distribution across elementary, middle and high school age populations.

Dr. Lakey spoke to the reasons Texas children are referred to TCHATT. Anxiety (41%) and depression (34%) make up the largest causes for referrals, followed by anger (22%), attention (21%) and low-self esteem (18%). Disturbingly, 17 percent of referrals noted suicidal risk and 14 percent were referred for potential self-harm. TCHATT also includes a metric for harm to others, but the Consortium did not have any specific referrals indicating that risk. Dr. Lake also testified that the COVID-19 pandemic has exacerbated many of these feelings for young people and noted that the busiest times of year are in October, February, and March, which tend to coincide with school testing schedules.

Dr. Lakey testified that for most child mental health problems, the recommended course of care includes psycho-social services or therapy intervention. He stated the vast majority of care in TCHATT is psycho-social intervention including supportive and cognitive behavioral therapy. Roughly one-half of patients who receive services through TCHATT are referred to ongoing care and the overwhelming majority relate to continued psycho-social therapy. Parents are asked for feedback to monitor outcomes, which are largely based on how helpful they felt TCHATT services were for their children. Most children and families state they are doing a lot better, after services are provided.

TCHATT continues to work to expand its services by entering into Memorandums Of Understanding (MOUs) with school districts. Dr. Lakey also shared the Consortium is piloting a project for substance abuse and looking to add bereavement services for those who have experienced loss.

The Community Psychiatric Workforce Expansion (CPWE) program embeds academic psychiatrists in local mental health authorities, allowing healthcare systems to expand the number of trained physicians. Residents get a taste of public mental health services, which may make them more likely to enter that line of work, and insights from academia can be deployed in the community.

The Consortium is currently working with 16 of the 39 LMHAs and 110 residents have participated in the program. These residents have provided 17,546 encounters since the program began. Dr. Lakey shared his recommendations on how to move the CPWE program forward, including more conversations with LMHAs that do not currently participate. Challenges include recruitment of school districts into the program and the ability to expand psychiatry residents and fellowships to support the initiative.

Dr. Lakey spoke about the Child and Adolescent Psychiatry (CAP) fellowship and noted that in 2019, there were 27 first-year CAP fellows in the state. Developing high levels of providers is time-intensive, usually involving four years of undergraduate education, followed by four years of medical training and five to six years of fellowship training. The CAP program allows a student to enter a fellowship after only three years of medical school. This will increase the number of medical professionals in Texas who specialize in the diagnosis and treatment of psychiatric and associated behavioral health issues affecting children and adolescents. Over time, this will increase the ratio of child and adolescent psychiatrists to the child population, reduce the number of designated mental health professional shortage areas and reduce waiting times.

This July, it is expected there will be 46 fellows, with more than half coming from outside the state. Two new CAP fellowship programs have been created as a result of Consortium funding - one at Texas Tech Health Sciences Center and one at the University of Texas Health Science Center at Tyler. One new CAP fellowship is also in development at the University of Texas Rio Grande Valley.

Dr. Lakey recommended the Legislature consider scholarships, grants or repayment-type programs to incentivize more students to pursue careers in these fields, as well as investing in paid-internship

and fellowships, due to the fact many professionals must pay out of pocket for those supervisory hours. He also suggested charging the Legislature to review state health licensing boards with the intent of streamlining licensure to ensure people who move to Texas can expeditiously qualify to practice. Lastly, Dr. Lake noted that the Consortium's programs will only be successful if other systems of mental health are working the way they need to, and how those other systems are similarly struggling to retain and develop their workforces.

If the state does not have the workforce to provide counseling services in schools, it will not be able to identify issues early on in children's lives, providing services and getting them on a path to success. Some strategies will involve long term solutions but are essential to meet children's mental and behavioral health. Families are diverse in their resources. Some may be able to travel to Baylor or other HRIs, but many cannot. Services provided by the Consortium bridge that gap, and equip providers to do their jobs better using technology.

Senator Zaffirini asked Dr. Lakey to characterize the race and ethnicity profiles of people who have committed mass shootings. Dr. Lakey testified that pictures of individuals he has seen that have committed these heinous crimes are generally more Caucasian males, but not exclusively.

Senator Zaffirini stated that a mental health need, or the provision of care does not predict violent behavior. She asked how the state can avoid stigmatizing people who need or receive mental health care. In response, Dr. Lakey answered that the state should continue to have conversations to promote the idea it's okay to ask for help. He also noted that TCHATT prevents children and parents from having to be unnecessarily absent, traveling to access services. He also noted that the Consortium is working with HHSC and other stakeholders to promote youth access to mental health first aid, so children can understand the connection between body and mind.

Senator Zaffirini also inquired about the impact for rural areas. In response, Dr. Lakey noted the importance of telehealth and communities growing their own workforce. He pointed to the the new residency program in Tyler, which includes a component dedicated to rural East Texas. Dr. Lakey spoke to the necessity of providing support to primary care providers that live and practice in rural areas, noting sometimes providers are hesitant to leave a medical center because they have come to appreciate and enjoy the support that comes with a larger practice. He suggested the state should provide opportunities to providers to enhance their careers and get new certifications, without having to come to metropolitan areas.

Dr. Lakey noted that at the time of the mass shooting, Uvalde ISD did not have an operating agreement with the Consortium, but since the tragedy, the Consortium has been involved behind the scenes working to serve the community. Senator Zaffirini asked what kind of services could have been available. Dr. Lakey responded that if a school counselor or teacher thought a child needed to be seen, that after getting the consent of a parent, a child could get TCHATT services. If a child was referred to a pediatrician, and a pediatrician needed advice, the Consortium would help to support the care.

Dr. Lakey testified that TCHATT offers an initial assessment and care. If there are problems that need ongoing care, part of the Consortium's job is to help locate those additional services. Frequently there is a multi-team approach.

Senator Zaffirini asked whether students identified with certain characteristics should be prioritized for mental health services. Dr. Lakey answered that if a child shows aggressive behavior and teachers recognize something is not right, they can refer the child for additional support.

Senator Zaffirini asked Dr. Lakey whether the Consortium has addressed threatening social media posts. Dr. Lakey answered that it has not been part of the work thus far, and that the Consortium's social media presence is still under development.

Senator Lois Kolkhorst shared that she had spent two weeks talking to superintendents in her district, and she was very pleased to hear they were using TCHATT. She asked whether reports of a temporary cessation of new referrals in April of this year were part of the overall workforce issue challenge.

Dr. Lakey answered that the Consortium was tasked with expanding statewide and he could not comment on the specifics. He also discussed how the Consortium is working to share the demand for services with HRIs that may have additional capacity to provide services.

Senator Kolkhorst spoke about the long investment in time it takes to become a child psychiatrist and asked what other workforce availabilities exist to help bridge the gap. She asked whether life coaches, counselors, and social workers are available through TCHATT, because she is skeptical the state can produce enough psychiatrists. Dr. Lakey confirmed there are shortages in counselors and social workers. TCHATT employs Licensed Professional Counselors (LPCs), Licensed Master Social Workers (LMSWs), as well as psychologists. He noted that most psychologists oversee quality and service delivery of LPCs and LMSWs, but can also provide services and assessments.

He shared that of students referred to TCHATT, only about 15 percent end up being seen by a psychiatrist. The other 85 percent are seen by LPCs or LMSWs.

Senator Kolkhorst asked how long records of mental health care services are maintained, how they are kept private and who has access to those records. Dr. Williams answered that records are stored in a secure data management system. She noted these are medical records and fall under the jurisdiction of the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA), which sets very specific limits on how information is stored and shared.

Senator Kolkhorst asked how providers are paid. Dr. Lakey answered that the funding model for the Consortium is derived from general revenue and federal ARPA funds. The Consortium hires individuals to be available to provide services. He noted that the Consortium has not been given direction to bill patients and the intent of the Consortium is to make services available regardless of payor status. These are net free services for Texans and are not currently matched dollars through Medicaid.

Senator Kolkhorst noted that the creation of the Consortium was first contemplated in Senate Bill 10 in the 86th Legislative Session, following the tragedy in Santa Fe, Texas. She shared previous discussions with superintendents concerning different ethnic backgrounds, gender, individuals with developmental disabilities (IDD) and behavioral issues, and asked whether TCHATT helps with special education. Dr. Williams responded that if IDD students receive a referral for TCHATT, the Consortium's team will do an assessment and give suggestions for putting together a long term plan. Dr. Lakey noted the Consortium is not intended to replace existing services in schools, but rather to support them.

Senator Kolkhorst asked how much of the Consortium's work goes towards research, and how that research was defined. Dr. Lakey noted that roughly \$10 million of the total funding is for research, noting that research is not clinical but has two different programs. One research project is at UT Southwestern and is focused on depression and the other is at UT-Austin and focused on trauma.

Senator Kolkhorst asked whether TCHATT services are provided with or without parents. Dr. Lakey noted parental consent is required before providing services, and that, if a parent is not physically involved in the appointment, providers talk to the parents after the fact, which is a standard of care in healthcare.

Senator Kolkhorst noted that the perpetrator of the Uvalde tragedy had been truant on and off since the 5th grade and extremely truant in the last two years. She asked whether TCHATT can help reach a child if they are truant at school. Dr. Lakey expressed hope that for a child in 3rd grade having problems, TCHATT would be able to make a connection earlier in life to connect them with services and counseling support. Senator Kolkhorst noted that TCHATT is serving a wide range of school children by age.

Senator Hinojosa asked why the Consortium provided information indicating that reasons for referral to TCHATT showed zero referrals for the category "harm to others." Dr. Lakey explained that anger and other factors could help to explain that, and Dr. Williams added that data is dependent on what schools identify.

Senator Hinojosa asked what happens in circumstances where a family refuses to provide consent. Dr. Williams answered that the Consortium does not see the child. Dr. Lakey added that the Consortium is required by statute to obtain parental consent. Senator Hinojosa suggested the Legislature needs to revisit this issue to find a way to help students whose parents are not involved in their lives. Dr. Lakey confirmed TCHATT does receive referrals for some children who are not provided with services because their parents do not provide consent to treatment.

Senator Hinojosa discussed how the Legislature has wrestled with workforce issues, and how the state has provided incentives, loan repayment programs, and graduate medical education funding. He noted that a significant challenge is identifying students who need help and are a danger to themselves or others, and questioned whether there are statutory changes needed to help the Consortium complete its mission.

Senator Royce West asked Dr. Lakey whether there is a "profile" of a shooter, asking whether there are commonalities that the Legislature should look at, like anger and depression. Dr. Lakey answered that others may be able to answer that question. Senator West asked whether compensation is a big issue for developing the workforce, and Dr. Lakey said it is, especially for LMHAs to recruit and retain people to provide services. Dr. Lakey also noted that LMHAs have significant staff vacancies, suggesting they are as high as 30 percent or more.

Senator West asked Dr. Lakey to explain the compensation model for providers. Dr. Williams answered that providers are employees of the health related institutions. Salaries are set to be equitable across each of the state's HRI's, usually at the midpoint of salary demand.

Senator West also asked Dr. Lakey to expound on the organizational structure wherein HRIs have a specific catchment area they are responsible for serving. Dr. Lakey explained that UT-San Antonio serves Uvalde ISD and services they are providing including CPAN, working with LMHAs, and discussions to bring TCHATT to the area.

Senator Nichols asked how the Consortium conducts outreach to school districts. Dr. Williams discussed how the Consortium makes presentations to school districts on a regular basis and works with Education Service Centers to help share information. Additionally, the Consortium has a website (<https://tcmhcc.utsystem.edu/>) that provides information on services available.

Senator Nichols asked if any patterns could be detected regarding anxiety, depression, and suicide. Dr. Williams answered that generally, suicidal ideations are more common in middle school and high school students than elementary students.

Senator Nichols asked how frequently a parent refuses to consent to treatment. Dr. Williams answered that those circumstances are rare. He said that difficulty can arise connecting with parents and that follow up data could be provided.

Senator Nichols asked how the state can ensure it employs best practices and what action the Consortium takes as part of its research to share information. Dr. Lakey responded that meetings take place monthly and involve the entire Consortium membership - chairs of psychiatry at state health related institutions, HHSC, LMHAs - the idea is share selflessly and steal shamelessly.

Senator Campbell asked if the Consortium has its own providers. Dr. Williams answered affirmatively, and that TCHATT runs through the HRIs that the Consortium hires. Senator Campbell asked for clarification that TCHATT does not have actual people based in schools, but works with providers procured by TCHATT, who work at facilities throughout the state.

Senator Campbell asked what happens to children who have a limited number of visits with a provider through TCHATT. Dr. Lakey answered that part of TCHATT's mission is to work to refer patients to a psychiatrist in the community if possible, but if a local provider cannot be identified, the Consortium will continue to see the patient. He also noted that LMHAs are partners and can help identify other community providers.



Senator Campbell asked if providers prescribe medications. Dr. Williams answered affirmatively, if medically indicated and with parental consent. Senator Campbell asked if patients were required to be seen in-person before a prescription was issued. Dr. Williams advised that providers can help get in-person visits if necessary. Senator Campbell advised the Consortium to be careful on the use of prescriptions. Dr. Lakey agreed some children may take medications they do not need, and the Consortium may be able to help reduce that issue.

Senator Campbell asked how TCHAT interfaces with emergency rooms. Dr. Williams answered that if children are in crisis, they need to go directly to the emergency room.

Senator Campbell asked whether providers tell parents about outcomes, and Dr. Williams confirmed parents are involved every step of the way.

Senator Campbell asked about CPAN and how direct messages or text add-ons for primary care physicians is facilitated. Dr. Williams explained that a pilot is in development after feedback from providers indicated they wanted a faster way to reach CPAN providers.

Senator Campbell asked whether primary care physicians interact with children. Dr. Lakey gave an example in which a pediatrician sees a child and his or her parent and recognizes an issue in which the pediatrician does not feel comfortable providing care on their own. The pediatrician is able to call CPAN and within 30 minutes, staff is available on the line, listening to the clinical presentation and history and providing a consultation.

Senator Campbell asked if there is video available for CPAN. Dr. Williams answered in the negative, but clarified video services are available for TCHAT.

Senator Campbell referenced material provided to the committee and sought clarification that from Dr. Williams that CPAN is a telehealth service, as opposed to in-person.

Senator Campbell asked about clinical supervision hours for non-physicians engaged in a residency or fellowship. Dr. Lakey answered that licensing boards, including social workers, usually have a specified number of hours that must be completed during their internships, before they can practice independently. He stated it usually takes two years of supervision, including having to pay for those supervision hours out of pocket, unless the person works for a large healthcare system that is able cover those costs.

Senator Campbell stated a desire to help provide support and ensure the provision of mental health care services is measured appropriately.

Senator Bettencourt asked how a person who is outside an established service area can access TCHAT services. Dr. Williams answered that the Consortium will try to refer out because they are required to have a Memorandum of Understanding.

Senator Bettencourt referenced data on total funds appropriated and the number of consults to establish a cost per patient. Dr. Lakey answered that the total funds appropriated are not all

intended for TCHAT. Later testimony would provide more clarity on the cost per consult, which is estimated at approximately \$1,500 per consult.

Senator Bettencourt noted the Santa Fe shooter was recently declared mentally incompetent to stand trial. He wore a trench coat for three to four weeks before committing that tragedy - which was against school policy - but did not prompt some kind of intervention. He made an analogy to looking at grains of sand on the beach, in terms of identifying opportunities to intervene with the Uvalde shooter. Seeing a record of truancy and reports of carrying a bag of dead cats, combined with community members stating they would identify that person as someone likely to commit a school shooting did not prompt some kind of interaction. He asked how the state can identify those grains of sand on the beach, if TCHAT is a solution to a mass shooting.

Dr. Lakey answered that the Consortium is part of an overall solution for Texas. He stated that when an individual like the Uvalde shooter is in middle school, and someone sees something that does not look right or other worrisome signals, they can make a referral to TCHAT. At that point, they will try to link that person with ongoing services in the community. If that child sees their primary care physician and a parent says, "I want to talk to you about these worrisome things that are occurring," a physician has the ability to call a board certified psychiatrist and connect that child with services. Dr. Lakey agreed that multiple times in the Uvalde shooter's life, there could have been an intervention.

Senator Bettencourt asked whether a limit of 5 consultations would have been effective. Dr. Williams agreed that it is important services do not stop. If a connection cannot be made, the TCHAT services will continue.

Senator Bettencourt noted that not all Texans have primary care doctors who can make referrals through CPAN. Not all Texas children have rational parental involvement. He questioned how the state addresses parental involvement.

Dr. Lakey conceded he could not provide a full answer, and noted the work done by the Consortium does not replace the family and the role of the parents. There are children that struggle in Texas because parents are abusive or absent, or for a variety of other reasons. Dr. Lakey stated children need parents who are involved in their children's lives.

Senator Bettencourt described the issue as an intractable problem and lamented that when there is success, it will be very difficult, if at all possible, to know it. When it comes to protecting all Texans, failure is the only visible metric.

Senator Hall stated his appreciation for what the Consortium is doing in reaction to these mental health challenges. He noted that services are increasing, and asked whether needs will outpace the availability of services, given current growth rates. Dr. Lakey noted the confluence of COVID shutdowns and isolation has contributed to an increase in emergency room visits because of mental health needs. He also noted an increase in suicide attempts and tangible increases in demand in already underserved areas of the state. The Consortium helps to leverage existing resources as the state continues to work through workforce challenges.

Senator Hall asked what is being done to determine standards of care in the area of prevention and asked what are the root causes for the growth in mental problems.

Dr. Williams answered that she was unable to identify a root cause, but there is much debate about many factors.

Senator Hall asked if it would be within a standard of care to ask patients that they develop a closer relationship with God to help them. Dr. Williams affirmed that physicians try to understand from where families are coming.

Senator Menendez suggested that parents may not agree to a mental health appointment for their children because of the concern that their child could be labeled as a problem. He asked whether the Consortium has tried to link mental, emotional, and physical health, and further remarked that there is no stigma associated with seeing a physician for a broken bone. In the same way, there should not be stigma associated with accessing mental health services. Dr. Williams agreed, noting that most people she knows have their brains connected to the rest of their body, and how the mind is working is equally as important as how the heart and lungs are working.

Senator Menendez asked if increasing access to social, emotional, and mental health would help give children healthier habits at an earlier age, and how helping children to avoid isolation and encouraging a desire to stay in school would be helpful. Dr. Williams agreed. Senator Menendez asked about how to help incoming teachers and the state's educational systems to have some kind of age-appropriate health day for students, and whether the Consortium was engaged in such activities. Dr. Lakey answered that the Consortium is meant to talk across silos of policy and is engaged with the Texas Education Agency (TEA) on those issues.

Senator Menendez and Dr. Williams discussed how to identify areas where teachers, students and counselors can better talk with each other, given the lack of mental health workforce and to encourage more social emotional counselors.

Dr. Lakey reiterated how the work of the Consortium does not take the place of someone asking, "How was your day?" or, "I see you were struggling, how are you doing?" Counselors can help make a connection.

Senator Menendez referenced the President's Challenge on Physical Fitness and how that challenged students to think about their physical health. He echoed other comments about removing the stigma associated with mental health.

Dr. Williams testified that 20 percent of the adult population has a diagnosable mental health disorder. She noted the American Pediatric Society recommends mental health screening on physical health visits and expressed a desire to help uptrain other individuals.

Senator Menendez talked about how all Texans can have good days and bad days, and how mental health needs exist on a spectrum.

Senator Kolkhorst shared input from superintendents who indicated that a child who is troubled or threatens to kill others may be referred to Disciplinary Alternative Education Programs (DAEP), but that not as many referrals have taken place. Instead, that child may be gone for three days at a Residential Treatment Center (RTC) or a mental health hospital, but they end back up in the school system. She inquired whether some children may pose a threat to society and asked what the state can do about that issue.

Senator Nichols noted the Committee spent time discussing that issue the previous day. He reiterated that schools showing higher levels of disciplinary actions can result in penalties from both the federal government and the TEA. He noted that neither private schools nor charter schools have to put up with problematic students, so they all get stuck at public schools.

Senator Kolkhorst suggested the Senate needed to discuss this issue as a body, and asked whether a person who makes a violent threat deserves to come back to school.

Senator Creighton pointed out this is not just a federal issue, but also a state issue. If a school district is entering data on a "code of conduct" issue, instead of some kind of imminent threat assessment category, at some point the public will find out. He noted that if 30 children are pulled out of a school because there's that stigma that schools are not accurately reporting data, that would equate to \$300,000 bill for the district, based on how the state pays for schools based on attendance, and not enrollment.

Senator West asked whether the statement, "I'm going to beat you up," is a threat. Senator Kolkhorst clarified the example she shared was a threat to kill a school district staff. Senator West urged the committee to be careful about profiling, particularly when looking at the ethnic composition of Texans in DAEP programs. He argued a disproportionate number of DAEP students look like himself or Sen. Hinojosa. Senator West also raised challenging questions on how to differentiate between threats that can be actually carried out, sourcing the origin of threat information, and determining the veracity of what a student says.

The next panel, comprised of Sonja Gaines, Deputy Executive Commissioner for Individuals with Developmental Disabilities and Behavioral Health Services at HHSC, and Chance Freeman, Director of Disaster Behavioral Health Services at HHSC, were called to testify. Commissioner Gaines gave an overview of behavioral health services available through HHSC that are primarily contracted through LMHAs and other non-profit organizations. Director Freeman talked about the work of the disaster behavioral health services.

Commissioner Gaines introduced herself and stated she has seen tremendous support and investment in mental health services during her eight years with HHSC. These investments have created a well-established network and infrastructure.

The Behavioral Health Coordinating Council was created in 2015 under a bill authored by Senator Jane Nelson. The council is made up of 23 state agencies, including TEA, Juvenile Justice, TDCJ, as well as the Children's Mental Health Care Consortium. It meets on a regular basis and has produced quality outcomes and initiatives. The council has formed very close working

relationships, partnering on initiatives and been instrumental in building up programs and reducing duplication. The Council has helped achieve a better understanding of the finance appropriated to mental health and there is approximately \$8 billion appropriated across state agencies for behavioral health services.

