



219 North Main Street | Suite 402 | Barre, VT 05641
(p) 802-479-1030 | (f) 802-479-1835 | education.vermont.gov

TESTIMONY PROVIDED TO: Senate Education Committee
FROM: Wendy Geller, Data Director, Agency of Education
TOPIC: S. 67 School Discipline Advisory Council
DATE: February 18, 2015

Thank you for the opportunity to testify on behalf of the Agency of Education regarding my areas of expertise, which are social science research methods and the empirical context of education in the state of Vermont. I am not an expert on discipline or school-based disciplinary practices, so I will defer to the other speakers regarding best practices surrounding those areas. I will do my best not to repeat aspects of others' testimony and will try to focus on points that might be useful for crafting the bill.

Some of the suggestions the report puts forward are interesting, and it's fortunate that questions surrounding availability of data are being raised right now as we're working on our State Longitudinal Data System (SLDS) which we hope will help make data easier to report, to access, and to be readily available to use so as to inform our practices, policies, and the public.

In general, a few points of clarification might be useful in this discussion, including line some that relate specifically to 17 "(A) Vermont does not publicly report any discipline data on the 18 Agency of Education website, even if this data has been collected by schools 19 and districts and reported to the Agency of Education."

- We do collect statewide hazing, harassment and bullying data from all public schools as required under 16 V.S.A. §164. But, we have taken the stance that individual school data may be obtained by contacting the school directly.
- Much of the data that we collect is subject to our small n suppression measures for public dissemination due to the reporting of very low numbers.
- There is inaccurate information in the Kicked Out report on page 17, in "Data Not Reported, Collected or Aggregated in Vermont":
 - a. We **do** track educational performance of students in DCF custody.
 - b. The number of IEP students placed in Interim Alternative Education Setting is reported in EDFACTS every year.

- c. We do calculate total number of days IEP students are suspended (out of school) or expelled. This is reported in EDFACTS (i.e. < 1 day, 1 to 2 days, 3 to 5, 5 to 10, >10 [just examples, not necessarily the real breakdowns]). Note that **in school suspensions** are **not** included.

Given these points, something that we should be mindful of when thinking about the Kicked Out report, is that the CRDC (Civil Rights Data Collection) is not a collection that we (VT AOE) manage. It is a federal collection. I'm not aware of much support or training done for the field for reporting on this collection, so it appears to rely upon largely non-normed reporting practices. What this means, is that there doesn't appear to be much robust guidance or training surrounding appropriate reporting procedures. In all likelihood, what this yields is different schools reporting in different ways.

As a social scientist, I would be very cautious, indeed, I wouldn't recommend basing any broad legislative decisions on the results presented in the report because of the limitations in its methodology.

From a methodological standpoint, it is problematic to lean as heavily on data from the Burlington school district (see p. 9-10) as the report does and also to "only used race data for districts and schools where the total number of students of a particular race or ethnicity was more than 20. For instance, if a school/district had more than 20 students who identified as Native American, the report's authors collected and analyzed that school/district's disciplinary treatment of Native Americans. If a school/district did not have more than 20 students who identified as a given race, the report's authors did not collect or analyze that school/district's disciplinary treatment of that group" (p. 10).

These parameters are not representative of the state's demography so are limited in terms of being useful for crafting state-wide decisions or policies. Further, no attempt to my knowledge has been made to compare the CIRS data (a collection we do administer) with the CRDC (federal collection) data. That would be a basic first step in discerning data gaps and the general quality of the data through consistency of reporting.

Moreover, the following limitations should be emphasized as they compromise the utility of the findings on a general level:

"Our review of the CRDC data is incomplete because some schools, districts, and supervisory unions were not included in the CRDC's available data, presumably because they failed to report their data. Moreover, 38 Vermont schools, districts, and supervisory unions reported zero incidents of suspension, expulsion, referral

to law enforcement, school-related arrest, restraint, or seclusion to the CRDC. For instance, no school in Bennington County reported data on a disciplinary incident. While it is possible that no incidents occurred in these schools, it is at least equally possible that the data was either not recorded or not reported accurately. For this reason, and because we compare county data, Bennington County school data has not been included in this report's data compilations.

Finally, students who receive public tuition to attend independent schools in Vermont are not included in this report because independent schools are not required to report to the federal data collection" (p. 10)

Additionally, the report notes: "Due to limitations in VT AOE recordkeeping, this report is unable to create a complete picture of school discipline in Vermont. The Agency was unable to fulfill a number of the authors' public records requests because the data was either not maintained or was not readily available in the format requested" (p. 10).

Something that I need to make absolutely clear is that if data were not reported by schools or districts, for example, if a school reported zero (0) incidents, at present the accountability remains with the schools and or districts for that reporting because of local control. If we took a more centralized approach to this, we would likely have greater response rates and cleaner data to work with, but those things do come at a cost, including not just the material and personnel resources to do that work, but also the control over the reporting practices from local schools.

The bill suggests the creation of a council, but there is already an established council devoted to hazing, harassment, and bullying, the Vermont Harassment, Hazing and Bullying Advisory Council. It would be more efficient to expand and empower this group to address discipline as well than to create a new council to address this in addition to the efforts already underway by the Harassment, Hazing, and Bullying Advisory Council. In this time of limited resources, it is not efficient to duplicate effort.

However, given the aims of the bill, I would suggest that the membership on this council include people who actually work in this area, like business analysts, program staff, outreach personnel from DCF, etc. Naming only upper level management personnel to this group will essentially accomplish little because of the serious constraints on these people's time and the nature of the real work that needs to be done.

In addition to the point above, representatives from DMH should be involved in this area of work. Issues surrounding students with special needs should be addressed in a joint manner so as to best serve students in the most effective and efficient ways possible. Many of these challenges are beyond the scope of the educational environment and require mental health service provision and resources to be addressed appropriately.

If the legislature aims to improve schools' reporting practices surrounding this type of data, it should help empower the AOE in training the field to report accurately and to have resources for more effective collection and auditing of these data. But, it needs to be made clear that this kind of effort will require a more centralized approach, as well as political support and material resources to support the work.

The points that the bill makes about analyzing data about school discipline so as to make informed decisions that will help with resource allocation and measuring effectiveness of policies and practices, essentially, this section (highlighted) is a good idea:

3 (a) Creation. There is created a School Discipline Advisory Council. The 4 Council, in consultation with the Commissioners of Corrections and of Public 5 Safety, shall collect and analyze data regarding school discipline in Vermont 6 public and approved independent schools in order to inform strategic planning, 7 guide statewide and local decision making and resource allocation, and 8 measure the effectiveness of statewide and local policies and practices.

However, on a very basic level, this requires reporting at levels and in ways that don't currently happen in centralized, unified, and clear forms (e.g. the fiscal metrics). This is a challenge in general for us (AOE) and is a result not just of our extremely convoluted governance system, but also because we are not politically and materially empowered to make schools accountable and transparent in their reporting practices *in comparable ways*. Additionally, "effectiveness" is a loaded term and would need serious clarification and refinement. This would also require resources in order to perform such analyses. Again, this is a good idea, but will require significant political and material support to achieve.

As a social scientist, I have reservations about this section: "14 (c) Powers and duties. The Council shall: 15 (1) analyze current data collection definitions and practices used in 16 Vermont for misconduct and for disciplinary actions that result in a student's 17

exclusion from the classroom and develop standard definitions and practices, 18 as necessary, for the collection of all appropriate data related to school 19 discipline;”

We should not be developing our own definitions and practices for data collection. We should be using standards and practices that are well established at the national level so as to comply with reporting requirements, enable comparative analysis, use best-practices, and effectively use resources. If the legislature decides to do additional data collection and research on particular programs, that is another discussion, but we should not use state resources to develop our own standards and practices for data collection at the outset, we should build on best-practices, learn from them, and then move forward in systematic, rigorous ways.

I cannot stress enough that *we absolutely should not be developing our own standard definitions and practices.* We should not be initiating additional collections at the outset either, which will increase reporting burdens on the field and on AOE’s already strained resources. *We should be improving our outreach to the field, our training to the field, the support the field in improving their reporting practices, the collaboration occurring across agencies, and our systematic analysis of these data. But, all of these efforts require both political and material support which the legislature would have to allocate to achieve these goals.*

On the whole, VT has a very small student population. From my perspective, the reason that systematic, rigorous, and comparable auditing and evaluation are not currently happening is due in large part to AOE lacking support (political and material) to perform such oversight and analysis. Additionally, it is due to the extremely convoluted governance structures currently in place. If this type of work is required, AOE needs both political and material support to do it and accountability for this work needs to be revisited.

END