

Dear Senator Cummings and Esteemed Members of the Senate Committee on Education:

I write to offer four short comments on Section 6 of H. 480 regarding the “tiered system of supports.” Vermont Legal Aid strongly supports the requirement that schools have a tiered system of supports 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.

Please do not hesitate to contact me with questions about school discipline, special education, homeless education, or education for students in state custody, as these are my areas of professional interest and expertise. My contact information is below.

I look forward to working with the committee in the second half of the biennium to reform Vermont’s outdated and counterproductive school discipline laws.

Sincerely,
Jay Diaz, Esq.
Staff Attorney
Disability Law Project
Vermont Legal Aid
(802) 383-2207