HHSC works with 39 LMHAs to provide a standard array of services for both children and adult outpatient services, crisis services, and a variety of other grant programs. Increasingly, peer services are becoming available. All 39 LMHAs are certified as national behavioral health clinics, which require service infrastructures, including a crisis array. An emerging focus is on integrated health, which includes mental health, substance abuse, and physical health.

LMHAs work with local hospitals providing community in-patient beds. Commissioner Gaines noted the significant investment in state hospitals and noted the state has also added hundreds of community beds that are instrumental in serving people in their own community.

Commissioner Gaines discussed the array of 24/7 crisis services call lines and prevention and early intervention. Every one of the 39 LMHAs are required to have a call center answered by a live person. They are also required to have mobile crisis teams, so that if triage requires a mobile response, LMHAs have certified staff who can go out and respond.

Commissioner Gaines also gave an overview of Mental Health First Aid Training, an 8-hour evidence-based training available to school district personnel and other interested individuals. In 2014, approximately 3,000 trainings were provided. Due to a focus on providing more training in schools, and as a result of a bill authored by Senator Schwertner, over 134,000 individuals have now been trained. Over 76,000 of those training recipients are employed in school districts.

Commissioner Gaines discussed Behavioral Health Matching Grant programs, including the Mental Health Grant Programs for Justice Involved Individuals, the Healthy Community Collaboratives program, the Community Mental Health Grant program, and the Texas Veterans + Family Alliance Program. Feedback gathered to determine the effectiveness of these programs has been encouraging, indicating as much as a 90 percent return on investment, in terms of reduced use of the hospital services or people becoming incarcerated. She noted that over 6,000 residents in rural areas received services in FY 2021. Within the Mental Health Grant Program for Justice Involved Individuals, 640 Texans who were previously incarcerated received re-entry services and 98 percent of those individuals at risk for re-arrest were not re-arrested, while enrolled in services.

Commissioner Gaines discussed the matching grant program, noting the population size of a county or LMHA affects the matching amount. Counties with a population of less than 100,000 have a 1-to-4 match, meaning every dollar raised locally draws four dollars in grant funding. Counties with a population greater than 100,000 have a 1-to-1 match. This allows communities to identify unique challenges they are facing and fund them. Commissioner Gaines noted particular success in jail diversion programs, and for veterans, equestrian therapy.

Commissioner Gaines acknowledged workforce challenges, noting that behavioral services provided by LMHAs served close to 300,000 individuals in FY 2021. She discussed vacancy

rates and caseloads, that can vary depending on the type of care being provided. For example, a caseworker supporting an office-based psychiatrist may have a caseload of 250 individuals. A vacancy rate of 50% doubles their caseload to 500 individuals. Commissioner Gaines noted that LMHAs also document and bill for their services, as well as serving indigent populations, creating a heavy load of documentation.

Other challenges Commissioner Gaines identified include the availability of in-patient beds for children and how forensic bed capacity has outpaced civil commitments. While the Legislature has supported some of these needs for inpatient services, the pandemic required adjustments to be made.

Commissioner Gaines gave an overview of the Disaster Behavioral Health services provided to the Uvalde community since the tragedy. Through the LMHA and in partnership with Texas Children's Mental Health Consortium, over 1,600 individuals have been seen. A team of approximately 70 peer volunteers have provided services to approximately 1,000 first responders.

At the direction of the Governor, a 24/7 support telephone line was established, which can be reached at 888-690-0799. As of June 21st, that center has taken 335 calls. A resiliency website, [www.UvaldeTogether.org](http://www.UvaldeTogether.org), was stood up to help people understand where they can go for resources. The Federally Qualified Health Clinic (FQHC) in Uvalde has served over 700 citizens in Uvalde according to Commissioner Gaines. Unconventional approaches to provide support included staff from Hill Country LMHA performing home visits and postings at the local library.

Chance Freeman, Director of Disaster Behavioral Health Services at HHSC spoke more in depth of the work his team is supporting through long-term recovery services. The program includes 7 staff who work with the 39 LMHAs and maintain a network of volunteers. Through that program, they are able to serve first responders regardless of the hazard. He also discussed how the team is responsible for planning and works to transition from immediate-response into long-term recovery.

Director Freeman discussed how, as a state mental health authority, the agency can access federal funds in federally-declared disasters. Those funds can be used for crisis counseling grants, lasting up to 18 months after the event. The program also works with the Victims of Crime Office at the Office of the Governor to identify gaps and ensure evidence based solutions. The program seeks to operate with cultural competence, aware of what community leaders desire, and what survivors say they need and want.

Senator Nichols asked Director Freeman how many staff the agency has currently in Uvalde. Director Freeman answered that changes day by day. Most recently three staff were on site, but as many as 77 different people have rotated through. Director Freeman noted Dr. Lakey's team deployed 4 to 7 staff from the Consortium, depending on what needs were identified by the LMHA and FQHC. With regards to hospital staff, there was a team of five staff who served 11 days.

Senator Kolkhorst noted there is never enough care and love that can be given to a community as it grieves, and how the state and nation are looking for ways to make sure this kind of tragedy

never happens again. She asked whether Mental Health First Aid Training is growing. Director Freeman answered in the affirmative, and described how during the pandemic, virtual training helped facilitate more trainings.

Senator Kolkhorst asked how the state measures outcomes, when considering how funding has increased for LMHAs over the last four to six years. She asked whether the state is keeping children and adults out of the criminal justice system and whether the state is succeeding in keeping children out of foster homes by equipping families with coping skills.

Commissioner Gaines described how the agency's contracts require performance measures that are monitored and managed, and one of those metrics is to look at how many people can be kept in their community. She suggested that is a good gauge to determine if the state is being successful. Other metrics include engagement in treatment, prescription adherence, and homelessness. She stated that when individuals are engaged in services through a LMHA, they have less than a 2 percent incidence of incarceration or hospitalization. On average, for adults, that results in over \$4,000 in savings for normal levels of care.

Commissioner Gaines also described Coordinated Specialty Care, which is available to Texans aged 13 to 30 who have been diagnosed with early onset psychosis. She reported that program is having success in the 80 to 90 percentile. Participants are more engaged in the community and staying in school.

Senator Kolkhorst asked how a person gets access to services if they are truant from school or have dropped out. Commissioner Gaines noted the Uvalde school district had participated in Mental Health First Aid training.

Senator Kolkhorst asked how a person gets referred to an LMHA if they do not recognize that they are indeed in trouble, noting characteristics of the Uvalde perpetrator. Commissioner Gaines answered that mental health is everyone's business and all Texans play a role. She gave an example of seeing a young child in a car with the doors closed, how that would prompt action. She stated the need to continue educating communities that mental health is no different than a broken arm.

Senator Kolkhorst asked what further recommendations Commissioner Gaines had regarding inpatient beds, particularly forensic beds for youth. She noted the Legislature funded an additional \$15 million last session for both rural and urban community beds, as well as the significant investment in state hospital beds.

Commissioner Gaines agreed the state needs more community beds. She noted partnerships LMHAs form with hospitals to access community beds, but bed capacity is now at 100 percent, and more continue to be needed.

Senator Perry suggested the need in rural beds was around \$85 million and asked about projects in Lubbock and Midland. He asked whether the state has pediatric forensic beds for children who are threatening suicide. Commissioner Gaines answered that beds for children have diminished in the state hospital system and that COVID played a significant role in that change.

Senator Perry asked whether HHSC has data on the number of inpatient beds needed to serve Texans under the age of 18. Commissioner Gaines answered data is available. Senator Perry asked whether minors receive outpatient services while waiting for admission to an inpatient facility. Commissioner Gaines answered that it is always best to treat in an outpatient setting, and that the state does not want children in state hospitals for extended times. She mentioned the YES waiver program as being successful in keeping children in the community and acknowledged there are children who need more than what they get.

Senator Perry suggested Texas is struggling with bed capacity for Texans aged 17 and under. He asked for Commissioner Gaines' opinion on non-responsive children who have been identified as having a need, but may have disciplinary problems at school, such as a Juvenile Justice Alternative Education Program (JJAEP) referral, and still do not show signs of improvement. He suggested that there ought to be some kind of an intermediary setting to which children can be referred, instead of children bouncing back and forth between JJAEP and school.

Commissioner Gaines discussed how there is a continuum of care that serves at risk youth, including the Youth Empowerment Services Program (YES waiver), which includes intensive wrap-around services like specialized therapies, community living supports and family supports. They also include employee assistance and supported employment. She noted when families are engaged in being part of the program it is particularly effective.

Senator Perry asked about children who do not have parents involved and whether there is some kind of alternative setting to which children can be referred, like an alternative to JJAEP. Commissioner Gaines answered she was not aware of such a program. Senator Perry suggested that beds at State Supported Living Centers (SSLCs) could be repurposed to hold children who exhibit these behaviors and help restore their mental health, before returning them to educational environments.

Senator West suggested that kind of solution would entail significant debate, again due to disproportionate ethnic composition of minorities in JJAEP. He asked what can be done differently to reassure parents that counselors are doing everything possible to prevent mass shootings. Commissioner Gaines answered there is not any one solution, but work involves multi-faceted approaches. She discussed the continuum of care that provides access, including call centers, mobile teams, and programs working with schools, noting that school-based programs that have LMHA staff co-located have proven effective.

Senator West asked whether there is a uniform structure to serve children in Texas. Commissioner Gaines suggested there is not uniform access across all services, particularly school-based services, and that those such programs are having significant positive impacts.

Commissioner Gaines also reiterated a need to strengthen the mental health workforce. Senator West asked about caseloads, and whether uniform caseload standards should be a recommendation. Commissioner Gaines agreed.



Senator West and Commissioner Gaines discussed what differences may exist in other states' mental health care systems and structures that could help prevent these tragedies from continuing. Commissioner Gaines discussed comparisons of service arrays and committed to talk with other state mental and behavioral health agencies to find other strategies. They also discussed federal funds that may be available under COVID relief and implementation of 988, the National Suicide and Crisis Hotline.

Senator Campbell discussed with Commissioner Gaines a project in Comal County involving a partnership with the local LMHA to develop a 16-bed inpatient crisis facility. She suggested this partnership is seeking approximately \$3 million per year for two years from the state, which would help decrease demand on state hospitals, and whether such a model could be replicated throughout the state. She suggested that kind of partnership could increase capacity for crisis beds and how the local District Attorney could see a cost savings to the county.

Commissioner Gaines answered that there are a number of situations where the local mental health authority and the county are working together, especially because counties may have received COVID funds. She suggested that one challenge to be aware of is whether there's a dependence on state revenue for ongoing operations.

Senator Nichols and Commissioner Gaines discussed funding in the amount of \$25 million made available for FQHC startups in the last legislative session and the urgency to get those funds out to providers.

The next panel comprised of Wayne Young, CEO of the Harris Center for Mental Health and Individuals with Developmental Disabilities (Harris Center), and Dr. Celese Caballero, MD, a pediatrician representing the Texas Medical Association (TMA) were seated.

Mr. Young gave an overview of the Harris Center. The Harris Center is a single-county LMHA that served over 90,000 people in 2021. It is designated as a Certified Community Behavioral Health Clinic and provided 1.5 million services to those 90,000 people. Across all programs areas, it served approximately 18,000 youth. Mr. Young noted that operating community mental health systems in Harris County is different than in a rural areas, but some of the same things that keep them up at night keep him up at night; for example, being able to intervene early enough. He thanked the Committee for the Legislature's investments in mental health and highlighted the new state hospital facility in Houston, Harris County Psychiatric Center (HCPC). The Harris Center funds about 170 beds locally at HCPC and purchases others in local private psychiatric hospitals. Mr. Young said he sees additional demand coming on the forensic side, so those community beds are important.

He discussed coordinated specialty care, which is an early on-set program. The Harris Center is home to one of the two first state-funded programs last year. He noted readmission rates after this kind of care was provided was significantly reduced, as well as the likelihood of arrest and convictions.

Mr. Young described Multi-Systemic Therapy (MST) as a very strong, evidence-based program. The Harris Center has two MST teams, which he described as both intensive and costly. The program targets youth at high-risk and/or near the criminal justice system. One team is funded through the local juvenile probation department and the other through HHSC. He stated the Harris Center tries to intervene with youth who are at the door of the criminal justice system and try to avoid that entry. Of the 185 families served through MST, 84 percent of youth completed their treatment process, 96 percent of them stayed in their home, and 88 percent had no new arrests while engaged in the program. He described one case in which a youth was referred through a weapons charge. The therapist was invited to the youth's high school graduation.

Mr. Young described the 988 launch and how the Harris Center is one of four centers that will answer those calls. He noted they do have a dedicated crisis line taking national suicide prevention hotline calls. Mr. Young discussed how local collaborative partnerships tasked with answering "How do we react?" can facilitate conversation on youth who make terroristic threats. He suggested creating a multiagency, multidisciplinary team built around those identified youth. Similar to how schools are required to have threat assessment teams, Mr. Young suggested treatment teams that include the District Attorney, juvenile justice, and juvenile probation. He suggested that challenges exist in screening threats and differentiating between children who make threats and children who are a threat. He said he envisions tying MST teams into school threat assessment teams.

Senator Perry asked if, after a terroristic threat assessment is made affirmatively, whether a child should continue to be around his peers or placed in a different kind of authority setting. He also asked whether that should be an inpatient or outpatient model. Mr. Young answered work is still ongoing to envision that.

Senator Perry asked whether a child who reaches the level of self harm or poses a risk of harming others should be referred to JJAEP-type environments if they show no level of engagement. He suggested there exists a need for a middle level of service. Senator Kolkhorst reiterated that same concern from superintendents, that they are trying to educate a child who has made threats or causing trouble, and perhaps the state is not equipped to handle that level of complexity. She said it is difficult to know what to do with these children when behaviors reach a higher level and are back in schools. She asked for more detail on what MSTs look like.

Mr. Young answered that what he was suggesting was an enhanced threat assessment when there are concerning behaviors or actions, and how to facilitate long-term engagement, including connecting youth to constructive interventions.

Senator Kolkhorst said she has heard the state needs more residential treatment centers and asked Mr. Young how that issue appeared to him. Mr. Young suggested creating more respite gaps, which exist for adult populations, but could also be for youth. He noted that crisis respite for youth services are not involuntary.

Senator Kolkhorst suggested that perhaps Disciplinary Alternative Programs should not be a punishment, but instead where children could go to seek extra help. Mr. Young agreed, noting

that the focus should not be on stigmatizing children, but engaging them. He further suggested some kind of involvement with District Attorneys should be part of that discussion. This could facilitate diversion programs and potentially allow courts to compel family participation.

Senator Perry asked if Mr. Young could make a statement on the deterrent effect of examples being made of children who make flippant comments. He suggested current systems lack deterrence, and that many people missed signs from the individual in Uvalde. Senator Perry suggested behavior is not always a mental health issue and asked if a child received some kind of treatment for making threats, whether there would be a benefit. Mr. Young answered that he could not speak to a person making flippant comments, and that he did not think the consequence would change the dynamic.

Senator Perry suggested children need to know there are consequences for certain behaviors, so they can learn to correct those behaviors.

Senator West asked whether Mr. Young agreed we have a juvenile justice system and whether threats that rise to the level of criminal behavior have some kind of connection with threat assessment teams. Mr. Young answered in the affirmative. Senator West asked whether people in the juvenile justice system do additional assessments, as to what the proper disposition of a case would be. Mr. Young agreed again, noting that in the Harris County Juvenile Justice System, physicians make those assessments. Senator West suggested it would not make sense coming up with another system to be repetitive of the juvenile justice systems and noted the juvenile justice system has beds available.

Mr. Young suggested the distinction is where assessments happen without children having to go into detention.

Senator West suggested the issue with funding systems is that budget challenges can arise and certain systems may not rank as high as a priority. He suggested that the Legislature should consider this issue through the lens of the juvenile justice system.

Senator Birdwell asked how threats are made and processed in the mental health arena, and whether there are different processes for children in guardianship or foster care within the Child Protective System. Mr. Young answered that every community is different and that, at the Harris Center, they have a program designed for MST youth in both CPS and the juvenile justice system and that coordination existed in delivering these services.

Senator Birdwell suggested that there is fear among parents that bringing a concern to a psychiatric professional will result in the parent being referred to CPS or DFPS and possibly being adjudicated as an unfit parent. He suggested that the state has created a perverse disincentive to get care because it might mean losing custody of the child. He asked Mr. Young how the state can ensure it does not breach the trust of the parent. Mr. Young responded that the care provided is done so in partnership with families. He stated he did not know of any situation where a child was removed because they sought mental health help. He suggested that for him to reach out to CPS is governed under a very specific set of circumstances beyond just treating a mental health care concern.

Senator Perry asked whether the Harris Center relies on the school to make a determination of a terroristic threat or if treating professionals make their own determination. He explained that there is a definition used by TEA, but that some superintendents have advised him there are loopholes to that definition absent other factors. Senator Perry asked Mr. Young how he establishes whether or not a threat exists. Mr. Young answered that most children the Harris Center works with have been referred by the DA for a legal definition of a terroristic threat.

Dr. Celeste Caballero, MD, a general pediatric physician in Lubbock practicing urgent care, introduced herself. Previously she practiced at an FQHC in San Angelo for eight years. She spoke representing the Texas Medical Association and several specialty organizations. Dr. Caballero said she would speak specifically to a two-pronged approach to preventing gun violence:

- 1) supporting and bolstering the mental health care system in Texas, and
- 2) enhancing family child interventions, as well as augmenting investments in social services to build strong resilient Texas families.

Dr. Caballero discussed her use of CPAN in the last year and acknowledged there is a large shortage of psychiatrists. One estimate, she said, is about 1,000 short. Many of these families are seeking mental healthcare from their primary care provider. Those are generally the doctors that families see first.

Dr. Caballero shared a story about working in an urgent care setting- seeing coughs and colds, and very distraught father came in with his adolescent son. When she heard the concerns, it was clear this adolescent had a serious mental health crisis. She felt the child needed help immediately, and needed a psychiatrist. Remembering the emails from the Consortium, Dr. Caballero connected with a CPAN psychiatrist within 5 minutes. She received recommendations and the child received the care he needed. The father had gone to multiple pediatric offices that day asking for an appointment, but they all turned him down because his child had a mental health complaint.

Dr. Caballero talked about how families deal with adverse childhood experiences (ACEs). She said physicians are aware that when children experience trauma or significant stress, it affects how they behave and how they feel. This can include abuse, neglect, parental substance abuse, family separation, and death. As children experience ACEs, children are more at risk of depression, suicidal ideation, are more likely to use drugs and alcohol, and experience intimate partner violence and teen pregnancy.

The good news is that positive experiences in childhood - specifically, safe, secure, nurturing relationships with trusted adults including teachers, parents, and counselors - can negate the toxic effects of ACEs. Dr. Caballero stated that when people feel they can address ACEs and their effects, children can thrive and be more resilient.

Dr. Caballero gave another example of a child she saw in her San Angelo practice. The parents were using methamphetamines and CPS removed the child twice, over a period of six years. The child had wonderful foster parents and wonderful birth parents. When he came to the clinic, he

received books and therapy included reading together. The parents worked hard at their substance use disorder, and the family was eventually re-united after approximately six years.

Dr. Roshni Koli, Director of Pediatric Mental Health at Dell Children's Medical Center, introduced herself as a board certified psychiatrist to offer suggestions on firearm injuries and mental health. In addition to overseeing clinical operations for the continuum of pediatric mental healthcare at Dell, she leads a firearm injury prevention task force. Dr. Koli testified that as of 2019, firearm injuries surpassed motor vehicle collisions as the leading cause of death for children and youth in the United States. Preliminary data shows a 26 percent increase in firearm injuries for children aged 0-6 from 2019 to 2020.

She stated that firearm safety will require comprehensive policy solutions, including obtaining epidemiological data to inform implementation of evidence-based firearm injury prevention tactics, and noted diagnosed mental illness is not a predictor of violence.

As part of the Texas Child Mental Health Care Consortium, the UT Dell Medical Hub has engaged 79 percent of all pediatric primary care physicians within a 13 county catchment area and partnered with 21 school districts. Dell Children's Medical offers consultations to school staff for guidance and referrals for mental health.

Dr. Roshi testified gaps in access to mental health exist due to a shortage of providers and a need for increased state resources, particularly state beds for pediatric inpatient services. She suggested the Legislature should focus on pediatric crisis stabilization and respite, as well as increased mental health bed capacity and workforce development. Dr. Roshi urged the Legislature to consider how to continue to ensure mental health parity with physical health coverage and to make rules related to accessing telemedicine permanent.

Dr. Stephanie Chapman, PhD, a psychologist speaking on behalf of the Children's Hospital Association of Texas and director of primary care psychology at Texas Children's Hospital, introduced herself. She noted providers are seeing an increase in referrals in the wake of COVID-19, stating that Texas Children's in Houston was seeing 350 mental health crisis patients per month since August 2021 and over 400 per month every month since February 2022.

For the first two quarters of fiscal year 2022, referrals for outpatient behavioral health services ranked as the number one referral at Texas Children's, surpassing ear tubes, tonsillectomies, and setting of broken bones. She testified that other children's hospitals in Texas are seeing similar increases in mental health concerns. In Dallas, Children's Hospital has seen a 270 percent increase over the last five years for ER mental health concerns. At Driscoll, there has been a doubling in ER visits for children experiencing suicidal ideations or attempts. At Cook County Hospital in Fort Worth, there has been an increase in behavioral health consults of 350 percent from 2015 to 2021, and suicide attempts increased by 200 percent over that same time.

Dr. Chapman said that prior to COVID-19, gaps existed in the continuum of care and those gaps continue to exist. She stated that comprehensive children's hospitals are committed to serving the needs of the patients. As partners with the Texas Child Mental Health Care Consortium, Dr.

Chapman suggested that patients seen in hospitals are demanding higher levels of care. She identified a lack of acute pediatric inpatient behavioral health beds, noting children needing these beds are waiting hours to days and traveling hundreds of miles. Simply put, many children with acute issues are not being granted admission because there are not enough beds.

Dr. Chapman identified another gap in step-down hospitalization, or partial hospitalization. She suggested this care is important because psychiatric hospitalization alone is often not going to make a child well and help them return to an outpatient setting. Partial hospitalization would allow children go to daily interventions while continuing schooling.

She testified there is a lack of residential treatment facility beds, suggested that they should be adequately reimbursed, and noted the shortage of MH professionals, including those who speak Spanish and reflect the communities they serve.

Dr. Chapman suggested Texas should continue to make investments connecting students with their community after they leave inpatient hospitalization. After a child in crisis is stabilized, they may need assistance reconnecting with their community. She identified medication titration and plugging into community services as areas where gaps exist. Dr. Chapman noted children's hospitals are investing in putting behavioral health providers into ERs, including intensive outpatient treatment services. Then children can access step-down for care with behavioral health staff seven days a week.

Dr. Chapman suggested universal screening with parental consent at the school level for emotional distress and behavioral disturbances should be considered. She noted schools do vision screenings and verify immunization status. Similarly, they could use brief, validated tools to assess how children are doing and coping, as well as ask about Adverse Childhood Experiences that increase risks for mental health concerns.

She also suggested schools can provide universal mental health curriculum in their classrooms, including education on coping skills, recognizing symptoms of emotional distress, and dealing with stressors in a healthy way. Dr. Chapman suggested these interventions are low-cost and can be provided by school guidance counselors or nurses and do not have to be mental health specialists.

Dr. Chapman recommended increasing behavioral health clinicians on-site at schools to provide targeted evidence based interventions earlier in the continuity of psychiatric illness for commonly presenting concerns like anxiety, depression, disruptive behaviors. She suggested that doing so would help children engage services more quickly and easily and prevent acuity of care. As a benefit to schools providing these screenings and early-interventions, Dr. Chapman suggested they then will be able to identify youth who need more systematic and intensive care. She suggested that will better help schools address behavioral disruptions and aggressive behavior issues.

Lastly, Dr. Chapman recommended continued integration of mental health services in pediatric primary care. She testified that pediatric primary care meets families where they are and can help provide mental health services in an unstigmatized way, especially for historically underserved

communities. Dr. Chapman noted most pediatric patients see their doctor at least once a year and that primary care physicians are often the most trusted health authority with whom families engage. Adding behavioral health screenings could identify children who are at risk and plug them into resources.

Senator Kolkhorst noted the staggering increase in children entering hospitals for mental health concerns and asked why there has been so much of an increase since COVID. Dr. Chapman answered there are many reasons, including social isolation during pandemic, the closure of schools, and the isolation of families increased the risk of acute stressors, including economic stress and loss of caregivers.

Senator Kolkhorst suggested the very policies of COVID-19 - shutting down schools, isolating children - have caused another crisis. She suggested Texas will be dealing with the bad policies of COVID-19 for years to come.

Noting that the perpetrator of Uvalde was truant, Senator Kolkhorst questioned whether that individual ever returned to school after mandatory closures and lamented the missed opportunity for mental health services that could have been wrapped around him, if the warning signs had been seen and reported.

Senator Kolkhorst asked Dr. Chapman to expound on her comment that there is a lack of residential treatment facility beds and how she would define those. She asked Dr. Chapman what those beds look like to the community. Dr. Chapman said that, from a clinician stance, these are facilities where children cannot get better with outpatient care or with one to three psychiatric hospital stabilization programs. She said these children need to be able to go to longer term settings where they get access to occupational therapy, schooling, individual therapy, family therapy, and close psychiatric monitoring over a series of weeks to months. They can then step back down to outpatient care and return to their schools and communities.

Senator Kolkhorst suggested that HHSC may have data on how many beds exist in communities throughout the state. Dr. Chapman stated she did not have that data, but that her anecdotal evidence is that children they send to psychiatric hospitals - again and again - they have to call insurance companies and care managers and beg them to get a bed months later.

Senator Kolkhorst underscored her belief that the policies of COVID-19 have led to a mental health crisis that is growing because of isolation.

Senator Campbell noted she had not heard much discussion on the effects of social media, music, gaming and violent movies on television or in theaters, and the effect they have on the brain. She stated children isolate themselves with their phones and play games where they get points for killing others, and asked Dr. Chapman for her thoughts on these kinds of social media.

Dr. Chapman agreed that some research shows violent media and games have some detrimental impact on young brains. She suggested that social isolation of children who are in their home 24/7 and not engaging in other activities because of using electronics is an issue.

Senator Campbell noted that children being isolated was a problem that existed pre-pandemic and was exacerbated by COVID. She noted she has heard much at the federal level related to interventions on that issue. She noted that schools have not been asked to take out all electronics or how they could promote normal social interactions without using technology.

Dr. Roshni agreed social media plays a role in everything that is being seen today. Senator Campbell suggested there needs to be interventions the state can provide to impede the effects this has on children. She challenged the associations Dr. Chapman and Dr. Roshni represent to come up with solutions to platforms that isolate children and enable them to see violence.

Senator Hinojosa stated mental health underfunding has been a problem before the COVID pandemic. He suggested that in effect, Texas has used its jail system to take care of people who are mentally ill by incarcerating them. Although beds are available, there are not enough healthcare providers and the pandemic has made the situation worse. Senator Hinojosa suggested this has resulted in more child abuse because children have not been able to attend school, where teachers can make referrals if they see signs of abuse.

He also noted parents are suffering from mental health issues, including concerns about employment, family budgets and children not learning. Senator Hinojosa reiterated how the Legislature has increased funding on a regular basis for mental health services, accelerating that funding to approximately \$8 billion per two-year state budget across many state agencies in the last Session.

Beyond mental health and given the Committee's charge to protect all Texans, Senator Hinojosa identified firearms as an issue. He shared data from a report stating that on average, eight children between the age of 0 to 12 are killed by firearms every week - approximately every 2.5 days, by an unintentional gun injury. He noted the Legislature's efforts to educate parents on storing and locking firearms and asked Dr. Roshni for recommendations she may have.

Dr. Roshni answered that as a clinician, when she sees a patient who is suicidal, she conducts a comprehensive risk assessment. If that person is at acute or increased risk of harm, work is done with the family to make the home as safe as possible. She said the first step is always safety. She said suicides are impulsive and children can be particularly impulsive. Dr. Roshni suggested that by removing the tools to succeed in suicide, those deaths can be prevented.

Hinojosa discussed reports of accidents and children playing with a guns not knowing they were loaded to highlight the range of issues making it difficult for schools and families to protect themselves.

Senator Kolkhorst stated she had heard reports that teenage girls are at greatest risk for suicidal ideation and attempts. Dr. Chapman answered that she is seeing that for self-injurious behavior, eating disorders, and suicidal ideation. For adolescent males, Dr. Chapman said she sees more concern for substance abuse, aggressive behaviors, and depression. She suggested females present and will note symptoms and talk about them more frequently, so they often get treatment earlier than young males do.



Dr. Roshni agreed with Dr. Chapman. She added she has seen an increased number of children who did not have pre-existing mental health concerns who are coming in with suicide attempts, as well as children who have pre-existing mental health concerns that have been exacerbated over the last 2 years.

Senator Kolkhorst noted that no toxicology report was available concerning the perpetrator of the Uvalde shooter and referenced an article on the use of certain drugs and how it affects the brain. She asked Dr. Roshni about the long term effects of recreational drugs and alcohol on developing brains. Dr. Roshni testified providers are seeing increased rate of substance abuse across the board. She said children and adolescents are at the greatest risk of vulnerability because their brains are not fully developed. She said providers are seeing increasing use of marijuana, vaping, nicotine, cocaine, methamphetamines, and LSD, though marijuana is probably the most common. One particular concern Dr. Roshni expressed is that children's cognitive abilities can be affected, leading to declines in memory and intellect. These substances have an effect on the growing brain and exacerbate feelings of depression and anxiety.

Senator Kolkhorst noted the Wall Street Journal published an article on the effects of marijuana in regard to potential commonalities with mass shooters. She expressed a hope for more research in this area as work is done to make connections between mental health and substance abuse. Senator Campbell also noted the need to include the opioid, fentanyl, coming across the border.

Senator Nichols thanked Dr. Chapman and Dr. Roshni for their testimony and called up Dr. Andy Keller, PhD, from the Meadows Mental Health Policy Institute.

Dr. Keller thanked the Legislature for its investment and commitment over the last four sessions. He testified that Texas is in a better position today to be able to put additional resources for prevention throughout the state because of what the Legislature has done, and how it has organized those resources, bringing providers together across private and public sectors to care for all Texas children.

Dr. Keller took issue with a report suggesting Texas ranks 49th in mental health funding, noting that report was issued in 2015 and did not include either \$3 billion in Medicaid funding or \$500 million in mental health funding through the Delivery System Reform Incentive Payment program. Dr. Keller also noted the report predates many other investments since made by the Legislature, and since the 84th Legislative Session, Texas has increased its investment in mental health services by 34 percent. He noted that increases can only be sustained over time as the workforce will allow. Many strategies are multi-year efforts.

Dr. Keller defined mental illnesses as discrete and treatable health conditions, not brain abnormalities, and gave examples of how anxiety, depression, PTSD, bipolar, and schizophrenia can be treated. He noted that mental health issues on their own do not cause violence, and violence itself is not a mental illness. While there are specific mental illnesses that increase the risk for violence, Dr. Keller said the reason it is important to make this distinction and point out that the negative anti-social thoughts, feelings and actions that accompany violence are all typical human behaviors. They can come about from all sort of motivations, from self-sacrifice to hate.

Dr. Keller said those are not mental illnesses. He said there have been centuries of prejudice against people with mental illness that equated mental illness with violence and perpetuated a belief among the public that people with mental illnesses are violent. Dr. Keller argued they are not. He testified that the statistics are not differentiable between the population as a whole, after factoring out substance abuse and commonalities across both populations.

Dr. Keller testified that there are links between violence and specific mental illnesses. He said severe mental illness drives slightly more risk - 3 in 100 compared to 1 and 2 in 100 for the general population. He argued that because mass murder is so rare, the overall scheme of violence has to be looked at to make comparisons between people with and without mental illness. He noted that mood disorders such as major depression are primary drivers of violence against the self, not others. While an untreated psychosis makes a person 15 times more likely to commit murder, Dr. Keller testified that treatment alleviates that risk because these are treatable illnesses. He suggested they are not the same as evil.

Dr. Keller discussed the fact that new reports have been published since the 2019 shootings that help shed light on the issue. One issued by the U.S. Secret Service in 2021, looked at mass violence in schools, identifying common profiles of the shooters and also at how plots to commit violence were averted. He suggested there are similarities among these young people that are different from mass violence in general.

A second report looked at 170 incidents of mass violence, which Dr. Keller said should be considered as violent suicides. He suggested these perpetrators have given up hope and part of that equation is turning anger against others whom they hold responsible. He suggested that while there is a mental health component, if found early enough, it can be treated though it is hard.

Talking about mass murders in schools, Dr. Keller noted perpetrators of this subset of mass violence are almost exclusively boys. They are almost exclusively under the age of 20 or 21. Their brains are not fully developed, and they should be thought of as still-developing adolescents. They are almost all exposed to early childhood trauma, they have instances of school discipline, they express hopelessness, despair, and isolation. They generally experience bullying and severe abuse, and there is generally an identifiable crisis point that precedes suicidal ideation. Dr. Keller suggested that self-hate turns against others.

Dr. Keller noted that while that is the profile of school shooters, it's also the profile of other young adults who are never going to do that, but other bad things are going to happen to them. They're going to drop out of school. They're going to get involved in juvenile crime and have a school-to-prison kind of pipeline. They're going to hurt themselves and hurt other people.

He noted a chart that details the cause of deaths among children in Texas due to violence broadly, highlighting that over 400 Texas children were lost. This is the first year in which losses to homicide exceeded losses to suicide on a per capita basis. He noted these losses disproportionality affect Black and Latino children and other marginalized populations.

Dr. Keller suggested it is important to not think about this just as interventions that could have helped the shooter. Instead, he suggested there are approximately 10,000 of these people who meet these profiles. Once every few years, one could have the conflagration of events that would allow them to potentially commit a school shooting. These 10,000 youths are currently in the juvenile justice and child welfare systems, incurring tremendous expenses right now. He suggested there are interventions that can have much better outcomes and are much more cost-effective if they are scaled-up.

Dr. Keller suggested that these interventions begin with the work of the Texas Child Mental Health Care Consortium. He stressed it is critical to find and engage these youth and their families, arguing that the only proven treatments that work with people at this age involve parents and caregivers. He suggested that if he could note one thing that most predicts treatment failure, it is the lack of engagement of the parents and caregivers. One of his recommendations is standing up more Multi-Systemic Therapy teams (MST) which is grounded in this idea. The main quality indicator for oversight on whether the program works is how much the parents believe they have been helped. He noted success is not just about consent, but engagement.

Dr. Keller suggest that the biggest challenge to scaling TCHATT is not funding, but workforce. He recommended the consortium be given authority to expand the range of partnerships it can engage in. He suggested the Consortium could more actively engage LMHAs and community organizations to surge that workforce under the guidance and supervision of medical schools. He suggested there may be some additional federal funding opportunities, but was putting more trust in the Texas Legislature instead of Congress.

Dr. Keller also noted that LMHAs are struggling to compete for workers, not only against each other or with other healthcare providers but against other industries that are paying higher rates.

Speaking to the cost of care, Dr. Keller suggested that the TCHATT component of the Consortium's costs are currently \$25 million per year. For the 18,000 people who have been served while the program is still scaling up, that cost is less than one emergency room visit. Dr. Keller suggested that figure is under \$1,500, which is a cost-effective intervention. He suggested that often these 10,000 children at the highest risk need more than telehealth services. The function of TCHATT is to find them, assess them, and figure out who needs more intensive services, then give those children something to step to, like more intensive counseling and services.

Dr. Keller referenced what Mr. Young with the Harris Center talked about earlier, the MST Teams that were funded last Session, along with a similar project in El Paso with the Emergence Health Network. Dr. Keller stressed how these services are available to youth before they are involved in the justice system. He suggested that the Uvalde shooter, who was never arrested but had lots of warning signs, is the kind of person who fits the model for MST. These are youth who do not have a psychosis or a more severe mental illness, but they do have a combination of depression and some kind of trauma that leads to anger. Most importantly, they lack a structure at home to be able to have effective care given to them as children.

Dr. Keller testified that MST works well more than half the time, calling it one of the most effective treatments and better than residential care. He said Texas currently has 7 MST teams, that should be ramped up dramatically. There are providers who are ready to provide more capacity immediately, were it to be funded.

Dr. Keller discussed treatment for children with psychosis, noting that very few profiles of school shooters include psychosis. He suggested psychosis can affect violence, but it typically does not emerge until later adolescence or early adulthood. He stated the gold standard for treatment is Coordinated Specialty Care. Continue to invest in that care and get insurance companies to pay for it.

Dr. Keller suggested the state should do more to respond to children when they are in crisis. He noted there are some very effective mobile crisis teams, but the proven intervention for children and families is people coming before a crisis occurs and staying with that family for 60 to 90 days as they engage in care. A family engaged in a chaotic situation without adequate community support or adequate housing support needs handholding to access care. He noted that pediatric crisis stabilization teams were recommended last year to respond to the foster care challenges because they are proven to help maintain foster placements, can divert children from emergency rooms, and help people transition to the community.

Dr. Keller also suggested the iWatch Texas program be leveraged to assess and act effectively on school related threats. He cautioned the state should be careful not to make mental health professionals threat assessors. He noted they are clinical assessors and that threat assessments should be carried out by those in the justice system who work to protect constitutional rights, as well as carry out investigations of weapons.

Dr. Keller suggested TEA needs resources because schools need technical assistance in how they make use of the resources. Schools need effective referral and parental engagement strategies. He said psychiatric bed capacity is needed and the state needs to deal with the backups in its criminal justice system that are impeding access to psychiatric beds.

Lastly, Dr. Keller emphasized the need to strengthen the mental health workforce by broadening the array of professionals who work in this space, leveraging the private sector to provide MST Teams, and asking licensing boards to do more to expedite licensing. He also suggested increasing access to supervisors so people don't get backed up in supervisory pipelines and creating compacts and agreements for reciprocity with other states, so those who move from out of state can quickly enter the workforce and those with telehealth capabilities can treat people in Texas.

Senator Perry asked Dr. Keller about the Uvalde shooter, and whether in his judgment, some kind of intervention could have prevented the tragedy. Dr. Keller answered that the symptoms documented in the media fit the profile of children Texans treat every day. He noted that Texas is successful in treating half to two-thirds of children and the primary thing that differentiates success is whether the family is engaged.

Senator Perry characterized the Uvalde shooter's family dynamic as non-existent. He asked if two-thirds of children respond favorably with services with family engagement, what should be done with the other third. Dr. Keller answered that maximizing MST will push those percentages up because it tries to build the caregiver cadre. He noted the grandmother was clearly unable to provide the care that was needed, but MST builds other adults around primary care givers. It provides 100 hours of contact in the first month of service, including examining how to build those resources with extended families, pastors and others, but there still will remain a percentage who do not have parents or adults engaged in the lives of children.

Senator Perry asked Dr. Keller to confirm whether there is a percentage of children that need institutionalization. Dr. Keller answered affirmatively, noting there is a need for the residential treatment and justice systems to be involved. Senator Perry emphasized his belief that there is a group that is not fixable, or can adjust to norms that would fit into a societal model, for fear of risk of harm. He suggested that those such youth have crossed over, and from a school shooting perspective, that is what gives him the most heartburn. He also noted that for a young adult out of school, the state has a challenge to identify those individuals and offer intervention services.

Dr. Keller responded that the operative word is "and," noting TCHAT helps identify children when they are in school. Even if those school-based services are unsuccessful, he suggested, those youth are on the radar. He suggested there is very likely going to be legal involvement for many of those youth, even if it's something as simple as truancy, and those can be cues for putting children under supervision. Dr. Keller suggested incarceration doesn't really rehabilitate, that it just allows for monitoring. Dr. Keller said there are nine MST teams in Texas, but 140 are needed. We're not catching the 70 percent and helping them. We're letting them all go through the dam right now, except for the few we are able to catch and serve.

Senator Perry discussed truancy as one such indicator. Dr. Keller agreed truancy is an indicator of need, but if the response is suspension or expulsion, the need is not being met. Senator Perry agreed and discussed the need to find the proper interventions. He asked Dr. Keller what to do with children who need intervention, but the family does not care.

Dr. Keller answered there are things that can be done. He discussed work the Meadows Foundation is doing with school districts in the Permian Basin and North Texas looking at alternative disciplinary programs to help educate children and provide structure. He said while schools can provide some structure for children, schools cannot substitute for parents. Some young people who lack effective supervision can latch onto someone else.

Senator Perry suggested that Texas has made a critical decision error in thinking the results will be different if children with high levels of stress and with those kinds of indicators are put into an alterative education program. He argued that the medical, behavioral and mental health issues must be resolved before the child can be expected to sit in a classroom and learn. Dr. Keller said he would argue that it can be done at the same time. In an acute stage, Dr. Keller suggested a child is better served with hospitalization or partial care program to stabilize for a few weeks. He noted Medicaid pays for those services, then those children can be transitioned back with support.

Senator Perry disputed whether that system exists, arguing students are removed from the classroom and referred to DAEP on the campus. If that does not work, the students is referred to JJAEP which is akin to the criminal justice in a classroom setting. He argued that juvenile detention centers say, "This is a child we cannot help." Dr. Keller agreed, noting there is a huge gap in intensive community based services, like MST. He suggested that if the state were to make that more readily available, it would make a difference.

Senator Perry again asked if the state has a mid-level fix available before kids get put back into traditional academic settings. He suggested Texas does not have that bed space today. Dr. Keller answered that it will take three to six months with intensive services to make a difference and children should not be out of school for that long. He conceded it may best for a child to be out of an education environment for a few weeks, but not for six months.

Senator Perry ask whether there is an element of notoriety involved for somebody who wants to a commit suicide and mass violence, and whether the desire to be recognized is somehow related, including on social media. Dr. Keller answered affirmatively, noting that is nearly a direct quote from the U.S. Secret Service report.

Senator Perry lamented the interaction with media companies that have thousands of employees who monitor content and understand privacy issues, stating there needs to be a more clear path to catching these kind of individuals. Dr. Keller suggested the American Psychological Association is putting together a report on how to address this issue.

Senator Zaffirini asked whether she heard Dr. Keller say coordinated specialty care plan is the gold standard for young persons. Dr. Keller agreed it is for children who suffer from psychosis, hallucinations and delusions, or other kinds of very severe mental illness that takes them out of reality.

Senator Zaffirini stated that last year she had a bill that required group health benefits plans to cover Coordinated Specialty Care for a person younger than 26 who suffers an episode of psychosis, but could not get a hearing. She asked how to educate people about the importance of this program for the group being discussed.

Dr. Keller noted that the Meadows Foundation released guidance on how to bill for that, noting there are medical billing codes available which has moved the conversation forward. He noted that the Meadows Foundation is working to partner with the private sector on health - including a Dallas-Fort Worth business group, a Texas business group, and the Houston Business Coalition on Health - all of whom represent self-insured funders like unions and municipalities. Those groups have identified as their biggest concern unmet mental health needs. Many of them are aware how these issues can affect employees and families and are actively working. Dr. Keller also discussed testimony he provided about parity enforcement in the US Senate, and said he believes the state needs to have a public-private partnership to show the benefits and look at how a regulatory approach could help support that.

Senator Zaffirini said she would appreciate Dr. Keller reviewing Senate Bill 1144 from the previous session and offer suggestions on how to improve it.

Senator Zaffirini referenced Dr. Keller's written testimony and asked him how he referred to mental illness as related to thinking, emotion, or behavior. She asked whether mental illness can be all three. Dr. Keller answered affirmatively. Senator Zaffirini asked how Texas can educate the public about the difference and the different kinds of mental illness without stigmatizing those people. Dr. Keller said education is happening and mental health professionals can be more specific in their treatments and disorders they are working to address. He gave an example of how federal block grants going to community health programs, noting programs were not funding MSTs until there were requirements. He acknowledged providers must be more specific.

Senator Zaffirini asked Dr. Keller to expound on the premise that most mental health conditions are associated with lower or comparable levels of violence committed by the public at large. Dr. Keller agreed with the premise, reiterating that when factoring substance abuse, and family violence, the risk for individuals with mental illness goes to normal. For those with several mental illness, the statistics rise from two percent to three percent.

Senator Zaffirini asked if self-harm is a greater predictor of suicide than mass homicide. Dr. Keller responded that self harm is a predictor of violence, and it is difficult to distinguish between harm against one's self and harm directed towards others.

Senator Zaffirini noted the U.S. Secret Service Report that identified the aversion of 67 plots. She suggested prevention is almost always possible and asked Dr. Keller how Texas can avert more tragedies. Dr. Keller answered that Texas must find them before they happen. He indicated that the day after he read about the shooting, he looked at TCHAT to see whether or not Uvalde ISD was a participant in the program, unsure of what he hoped to see. Dr. Keller testified he does not know of a better intervention for under \$1,500 per person, to get them into services. He noted that certain behaviors can be identified more frequently as discipline issues instead of mental health issues, especially for people of color. Dr. Keller stated he believed that a 16 year-old is not irreparably bad, but that a 16 year old can almost always be helped.

Senator Zaffirini reiterated Dr. Keller's suggestion that mass murders in schools are a distinct subset of mass violence, and asked him to confirm his testimony that fewer than 10,000 Texas youth fit this kind of profile. Dr. Keller answered affirmatively, noting these individuals fit a profile who are at risk of self-harm, dropping out of school, and violence in general. He suggested the circumstances in Uvalde were like a perfect storm. If one step in the pathway could have been changed, there could have been a different outcome. Dr. Keller suggested that mental illness is not the only concern, but also the lack of access to care, the lack of effective parenting and supervision, the lack of effective means, and other factors. He suggested some parents and caregivers do not have the resources to be able to protect their child from themselves.

Senator Zaffirini remarked that this boggles the mind and asked how pediatric crisis stabilization and response teams differ from mobile crisis teams. Dr. Keller answered that pediatric stabilization and response teams are specialized for children. They are generally two-person teams comprised

of a clinician and a family member who can be a life coach. He emphasized families may need support like housing, food, employment or treatment for substance abuse, but are unwilling to ask for help or engage in services. He likened pediatric stabilization to community para-medicine that helps establish connections. Dr. Keller suggested most parents want to help their children and these services help to bridge gaps.

Senator Zaffirini asked Dr. Keller how Texas can address workforce issues. Dr. Keller suggested Texas is engaged in addressing them, including through loan repayment programs, internship opportunities, and considering how the Texas Child Mental Health Consortium can continue to build the workforce into schools. He suggested additional partnerships with LMHAs and state psychiatric hospitals. As Texas has done in other industries, he suggested attracting workers from other states and allowing providers to work across states. Dr. Keller said Texas has a public health emergency and there is a state interest in speeding access. He suggested that even if measures seem unusual, they merit consideration, including potentially suspending some licensing laws and charging licensing boards to collaborate in efforts to expedite access.

Senator Zaffirini asked whether more residencies and fellowships would help address workforce shortages. Dr. Keller answered affirmatively and noted that Texas has doubled the number of child psychiatry fellowships in recent years. He said Texas should look at community health workers and faith partners, who may be positioned to take relatively less-difficult cases, extending capacity for those who are trained to treat higher acuity cases.

Senator Zaffirini asked Dr. Keller what three recommendations should be included in this report. Dr. Keller answered those should be:

1. statewide TCHAT expansion with education;
2. statewide MST expansion;
3. psychiatric stabilization teams, including a child specialization.

Senator Bettencourt asked Dr. Keller about costs for these programs. He suggested that to fully ramp up TCHAT would cost approximately \$62 million per year to run, or approximately \$1,500 per child.

Senator Bettencourt noted there is an idea that school shootings are preventable and discussed characteristics surrounding the Uvalde shooter. He suggested that searching for people who exhibit these traits is like looking for individual grains of sand on the beach and asked what Texas can reasonably expect as an outcome. Dr. Keller answered that if Texas continued to deploy the model of TCHAT that exists in Lubbock, where Dr. Wakefield helped set up the program, Texas could educate schools on what these young people who need intervention may look like.

He suggested these people do not necessarily look like people who are suicidal, or who make others sad. Instead, they make others scared. They make others want to recoil and run away.

Dr. Keller said Texas could continue to ramp up TCHAT from 18,000 individuals served this past year, hypothetically up to 50,000 individuals. If about 14 percent of those individuals have suicidal type issues or self harm, he suggested that's a good number of those 10,000 he discussed



previously that could be identified with TCHAT screening. If any of those children have a psychosis, Texas could prioritize Coordinated Specialty Care. Dr. Keller suggested the bigger issue is rolling out additional MST teams. Dr. Keller argued that with these services, success would be realized two-thirds of the time. The other third will need additional monitoring and other services.

Senator Bettencourt lamented the lack of any report being made concerning the Uvalde shooter. Dr. Keller suggested society must change, and shared a story from his childhood. When he grew up, he graduated with a class of 49 students. He recalled two children from his 6th grade class that nobody wanted to spend time with. They were scary and ended up burning down one of his friend's home. Dr. Keller suggested that everybody knew these kids were not doing okay, but they were scared of them. He suggested that instead of asking, "What's wrong with these kids?" the right question to ask is, "What's happened to these kids?" Such an approach is a trauma-informed lens, and Dr. Keller suggested that's how TCHAT approaches the youth referred to them. Noting the Uvalde shooter had cuts on his face, Dr. Keller said the natural reaction is to recoil away. But, he suggested, that is the cry for help.

Senator Bettencourt noted there were no references to common issues of Autism, Attention Deficit Disorder, and Asperger's syndrome, and what role some of those diagnoses play in the mental health process. Dr. Keller answered he would have to go back, noting that what the Meadows Foundation was trying to look at is the most common profiles and what most stands out in terms of correlation. He stated he did not believe those diagnoses stood out, particularly.

Senator Kolkhorst asked Dr. Keller to confirm state funds for mental health services have increased 34 percent since 2015. Dr. Keller answered affirmatively, noting that does not include Medicaid programs.

Senator Kolkhorst asked whether TCHAT is the only program of its kind in the United States. Dr. Keller testified he is not aware of anything else that is designed to respond to children with urgent needs and get them help the same day. He said it's an organized system, where 12 medical schools come together and share resources and partner with schools. There are some schools doing other things, given that they have made their own investments. Standardizing urgent access would be helpful, he suggested.

Senator Kolkhorst noted that written testimony provided by Dr. Keller indicates homicide rates are currently at 3.1 per 100,000 youth, and suicide is at 2.7 per 100,000 youth. Those rates appear to have increased since 2012, when they both appear to have dipped around 1.4. She asked if Dr. Keller had any data accounting for the cause of that change. Dr. Keller answered that homicides were even higher dating back to 1990s, but that correlations between societal changes could account. In his opinion, the biggest driver of any youth difficulty is isolation and lack of access to parents.

Senator Kolkhorst highlighted data indicating that the rate of mass shooting fatalities relative to suicide and homicide are much lower, constant at less than 0.01 per 100,000 Texas youth. Dr. Keller noted that is because of the scale and the infrequency of such tragedies, relative to homicide or suicide.

Senator Kolkhorst asserted that it is the horrific act of Uvalde that brought the Committee together, but suicide and homicide are the major drivers of youth deaths. She suggested the Committee should focus on the self-harm and suicidal ideations, which may or may not manifest in a mass shooting, because children are more likely to commit suicide than be a victim of homicide or mass shooting. If TCHATT and other services had been available when the Uvalde perpetrator was younger, perhaps the path could have been changed. Senator Kolkhorst asked Dr. Keller if it is correct that girls have suicide tendencies and ideations, whereas boys are acting out in a more violent manner.

Dr. Keller responded that he would not say boys have tendencies to commit violence, but do have risk factors. He suggested most boys will never even think of committing violence, but they may join gangs and commit violence as gang members. He stated he did not like the grain of sand analogy, preferring needles in a haystack as more manageable. Dr. Keller suggested if the state can identify these 10,000 children, there's an opportunity to serve them. He testified these children are at the highest risk of homicide and suicide. If programs are fully scaled and these children and their families can be identified, the rates of death will decrease.

Senator Kolkhorst referenced the data Dr. Keller provided again, referencing the increase in homicides and suicides since approximately 2012 and asked why. Dr. Keller suggested that one of the biggest changes since then is being drowned in social media. He suggested parents may use social media as a substitute supervisory structure, and noted additional fragmentation in families and communities. He asserted that families and parents must be empowered to take better control, and the Meadows Foundation is working to develop strategies on that issue.

Senator Kolkhorst noted that law enforcement, psychiatrists and psychologists, mental health experts, and superintendents all echoed the importance of parental involvement in their children's lives.

Senator West asked to whom TCHATT is available. Dr. Keller answered it is meant to be available to every child in a school district, but given the risks, it is going to be more used in middle and high schools. He noted the Consortium provided a break-out of utilization by age, and the intention is to serve children who are at more risk. Dr. Keller testified that Dallas ISD has a very robust internal mental health component that they've invested in and some other districts have a hybrid model.

Senator West noted that Sandy Hook occurred in 2012 and Parkland was in 2018. He asked Dr. Keller whether the Meadows Foundation has done any analysis of the individuals who were involved in those shootings to make a determination as to whether or not Texas can use any best-practices that were implemented by those states. He noted that since those tragic incidents, there have not been any further mass shootings in those states, but in Texas, there have been. Dr. Keller answered the Meadows Foundation has reviewed other states' responses, and has learned from them. He noted that Texas has 10 percent of the school students in the country, so these events may be more frequent due to the population distribution, but he is not aware of Texas having more

on a per-capita basis. He noted that best-practices include actions like what Louisiana and New Mexico have done to ramp up MST teams.

### **Since the Hearing**

Since that hearing, the Legislative Budget Board executed its authority to transfer an additional \$5.8 million to the Texas Higher Education Coordinating Board for the statewide expansion of TCHATT. Additionally, \$4.7 million was transferred to HHSC for increasing the use of MST across the state, and \$975,000 was transferred to HHSC for expanding Coordinated Specialty Care across the state. The LBB also directed HHSC to use \$5 million within existing appropriations to provide a planning grant to the Hill Country Mental Health & Developmental Disability Center to assist in evaluating mental health services in the Uvalde community and to prepare a needs assessment to the Legislature.

### **RECOMMENDATIONS:**

Regarding its interim charge on mental health, the Committee makes the following policy recommendations:

*TCHATT Expansion:* The Legislature should continue to monitor and support statewide expansion of TCHATT, with a goal to make it available to all school districts that desire services within a reasonable time frame. However, it must be noted that onboarding several hundred additional school districts to TCHATT will require a significant increase in the number of licensed professional counselors, social workers, psychologists, and psychiatrists available to provide consultations to patients. To that extent, the Consortium should provide quarterly updates to appropriate Legislative leadership on the number of providers and patients seen, including statistics on patients referred to TCHATT, but who are not seen by a provider and the reason for which a patient was not seen. The Legislature should continue to require parental or guardian consent before children are seen for services.

*Texas Child Mental Health Consortium:* The Legislature should consider authorizing the Consortium to accept contributions, as practitioners and other entities may be positioned to donate their time and resources to see and treat Texas youth.

*Loan Repayment Program Expansion:* The Legislature should continue to invest in physician and mental healthcare loan repayment programs, with a particular focus on rural areas. Rural Texas continues to be underserved by both physical and mental health providers, as evidenced by data from the Department of State Health Services regarding Health Professional Shortage Areas (HPSAs) and Medically Underserved Areas (MUAs).

*Paid Fellowship and Internship Opportunities:* The Legislature should support mental health professionals in their career by offering paid-internships and fellowships for licensed professional counselors and social workers. Increasing the number of mental health providers will require an increase of providers across the spectrum - not just psychiatrists but also psychologists, social workers and counselors. Texas has a compelling interest in assisting providers to reach their pinnacle of their ability to practice independently by offsetting the cost of supervision.

*Streamline Licensure Requirements:* The Legislature should consider directing the Behavioral Health Executive Council to streamline licensure requirements, with a goal towards standardizing basic mental health licensure requirements for marriage and family therapists, counselors, psychologists and social workers. While each license type may differ in approach, all four are recognized as mental health professions. Furthermore, the Behavioral Health Executive Council should review the hours of supervision needed to qualify for licenses, and consider accepting supervision earned outside Texas. The Behavioral Health Executive Council should also conduct a review of reciprocal state licensures.

*Database of Community In-Patient Beds:* The Legislature should create a state database of community in-patient beds, including those specifically for pediatric patients. Local governmental entities and law enforcement agencies incur significant costs transporting patients who need immediate hospitalization.

*Funding for Additional Community Beds and Needs Study:* The Legislature should increase funding for additional community beds and direct the Department of State Health Services to analyze the need for additional psychiatric hospital beds. While the Legislature has made historic investments in its state hospital systems over the last six years, capacity needs will continue to grow with the state's population. The 2014-15 budget enacted by the 83rd Texas Legislature, Regular Session, 2013, included Department of State Health Services Rider No. 83, directing the Department of State Health Services to consider the operational and infrastructure needs of the existing state psychiatric hospital facilities, as well as the future demand for services to persons residing in a state psychiatric hospital. CanonDesign was commissioned to help study this issue.

A follow-up Ten-Year Plan for the Provision of Services to Persons Served by State Psychiatric Hospitals suggested 2,463 state-operated beds, 456 state-contracted beds and 1,936 locally - supported beds accounted for met needs, but that an additional 570 beds were needed to serve the criminal justice system and people with serious mental illnesses. That 2015 report also suggested Texas would need an additional 607 beds to keep pace with population growth.

These figures need updating to execute the next ten years of care.

*Criminal Justice Involvement and Losing Access to Prescription Medication:* When a person receiving prescription medication finds themselves involved in the Texas criminal justice system, they can often lose the benefits of a state-supported prescription, whether through a Local Mental Health Authority or otherwise. If incarcerated locally, these prescription costs are incurred by counties, that do not have systems like the Texas Correctional Managed Health Care Committee to manage costs. This can result in medication non-adherence and exacerbate mental health challenges. The Legislature should convene a workgroup to review the feasibility of including counties' incarcerated populations within the Texas Correctional Managed Health Care Committee.

*Coordinated Specialty Care Coverage:* The Legislature should evaluate the costs and benefits of offering coverage of coordinated specialty care for Texans under the age of 21 who have been diagnosed with psychosis.

*Multisystemic Therapy Teams and Pediatric Stabilization Teams:* The Legislature should consider increasing funding for MST and PST teams via Youth Empowerment Waiver (YES) program, while recognizing the workforce shortage and the time needed to build an adequate supply that could meet state demands. The Legislature should continue to fund MST but only through the YES Waiver, which was created to focus services on the children with highest behavioral health needs and who are at-risk of entering other systems, including Foster Care and Juvenile Justice. This funding should be coordinated with an increase in the number of YES waiver slots funded.

### ***INTERIM CHARGE 3 - SOCIAL MEDIA***

The Senate Special Committee to Protect All Texans held a hearing on June 21, 2022 and received both invited and public testimony on its charge related to social media. A digital recording of the hearing is available via the Committee's website.

The hearing included invited testimony relevant to the charge from the following individuals:

- Chief Dale Avant, Intelligence and Counterterrorism Division, Texas Department of Public Safety
- Lexi Quinney, Director - iWatch Support, Texas Department of Public Safety
- Servando Esparza, Executive Director - Texas and the Southeast, TechNet
- Brent Dupre, Director of Law Enforcement, Office of the Attorney General
- Cody Smirl, Captain - Southern Texas ICAC Task Force Commander, Office of the Attorney General

#### **SUMMARY:**

The committee heard testimony from Chief Dale Avant, Intelligence and Counterterrorism Division of the Texas Department of Public Safety (DPS). He testified as to the role of DPS Fusion Centers in protecting schools and more broadly responding to threats in the community. Texas Government Code Section 421.001 defines fusion centers as "a state or regional multidisciplinary collaborative effort of two or more agencies that combine resources, expertise, and intelligence and other information with the goal of maximizing the ability of those agencies to detect, prevent, and respond to criminal activities or to otherwise engage in homeland security activities."

Avant testified that the broad mission of fusion centers is to serve as the central point for the collection, coordination, analysis and dissemination of intelligence to first responders, law enforcement, and the private sector. They enable local, state and federal officials to better protect communities via information and intelligence sharing. Fusion centers were originally created by state and local governments across the nation as a response to the terror attacks of September 11, 2001 and whose role was to mitigate and respond to the threat of terrorist attacks.

In 2003, the Texas Legislature directed DPS to establish what is known today as the Texas Fusion Center. Currently, in house participating agencies in the Texas Fusion Center include the Texas Military Department, the Department of Homeland Security Office of Intelligence and Analysis, the Drug Enforcement Agency, the Federal Bureau of Investigation, Immigration and Customs Enforcement, US Treasury, and US Customs and Border Patrol. Avant said that today there are a total of 80 recognized fusion centers in the national network of fusion centers. He said Texas has a total of eight fusion centers, including the Texas Fusion Center as well as seven regional centers located throughout the state -- Austin Regional Intelligence Center (managed by Austin PD), Dallas Fusion Center (managed by Dallas PD), El Paso Fusion Center (managed by El Paso PD),

Fort Worth Intelligence Exchange (Fort Worth PD), Houston Regional Intelligence Service Center (managed by Houston PD), North Texas Fusion Center (managed by Collin County Sheriff's Office), Southwest Texas Fusion Center (managed by San Antonio PD).

Following the Santa Fe mass attack in 2018 and the El Paso and Midland/Odessa attacks in 2019, DPS expanded a team of analysts and supervisors in the Texas Fusion Center which is responsible for conducting enhanced online proactive threat monitoring in support of the counterterrorism mission and assessing domestic terrorism and other mass casualty threats. The team is charged to coordinate with other federal state and local agencies, as well as international agencies, to respond to and monitor these threats. They are also charged to monitoring criminally threatening behaviors on social media and deep web platforms.

Chief Avant testified that the team's activities were recently recognized by the National Fusion Center Association for stopping acts of mass violence, including a crucial role in preventing a school shooting in Ingleside, Texas in September 2021. On September 15, 2021, the Texas Fusion Center received a suspicious activity report relating to an online post by an individual threatening to kill his family and himself, including photos of what appeared to be deceased family members. The Fusion Center analysts collaborated with local authorities and located the suspect at his home via significant coordination, including service of legal process on social media providers to gain access to information. During the early morning of September 16, local authorities attempted to make contact with the subject at his home, at which time the suspect killed himself inside his home. Upon entering the subject's home, local authorities found his family deceased and a large cache of firearms and ammunition inside his vehicle as well as other evidence indicating that the subject was likely planning a school shooting attack that day. This story was told to demonstrate that there are regular behind the scenes efforts that can and do occur to successfully prevent mass shooting attacks.

Director Lexi Quinney was called to testify. She gave an overview of the state's suspicious activity reporting network known as iWatch Texas. She noted that suspicious activity reporting programs (SARs) have been identified nationally as an important tool for detecting threats and plans for attacks or criminal activity. They're most valuable when networked, allowing for real time information sharing among sources and locations. The use of a single statewide system ensures that different tips from various communities are linked to synthesize data and information. In January 2013, DPS launched iWatch Texas as the state's suspicious activity reporting program, designed by a company called TrapWire. The program has an all crimes reporting capability, as well as the ability to export reporting directly to the FBI e-guardian system. Each regional fusion center has their own site within the platform, creating the Texas Suspicious Activity Reporting Network (SARN). The Texas SARN is designed to create a comprehensive collection, analysis and response to terrorism related activities and assist law enforcement efforts to detect and deter criminal activities.. The collection of suspicious activity reports is guided by the Texas Fusion Center privacy policy and the information sharing environment SAR functional standards approved Office of Director of National Intelligence. This means suspicious activity reporting is done through a behavior focused approach.

Director Quinney testified that TEA has provided to DPS a comprehensive list of public and charter schools in Texas and TrapWire is currently comparing the existing sites on the iWatch Texas platform to this list. School safety activities reported on the network include bullying, cyberbullying, self harm, suicidal ideation, planned school attacks, and others. iWatch Texas has a unified reporting capability through the app, website, and 24/7 phone line monitored by the Texas Fusion Center. Director Quinney emphasized that these reports are quick, easy to make, and most importantly analyzed alongside all other reports on the Texas SARN and on the school safety network.

Director Quinney explained that every fusion center and school site on the network controls their own data, meaning the owners of the site control who can see the reporting, what they can view and when, without revealing sensitive information while still being part of the network. Traditional suspicious activity reporting and school safety reporting are separate and data is protected, but the reports are still able to be analyzed against one another and identify threat patterns. Threat patterns are made from matches on the system from multiple sources of information across geography and time. When a person or vehicle on the system appears in more than one report, the system links those reports together creating a threat pattern. Director Quinney indicated that in 2021 there were approximately 1700 matches made on the network, resulting in approximately 800 threat patterns. That equates to one match in 2021 for every 4 reports.

Director Quinney did note that the school safety capability has not been fully implemented in schools throughout Texas. For example, DPS didn't have a single report for Uvalde ISD at the time of the incident. In 2021, there were approximately 300 school safety reports made to iWatch Texas. DPS believes this is a very low number considering the number of school districts in Texas. It was emphasized in testimony that using a single statewide reporting system as opposed to a school district specific system ensures that tips and reports from various parts of the community are all integrated, enabling school districts and law enforcement to better identify threats and take steps to prevent mass attacks in communities and schools.

