Introduced by Senators Sears and Ram

Referred to Committee on

Date:

Subject: Education; school discipline; School Discipline Advisory Council

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

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

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

Sec. 1. FINDINGS

The General Assembly finds that:

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

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

(A) 2.7 million received in-school suspensions;
(B) 1.6 million received one out-of-school suspension;

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

(D) 111,215 were expelled.

(3) Exclusionary discipline is used mostly in middle and high schools, and mostly for minor misconduct, according to the Council on State Governments’ Justice Center.

(4) Students who are suspended are at significantly higher risk of academic failure, of dropping out of school, and of entering the juvenile justice system according to the Council on State Governments’ Justice Center.

(5) Nationally, students of certain racial and ethnic groups and students with disabilities are disciplined at higher rates than their peers, beginning in preschool, as evidenced by 2013–2014 data from the U.S. Department of Education’s Office for Civil Rights:

(A) Black students (representing approximately 15 percent of the U.S. student population) are suspended and expelled at a rate two times greater than white students (representing approximately 50 percent of the U.S. student population).

(B) Students with disabilities who have individualized education plans (IEPs) are more likely to be suspended than students without disabilities.

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

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

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

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

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

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

(C) Other relevant data is not maintained by the Vermont Agency of Education, such as data indicating whether students received educational
services during suspensions, beyond federal requirements for certain students
with disabilities.

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

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

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

§ 1164. SCHOOL DISCIPLINE ADVISORY COUNCIL; REPORT

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

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

(1) the Secretary of Education or designee;

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

(3) the Defender General or designee;
(4) the Executive Director of the State’s Attorneys and Sheriffs’ Association or designee;

(5) a superintendent selected by the Vermont Superintendents Association;

(6) two principals, one employed in a public or approved independent elementary school and one employed in a public or approved independent secondary school, selected by the Vermont Principals’ Association;

(7) two teachers, one employed in a public or approved independent elementary school and one employed in a public or approved independent secondary school, selected by the Vermont–National Education Association;

(8) two special education teachers, one employed in a public or approved independent elementary school and one employed in a public or approved independent secondary school, selected by the Vermont Council of Special Education Administrators;

(9) the Executive Director of the Vermont Human Rights Commission or designee;

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

(11) two parents of Vermont students who have received an out-of-school suspension in a Vermont public or approved independent school, selected by the Secretary of Education.

(c) Powers and duties. The Council shall:
(1) analyze current data collection definitions and practices used in Vermont for misconduct and for disciplinary actions that result in a student’s exclusion from the classroom and develop standard definitions and practices, as necessary, for the collection of all appropriate data related to school discipline;

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

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

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

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

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

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

(3) identify strategies, including any necessary legislative changes, to assist schools to develop in-school solutions to school disciplinary issues, to
ensure that students’ access to education is not impaired as a result of
disciplinary actions, and to limit the criminal justice system’s involvement in
school disciplinary matters; and
(4) share insights and best practices with Vermont educators, school
administrators, policymakers, agencies, and education and advocacy
organizations.

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

(e) Meetings.

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

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

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

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

(f) Assistance. The Council shall have the administrative, technical, and
legal assistance of the Agency of Education.
Compensation and reimbursement. Members of the Council shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than six meetings. These payments shall be made from monies appropriated to the Agency of Education.

Sec. 3. DATA COLLECTION; SECRETARY OF EDUCATION

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

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

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.