



**TO: Members of the Senate Committee on Education**  
**FROM: Jay Diaz, Staff Attorney / Public Advocate, ACLU-VT**  
**DATE: February 2, 2016**  
**SUBJECT: Make Suspension a Last Resort to Avoid the Path to Prison and Poverty**

### **What's Wrong with Kicking Kids Out of School?**

- Suspension encourages misbehavior and makes schools less safe/conducive to learning
- Suspension leaves children unsafe, unsupervised, unhealthy, and unproductive
- Suspension and Expulsion leads children down the path to prison and poverty
- Minority students are more likely to be suspended

### **What Does the Agency of Education's Data Tell Us About Suspension in Vermont?<sup>1</sup>**

- Every year, about 5,000 children are denied an education for 23,000 days (average)
- More than 50% of those children are turned away at the school house door
- Students of color, in low-income families, and with disabilities are more likely to be suspended
- About 2,000 elementary school children are suspended from school every year.
- Nearly 60% were for non-violent "school policy" or "disorderly conduct" infractions

### **What Happens if We Do Not Reimagine School Discipline?**

- Vermont's most disadvantaged children will continue to be more likely to perform at lower levels, struggle to get out of poverty, and end up in the juvenile and criminal justice systems at disproportionate rates
- Vermonters will continue to unnecessarily spend tax money on courts, jails, and benefits
- Vermont businesses will continue to suffer a shortage of capable employees and our economy will lose potential innovators

### **How Can Vermont's Education System Rethink School Discipline?**

- Keep kids safe by keeping them in school where they are not dangerous
- Reallocate resources from discipline administration to behavioral development
- Fund the training of teachers, administrators, and paraeducators so they have the tools to appropriately work with and support struggling students

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<sup>1</sup> Data discussed here is from the VT Agency of Education's January 2016 Report entitled "Exclusionary Discipline Response: Response to written request of February 26, 2015 related to S.67."

## **Key Questions for the Vermont Education System**

- Will reducing unnecessary exclusion for minor infractions reduce the number of minority students excluded from school?
- Why do school administrators need discretion to exclude a student for up to 10 school days, instead of 5 days?
- Are there any requirements that schools send work home to excluded students so they can make academic progress while excluded from the building?
- Shouldn't administrators consider the particular needs of the child and circumstances involved when determining how to discipline?
- Do any studies show that suspension and expulsion solve behavior problems or prevent behavior problems in the future?
- Wouldn't it be better if schools could focus on safety, prevention, and behavioral development, instead of wasting time with data collection, forms, and due process proceedings required for suspension and expulsion?
- If children engage in misbehavior that does not threaten the safety of the school, why do they need to be removed from the school entirely?