

To: Vermont Senate Committee on Education
From: Jay Diaz, Staff Attorney at Vermont Legal Aid and Chair of the Vermont Dignity in Schools Coalition
Date: April 30, 2015
Re: Proposed Language to Update H. 480 regarding a tiered system of supports and education during expulsion

I. Tiered System of Support

Below are four short comments on Section 6 of H. 480 regarding the “tiered system of supports.” Vermont Legal Aid and the Dignity in Schools Coalition strongly supports the requirement that schools have a tiered system of support and would like to see this requirement strengthened and made robust to ensure students are not excluded unnecessarily.

Comment 1: On Page 6, line 11, it would best fulfill the purpose of “tiered system of supports” mentioned in the Education Quality Standards to require “instruction and positive or restorative behavioral interventions.” This may also ensure that positive or restorative interventions are attempted before school exclusion is an option.

Comment 2: On Page 6, line 13, Vermont Legal Aid supports a *requirement* of individualized behavioral interventions prior to exclusion. In a “tiered system of supports,” this is also seen as the proper order of operations. Many Vermont schools already do this, and all schools should.

Comment 3: On page 7, line 13, the following underlined language should be added “individualized behavior supports, prior to any exclusion from the classroom or school building.” This will encourage schools to adopt the “tiered system of supports” with fidelity and prevent unnecessary student exclusion for minor misbehavior.

Comment 4: On page 7, line 16, the following underlined language should be added, “...encourage prosocial skills and behaviors schoolwide, and individualized and positive behavioral interventions.” This will encourage schools to adopt the “tiered system of supports” with fidelity and prevent unnecessary student exclusion for minor misbehavior.

II. Education During Expulsion

Below are four short comments on the draft legislation presented to the committee in March, 2015, regarding educational services during expulsion. Vermont Legal Aid and the Dignity in

Schools Coalition strongly support the accessible opportunity to receive educational services for expelled students and the opportunity to make academic progress during suspension.

Comment 1: In the subject area, the subject should be updated as follows: “...school for disciplinary reasons for more than ten consecutive days and an opportunity to make academic progress for students for any student excluded from school for disciplinary reasons for 10 consecutive days or less.” This will ensure students who are merely suspended receive the opportunity to make academic progress during suspension.

Comment 2: In section 1, line 17, language such as the following should be added to ensure school are encouraged to communicate with outside service providers and that suspended students can make academic progress: “(i) Principals, superintendents, and school boards are authorized and encouraged to develop procedures for providing alternative education service with the cooperation or input of relevant health and human service, housing and non-profit agencies, education collaborative, or other service providers. (9) Procedures to provide an opportunity to make academic progress and earn academic credit for a student who is suspended pursuant to section 1162 of this title.”

Comment 3: In Section 2, line 16, the following underlined language should be added to ensure that suspended students can make academic progress: “(c)(1) Principals, superintendents, and school boards ~~are authorized and 17 encouraged to~~ shall provide an opportunity to make academic progress and earn academic credit alternative education services or programs to students a student during any period of suspension or expulsion authorized under this section, including but not limited to, homework, quizzes, exams, papers and projects missed.”

Comment 4: In Section 2, Vermont Legal Aid and the coalition would add several sections to define the minimum opportunity that must be provided to expelled students, requires that notice of the opportunity be provided to parents/guardians and students, requires regular check-ins with students who are expelled, and requires the developed of a re-entry plan. Possible language for this section has been attached.

Comment 5: In section 3, after line 12, the language regarding the possibility of truancy charges for students who do not access the opportunity to receive educational services should be removed. Students should be provided an opportunity to receive services, but not be punished if they do not access those services, in lieu of other services, employment, or other type of program.