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MEMORANDUM

TO: Senate Education Committee
FROM: Rebecca Holcombe, Secretary and Amy Fowler, Deputy Secretary
SUBJECT: Agency of Education
DATE: 1/26/16

Today, I have come to present the report requested by the Senate Education Committee made during the last session. The report is organized according to your request and today I will present the key findings.

We are not here today to give testimony on any of the bills currently before the legislature; however the Agency is happy to return to provide testimony on those items at a later time.

Request 1: The Committee asked for a catalogue of data sources used to inform conversations around disciplinary action. These sources are described on pages 4-6.

Request 2: The Committee asked the Agency for recommendations regarding standardization of data collection for disciplinary data. We have offered two recommendations on pages 7-8: 1) a low cost effort related to regulatory guidance and 2) a request for staffing to support training in the field. To the extent resources are available; the Agency believes this to be a necessary step in improving the quality of data discipline used for policy decisions.

Request 3: The Committee asked to know if important data sources are missing in the currently available data. On pages 9-10, the Agency shows that all data fields requested by The Committee with the exception of foster youth status and educational services were available. Foster Youth will be accounted for under the new federal law Every Student Succeeds Act beginning in 2017-18; inclusion of educational services will require modifications to the existing software which could be made if resources were made available.

Request 4: The Committee asked for a description of the current efforts, and by extension resources, dedicated to data collection. These efforts and resources are described on page 11. In sum, most efforts are through written guidance due to budgetary constraints.

Request 5: The Committee asked for an analysis of the struggles we face in analyzing disciplinary data due to small numbers. On pages 12-13, we describe the issues faced in Vermont. Essentially, we have two issues to face. First, our schools are very small and within them there are very small sub-groups of population.

But second, as a state we have a very low exclusion rate- in 2015, the total exclusion rate which includes in and out-of school suspension, expulsion and alternative placements was approximately 5%. To meet the restrictions put into place to protect student privacy, this means that we are not able to publish data unless the student group includes at least 220 students- a number that is greater than the total enrollment than many schools, let alone if we are looking at specific sub-groups, infractions or types of exclusion.

This second factor is one to celebrate. Nationally, the exclusionary rate is approximately 15%. The fact that Vermont excludes students at 1/3 the rate of the nation speaks to our collective commitment to education, small classes, strong professional educator staff and restraint in exercising suspension as a disciplinary tool. We also see that school staff has exercised restraint in the term of exclusions which hover around 1 day for in-school suspension and 2 days for out-of-school suspension when the statute allows for suspensions of up to 10 days (pg. 19).

The Agency does recommend that when data requests are made to examine exclusionary discipline, we do so at the State and Supervisory Union/Supervisory District level to increase the likelihood that data is available under suppression work.

Request 6: The Committee requested a series of data tables related to students receiving exclusionary discipline, the number of incidents, the length of exclusions, provision of educational services and the types of infractions. Further, the Committee requested that these data be disaggregated by student demographic characteristics. These analyses are presented for school year 2013 through school year 2015 as these are the only years in which data was collected at the student-level allowing for the analyses requested. In all cases, we are able to address the questions posed at the state level but not at the school or school district level due to data suppression rules.

- Page 17, Table 2 provides an overview of exclusionary data- roughly 5% of students have an exclusionary discipline experience each year which are related to approximately 12,000 incidents a year;
- Page 17, Table 3 details the types of exclusionary discipline showing that the vast majority-98%- are in and out-of school suspensions.
- Page 19, Table 4 details the days of exclusion for in and out of school suspension. In school suspensions result in approximately 6,000 missed school days per year; out of school suspensions result in approximately 16,000 missed school days per year.
- Pages 22-35 include multiple tables detailing the experiences of particular student sub-groups with exclusionary discipline. The analysis is consistent with national trends- 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. However, the length of exclusion is not disproportionate for these same sub-groups of students.
- Currently, the most common reason given for exclusion is "school policy/conduct violation."

In analyzing the data, the Agency offers the following recommendations:

1. School systems should provide professional development for those individuals charged with determining disciplinary exclusions with training to address implicit bias issues; with appropriate funding the Agency could work with the Vermont Principals' Association to offer this state-wide.
2. Replicate these analyses at the Supervisory Union/Supervisory District to identify local patterns in disproportionality.
3. If resources are available, conduct a fitted-odds student to examine the interaction of student characteristics at the state level.
4. Provide training, as resources allow, to support the field in choosing the "incident type" through clarified definitions and directions.

Lastly, the Agency also looked at the impact of PBIS on exclusionary discipline. PBIS is a program which supports school wide action to improve out comes for students. Participation has been funded through state and federal allocations. It is taking root in elementary schools most strongly, and has shown that in schools which use it exclusionary discipline declines with implementation as does the length of exclusions. To the extent that the State would like to see this used state-wide, resources will need to be made available as the current resources allocated to this work are driven by federal programs for schools identified as in need of improvement.