

**HOUSE OF REPRESENTATIVES
COMPILATION OF PUBLIC COMMENTS**

Submitted to the Committee on Youth Health & Safety, Select
For HB 655

Compiled on: Monday, March 20, 2023 10:34 PM

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Hearing Date: March 20, 2023 2:30 PM - or upon final adjourn./recess or bill referral if permission granted

Judy Schockling
Pave member
Sugar Land, TX

I oppose HB 655. It would label students as “habitually violent” and force them into virtual learning for an indefinite period of time, expose them to law enforcement, and allow schools to establish any conditions whatsoever for them to return to school.

This bill moves in the wrong direction. Kids being isolated on virtual learning during the pandemic interrupted important developmental milestones and interaction with their peers, which has directly contributed to an increase in fighting and behavior issues. We agree that these behaviors are not acceptable. Instead, we should direct resources toward strategies that prevent behavior issues including mental health supports, trauma informed care, and restorative practices that do not remove students from school.

Maria Burdick
PAVE nonpartisan political action group
Houston, TX

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Ricardo Ayala

Organizing Network for Education Houston (ONEHouston)

Houston, TX

Good day, I am a former Houston Independent School District central office employee who currently works in Public Health in Houston's Fifth Ward with students ages 12-24. I would like to submit a written testimony against Bill HB 655 for a number of reasons. I would like to begin my objection to this bill on the grounds of the vague and subjective wording surrounding the criteria for removal from the school campus. The language of "habitually violent" behavior is unclear and not distinct enough from other student behaviors. In a school district as large as HISD, this could create confusion across school communities and increase the use of exclusionary discipline through discretionary discipline practices which are not standard across the state. Left unclear, districts could use this new authority to neglect their responsibility to educate the most-at-risk students in the state, pushing them out of school and into the school-to-prison pipeline. We have seen through the pandemic that virtual instruction has been shown to correlate with grand scale neglect and unmet health needs for students exemplifying multiple risk factors. This is especially true for section 504 students who this bill ropes in. The bill does not allow the commissioner to limit the number of days a student would be placed in a virtual learning setting and excluded from interacting with their peers. This could create negative impacts on a student's social and emotional development as well as their overall mental health. In this respect this bill is more punitive than rehabilitative of a student. It is the state's responsibility to meet the education and often health needs of the youth of the state. In place of this bill I would offer allocating more resources to students exemplifying higher needs by way of their behavior.

Shawna Callaghan

PAVE (Positive Action for Voter Engagement)

Houston, TX

Hello, I strongly oppose HB 655. It would label students as "habitually violent" and force them into virtual learning for an indefinite period of time, expose them to law enforcement, and allow schools to establish any conditions whatsoever for them to return to school.

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IRMA BILLETTE

3331 Charleston St

Houston, TX

I oppose HB 655. It would label students as "habitually violent" and force them into virtual learning for an indefinite period of time, expose them to law enforcement, and allow schools to establish any conditions whatsoever for them to return to school. Schools need more mental health professionals to help students and parents.

Denise Stasio, Ms.

PAVE

Houston, TX

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Joan Mateker

Self/ Former School Teacher/ CPA/ Retired

Bellaire, TX

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James Skopal, Mr

Pave

Houston, TX

HB655

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—Teresa of Ávila

Lucy Caire

PAVE, Houston Texas

Houston, TX

I oppose HB 655. It would label students as “habitually violent” and force them into virtual learning for an indefinite period of time, expose them to law enforcement, and allow schools to establish any conditions whatsoever for them to return to school. This will mark them for life!

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Calista Herbert

PAVE - nonpartisan voter engagement group

Houston, TX

I oppose HB 655. This bill would label students as “habitually violent” and force them into virtual learning for an indefinite time period - a learning environment which we know is not very effective or helpful. It would also allow schools to establish any conditions whatsoever for them to return to school. This is far too harsh and unhelpful in handling these students.

Ashley Essary

self

Austin, TX

I am writing to express my concern for a bill currently in the Youth Health & Safety Committee - HB 655. This bill would label students as “habitually violent” and forced to be pushed into a virtual setting. As an educator, I know that harsh methods of school discipline disproportionately impact students of color and students with disabilities. This bill does not prioritize restorative services or adequate supports for the students, and places undue stress upon educators to provide virtual learning that is inclusive and differentiated. In a CDC survey administered during the pandemic to over 1,200 parents, researchers revealed that students only learning virtually score worse in terms of physical and mental well-being. Virtual learners and their parents had noticeably higher scores on 11 of 17 stress indicators which include measures such as child mental health and parental emotional distress. Virtual learning for students who have behavioral issues does not combat the core problem. To keep our students learning and growing is to model positive behavior.

When I was a middle school and high school teacher, I was able to use restorative practices and student support to have good behavior in my classroom. Banishing students from the classroom always causes more harm and hurts their ability to learn and be part of the community.

