

VA NAACP Education Committee
Statement regarding HB1461

The Education Committee of the VA NAACP vehemently opposes [VA HB 1461](#). Like the [Violent Crime Control and Law Enforcement Act of 1994](#), VA HB 1461 will, if passed, be disproportionately detrimental for Black students and students with disabilities. At first glance for some, a “uniform system of discipline for disruptive behavior” may appear harmless; however, when dealing with human beings of school age especially, there is no one-size-fits-all approach to pedagogical approaches, learning or discipline. Legislation with the appearance of “uniform policies” are handed down by humans who have internalized biases that have historically proven detrimental for minority populations. For example, [research shows](#) that White teachers are more likely to exhibit “racialized anger bias”, that labels Black students more angry or “violent”, than White students. Additionally, a study published by the [African American Policy Forum](#) reported that Black girls, are more likely to be pushed out, overpoliced, under protected due to the racial bias of administrators with the power to punitively punish. Given this inherent negative racial bias, if HB 1461 is passed, teachers will be required to remove students from class who exhibit disruptive behavior and place students who exhibit what they perceive as “non-violent” behavior on the “three-strike system”. The bill summary reads in part:

“...Requires the Department of Education to establish, within its regulations governing student conduct, and each school board to adhere to, a uniform system of discipline for disruptive behavior and the removal of a student from a class that includes, among other things, (i) criteria for teachers to remove disruptive students from their classes, including a requirement for a teacher to remove a disruptive student from a class if the disruptive behavior is violent and a requirement to implement a three-strike system for nonviolent disruptive behavior whereby a teacher is required to remove a student from a class if the student repeats or continues the nonviolent disruptive behavior after the teacher provides two warnings to the student and (ii) a prohibition against holding a teacher liable for taking reasonable actions or utilizing reasonable methods to control a physically disruptive or violently disruptive student...”

What appears “disruptive” to one schoolteacher or administrator may not be “disruptive” to another. With the [lack of minority teachers in VA’s public schools](#) and the lack of diversity, inclusion and equity standards in all public schools, students are left to the whim of majority White teachers/administrators who may truly believe that students’ behavior is disruptive when it is simply unfamiliar to them due to lack of cultural competence. Dangerously, this bill also protects school staff from any accountability as related to lack of cultural competence. It requires students to exhibit restraint and be held accountable in way that school staff are not required to so, thus making our school buildings [eerily similar to prisons](#).

As recently as August 2022, the [U.S. Department of Education](#) found that Black students and students with disabilities are disciplined more harshly than their White counterparts in schools, and this bill asks this same department to pave the way for broadening the opportunity gap in VA public schools specifically related to discipline. Previous uniform policies for behaviors considered violent or disruptive harm non-majority communities. Former president Clinton conceded that the uniform response to crime passed during his administration [heightened mass incarceration of Black and Brown people, especially](#).

We respectfully request that you vote against HB 1461. We take seriously our responsibility to make learning environments safe for all our students and would like to talk more about ways to

do this without sanctioning punitive discipline in ways that current data illustrates cripples minority communities.

Amy Tillerson-Brown, Ph.D.
Education Chair, VA NAACP