

Exclusionary Discipline Response

**Response to written request of
February 26, 2015 related to S.67.**

REPORT
January 2016

**Report/Recommendations to the
Senate and House Committees on Education; Senate
Committee on Health and Welfare; House Committee on
Human Services**

Submitted by Secretary of Education

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Senate Education Request

During the 2015 Legislative Session, the Senate Education Committee took testimony on S.67, an act relating to school discipline reform, including detailed testimony from our Director of Analysis & Data Management, Dr. Wendy Geller, and other Agency staff.

Following testimony, the Committee chose to submit a request for data from the Agency of Education in order to inform any further discussions, rather than pass S.67 during the 2015 session. What follows is the Agency's response to the complete letter (Appendix A).

In any conversation related to school climate and discipline, attention must be paid to the positive impact of the Positive Behavior Interventions and Supports (PBIS) program and similar programs that teach positive social and emotional behaviors and thereby reduce out-of-classroom time for students. Our first priority has to be providing students with the care and support they need so that they are not in conflict with adults or peers. The Vermont PBIS 2014-15 Annual Report details the progress and positive impact of PBIS in 133 Vermont schools and 52 supervisory unions/supervisory districts as of June 30, 2015.

Funding available, the Agency of Education will continue to expand and support further adoption and high quality implementation of PBIS in the remaining Vermont schools and supervisory unions. Further, the Agency of Education recommends avoiding implementation of statutes which would lead to duplication of effort for the Agency or the school systems.

Request from Senate Education #1: A Catalog of data collection rules, policies and guidelines regarding exclusionary discipline used by any Vermont public school or district

Agency Response: Catalog of Data

The following text catalogs the data collection rules, policies, and guidelines of the Agency of Education related to exclusionary discipline which encompasses “suspension and expulsion.” As School Districts are not required to report their rules, policies, or guidelines surrounding suspension and expulsion to the Agency of Education, we are unable to provide a catalog of their local data collection rules, policies or guidelines related to this topic. However, in order to comply with NCLBA, Act 120 (Hazing, Harassment and Bullying), IDEA, and 16 V.S.A. §165 (a), (8) (Safe Schools School Quality Standard), schools are required on an annual basis to report to the Agency the following information which is linked to exclusionary discipline practices:

1. All hazing, harassment and bullying complaints.
2. All suspensions and expulsions of students including:
 - a. All suspensions and expulsions for violations of school substance abuse policies.
 - b. All violent crimes that occurred on school grounds or at a school sponsored function.
 - c. All incidents where the victim of a violent crime that occurred on school grounds exercised their school choice option under NCLBA.
 - d. All incidents involving a weapon on school grounds or at a school-sponsored function.
 - e. All incidents of unilateral removal to an alternative setting.

Hazing, Harassment, and Bullying Data

Statutory Authority: 16 V.S.A. §164 (17) requires the Secretary to report annually, on a school-by-school basis, the "number and types of complaints of harassment or hazing made pursuant to section 565 of this title and responses to the complaints." Repeated hazing, harassment or bullying of another student may result in exclusionary discipline for an offender but not all reported incidents will result in exclusion.

Data Policies and Guidelines: Data is annually submitted for each incident and includes information about the incident, the offender and the victim. Please see attached Data Collection CIRS Software Instructions for more detail. It is important to note that schools should report *all* complaints filed, not just those where there has been a finding of harassment or hazing. Act 117 of 2004 added “bullying” to the list of reportable incidents.

Suspension and Expulsion Data

Statutory Authority: The federal Safe and Drug-Free Schools and Communities Act (SDFSCA) requires the Agency to annually collect the number of students who are suspended or expelled for possession of, or selling alcohol, tobacco or other drugs. The federal Individuals with Disabilities Education Act (IDEA) require the Agency to gather suspension and expulsion data for students eligible for special education services.

State statute defines the parameters under which suspension or expulsion of students is appropriate in 16 V.S.A. §1162. For example, Section **16 V.S.A. §1162** reads:

Suspension or expulsion of pupils.

(a) A superintendent or principal may, pursuant to policies adopted by the school board that are consistent with State Board rules, suspend a student for up to 10 school days or, with the approval of the board of the school district, expel a student for up to the remainder of the school year or up to 90 school days, whichever is longer, for misconduct:

(1) on school property, on a school bus, or at a school-sponsored activity when the misconduct makes the continued presence of the student harmful to the welfare of the school;

(2) not on school property, on a school bus, or at a school-sponsored activity where direct harm to the welfare of the school can be demonstrated; or

(3) not on school property, on a school bus, or at a school-sponsored activity where the misconduct can be shown to pose a clear and substantial interference with another student's equal access to educational programs.

(b) Nothing contained in this section shall prevent a superintendent or principal, subject to subsequent due process procedures, from removing immediately from a school a student who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process of the school, or from expelling a student who brings a weapon to school pursuant to section 1166 of this title.

(c) Principals, superintendents, and school boards are authorized and encouraged to provide alternative education services or programs to students during any period of suspension or expulsion authorized under this section.

Vermont State Board of Education Rule 4300 outlines guidelines for Vermont schools in exercising exclusionary discipline, and includes specific protections for students on a Section 504 Plan and/or an Individualized Education Plan (students with disabilities). Rule 4312 is titled: *Discipline Procedures for Students Who are Not Eligible for Special Education Services, but Who Are or May Be Qualified Individuals under Section 504 of The Rehabilitation Act of 1973*. The logic behind these protections is to ensure that students are not disciplined for their disabilities or in ways that abridge their rights to education.

The federal Safe and Drug-Free Schools and Communities Act (SDFSCA) and the Gun-Free Schools Act require the Agency to gather data on school-related crimes including possession of or use of a weapon.

Statutory requirements regarding expelling a student for gun possession or narcotics or other threats of serious bodily injury are found in federal law, as noted above. For instance, in cases where a student brings a weapon (as defined in the federal Gun-Free School Act) to school, the school district must refer the student to a law enforcement agency and expel the student for a period of not less than one calendar year.

Additionally, under the provisions of the Unsafe School Choice Option of the No Child Left Behind Act, a student who attends a “persistently dangerous” school, or is the victim of a violent crime on school grounds, has the same choice options as are available to a student attending a “failing” school as determined by the accountability system. This data will be used to determine whether a school meets the definition of being “persistently dangerous”.

Data Policies and Guidelines: Data is annually submitted for each incident and includes information about the incident, the offender and the victim. Please see attached Data Collection CIRS Software Instructions for more detail (p9).

Related Topic: Restraint and Seclusion

Relatedly, [State Board Rule 4500](#) addresses restraint and seclusion rules in Vermont school settings. However, we must clarify that “restraint and seclusion” *are not* the same as discipline. Rather restraint and seclusion are measures used to prevent a student from harming him/herself and or others.

Request from Senate Education #2: “Recommendation regarding whether standardization of data collection rules and practices is appropriate”

Agency Response: Standardization of Data Collection

The Agency supports standardization of data collection rules and practices and this is currently in place.¹ Procedures will change as the new State Longitudinal Data System (SLDS) comes on board, however similar guidance to ensure that data is accurately submitted will be maintained.

Data collection would be improved by standardizing definitions related to what constitutes an exclusion that requires reporting. Current statute leaves the responsibility for defining the circumstances under which a disciplinary action is considered an exclusion to the local school board. As a result these definitions differ across locations and make comparability challenging. For example, if school system A requires that exclusionary data be recorded every time a student is sent home from school for any portion of the day but School System B requires it any time a student is excluded for a full day, School System A will likely have higher rates of exclusion even if it is not excluding students with any greater frequency.

A second problem with comparable data across school systems relates to training for administrators who are charged with supporting safe school environments. In many, but not all cases, the determination to administer exclusionary discipline is discretionary. Likewise, administrators select between a variety of reasons for what precipitated the exclusionary discipline. For example, in selecting the incident code for a situation where one student is repeatedly bothering another, schools must choose between hazing, bullying and harassment.² Because discipline policies are left to the discretion of the local school systems the State has not provided detailed definitions to the field regarding which fields to select.

Recommendation 1 - Issue Regulatory Guidance:

The Agency of Education is preparing to release regulatory guidance to school systems related to clarifying definitions and terminology required for accurate data submission. This regulatory guidance will be distributed via list serve and published on the Agency website.

Recommendation 2 - Provide Staffing/Resources to Meet Administrator Training Needs:

While written definitions would support greater consistency, specific training with simulations and applications of knowledge would increase administrator skill in making similar judgments. The Agency recommends dedicating resources to a short term project to create an anytime, online learning course that would be available to current and new administrators. A two-year limited service position to build this course could accomplish this goal. Estimated cost would be \$150,000 per year beyond current budget request.

