

To: The Senate Education Committee

Re: My family's story of dealing with disability, suspension, and near expulsion

Ladies and gentleman I wanted to take a few moments of your time and share some of my experiences with my local education system. The topics you are contemplating around due process, discipline, and the use of alternatives to expulsion is extremely important and I think important at the lawmaker level to ensure schools are compelled to comply. My son has been unnecessarily subject to many suspensions, and almost expelled for no good reason, instead of being helped to access his education. It is not in the best interest of schools to seek alternatives or to allow the involvement of lawmakers or parents in their processes; they must be incentivized to do so. My school made that quite clear to me during our issues.

First a little about me if you are willing to indulge me. I am currently the Superintendent of the Northwest State Correctional Facility in St. Albans. I have been with the Department of Corrections for 28 years. For many years I have been one of the DOC's few instructors in Due Process and have been part of writing and re-writing department policy on discipline. I tell you this only so you know that I have years of experience dealing with the subject matter you are discussing, albeit in a much different setting, but the principles and applications are the same. I certainly recognize the challenges of dealing with disabilities, difficult individuals, and the need to find appropriate and humane alternatives to isolation and severe discipline.

My son's name is Nicholas. He has a documented 504 plan which has been in place since he was in the 2nd grade. The plan is due to severe hearing issues and auditory processing problems. The plan has always required that he sit close to the front of the room, he get homework assignments in writing, and take-home assignments get communicated to my wife and me so we can follow-up. When the plan is not followed or enforced by the school Nicholas cannot hear what is going on in the class, he becomes distracted; he starts side bar conversations, etc. He becomes a distraction for the class and he also does not hear the lesson and therefore struggles in his coursework and grades.

I want to say that from grades 2 through 8 things went extremely well. The grade school, St. Albans Town Elementary, communicated with me, each other, and Nicholas. He flourished there and maintained good grades, good social interactions, and had respect for his teachers and the administration. They held regular meetings to discuss and adjust his 504 plan according to his needs and his intellectual and physical growth. When Nicholas was ready to move onto high school the elementary school held a 504 meeting at the end of his 8th grade year and invited a high school representative to attend. They did not attend. The elementary school did send the 504 plan and notes to the high school as an alternative.

My son now attends BFA St. Albans. He is currently a senior there. It would be an understatement to say that keeping Nicholas in school has been a persistent and trying battle. It has been beyond frustrating and stressful. I put the blame firmly on the school and its administration.

This is a good time to pause and tell you that I am a realist. My son is not an angel. He is a typical 17 year old, anti-everything, self-absorbed, mood swings, girlfriends, driving, working part-time, too busy for his parents, sarcastic, etc. He is also very smart, kind, caring, honest, and forthright. He generally resists

authority and he fights for his total independence which of course he is nowhere near prepared for. This is all stuff we used to call being a teenager but the school now labels as a problem student. They do this so they can shuffle him into a discipline track and get quick compliance or expulsion out of him and not have to expel time, resources, or any effort in helping him cope and develop. This is not my conclusion. I have the e-mails and letters from the school to prove it.

BFA has not only failed to follow the 504 plan, they have flatly refused. Throughout this high school years my son has shown exceptional aptitude in one area but then failed in another. When my wife or I have investigated we have found that the 504 plan is not being enforced. I think worse than that the teacher has been unaware that a plan even existed for my son. The complete lack of communication and/or caring from the administration has been appalling.

We stumbled through by constantly arguing and advocating for our son until we hit a certain point. In reflection I think it was just the time my son hit that point in his life. He developed his own identity; he started to show all of those teenage traits that can be self-destructive and frankly, exhausting to deal with. Believe me, I get it.

Starting in his junior year Nicholas began to really struggle in school. The school was not enforcing his 504 plan anywhere. They were responding to his behavior with discipline only. I met with the school on a number of occasions where I suggested that his 504 plan was built to help with his behaviors and to improve his attention and grades in class. The school still did not put his 504 plan in place. They began to suspend him from school. They used in-house suspension, which is done in isolation in a building separate from the school. In house suspension means the student cannot enter the school to eat lunch, they cannot go to their locker, they cannot even go get their homework from classes they are missing. They cannot have anything to do. They sit there, all day, during the school day, doing nothing. We call this solitary confinement or segregation in my career field. Of particular frustration to me was that his classes were reflecting him as being absent and unexcused on days he was in the in-house suspension.

He totaled up approx.. 13 days of in house suspension. That meant 13 days of unexcused absences in his classes, and 13 days of missing homework and class work. When I confronted the school on the fact he was failing everything because of the in-house suspension they informed me that it was Nicholas' problem because the suspension was based on his behavior.

At one point the school notified me that they going to expel Nicholas. When I asked for a meeting I was denied. They gave me one week's notice of the expulsion meeting in front of the school board and told me I had no right to appear. I asked for a continuance of the meeting so I could consult an attorney. I was told they would postpone it but it would be postponed for a month and in the meantime my son could not be in school. This meant that essentially he would fail out of school and need to repeat his junior year anyway because he would fall too far behind. They attempted to set up a no win situation for my child and a win-win situation for the school.

The school was rude, uncooperative, unwilling to meet, unwilling to discuss alternatives, and were clear they wanted my son out of school forever. Keep in mind this was over behavior I describe as mostly unsubstantiated but basically based in sarcasm, foolish comments, and missing classes. There was certainly no due process, no fact finding, no investigation by anyone let alone someone impartial and from outside the school.

My attempts to speak with the Superintendent's office were met with the same responses and referrals back to the school. At one point I was told that the principal at BFA St. Albans was chosen because "he doesn't tolerate anything and he was bringing discipline to the school."

To say this was a stressful time for my family would be a gross understatement. I reached out to Vermont Legal Aid because I knew they had some direct experience in school discipline.

What I learned was truly appalling. The school had a number of legal obligations under the 504 plan around imposing discipline, regular meetings with parents; notification of its teachers, nursing staff, etc....our school had done none of it. When it was pointed out to them I was told first that it was not true. A letter to them from an attorney assisting my family changed the answer to "we didn't know we had to do those things." These are life-long educators and administrators mind you.

The attorney involvement forced the school to cease expulsion proceedings and follow the steps as dictated in law. Since then there have been few issues with my son and none of them of any consequence. The worst issue we have had is tardiness and a skipped class.

Don't misunderstand; the school is still not following the 504 plan. He sits in the back of the classrooms, we have no communication from the school about homework, and he does not get his work in writing. What we have done is educated ourselves and our child on the requirements of the plan where discipline is concerned and we have forced the school to follow them. I would call it a stand-off at this point.

The day my son graduates from high school will be the day I breathe a huge sigh of relief. I thank my stars that he is my youngest and I will not have to experience high school again. I will tell you that I am ashamed of my local school system and their utter lack of support, empathy, or understanding. Their attitude and rude behavior toward my family and anyone else that has questioned their tactics has been appalling and embarrassing.

I don't make these things up, I am not angry (anymore). I have countless e-mails and letters from the school, attorney correspondence, notes from my child's doctor, and notes from an independent therapist...all support what I have relayed above. The doctor's and therapist made attempts to intervene with the school, they reported being frustrated and appalled at the schools response and attitude toward them.

High school has been a traumatic and stressful event for us. I dread other families having to go through it.

I'm sorry this has been so long. As you can see this is an issue near and dear to my heart. There is no question in my mind that without legal assistance my son would have been expelled and would currently be a drop-out statistic in Vermont. This should not be within the values of an educational system; it is certainly not within the values I have as a parent and a taxpayer of my educational system.

I am more than happy to speak to the committee in person at any time should it be beneficial.

Thank you for your time and consideration,

Sincerely,

Greg Hale
Superintendent
Northwest State Correctional Facility