

1 S.16

2 Introduced by Senators Sears and Ram

3 Referred to Committee on

4 Date:

5 Subject: Education; school discipline; School Discipline Advisory Council

6 Statement of purpose of bill as introduced: This bill proposes to create the
7 School Discipline Advisory Council to collect and analyze data regarding
8 school discipline in Vermont public and approved independent schools in order
9 to inform strategic planning, guide statewide and local decision making and
10 resource allocation, and measure the effectiveness of statewide and local
11 policies and practices.

12 An act relating to the creation of the School Discipline Advisory Council

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 Sec. 1. FINDINGS

15 The General Assembly finds that:

16 (1) Nationally, millions of students are removed from the classroom
17 each year for disciplinary reasons.

18 (2) U.S. Department of Education data reveals that in the 2013–2014
19 school year, of the 50 million students nationally enrolled in schools:

20 (A) 2.7 million received in-school suspensions;

1 (B) 1.6 million received one out-of-school suspension;

2 (C) 1.1 million received more than one out-of-school suspension; and

3 (D) 111,215 were expelled.

4 (3) Exclusionary discipline is used mostly in middle and high schools,

5 and mostly for minor misconduct, according to the Council on State

6 Governments' Justice Center.

7 (4) Students who are suspended are at significantly higher risk of

8 academic failure, of dropping out of school, and of entering the juvenile justice

9 system according to the Council on State Governments' Justice Center.

10 (5) Nationally, students of certain racial and ethnic groups and students

11 with disabilities are disciplined at higher rates than their peers, beginning in

12 preschool, as evidenced by 2013–2014 data from the U.S. Department of

13 Education's Office for Civil Rights:

14 (A) Black students (representing approximately 15 percent of the

15 U.S. student population) are suspended and expelled at a rate two times greater

16 than white students (representing approximately 50 percent of the U.S. student

17 population).

18 (B) Students with disabilities who have individualized education

19 plans (IEPs) are more likely to be suspended than students without disabilities.

20 (6)(A) According to the Agency of Education's Report on Exclusionary

21 Discipline Response, January 2017, for the 2015–2016 school year, 3,616

1 Vermont public school students were excluded, representing 4.7 percent of
2 total enrollment.

3 (B) The Agency of Education found that students who are non-
4 Caucasian, participate in the free and reduced lunch program, have Section 504
5 or IEP plans, male, or are English Learners are over-represented in terms of the
6 number who experience exclusion and the number of incidents resulting in
7 exclusion.

8 (C) Use of school discipline strategies, such as exclusionary
9 discipline, restraint, seclusion, referral to law enforcement, and school-related
10 arrest, varies widely throughout the State.

11 (7) Valuable data on school discipline in Vermont is largely unavailable
12 and incomplete.

13 (A) Vermont does not publicly report any discipline data on the
14 Agency of Education website, even if this data has been collected by schools
15 and districts and reported to the Agency of Education.

16 (B) Some relevant data is not readily available from the Vermont
17 Agency of Education, such as the total number of school days missed by
18 students due to suspension or expulsion.

19 (C) Other relevant data is not maintained by the Vermont Agency of
20 Education, such as data indicating whether students received educational

1 services during suspensions, beyond federal requirements for certain students
2 with disabilities.

3 (D) The public school discipline data that Vermont submitted to the
4 U.S. Department of Education’s Civil Rights Data Collection for the
5 2013–2014 school year, while available, is incomplete and may be inaccurate.

6 (8) More data on school discipline practices in Vermont is necessary to
7 understand what strategies are effective and to encourage the adoption of these
8 strategies at the local level.

9 Sec. 2. 16 V.S.A. § 1164 is added to read:

10 § 1164. SCHOOL DISCIPLINE ADVISORY COUNCIL; REPORT

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

17 (b) Membership. The Council shall be composed of the following
18 15 members:

19 (1) the Secretary of Education or designee;

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

21 (3) the Defender General or designee;

1 (4) the Executive Director of the State’s Attorneys and Sheriffs’

2 Association or designee;

3 (5) a superintendent selected by the Vermont Superintendents

4 Association;

5 (6) two principals, one employed in a public or approved independent

6 elementary school and one employed in a public or approved independent

7 secondary school, selected by the Vermont Principals’ Association;

8 (7) two teachers, one employed in a public or approved independent

9 elementary school and one employed in a public or approved independent

10 secondary school, selected by the Vermont–National Education Association;

11 (8) two special education teachers, one employed in a public or

12 approved independent elementary school and one employed in a public or

13 approved independent secondary school, selected by the Vermont Council of

14 Special Education Administrators;

15 (9) the Executive Director of the Vermont Human Rights Commission

16 or designee;

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

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

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

20 selected by the Secretary of Education.

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

1 (1) analyze current data collection definitions and practices used in
2 Vermont for misconduct and for disciplinary actions that result in a student's
3 exclusion from the classroom and develop standard definitions and practices,
4 as necessary, for the collection of all appropriate data related to school
5 discipline;

6 (2) analyze annually, on a school-district basis, the available data
7 regarding suspensions and expulsions from Vermont public and approved
8 independent schools and identify, collect, and analyze additional data
9 necessary to inform the work of the Council, including:

10 (A) the total number of instances of expulsions and suspensions in
11 each grade operated by the district;

12 (B) the total number of students in each grade operated by the district
13 who were expelled or suspended and the number of instances of expulsion
14 or suspension, or both, for each student;

15 (C) the duration of each instance of expulsion and suspension;

16 (D) the infraction for which each expulsion and suspension was
17 imposed; and

18 (E) each instance of referral to local law enforcement authorities or
19 the juvenile justice system;

20 (3) identify strategies, including any necessary legislative changes, to
21 assist schools to develop in-school solutions to school disciplinary issues, to

1 ensure that students' access to education is not impaired as a result of
2 disciplinary actions, and to limit the criminal justice system's involvement in
3 school disciplinary matters; and

4 (4) share insights and best practices with Vermont educators, school
5 administrators, policymakers, agencies, and education and advocacy
6 organizations.

7 (d) Report. On or before January 15, 2022, the Council shall submit a
8 written report to the House and Senate Committees on Education and on
9 Judiciary, the House Committee on Human Services, and the Senate
10 Committee on Health and Welfare with its findings and any recommendations
11 for legislative action.

12 (e) Meetings.

13 (1) The Secretary of Education shall call the first meeting of the Council
14 to occur on or before September 1, 2021.

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

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

18 (4) The Council shall meet not more than six times.

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

1 (g) Compensation and reimbursement. Members of the Council shall be
2 entitled to per diem compensation and reimbursement of expenses as permitted
3 under 32 V.S.A. § 1010 for not more than six meetings. These payments shall
4 be made from monies appropriated to the Agency of Education.

5 Sec. 3. DATA COLLECTION; SECRETARY OF EDUCATION

6 (a) On or before the first meeting of the Council established in Sec. 2 of
7 this act, the Secretary of Education shall collect and distribute to the members
8 of the Council all readily available data on suspensions and expulsions from
9 each Vermont public school in academic years 2013–2014 through 2018–2019,
10 including the data specified in subdivision (c)(2) of Sec. 2.

11 (b) On or before July 1, 2022, the Secretary of Education and the State
12 Board of Education shall incorporate the Council’s standard definitions and
13 practices developed in subdivision (c)(1) of Sec. 2 of this act into their data
14 collection rules and procedures and, to the extent permitted by 20 U.S.C.
15 § 1232g (family educational and privacy rights) and any regulations adopted
16 thereunder, shall require the collection of data as recommended by the Council
17 beginning with the 2023–2024 school year.

18 Sec. 4. EFFECTIVE DATE

19 This act shall take effect on passage.