At this point the Agency is unable to staff in-person trainings for the existing CIRS data collection and must rely on written training documents. We lack sufficient staffing to provide

¹ Reporting directions <http://education.vermont.gov/documents/edu-data-collection-cirs-reporting-instructions.pdf>
Software directions <http://education.vermont.gov/documents/edu-data-collection-cirs-software-instructions.pdf>

² Additional examples include fighting, assault/battery/maiming or personal property destruction/vandalism.

ongoing training and support to the field to ensure consistency and fidelity and conduct audits of data entry to ensure faithful completion of that duty. We believe that we will be able to utilize federal dollars to support this part of the costs of this effort if we align the Education Quality Review process to the Every Student Succeeds Act. Through current staffing we could dedicate ½ of a position to this work in 2017-18 by letting go of some other activities.

Request from Senate Education #3: “An analysis of the available data on exclusionary discipline in Vermont public schools to identify what additional data is needed”

Agency Response: Recommendation for Additional Data

In conducting our analysis to address the 6th request from the Committee, we find that we currently collect most of the requested data through the CIRS data collection to address the quantitative questions related to exclusionary discipline that have been raised.

| Data Requested | Available for Analysis |
|--|------------------------|
| 1) Type of exclusion | YES |
| 2) Length of exclusion | YES |
| 3) Offender Demographics | |
| a) Race or ethnicity | YES |
| b) FRL status | YES |
| c) Section 504 plan status | YES |
| d) IEP status | YES |
| e) Gender | YES |
| f) Grade level | YES |
| g) Foster Care status ³ | NO |
| h) Limited English Proficiency Status | YES |
| 4) Infraction type | YES |
| 5) Educational Services received during exclusions | NO |

Currently, the Department for Children and Families maintains all data related to foster care youth. It is only linked to educational data upon request from DCF for specific analysis in order to support integrated service provision and coordinated support services for this vulnerable population. These data are not currently linked to students in the educational sector for any other purposes. However, changes in the federal data collection under the Every Student Succeeds Act passed in December of 2015 require that Agencies of Education report on children with this demographic. As the Agency works to implement these new regulations, discipline incidents related to foster youth will be reported.

Data related to educational services received during exclusions are not collected via the discipline interface (CIRS). The legal requirement for educational services during removal applies only for IEP students per Board of Education Rules. The decision about whether or how to provide educational services during removal of non-IEP students is a locally-based decision and not collected by the Agency at this time.

Recommendation 3 - Missing Data: Foster Youth:

The Agency of Education finds that data gaps related to foster youth requested by the legislature will soon be available through the State Longitudinal Data System (SLDS) and will be required under federal law; no new action is recommended at this time.

³ These data are owned by the Department for Children and Families and are highly sensitive. AOE does not own these data and so, does not have the right to use them for analyses or report on them without prior agreement from DCF.

Recommendation 4 - Missing Data: Educational Services:

The Agency recommends incorporating this data collection into the existing work for the SLDS. As this will be a new request, additional funds for development of this field will be required and a contract amendment written to authorize the work. If the legislature so requests, we can pursue our vendor for cost and time estimates to implement this data collection.

Request from Senate Education #4: “An explanation of the Agency’s current strategies for obtaining quality data on exclusionary discipline and an identification of all barriers to obtaining quality data”

Agency Response: Efforts to obtain Quality Data

The Agency currently operates a self-reported collection of incidents from schools via the annual collection of CIRS. This collection must be certified by the superintendent and principal that, to the best of their knowledge, the submission is correct.

The Agency is, as always, working on improving our data collection and data quality. To that extent, we have provided manuals and directions to increase the accuracy of data collected. However, one barrier to *obtaining quality data on exclusionary discipline* is that the Agency lacks staffing. As previously described we do not have dedicated staff to provide the field with enough training and support for carrying out disciplinary actions and for completing the CIRS collection; we also do not have the capacity to regularly audit reporting to ensure fidelity of reporting across sites. The Agency lacks adequate staffing to perform ongoing analysis which would better support schools and stakeholders in understanding the data so that their decisions can be evidence-based ones.

Additionally, at this time, the Agency does not have a full time position dedicated solely to supporting schools with discipline. Rather, our staff, largely funded by federal dollars, support schools in the implementation of PBIS or SWIFT which provide schools with specific strategies for being proactive in reducing disciplinary behaviors.

The State Longitudinal Data System project (the SLDS), which is currently underway, will also significantly decrease the data reporting burden on the field in that there will be automatic, vertical reporting procedures in place once the SLDS is fully operational. This means that there will be a virtual “handshake” between the state SLDS and local School Information Systems (SIS) to report discipline events and actions on a nightly-rollover basis. This will improve the data quality, timeliness, and ease of reporting considerably. Currently, we are in the build phase of our SLDS implementation supported by our 2012 Federal SLDS grant.

Recommendation 5- Quality Data Efforts:

If the Agency had a position focused solely on the collection of data, the Agency of Education could audit data entry and provide support to the field in identifying ways to reduce exclusions.

Request from Senate Education #5: “Clarification on how Vermont’s small school sizes and student populations interact with data reporting categories and an explanation of any consequent impact on data reliability and usefulness”

Agency Response: Small school impact on evaluation

Student-level, identifiable, and verifiable discipline data have been a part of the CIRS collection since School Year 2013. As a result, the Agency of Education is able to analyze student level data for the last three years (SY2013-2015).

In years prior, these data were submitted as anonymous individual incident level data. For example, prior to School Year 2013 data were reported in such a way that we could learn that “Student A” committed an incident with drugs and “Student B” committed an incident with fighting. But, there was no way to verify if these two students were the same person or if they were two different people. Since SY 2013, CIRS data are required to be reported at the individual student level, with students’ Permanent IDs included so that their data can be verified and analyzed. This is how the Agency of Education can now analyze whether a student committed one action or several actions, whether students are eligible for free or reduced price lunches, are active IEP students, or are English Language Learners. However, any analysis for public reporting must always adhere to student data privacy regulations.

Today, the Agency is able to analyze exclusionary data at the State level for most exclusionary incidents in each year as there are sufficient numbers of incidents to protect student identity. However, as we move to examine data at the school level or by type of incident, the number of incidents resulting in exclusionary discipline frequently becomes too small to report and still adhere to the state and federal laws for protecting privacy.

Essentially, the more specific the question, the greater the likelihood that we will need to suppress data due to the small number of students in each group being analyzed. We are able to publically report answers to questions such as, “*At the state level what percentage of boys are excluded each year?*” This question addresses a relatively large location (state) for a sizeable demographic group (boys - 1 variable). We are not able to publically report answers to questions such as, “*At each school what percentage of boys on free and reduced lunch were excluded for drug possession?*” This question addresses relatively small locations (schools) for a smaller demographic group (boys on free and reduced lunch who possessed drugs- 3 variables). The more variables in the question, the more likely the data must be suppressed.

In adhering to state and federal law to protect student privacy, we cannot report any discipline data when the student number falls below 11. The numbers of discipline incidents that are happening in Vermont are very frequently below the mandatory suppression point of 11. For example, in Table 13 on page 30, we cannot report annual incidents as the number of incidents for behaviors such as stalking and hazing are too low. As a result we have collapsed several parts of the data requests made in Request #6 to a sum of three years rather than as individual year data because individual year data resulted in much suppressed data. Given a statewide average of approximately 5% of students being excluded; and assuming an equal distribution of students and incidents, a school or demographic group would need to include at least 220 students ($11 \text{ students} \div 5\% = 220$) to have any data about their exclusions released; and then only

by large categories and without additional variables. For these reasons, it is difficult to produce data at the school level.

The Enrollment Report figures for school year 2014-2015 show that 79% of our schools serving grades up to 6th grade are within the general “small” category established by the national and international literature, because these schools enrolled fewer than 300 students.⁴ 54% enrolled fewer than 200 students and 30% enrolled fewer than 100 students. These data also show that 32% of schools that serve students in 9-12th grade enrolled fewer than 300 students, putting them in the “smallest” category (<300) in size effect research. The vast majority of our schools are simply too small to show reportable data.

This is further complicated when we begin to look by student demographic characteristics within schools. In most schools, these sub-groups have so few students that their data must be suppressed for privacy reasons when reporting. In addition, minor changes in class composition potentially yield large but not substantive shifts in reported performance, rendering meaningful statistical analysis all but impossible (e.g. 1 student may be 8% of the subgroup).

To illustrate how the small size of subgroups renders the data difficult to use in evaluating disproportionality at the school level, consider the example of a school with two students of color. If neither is involved in an incident in year one, and one is involved in a single incident in year two, statistically, this would appear like a 50% increase in exclusionary discipline. However, it would be hard to call that change substantively meaningful without other corroborating evidence.

Recommendation 6 - Data Reporting:

The Agency advocates that all analyses of discipline data be conducted at the Supervisory Union/Supervisory District Level and State level to increase the likelihood that data will be of a sufficient size for reporting. The Agency is currently re-running all data requests at this level.

⁴ “Optimal Context Size in Elementary Schools,” 2006.

Request from Senate Education #6: “All readily available data on exclusionary discipline, including data on educational services provided to students during exclusion from the classroom, from each Vermont public school for academic years 2010-2014. The committee requests that the data be:”

1. Aggregated as necessary to comply with state and federal privacy law in a manner that permits inclusion of the maximum data possible.
2. If available and permissible, include for each Vermont public school and district and for each relevant academic year:
 - a. Total # of disciplinary exclusions from the classroom, broken down by:
 - i. In-school suspensions
 - ii. Out-of-school suspensions
 - iii. Expulsions
 - iv. Alternative school placements
 - v. Other type of removal
 - b. Total # of days for which students were excluded from the classroom due to exclusionary discipline, broken down by:
 - i. In-school suspensions
 - ii. Out-of-school suspensions
 - iii. Expulsions⁵
 - iv. Alternative school placements
 - v. Other type of removal
 - c. Total # of students who received educational services during disciplinary removals, broken down by:⁶
 - i. Out-of-school suspension
 - ii. Expulsion
 - iii. Other type of removal from classroom
 - d. Total # of students who did not receive services during disciplinary removals, broken down by:⁷
 - i. Out-of-school suspension
 - ii. Expulsion
 - iii. Other type of removal from classroom
3. If available and permissible under state and federal privacy law, disaggregated by:
 - i. Race or ethnicity

⁵ The CIRS collection does not require LEAS to report the number of days for Expulsions and Interim Alternative Placements. Additionally, Interim Alternative Placements are a process whereby students with an IEP may only be out of the educational environment for less than 10 days while an appropriate alternative environment is found for the student to be in for no more than 45 days. For full details on this see the CIRS reporting instructions.

⁶ The legal requirement for educational services during removal applies only for IEP students. The decision about whether or how to provide educational services during removal of non-IEP students is a locally-based decision.

⁷ AOE only has data on whether there is service provision for IEP students, and AOE does not have confidence in the CIRS data as a good tool to measure this. Recommendation: centralization of special education at the SU level should ensure better communication and decision making regarding disciplinary actions for students on IEPs.

- ii. FRL status
- iii. Section 504 plan status
- iv. IEP status
- v. Gender
- vi. Grade level
- vii. Foster Care status⁸
- viii. Limited English Proficiency Status
- ix. Infraction type
- x. Type of disciplinary removal or intervention applied⁹

Agency Response

In responding to this request, the Agency has attended first to the requirement that all data be shared in ways which allow for the maximum amount of data to be shared with the public while simultaneously adhering to rules which protect the identity of students. Wherever we have not provided data exactly as the committee has asked for it has been due to the need to protect student data privacy. Notations and explanations accompany data as it is provided.

Interpreting Discipline Data

Due to the nature of how discipline is reported in the CIRS collection, it is important to understand the different ways in which data can be presented:

- 1.) **Excluded Students:** Student level of the population of students that have experienced *at least* one exclusionary disciplinary action.

If a student has been excluded on multiple occasions, she would be counted once in these data. For example, if Julia were suspended in October for fighting, in January for cigarette possession, and in March for fighting, she would count as 1 *excluded student*. Or if John, Bill, and Samuel were all excluded for fighting at school, they would be counted as 3 *excluded students*.

These data answer the questions:

- What demographic subgroups are the recipients of exclusionary discipline?
- What proportion of exclusionary discipline was administered to these subgroups?

- 2.) **Exclusionary Incidents:** Incident level, or incidents that resulted in an exclusionary disciplinary action.

Incident level data associates *each* incident that resulted in an exclusionary disciplinary action with the demographic characteristics of a student involved in that incident. Each

⁸ These data are owned by the Department for Children and Families and are highly sensitive. AOE does not own these data and so, does not have the right to use them for analyses or report on them without prior agreement from DCF.

⁹ These data, especially when cross-tabulated, become personally identifiable. When we compiled these data and ran the analyses at the school-level, nearly all these data had to be suppressed. This is why we had to provide these data at the state level.

incident could involve more than one student, resulting in more than one record for a single incident, and any student could be involved in more than one incident, resulting in multiple incidents associated with a single student. For example, if Julia were suspended in October for fighting, in January for cigarette possession, and in March for fighting, this would count as 3 *disciplinary incidents*. Or if John, Bill, and Samuel were all excluded for fighting at school, they would be counted as 3 *disciplinary incidents*- 1 record for each student.

These data can answer questions about the *types of incidents being performed by different students* that result in an exclusion. These data allow investigating questions such as:

- Are some student sub groups more likely to be excluded on more than one occasion?
- What is the average number of exclusions per student?

Due to the wide variation in relative size of the demographic groups under consideration, the exclusionary data is always juxtaposed against the population data for the same time period when disaggregation occurs.

In addressing the many data questions raised by the legislature, it is first important to examine the relatively low level of exclusionary discipline that happens in Vermont.

Data Point 6 - The number and percent of Vermont's students excluded for disciplinary reasons on one or more occasions.

Finding 6: Overall, Vermont's rate of exclusionary discipline is low (see Table 2 below), and has been constant or declining slightly over the past three years. Not all of our neighboring states report their exclusions in publicly accessible formats (NH and NY) but others have similar or higher rates including Connecticut (7.5%), Massachusetts (6.0%), and Rhode Island (8.7%). Only Maine reports a lower exclusion rate at (0.9%).¹⁰ The national average is roughly 14.4% of students experiencing one or more form of exclusionary discipline.¹¹ In addition, the number of incidents resulting in exclusion in Vermont shows a spike in 2014 but declined in 2015. On average, Vermont K-12 students who were excluded have approximately 3 exclusions per year.

¹⁰ Data is for School Year 2013-2014, the most recent year with publicly posted data across northeastern states,

¹¹ <http://www2.ed.gov/policy/gen/guid/school-discipline/data.html>

**Table 2 – Excluded Student Population Data
Students Experiencing at Least One Exclusionary Action
School Years 2013-2015**

| School Year | Total Enrollment | Number of Students Excluded | Percentage of Total Enrolled Students Excluded | Incidents Resulting in Exclusion | Average Exclusions per Student |
|------------------------|------------------|-----------------------------|--|----------------------------------|--------------------------------|
| 2013 | 79,801 | 4,589 | 5.8% | 11,090 | 2.4 |
| 2014 | 78,867 | 4,246 | 5.4% | 13,789 | 3.3 |
| 2015 | 77,763 | 3,726 | 4.8% | 11,122 | 3.0 |
| Total 2013-2015 | 236,431 | 12,561 | 5.3% | 36,001 | 2.9 |

Data Point 6a1 - The number of incidents resulting in exclusionary discipline for each type of disciplinary exclusion for the State of Vermont.

Finding 6a1: Exclusionary discipline is most frequently administered as in-school (42%) and out-of-school suspensions (56%); accounting for roughly 98% of all exclusionary discipline. Expulsions and Alternative School Placements account for a small number of disciplinary actions (<2%). In 2014, suspensions were substantially higher than in 2013 or 2015. Precisely because schools use progressive discipline, in this data we are showing data for the number of incidents that resulted in exclusion. A single student may engage in behavior that first warrants in-school suspension, then later in the school year, a second infraction may result in out-of-school suspension.

Table 3: Number of Incidents Resulting in Exclusionary Discipline for the State of Vermont by Type of Exclusion in School Years 2013-2015

| School Year | | In-school suspension | Out-of-school suspension | Expulsions | Alternative school placements | Total Exclusions |
|-------------|---|----------------------|--------------------------|------------|-------------------------------|------------------|
| 2013 | # | 4,606 | 6,308 | 28 | 148 | 11,090 |
| | % | 41.5% | 56.9% | 0.3% | 1.3% | |
| 2014 | # | 5,975 | 7,402 | 17 | 395 | 13,789 |
| | % | 43.3% | 53.7% | 0.1% | 2.9% | |
| 2015 | # | 4,514 | 6,501 | 22 | 85 | 11,122 |
| | % | 40.6% | 58.5% | 0.2% | 0.8% | |
| Total | # | 15,095 | 20,211 | 67 | 628 | 36,001 |
| | % | 41.9% | 56.1% | 0.2% | 1.7% | 100.0% |

Data Point 6a2 - The number of students excluded for disciplinary exclusions from the classroom by school.

Response 6a2: We are unable to provide this data as 84.4% (591 schools of 701 with reported incidents) of all schools and school districts with reported exclusionary discipline actions from School Years 2013-2015 had data that were suppressed. In order to facilitate meaningful interpretation, the Agency has provided these data at the state level. The Agency would be happy to bring to the legislative committee and analysis of these data at the SU/SD level by March 15th.

Data Point 62b - Total number of days for which students were excluded from the classroom due to exclusionary discipline, broken down in the State of Vermont.

Finding 62b: Table 4 below shows total days of exclusion as measured by suspension (in-school and out-of-school). This table shows the number of exclusions, the average number of days out per exclusion, and the total days missed due to exclusion.

