AOE Testimony: Discipline Data – Collection and Reporting

Testimony To: House Committee on Education
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Introduction to Existing Data Collection and Reporting

Thank you for inviting me to come speak with you today. For the record, my name is Dr. Wendy Geller, and I am the Division Director of the Data Management & Analysis Division (DMAD). I have with me here today David Kelley, my Research and Statistics Section Chief, and my colleague, Jess DeCarolis, the Division Director for Student Pathways Division.

To start, I thought we could orient together by walking through the ways that we currently collect and report data publicly to make sure folks are aware of what's already in place and where they can readily go to get it today. We'll also cover some core aspects of our responsibilities under the federal student data privacy law, FERPA, which determines what we can and can't report publicly as well as how we are and are not allowed to share sensitive student data, like those associated with discipline.

At the end of these written remarks there's also a table that maps a few of the more specific clarifications to particular sections of the drafted bill, as well as a section on some of the files that we're required to submit to the federal government on an annual basis that are related to discipline.

I'm conscious that we have limited time today and you have a number of topics and testimony on your schedule, so I'd like to offer to come back any time and provide additional information or provide a walk-through of the data resources on the Agency website. In the interim, you'll see hyperlinks throughout the testimony that will take you to existing resources.

Data Collection and Federal Data Standards

Data Collection

The AOE currently collects discipline data from SU/SD's public schools. The method Vermont AOE uses to collect these data is the EdFusion platform (SLDS). We follow federal best practices when it comes to all of our required data collections. This model of best practices in education was borrowed from the FBI method of collecting "incident" information from local law enforcement agencies.

To explore our required data collections, we've built an interactive, fully searchable knowledge base which we launched during the third quarter of last year (2020). It's available on our website here: https://datacollection.education.vermont.gov/#knowledge-base

There are data collections that occur all throughout the year, but the files specifications for required data submitted via the end of year collection, which include data related to discipline, are available for review here:DC4 - Year End Official Collection - Data Collection and Reporting Knowledge Base (vermont.gov)

The relevant file specifications for the discipline data collection are the 16th through 19th files with the acronym "CIRS" in the submission name. The knowledge base can give you an idea of what types of incidents AOE collects data on under the "Incident Type" variable.

The Action type variable contains data on what action was taken as a result of the incident. This includes whether or not students are excluded from school services. Currently, when reporting these data via the Annual Snapshot, the Exclusionary Discipline indicator reflects the amount of school days missed as a result of out-of-school suspensions relative to the number of students enrolled during the school year selected. As exclusion rates fluctuate substantially according to grade level, a rate is calculated for each grade. A school or SU/SD rate represents the rate of exclusion of all students served by the school or SU/SD of interest.

With regard to required reporting on the reason for an incident (e.g., was the incident motivated by Race, Religion, or sexual orientation), currently this information is collected in a variable called "Category." It is important to note that these data are only collected for harassment incidents and the data collection system would require substantial development work (and then field training) to collect this for all reported incidents.

When it comes to expulsion data, this type of event is not often reportable in the state of Vermont as there are not enough expulsions on an annual basis to publicly report those data (the number has historically been fewer than 10 incidents annually).

Data on education services during an exclusion are not collected on suspension, but the majority of suspensions occur for 1 to 3 days and it may be difficult to stand up alternative services quickly for that short of a time, particularly in the case of out of school suspensions. They are collected when connected to a student with an IEP per federal requirement.

Federal Data Standards

When it comes to the standards by which we should define and collect data, it is critical that we use those established at the federal level, not least because it is what we are expected to provide to them on a regular basis but also because if we don't provide those data, we would jeopardize our access to the federal Title Funds. Those funds are specifically for supporting our most vulnerable students and they total well over $60 million per year.

Additionally, creating our own data standards would preclude our ability to compare Vermont's data with that of other states or national trends, adopt opensource tools, code, and knowledge that are shared nationally (e.g. the Generate initiative from the Center for the Integration of IDEA Data, Ed-Fi, the Common Education Data Standards, etc.), as well as

leverage [federal supports that are free to Vermont](#) as opposed to having to procure our own at significant expense.

In this area, I cannot overstate how categorically imperative it is that we follow national best practices and standards and not develop bespoke, unique standards which only add to the burden (fiscal, human resources, time, opportunity costs, etc.) of developing, managing, and maintaining them. Such action would hamstring Vermont's forward progress in the area of technical debt pay-down, alienate us from critically needed (and free) federal resources, as well as make it even more difficult for Vermont to maintain federal compliance to ensure ongoing access to Title dollars for Vermont's most vulnerable student populations.

