

1 TO THE HONORABLE SENATE:

2 The Committee on Education to which was referred Senate Bill No. 67
3 entitled “An act relating to school discipline reform” respectfully reports that it
4 has considered the same and recommends that the bill be amended by striking
5 out all after the enacting clause and inserting in lieu thereof the following:

6 Sec. 1. FINDINGS

7 The General Assembly finds that:

8 (1) Despite significant improvements in many schools’ data collection
9 and reporting systems, comprehensive and meaningful data on school
10 discipline in Vermont is largely unavailable. While schools and districts must
11 submit some data on school discipline to the Vermont Agency of Education
12 and the U.S. Department of Education, these data collection efforts are not
13 aligned and rely heavily on self-reporting. Additionally, the Federal Education
14 Rights and Privacy Act, 20 U.S.C. § 1232g, mandates suppression of certain
15 education data that may inappropriately convey personally identifiable
16 information, limiting the accessibility of school discipline data that concerns
17 smaller schools or student populations.

18 (2) The available data suggests that Vermont schools, like schools
19 nationwide, may not consistently be using effective discipline strategies and
20 fair discipline practices. According to Vermont’s public school discipline data

1 submitted to the U.S. Department of Education’s Civil Rights Data Collection
2 for the 2011–2012 school year:

3 (A) Students of certain racial and ethnic groups and students with
4 disabilities were disciplined at far higher rates than their peers. For example,
5 where substantial populations existed, Black/African American and Native
6 American students were on average two to three times more likely than white
7 students to be suspended. Students with disabilities on IEPs were nearly three
8 times more likely than students without IEPs to be suspended.

9 (B) Use of school discipline strategies, including exclusionary
10 discipline, restraint, seclusion, referral to law enforcement, and school-related
11 arrest, varied widely throughout the State. For example, significant disparities
12 in discipline rates existed for students with disabilities on IEPs across counties,
13 even counties with similar student demographics.

14 (3) Inappropriate use of exclusionary discipline is counter to Vermont’s
15 educational policy requiring provision of safe, orderly, civil, and positive
16 learning environments and may have tremendous negative consequences for
17 students. Students who are suspended are at significantly higher risk of
18 academic failure, of dropping out of school, and of entering the juvenile justice
19 system, according to the Council on State Governments’ Justice Center.

20 (4) Intentionally correcting disparities by finding effective alternatives
21 to exclusionary discipline can improve school climate, keep students engaged

1 in learning, and increased students' chances for life-long success, according to
2 the Council on State Governments' Justice Center.

3 (5) More data reporting, collection, and analysis of school discipline
4 practices in Vermont is necessary to understand whether Vermont schools can
5 use more effective discipline strategies, whether schools can apply these
6 strategies more fairly, and whether standardized definitions and practices are
7 desirable.

8 Sec. 2. SCHOOL DISCIPLINE ADVISORY COUNCIL; REPORT

9 (a) Creation. There is created a School Discipline Advisory Council. The
10 Council shall, in consultation with the Harassment, Hazing, and Bullying
11 Council created pursuant to 2012 Acts and Resolves No. 129, collect and
12 analyze data regarding school discipline policies and practices in Vermont
13 public and approved independent schools in order to inform strategic planning,
14 guide State and local decision making and resource allocation, and measure the
15 effectiveness of State and local policies and practices.

16 (b) Membership. The Council shall be composed of the following 13
17 members:

18 (1) the Secretary of Education or designee;

19 (2) the Commissioner for Children and Families or designee;

20 (3) a superintendent selected by the Vermont Superintendents
21 Association;

1 (4) two principals, selected by the Vermont Principals' Association;

2 (5) one teacher, selected by the Vermont–National Education

3 Association;

4 (6) one special education teacher, selected by the Vermont Council of

5 Special Education Administrators;

6 (7) one special education administrator, selected by the Vermont

7 Council of Special Education Administrators;

8 (8) the Executive Director of the Vermont Human Rights Commission

9 or designee;

10 (9) the Executive Director of Vermont Legal Aid or designee;

11 (10) one representative from the Vermont Family Network, selected by

12 its Board of Directors; and

13 (11) two parents of Vermont students who have received an

14 out-of-school suspension in a Vermont public or approved independent school,

15 selected by the Secretary of Education.

16 (c) Powers and duties. The Council shall:

17 (1) identify the data collection definitions and practices used in each

18 Vermont public or approved independent school for misconduct and for

19 disciplinary actions that result in a student's exclusion from the classroom;

1 (2) recommend whether standardization of data collection definitions
2 and practices is appropriate, and if so, recommend model definitions and
3 practices;

4 (3) analyze the available data regarding use of exclusionary discipline in
5 Vermont public and approved independent schools to identify what data is still
6 required in order to better assist schools to use effective discipline strategies
7 fairly, to develop in-school solutions to disciplinary issues, to ensure that
8 students' access to education is not impaired as a result of disciplinary actions,
9 and to limit the criminal justice system's involvement in school disciplinary
10 matters; and

11 (4) identify strategies for, and any barriers to, obtaining quality data.

12 (d) Report. On or before January 15, 2017, the Council shall submit a
13 written report to the House and Senate Committees on Education and on
14 Judiciary, the House Committee on Human Services, and the Senate
15 Committee on Health and Welfare with its findings and any recommendations
16 for legislative action.

17 (e) Meetings.

18 (1) The Secretary of Education shall call the first meeting of the Council
19 to occur on or before September 1, 2015.

20 (2) The Council shall select a chair from among its members at the
21 first meeting.

1 (3) A majority of the membership shall constitute a quorum.

2 (4) The Council shall meet at least quarterly.

3 (5) The Council shall cease to exist on July 1, 2017.

4 (f) Assistance. The Council shall have the administrative, technical, and
5 legal assistance of the Agency of Education.

6 Sec. 3. DATA COLLECTION; SECRETARY OF EDUCATION

7 On or before the first meeting of the Council established in Sec. 2 of this
8 act, the Secretary of Education shall collect and distribute to the members of
9 the Council all readily available data on exclusionary discipline from each
10 Vermont public school in academic years 2010–2011 through 2013–2014.

11 Sec. 4. EFFECTIVE DATE

12 This act shall take effect on passage.

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15 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE