



STATE OF VERMONT
GENERAL ASSEMBLY
SENATE COMMITTEE ON EDUCATION

February 26, 2015

Secretary Rebecca Holcombe
Vermont Agency of Education
219 North Main Street, Suite 402
Barre, VT 05641

Dear Secretary Holcombe:

After considering testimony on Senate bill S.67, an act relating to school discipline reform, the Senate Committee on Education is concerned that all Vermont schools may not consistently be using effective school discipline strategies and fair discipline practices. In particular, available data suggest that Vermont public school students of certain racial and ethnic groups and students with disabilities are far more likely to be suspended than their peers. Available data, though limited, also suggest that school discipline practices and rates vary widely throughout the State.

Inappropriate use of exclusionary discipline is counter to Vermont's educational policy requiring provision of safe, orderly, civil, and positive learning environments and may have tremendous negative consequences for students. The Committee believes that more data reporting, collection, and analysis of school discipline practices in Vermont is necessary to understand whether Vermont schools should use discipline strategies more effectively, fairly, and uniformly. Therefore, the Committee respectfully requests that the Agency of Education, on or before January 15, 2016, submit a written report to the Senate and House Committees on Education, the Senate Committee on Health and Welfare, and the House Committee on Human Services. The Committee requests that this report be made available to any interested parties. The Committee requests that the report contain the following:

- A catalog of all data collection rules, policies, and guidelines regarding exclusionary discipline used by any Vermont public school or district.
- A recommendation regarding whether standardization of data collection rules and practices is appropriate.
- 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 2010–2011 through 2013–2014. The Committee requests that the data:

- Be aggregated as necessary to comply with State and federal privacy law in a manner that permits inclusion of the maximum data possible. State and federal privacy law includes 1 V.S.A. § 317(c)(11) (public records exemption for confidential records); the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g and 34 C.F.R. Part 99; and 20 U.S.C. § 1232h (protection of pupil rights).
- If available and permissible under State and federal privacy law, include for each Vermont public school and district and for each relevant academic year:
 - The total number of disciplinary exclusions from the classroom, broken down by in-school suspensions, out-of-school suspensions, expulsions, alternative school placements, and any other type of removal.
 - The total number of days for which students were excluded from the classroom due to exclusionary discipline, broken down by in-school suspensions, out-of-school suspensions, expulsions, alternative school placements, and any other type of removal.
 - The total number of students who received educational services during disciplinary removals, and the total number who did not receive services, broken down by out-of-school suspension, expulsion, and any other type of removal from the classroom.
- If available and permissible under State and federal privacy law, be disaggregated by race or ethnicity, Free and Reduced Lunch status, Section 504-plan only status, Individualized Education Plan status, gender, grade level, foster care status, Limited English Proficiency status, infraction type, and type of disciplinary removal or intervention applied.
- Be provided in a format that is easily reproduced and understood.
- An analysis of the available data on exclusionary discipline in Vermont public schools to identify what additional data is needed, in order to better assist schools to use effective, fair discipline strategies and to ensure that students' access to education is not impaired as a result of disciplinary actions.
- 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.
- Clarification of 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.

The Committee appreciates your support of its efforts to understand the exclusionary discipline policies and practices used by Vermont public schools, so that it may assess whether future legislative action on school discipline reform is advisable.

Sincerely yours,

Senate Committee on Education

By: _____
Senator Ann Cummings, Chair, Senate Committee on Education