As previously discussed, the number of exclusions has been fairly steady or declining over the past three years. In-School Suspensions have typically been assigned for a bit over 1 day of exclusion and have remained constant over the past three years. Out-of-School Suspensions have shown a slight uptick to an average of 2.3 days per exclusion; notably, this is far short of the maximum of 10 days allowed by statute. Expulsions are relatively rare in the state, but are longer because incidents that lead to expulsion typically are very serious in nature. Additionally, students do not usually return to the same school during the same year that an expulsion occurs and as such, often there are missing data for the length of expulsion field in the CIRS collection. Because of these factors, the following discussion pertains to length of *suspensions* only in order to give the most accurate picture we can of the duration of exclusions.

The average number of days of suspension per year in Vermont from 2013-2015 is approximately 23,000 days. This represents roughly 0.17% of all school days offered to the full enrollment of K-12 students in a given year.

Total VT K-12 enrollment (SY 15 = about 77,763) × 175 possible school days =
13,608,525 possible student-school days

Roughly 23,000 days in suspension/13608525 possible student-school days=
0.17% of total possible student-school days

Finally, it is important to note that over the three years of data collection, the Agency can detect that school systems are improving in their accuracy of submission. In 2013, 709 incidents were submitted and failed to submit the days for which students have been excluded. Through feedback and questions from data analysts to school systems, the error in providing this information has

dramatically declined so that last year only 31 of the over 11,000 incidents reported was missing this data.

TABLE 4 State Wide Exclusions and Average Days Missed Per Exclusion

| Exclusion Type | School Year | Number of Exclusions | Average Days Out | Total Days Out |
|-------------------------------|------------------|----------------------|------------------|------------------|
| In-School Suspension | 2013 | 4,396 | 1.13 | 5,897.20 |
| | 2014 | 5,956 | 1.17 | 7,407.10 |
| | 2015 | 4,513 | 1.20 | 5,836.85 |
| | 2013-2015 | 14,865 | 1.16 | 19,141.13 |
| Out of School Suspensions | 2013 | 5,834 | 2.18 | 16,267.25 |
| | 2014 | 7,246 | 2.30 | 17,987.40 |
| | 2015 | 6,495 | 2.29 | 15,481.97 |
| | 2013-2015 | 19,575 | 2.26 | 49,736.57 |
| Expulsions | 2013 | 28 | ** | ** |
| | 2014 | 17 | ** | ** |
| | 2015 | 22 | ** | ** |
| | 2013-2015 | 67 | ** | ** |
| Alternative school placements | 2013 | 148 | ** | ** |
| | 2014 | 395 | ** | ** |
| | 2015 | 83 | ** | ** |
| | 2013-2015 | 626 | ** | ** |
| Missing Data | 2013 | 709 | ** | ** |
| | 2014 | 175 | ** | ** |
| | 2015 | 31 | ** | ** |
| | 2013-2015 | 915 | ** | ** |

**Because students rarely return to the same school during the school year that an expulsion takes place, schools have not uniformly reported the length of expulsion so these are missing data. The CIRS collection does not require LEAS to report the number of days for Expulsions and Interim Alternative Placements. Additionally, Interim Alternative Placements are a process whereby students with an IEP may only be out of the educational environment for less than 10 days while an appropriate alternative environment is found for the student to be in for no more than 45 days. For full details on this see the CIRS reporting instructions.

Data Point 6b2 - Total number of days for which students were excluded from the classroom due to exclusionary discipline, broken down in the State of Vermont and schools.

Response 6b2: We are unable to provide this data as 84.4% of all schools and school districts with reported exclusionary discipline actions from SYs 2013-2015 had data that were suppressed. In order to facilitate meaningful interpretation, the Agency has provided these data at the state level. The Agency would be happy to bring to the legislative committee an analysis of these data at the SU/SD level by March 15th.

Data Point 6c1 - Total number of students who received educational services during disciplinary removals for the State of Vermont and by schools.

Response 6c1: We are unable to provide this data. As previously stated, data related to educational services received during exclusions are not collected via the discipline interface (CIRS). The legal requirement for educational services during removal applies only for IEP students per Board of Education Rules. The decision about whether or how to provide educational services during removal of non-IEP students is a locally-based decision.

Data Point 6d1 - Total number of students who did not receive educational services during disciplinary removals for the State of Vermont and by schools.

Response 6d1: We are unable to provide this data. As previously stated, data related to educational services received during exclusions are not collected via the discipline interface (CIRS). The legal requirement for educational services during removal applies only for IEP students per Board of Education Rules. The decision about whether or how to provide educational services during removal of non-IEP students is a locally-based decision

Disaggregated Data

The legislature has also requested data be disaggregated by key characteristics. These data, especially when cross-tabulated, become personally identifiable and therefore not reportable. When we compiled these data and ran the analyses at the school-level, nearly all these data had to be suppressed. As a result, we are providing state level data for your consideration.

The data presented in the following tables are organized by student sub-group so as to show any disproportionate representation evident in the experience of exclusionary actions. As noted above, this can present problems for publicly reporting sensitive data like these. To provide the most data possible here while still protecting student privacy and providing comparable measures across each K-12 student sub-group presented, the type of exclusionary action (in-school suspension, out-of-school suspension, unilateral removal to interim alternative placement [IEP only] and expulsion) has been collapsed to reflect all exclusionary actions at the state level to facilitate meaningful analysis. Again, the Agency would be happy to bring to the legislative committee an analysis of these data at the SU/SD level by March 15th.

To aid in interpretation, we have compared the percentage of excluded students to the population of each student group in the K-12 student population. We have further examined the proportional relationship between these two percentages to identify the degree to which students are disproportionately underrepresented or overrepresented in terms of exclusionary discipline. The following scale is used to make determinations:

| Table 5 – Scale for Determining Relative Underrepresentation or Overrepresentation in Exclusionary Discipline | | |
|--|---------------------|------------------------------|
| Lower Value | Higher Value | Determination |
| 0% | 49% | Large Underrepresentation |
| 50% | 74% | Moderate Underrepresentation |
| 75 % | 89 % | Slight Underrepresentation |
| 90% | 110% | Neutral |
| 111% | 125% | Slight Overrepresentation |
| 126% | 150% | Moderate Overrepresentation |
| 151% | No limit | Large Overrepresentation |

Data Point 6-4.xi - Number of exclusions and length of exclusions for students in Vermont by ethnic/racial background

Finding 6-4.xi: In each year, Caucasian students are excluded from school in proportion to their population. Conversely, students who are not Caucasian are excluded from school at rates that resulted in a moderate overrepresentation in terms of exclusion. This dichotomy is largely reflective of the very small number of students who are non-Caucasian in Vermont. Over the past three years, there has been a decline in this disproportionality; however, the overrepresentation remains a moderate to large overrepresentation for students of non-Caucasian racial groups.

| Table 6 – Excluded Student Population Data by Racial Group | | | | | |
|--|--|---|-------------------------------------|----------------------|-------------------------------------|
| Students Experiencing at Least One Exclusionary Action School Years 2013-2015 | | | | | |
| School Year | Total | Caucasian | | Non-Caucasian | |
| | Enrollment | Enrollment | Percent of Enrollment | Enrollment | Percent of Enrollment |
| 2013 | 79,801 | 73,903 | 92.6% | 5,898 | 7.4% |
| 2014 | 78,867 | 72,789 | 92.3% | 6,078 | 7.7% |
| 2015 | 77,763 | 71,407 | 91.8% | 6,356 | 8.2% |
| 2013-2015 | 236,431 | 218,099 | 92.3% | 18,332 | 7.8% |
| | Exclusions | Exclusions | Percent of Students Excluded | Excluded | Percent of Students Excluded |
| 2013 | 4,589 | 4,064 | 88.6% | 524 | 11.4% |
| 2014 | 4,246 | 3,778 | 89.0% | 468 | 11.0% |
| 2015 | 3,726 | 3,354 | 90.0% | 372 | 10.0% |
| 2013-2015 | 12,561 | 11,196 | 89.1% | 1,364 | 10.9% |
| | Comparison of Excluded Students | Proportional Difference in representation between general and excluded population: (percent of Exclusions/percent of Enrollment) | | | |
| 2013 | | 95.6% | Neutral | 154.5% | Large Overrepresentation |
| 2014 | | 96.4% | Neutral | 142.9% | Moderate Overrepresentation |
| 2015 | | 98.0% | Neutral | 122.2% | Moderate Overrepresentation |
| 2013-2015 | | 96.6% | Neutral | 140.1% | Moderate Overrepresentation |

Data Point 6-4.xii - Number of exclusions and length of exclusions for students in Vermont by free and reduced lunch (FRL) status

