



## **Hogg Foundation for Mental Health**

**Services, Research, Policy, and Education**

*Envisioning a Texas that leads the nation in promoting mental health and recovery from mental illness, supporting all Texans in achieving their potential*

**Information Presented to the  
Senate Education Committee  
Topic: Bullying (HB 1942)  
May 17, 2011**

The Hogg Foundation for Mental Health fully supports efforts to reduce bullying and to prevent both the short and long term effects of these behaviors. According to a study funded by the National Institute of Child Health and Human Development, “nearly one out of three students in middle school and high school said they had been bullied during the 2007 school year.”<sup>i</sup> Bullying is a complex issue that goes beyond simple behavior problems of an individual student. Bullying is a mental health issue that can impact entire school environments. Students engaging in bullying, the victims of bullies, and those witnessing bullying are at risk of anxiety, depression, distress, fear, loneliness, isolation, and even suicide.

The foundation encourages you to support initiatives that:

- address bullying on a school-wide basis, including positive behavioral interventions,
- provide comprehensive training for teachers and administrators,
- include campus-wide, age appropriate student awareness programs, and
- include mental health assessments and appropriate mental health treatment for both bullies and the victims.

### **Students with Disabilities**

One concern the foundation has regarding the efforts to address bullying is the potential for unintended consequences for students with disabilities. Students with intellectual disabilities, autism, serious emotional disturbance, or brain injury can engage in behaviors that some may compare to bullying. These behaviors may be the result of medications, frustration, sensory sensitivity, tactile defensiveness, fear, obsessive/compulsive tendencies, hyper-activity, seizure activity, and more. At times, behaviors can have physiological causes or may be related to environmental situations beyond the control of the student. While all inappropriate behaviors should be addressed, any misbehavior or maladaptive behavior exhibited by students receiving special education services should be addressed by the Admission, Review, and Dismissal (ARD) committee/process. Additionally, any change in placement should be in accordance with existing statute (Education Code Chapter 37.004).<sup>ii</sup>

For more information, please contact Colleen Horton, Policy Program Officer, Hogg Foundation for Mental Health at [colleen.horton@austin.utexas.edu](mailto:colleen.horton@austin.utexas.edu).

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<sup>i</sup> National Institute of Child Health and Human Development, *Taking a Stand Against Bullying*, <http://www.nichd.nih.gov/news/resources/spotlight/092110-taking-stand-against-bullying.cfm>, accessed March 18, 2011.

<sup>ii</sup> Sec. 37.004. PLACEMENT OF STUDENTS WITH DISABILITIES. (a) The placement of a student with a disability who receives special education services may be made only by a duly constituted admission, review, and dismissal committee.

(b) Any disciplinary action regarding a student with a disability who receives special education services that would constitute a change in placement under federal law may be taken only after the student's admission, review, and dismissal committee conducts a manifestation determination review under 20 U.S.C. Section 1415(k)(4) and its subsequent amendments. Any disciplinary action regarding the student shall be determined in accordance with federal law and regulations, including laws or regulations requiring the provision of:

- (1) functional behavioral assessments;
- (2) positive behavioral interventions, strategies, and supports;
- (3) behavioral intervention plans; and
- (4) the manifestation determination review.

(c) A student with a disability who receives special education services may not be placed in alternative education programs solely for educational purposes.

(d) A teacher in an alternative education program under Section 37.008 who has a special education assignment must hold an appropriate certificate or permit for that assignment.