



**TO: Members of the Senate Committee on Education**  
**FROM: Jay Diaz, Staff Attorney / Public Advocate, ACLU of VT**  
**DATE: February 2, 2016**  
**SUBJECT: S. 194 (2016) – Making Suspension and Expulsion from School a Last Resort**

On behalf of the ACLU of Vermont and in partnership with the Vermont Dignity in Schools Coalition, I am here today because we believe every child in Vermont deserves an equal chance to learn from their mistakes. When children can remain in school and are given the tools to learn from their mistakes, schools are safer and all students are better off. Unfortunately, in Vermont's schools, children who misbehave in minor ways are regularly kicked out for days, weeks, and months. Exclusionary punishments, like suspension and expulsion, are usually unnecessary to maintain school safety, do not correct misbehavior, and do not account for the student's individual circumstances. And, minority students (students with disabilities, students of color, and students from low-income families) who can least afford it are more likely to be suspended from Vermont schools. We must do better for the sake of Vermont's children and Vermont's future.<sup>1</sup>

S. 194 is a step in the right direction because it focuses the need for exclusion on safety. It still provides broad authority to exclude students from a school building, but only where the child's behavior threatens school safety. Where student behavior is simply difficult or violates school policies without harming school safety, out-of-school suspension is not permitted. This will prevent students from being suspended or expelled for policy violations such as cutting class, cursing, dress-code violations, and general disobedience. It will also reduce the incidence of unnecessary exclusions for minority students, and ensure that precious school resources are not wasted on the administration of unnecessary suspensions and expulsions.

However, S. 194 must be updated to also:

- 1) Reduce the number of days a child can be suspended from 10 to 5 school days
- 2) Cap the number of days a student can be expelled at 90 calendar days
- 3) Ensure that exclusion terms are proportionate to the misbehavior
- 4) Require that schools consider a student's individual abilities and circumstances when determining punishments
- 5) Demand that excluded students are able to gain academic credit during exclusions

Thank you for the opportunity to testify on this important bill. With minor additions, the bill can ensure that all students are able to learn from their mistakes and are treated equally in discipline.

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<sup>1</sup> For a thorough review of the available data, and the educational and societal problems associated with suspension and expulsion, please see the attached Fact-sheet entitled "Make Suspension a Last Resort to Avoid the 'School-to-Prison-Pipeline'" and the January, 2015 "Kicked Out!" Report from Vermont Legal Aid.