



To: House Committee on Education

Date: April 7, 2021

Testimony: S. 16: Task Force on School Exclusionary Discipline Reform

From: Amy Wheeler-Sutton and Sherry Schoenberg, Vermont BEST Project

Thank you for allowing us the opportunity to provide testimony on S.16 as passed by the Senate and sent to your Committee. For the record, I am Amy Wheeler-Sutton, Training and Development Coordinator for the [BEST Project](#).

Alongside Sherry Schoenberg, I coordinate the [BEST Project](#), housed at the Center on Disability and Community Inclusion (CDCI) at the University of Vermont. Since 1996, the BEST Project has been charged with supporting supervisory unions, districts, and schools to increase their capacity to address the needs of students who are at risk of or who experience social, emotional, behavioral challenges. Our primary role is to provide training, coaching, data support, and technical assistance around [Positive Behavioral Interventions and Supports \(PBIS\)](#). Positive Behavioral Interventions and Supports (PBIS) is a **sustainable, proactive, school-wide, systems multi-tiered framework** for improving social and academic outcomes for all students that utilizes positive, preventive, evidence-based strategies; collaborative teaming; and data-based decision making (adapted from Horner, Sugai, Muscott, and Mann).

PBIS isn't a curriculum you purchase or something you learn during a one-day professional development training. It is a commitment to addressing students' **social/emotional/behavioral learning and well-being** through **systems change**. When implemented well, students achieve improved **social and academic outcomes**, **school personnel feel more effective**, and schools experience **reduced exclusionary discipline practices**. During the 2018-2019 school year, Vermont Exemplar PBIS schools suspended (out-of-school) 1.6 percent of students compared with non-Exemplar schools, who suspended 2.2 percent, compared with non-PBIS schools, who suspended 3.5 percent of students.

In our efforts to support PBIS in Vermont schools, we embrace and promote the **principles of restorative practices** in all of our professional development offerings: exploring relationships, meaningful engagement, voluntary participation, and participatory decision-making. I was a member of the Coordination Team for the contract with the Agency of Education from 2019-2020 that formed the Vermont Restorative Approaches Collaborative and provided training and coaching to 10 school/SU/SD teams on Restorative Approaches (final report [here](#)).

PBIS is currently implemented in 164 Vermont schools. The extensive reach of the BEST Project over the past 25 years makes us poised to provide input on this bill (you can find our current Annual Report [here](#)).

As the legislature continues to review this bill, we encourage you to consider the following:

- **Goals and composition of the task force:** As many who have already testified mentioned, while improving accurate data collection and analysis is critical, this can occur simultaneously with the task force **researching ways to effect change in the outcomes and developing clear recommendations**. While informed planning is important, we can't wait for the data. We know that students are currently being suspended for low-level, subjective behaviors, and at disproportionate rates (and, as Carlen Finn, Senior Policy Associate of Voices for Vermont's Children, mentioned in her testimony, this is not just a middle/high school issue). It is also important to note that suspension/expulsion (and truancy, as addressed in Sec. 7 of the bill) data from SYs 20 and 21 are likely to be significantly skewed as a result of the pandemic.

While there is language in the bill around eliminating *expulsion* for students under 8 years of age, we should really be looking to reduce/eventually eliminate expulsion *and* suspension for all students, especially those under 8. There is currently a [bill being discussed in the Massachusetts legislature](#) that seeks to “develop performance standards for prohibiting or significantly limiting the use of suspension *and* expulsion in all licensed early education and care programs.” In addition, as the Disability Law Project mentioned in their testimony, “informal suspension,” such as when students are sent home for the rest of the day but not given an official suspension, should also be considered by the task force when making recommendations about data collection.

We also want to draw attention to the importance of language. Some legislators have been using the terms “expulsion” and “exclusionary discipline” interchangeably. “Exclusionary discipline” refers to any type of school disciplinary action that removes or excludes a student from their usual educational setting; this encompasses both suspension and expulsion.

We also strongly encourage the addition of a special education director and school counselor to the task force composition. Both roles bring a critical lens that may not be represented elsewhere on the task force. We would also recommend that should the task force be convened, that the Secretary of Education consider members of the Vermont BEST Project and the Vermont Restorative Approaches Collaborative as possible task force members to be able to lend their expertise.

- **Building on existing initiatives:** As the testimony from the VSBA, VPA, and VSA detailed, Vermont schools have several established and emerging programs that reduce the occurrence of exclusionary discipline that should be **leveraged and further supported to improve fidelity of implementation and widespread use**. We don't need to “reinvent the wheel.” As they wrote, equity and culturally responsive practices are fundamental in the design and implementation of each of these frameworks:
  - **Multi-tiered systems of support (MTSS)**
  - **Social and emotional learning (SEL)**

- **Trauma-informed practice**
- **Positive Behavioral Interventions and Support (PBIS)**
- **Restorative justice** (typically referred to as **restorative approaches** when talking about school-wide restorative justice)

We also support these additional areas for consideration mentioned in their testimony:

- **Integrated mental health services:**
    - Three Vermont LEAs are currently engaged in Project Aware, an initiative that establishes interconnections between mental health and schools to support students in their homes, schools, **and** communities.
  - Reinvalidate the need for a well-vetted **statewide school climate survey:**
    - Thirty-three Vermont PBIS have completed School Climate Surveys linked to our project so far this year.
  - An increase in the availability of, and funding for, **implicit bias training** to meet school communities where they are at and is attentive to how implicit bias impacts school disciplinary practices.
  - Building systems that support **alternative methods of schooling.**
- **Systems, data, and practices considerations:** It might be useful for the legislators and the task force to think about this issue in terms of system, data, and practices. For instance, rather than just recommending all schools use restorative practices or a social skills curriculum, school/district teams need to consider what **systems** need to be put into place to tackle this issue (i.e. teaming infrastructure, professional learning/coaching, prioritization, action planning); what **data** will be collected to determine whether they are seeing the outcomes they are looking for; and what **evidence-based practices** will be put into place to support students to improve their social, emotional, and behavioral skills. We encourage schools to select a **small** number of evidence-based practices to adopt that fit their context and will have the largest impact for the smallest effort.
  - **Professional learning for school administrators and staff:** If reducing/eliminating exclusionary discipline is the goal, administrators and staff need training in developing supports for students who might have previously received suspension/expulsion. Simply taking away the option for suspension/expulsion without equipping schools with the skills to implement alternatives will likely not result in the outcomes the state is looking for. Many of the initiatives mentioned earlier would be excellent places for schools to start.
  - **Seclusion and restraint:** Data on seclusion and restraint should also be considered, either by this task force, or by the Agency of Education. While separate from exclusionary discipline, more information on how these two responses are used is necessary. Reduction in seclusion and restraint should also be an ongoing goal of the state, districts, and schools. (Please note that in the draft of the bill that got passed by the Senate, on page 9, line 9, *seclusion* is incorrectly written as *inclusion*.)

Thank you for your consideration of these issues. I would be happy to answer any questions.