Senator Hinojosa asked whether a fusion center could have helped in Uvalde, where the perpetrator was communicating via social media about his plans for an attack. Chief Avant responded that the fusion centers likely wouldn't have been able to help without reporting from individuals in the community, i.e. the individuals with whom the perpetrator may have been communicating. Notification to the fusion center by these individuals is what has allowed law enforcement to prevent mass attacks in the past. Some members noted that in their area local intelligence centers were able to use this type of coordination to stem copycat behaviors following the Uvalde attack. DPS noted information sharing is not a new concept with fusion centers, but opening up the communication lines between federal, state, and local authorities has enhanced information and intelligence sharing.

Senator Perry and Senator Kolkhorst asked questions about who can make a report and where reports can be made, and whether reports are received from social media companies themselves. DPS indicated that reports are sometimes received from the social media companies themselves, however these reports usually only come when there is a perceived imminent threat of violence



and clarified that there is not an active, robust communication relationship between the companies and fusion centers. Members asked whether a fusion center would have a capability to track a student's social media postings on a referral from a school district that they have concerns. DPS indicated that they could follow that individual's public postings if the behavior of that individual met a threshold to maintain the report. They clarified this would probably fall into the category of a school safety report.

Senator Nichols asked how to get the word out to the school districts and the general public as to the existence of iWatch Texas. DPS indicated they've received a recent directive from the Office of the Governor to market the existence of the platform to schools and the public. TEA has also been directed, alongside the Higher Education Coordinating Board, to take on this effort to publicize the existence of the platform. Members asked whether all school districts have been contacted, and DPS indicated that TEA has been directed to do so.

Members asked how to best market iWatch and whether the program is equipped to handle an influx in volume, to which DPS answered they would re-task existing analysts if they receive a higher volume of reports following marketing efforts. DPS has committed to the Governor's Office to ensure that regardless of reporting volume, all reports are addressed within a 24 hour period. Members asked if iWatch is the appropriate place to report any concerning behaviors noticed online, and DPS answered yes, and recommended that the public contact iWatch with any reports of threatening or concerning behavior. Director Avant emphasized that the system is very capable of synthesizing and linking reports.

A discussion was had regarding the need for additional publicity and awareness of iWatch and challenges associated with better marketing of the platform. DPS indicated that some advertising has been done in the past but that DPS is exploring ways to ramp up publicity and awareness of iWatch, with members emphasizing that additional advertising needs to be done. DPS indicated some school districts have expressed concern regarding iWatch, namely with regard to sensitive school district data being shared with others via the platform.

Members asked whether most reports are coming into iWatch from students, parents, or faculty. DPS indicated that most reporting is from the community and also threat monitoring by the analysts reviewing online information. Chief Avant also expressed that more robust reporting from social media companies would be beneficial to assist analysts. He added that many school districts also have their own in house reporting systems and DPS has no visibility as to the volume and content of those reports. The committee expressed openness as to ideas and recommendations from DPS relating to how to improve the breadth and scope of iWatch as a whole, including addressing concerns by school districts.

Senator West asked whether other states have similar reporting platforms, to which DPS responded that no other state handles suspicious activity reporting in this way, with eight interconnected reporting systems. Texas is unique in its implementation of fusion centers.

Servando Esparza, Executive Director of TechNet, was called to testify. He testified on behalf of its 97 member technology companies as to efforts of social media companies to identify and

remove violent content and strengthen partnerships with law enforcement. Each social media platform has a unique set of policies that define which content is allowed and disallowed on the platform, which is part of its effort to prohibit harmful content and hate speech. Mr. Esparza indicated these standards evolve over time as companies work to meet new challenges and improve the platform. In order to identify harmful content as quickly as possible, member companies utilize technology (i.e. artificial intelligence). Machine learning allows systems to run automated checks to detect content violating community guidelines at scale. Mr. Esparza noted that in January through March 2022, one platform took action on 21.7 million pieces of content, another platform took action on 2.7 million pieces of content, and another platform took action on over 10,000 accounts for promoting violent extremism. He indicated these statistics are based on publicly available transparency reports that are made available by these companies on their websites.

Mr. Esparza specified that platforms don't rely on technology alone, as context can be extremely important. Companies rely on human review teams in addition to artificial intelligence, as well as platform users themselves, who are encouraged to report violent or concerning content. This content is then assessed by human reviewers who determine whether the content should be removed or not. In 2017, several technology companies formed the Global Internet Forum to Counter Terrorism as a way to improve the industry's ability to address online terrorism content. This industry wide effort pools resources, including a reliance on shared industry hash databases of violent terrorist imagery and propaganda. Hash databases compile unique digital fingerprints or "hashes" of certain images and videos which allow platforms to share across companies and scan for these images and videos and prevent their postings.

Communication and collaboration with law enforcement was also addressed, including its importance in protecting communities. Mr. Esparza emphasized that platforms encourage users to immediately reach out to local law enforcement if they believe a person is in immediate danger to themselves or others, as they believe law enforcement is in the best position to respond without delay to such threats. Platforms have specific teams tasked with working with law enforcement, including engineers, attorneys, former law enforcement, and counter terrorism experts. He testified that when a credible threat of imminent harm is identified, platforms will often reach out proactively to law enforcement and indicated that platforms are able to share information with law enforcement in cases of emergency involving danger of death or serious physical injury to a person. Other times, law enforcement agencies will reach out to social media platforms during an emergency or as part of an investigation.

The disclosure of communication or records is regulated by the Federal Stored Communications Act which is part of the Electronic Communications Privacy Act. This Federal law requires governmental entities to secure legal authorization, such as a subpoena or search warrant, to require social media platforms to disclose information. When platforms receive such a request, teams review the request to ensure that it satisfies privacy and legal requirements. Generally speaking, platforms often require requests to be made in writing, signed by an authorized official of the requesting agency, and issued under an appropriate law. Once its determined that a request satisfies legal requirements, then platforms have internal processes to timely release requested

information. Some platforms utilize encrypted systems that allow law enforcement agencies to securely submit requests for data, view the status of those requests, and download the responses. Platforms provide resources, including in person trainings, for law enforcement on how to submit requests for information and how to coordinate in emergency situations.

Senator Perry asked how long it typically takes social media platforms to respond to a request. TechNet responded that for content meeting the threshold for immediate danger or imminent threat of harm, platforms will proactively share the content with law enforcement as soon as it is identified. Typically, it is shared with the FBI and then travels down to fusion centers. When law enforcement makes a request, he indicated that the information is typically provided within 30 hours. For traditional non-emergency requests, the information is usually provided within 10-14 days. Members asked how an "emergency" request is determined, which Mr. Esparza indicated is defined within the Federal Stored Communications Act. Members walked through a scenario in which a person claims online that they plan to kill their family with no date or time identified, and whether such information would constitute an emergency under the Stored Communications Act. Mr. Esparza indicated that such a post could be a gray area under the law for purposes of proactive reporting to law enforcement. But, if law enforcement has information from iWatch that supports an imminent threat, it would make the case for an emergent threat that requires immediate response. Members expressed frustration that social media platforms seem more concerned with removing content violating corporate culture but less concerned with identifying and reporting threats.

Senator Zaffirini asked what impact House Bill 20 from the 87th Regular Session may have on companies' ability to regulate hateful speech and bullying. TechNet responded that it did oppose the bill, for the reason that it hampers companies' abilities to moderate hateful speech for content that is questionable. Members also asked what the Legislature can do to ensure that law enforcement agencies are able to work more effectively with social media companies to address dangerous and threatening language. TechNet indicated that the coordination being done by the Global Internet Forum to Counter Terrorism is important, and also expressed that lag time associated with non-emergency requests by law enforcement may be due to the fact that law enforcement may not be familiar with submitting these types of requests. Platforms have engaged in training to assist law enforcement in knowing how to submit such requests in order to improve this lag time. The need for more law enforcement training in how to properly submit the requests to comply with legal requirements was highlighted, so as to reduce delay and lag in receiving information.

Senator Zaffirini focused on how to increase the public's sensitivity to potential threats online, in light of information about the Uvalde attacker's online history prior to the attack. TechNet responded that reports made into iWatch could have been threaded together to provide context into a potential threat. Members engaged TechNet in a discussion as to whether reporting required under House Bill 20 from the 87th Session as to illegal activity online (currently barred by court injunction) could assist policy makers in mitigating violence.

Brent Dupre, Director of Law Enforcement for the Office of the Attorney General, testified as to the interaction between law enforcement and social media companies. He indicated that one of the OAG's primary means of protecting children at home and at school is via the OAG's Internet Crimes Against Children Task Force, also known as the Southern Texas Internet Crimes Against Children Task Force (ICAC). The ICAC Task Force investigates and saves children from people utilizing the internet to commit crimes against children. Task Force Officers rely heavily on relationships they've built with social media platforms and internet service providers to serve legal process and gather evidence to charge persons with horrific crimes of child exploitation. In most of these cases, the crimes have already occurred, so the relationships are used to serve legal process and gather evidence in the cases. Despite these strong working relationships, legal process is required to be served on the companies prior to accessing evidence of the crimes.

Some of the information sought by ICAC is information already required to be provided under the law. Mr. Dupre testified that in all cases, law enforcement must know what it is looking for in order to successfully serve legal process on internet service providers and social media platforms. ICAC's experience is that information required to be released sometimes takes 10-14 days and even longer, depending on the volume of the material. Mr. Dupre testified that in his prior career with the Austin Regional Intelligence Center he experienced scenarios where he served exigent legal service on social media platforms that they deemed non-exigent. He clarified that in his experience exigency is solely determined by social media companies themselves.

#### **RECOMMENDATIONS:**

*iWatch Public Awareness Campaign:* The Legislature should direct the Department of Public Safety to expand and enhance the capabilities of iWatch Texas and publicize its availability to all school districts in the State as well as the public at large. Specifically, the Legislature should grant DPS resources necessary to engage with experts in the staging of a statewide public awareness campaign for iWatch Texas and to ensure that it can address the reporting volume of a fully realized iWatch platform.

*iWatch in School Districts:* School districts in the State should be encouraged to either utilize iWatch Texas or a platform that is similarly integrated with regional fusion centers and the Texas Fusion Center, as integration with these centers is crucial for a platform's ability to successfully mitigate threats.

## ***INTERIM CHARGE 4 - POLICE TRAINING***

The Senate Special Committee to Protect All Texans held a hearing on June 21, 2022 and received both invited and public testimony on its charge related to police training. A digital recording of the hearing is available via the Committee's website.

The hearing included invited testimony relevant to the charge from the following individuals:

- Colonel Steve McCraw, Director, Texas Department of Public Safety
- Cullen Grissom, Deputy Chief, Credentialing, Field Services, and Education Services, Texas Commission on Law Enforcement
- John Curnutt, Associate Director, Advanced Law Enforcement Rapid Response Training Center
- Chief James McLaughlin, Jr. (Ret.), General Counsel and Executive Director, Texas Police Chiefs Association
- Chief Jimmy Perdue, President, Texas Police Chiefs Association
- Chief John Chancellor, Texas Police Chiefs Association
- Sheriff Brian Hawthorne, Sergeant-at-Arms, Texas Sheriffs Association
- Sheriff Buddy Mills, President, Texas Sheriffs Association
- Chief Solomon Cooke, President, Texas ISD Police Chiefs Association
- Chief Bill Avera, First Vice President, Texas ISD Police Chiefs Association

### **SUMMARY:**

The Committee heard testimony from Director McCraw about the events at Robb Elementary in Uvalde as they were understood at that time. Testimony also covered police training at all levels of law enforcement, school-based law enforcement, and improvements that could be made to current training practices.

Director McCraw said much must be done before the investigation of the massacre of 19 children and two teachers at Robb Elementary School in Uvalde on May 24, 2022 is completed and presented to 38th Judicial District Attorney Christina Mitchell Busbee in Uvalde County for review. He said the law enforcement response was an abject failure and antithetical to everything learned since the Columbine massacre.

McCraw said police officers placed their lives before the lives of children. He said the children and teachers waited 1 hour, 14 minutes, and 8 seconds to be rescued while the on-scene commander waited for radio, rifles, shields, a SWAT team, and a key that was never needed. He said police in such situations must stop the killing and stop the dying, and that the latter cannot be achieved without the former.

McCraw praised teachers who quickly implemented active shooter protocols prior to the subject gaining entry and a teacher who called 9-1-1 before the subject entered the campus. He said officers evacuated hundreds of children in a safe and orderly manner. He said the Uvalde District Attorney and her staff led tireless efforts to assist, including identifying victims and notifying families.

McCraw said the Uvalde investigation involves DPS, the Texas Rangers, the Federal Bureau of Investigation (FBI), and the Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives. He said that the investigation is ongoing.

McCraw said the investigation is focused on assessing messages sent by the subject on social media platforms to determine how law enforcement could have responded to prevent the Uvalde tragedy. McCraw said the investigation has yet to discover any reports made to law enforcement regarding the subject's disturbing posts on social media platforms. He said the posts describe a morose, suicidal, fatalistic loner, and the subject had taken on the persona of a "school shooter" in dress and demeanor. McCraw said it is crucially important for citizen to report suspicious behavior to law enforcement. He said that a 2018 mass casualty event at Morales Junior High School in Uvalde was foiled when those who planned the event were reported to law enforcement.

McCraw described how the subject acquired weapons and ammunition. He described threatening messages posted online by the subject that were not reported to law enforcement.

McCraw described the timeline of events during the attack using visual aids, including maps, diagrams of the school, and transcripts of dialogue between emergency responders and officers taken from audio, video, body camera, and 9-1-1 recordings (**see appendix**).

McCraw said two people at a funeral home near the elementary school heard a crash and went to check on the subject. McCraw said the subject exited a stolen pickup truck he had crashed into a ditch with a rifle and a backpack. He said a teacher who saw the shooter called 9-1-1 to report a man with a gun. McCraw said the subject shot many times into the school before dropping the backpack and entering through an unlocked door at the west entrance. McCraw said the teacher called the alarm and the school followed protocols for lockdown.

McCraw showed the path of the gunman on a diagram of the school. He said 24 spent cartridges were found outside the school and 27 in the hallway, but further analysis is needed to determine the number of rounds fired at each location. McCraw said the gunman entered classrooms 111 and 112 and fired 100 rounds in rapid succession, followed by another 11 rounds. He said two approaching officers were grazed by bullets passing through sheetrock walls from inside the classrooms.

McCraw said a school resource officer (SRO) who was not on the scene responded to the alert but that the officer mistook a teacher for the suspect, causing further confusion.

McCraw said the on-scene commander, Chief Arredondo for the Uvalde Consolidated Independent School District, did not have a radio and poor communication caused officers to believe the shooter

was inside an office. He said they may have thought a hostage situation was in progress rather than an active shooter requiring immediate action.

McCraw gave details showing communications breakdowns, misunderstandings, and a lack of clear authority on the part of law enforcement.

Senator Nichols asked whether the exterior door to the school was closed and if the lock failed to function properly. McCraw said the doors can only be locked from the outside, the door was closed securely but not locked, and the shooter opened the door and entered the school. Senator Nichols and McCraw discussed the locking mechanisms of the exterior school doors and the classroom door. Senator Nichols asked whether the classroom door was locked.

Senator Nichols asked for information about radio communications inside the school building. McCraw said a test of the radios of all agencies on the scene showed the Border Patrol radios were the only ones that functioned properly.

Senator Zaffirini asked what has been learned from the investigation and what policies can be implemented to prevent such tragedies in the future. McCraw said DPS has enlisted the Advanced Law Enforcement Rapid Response Training Center (ALERRT) to conduct an event assessment and make recommendations for options that could have been used. He said DPS has asked the Texas School Safety Center (TxSSC) to conduct an audit of the school's compliance with Texas school safety regulations. He said DPS conducted a threat and vulnerability assessment of Robb Elementary and shared recommendations with Mike Morath of the Texas Education Agency (TEA).

In response to a request from Senator Zaffirini, McCraw listed findings of the assessment, including inadequate and vulnerable fencing, lack of controlled access points, lack of reinforced windows, vulnerable doors, lack of lock boxes for master keys, lack of duress systems, inaccurate building diagrams, and a need for improved radio and cell phone communications.

Senator Zaffirini and McCraw discussed options to replace or improve radio and cell communications in schools throughout Texas.

Senator Zaffirini asked for information regarding the responsibility of Texas authorities to monitor social media for content that will alert them to future violent events. McCraw said law enforcement investigations of certain types of media require a subpoena and citizens who use message boards must be more diligent in reporting alarming internet content. Senator Zaffirini and McCraw discussed possible legislation requiring that social media activity that indicates a threat be reported.

Senator Zaffirini said there has been a great deal of conflicting information regarding the events at Robb Elementary. She asked whether there is hope that an accurate account of events can be provided to the families who have lost loved ones. McCraw said the investigation is not complete and there has been an intense demand for information. He said all information in the timeline presentation was taken directly from physical evidence and from reviewed audio and video recordings. He said families can be assured the information is correct.

Senator Zaffirini discussed bills that require public school districts to have active shooter emergency operations plans (EOPs), require active shooter training for district peace officers, and require school board members to take courses about school safety. McCraw said Uvalde had insufficient training and poor decisions were made by the on-scene commander. He said Texas is a nationwide leader in school safety training through TxSSC, which is located in San Marcos. Senator Zaffirini asked McCraw to specify in particular one recommendation to the committee for adoption. McCraw said DPS needs additional training and DPS officers must always be properly equipped. He said all patrol cars must be supplied with shields and breaching tools and officers must be trained in their use.

Senator Kolkhorst asked for information regarding reports that the shooter engaged in acts of animal cruelty. McCraw said there were reports that the subject had performed acts of animal cruelty but they were based on witness interviews rather than physical evidence.

In response to Senator Kolkhorst's question about a toxicology report, McCraw said DPS is waiting on autopsy reports from a medical examiner for all the deceased.

Senator Kolkhorst asked if the subject had truancy issues. McCraw said he was well behind academically but TEA would be better able to provide details about his truancy.

Senator Kolkhorst asked whether a key was needed to open the classroom door. McCraw said he did not believe the door was ever properly secured because of the broken strike plate and officers waited unnecessarily for a key. He said they could have used breaching tools to open the door.

Senator Kolkhorst and McCraw discussed the timeline and the trajectory of shots fired. McCraw said a teacher and a student in classroom 109 were injured by shots fired from room 111 that passed through the walls. McCraw said the only round fired by officers were found in room 111 at the time of the breach.

Senator Creighton asked whether nine officers were inside the school with rifles within three minutes of the shooter entering the school. McCraw answered in the affirmative, adding there were 11 officers inside the school shortly after and two officers had rifles. Senator Creighton asked for information regarding why Chief Arredondo continued to ask dispatch to send rifles despite the fact several officers on scene already had them. McCraw said the commissioned officers had guns and body armor and should not have waited for additional equipment. He said the officers were at risk but less likely to be injured or killed than the children and teachers, and it was the officers' job to protect them.

Senator Creighton asked for information regarding the reasons that officers continued to wait for equipment rather than breaching the classroom. McCraw said DPS has commissioned an outside independent review to answer such questions and the actions taken by the officers at Robb Elementary are inconsistent with law enforcement doctrine. He said even a single officer has an obligation to engage an active shooter immediately.

Senator Creighton asked whether it is correct DPS officers had no command role at Robb Elementary. McCraw answered in the affirmative. He said DPS sent officers, resources, and



SWAT units immediately, but they were not the first officers on the scene and they encountered an established command order when they arrived. Senator Creighton asked for information regarding law enforcement officers making decision not to follow the incident commander. McCraw said the officers in Uvalde operated with incorrect information. He said they thought that the shooter was barricaded in an office and the commander was talking with the shooter. Senator Creighton and McCraw discussed DPS procedures to follow on-scene command when joining an active crime scene.

Senator Creighton and McCraw discussed the breakdown in radio and cell phone communications.

Senator Creighton asked if a protocol exists regarding the breach of classroom windows during an active shooter situation. McCraw answered in the affirmative and said many children and teachers were rescued in Uvalde through exterior classroom windows.

Senator Creighton asked for information regarding implementation of a school marshal program to respond in the event of an active shooter situation. McCraw said there are not enough police officers to implement such a program at all campuses in Texas. Senator Creighton and McCraw discussed school marshal programs.

Senator Creighton asked how much time elapsed between the time the shooter entered the school and the time officers advanced and killed him. McCraw replied it was 1 hour, 14 minutes, and 8 seconds.

Senator West asked for information regarding transparency and the role of DPS in the Uvalde investigation. McCraw said the district attorney asked the Texas Rangers to conduct the investigation and that DPS has led the investigation from the start.

Senator West asked whether additional video footage exists that should be reviewed as part of the investigation. McCraw said all video must be reviewed and he trusts that the district attorney will make all video public upon completion of the investigation. Senator West and McCraw discussed video footage from the crime scene.

Senator West asked if it is correct that DPS has no role in school safety audits. McCraw replied in the affirmative.

Senator West asked whether DPS has reservations about arming school teachers. McCraw said DPS has no reservations if teachers are properly trained.

Senator West and McCraw discussed an incident on June 13 in Duncanville, Texas in which a shooter was killed by police before causing any injuries to others.

Senator West and McCraw discussed the legal age and the requisite responsibility needed to purchase weapons legally. McCraw said some individuals are responsible and mature enough to possess firearms at the legal age and some, regardless of their age, will never be. Senator West and McCraw then discussed firearms training and psychological screening for those in military service. McCraw said certain people, including violent offenders, should not have access to weapons.

Senator Birdwell and McCraw discussed the classroom door locks and the breaching tools available to officers at the crime scene. In response to Senator Birdwell's question about whether Border Patrol or Uvalde Police Department (UPD) officers made the initial breach, McCraw said seven officers from both departments made the breach.

Senator Birdwell and McCraw discussed the duties of DPS special agents, DPS troopers, and Texas Rangers. Senator Birdwell and McCraw discussed protocols regarding command in situations involving multiple law enforcement agencies.

Senator Birdwell asked if there is evidence that the shooter had connections with border cartels or other networks. McCraw replied in the negative. He said the shooter acted alone and had no connection to cartels or to a 2018 murder conspiracy in Uvalde.

Senator Birdwell asked whether any state agency was involved in placing the subject in his grandmother's custody or if it was a family decision. McCraw said the shooter was estranged from his father and mother and the placement was a family decision.

Senator Campbell asked whether the subject's grandmother called the police after being shot. McCraw said she was unable to speak after being shot. He said she ran to a neighbor's house and the neighbor contacted law enforcement.

Senator Campbell asked why the shooter chose the door leading to rooms 111 and 112. McCraw said he did not know the reason. Senator Campbell and McCraw discussed the path the shooter took inside the school.

Senator Campbell asked if classrooms are fitted with alarms or panic buttons to send an alert in case of emergency. McCraw said Robb Elementary does not have such alarms. Senator Campbell asked if the school has a way to send out an alert from a central location such as the principal's office. McCraw said the school uses a security management system that reads identification cards to track visitors and respond to emergencies. He said the teachers at Robb Elementary implemented an active shooter protocol before the shooter entered the building.

Senator Campbell and McCraw discussed comments captured on officer body cameras. Senator Campbell said it seemed opportunities to save lives were missed because law enforcement response was slow and the active shooter situation was not treated appropriately. McCraw concurred. He said every second is critical in such cases.

Senator Perry asked whether the outside school door is designed to be adjusted with a hex key to a locked or an unlocked position. McCraw replied in the affirmative. He said interviews indicate that the south and west doors at Robb were often left in the unlocked position.

Senator Perry said the location where the subject shot his grandmother is less than a mile from Robb Elementary. He asked if the school has a protocol to lock down when domestic violence events occur in such close proximity to the school. McCraw said that he does not know whether Robb has such a policy but agreed that one should be in place. Senator Perry and McCraw discussed lockdown procedures initiated by the teachers. They concurred any lockdown efforts in

the moments before the shooter rushed the school were bound to be unsuccessful because the exterior doors were not placed in the locked position. Senator Perry and McCraw discussed the locks on the interior classroom doors.

Senator Perry and McCraw discussed hardening school ingress and egress with physical structures and additional SROs for added security. Senator Perry and McCraw discussed the inclusion of juvenile records in federal background checks for firearms purchases. McCraw said DPS shares juvenile records with federal authorities, who then decide whether buyers may purchase weapons.

Senator Perry and McCraw discussed social media posts and texts sent by the subject prior to the shootings. Senator Perry and McCraw discussed social media platforms and the desire of offenders to attain notoriety through violent acts.

Senator Bettencourt asked how many interviews have been conducted in the investigation. McCraw said that there have been approximately 700 interviews. Senator Bettencourt asked any of those interviewed expressed worry that the shooter would carry out acts of violence. McCraw said that several had such concerns, including a teacher who said that the subject was the student who scared her the most. Senator Bettencourt and McCraw discussed the failure to report suspicious behavior.

Senator Hughes asked whether the call reporting the shooting of the subject's grandmother was made to 9-1-1 or to a law enforcement agency directly. McCraw said that the call was made to 9-1-1 from a neighbor's house.

McCraw said that a DPS policy requires troopers to visit school campuses and that they often participate in active shooter training with local officers. He said that DPS obtains blueprints of schools that can be accessed from patrol cars when responding to emergencies.

Senator Hughes asked if UPD officers receive ALERRT training. McCraw said that the Texas Commission on Law Enforcement (TCOLE) has specific information regarding officer training and that ALERRT can verify whether officers have completed the ALERRT program.

Senator Hughes asked about the evacuation of students from other parts of the west building. McCraw said that officers took out windows and evacuated students from several rooms through the back side of the building. He described details from the video and said that officers moved into the east and west hallways and to the south side of the entrance before declaring containment.

Senator Hughes asked whether it is possible to tell if the outcome of events would have been different had officers entered the school building right away. McCraw said that the district attorney has enlisted Dr. Mark Escott to perform an analysis regarding the shootings.

Senator Hinojosa and McCraw discussed protocol and chain of command in emergency events.

Senator Campbell said that she would like to see a program in which military veterans could volunteer to provide school security. McCraw said that he would certainly volunteer for such a program if he were retired.

Senator West asked for information regarding the medical status of the subject's grandmother. McCraw said that she is currently unable to talk but that she has agreed to a future interview under the condition that her daughter be present.

Senator Perry asked for information regarding an interoperability channel to improve communications. McCraw said that Arredondo did not initially have a radio with him and that the radios issued to UPD, DPS, and the sheriff's department did not work inside the building. He said that DPS radios did not work until they were 10 feet away from the building, which was a technology issue rather than an interoperability issue. Senator Perry and McCraw discussed interoperability of radio communications between law enforcement agencies.

Senator Perry asked whether DPS officers would have engaged in gunfire with the subject if they had been the first to arrive to the scene. McCraw said that he did not want to speculate but that law enforcement doctrine protocol dictates that would have been the appropriate action.

Senator Zaffirini asked for information regarding silent alarm systems. McCraw said that he is not familiar with a silent alarm system at Robb Elementary. He said the he recommends a mass alert throughout the campus.

Senator Hinojosa asked if fusion centers would have been helpful to detect suspicious social media messages sent by the shooter. McCraw said that the messages were sent through private media applications that require a subpoena to access.

Senator Kolkhorst asked whether interviews show that the shooter had practiced live shooting prior to the event at Robb Elementary. McCraw said that the shooter did not drive and that he would have needed someone to take him to a gun range. He said that he requested to be taken to a range, but that that did not happen. McCraw said that the subject did not purchase the weapons until May 16 and that he was not trained in using them.

Senator Nichols asked where 9-1-1 calls are routed in Uvalde. McCraw said that 9-1-1 calls are routed to the police department and then broadcast through the UPD channel by dispatch. McCraw said that at least one school district officer heard the report from dispatch. He said that the school police use the UPD channel and that the channel is also monitored by DPS and the Border Patrol.

Senator Nichols asked where the subject got the money to buy weapons. McCraw said that available information indicates that he saved money from a job and from pay he received working with this grandfather.

Senator Nichols discussed magnetic strips used to cover strike plates to prevent doors from locking.

Senator Gutierrez asked whether McCraw agreed that there has been community concern regarding transparency about the facts of the shooting, and McCraw replied in the affirmative. Senator Gutierrez said that providing timelines for the community more rapidly would increase transparency. McCraw concurred.

Senator Gutierrez asked whether it is correct that UPD can communicate with up to 17 first responders. McCraw replied in the affirmative. Senator Gutierrez said that audio records and statements indicate that Arredondo was the incident commander but that he clearly has said otherwise. McCraw concurred. Senator Gutierrez said that it is important to note that the dialogue on the timeline is from body camera footage. He said that radio communications did not function inside the school and that Arredondo could not indicate to those out of view that he was in command because radio communication was not possible.

Senator Gutierrez and McCraw discussed the 7-member stack that breached the classroom door. McCraw said that no DPS officers were part of the stack. Senator Gutierrez asked if the Border Patrol Tactical Unit (BORTAC) went in without taking orders. McCraw said that the BORTAC team arrived after 12:16 pm and had discussion with Chief Arredondo.

Senator Gutierrez asked when officer body camera data will be released. McCraw said that the data, along with school and funeral video, will be released on approval by the district attorney. Senator Gutierrez and McCraw discussed the role of the district attorney in the investigation. McCraw said that DPS is conducting the investigation and that the district attorney will review the case before deciding whether to present it to a grand jury.

Senator Gutierrez and McCraw discussed active shooter protocol and incident commander protocol. McCraw said that active shooter protocol always takes precedence. Senator Gutierrez and McCraw discussed the number of officers who responded to the shooting at Robb Elementary. McCraw said that a total of 361 officer responded, including 91 DPS officers, two game wardens, 14 Health and Safety Institute agents, and 30 special agents. McCraw said that the majority of the responding officers were deployed from Operation Lone Star.

Senator Gutierrez asked if the same clerk was working when the shooter purchased both weapons. McCraw said that he did not know if the same person was working at both times. He said that one of the guns had to be ordered and that the shooter picked up both weapons at the store.

Senator Hall asked for information regarding gun-free school zones. He said that signs indicating gun-free zones can make them targets for bad actors. McCraw said that the legislature has implemented programs that allow teachers and marshals to carry firearms on campus. Senator Hall said that school signs indicating that staff is armed and may use necessary force will discourage attackers. He said that policies already in place must be followed and that increased funding is needed to harden schools. McCraw agreed and said that Texas has an advantage over other locations because of tools such as ALERRT and TxSSC.

Senator Menendez and McCraw discussed the weapon and 30-round magazines used by the shooter. Senator Menendez said that Arredondo's call to 9-1-1 shows that he requested additional officers several times. He said that Arredondo repeated that the shooter had an AR-15 and that officers had only pistols. Senator Menendez said that the shooter fired 100 rounds or more in the first few minutes. Senator Menendez asked whether the attacker could have done as much damage with a bat, a knife, or a revolver. McCraw replied in the negative.

Cullen Grissom, Deputy Chief of Credentialing, Field Services, and Education Services at the Texas Commission on Law Enforcement, was called to testify.

Grissom said that TCOLE oversees minimum standards for obtaining and maintain peace officer, jailer, telecommunicator, and school marshal licenses. He said that TCOLE has received questions regarding whether current active shooter training for school-based officers is sufficient. He said that TCOLE is awaiting the results of the investigation to determine whether failures at Uvalde were the result of lack of training or the incorrect application of training.

Grissom described the duties and training requirements for school marshals. He said school marshals hold limited peace officer authority only to prevent or abate the commission of an offense that threatens serious bodily injury or death of students, personnel, or visitors on campus. He said that applicants must be employed by the school district, licensed by DPS to carry a handgun, and approved by a governing body to be school marshals. He said that they must pass a psychological exam and complete an 80-hour training course. He said that once licensed, applicants must complete a 16-hour renewal training course and a psychological exam every two years.

Grissom then described the two different types of school-based law enforcement. The first are officers employed by an ISD police department and the other are school resource officers, who are generally employed by a local agency and detailed to the school under an informal or formal agreement. There are currently 311 ISD police departments with 3,400 peace officers. School-based law enforcement officers have two separate training requirements that must be completed after being hired. The first is at least 20 hours of training in child and adolescent development, psychology, basic behavioral intervention and support, conflict resolution, de-escalation techniques, limiting use of force, mental and behavioral health needs of children with disabilities or special needs, and mental health crisis intervention. The second course is training to respond to an active shooter in a school setting.

Grissom also highlighted the guardian option, which allows school districts to allow a person with a license to carry to be armed with a firearm on campus. Some schools may implement training requirements for these individuals, but there are no training requirements established by the state and it is not monitored by TCOLE.

Senator Perry asked what training Arredondo has completed and his employment history. Grissom said that he did not have that information.

Senator Perry asked whether school officers must have previous law enforcement experience. Grissom said that all ISD police officers must complete the same basic training as all peace officers in Texas. He said that Arredondo had previously served in the UPD and the Webb County Sheriffs Department. Senator Perry asked whether ISD officers and SROs are required to complete the same basic training as peace officers. Grissom replied in the affirmative. Senator Perry and Grissom discussed TCOLE involvement in the school officer application process. Grissom said that background check are handled by local departments and that TCOLE screens applicants for capacity for appointment.

Senator Perry asked for information regarding the TCOLE process for removal of officers with a history of egregious acts. He asked if Arredondo could be hired by another ISD if he is removed from his position in Uvalde. Grissom said that TCOLE has a very limited ability to take an officer's license. TCOLE only has the authority to take the license if the officer has been convicted of certain crimes. Senator Perry asked if civil violations lie within this authority. Grissom replied in the negative. Senator Perry asked that if it is correct that under the current system, Chief Arredondo could be hired as chief at another ISD if removed from Uvalde. Grissom said that he could be hired elsewhere if no license action is taken by TCOLE. Senator Perry said the officer review system is in need of reform. He asked if TCOLE is willing to review the process. Grissom said that TCOLE can review the process.

Senator West said that it is important to weigh all the facts in the completed report before determining whether Arredondo should be fired. Senator Perry said that regardless of the final decision about Arredondo, the policy that allows bad actors to be rehired is in need of reform. Senator Perry, Senator West, and Grissom discussed officer review reform. Senator West asked if a police officer resigns before they are terminated, can they be hired by another agency. Grissom replied in the affirmative.

Senator West and Grissom discussed the school marshal program. Grissom said there are 62 districts that utilize school marshals and that the majority of those districts are in suburban and rural areas. Senator West asked whether the school marshals have been effective in deterring attackers. Grissom said that school marshals use different techniques and that tracking their effectiveness is difficult. Senator West asked whether Uvalde has a marshal program. Grissom replied that in an open forum that information is confidential. Senator West asked whether Uvalde has a guardian program. Grissom said that participants in a guardian program have no obligation to report to TCOLE.

Senator Kolkhorst said that on a recent visit to Iola ISD, she observed signs indicating that the school has armed officials. She asked whether the choice to implement a guardian program is made by local school boards. Grissom replied in the affirmative. He said that the guardian option is locally controlled.

Senator Kolkhorst asked whether TCOLE active shooter training is different than ALERRT training. Grissom said that they are not fundamentally different, they are working off the same Isolate, Distract, Neutralize doctrine. The committee that developed the training had access to ALERRT training and were ALERRT trained. However, the ALERRT Level 1 course is a 16 hour course and TCOLE's 2195 course is an 8 hour course. ALERRT has numerous support courses and a broader offering of additional active shooter response courses.

Senator Kolkhorst asked whether all officers should have active shooter training. Grissom said that all officers who have completed the peace officer licensing course in the last 10 years have completed active shooter training. It is part of the basic training officers go through. He said that there is not recurring requirement and that many officers train through ALERRT. Officers are not obligated to be ALERRT trained.

Senator Hinojosa asked for information regarding the function of TCOLE. Grissom said that TCOLE is primarily a licensing agency and that it manages state curricula for training providers. He said that TCOLE contracts with 113 police academies and 280 training providers to instruct law enforcement. He explained that TCOLE does not normally train officers except in very particular circumstances. Senator Hinojosa asked whether the training is uniform throughout the state. Grissom said it depends on which course someone is taking. TCOLE manages a variety of courses. He said that the active shooter course for school-based law enforcement court is written by TCOLE and that curriculum is given to regional providers.

Senator Hinojosa and Grissom discussed quality control and consistency of active shooter training. Grissom said that TCOLE employs two evaluators for 113 academies and that there is some variation in training based on local resources, funding, and access to new information. The curriculum is a base line and can be expanded on.

Senator Birdwell discussed the four types of security options for schools - the guardian option, school marshal program, school resource officers, and ISD police departments whose sole jurisdiction is the district. Senator Birdwell and Grissom talked about the differences between school resource officers and ISD police officers. Senator Birdwell and Grissom discussed liability concerns that may influence whether ISDs implement guardian or school marshal programs.

Grissom said that ISD police department provide many services in addition to responding to active shooter situations. He said that his experience with newly formed ISD police departments shows that liability is not a major concern when deciding what type of security to provide.

Senator Perry asked for information regarding additional mental health training for officers. Grissom said that crisis intervention and de-escalation are part of training for all officers. He said that, upon graduation, officers may complete an additional mental health proficiency certificate. He said that officers must also complete recurring crisis intervention training until they reach intermediate certification with the state. Senator Perry and Grissom discussed complaints regarding the redundancy of material in the required crisis intervention course and the optional mental health officer training. Grissom said that these past complaints were legitimate but that changes were made recently to correct the issue. Senator Perry questioned why officers weren't required to do both trainings. Grissom said the additional course covers aspects of the legal system as it pertains to mental health and that it is more process oriented. Senator Perry said that all officers should be required to complete both courses and that doing so would lower costs.

Senator Perry discussed discipline issues and asked if officers mentioned that as an issue. Grissom replied that he did not know and had not had conversations of that nature.

Senator Nichols asked for recommendations to improve training and training implementation shortcomings revealed by the events in Uvalde. Grissom said that he is thankful to have ALERT in Texas and that it sets the international standard for active shooter response. He said that effective response is crucial because we haven't come up with prevention mechanisms. He said that he does not fully understand the role of TCOLE in the creation of tactics for shooter identification, diversions, and prevention.



Senator Kolkhorst asked whether all officers receive active shooter training. Grissom replied that active shooter training has been part of the basic peace officer licensing for 10 years.

John Curnutt, Assistant Director of ALERRT, to testify. Curnutt said that ALERRT provides the best researched-based active attack response training in the country. Their goal is to save lives and protect communities. Since its inception, ALERRT has conducted classes to train 50,800 officers statewide. That number reflects officers who took multiple trainings.

Curnutt said that ALERRT includes a research component to analyze active shooter situations and criminal justice research department to evaluate and enhance response. He said that ALERRT studies all facets of active shooter situations to improve best practices and training for law enforcement. Curnutt said that a team of doctoral students assists in law enforcement training to increase safety and improve effective response in high-stress situations. This data can help law enforcement administrators to develop their policies relating to active shooter response goals.

Curnutt said that ALERRT works on a train-the-trainer model to empower agencies to employ their own training cadre who can continue the training. They also offer logistical support to help agencies conduct more realistic training. This approach allows ALERRT to build programs and increase capacity each year.

Senator Nichols asked whether officers who complete ALERRT training must also be licensed by TCOLE. Curnutt replied in the affirmative. He said that those who complete ALERRT training must first complete basic peace officer training. They do have a civilian active shooter response training available. Senator Nichols asked whether ALERRT training satisfies the TCOLE requirement for active shooter response training. Curnutt said that ALERRT training exceeds the requirement. Curnutt said that, as he understands it, the TCOLE training is a PowerPoint and lesson plan that provides guidance on concepts and principles of active shooter response.

Senator Zaffirini asked for information regarding simulations of live shooter events during training. Curnutt described the simulations. He said that training is designed to be as realistic as possible and to overcome the natural human instinct for self-preservation. Senator Zaffirini asked if the simulations include the types of weapons, ammunition, and magazines that have been used in recent shootings in Texas. Curnutt replied in the affirmative.

Senator Zaffirini asked for information regarding the effectiveness of ALERRT training and how well trainees respond during these situations. Curnutt said ALERRT has received positive feedback from trainees across the country who have used components of their training in active response situations. Senator Zaffirini and Curnutt discussed the safety of ALERRT trainees when responding to active shooter situations. Curnutt said that trainees are expected to enter the line of fire. He said minimum requirements in training need to be increased. The amount of time and how the time is spent on training are very important in this space. He said law enforcement uses force only 10 percent of the time on the job and less than 1 percent is deadly force. He said we expect officers to have high capabilities when they may never have to use this training in the line of duty. A training environment is one of the only places officers are able to use this training or determine if they are capable of this action.

Senator Zaffirini asked who is eligible to take ALERRT training. Curnutt replied that any state, local, tribal, county, university, or ISD peace officer in Texas is eligible for training.

Senator Zaffirini said that she and Representative Raymond met recently with law enforcement officials in their districts at the school, college, city, county, state, and federal levels. She said that officials cannot afford to send all of their officers to Texas training programs. She asked for information regarding local training. Curnutt said that ALERRT training is funded through a congressional line item and it offsets all costs for them to deliver curriculum, instructors, and equipment to the field. He said they have all mobile training teams, its free, and they will spend as much time as needed to complete the desired training. There is a cost to local agencies associated with pulling an officer out of service to attend training.

Senator Zaffirini asked if teams are trained to resolve radio and telephone communication issues. Curnutt replied in the affirmative. He explained that they work to master the basics first. Senator Zaffirini and Curnutt discussed cell phone communications in border areas.

Senator Birdwell asked for information regarding an after-action report on the events in Uvalde. Curnutt said that ALERRT was asked by DPS to provide an independent, third-party review. He said that ALERRT will compile a report, note inconsistencies, and use data to improve training. Senator Birdwell and Curnutt discussed the report. Curnutt said that ALERRT will provide a copy of the report to the committee upon its completion.

Senator Perry sought clarification on active shooter training options. He asked if there were two active shooter trainings, one that peace officers receive during basic officer training and then the optional ALERRT training. Curnutt replied in the affirmative. Senator Perry asked if the basic officer active shooter training was hands-on or mostly academic. Curnutt said it depended on which police academy an officer attended. Senator Perry asked if ALERRT was a more quality program because of the hands-on nature of the course. Curnutt said they have a standard approach of how they deliver their material and how they train instructors to ensure consistency. He said that experiential learning is essential to develop the skills that officer must have.

Senator Perry asked how many ISD officers have completed ALERRT training. Curnutt said that a percentage of ISD officers have completed the training. He said that certain ISDs do more than the minimum to training officers. He said they were able to scale way up.

Senator Perry and Curnutt discussed active shooter situations in different settings. Curnutt said that certain broad concepts and principles apply, regardless of setting. Senator Perry and Curnutt discussed whether ALERRT training protocol was followed during the response at Uvalde. Curnutt said that there were some things that the responding officers did okay, and other things that were not handled the way ALERRT would have prescribed. Senator Perry and Curnutt agreed that current evidence shows that some actions that were not performed according to protocol had catastrophic results. They concurred that the actions that did not work cost lives.

Senator West discussed a recent situation in Duncanville. He ask if ALERRT had guidance for other situations that were not school-based but that had large concentrations of youths. Curnutt

said it is embedded into their training materials. Their material specifically trains officers to respond to active attacks in a high-occupancy buildings. He said their training is designed to prepare responders to go into stressful, chaotic, violent, confusing situations. Senator West asked where ALERRT is located. Curnutt said their training facility is outside of San Marcos. However, the vast majority of what they do is done by mobile training teams. They ship out training kits across the country. Prior to COVID, they were doing 1,300 to 1,400 classes per year across the US. They have ability to scale way up. They do get funding from the state.

Senator Nichols asked Curnutt for recommendations to improve public safety. Curnutt recommended higher standards and recurring training for all Texas peace officers. He said he would recommend 16-hour, level one ALERRT training in every Basic Officer Peace Course across the state. ALERRT would supply the instructors to ensure there is consistency in delivery. He said there needs to be recurring training for all other peace officers.

Later, Jimmy Perdue, President of the Texas Police Chiefs Association (TPCA), and Stan Standridge, Past-President of TPCA, were called to testify.