Finding 6-4.xii: In each year, students who are not eligible for free and reduced lunch experience a moderate underrepresentation in that they are excluded from school in much smaller percentage than their enrollment in the K-12 student population would suggest. Conversely, students who do qualify for free and reduced lunch are excluded at rates that result in a large overrepresentation in terms of exclusion. This overrepresentation has been consistent over three years.

| Table 7 – Excluded Student Population Data by Free and Reduced Lunch Status Students Experiencing at Least One Exclusionary Action School Years 2013-2015 | | | | | |
|--|--|---|-------------------------------------|--|-------------------------------------|
| School Year | Total | Not Eligible for Free and Reduced Lunch | | Free and Reduced Lunch Eligible | |
| | Enrollment | Enrollment | Percent of Enrollment | Enrollment | Percent of Enrollment |
| 2013 | 79,801 | 48,437 | 60.7% | 31,364 | 39.3% |
| 2014 | 78,867 | 47,524 | 60.3% | 31,343 | 39.7% |
| 2015 | 77,763 | 46,610 | 59.9% | 31,153 | 40.1% |
| 2013-2015 | 236,431 | 142,571 | 60.3% | 93,860 | 39.7% |
| | Exclusions | Exclusions | Percent of Students Excluded | Excluded | Percent of Students Excluded |
| 2013 | 4,589 | 1,628 | 35.5% | 2,961 | 64.5% |
| 2014 | 4,246 | 1,491 | 35.1% | 2,755 | 64.9% |
| 2015 | 3,726 | 1,285 | 34.5% | 2,441 | 65.5% |
| 2013-2015 | 12,561 | 4,404 | 35.1% | 8,157 | 64.9% |
| | Comparison of Excluded Students | Proportional Difference in representation between general and excluded population: (percent of Exclusions/percent of Enrollment) | | | |
| 2013 | | 58.5% | Moderate Underrepresentation | 164.2% | Large Overrepresentation |
| 2014 | | 58.3% | Moderate Underrepresentation | 163.3% | Large Overrepresentation |
| 2015 | | 57.5% | Moderate Underrepresentation | 163.5% | Large Overrepresentation |
| 2013-2015 | | 58.1% | Moderate Underrepresentation | 163.6% | Large Overrepresentation |

Data Point 6-4.xiii - Number of exclusions and length of exclusions for students in Vermont by section 504 status

Finding 6-4.xiii: In each year, students who are not eligible for 504 Plans are excluded from school in proportion to their population. Conversely, students who are eligible for 504 Plans are excluded from school at rates that resulted in a large overrepresentation in terms of exclusion. This dichotomy is largely reflective of the very small number of students who are 504 Plan eligible in Vermont. In 2015, a substantial decline in exclusions occurred for students with 504 Plans; however, it remains a large overrepresentation relative to their presence in the K-12 student population.

| Table 8 – Excluded Student Population Data by 504 Status | | | | | |
|--|--|---|-------------------------------------|-------------------------|-------------------------------------|
| Students Experiencing at Least One Exclusionary Action School Years 2013-2015 | | | | | |
| School Year | Total | Not Eligible for 504 | | Eligible for 504 | |
| | Enrollment | Enrollment | Percent of Enrollment | Enrollment | Percent of Enrollment |
| 2013 | 79,801 | 76,372 | 95.7% | 3,429 | 4.3% |
| 2014 | 78,867 | 75,281 | 95.5% | 3,586 | 4.6% |
| 2015 | 77,763 | 74,227 | 95.5% | 3,536 | 4.6% |
| 2013-2015 | 236,431 | 225,880 | 95.5% | 10,551 | 4.5% |
| | Exclusions | Exclusions | Percent of Students Excluded | Excluded | Percent of Students Excluded |
| 2013 | 4,589 | 4,188 | 91.3% | 401 | 8.7% |
| 2014 | 4,246 | 3,849 | 90.7% | 397 | 9.3% |
| 2015 | 3,726 | 3,416 | 91.7% | 310 | 8.3% |
| 2013-2015 | 12,561 | 11,453 | 91.2% | 1,108 | 8.8% |
| | | Proportional Difference in representation between general and excluded population: (percent of Exclusions/percent of Enrollment) | | | |
| 2013 | Comparison of Excluded Students | 95.4% | Neutral | 202.3% | Large Overrepresentation |
| 2014 | | 95.0% | Neutral | 204.4% | Large Overrepresentation |
| 2015 | | 96.1% | Neutral | 182.4% | Large Overrepresentation |
| 2013-2015 | | 95.4% | Neutral | 197.3% | Large Overrepresentation |

Data Point 6-4.xiv - Number of exclusions and length of exclusions for students in Vermont by IEP status

Finding 6-4.xiv: In each year, students who do not have an IEP experience show slight underrepresentation in that they are excluded from school in smaller percentage than their enrollment in the wider K-12 population would suggest. Conversely, students who do have IEPs are excluded at rates that result in a large overrepresentation in terms of exclusion. This overrepresentation has been consistent over three years and shows a spike in 2015.

| Table 9 – Excluded Student Population Data by IEP Status | | | | | |
|--|--|---|-------------------------------------|-------------------|-------------------------------------|
| Students Experiencing at Least One Exclusionary Action school years 2013-2015 | | | | | |
| School Year | Total | Not Active IEP | | Active IEP | |
| | Enrollment | Enrollment | Percent of Enrollment | Enrollment | Percent of Enrollment |
| 2013 | 79,801 | 65,916 | 82.6% | 12,025 | 15.1% |
| 2014 | 78,867 | 64,876 | 82.3% | 12,110 | 15.4% |
| 2015 | 77,763 | 63,681 | 81.9% | 12,176 | 15.7% |
| 2013-2015 | 236,431 | 194,473 | 82.3% | 36,311 | 15.4% |
| | Exclusions | Exclusions | Percent of Students Excluded | Excluded | Percent of Students Excluded |
| 2013 | 4,589 | 3,209 | 69.9% | 1,380 | 30.0% |
| 2014 | 4,246 | 2,966 | 69.9% | 1,280 | 30.0% |
| 2015 | 3,726 | 2,476 | 66.5% | 1,250 | 33.5% |
| 2013-2015 | 12,561 | 8,651 | 68.9% | 3,910 | 31.0% |
| | Comparison of Excluded Students | Proportional Difference in representation between general and excluded population: (percent of Exclusions/percent of Enrollment) | | | |
| 2013 | | 84.7% | Slight Underrepresentation | 199.1% | Large Overrepresentation |
| 2014 | | 84.9% | Slight Underrepresentation | 195.4% | Large Overrepresentation |
| 2015 | | 81.2% | Slight Underrepresentation | 213.9% | Large Overrepresentation |
| 2013-2015 | | 83.7% | Slight Underrepresentation | 201.9% | Large Overrepresentation |

Data Point 6-4.xv - Number of exclusions and length of exclusions for students in Vermont by gender

Finding 6-4.xv: In each year, female students are excluded from school in lower proportion to their population which means they are moderately underrepresented in terms of exclusionary discipline. Conversely, male students are excluded from school at rates that resulted in a moderate overrepresentation in terms of exclusion. The rates of exclusion and relative overrepresentation have been consistent over the last three years.

| Table 10 – Excluded Student Population Data by Gender | | | | | |
|--|--|---|-------------------------------------|-------------------|-------------------------------------|
| Students Experiencing at Least One Exclusionary Action School Years 2013-2015 | | | | | |
| School Year | Total | Female | | Male | |
| Enrollment | | Enrollment | Percent of Enrollment | Enrollment | Percent of Enrollment |
| 2013 | 79,801 | 38,662 | 48.5% | 41139 | 51.6% |
| 2014 | 78,867 | 38,202 | 48.4% | 40665 | 51.6% |
| 2015 | 77,763 | 37,693 | 48.5% | 40070 | 51.5% |
| 2013-2015 | 236,431 | 114,557 | 48.5% | 121874 | 51.5% |
| Exclusions | | Exclusions | Percent of Students Excluded | Excluded | Percent of Students Excluded |
| 2013 | 4,589 | 1,205 | 26.3% | 3384 | 73.7% |
| 2014 | 4,246 | 1,149 | 27.1% | 3101 | 73.0% |
| 2015 | 3,726 | 993 | 26.7% | 2736 | 73.4% |
| 2013-2015 | 12,561 | 3,347 | 26.7% | 9221 | 73.4% |
| | | Proportional Difference in representation between general and excluded population: (percent of Exclusions/percent of Enrollment) | | | |
| 2013 | Comparison of Excluded Students | 54.2% | Moderate Underrepresentation | 143.1% | Moderate Overrepresentation |
| 2014 | | 55.9% | Moderate Underrepresentation | 141.6% | Moderate Overrepresentation |
| 2015 | | 55.0% | Moderate Underrepresentation | 142.5% | Moderate Overrepresentation |
| 2013-2015 | | 55.0% | Moderate Underrepresentation | 142.4% | Moderate Overrepresentation |

Data Point 6-4.xvi - Number of exclusions and length of exclusions for students in Vermont by grade level

Finding 6-4.xvi: Suspensions and expulsions are unevenly distributed across grades; approximately 53% of exclusionary incidents occur between 7th and 10th grades, with the highest number occurring in 9th grade. Numbers of exclusionary incidents fall to the late elementary level by grade 12 (see Table 11 below).

| Table 11 – Incident-level Data – Exclusionary Actions by Grade Level School Years 2013-2015 | | | |
|--|----------------------------|---|---|
| Grade | Number of Incidents | Percentage of Total Exclusions School Year 2013-2015 | Average Length of Exclusion (Days) |
| K | 917 | 2.6% | 0.88 |
| 01 | 1,152 | 3.2% | 1.20 |
| 02 | 1,077 | 3.0% | 1.20 |
| 03 | 1,328 | 3.7% | 1.34 |
| 04 | 1,599 | 4.4% | 1.35 |
| 05 | 1,914 | 5.3% | 1.76 |
| 06 | 2,737 | 7.6% | 1.46 |
| 07 | 3,886 | 10.8% | 1.61 |
| 08 | 4,961 | 13.8% | 1.90 |
| 09 | 5,233 | 14.5% | 2.46 |
| 10 | 4,921 | 13.7% | 2.24 |
| 11 | 3,575 | 9.9% | 2.42 |
| 12 | 2,689 | 7.5% | 2.68 |
| Grade not listed | * | <0.1% | 2.33 |
| Total | 36,001 | 100% | 1.94 |

Data Point 6-4.xvii - Number of exclusions and length of exclusions for students in Vermont by foster care status

Response 6-4.xvii: As previously stated, the Agency does not have access to this data.

Data Point 6-4.xviii - Number of exclusions and length of exclusions for students in Vermont by Limited English Proficiency Status

Finding 6-4.xviii: In most years, both students who are not English Learners and English Learners are excluded from school in rates that mirror their populations. The rates of exclusion for these groups have been fairly consistent over the last three years.

| Table 12 – Excluded Student Population Data by ELL Status | | | | | |
|--|--|---|-------------------------------------|------------------------|-------------------------------------|
| Students Experiencing at Least One Exclusionary Action School Years 2013-2015 | | | | | |
| School Year | Total | Not English Learner | | English Learner | |
| | Enrollment | Enrollment | Percent of Enrollment | Enrollment | Percent of Enrollment |
| 2013 | 79,801 | 77,705 | 97.4% | 2,096 | 2.6% |
| 2014 | 78,867 | 76,770 | 97.3% | 2,097 | 2.7% |
| 2015 | 77,763 | 75,697 | 97.3% | 2,066 | 2.7% |
| 2013-2015 | 236,431 | 230,172 | 97.4% | 6,259 | 2.7% |
| | Exclusions | Exclusions | Percent of Students Excluded | Excluded | Percent of Students Excluded |
| 2013 | 4,589 | 4,451 | 97.0% | 138 | 3.0% |
| 2014 | 4,246 | 4,128 | 97.2% | 118 | 2.8% |
| 2015 | 3,726 | 3,624 | 97.3% | 102 | 2.7% |
| 2013-2015 | 12,561 | 12,203 | 97.1% | 358 | 2.9% |
| | | Proportional Difference in representation between general and excluded population: (percent of Exclusions/percent of Enrollment) | | | |
| 2013 | Comparison of Excluded Students | 99.6% | Neutral | 114.5% | Slight Overrepresentation |
| 2014 | | 99.9% | Neutral | 104.5% | Neutral |
| 2015 | | 99.9% | Neutral | 103.0% | Neutral |
| 2013-2015 | | 99.8% | Neutral | 107.6% | Neutral |

Data Point 6-4.xviii - Number of exclusions and length of exclusions for students in Vermont by Infraction Status

In fulfilling this request, the Agency has again needed to make some discretionary decisions to meet reporting guidelines. To increase the data available, we have looked at the total number of exclusions over all three years from school years 2013-2015.

The legislative committee has asked for data by infraction status; the CIRS data collection refers to these as incidents but essentially it addresses the reasons that students are being excluded from school.

For some incidents, schools do not have discretion when suspending or removing a student. For example, removal for not less than one year is mandatory in all cases where a student brings a weapon or destructive device to school, suspension is mandatory for drug violations (incidents that are primarily around drugs or an incident where drugs are found in the possession of the student). However, there is opportunity for discretion in determining if expulsion or suspension is warranted depending on the specifics of the case, the danger to others and prior disciplinary action. Disciplinary action in other types of cases is guided by individual school policy.

Findings 6-4.xix: Slightly more than half of the incidents from School Year 2013-2015 resulting in an exclusionary action fall into the category of “School Policy/Conduct Violation.” The second and third most prevalent incident categories are fighting and disorderly conduct. Approximately 17% of all exclusionary actions are imposed as a result of these types of infractions. The remaining incidents fall into various categories of infraction including weapons, drugs, and other incidents involving infliction of harm on the student him or herself and or others (see Table 13 below).

**Table 13 – Incident level data – Type of Incidents Contributing to an Exclusionary Action
School Years 2013-2015**

| Incident Type | Incident Count | Percent of all Incidents |
|---|-----------------------|---------------------------------|
| School Policy/Conduct Violation | 18,809 | 52.2 % |
| Fighting | 3,358 | 9.3% |
| Disorderly conduct | 2,729 | 7.6% |
| Assault/Battery/Maiming | 1,836 | 5.1% |
| Threat/Intimidation | 1,769 | 4.9% |
| Harassment | 1,673 | 4.6% |
| Drugs | 1,449 | 4.0% |
| Bullying | 1,094 | 3.0% |
| Tobacco | 743 | 2.1% |
| Weapons possession** | 690 | 1.9% |
| Alcohol | 354 | 1.0% |
| Burglary/B&E/Theft/Larceny | 319 | 0.9% |
| Property Damage | 318 | 0.9% |
| Vandalism | 257 | 0.7% |
| Danger to self | 209 | 0.6% |
| Lewd or Lascivious conduct | 127 | 0.4% |
| School Threat--Bomb, Fire, Other** | 97 | 0.3% |
| Robbery | 88 | 0.2% |
| Domestic assault | 27 | 0.1% |
| Suicide/ Harm self | 17 | 0.0% |
| Arson | 14 | 0.0% |
| Sexual Assault/Battery | 11 | 0.0% |
| Trespassing | * | 0.0% |
| Hazing | * | 0.0% |
| Stalking | * | 0.0% |
| Unlawful Restraint | * | 0.0% |
| Total Incidents School Year2013-2015 | 36,001 | 100.0% |

*Suppressed data as fewer than 11 incidents

** Mandatory 1-Year Expulsion: Your school board may expel for up to a year if a student: brings a gun or knife to school or a school activity, brings an explosive device to school or a school activity, and makes a bomb threat to the school or school activity.

It is important to place actions leading to exclusion in a broader context. When violations are broken down by type of weapon (see TABLE 14) we find that almost 97% of all incidents *did not* involve a weapon. Of the 3% of all actions that do involve a weapon, a knife is the most common weapon followed by other sharp object or “other,” while the remaining 5% of incidents involving weapons (fewer than 1% of all incidents) involve some type of gun.

| Table 14 – Incident-Level data – Type of Weapons Involved in Incidents Resulting in an Exclusionary Action School Years 2013-2015 | | |
|--|----------------------------|--------------------------------------|
| Type of Weapon | Number of Incidents | Percentage of Total Incidents |
| No Weapon Involved | 34,824 | 96.7% |
| Knife or Other Sharp Object | 694 | 1.9% |
| BB Gun | 27 | 0.1% |
| Shotgun/Rifle | 19 | 0.1% |
| Handgun | * | 0.0% |
| Multiple Firearms | * | 0.0% |
| Destructive Device | * | 0.0% |
| Other Firearm | * | 0.0% |
| Other | 425 | 1.2% |
| Total exclusions | 36,001 | 100.0% |
| *Suppressed data as fewer than 11 incidents | | |

Similarly, over 92% of all incidents *did not* involve drugs (TABLE 15). Of those incidents that did involve drugs, almost half involved cannabis and almost one third involved tobacco – considered a drug for school age youth in Vermont. However, as a proportion of all incidents resulting in exclusionary action, drug-related incidents remain a small percentage.

| Table 15 – Incident-Level Data - Types of Drugs Involved in Incidents Resulting in Exclusionary Actions School Years 2013-2015 | | |
|---|--------------------------|---|
| Type of Drug | Number of Actions | Percentage of Total Exclusionary Actions |
| No Drug Involved | 33,323 | 92.6% |
| Cannabis (Marijuana) | 1,301 | 3.6% |
| Tobacco | 783 | 2.3% |
| Alcohol | 371 | 1.0% |
| Over-the-counter medication | * | 0.1% |
| Other | 167 | 0.5% |
| Missing data* | ** | 0.01% |
| Total exclusions | 36,001 | 100.0% |
| *Data are suppressed to preserve data privacy | | |
| **data were submitted without a student Permanent ID and so, could not be verified. | | |

Findings 6-4.xix: For the four violation types that account for the greatest number of exclusions (School Policy/ Conduct Violation, Fighting, disorderly conduct, and Assault/ Battery/ Maiming), we have disaggregated by all sub groups as in previous analyses (see TABLE 16 on next page).

