

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 Family  
14 Educational Rights and Privacy Act, 20 U.S.C. § 1232g, mandates suppression  
15 of certain education data that may inappropriately convey personally  
16 identifiable information, limiting the accessibility of school discipline data that  
17 concerns smaller schools or student populations.

18 (2) The available data suggest 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) 3,982 public school students were suspended out of school or  
4 expelled and 3,861 students were suspended in school.

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

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

17 (3) Inappropriate use of exclusionary discipline is counter to Vermont’s  
18 educational policy requiring provision of safe, orderly, civil, and positive  
19 learning environments and may have tremendous negative consequences for  
20 students. Students who are suspended are at significantly higher risk of

1 academic failure, of dropping out of school, and of entering the juvenile justice  
2 system, according to the Council on State Governments' Justice Center.

3 (4) Intentionally correcting disparities by finding effective alternatives  
4 to exclusionary discipline can improve school climate, keep students engaged  
5 in learning, and increase students' chances for life-long success, according to  
6 the Council on State Governments' Justice Center.

7 (5) More data reporting, collection, and analysis of school discipline  
8 practices in Vermont is necessary to understand whether Vermont schools can  
9 use discipline strategies more effectively, whether schools can apply these  
10 strategies more fairly, and whether standardized definitions and practices are  
11 desirable.

12 Sec. 2. SCHOOL DISCIPLINE STUDY COMMITTEE; REPORT

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

20 (b) Membership. The Committee shall be composed of the following 9  
21 members:

- 1           (1) the Secretary of Education or designee;
- 2           (2) a superintendent selected by the Vermont Superintendents
- 3           Association;
- 4           (3) two principals, selected by the Vermont Principals' Association;
- 5           (4) one teacher, selected by the Vermont-National Education
- 6           Association;
- 7           (5) one special education teacher, selected by the Vermont of Special
- 8           Education Administrators;
- 9           (6) one special education administrator, selected by the Vermont
- 10          Council of Special Education Administrators;
- 11          (7) the Executive Director of the Vermont Human Rights Commission
- 12          or designee; and
- 13          (8) the Executive Director of Vermont Legal Aid or designee.
- 14          (c) Powers and duties. The Committee shall:
- 15               (1) identify the data collection definitions and practices used in each
- 16               Vermont public or approved independent school for misconduct and for
- 17               disciplinary actions that result in a student's exclusion from the classroom;
- 18               (2) recommend whether standardization of data collection definitions
- 19               and practices is appropriate, and if so, recommend model definitions and
- 20               practices;

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

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

9           (d) Report. On or before January 15, 2016, the Committee shall submit a  
10          written report to the House and Senate Committees on Education and on  
11          Judiciary, the House Committee on Human Services, and the Senate  
12          Committee on Health and Welfare with its findings and any recommendations  
13          for legislative action.

14          (e) Meetings.

15           (1) The Secretary of Education or designee shall call the first meeting of  
16          the Committee to occur on or before September 1, 2015.

17           (2) The Committee shall select a chair from among its members at the  
18          first meeting.

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

20           (4) The Committee shall meet at least quarterly.

21           (5) The Committee shall cease to exist on February 1, 2016.

1        (f) Assistance. The Committee shall have the administrative, technical, and  
2        legal assistance of the Agency of Education. For purposes of preparing any  
3        legislation, the Committee shall have the assistance of the Office of Legislative  
4        Council.

5        Sec. 3. DATA COLLECTION; SECRETARY OF EDUCATION

6        On or before the first meeting of the Committee established in Sec. 2 of this  
7        act, the Secretary of Education shall collect and distribute to the members of  
8        the Committee:

9            (1) All data collection rules, policies, and guidelines concerning  
10          exclusionary discipline used by any Vermont public school or district.

11           (2) All readily available data on exclusionary discipline from each  
12          Vermont public school, aggregated as necessary under the Family Educational  
13          Rights and Privacy Act, 20 U.S.C. § 1232g, to permit distribution of the  
14          maximum amount of data possible, in academic years 2010–2011 through  
15          2013–2014. This data shall be provided in disaggregated form, as available  
16          and as permissible under the Family Education Rights and Privacy Act, by race  
17          or ethnicity, Free and Reduced Lunch status, Section 504 plan-only status, IEP  
18          status, gender, grade level, foster care status, Limited English Proficiency  
19          status, infraction type, and type of removal or intervention applied.

20        Sec. 4. EFFECTIVE DATE

21        This act shall take effect on passage.

1 (Committee vote: \_\_\_\_\_)

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\_\_\_\_\_

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Representative \_\_\_\_\_

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FOR THE COMMITTEE