

MEMO

To: Sen. Brian Campion
From: Bennington Incarceration Taskforce (BIT)
Re: School Discipline

Summary

- Vermont suspends thousands of students a year (3,982 in 2013)
- Out-of-school suspensions and expulsions greatly increase the likelihood that a student will drop out of high school (10 times as likely)
- Out of school Suspensions/expulsions also increase the likelihood of the student getting involved in the criminal justice system (3 times as likely)
- The short and long-term health, public safety, and financial costs to both student and state are substantial
- We recommend implementing preventative measures and alternatives to these strict disciplinary actions
- We strongly recommend providing educational support for students who are already suspended out-of-school or expelled

In 2013, 3,982 Vermont students were suspended out-of-school (OSS) for at least one day.¹ Vermont disproportionately suspends minority students and those with disabilities.^{2,3} The state does not mandate educational support for students excluded from attending school. OSS and expulsion have negative effects on students' well-being, and may directly effect the trajectory of their lives.

The American Academy of Pediatrics reports that *without institutional support*, OSS/expelled students are much more likely to engage in inappropriate or criminal behavior.^{4,5} Moreover, “students who experience out-of-school suspension and expulsion

¹ Vermont Agency of Education. “Vermont Public School Dropout and High School Completion Report” (2013)

² U.S. Department of Education Office for Civil Rights. Civil Rights Data Collection: Data Snapshot (School Discipline). March 21, 2014

³ Vermont Department of Education. “Elementary/Secondary Public School Enrollment” 2011-2012 School Year (ENRL-12)

⁴ Opportunities Suspended: The Devastating Consequences of Zero Tolerance and School Discipline Policies. Cambridge, MA: Civil Rights Project, Harvard University; 2000

⁵ American Academy of Pediatrics Committee on School Health. (2013). “Out-of-School Suspension and Expulsion.” *Pediatrics*, 131(3), 1000–07

are as much as **10 times more likely to ultimately drop out of high school** than are those who do not [emphasis added].”⁶

The harm extends beyond teenage years. Dropping out of high school has a cascading effect on students: dropouts have fewer future educational and job opportunities than graduates, and a life expectancy of **6 to 9 years shorter than graduates**.⁷

The problem doesn’t stop at school and it doesn’t stop at the individual level. Students who have experienced OSS or expulsion are much more likely to be incarcerated.^{8,9} A six-year study of over a million public school students in Texas found that, “[after] controlling for campus and individual student characteristics... a student who was suspended or expelled for a discretionary violation **was nearly three times as likely** to be in contact with the juvenile justice system the following year [emphasis added].”¹⁰

In other words, disciplinary action excluding a student from school, rather than improving a student’s chances at academic and further success, drastically decreases that chance, and creates a higher likelihood of incarceration.

The Vermont numbers are discouraging. Until their most recent report, the Community High School of Vermont claimed that in Vermont **90% of incarcerated individuals** under 22 are high-school dropouts.¹¹ Vermont has a 40.9% three-year recidivism rate.¹² The lack of educational support for our struggling students is creating a cycle of increased crime and harming the lives of thousands of Vermonters.

In addition to the health and human costs inflicted on these students, suspensions and expulsions cost the state money. A high-school dropout will earn **\$400,000 less and pay \$60,000 less in taxes** over a lifetime.¹³ Incarceration also bleeds the state’s wallet far

⁶ *Ibid.*

⁷ *Ibid.*

⁸ Skiba RJ, Reynolds CR, Graham S, Shera P, Conoley JC, Garcia-Vasquez E; American Psychological Association, “Zero Tolerance Task Force. Are Zero-Tolerance Policies Effective in Schools?” Washington, DC: American Psychological Association; 2006:4–5

⁹ Colorado Foundation for Families and Children. “Youth out of school: linking absence to delinquency. Denver, CO: Colorado Foundation for Families and Children” 2002:2–5

¹⁰ Fabelo, Tony, et al. "Breaking Schools' Rules: A Statewide Study of How School Discipline Relates to Students' Success and Juvenile Justice Involvement." (2011)

¹¹ CHSVT “Annual Report” *Community High School of Vermont* (reports from: 2008-2009; 2009-2010; 2010-2011; 2011-2012)

¹² Council of State Governments Justice Ctr. "States Report Reductions in Recidivism." (2012).

¹³ American Academy of Pediatrics Committee on School Health. (2013). “Out-of-School Suspension and Expulsion.” *Pediatrics*, 131(3), 1000–07

more than educating students. Vermont annually spends **\$49,502 per inmate,¹⁴ but about \$16,000 per student.¹⁵**

The data are clear: OSS and expulsions harm our students, the safety of our communities, and the state’s ability to support and protect its residents. Vermont has a fiscal, safety, and moral obligation to invest in our students early so we don’t have to pay to keep them in prison later.

A Ready Model

In its seventh year, Vermont Positive Behavior Interventions and Supports (VTPBiS) is an evidence-based system of ‘multi-tiered support’, data-driven decision-making mechanisms, behavioral practices and school employee professional development, designed to reduce discipline referrals in Vermont schools.¹⁶

The U.S. Department of Education states that the “PBIS framework has been shown to be effective in reducing the need for disciplinary actions and improving academic, social, emotional, and behavioral outcomes for students.”¹⁷

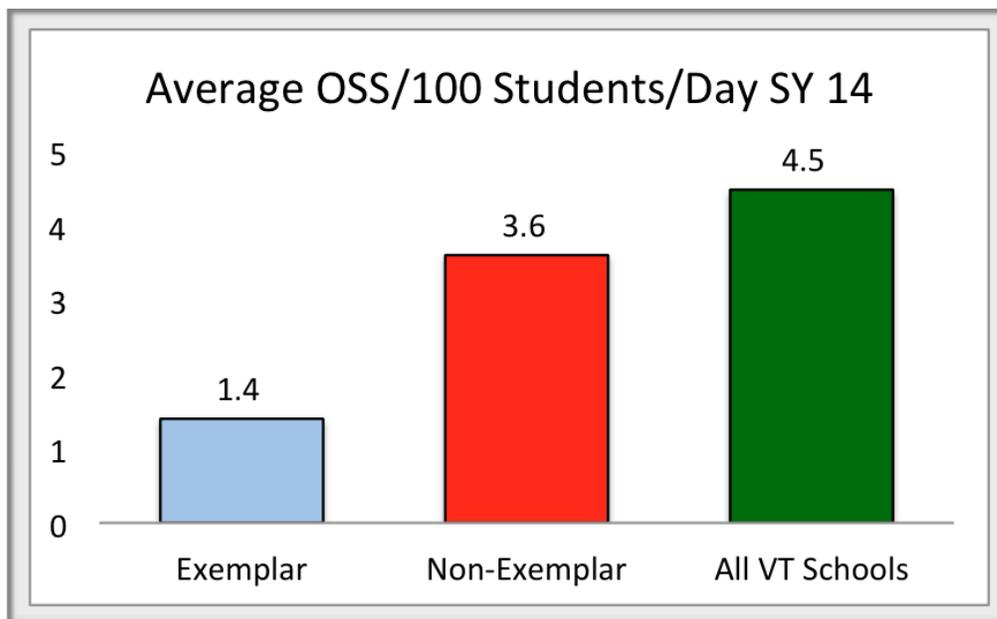


Figure 1: VTPBiS State Team. “VTPBiS Annual Report: 2013-2014” (2014)

¹⁴ Vera Institute. “The Price of Prisons, Vermont: What Incarceration Costs Taxpayers Fact Sheet” (2012)

¹⁵ Diaz, Jay, Esq. “Kicked Out! Unfair and Unequal Student Discipline in Vermont’s Public Schools” Vermont Legal Aid, January 2015

¹⁶ VTPBiS State Team. “VTPBiS Annual Report: 2013-2014” (2014)

¹⁷ U.S. Department of Education. Guiding Principles: A Resource for Improving School Climate and Discipline. January 8, 2014

43% of Vermont schools have implemented PBIS protocols and training. Many of these schools have seen improved academic and behavioral performance.¹⁸ Students that attend schools using VTPBiS standards are less likely to be suspended out-of-school (see figure 1.)

Policy Recommendations

Many states (MA, WA, IL, CO, ME, CA) have recently passed laws to support suspended and expelled students.^{19,20} The District of Columbia has reduced its rates of OSS and expulsion after passing one such law.^{21,22} In keeping with the U.S. Department of Education's guiding principles²³, we recommend that the state of Vermont:

1. Seek to reduce the number of students it suspends and expels
2. Require schools to have a plan for continuing the education of OSS and/or expelled students
3. Define what offences constitute grounds for short-term, long-term OSS and expulsion in statute
 - Consider limiting the use of long-term suspension and expulsion to students who pose a reasonable threat of death or serious bodily harm to themselves or others or bring a firearm to school
4. Expand the Positive Behavior Intervention and Supports framework (VTPBiS)

¹⁸ *Ibid*

¹⁹ Diaz, Jay, Esq. "Kicked Out! Unfair and Unequal Student Discipline in Vermont's Public Schools" Vermont Legal Aid, January 2015.

²⁰ Frey, Susan. "New Law Limits Student Discipline Measure" EdSource, (Sep. 28 2014)

²¹ Office of the State Superintendent of Education, D.C. "Reducing Out-of-School Suspensions and Expulsions in District of Columbia Public and Public Charter Schools" (2014)

²² Michael Alison Chandler. "Suspensions and expulsions down in D.C. charter schools" Washington Post, (Sep. 4 2014)

²³ U.S. Department of Education. Guiding Principles: A Resource for Improving School Climate and Discipline. January 8, 2014