For each of the four violations, Caucasian students are proportionally represented in their exclusions. Female students experience slight underrepresentation in exclusions for all categories as they are excluded in lower rates than their presence in the wider K-12 population would suggest.

For students who are non-Caucasian, FRL eligible, IEP eligible, 504 eligible, English Learners, or male, they are excluded at disproportionate rates for all violations. These disproportional rates are most pronounced for students who have a known disability (IEP and 504) for all areas. In addition, the violation of “Assault/Battery/Maiming,” while used the least frequently of the four violations shows some of the greatest disproportionality for non-Caucasian students, IEP students, and English Learner.

**Table 16 – Incident-Level Data - Types of Incidents Resulting in Exclusionary Actions by Student Characteristics
School Years 2013-2015**

| | | | Incidents | | | | Proportionality | | | | |
|----------------------------|---------------|------------------------------------|-----------|---|----------|-----------------------|---------------------------------|---|--------------------------------|--------------------------------|------------------------------|
| | | 2013-2015 Percent Enrollment | | School Policy/ Conduct Violation | Fighting | Disorderly conduct | Assault/ Battery/ Maiming | School Policy/ Conduct Violation | Fighting | Disorderly conduct | Assault/ Battery/ Maiming |
| Incident Count | | 36,001 | | 18,809 | 3,358 | 2,729 | 1,836 | Proportional Difference in representation between general and excluded population: (percent of Exclusions/percent of Enrollment) | | | |
| % of all Incidents | | | | 52.2% | 9.3% | 7.6% | 5.1% | | | | |
| Student Characteristics | Caucasian | 92.3% | # | 16,520 | 2,981 | 2427 | 1527 | 95% | 96% | 96% | 90% |
| | | | % | 87.8% | 88.8% | 88.9 | 83.2 | neutral | neutral | neutral | neutral |
| | Non-Caucasian | 7.8% | # | 2,289 | 377 | 302 | 309 | 157% | 145% | 143% | 217% |
| | | | % | 12.2% | 11.2% | 11.1 | 16.8 | Large Overrepresentation | Moderate Overrepresentation | Moderate Overrepresentation | Large Overrepresentation |
| | FRL | 39.7% | # | 12,968 | 2,255 | 2109 | 1317 | 174% | 169% | 195% | 181% |
| | | | % | 68.9% | 67.2% | 77.3 | 71.7 | Large Overrepresentation | Large Overrepresentation | Large Overrepresentation | Large Overrepresentation |
| | IEP | 15.4% | # | 6,402 | 1,079 | 1117 | 768 | 220% | 207% | 265% | 271% |
| | | | % | 34.0% | 32.1% | 40.9 | 41.8 | Large Overrepresentation | Large Overrepresentation | Large Overrepresentation | Large Overrepresentation |
| | 504 | 4.5% | # | 2,015 | 310 | 233 | 129 | 240% | 206% | 191% | 157% |
| | | | % | 10.7% | 9.2% | 8.5 | 7 | Large Overrepresentation | Large Overrepresentation | Large Overrepresentation | Large Overrepresentation |
| | Female | 48.5% | # | 5,274 | 752 | 573 | 404 | 58% | 46% | 43% | 45% |
| | | | % | 28.0% | 22.4% | 21 | 22 | Large Underrepresentation | Large Underrepresentation | Large Underrepresentation | Large Underrepresentation |
| | Male | 51.5% | # | 13,535 | 2,606 | 2156 | 1432 | 140% | 151% | 153% | 171% |
| | | | % | 72.0% | 77.6% | 79 | 88 | Moderate Overrepresentation | Large Overrepresentation | Large Overrepresentation | Large Overrepresentation |
| ELL | 2.7% | # | 588 | 127 | 90 | 113 | 121% | 143% | 132% | 242% | |
| | | % | 3.2% | 3.8% | 3.5 | 6.4 | Slight Overrepresentation | Moderate Overrepresentation | Moderate Overrepresentation | Large Overrepresentation | |

Data Point 6-4.xx - Number of exclusions and length of exclusions for students in Vermont by type of exclusion

Finding 6-4.xx: For the vast majority of student sub-groups, the length of their exclusion from school is very similar to the state length of exclusion. Notably, female students have much longer in-school suspensions length, by nearly a full day compared to the state and all other groups. No other noticeable patterns emerge relative to the length of suspension by incident count.

Table 17- Vermont Exclusionary Discipline by type of Exclusion and Average Length of Exclusion for School Years 2013-2015.

| Incident Type | All Students | | Caucasian | | Non-Caucasian | | FRL | | IEP | | 504 | | Female | | Male | | ELL | |
|---|--------------|--------------|------------|-----------|---------------|-----------|------------|-----------|------------|-----------|------------|-----------|------------|-----------|------------|-----------|------------|-----------|
| | Exclusions | | Exclusions | | Exclusions | | Exclusions | | Exclusions | | Exclusions | | Exclusions | | Exclusions | | Exclusions | |
| | # | Avg. Days | # | Avg. Days | # | Avg. Days | # | Avg. Days | # | Avg. Days | # | Avg. Days | # | Avg. Days | # | Avg. Days | # | Avg. Days |
| 2013-2015 | | | | | | | | | | | | | | | | | | |
| In school | 14,865 | 1.16 | 13,036 | 1.16 | 1,829 | 1.19 | 10,027 | 1.14 | 4,805 | 1.14 | 1,466 | 1.22 | 5,161 | 2.19 | 11,114 | 1.16 | 664 | 1.19 |
| Out of school | 19,575 | 2.26 | 17,191 | 2.25 | 2,384 | 2.34 | 13,516 | 2.24 | 7,071 | 2.15 | 2,047 | 2.12 | 3,751 | 1.8 | 14,414 | 2.29 | 604 | 2.28 |
| Expulsions | 67 | ** | * | ** | * | ** | * | ** | * | ** | * | ** | * | ** | * | ** | * | ** |
| Alternative school placements | 626 | ** | 611 | ** | 15 | ** | 404 | ** | 480 | ** | 24 | ** | 138 | ** | 488 | ** | * | ** |
| Missing Data | 915 | not reported | | | | | | | | | | | | | | | | |
| 2015 | | | | | | | | | | | | | | | | | | |
| In school | 4,513 | 1.2 | 4,033 | 1.19 | 480 | 1.25 | 3,118 | 1.17 | 1,532 | 1.14 | 524 | 1.26 | 1,139 | 1.25 | 3,374 | 1.18 | 224 | 1.08 |
| Out of school | 6,495 | 2.29 | 5,913 | 2.28 | 582 | 2.35 | 4,458 | 2.33 | 2,303 | 2.05 | 675 | 2.31 | 1,804 | 2.12 | 4,691 | 2.35 | 163 | 2.42 |
| Expulsions | 22 | ** | * | ** | * | ** | * | ** | * | ** | * | ** | * | ** | * | ** | * | ** |
| Alternative school placements | 83 | ** | 79 | ** | * | * | 55 | ** | 56 | ** | * | ** | * | ** | 68 | ** | * | * |
| Missing Data | 31 | not reported | | | | | | | | | | | | | | | | |
| 2014 | | | | | | | | | | | | | | | | | | |
| In school | 5,956 | 1.17 | 5,238 | 1.16 | 718 | 1.21 | 3,903 | 1.15 | 1,849 | 1.16 | 552 | 1.21 | 1,495 | 1.11 | 4,461 | 1.19 | 268 | 1.25 |
| Out of school | 7,246 | 2.3 | 6,336 | 2.31 | 910 | 2.27 | 5,003 | 2.27 | 2,595 | 2.34 | 797 | 1.97 | 1,911 | 2.27 | 5,355 | 2.32 | 232 | 2.27 |
| Expulsions | 17 | ** | * | ** | * | ** | * | ** | * | ** | * | ** | * | ** | * | ** | * | ** |
| Alternative school placements | 395 | ** | 390 | ** | * | ** | 279 | ** | 357 | ** | 16 | ** | 100 | ** | 295 | ** | * | ** |
| Missing Data | 175 | not reported | | | | | | | | | | | | | | | | |
| 2013 | | | | | | | | | | | | | | | | | | |
| In school | 4,396 | 1.13 | 3,765 | 1.13 | 631 | 1.15 | 3,006 | 1.11 | 1,424 | 1.1 | 390 | 1.17 | 1,117 | 1.2 | 3,279 | 1.11 | 172 | 1.24 |
| Out of school | 5,834 | 2.18 | 4,942 | 2.15 | 892 | 2.39 | 4,055 | 2.11 | 2,173 | 2.03 | 575 | 2.09 | 1,446 | 2.16 | 4,348 | 2.19 | 209 | 2.19 |
| Expulsions | 28 | ** | * | ** | * | ** | * | ** | * | ** | * | ** | * | ** | * | ** | * | ** |
| Alternative school placements | 148 | ** | 142 | ** | * | ** | 70 | ** | 67 | ** | * | ** | 23 | ** | 125 | ** | * | ** |
| Missing Data | 709 | not reported | | | | | | | | | | | | | | | | |
| *Suppressed data as fewer than 11 incidents **Students infrequently return to the same school in the same year of an expulsion h, often there are missing and results are unreliable.. The CIRS collection does not require LEAS to report the number of days for Expulsions and Interim Alternative Placements. Interim Alternative Placements are a process whereby students with an IEP may only be out of the educational environment for less than 10 days while an appropriate alternative environment is found for the student to be in for no more than 45 days. For full details on this see the CIRS reporting instructions. | | | | | | | | | | | | | | | | | | |

