

- Education for students with disabilities is federally mandated to be individualized. Every student is unique in their strengths and needs, and every “disruptive behavior” situation has a unique cause. Following best practices, such as Collaborative and Proactive Solutions or Positive Behavioral Interventions, staff should not respond to every disruptive situation in an identical manner. This bill would mandate uniform responses that, therefore, would not address individual students’ needs nor best practice responses.
- Per a [2022 report by the Virginia Board for People with Disabilities](#), “Students with disabilities are subject to inequitable discipline” and “Black students with disabilities have the highest disproportionality in exclusionary discipline and are more likely to be punished for subjective offenses, like ‘disorderly conduct’.” These student populations already are disproportionately suspended when compared to white and non-disabled peers. Additionally, per this report, Virginia has one of the highest disproportionality rates in the country for referrals to law enforcement.
- It is well established by multiple studies that students with disabilities, male students, and students of color are all disproportionately disciplined by schools. In August 2022, the US Department of Education Office for Civil Rights [published a report illustrating these disparities](#). This disproportionate impact is seen across the United States, including VA. For example, in Fairfax County Public Schools, students with disabilities and Black students are [3-4 times more likely to be disciplined](#) than those without disabilities.
- This bill calls for students displaying “disruptive behavior” that interrupts or obstructs the learning environment to be removed from the classroom by teachers, with the Virginia Board of Education delineating a uniform system of discipline. VBOE will also decide procedures for returning the student to the classroom. Local procedures should be left to local school boards to decide.
- Under this legislation, teachers *must* remove students for “violent” behavior. Evidence of descriptions of “violent” classroom behavior used to justify restraint and seclusion of disabled students have included behaviors as mild as ripping up papers, shouting, throwing a pencil or a toy. Extreme punishments have already been inflicted upon students with disabilities whose behavior is, in fact, not dangerous but, rather, is a form of attempted communication, dysregulation, or a manifestation of their disability.
- This legislation cites a “prohibition against holding a teacher liable for taking reasonable actions or utilizing reasonable methods to control a physically disruptive or violently disruptive student.” This language is counter to the recent revision of the Regulations Covering the Use of Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia which clearly [mandates evidence-based training](#) for any system that employs physical restraint or seclusion and [limits civil immunity to teachers](#).
- Developmentally, children are expected to be disruptive. It is developmentally appropriate for children not to know or understand social rules during early development, and it is developmentally appropriate for tweens and older teens to rebel against those rules. Part of learning (and schooling) is to teach students expected social behavior and to help students manage and navigate conflict and difficult periods of development. Furthermore, various biological developmental periods result in a variety of aggressive, confrontational, questioning, and non-conforming behavior. If we immediately punish students harshly and without nuance or exception for expected biological behavior, we are literally creating a law that punishes them for being human and behaving appropriately as children. Further, students with disabilities and students who have experienced trauma have biological and physiological challenges that make them more prone to what some might deem “disruptive” behaviors.
- If a child mostly acts out in school, they could have an undiagnosed learning disorder. They might lash out or refuse to follow directions because they’re frustrated by schoolwork. Or they might be trying to hide their struggles by getting teachers to focus on their behavior instead. ([Childmind Institute](#))