Testimony on Legislation in S.67

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Dear Senator Cummings and Education Committee Members

I am writing in strong support of S.67 that creates a school discipline advisory council to oversee reform of school discipline strategies in Vermont.

I am a Ph.D. economist, on the faculty of the University of Vermont since 1995. In my work, I specialize in research on inequality, including educational inequality. I am also a school commissioner in the Burlington School District (BSD) and chair of its Diversity and Equity Committee, whose focus this year has been on reducing discipline disparities in Burlington's schools. Prior to being elected to the school board, I was part of the school district's advisory committee on equity and inclusion, whose goal was to produce an annual report on disparities in academic achievement and discipline by gender, race, socio-economic status, ability, and language background.

S.67 provides for a state-level structure to reduce disparities in disciplinary practices and has the potential to contribute to the modernization of our schools' approaches to managing behavior. This will promote greater educational equality in Vermont. The recent report, *Kicked Out: Unfair and Unequal Discipline in Vermont Schools* cogently lays out both the evidence of disparities in Vermont and the impact of these on student outcomes.

Rather than reiterate those linkages here, I would like to describe our school district's efforts here in Burlington in order to demonstrate to you both the feasibility of data collection as well as its fundamental importance in driving change.

Second, I would like to discuss some of the new research on brain functioning that underscores the importance of changing our approach to one of helping students regulate their behavior rather than a model built on punishment and exclusion.

BSD produces the Equity and Inclusion Report each year (this can be found online at the district's website). In that report, we measure achievement gaps in educational outcomes, disparities in suspensions, and dropout rates. As with other parts of the country, we find that black students and students on disabilities are two and a half times more likely to receive out-of-school suspensions (OSS) than white students. Students qualifying for free and reduced lunch (FRL) are four times more likely to be suspended. Of great concern is that, in Burlington, FRL students drop out at 9 times the rate of non-FRL students (18% compared to 2%) and the dropout rate for students with disabilities is 26%. A large body of research finds that exclusionary school discipline has links to the probability of dropping out of high school.

Our school district has committed itself to ending OSS except in the most severe of cases (such as bringing a weapon to school). Instead, the district is exploring restorative justice practices in the high school, and the expansion of Positive Behavioral Intervention and Supports (PBIS) to all elementary schools, with a phase-in to middle school. The PBIS data showed us that with the institution of this program, office referrals dropped dramatically, sometimes as much as 50%, keeping kids in the classroom and saving administrator time.

Data are at the heart of this effort to modernize our behavioral management systems in our schools. It is only by looking at data that we can tell where disparities exist, what areas or schools most urgently require reform, and whether new policies and practices are effective in reducing suspensions and improving school climate. Ultimately, we want to ask the question, "Are we making progress over time, and if so, what programs are responsible for this progress?" Data can effectively be used to answer that two-part question.

The data collection is not difficult; it does not require significant time or extraordinary skills to report and analyze the data. Data analysis can be a very simple task and data can be summarized on a routine basis, such as monthly or annually. Typically, schools are already collecting much of this data. But absent a strategic focus on discipline issues, they may not be fully utilizing the data.

In addition to what is proposed in S.67, I would suggest that schools be required to report disaggregated data by key groups—gender, FRL, language background, ability and race/ethnicity—in order to be able to identify potential disparities. Finally, it is important to record information on the behavior that prompted the disciplinary action as well as document referrals to the police. The data in Vermont that I have seen indicate on average more harsh discipline for the same infraction for some groups as compared to others. Often this occurs due to unconscious bias; data help to make visible that bias that may have heretofore been less visible and thus allow for changes in practices.

Regarding my second point, advances have been made in brain research in recent years in two key areas: understanding the adolescent brain and the effect of trauma on behavior.[1] We now know enough (as a society and in particular, mental health professionals and social workers) to develop better systems in our schools that are modern, up to date, and ultimately will ensure greater success for our students. Behavior is often not a case of being "good" or "bad" but of children struggling to regulate themselves. Children who have experienced trauma (child abuse, domestic violence within the home, war, or the family stresses that come with financial hardship) may have "fight" or "flight" responses to triggers. Trauma-informed behavioral management includes supporting students to regulate their behavior; punishment is often not effective.

Districts across the country have begun adopting this approach with training to help teachers recognize the symptoms of traumatic stress, such as students' classroom outbursts, withdrawal, and self-injurious behavior, that are due to the repeated exposure to violence, abuse, and neglect. Trainings provide teachers with the knowledge and skills to better manage traumatized students in the classroom.

How does this relate to the current bill? The proposed School Discipline Advisory Council can serve as a catalyst, by identifying new and best practices in the area of behavioral management, to be disseminated to schools across the state. This is indeed a job that benefits from being centralized, saving individual schools the time required to invest in this research. Data can be useful in comparing outcomes across the state, based on the models of discipline and behavior management that have been adopted. For example, do high schools that have adopted restorative justice have fewer OSS and lower dropout rates than a school with a traditional discipline approach? Data can help answer such questions.

In closing, I hope you will take the important step of approving this bill. In doing so, you will improve Vermont's schools by supporting an evidence-based approach to address an identified problem – discipline disparities as well as practices that undermine student outcomes. This bill will contribute to the adoption of changes that reflect the insights of new research on how to support students to regulate their behavior in a way that leads to the twin goals of a safe school climate and to educational inclusion.

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[1] U.S. Department of Health and Human Services. 2009. "Understanding the Effects of Maltreatment on Brain Development." Child Welfare Information Gateway. https://www.childwelfare.gov/pubPDFs/brain_development.pdf