Summary of Findings

The Agency of Education finds that students who are non-Caucasian, male, participate in the free and reduced lunch program, have IEPs or Section 504 plans or are English Learners are over-represented in terms of the number who experience exclusion and the number of incidents resulting in exclusion. There are no notable patterns of disproportionate assignment of days of exclusion for these same groups.

Recommendation 7- Fitted Odds Study:

Depending on other demands and available capacity, the Agency of Education proposes to complete a fitted-odds probability model study by June 2016 that will be published via our web and list serves to describe the ways in which these student characteristics are associated with the likelihood of being suspended and the degree to which these factors interact. The findings will be supported by guidance and recommendations for professional development to address implicit bias which may negatively impact particular student groups in the assignment of exclusionary discipline.

Recommendation 8 - Publishing of Data:

The Agency advocates utilizing exclusionary discipline data as part of the Annual Snapshot or the federal report card for the *Every Student Succeeds Act* which will examine the rates of exclusion and identify over and underrepresentation where it occurs.

PBIS and Restorative Justice Programs

Throughout the course of conducting the analysis for this report, it became clear that schools operating Positive Behavior Intervention Systems (PBIS) had lower rates of exclusionary discipline than schools without PBIS in place. They also had a shorter length of exclusion than schools which were not implementing such a program.

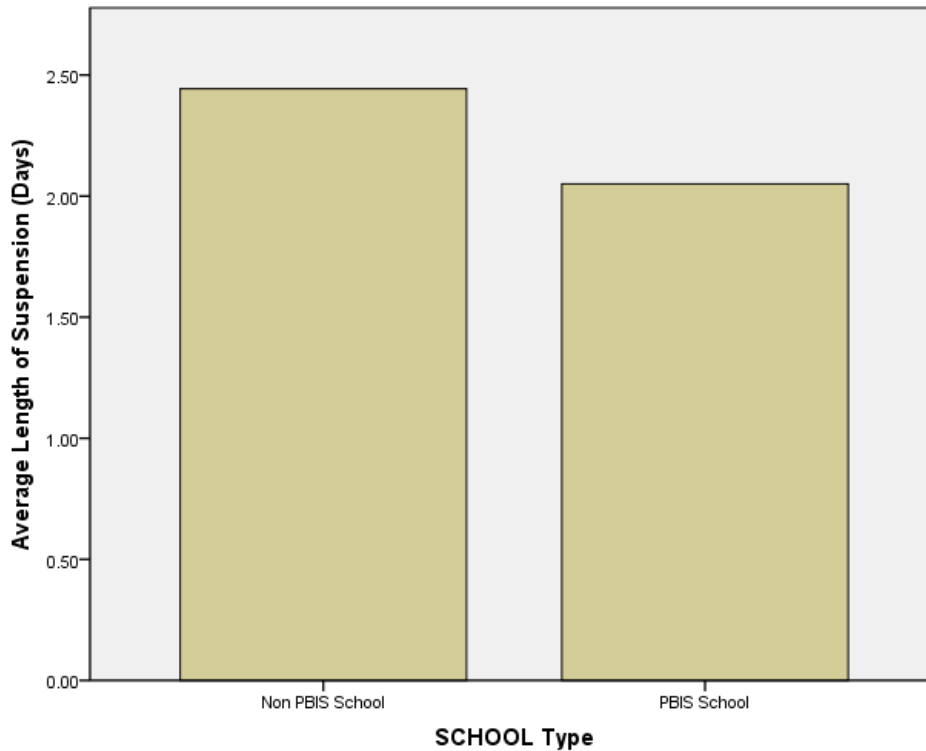
As a group, schools implementing some form of PBIS, or “PBIS schools” as we have called them here, in 2015 account for approximately 40% of the total VT K-12 school enrollment. Schools not implementing some form of PBIS, or “Non PBIS schools”, in 2015 account for roughly 60% of the total school enrollment. PBIS schools include those that serve elementary, middle, and secondary grades, indicating that a range of Vermont schools have adopted some form of this kind of programing.

Although there was an overall average difference in the enrollment of PBIS schools versus Non PBIS schools, the difference in the average enrollment between PBIS and Non PBIS schools showed that the school enrollment among PBIS schools cannot explain the lower levels of exclusionary disciplinary action that take place there.

Overall PBIS schools report lower numbers of exclusion after program implementation and data suggests it is a promising practice (see PBIS report). In addition, PBIS schools showed shorter lengths of out of school suspensions (Figure 2). In general, in schools where school-wide programs to teach and reinforce positive social behaviors like PBIS are implemented, there are lower rates of exclusionary disciplinary actions than among schools not employing PBIS. In addition, the length of exclusions they do report is shorter than among Non PBIS schools.

Given these findings, the AOE recommends that schools investigate their ability to adopt schoolwide interventions like PBIS or SWIFT for elementary and PBIS or Restorative Justice programs for the secondary level in an effort to further decrease the use of exclusionary discipline in Vermont.

Figure 1 – Average Length of Out-of-School Suspension Rates among PBIS Schools during School Years 2013-2015



Conclusions

Overall, exclusionary discipline in Vermont is relatively low, especially in comparison to national data. However, within this larger success it is clear that our shared goal of equity for all students is threatened by over-representation of particular sub-groups of students in relation to exclusionary discipline. We find that non-Caucasian, FRL eligible, IEP and 504 plan, English Learners, and male students are consistently over represented in the excluded student groups than their presence in the enrollment population would suggest.

In many cases, these student groups do not represent a majority of our students; however, they are the students historically most at risk of adverse outcomes and limited educational opportunity and the most dependent on their attendance at school to achieve proficiency as students. It is critical that we work to eliminate disparities through proactive strategies for reducing the problem behaviors before they occur, reducing exclusions and assisting all staff charged with maintaining school climate with the resources to recognize and address issues related to implicit bias.

Virtually all of the recommendations put forth require both political and material support, which the Legislature would have to allocate to achieve these goals. Absent this support, the AOE cannot successfully act on these recommendations. In addition, we strongly request the legislature avoid action that leads to duplication of effort, which would further erode our ability to advance goals related to school discipline. Suggested actions could include:

1. AOE to issue Regulatory Guidance for the field to clarify definitions and terminology required for accurate data submission.
2. Provide staffing to the Agency of Education to facilitate.
 - a. Administrator professional judgement in implementing discipline including but not limited to discerning appropriate incident codes, exercising judgement in determining disciplinary consequence and alternatives to exclusion, and implicit bias training.
 - b. Professional development, training and monitoring of data entry related to exclusionary discipline including audits.
4. Refraining from duplicative data collections to maximize efficiencies. For example, the current State Longitudinal Data System (SLDS) will soon collect information related to foster care status and could collect educational services data.
5. When conducting analysis on discipline matters, it will be more efficient to first examine the data at a state level and then disaggregate to Supervisory Unions or Supervisory Districts. School level data will not be available due to data suppression rules.
6. Conduct additional analyses to understand the interactions between key student characteristics and publish those results for use by the field.

In terms of professional development for educators, the Agency recommends supervisory unions and supervisory districts:

1. Provide professional development in supporting social-emotional development and responding appropriately to challenging behaviors (PBIS/BEST Institute).
2. Help teachers, especially novices, distinguish behaviors that are inappropriate from those that are developmentally age appropriate (students need to learn how to behave in school and public). (Supervision and support).
3. Train educators to recognize behaviors that may be indicators of an underlying disability, so they can address the disability and not punish children for behaviors caused by disabilities.
4. Help develop and support the self-reflective capabilities teachers need to identify and correct any potential biases, including racial, ethnic and class biases.
5. Provide professional development to help teachers provide culturally competent instruction, including teaching and materials that reflect and show value for every student's own experiences and culture.