Chief Perdue testified that the TPCA is the voice of over 1,300 police chiefs across the state. They came to expand on their thoughts on prevention, preparedness, response, and review. Perdue said of all the topics the committee covers, social media is the one where they have the least specific information and would defer to those more qualified to comment on it. However, Perdue said, they would support enhancing online social media monitoring and investigating and do have thoughts on the management of this information.

Standridge said that police officers failed in their duties at Uvalde and offered an apology to the families of those who lost loved ones. He said that police officer training is in need of reform. He said that we must stop "check-the-box" training, which is the idea that officers can still be competent in training received years ago with no follow up. Training has to be topical and also recurring. He said that ALERRT Level I training must be part of basic training for all officers. He said that TCOLE's testimony that active shooter training has been given for the past ten years is misleading. He said there is one page of active shooter training in the basic officer training course and it's related to active shooter concepts and principles. It's high level information to include what the officer might experience in an active shooter event. He said it's woefully inadequate.

Standridge said that Course 2195, which was mandated by Senate Bill 11 (86R), was developed by himself, John Curnutt of the ALERRT Center, and others. He specifically worked on the school curriculum. He questioned then and now why the state reinvented the wheel when a 16 hour course that is the gold standard in active shooter response was already developed in the state. Stanridge was told at the time that this course could not be taught exclusively by ALERRT-certified instructors and ALERRT would not be recognized as a course equivalent. That decision was not reversed until last week. He said now ALERRT is recognized as a course equivalent for Course 2195.

Standridge said that there are no requirements for command-level officers to attend active shooter training. He said there should be a minimum of 8 hours, but ideally 16 hours, for chief executives as part of active shooter management.

He said that there is no requirement for school marshals to complete any ALERRT training. He said school marshals are typically taught by local peace officers, whether deputies or officers. School marshals are not taught by ALERRT, and consequently there is no consistency in curriculum across the state. He said that has to change.

Standridge discussed Behavioral Threat Assessment Teams in school districts and how those teams operate in his school districts. He said typically they get so many referrals that team members visit with the student, refer the student for discipline, and remove them from the campus for three days without triggering the full Behavioral Threat Assessment Team. He said that has to change.

Standridge discussed mental health and the Client Assignment and Registration Entry system (CARES). He said any time a Texas citizen receives in-patient treatment from a state hospital or from a local mental health authority (LMHA) they are entered into CARES. The system is administered through the Health and Human Services Commission (HHSC) and the Department of Public Safety (DPS). Officers cannot run a Continuity of Care Query (CCQ) or access those records to know if they're dealing with a mental health client. However, jailers have access to run a CCQ. He requested similar access for officers so they can identify the least harmful solutions for those persons. He also requested grant funding to embed mental health clinicians to assist officers in the field. Lastly, Standridge requested grant funding for breaching, shields, and medical equipment but attach that funding to certification courses taught by ALERRT to ensure that officers wielding these tools know how to use them properly.

Perdue added that he would like state support for expanding their accreditation program for police agencies. He said they believe the accreditation program raises the bar for standards of policy agencies across Texas.

Senator Hinojosa, Standridge, and Perdue discussed ALERRT training standards. They agreed that current training for school district police officers is ineffective. The police chiefs would like to see ALERRT as the contracted entity for school-based law enforcement training. TCOLE told them that they could not make ALERRT the only entity that offered school-based law enforcement training and they would not make ALERRT a course equivalent for Course 2195. Senator Hinojosa and Standridge discussed school marshals. Standridge said that school marshals do not go through ALERRT training. He said that school marshals receive an 80 hour curriculum, but that ALERRT's active shooter training is not part of the course. Standridge said he was a huge advocate of the school marshal program because of the biannual training school marshals receive, the psychological assessment, background investigation, and the training was created in part by ALERRT instructors. He added that he would like the Legislature to mandate that school marshals receive 16 hours of ALERRT Level I training.

Senator Bettencourt and Standridge discussed course equivalency and officer training by TCOLE and ALERRT. Standridge pointed out that TCOLE's primary role is licensing and credentialing.

He wondered why TCOLE is involved in training and application in the case of school marshals. He said TCOLE may have a valid reason for why they can not use a sole provider for school marshal training, like ALERRT, but that he couldn't answer for why that was.

Senator Zaffirini asked to what extent do law enforcement entities coordinate with school personnel to prepare for and respond to active shooter situations. Perdue said that relationships depend on jurisdictions. He said that he works well with the superintendent in his district but that he has heard of conflicts between jurisdictions in other areas.

Senator Zaffirini, Perdue, and Standridge talked about the need for improved radio communications systems and gear, like ballistic helmets and breaching tools. Perdue said that all departments have P25-compliant interoperable radios, but that active response situations can create confusion. He said that UV-resistant windows in new construction areas impede radio signals and that distributed antenna systems are necessary to boost radio signals in buildings. He said there is a state operability commission that governs interoperability. Standridge said that San Marcos police officers have no helmets, 12 shields, and 10 breaching tools for the entire division. However, he said that the failures at Uvalde were the result of a deficiency in commitment rather than a deficiency in equipment.

Senator West asked how we can reassure parents sending their students back to school and any recommendations. Perdue said that the Texas Police Chiefs Association is committed to finding solutions for recent failures of law enforcement officers. He said that the actions of some officers are unacceptable and that they violate training protocol. He said that there are reasonable measures that may be taken regarding firearms and that raising the age for firearms purchase to 21 should be considered. He said it was important not to conflate the issues of gun violence in other major cities and school-based violence. Though the two are often perpetrated by the same weapons, the root of the problems are different. Standridge added that the Legislature should create a state criminal penalty for straw purchases of firearms. He said there is currently a federal penalty on the books, but that it is only prosecuted 2 percent of the time.

Senator West then asked about red flag laws. Perdue said TPCA has been supportive of the concept, but had not seen an operational plan. He said if the operational issues could be solved, conceptually there are good things about red flag laws. He said they had not seen a red flag law proposal that did everything they would ask for it to do. Standridge added that statutorily a peace officer can seize firearms if a person is taken into protective custody under emergency detention orders pursuant to Health and Safety Code Chapter 573.

Senator Birdwell discussed the school marshal program and TPCA's recommendation to add additional training to the curriculum. He emphasized his interest in making sure that the school marshal curriculum was not too overloaded so as to make it functionally unusable.

Senator Creighton asked if other states have mental health databases similar to CARES or for students with threat assessments. Perdue said that he is not aware of other states with such databases. Senator Creighton said the committee had heard from other witnesses that schools are incorrectly coding Code of Conduct violations and threat assessments of students. It was implied

that this practice was due to federal regulation that harm schools for reporting these events. Senator Creighton went on to discuss the stigma attached to these schools and other state disincentives. Standridge said when he talked to the TxSSC about it, they said they believed there had been an effort to pass a bill related to creating a repository. If there isn't an independent database, then it could be at TEA. The issue TPCA has with threat assessments is that if parents disagree with the actions of the school district, parents can remove their child from that district and send the child to another district. He said that the threat assessment does not follow the child to the new district. He said that's why it was essential to have a centralized database that is shared with the school districts to protect everyone else. Senator Creighton said that when students leave a district, often superintendents don't know where they go and their background information or threat assessment information does not travel to the new district.

Senator Perry, Perdue, and Standridge discussed changes to firearm laws. Senator Perry said that there are legitimate concerns from all perspectives and that care must be taken not to allow a politicized judiciary to infringe on Second Amendment rights with incremental changes.

Sheriff Brian Hawthorne, Chambers County Sheriff and Legislative Chair of the Sheriffs' Association of Texas, and Sheriff Buddy Mills, Gillespie County Sheriff and First Vice President of the Sheriffs' Association of Texas, were called to testify.

Hawthorne said he would have expected his officers to react the same way if they were not the first officers on the scene. He said the officers that initially engaged should have continued engaging and should've immediately pursued. He said there are clear cut guidelines for solo officer response to active attacks. There is training provided through ALERRT, depending on the course you're taking. He lauded the ALERRT Center and the work done there.

Hawthorne said from a leadership perspective, law enforcement officers are trained to respect jurisdiction and command. He said it makes sense that deputies and officers looked to the police chief of the independent school district for leadership.

Hawthorne said multijurisdictional responses are unorganized and that radio communications must be improved. He said all types of departments must network and train together to improve responses to active situations. He said while most departments all know each other, they rarely train together. He said from their perspective, you cannot harden your schools enough. He said that contracting with sheriffs' departments to hire SROs is a cost-efficient and effective way to harden schools. Contracting means schools do not have to develop and maintain a police department infrastructure, including the software, training, and vehicles.

He recommended that ISDs review EOPs with the jurisdictional law enforcement agency that responds in the event of a 9-1-1 call. Even if a district has an ISD police department, he said more agencies, including the local police department and the county sheriff's office, will probably respond to an event and that they also need to know what the EOP says and what the plans are. For that reason, he said schools should share a copy of the plan with local agencies.

Mills said that hardening of schools and officer training and cooperation are crucially important. Officers should be prepared to sacrifice their lives to protect others. He said that the association is willing to help the Legislature in any way.

Senator Hinojosa said that it is important to respect command but that officers must take action when their assessment of a situation tells them that it will save lives. Hawthorne agreed with the Senator and said he thought DPS officers and Border Patrol agents wanted to. He said he just wanted everyone to understand that he would never expect a deputy to take over command of a scene where there is a chief of police of that jurisdiction present, unless the situation becomes ludicrous.

Senator West and Hawthorne discussed district threat assessment teams. Senator West asked if, especially in multijurisdictional areas, if law enforcement officials sit on behavioral threat assessment teams or have input in security processes. Hawthorne answer in the affirmative, that many law enforcement officials do. He said that deputies in his department are assigned to two districts, but they have not seen the EOPs for the schools. He said every summer they do ALERT training with simulations in the school buildings. He said that there are not enough memorandums of understanding or contractual agreements to formalize the relationships between the entities. He would suggest having a better network between school administrators and jurisdictions within the district and outside jurisdictions like a county sheriffs department that would be responding with backup or to assist.

Senator West said that if sheriffs are sitting on the safety and security teams at schools, they should see the plans themselves before its sent to TxSSC. He said it became very clear that not everyone knew what the plan was in Uvalde and ended tragically. Mills said that he serves on a security committee that makes recommendations for fencing, security, and access. He said he has the ability to open any of the doors in the area. Senator West said that committees should approve EOPs before they are sent to TxSSC. Mills said they do not have a process to his knowledge of everyone signing off on the plan, but that he would explore that as an option when they begin the process again.

Senator Kolkhorst, Hawthorne, and Mills discussed the importance of identifying an incident commander. Senator Kolkhorst said that in one of her larger districts the police chief is the incident commander. She said incident command should be established in the plan. Hawthorne said it can be complicated to establish that in a plan. He said as part of law enforcement doctrine, chain of command is very important. Law enforcement officers can be terminated for violating the chain of command. Hawthorne said the Uvalde ISD police chief should have relinquished command authority to another officer during the incident. He said this was a leadership problem.

Senator Bettencourt, Hawthorne, and Mills discussed the command breakdown at Uvalde. They discussed creation of a template for SRO memorandum of understanding. Mills said that officers must take action immediately in active situations. He said the primary goal should be to save lives.

Chief Solomon Cook, Humble ISD Police Chief and President of the Texas School District Police Chiefs' Association, and Chief Bill Avera, Jacksonville ISD Police Chief and First Vice President of the Texas School District Police Chiefs' Association, were called to testify.

Cook said that first responders must put themselves in harm's way and be prepared to meet violence with controlled aggression to save innocent lives. He said that officers must place the lives of the innocent before their own. He said if they have concerns of their own safety, they should consider another field. He gave a description of the duties of the Texas School District Police Chiefs' Association. Cook said that in his area they have collaboration between agencies of all kinds to ensure the safety of their students.

Avera said that the ISD where he is police chief is very similar to Uvalde ISD. He said there was a bill in previous legislatures to create a database to track students who have been reported for behavioral threat assessments. However, it ran into fierce opposition because of the implications that students moving from district to district could be profiled. He said from a safety perspective, it would be helpful to know if students coming into the district have had issues in the past. He said in terms of school marshals, he was more supportive of having school-based law enforcement, but understood that all safety strategies should be considered. He spoke in favor of adding ALERRT training to the school marshal program. He said that limitations on the number of providers of school marshal training needs to change. Currently, there are only two providers of school marshal training and that is not adequate to service the state's needs. Avera also recommended allowing retired peace officers to the list of eligible school marshals.

Avera said that police officers need access to social media accounts to report suspicious posts. He said that unless someone else sees something and says something, they can't do anything about it. He discussed the importance of master keys to ensure access to school buildings. He said in his department, every officer has a master fob that can open any door. He said that police must have access to security cameras to enhance school security. He said schools must have more mental health professionals to serve the needs of students and provide early identification of problem behaviors. He shares a Local Mental Health Authority with a neighboring county and feels the state has inadequately funded mental health for years.

Avera said that some ISDs in rural areas do not have access to P25-compatible radios and that funding is needed to provide new equipment.

Regarding truancy, Avera said school district police used to be involved in discipline and truancy. However after several bills were passed in the legislature, school-based offenses became more difficult to issue a citation and truancy was decriminalized. He said he's not in favor of the old system, which often overburdened families who could not pay fines and he didn't feel was effective. He said there has to be more interventions though. Avera said truancy doesn't get filed as much anymore because judges don't want to take it. He said school-based law enforcement have their hands tied in regard to truancy.

He said 90 percent of the time, law enforcement close to the school know who the students are that could or would become a school shooter. He said there has to be a way to get trauma-informed



care from kindergarten to twelfth grade. Then there is an opportunity for mental health professionals to understand a student's trauma.

Senator Campbell asked about allowing veterans to participate in school safety. Avera said he wouldn't have a problem with veterans volunteering as long as they received the marshal program training. Cook said that it would be more appropriate in regions where the law enforcement response could take longer - like West Texas. However, in Cook's district, they have 50 officers in the agency and a multitude of other responding entities that would be there in minutes. He said 90 percent of his vehicles have adequate shields, helmets, firearms, and other specialty equipment to respond. Avera said all the state would have to do is authorize veterans to volunteer for school marshal duty in statute and they would welcome their support.

Senator Nichols asked if Avera, as the ISD police chief, was involved in the emergency operations planning process. Avera answered in the affirmative. He said that existing code requires an ISD police department to enter into a memorandum of understanding with city police and sheriffs department. Cook added that they regularly share the floorplans for schools and facilities with other local agencies. Avera said that there are some difficulties with older buildings and upgrades needed to those buildings. He said their high school was built in 1959 and had been added onto several times. The age and deterioration of the schools can make doors warp or not function even if a locking mechanism is in place.

### **Since the Hearing**

Since the hearing, the Legislative Budget Board has executed its authority to transfer additional dollars for public safety and police training. In late June, \$50 million was appropriated for the purchase of bullet-resistant shields, as chosen by DPS, and distributed to police officers directly employed by school districts, police officers contracted by school districts, and other law enforcement officers that may respond to school safety emergencies. An additional \$7 million was transferred to Texas State University for additional funding to the ALERRT Center for rapid response training and \$3 million for grants to local law enforcement agencies to offset travel costs associated with attending training. DPS also received \$5 million to expand fusion center research and capabilities.

### **RECOMMENDATIONS:**

Regarding its interim charge on police training, the Committee makes the following policy recommendations:

*Add Mandatory ALERRT Training to Basic Officers Course:* Consider making ALERRT training mandatory for all law enforcement in the Basic Officers Course. ALERRT is considered the gold standard for active shooter response training. ALERRT should be added to the basic officer's course that all new law enforcement officers have to take. All school-based law enforcement

should also receive ALERRT training as soon as possible. The state could make additional investments in the ALERRT Center to expand its reach and capability statewide while prioritizing school-based law enforcement first.

ALERRT fulfills active shooter training requirements: Consider directing TCOLE to accept ALERRT training in lieu of TCOLE's active shooter training. Law enforcement officers who are already ALERRT trained are still required to attend and take TCOLE's active shooter training. This is unnecessary and wastes time and resources.

Require districts share EOPs with local law enforcement: Consider requiring school districts to share their emergency operations plans with local law enforcement - including ISD police, city police, and county sheriffs - to ensure all responding agencies know and understand what the plan is in the event of an emergency. These EOPs should be in their final form after receiving feedback from the TxSSC.

Continuity of Care Query: Consider allowing peace officers and dispatchers to access the Continuity of Care Query (CCQ) system. Currently, officers cannot run a CCQ or access mental health records to know if they encounter a mental health client. However, jailers have access to run a CCQ. Consider granting similar access for officers so they can identify the least harmful solutions for mentally ill clients.

## ***INTERIM CHARGE 5 - FIREARM SAFETY***

The Senate Special Committee to Protect All Texans held a hearing on June 22, 2022 and received both invited and public testimony on its charge related to firearm safety. A digital recording of the hearing is available via the Committee's website.

The hearing included invited testimony relevant to the charge from the following individuals:

- Nicole Golden, Executive Director, Texas Gun Sense
- Aurora Vasquez, Vice President of State Police and Engagement, Sandy Hook Promise

### **SUMMARY:**

The committee heard testimony from experts on firearm safety and recommendations they had to improve firearm safety in the state. They heard about various policy changes including age restrictions on purchasing firearms, emergency protection orders, universal background checks, and straw purchase issues.

Nicole Golden, Executive Director of Texas Gun Sense, was called to testify. She explained that Texas Gun Sense is the only nonpartisan, gun violence prevention organization in the state. Their mission is to prevent gun violence through common sense policy, education, and partnerships with key stakeholders.

Golden said that she has been working in this space for almost 10 years and she has not seen anything like the response to the Uvalde tragedy in terms of support and demand for change. She said Texas is facing a crisis, one that we've known about for a long time. She said the CDC data show that the firearm death rate for Texas children ages 0 to 17 has more than doubled since 2015. She said that policy that addresses mental health and school hardening alone are not adequate to address the issues.

She said for several sessions Texas Gun Sense has pursued legislation that would create a system for extreme risk protection orders that would fill the gaps. This is an evidence-based, legal tool to empower law enforcement and families who are in crisis to avert suicide and homicide. She said these tools, when enacted through a civil process, work. She gave an example of the Florida law in the years after the Parkland shooting.

Golden said they have also come for several sessions to strengthen the vetting process for the purchase of firearms. She said that 80 percent of all guns that are acquired for criminal purposes are obtained through transfers from unlicensed sellers. She said they also are advocating for stronger storage and reporting requirements. Golden said Texas has an alarming rate of 1200 lost or stolen guns, and those are the ones that are reported. She feels the true number is much higher than that. She said they are also advocating for protections for domestic violence victims. She said

up to 150 Texans are shot every year by a domestic partner and there is a clear connection between domestic violence and mass shootings.

Golden discussed polling in favor of red flag laws, background checks on private transfers, and raising the age to purchase a semi-automatic weapon from 18 to 21 years old. She said the answer is in prevention, not reaction. She said background checks on private transfers may have prevented the Midland-Odessa shooting, extreme risk protection orders may have averted the shooting in El Paso, child access prevention laws may have prevented the shooting in Santa Fe, domestic violence protections may have prevented the shooting in Sutherland Springs, and age restrictions on purchasing a semi-automatic weapon may have prevented the shooting in Uvalde. She urged the committee to advance preventative gun safety legislation.

Senator Zaffirini asked what Golden's best estimate that the Texas Legislature could pass with bipartisan support and have it signed by the Governor. Golden said that there have been 19 states that have passed an extreme risk protection order, otherwise known as a red flag law. She said many of those bills passed with bipartisan support, particularly after a tragedy. Senator Zaffirini asked if there was a bill or similar bill that Golden could single out that she believes the Texas Legislature could and should pass. Golden said they've come to the legislature before with extreme risk protection order bills and that there's an urgency behind it. She also highlighted background checks on private transfers and domestic violence protections, especially for proper relinquishment of firearms by convicted abusers.

Senator Zaffirini asked how Golden would respond to someone who said the legislature should not pass any further gun restrictions because of the Second Amendment. Golden said that none of the laws brought forward by Texas Gun Sense infringe on the rights of responsible citizens. Senator Zaffirini asked about due process concerns with regard to red flag laws. Golden said there are due process protections in the civil proceedings that allow for the gun owner to recover their guns should they no longer present a threat to themselves or others. Golden said it was a partnership between law enforcement and families in crisis to go through the legal process together.

Senator Zaffirini and Golden discussed raising the age to purchase a semi-automatic weapon. Senator Zaffirini asked how Golden would respond to someone who criticizes that policy based on the ability for 18-year-old Texans to be recruited and join the military. Golden said that scientific evidence says that the prefrontal cortex is not fully formed until 25. She said that polling supports raising the age and it makes sense to people.

Senator Zaffirini asked how this committee could make a difference to protect all Texans, specifically. Golden said there is not one solution for gun violence prevention because there are many different kinds of gun violence. She said all solutions should be on the table. She said it's unlikely that these solutions would eliminate gun violence completely.

Senator Zaffirini and Golden discussed Governor Abbott's recommendations following the Santa Fe shooting. Senator Zaffirini asked if Texas Gun Sense supported all of those recommendations. Golden said Texas Gun Sense was part of the roundtables in 2019 and served as a resource at that time. She said they were supportive of the reforms, especially reporting requirements for lost and

stolen guns and the extreme risk protection order ideas. She said they ultimately did not pass. Senator Zaffirini asked about the makeup of the members of Texas Gun Sense. Golden said they are a nonpartisan, statewide group. They have gun owners and non-gun owners, people with different political ideology, and a broad range of backgrounds. Senator Zaffirini asked how hopefully Golden was that this Legislature will make a difference. Golden said she wouldn't do this kind of work if she didn't hold on to hope and have strong convictions in the work that she does. She said she felt that the federal changes that are happening are encouraging. She said she's a believer in incremental change and is willing to help in any way she can.

Aurora Vasquez, Vice President of State Policy and Engagement for Sandy Hook Promise, was called to testify.

Vasquez gave an overview of the mission of Sandy Hook Promise and the connection Sandy Hook Promise feels to the tragedy in Uvalde, as there were similarities. She spoke about the founders of Sandy Hook Promise and the connection they had to the shooting there. She said that Sandy Hook Promise's mission falls into two categories, one focused primarily on students and the other on firearms and the general public. Vasquez said they're committed to increasing student safety in their schools, homes, and communities. She said they have a responsibility to come up with nonpartisan solutions, because the solutions belong to all of us.

She said there are four general areas of policy, including violence prevention education for students, raising the age to purchase, temporary transfer of firearms, and closing the private sale loophole.

Vasquez said the first pillar - violence prevention education - is modeled in the SAVE Students Act. She said SAVE stands for Safety Suicide Prevention and Violence Education for Students. She said it is a piece of model legislations that seeks to institutionalize evidenced-based violence prevention training in K-12 schools in different categories. She said the act covers suicide prevention, social inclusion, general violence prevention, and anonymous reporting. She said Sandy Hook Promise believes in teaching students to use anonymous reporting as a helping tool. She said they have found that when there is an anonymous reporting tool that is student-centric students will use it. She said they have found that students are not as likely to use anonymous reporting tools or tip lines that are available to the public in general because students are not interested in using a tip line that is marketed as a way to get someone in trouble.

Vasquez talked about their second legislative priority, which is raising the age to 21 to purchase or possess certain types of semi-automatic weapons. She said she would encourage the legislature to draft legislation that focuses on the types of semi-automatic weapons that are most often misused in mass shootings targeting children. She said they acknowledge that they are not experts in firearms and so they do not have a piece of model legislation. She said another option would be to define which firearms would not be subject to an age restriction. Vasquez said they chose 21 as the age because of current handgun purchase restrictions and scientific evidence that shows that brain development that impacts decision making isn't complete yet. She also referenced a US

Secret Service report on plotters that indicated the age range for potential shooters was between 13 to 19.

Vasquez highlighted their third platform plank - temporary transfer of firearms. Sandy Hook Promise believes that creating a system that temporarily transfers firearms away from individuals who are on the brink of crisis is a helping tool. She said if you can prevent someone from misusing a firearm, you are helping countless people including the gun owner. She said this is crisis aversion and rights retention legislation. She said their draft legislation reflects input from Democrats and Republicans and has been introduced in the Kentucky legislature multiple times. She said they chose to start this work in Kentucky because of its strong gun culture.

Vasquez discussed their fourth legislative priority which focuses on private sale of firearms. She said their recommendation is to close the stranger-to-stranger loophole. She said this focuses on sales that happen between strangers where no background check is required for the buyer. She said they think its important to close this loophole because it would ensure that ineligible buyers who know they cannot legally purchase a firearm are not circumventing the system.

Senator Zaffirini and Vasquez discussed states that have raised the age to purchase a hand gun to 21 and the correlation with a decrease in teen suicides rates in those states. Senator Zaffirini asked if there are similar studies that covered raising the age to buy an assault weapon to 21. Vasquez said they did not have studies that covered assault weapons in particular. She said that this study was to emphasize and explain why 21 was the age they chose.

Senator Zaffirini and Vasquez discussed the temporary transfer legislation introduced in Kentucky. Vasquez said it had not yet passed in Kentucky. Senator Zaffirini asked what the major elements of the legislation was. Vasquez said it was very similar to an extreme risk protection order. She said it does not have all of the elements of an extreme risk protection order. It allows for an immediate order issued by a court when there is a crisis situation. It has a process to return firearms to the gun owner once they are well enough to have the firearms back. She said the bill has language that protects other gun owners who live in a household with the subject to ensure that their firearms are not subject to the temporary transfer. She said the bill has language to expunge the respondents records if a judge decides not to issue the order. There should be no reflection that someone attempted to trigger the order if it was not granted. She said there is information in the bill that provides notice of the subjects rights, including information about returning their firearms, who is storing the firearms, and the length of the order. She said they view this as a helping tool to intervene before a gun owner misuses their firearm and help them retain their rights. Vasquez said a person who uses a firearm in an act of violence would likely lose their right to bear arms permanently.

Senator Zaffirini asked what the major components of the SAVE Students act are. Vasquez said the SAVE Students Act is school-focused and seeks to bring evidence-based violence prevention training to students. She said the bill seeks to institutionalize suicide prevention training, general violence prevention training, training that helps students combat social isolation, and anonymous reporting. She said that their goal is to give students tools they can use to prevent all types of

violence. She said there are several districts that are using Sandy Hook Promise's anonymous reporting tool, including 11 districts in Texas. She said their system is available at no cost and so is all of their violence prevention programming.

Senator Zaffirini asked what the minimum actions the committee should take are to prove that the committee is serious about ensuring the safety of students. Vasquez said the SAVE Students Act provides upstream tools to prevent violence. She said if you couple school hardening with these upstream tools, students have said they feel much safer on campus. She said the other steps would balance Second Amendment interests with safety.

Senator Bettencourt discussed the Sandy Hook shooting and the circumstances of how the shooter obtained firearms. Senator Bettencourt asked how these proposals would have prevented the Sandy Hook shooting. She said that perhaps his mother would not have purchased those weapons for her son had the policy been in place.

#### **RECOMMENDATIONS:**

Regarding the interim charge related to firearm safety, the Committee heard testimony that laid bare the challenges that Texas faces as to gun violence, while acknowledging that any conversation regarding firearm safety must be done in the context of protecting Texans' vested constitutional rights. The Second Amendment clearly grants law abiding citizens the right to protect and defend themselves via the possession and carrying of firearms. Thus, the work of the Committee is to determine how to best fulfill the charge to examine and make recommendations to improve firearm safety while ensuring that Texans' rights are protected.

Understandably, members of the Committee have differing opinions as to how to best balance protecting the Second Amendment while ensuring that youth and the public at large are protected from gun violence. However, one policy recommendation that arose during the hearing bears mention in this report, as it represents a possible solution to the very pressing issue of firearm safety, particularly in the context of school violence, that the Committee may support:

*State penalty for straw purchases:* While the issue of firearm straw purchases did not arise during testimony relating to firearm safety, representatives from the Texas Police Chiefs' Association testified as to the issue relating to straw purchases during testimony on police training. The testimony was so straightforward and compelling as to the need to make straw purchase of firearms a felony under state law that it is included here as part of the report recommendations.

"Straw purchase" refers to the purchase of a firearm by an individual who is otherwise prohibited from owning a gun under the law via a third party who purchases that gun knowingly on their behalf. The Federal Bureau of Alcohol Tobacco Firearms and Explosives (ATF) confirms that straw purchasing is the most common channel for illegal gun trafficking in America. While under

current Federal law straw purchasing is illegal and punishable by up to 10 years in prison, the Federal Government's inconsistent enforcement of the law against straw purchasing leaves many of these crimes unaddressed.

Texas Penal Code Section 46.06 does not make it a crime to sell or transfer a rifle, shotgun or assault weapon to a person even if the seller/transferee knows that the buyer/transferee intends to use it unlawfully in a crime or is otherwise prohibited from owning that gun. Testimony from the Texas Police Chiefs' Association indicated that the Federal Government's lack of enforcement of the Federal law against straw hampers police in Texas from ensuring that firearms are not sold to convicted felons, dangerous criminals, and others not legally authorized to possess them. In fact, the testimony revealed that only 2% of straw purchases are actually prosecuted at the Federal level. By simply mirroring the Federal law against straw purchases in the Texas Penal Code, the Legislature could provide an important tool to law enforcement to prevent illegal gun trafficking in the State and also potentially avert some of the future mass violence events. The testimony in this hearing illuminated the multifaceted challenges faced by law enforcement in their efforts, and a state level straw purchase prohibition in law is a simple way to empower law enforcement in their work and keep guns out of the hands of those people already prohibited from having them.

This report also notes that another recommendation raised numerous times in testimony as a way to reduce mass violence events in schools was raising the age to purchase an assault-style weapon to 21. Testimony highlighted that US Secret Service reports on violence in schools have found that attackers have historically been between the ages 12 and 19 with few exceptions. However, there remains a strong lack of consensus of the Committee as to this idea.



## **LETTERS FROM MEMBERS**



## The Senate of The State of Texas

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December 8, 2022

Hon. Robert Nichols, Chair  
Senate Special Committee to Protect All Texans  
PO Box 12068  
Austin, Texas 78711

Dear Chair Nichols:

This letter serves as my response to the recommendations contained in the draft Special Committee Interim Report received in my Capitol office on December 7.

For the purposes of this letter, I am only addressing recommendations in the draft interim report on which I have further statements not articulated within the body of the report.

**School Safety Review Teams.** School Safety review teams are an excellent idea. However, I do have concerns that no uniform set of school safety standards exist in Texas for a school safety review team to make determinations that are fair to both urban and rural districts. Additionally, I have concerns about making the Texas School Safety Center the administrative body in charge of school safety reviews in Texas. In the institutions' own purpose statement it clearly states that TxSSC is an "official university level research center."

The responsibility of school safety enforcement must rest with the Texas Education Agency, a body over which the Legislature and Executive both exercise oversight. This is why I will be proposing a Texas School Safety Accountability Rating System and Report Card through legislation during the 88th Session of the Texas Legislature.

This legislation will create an expert committee to determine appropriate standards for school safety, and will result in each campus in the state being rated as "meets standards," "exceeds standards," or "does not meet minimum standards," so parents, students, school faculty, and the public have an accurate assessment of how ready our school campuses are for public safety and other threats.

For those schools which do not meet minimum standards, the proposed legislation requires a remediation plan to be approved by the Texas Education Agency which will get the campus to the goal of "meets standards."

**School Safety Allotment.** I concur that we must continue to fund this allotment. We must consider, also, whether or not to create a separate Mental Health Allotment as part of school funding formulas. If not, I would advocate for schools continuing to be able to utilize School Safety Allotment dollars for the purpose of funding evidence-based mental health practices. I look forward to a robust discussion on this issue during the 88th Texas Legislature.

**Truancy.** As someone who has taken a lead on truancy reform, both as Chair of the Senate Intergovernmental Relations Committee during the 82nd Session of the Texas Legislature and as a State Senator, I believe that it is not appropriate or necessary that we dismantle the entirety of the current truancy system to make it functional. I heard and understood the complaints of superintendents concerning the current law, and believe we can make the current construction less complicated, without recriminalizing any conduct we had previously decriminalized surrounding truancy.

**Delineation of responsibility between TEA and the Texas School Safety Center.** I am 100 percent in agreement with clearly defining the roles of the Texas Education Agency and the Texas School Safety Center as it relates to school safety.

However, to reiterate a prior point, I do not believe it is appropriate for the Texas School Safety Center to be involved, in any way, in enforcement of school safety standards. The Texas Education Agency is the body with which such duties should rightfully reside, as that agency has direct legislative and executive oversight. The Texas School Safety Center is a think tank and *academic institution* located under the umbrella of a university system, over which the Legislature lacks similar direct oversight.

**Loan Repayment Program Expansion.** I am strongly in favor of bringing the Texas Mental Health Loan Repayment Program to parity with the Physician's Loan Repayment Program. I feel strongly this committee should not simply recommend expansion of this and other programs, but rather should specifically recommend *financial parity for the Mental Health Loan Repayment Program*.

**State Penalty For Straw Purchases.** As a Senator who has carried a straw purchase bill several times, I strongly support making changes to the Texas Penal Code to make it a crime to sell or transfer a rifle, shotgun or assault weapon if the person selling the weapon is aware that the buyer or transferee intends to use the weapon unlawfully in the commission of a crime, or is otherwise prohibited from owning a gun.

I believe we as a Legislature must at least *hear and consider the voice of the people* with regard to firearms, even if we as a Legislature go a different direction than the people's wishes. As the desire of the majority of Texans for some stricter gun controls on assault-style weapons and

other measures is not, in my view, adequately articulated in this report, I will simply state as follows:

- 1.) 78 percent of Texas voters support requiring background checks on ALL gun sales.
- 2.) 68 percent of Texas voters support red flag laws.
- 3.) 52 percent of Texas voters support stricter gun safety laws.<sup>1</sup>
- 4.) 73 percent of Texas voters support raising the minimum legal age to buy any gun to 21-yearsold across the nation.<sup>2</sup>

**Conclusion.** I intend to sign this report, and wish to thank the Chair and committee staff for their work with this committee, and in preparing this important report. I look forward, during the 88th Session of the Texas Legislature, to working on a robust school safety accountability system, and working for full parity for the Mental Health Loan Repayment Program, among other priorities related to my service on this committee.

Sincerely,

A handwritten signature in black ink, appearing to read "Royce West". The signature is stylized with a large, looped "R" and a long horizontal stroke.

Royce West  
State Senator  
District 23

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<sup>1</sup> The Texas Politics Project, University of Texas at Austin, June 2022 polling:

<https://texaspolitics.utexas.edu/set/should-gun-laws-be-more-or-less-strict-june-2022>

<sup>2</sup> Quinnipiac University Poll, June 15, 2022: <https://poll.qu.edu/poll-release?releaseid=3849>



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December 9, 2022

The Honorable Robert Nichols  
Chairman  
Senate Special Committee on To Protect All Texans  
P.O. Box 12068  
Austin, Texas 78711

Dear Chairman Nichols,

Thank you for your leadership as Chair of the Senate Special Committee on To Protect All Texans. I appreciate the time and effort invested by the committee and staff in preparing the interim report to the 88<sup>th</sup> Legislature. It is a privilege to serve with you, and I appreciate the opportunity to share my perspective regarding the Committee's interim report.

The report includes many great recommendations that I will support if they become legislation. As such, I am happy to sign the report. I submit this letter to be included in the report, however, as a record of some of my concerns to highlight some of the omitted recommendations brought to us by the public during testimony. It would be disservice to the 19 children and two teachers killed at Robb Elementary to exclude recommendations for the passage of legislation that would: (1) raise the age to purchase a high-capacity, semi-automatic rifle from 18 to 21; (2) create "red flag" laws; (3) implement state-required background checks when purchasing a firearm; and (4) require a "cooling off" period for the purchase of a firearm.

After the mass shooting in Uvalde, Texas has passed California for the most mass shootings in the nation with a total of 31, according to a *Dallas Morning News* story published in June 2022. As state legislators, we owe it to the families of the victims in these mass shootings to pass laws that will save lives and prevent another massacre in the future. Red flag laws are proven ways to help de-escalate emergency situations by temporarily removing firearms from those who are an imminent danger to themselves or others. It should not be easier for teenager to buy an AR-15 than it is a handgun, or even a beer. A weapon similar to the U.S. Military's M-16 has been the weapon of choice for many mass murderers who desire to have a high body count.

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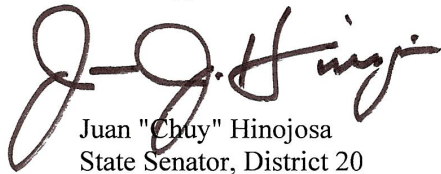
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Chairman Nichols  
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December 9, 2022

As a life-long supporter of the 2nd Amendment, I recognize the sensitivity associated with these recommendations. But as a father and elected official, I look forward to working with you and the rest of the senate to pass legislation that is reasonable to create a safer Texas for all its residents.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Hinojosa". The signature is fluid and cursive, with the first and last names being the most prominent parts.

Juan "Chuy" Hinojosa  
State Senator, District 20

# The Senate of The State of Texas

CHAIRMAN  
NATURAL RESOURCES &  
ECONOMIC DEVELOPMENT



FINANCE  
STATE AFFAIRS

**BRIAN BIRDWELL**

December 9, 2022

The Honorable Robert Nichols  
Senate District 3  
P.O. Box 12068  
Capitol Station  
Austin, TX 78711

Dear Senator Nichols,

Thank you for your leadership of this committee during the interim stemming from the most egregious of tragic events. The length and scope of the report demonstrates the amount of time and dedication you and your staff invested in seeking facts and making recommendations and reflects the work of the committee. I will sign the committee report as an acknowledgement of it accurately reflecting what the committee did and heard in testimony, but my signature does not reflect that I concur with every element of the report.

I non-concur with a portion of the final recommendations, specifically the recommendation to raise the age to purchase "assault-style" weapons from 18 to 21 years of age. When a citizen turns 18 years old, they are defined by the United States Constitution and seen by society as an adult, reaching the age of majority. With this age comes the adult ability, both in authority and responsibility, to choose to vote, choose to enlist in the armed forces, register for a loan, and otherwise make impactful decisions that affect an individual's life without a parent or guardian. My concern is that once the Legislature begins changing the parameters of how and when a citizen may utilize their 2nd Amendment rights, upon what other rights can we infringe in the same way? In 2019, I voted against SB 21 that raised the age in Texas to purchase tobacco products from 18 to 21 for the same reason. While use of tobacco products is not a constitutionally specified right, the analogy is congruent.

My other concern with this recommendation comes from the absence of a definition of what is an "assault-style" weapon. In our state criminal code under assault with a deadly weapon, numerous categories of weapons are listed relating to such an assault. Clubs, edged weapons, truncheons and of course firearms are listed. The argument could be made that every item that fits the definition of a weapon in our assault statutes could be classified as an "assault-style" weapon. I believe using



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such terminology as "assault-style" is applying a cosmetic definition that could be interpreted subjectively instead of objectively by deliberations within the judicial branch function of government, or future legislatures.

The problem we are trying to solve comes not from the cosmetics of a firearm, but from the evil choices that can exist within the human heart. That is why I believe the recommendation to raise the age from 18 to 21 to purchase an "assault-style" weapon is an emotional decision based on a subjective definition which is why I must non-concur.

Thank you again for the time, care, and devotion you, the members of the committee, and your committee staff have dedicated to the safety and well-being of the citizens of Texas.

Sincerely,



Brian Birdwell  
Senate District 22





## Donna Campbell, M.D.

Texas State Senator  
District 25

The Honorable Robert Nichols  
1100 Congress Ave. Suite E1.704  
Austin, TX 78701

Dear Chairman Nichols,

It is an honor and pleasure to serve under your leadership on the Senate Special Committee to Protect All Texans. This committee was tasked with examining solutions to help prevent senseless and heinous acts of violence against our most innocent, the children of Texas.

After months of research, and hours of expert and witness testimony, I believe we have the foundation to begin crafting legislation to continue to improve school safety in the 88th Legislative Session. School safety remains a priority for the people of Texas, and I look forward to working with you and our fellow legislators on passing meaningful policies to keep our children safe.

While there are differences in opinion on the best way to address school safety, I believe we all agree on securing our schools and protecting all Texans' right to be safe.

I am adding my name to this report because I believe it accurately reflects testimony from the committee hearings and presents a variety of recommendations for the legislature and Texans to consider in the 88th Legislative Session. There is one section in this report that I feel must be addressed.

On page 88 the Interim Report includes the following:

*This report also notes that another recommendation raised numerous times in testimony as a way to reduce mass violence events in schools was raising the age to purchase an assault-style weapon to 21. Testimony highlighted that US Secret Service reports on violence in schools have found that attackers have historically been between the ages 12 and 19 with few exceptions. However, there remains a strong lack of consensus of the Committee as to this idea.*

I take no issue with this generally accurate recount of the public testimony received on this subject. However, it is certain that the public testimony the committee received does not reflect the full spectrum of public sentiment on the subject of Second Amendment rights. It bears reiterating that while this section is rightfully included in the report, it does not constitute a formal recommendation from the Committee itself, or myself, as a sitting member.

Once again, thank you for your leadership on this essential committee. I look forward to working with you in the 88th Legislative Session.

Respectfully,

A handwritten signature in black ink that reads "Donna Campbell, M.D." in a cursive style.

Senator Donna Campbell, M.D.

## APPENDIX I: SCHOOL SAFETY STANDARDS PROPOSED RULE SUMMARY

### School Safety Standards Proposed Rule Summary



#### Highlights from Proposed Rulemaking

The [proposed School Safety Standards rule](#) requirements are summarized for quick reference below, consult the rule language for complete details of the proposed rule. Standards only apply to instructional facilities.

#### Key Terms

**Instructional facility:** A building predominantly used for teaching curriculum under TEC, §28.002. It includes facilities leased or owned. Some exclusions apply for specialized properties (e.g., hospitals, universities). *See subsection (a)(3).*

**Actively monitored:** Monitored by an adult whose primary duty at the time is to visibly review visitors upon approach and can take immediate action if necessary.

**Secured area:** A fence or wall that is at least six (6) feet in height and has anti-scaling design features or is eight (8) feet high; and must be well maintained, and if gated, allows for emergency egress.

#### Facility Components

**Exterior Doors, Exterior Classroom doors, and portable doors** should operate as fully intended, are required to remain closed, latched, and locked, and allow for emergency egress from the inside while remaining locked. Roof doors should remain closed and locked when not in use. *Doors can be unlocked during the instructional day if they are actively monitored or within a secured area.*

**Windowed doors** on the ground level or windows that are adjacent to or near a door and are large enough to allow someone to enter if broken must be reinforced with entry-resistant film unless within a secured area.

**Panic Alert System** must allow an alert to be triggered manually by campus staff, automatically with a 911 call, include location of where alert was triggered, alerts administrators which can then alert law enforcement, and can simultaneously send an alert to all staff. Where applicable, trigger doors to lock if electronic door system allows.

**Other facility components** that are required in the proposed rule include exterior door numbering, radio signal repeaters (where needed), and exterior secure master key lock boxes.

#### Operating Requirements

**Exterior Door Sweeps** must be conducted weekly to certify that all doors are properly closed, locked, and latched. Issues must be reported to the school safety and security committee and the campus principal in order to address any deficiencies.

**Exterior Door Numbering Site Plan** must be developed and accurately maintained, readily available in the main office, and shared digitally with the local 911 entity.

#### Maintenance Requirements

The school system must perform maintenance checks twice annually to ensure that the facility components within the rule function properly and as intended

#### Implementation and Certification Timeline for Facilities Upgrades

- 2022-2023 SY - School systems must certify requirements are met starting with the 2022-23 school
- August 2023 - Deadline to have contractor procured and a final timeline to complete all work required