



## Oppose HB 1461



February 3, 2023

Dear VA Senate Education Committee Chair Lucas and Members,

**We, the Special Education PTAs of Fairfax and Arlington Counties, along with the undersigned collective of 22 additional Virginia partner organizations, write to you today to urge you to oppose the dangerous education bill that is working through the Virginia Legislature. [House Bill 1461](#)** is a discipline bill that will disproportionately impact students with disabilities, students of color, and those who are low-income. After passing through the House on 1/31/23 by a vote of 52-46, it progressed to the Senate during crossover. The timeline is tight and immediate action is needed. This legislation must be stopped.

### **Who we are:**

Fairfax County Special Education PTA  
Arlington Special Education PTA  
Arlington Gender Identity Allies  
Fairfax County Federation of Teachers  
National Association of Social Workers - Virginia  
Arlington Schools Hispanic Parents Association  
FCPS Pride  
Parents of Autistic Children  
4 Public Education  
Black Parents of Arlington  
Prince William County Special Education PTA  
Alliance Against Seclusion & Restraint

Communication First  
Legal Aid Justice Center  
Promise to Address Childhood Trauma  
Arlington Education Association  
Decoding Dyslexia of Virginia  
Mental Health America of Virginia  
Virginia Autism Project  
The ARC of Northern Virginia  
disAbility Law Center of Virginia  
Fairfax County NAACP  
Voices for Virginia's Children  
Jewish Community Relations Council of Greater Washington

### **Why we Oppose HB1461:**

HB1461 will require the VA Department of Education to establish a uniform system of discipline for “disruptive” behavior. In so doing, it removes local control from district School Boards and puts decision-making in the hands of those who are not familiar with the students, the environment, or other pertinent circumstances. **This bill would mandate uniform responses for all students and staff that would not address individual students’ needs nor best practice responses. Further, it would put students with disabilities, students of color, and low-income students at great risk.**

It is well established by multiple studies that students with disabilities, students of color, students living in poverty, and males are all disproportionately subjected to school discipline 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 and here in Virginia. In Fairfax County Public Schools, students with disabilities and Black students are [3-4 times more likely to be disciplined](#) than their peers. HB1461 will make this situation even worse.

Further, the defining language of this bill is utterly subjective. The bill mandates student removal from class for **subjective** interpretations of “disruptive” or “violent” behavior without addressing the underlying cause of the behavior, thus creating a negative cycle that leads to learning loss and increased behavior problems which, in turn, have been proven to worsen outcomes for students. The definition of “violent” and “disruptive” are vague, but “disruptive” includes any behavior violating a school code of discipline. Descriptions of “violent” classroom behavior used to justify restraint and seclusion of disabled students have included behaviors as mild as ripping up papers, shouting, or throwing a pencil or a toy. Extreme punishments are already being inflicted upon students with disabilities whose behavior is not dangerous but rather is a form of attempted communication, dysregulation, or a manifestation of their disability.



## Oppose HB 1461



HB1461 also includes 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 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.

### **Ask:**

We are asking that this bill be quashed in committee. Please educate your colleagues on the harm that bills like this will bring to our most at-risk youth. And please, reach out to us, the undersigned, for additional information and insight into education policy that affects students with the greatest needs.

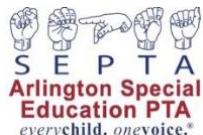
With appreciation,

### **Fairfax County SEPTA**



Amanda Campbell, President  
Michelle Cades, Advocacy Co-Chair & Past President  
Diane Cooper-Gould, Advocacy Co-Chair, Past President & Co-Founder

### **Arlington SEPTA**



Cecilia Kline, Co-President  
Jenn Seiff, Co-President  
Wendy Pizer, Advocacy Chair