Interactive Public-Facing Platforms, FERPA/Data Privacy

Interactive Public Reporting Platforms

Currently, the AOE reports both exclusionary discipline data and hazing, harassment and bullying data via two primary platforms, the [Annual Snapshot](#) and the [Vermont Education Dashboard (VED).](#) which supports Vermont's public data reporting compliance with the Every Student Succeeds Act (ESSA) and Vermont's Education Quality Standards (EQS)

We'll be walking you through those platforms and how the data-export functionality works for each so you'll be able to see what's currently in place for public reporting. In particular, I'd like to draw folks' attention to the way that the Snapshot reports an Equity Index. This index shows the difference in performance between students who have been historically marginalized in schools compared to their historically privileged peers.

FERPA/Data Privacy

Due to our tiny size conditions, reporting data by student subgroup (e.g. FRL, IEP, race/ethnicity status) often requires data to be suppressed in order to protect student privacy under [FERPA](#).

The [privacy protection standard](#) we have to meet to report data publicly is what is colloquially termed the "nosy neighbor" standard. This means that we cannot release data that would put a student's personally identifiable information (PII) or sensitive data at risk. Specifically, FERPA defines PII as:

Personally Identifiable Information

The term includes, but is not limited to—

(a) The student's name;

(b) The name of the student's parent or other family members;

(c) The address of the student or student's family;

(d) A personal identifier, such as the student's social security number, student number, or biometric record;

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(e) Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;

(f) Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or

(g) Information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.

(Authority: 20 U.S.C. 1232g)

VT's Annual Snapshot and Equity Indices

Because Vermont is deeply committed to equity and examining places where inequity appears in our public education system, when constructing the Vermont ESSA State Plan and the Annual Snapshot platform, we created the [historically marginalized group](#) so as to be able to report at least some data on those students who are historically underserved despite our extremely small size conditions.

"Historically Marginalized Students" (HMS) refers to student groups that have been historically underserved by Vermont schools. These student groups include:

- Different racial/ethnic groups
- English learners
- Students with disabilities
- Students in poverty
- Migrant students
- Military-affiliated students
- Homeless students
- Students in foster care

The Annual Snapshot allows users to see how schools are serving historically marginalized students compared to their peers. If we didn't take this action, reporting by student subgroup often provides little insight due to the level of suppression required of our exceptionally small size conditions.

"Suppression is a [disclosure limitation method](#) which involves removing data (e.g., from a cell or a row in a table) to prevent the [identification](#) of individuals in small groups or those with unique characteristics" ([Privacy Technical Assistance Center](#)).

All data publicly reported in the Annaul Snapshot are available for export here: [Vermont Annual Snapshot - Statewide Data Export](#)

The Vermont Education Dashboard (VED)

As part of our ongoing modernization work, AOE launched the Vermont Education Dashboard (VED) in spring of 2020. We developed the VED to provide public access to Vermont's education data, to modernize the primary means of public data reporting, and to decommission reliance on the outdated, unsupported, costly Oracle legacy platform.

With its launch, we mark about 15 years worth of a leap forward in technological and data tool modernization. Beyond maintaining federal public reporting compliance, the data we populate the VED with help inform the Agency, schools, educators, and taxpayers about the functionality and success of Vermont's education system.

All the data behind the VED are available for download on the landing page. As with everything we do, we are iterating through how we develop new content, so we have a feedback survey on the landing page as well and we'd love to hear your thoughts on new functionality that you think would be helpful. We take this feedback and inform our upcoming development and expansion planning to provide new content and functions.

Currently, we report hazing, harassment, and bullying data there, and are engaged with the Student Support Services Division to build out the Discipline data reporting functionality over the coming months through future releases.

Data Literacy and Equity

Under Act 173, the law provides for greater flexibility in using state funds for supporting all students in advance of them falling behind and perhaps qualifying for special education.

To support the ability of schools to meet the needs of all students before they fall behind, our strategy is to promote stronger school district systems that can then address the capacity of each of their member schools. These systems point to districts strengthening their work in four required areas already in regulation (what we call Act 173 levers):

- Coordinated curriculum
- Local Comprehensive Assessment System
- Educational support teams
- Need-based professional development system

A key point in our strategy is to shift the focus on implementation of these levers to the district (or systems level) versus school level implementation - an artifact of historical governance. Act 153 of 2010 shifted the responsibility for work in these required areas to be a district requirement but it has never really been supported that way.

To support this systems-level approach when it comes to building a culture of data quality, AOE believes that data literacy is a systems or district-level strategy that is scalable to the schools within the district. This orientation also relates directly to the requirement of a local comprehensive assessment system and how data are used to guide decisions in the other three areas.

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In short, fluency in data is an essential precondition for creating stronger school district systems from the perspective of student learning and supports. It is also central to our commitment to ensure those supports are directed at the needs of all students, not just some, which speaks to our structural, indeed foundational commitment to equity.

To that end, late last year we created a Request For Proposals (RFP) to develop a professional learning series for LEAs in the state to become more adept at making use of the data they have, asking better questions of their data, and seeking new data sources to inform problems of practice. Of the applicants, WestEd was ultimately selected due to their extensive experience with using and interrogating data to inform decisions. Of particular interest was WestEd's framing of data ethics and how data has been misused to reinforce existing inequities in schools.