I recognize that after the horrific events of Uvalde and other school shootings, there is a desire to prevent future incidents from happening. The reality is, proactive and sufficiently funded mental health programs and smart, sensible gun laws are what will lead to safer schools NOT state laws that seek to label students in a damaging way.

I ask that you oppose this bill and do not pass this bill out of committee.

Cindi Paschall, Parent

Parent

NRH, TX

Hi, my name is Cindi Paschall. I would like to speak to you about HB 655. Specifically, I would like to ask you to OPPOSE HB 655. We know that virtual learning was extremely challenging for students both academically and socially during the pandemic. If passed HB 655 would further harm students. Instead of removing students from a classroom, we should invest in strategies that prevent/minimize behavior issues including mental health supports, trauma-informed care, and restorative practices that do not remove students from school. Thank you in advance for reviewing my request.

Sandy Bagwell

Self-Analyst

Lubbock, TX

Schools should not get compensation of any kind unless they are performing full teaching duties as they are for all students.

Sandy Bagwell

Self-Analyst

Lubbock, TX

AGAINST.

Terri Carriker

self

Austin, TX

For students with an IEP or 504 plan, this legislation needs specific provisions for investigating whether the student also has or needs a Behavioral Intervention Plan in place and whether that plan has been consistently implemented and followed. It has been the experience of many students in the Special Education system that un-trained and under-trained staff inadvertently trigger and/or escalate behavior issues by not following these plans appropriately. It will be a substantial additional burden on these families to attempt to maintain educational services in the home setting. To not address the potential for this is unconscionable.

Diana Tang
Self
Houston, TX

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Stacie OGrady
Self
Lindale, TX

This is denying kids with FAPE. Special Education kids should be receiving the same school Opportunities as kids without special needs. This is so disheartening as I have a kiddo that was adopted at a young age and shouldn't be punished for the choices her birth mom made and will forever be affecting her as well as me and her entire adopted family that loves her unconditionally.

Sylvia Cardenas
Self
Kilgore, TX

I am against this bill. This bill places students with violent behavior into a virtual education model, at home with a parent, and the school can continue to draw federal and state compensation for educating the student virtually. I happen to believe that schools know exactly how to trigger this behavior and can reduce their class-size by trying this, thus denying FAPE.

Ashley Cole, Mrs.
self and teacher
Fort Worth, TX

AGAINST, This bill places students with violent behavior into a virtual education model, at home with a parent, and the school can continue to draw federal and state compensation for educating the student virtually. Schools know how to trigger these behaviors and in return can abuse this power to reduce their class sizes and deny students access to FAPE.

Linda Logan
Texas Council for Developmental Disabilities
Austin, TX

Chair Thompson & Committee Members,

Thank you for the opportunity to provide comments on HB 655, relating to the appointment of an educational representative for certain students with disabilities. My name is Linda Logan, and I am speaking on behalf of the Texas Council for Developmental Disabilities (TCDD), registering on the bill.

TCDD is established by state and federal law and is governed by 27 board members, appointed by the Governor, 60% of whom are individuals with developmental disabilities or family members of individuals with disabilities. The Council's purpose in law is to encourage policy change so that people with disabilities have opportunities to be fully included in their communities and exercise control over their own lives.

TCDD has strong concerns regarding HB 655's definition of "habitually violent behavior." It is incredibly vague and open to wide degrees of interpretation. We recommend that the language be modified to specifically identify what actions constitute "habitually violent behavior," rather than creating an ambiguity that is ripe for abuse and could quite conceivably result in students facing significant penalties over a simple misunderstanding or misappropriation of the standard.

Additionally, TCDD recommends that the serious concern addressed by the bill be first and foremost student-centered, taking into account the medical health, mental health, and trauma status of the student. Moreover, if the student is not already receiving special education services, the determination of the need for assessment for eligibility needs to be undertaken. This should occur before considering an alternative placement such as those mentioned in the bill, given that such a change in placement can have a profoundly negative effect on the student both now and in the future.

More study and consensus among experts in pediatric medicine, mental health, intellectual and developmental disabilities, and special education is needed in order to create a policy that is balanced and directed toward assisting the student to successfully complete school. The involvement of law enforcement conflates the need to restore the student to functionality with the need to punish the student for behaviors for which the cause has yet to be identified and will not be effective.

Thank you for recognizing that in some instances, a student may require the accelerated efforts of all concerned adults to identify the underlying reasons for challenging behaviors and to take actions that are logical and caring. Neither parents nor students need any additional burden of stress while the root causes of certain behaviors are identified and treated in the least restrictive way possible.

Please feel free to contact us for additional information or if we can be of additional service.

Respectfully submitted,
Linda Logan
Senior Public Policy Analyst
Texas Council for Developmental Disabilities
linda.logan@tcdd.texas.gov

Paul Burdick
Self
Houston, TX

I oppose HB 655. It would label students as "habitually violent" and force them into virtual learning for an indefinite period of time, expose them to law enforcement, and allow schools to establish any conditions whatsoever for them to return to school.

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Mary Gangelhoff
PAVE/Dominican Family
Houston, TX

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Carolyn Parmer
self
Austin, TX

Please vote AGAINST this bill. This bill is directly contrary to federal law which requires providing students with a FREE and APPROPRIATE PUBLIC EDUCATION aka FAPE. This bill would create incentives for schools to NOT support a student for inclusion in the LEAST RESTRICTIVE ENVIRONMENT, also federal law, just to get the student out of their responsibility. Technically they would be responsible for a student at home, but in reality these at home kids are often not supported. And it requires a parent to quit their job, devastating the financial security of the entire family. Thank you for hearing my concerns.

Sarah Berel-Harrop
Self / Seminarian, Intern Minister & Director of Religious Education
Farmers Branch, TX

I write today in opposition to HB 655. This bill is overbroad and potentially harmful to kids and their families. I fear this will accelerate the school to prison pipeline and disproportionately hurt black students and students of color, who are already subject to racial disparities in schools due to implicit bias.

There's a couple examples, but no limits, to what would be "violent behavior" in the bill, so children with minor behavior issues or kids that are different than staff members, such as kids with different gender identity, religion, sexual orientation, or race might be removed from schools. As an example, in persistent bullying situations, the kid being bullied is frequently the kid punished when they finally confront their bullies (<https://www.nbcnews.com/news/us-news/taunted-black-student-texas-civil-rights-complaint-rcna61172>).

There's nothing in this bill that clarifies it's a last resort. This bill is unnecessary because there are already mechanisms for alternative programs. Further, there are no parameters limiting the amount of time in the virtual placement.

Specifically in the case where a child may have a mental illness that manifests with disruptive behavior, the districts should assess whether there are special education needs since mental illness is a disability. Punishment and isolation is not the way to deal with mental illness. Rather, we should be directing resources toward preventative and supportive strategies such as mental health support, trauma informed care, and restorative practices that do not remove students from school.

Christine Curry, Dr.
self
Austin, TX

I strongly object to this bill. Children with Special needs often are dysregulated and the schools need to support these children AT SCHOOL. Parents can NOT stay at home to oversee their child on zoom. We all know the data around electronics and special needs children. When my son was on zoom over Covid we stopped participating, because it was causing so much anxiety and dysregulation. If these children are a threat to others (multiple occurrences requiring hospitalization of other students or staff) then the LRE would be in a smaller classroom with trained staff on how to provide FAPE. Lastly, no funds should go to a school which is not providing a FAPE. The school funds should go toward a private school if warranted.

Margaret Heinkel-Wolfe

self

DENTON, TX

This bill denies students with a disability the free and appropriate public education they are entitled to. It is beyond the pale to allow schools to continue to draw federal and state compensation for educating a student virtually when the student is at home with a parent or caregiver. We know how much students lost academically during the pandemic, and students with disabilities lost even more. Schools know -- or should learn -- what triggers a child's outburst and how to prevent it in the first place. This is just another way to avoid challenges and responsibilities, and somehow get paid for it.

EVE Margolis

self

Austin, TX

I support this bill.

Susan Burek

Self: I am Parent and an advocate for people with disabilities

Austin, TX

Thank you for allowing me to testify regarding HB 655. My name is Sue Burek and I live in Austin, Texas. I'm a parent, an advocate for people with disabilities, and a member of several advocacy organizations that serve families with children with disabilities, including Texas Parent to Parent, Protect Texas Fragile Kids, and Loving Hearts for All.

I am testifying AGAINST HB 655. I understand that school safety is of ultimate importance. However, HB 655 allows schools to place students with violent behavior in a virtual education model at home with a parent, where the school will continue to draw federal and state compensation for claiming to educate these students in a home setting. Note: Schools will know exactly how to trigger inappropriate behaviors among these students, which will lessen their class load by barring these students from attending school on campus, thus denying the students a Free and Appropriate Education (FAPE).

Please vote AGAINST HB 655. Thank you very much for your consideration of my request.

Amy Fawell

self, retired school teacher and mother of special needs adult

Austin, TX

As the mother of a son with autism (with severe behaviors) who was frequently sent home from Eanes ISD on bad days, I am strongly AGAINST HB655.

Lisa Fores

Self

Austin, TX

I oppose this bill. It will incentivize the re-segregation of disabled students who might have behavioral challenges. It also will disproportionately affect Black and Latino students.

It is not a Free Appropriate Public Education to be removed without due process and many ARD committees are powerless to make student driven decisions. There is no definition in statute for "violent" behavior, which will leave any interpretation of behavior open to the school district to interpret. This bill will punish disabled students, as the vast majority of educators and administrators do not understand manifestations of a disability or how to support. This bill will give schools carte blanche to label "problem" students as violent and get more funding to do it.