

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Education to which was referred Senate Bill No. 16
3 entitled “An act relating to the creation of the Task Force on School
4 Exclusionary Discipline Reform” respectfully reports that it has considered the
5 same and recommends that the House propose to the Senate that the bill be
6 amended by striking out all after the enacting clause and inserting in lieu
7 thereof the following:

8 Sec. 1. FINDINGS

9 The General Assembly finds that:

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

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

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

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

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

17 (D) 111,215 were expelled.

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

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

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

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

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

14 (6)(A) According to the Agency of Education’s Report on Exclusionary
15 Discipline Response, January 2017, for the 2015–2016 school year, 3,616
16 Vermont public school students were excluded, representing 4.7 percent of
17 total enrollment.

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

1 number who experience exclusion and the number of incidents resulting in
2 exclusion.

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

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

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

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

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

18 (D) The public school discipline data that Vermont submitted to the
19 U.S. Department of Education’s Civil Rights Data Collection for the
20 2013–2014 school year, while available, is incomplete and may be inaccurate.

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

4 Sec. 2. **TASK FORCE ON EQUITABLE AND INCLUSIVE SCHOOL**
5 **ENVIRONMENTS**; REPORT

6 (a) Creation. There is created the **Task Force on Equitable and Inclusive**
7 **School Environments**. The Task Force shall make recommendations to end
8 suspensions and expulsions for all but the most serious student behaviors and
9 compile data regarding school discipline in Vermont public and approved
10 independent schools in order to inform strategic planning, guide statewide and
11 local decision making and resource allocation, and measure the effectiveness
12 of statewide and local policies and practices.

13 **(b) Membership.**

14 **(1) The Task Force shall be composed of the following 19 members:**

15 **(A) the Secretary of Education or designee;**

16 **(B) the Commissioner of Mental Health or designee;**

17 **(C) the Executive Director of the Vermont Superintendents**
18 **Association or designee;**

19 **(D) the Executive Director of the Vermont School Boards**
20 **Association or designee;**

- 1 (E) the Executive Director of the Vermont Council of Special
- 2 Education Administrators or designee;
- 3 (F) the Executive Director of the Vermont Principals' Association or
- 4 designee;
- 5 (G) the Executive Director of the Vermont Independent Schools
- 6 Association or designee;
- 7 (H) the Executive Director of the Vermont-National Education
- 8 Association or designee;
- 9 (I) one member, appointed by the Legal Aid Disability Law Project;
- 10 (J) one member, appointed by the Vermont Family Network;
- 11 (K) one member, appointed by BEST;
- 12 (L) one member, appointed by the National Center on Restorative
- 13 Justice at the Vermont Law School;
- 14 (M) two teachers, appointed by the Vermont-National Education
- 15 Association;
- 16 (N) one member, appointed by ACLU of Vermont;
- 17 (O) one member of a therapeutic school, appointed by the Vermont
- 18 Independent Schools Association;
- 19 (P) one school counselor, appointed by the Vermont School
- 20 Counselor Association; and

1 (Q) two high school students, appointed by the Vermont Principals’
2 Association.

3 (2) Membership diversity. The appointing authorities shall seek racial
4 diversity in membership in making appointments to the Task Force.

5 (d) Powers and duties.

6 (1) The Task Force shall make recommendations to end suspensions and
7 expulsions for all but the most serious student behaviors and, taking into
8 account the Vermont Youth Risk Behavior Survey issued by the Department of
9 Health, shall perform the following tasks:

10 (A) review current behavioral supports and in-school services and
11 availability of these services in various supervisory unions, approved
12 independent schools, and regions of the State that are available to support
13 students who would otherwise face exclusionary discipline;

14 (B) recommend additional or more uniform in-school services that
15 should be available to:

16 (i) students who are under eight years of age where expulsion is
17 not permitted under 16 V.S.A. § 1162 as amended by this act; and

18 (ii) other students who would otherwise face exclusionary
19 discipline;

20 (C) define the most serious behaviors that, after considering all other
21 alternatives and supports, should remain eligible for suspension or expulsion;

1 (D) review school professional development programs and make
2 recommendations on how educator practices, such as positive behavioral
3 interventions and support, trauma informed practices, and restorative practices,
4 and related training for these practices can increase educators' awareness of
5 students' social emotional needs in a manner to reduce behaviors that lead to
6 possible out-of-school disciplinary measures;

7 (E) identify best practice procedures that minimize law enforcement
8 contacts for students facing in-school or exclusionary discipline;

9 (F) compile, on a school-district and approved independent schools
10 basis, the available data and the data collection processes regarding
11 suspensions and expulsions and compile additional data necessary to inform
12 the work of the Task Force, including:

13 (i) the total number of instances of expulsions and suspensions in
14 each grade operated by the district or approved independent school;

15 (ii) the total number of students in each grade operated by the
16 district or approved independent school who were expelled or suspended and
17 the number of instances of expulsion or suspension, or both, for each student;

18 (iii) the duration of each instance of expulsion and suspension;

19 (iv) the infraction for which each expulsion and suspension was
20 imposed;

1 (v) each instance of referral to local law enforcement authorities,
2 the juvenile justice system, community justice center, State’s Attorneys
3 Offices, Department for Children and Families, or other juvenile justice-related
4 authority;

5 (vi) each instance in which a civil, criminal, or juvenile citation
6 was the consequence for a school-related infraction; and

7 (vii) each instance in which an excluded student received
8 reeducational services, as well as the duration of reeducational services per
9 day, per week, and per month;

10 (G) recommend changes to the types of data collected and the data
11 collection processes regarding suspensions and expulsions, as necessary, for
12 the collection of all appropriate data related to school discipline, including
13 recommendations on the types of data collected and data collection processes
14 to reflect the contribution of social determinants to instances of suspensions
15 and expulsions; and

16 (H) review how other states address exclusionary discipline.

17 (2) All data specified in subdivision (1)(F) of this subsection shall be in
18 disaggregated format by, at a minimum, the following subgroups and
19 categories to the extent permitted by federal and State privacy laws and to the
20 extent information is available:

21 (A) White;

- 1 (B) Black;
- 2 (C) Hispanic;
- 3 (D) American Indian/Alaskan Native;
- 4 (E) Asian, Pacific Islander/Hawaiian Native;
- 5 (F) low-income/free or reduced lunch;
- 6 (G) Limited English Proficient or English Language Learner;
- 7 (H) migrant status;
- 8 (I) students receiving special education services;
- 9 (J) students on educational plans under Section 504 of the
10 Rehabilitation Act of 1973;
- 11 (K) gender;
- 12 (L) sexual orientation;
- 13 (M) foster care status;
- 14 (N) homeless status; and
- 15 (O) grade level.

16 (3) All data specified in subdivision **(1)(F)** of this subsection shall be
17 cross-tabulated by, at a minimum, the following subgroups and categories to
18 the extent permitted by federal and State privacy laws and to the extent
19 information is available:

- 20 (A) school;
- 21 (B) school district;

- 1 (C) race;
- 2 (D) low-income/free or reduced lunch;
- 3 (E) Limited English Proficient or English Language Learner;
- 4 (F) migrant status;
- 5 (G) students receiving special education services;
- 6 (H) students on educational plans under Section 504 of the
7 Rehabilitation Act of 1973;
- 8 (I) gender;
- 9 (J) sexual orientation;
- 10 (K) foster care status;
- 11 (L) homeless status;
- 12 (M) grade level;
- 13 (N) behavior infraction code;
- 14 (O) intervention applied, including restraint and inclusion; and
- 15 (P) educational services provided.

16 (e) Report. On or before November 30, 2021, the Task Force shall submit
17 a written report to the House and Senate Committees on Education with its
18 findings, addressing each of its duties under subsection (d), and any
19 recommendations for legislative action. The Agency of Education shall share
20 the report and any related insights and best practices with Vermont educators,
21 school administrators, policymakers, agencies, and education and advocacy

1 organizations, and shall post the report on its website.

2 (f) Meetings.

3 (1) The Secretary of Education shall call the first meeting of the Task
4 Force to occur on or before August 1, 2021.

5 (2) The Task Force shall select a chair from among its members at the
6 first meeting.

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

8 (4) The Task Force shall meet not more than six times.

9 (g) Assistance. The Task Force shall have the administrative, technical,
10 and legal assistance of the Agency of Education.

11 (h) Compensation and reimbursement. Members of the Task Force shall be
12 entitled to per diem compensation and reimbursement of expenses as permitted
13 under 32 V.S.A. § 1010 for not more than six meetings of the Task Force.

14 Sec. 3. APPROPRIATION

15 The sum of \$8,250.00 is appropriated from the General Fund in fiscal year
16 2022 to the Agency of Education for per diem and reimbursement of expenses
17 for members of the Task Force on Equitable and Inclusive School
18 Environments created under Sec. 2 of this act and for expenses incurred by the
19 Task Force in carrying out its duties.

1 Sec. 4. DATA COLLECTION; SECRETARY OF EDUCATION

2 (a) On or before the first meeting of the Task Force on Equitable and
3 Inclusive School Environments established in Sec. 2 of this act, the Secretary
4 of Education shall collect and distribute to the members of the Task Force all
5 readily available data on suspensions and expulsions from each Vermont
6 public school and approved independent school in academic years 2013–2014
7 through 2018–2019, including the data specified in subdivision (d)(1)(F) of
8 Sec. 2.

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

16 Sec. 5. OUTCOME ANALYSIS

17 On or before January 15 of each year from 2025 to 2030, the Secretary of
18 Education shall submit a written report to the House and Senate Committees
19 on Education on suspensions and expulsions from each Vermont public school
20 and approved independent school in the prior school year, including the data
21 specified in subdivision (d)(1)(F) of Sec. 2.

1 Sec. 6. 16 V.S.A. § 1162 is amended to read:

2 § 1162. SUSPENSION OR EXPULSION OF STUDENTS

3 * * *

4 (d) Notwithstanding anything to the contrary in this chapter, a student
5 enrolled in a public school who is under eight years of age shall not be
6 suspended or expelled from the school; provided, however, that the school may
7 suspend or expel the student if the student poses a threat of harm or danger to
8 others in the school.

9 Sec. 7. REFERRALS OF TRUANCY TO THE STATE’S ATTORNEYS

10 (a) On or before September 1, 2021, each school district shall report to the
11 Agency of Education the number of cases referred by the district or its staff to
12 a State’s Attorney for truancy under 16 V.S.A. § 1127 or 33 V.S.A. § 5309,
13 what mitigation techniques were used by the district to engage with families
14 prior to each referral, and the result of each referral.

15 (b) On or before December 15, 2021, the Agency of Education shall collate
16 the reports from school districts and report the results to the General Assembly.

17 Sec. 8. EFFECTIVE DATE

18 This act shall take effect on passage.

19 and that after passage the title of this bill be amended to read: “An act
20 relating to the Task Force on Equitable and Inclusive School Environments”

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3 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE