



HB 459 Restricts the Use of Harmful Restraints by Police in Schools

IDRA Testimony for House Bill 459, submitted by Paige Duggins-Clay, J.D., to the Texas House Select Committee on Youth Health and Safety, March 20, 2023

Dear Chair Thompson and Honorable Members of the Committee:

My name is Paige Duggins-Clay, J.D., and I have the pleasure of serving as the chief legal analyst at IDRA, an independent, non-partisan non-profit committed to achieving equal educational opportunity for every student through strong public schools that prepare all students to access and succeed in college. We are extremely proud to be celebrating the 50th anniversary of our founding this year and look forward to working with this committee this session to address the critical needs of our students, families and educators.

IDRA supports House Bill 459 and all efforts to eliminate harmful discipline and policing practices in schools. We must ensure that students feel safe every day, in every way, by adopting practices that have been shown to promote safe and welcoming schools and do not compromise the overall well-being of young people. HB 459 will advance these goals by prohibiting the use of physical and chemical restraints, including handcuffs, tasers, pepper spray and other use of force tactics on young children in all but the most extreme circumstances.

Too often, children are unnecessarily restrained when there are less harmful methods to handle a behavioral situation. And, unfortunately, students are often physically restrained for minor infractions, such as dress code violations and classroom disturbances.

Research shows that harmful use of force tactics, like physical and chemical restraints, are traumatic for all children who experience them, and it correlates with several negative educational, developmental and life outcomes (Gottlieb & Wilson, 2019). These outcomes include causing a child physical pain and injury, causing difficulty building relationships and trust in educators and other authority figures, and creating or exacerbating behavioral and mental health challenges.

We also support HB 459 because it will help address disparities in use of force and police contact with Black students and students with disabilities. The disproportionate use of restraints on students with disabilities is well documented: The U.S. Department of Education has found that students with disabilities make up 78% of students subjected to restraint in schools (OCR, 2020).

Equally concerning, although Black students make up only 18% of students with reported disabilities in the United States, they represent 26% of the students subjected to physical restraint and 34% of the students subjected to mechanical restraint, such as the use of handcuffs. Similarly, a report that examined adverse contacts with school police across the country found that Black

girls are twice as likely as their peers to be physically restrained by law enforcement in their schools (Whittenberg, et al., 2022).

These statistics and the horrific stories of directly impacted youth are unconscionable and, most importantly, preventable. We thank Senator West for championing this important legislation that bans some of the most extreme and unsafe interventions used on students.

IDRA is available for any questions or further resources that we can provide. Thank you for your consideration. For more information, please contact Paige Duggins-Clay, J.D., at paige.duggins-clay@idra.org.

Resources

Craven, M. (June 16, 2022). What Safe Schools Should Look Like for Every Student – A Guide to Building Safe and Welcoming Schools and Rejecting Policies that Hurt Students. IDRA Issue Brief. <https://idra.news/SafeSchoolsIB>

Gottlieb, A., & Wilson, R. (2019). The Effect of Direct and Vicarious Police Contact on the Educational Achievement of Urban Teens. Children and Youth Services Review. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6662931/>

OCR. (October 2020). The Use of Restraint and Seclusion on Children with Disabilities in K-12 Schools, 2017–18 Civil Rights Data Collection. U.S. Department of Education, Office for Civil Rights. <https://www2.ed.gov/about/offices/list/ocr/docs/restraint-and-seclusion.pdf>

Whittenberg, T., Skiba, R., Beauchesne, B., & Groves, A. (2022). #AssaultAtSpringValley: An analysis of police violence against Black and Latine students in public schools. Advancement Project & Alliance for Educational Justice. <https://advancementproject.org/resources/assaultatreport>

IDRA is an independent, non-profit organization led by Celina Moreno, J.D. Our mission is to achieve equal educational opportunity for every child through strong public schools that prepare all students to access and succeed in college. IDRA strengthens and transforms public education by leading policy analyses and advocacy; dynamic teacher training and principal coaching; useful research, evaluation and frameworks for action; and innovative student, family and community engagement.