Last Thursday, 1 April, WestEd hosted the first of several monthly professional learning sessions. This first session provided an overview and definition of data literacy. The sessions were advertised to all LEAs in the state.

In total, 33 LEAs chose to participate with nearly 300 total attendees. Between each general session, WestEd will be meeting with small groups of LEAs to provide coaching on specific data initiatives of local interest.

Finally, while the professional learning is in service of increasing data literacy for the long term, WestEd and the AOE restructured the order and timing of the session to align with and support LEAs completion of their Recovery Plans.

Part one of the recovery plan asks for a needs assessment to be submitted by 15 April. The initial session and the ensuing coaching session were intended to support LEAs in reframing their understanding of data to inform those plans, particularly in a year where many traditional data sources are unavailable due to COVID-related challenges. The next two sessions, in support of the part two of recovery plans, will focus on data assessment and using data to drive continuous improvement.

Thank you for your time, and again, I'm happy to come back another day if you'd like to discuss more. For now, with the remaining time I may have left, what questions or conversation would you like to have?

Factual Clarifications of Note

[Drafted Language S.16](#)	Clarification/Response
(7) Valuable data on school discipline in Vermont is largely unavailable and incomplete.	Discipline data are reported publicly via the [Annual Snapshot](#) and the [Vermont Education Dashboard (VED)](#).
(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.	Discipline data are reported publicly via the [Annual Snapshot](#) and the [Vermont Education Dashboard (VED)](#).
(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.	The Annual Snapshot reports **[Disciplinary Exclusion as one of its measures](#)**. This indicator reflects the amount of school days missed as a result of out-of-school suspensions relative to the number of students enrolled during the school year selected. As exclusion rates fluctuate substantially according to grade level, a rate is calculated for each grade. A school or SU/SD rate represents the rate of exclusion of all students served by the school or SU/SD of interest.
(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.	Schools do not have to provide materials to suspended students. Title 16 §1162 says they are "authorized and encouraged" to do so but not required. The only requirement is for specific educational and related services written in an IEP for students served through special education, and even then, this is not generally required until the student has been suspended over 10 days, consecutive or cumulative. There is no other guidance about educational services and there is no provision to collect data as to whether any services (other than IEP) have been provided.

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(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.	The [Civil Rights Data Collection](#) "(CRDC) is a biennial (i.e., every other school year) survey required by the U.S. Department of Education's (Department) Office for Civil Rights (OCR) since 1968. Similar to the 2011–12 and 2013–14 CRDCs, the 2015–16 CRDC collected data from a universe of all public local educational agencies (LEA) and schools, including long-term secure juvenile justice facilities, charter schools, alternative schools, and schools serving students with disabilities. The 2017–18 CRDC will also collect information from a universe of public LEAs." https://ocrdata.ed.gov/assets/downloads/FAQ.pdf
	This means that AOE as the SEA doesn't have a role in the CRDC's management. It is a direct collection from the federal to the LEA level.

EDFacts Required Reporting

ED*Facts* is a U.S. Department of Education (ED) initiative to collect, analyze, and promote the use of high-quality, pre-kindergarten through grade 12 data.

- Supports planning, policymaking, and management/budget decision-making.

- Centralizes data provided by state education agencies (SEAs).

- Collects data on district and school demographics, program participation, and performance data.

ED*Facts* centralizes performance data supplied by state education agencies (SEAs) with other data assets, such as financial grant information, within the Department to enable better analysis and use in policy development, planning and management. The purpose of ED*Facts* is to:

- Place the use of robust, timely performance data at the core of decision and policymaking in education.

- Reduce state and district data burden and streamline data practices.

- Improve state data capabilities by providing resources and technical assistance.

- Provide data for planning, policy, and management at the federal, state, and local levels.

The required files that currently include discipline data are:
FS005 Children with Disabilities (IDEA) Removal to Interim Alternative Educational Setting
FS006 Children with Disabilities (IDEA) Suspensions/Expulsions
FS007 Children with Disabilities (IDEA) Reasons for Unilateral Removal
FS088 Children with Disabilities (IDEA) Disciplinary Removals
FS143 Children with Disabilities (IDEA) Total Disciplinary Removals
FS144 Educational Services During Expulsion
FS086 Students Involved with Firearms
FS163 Discipline Data

https://www2.ed.gov/about/inits/ed/edfacts/emaps-gfsa-user-guide.pdf EMAPS User Guide: Gun-Free Schools Act (GFSA) Survey

related files:
FS194 (DG818) — Young Homeless Children Served (McKinney-Vento) v17.0
FS195 (DG814) — Chronic Absenteeism v17.0
FS210 (DG864) — Title III English Learner Five Years v17.0
FS211 (DG865) — Title III English Learner Exited v17.0
FS002 (DG74) — Children with Disabilities (IDEA) School Age v17.1

Annual Snapshot website

Vermont Annual Snapshot - Snapshot

Vermont Annual Snapshot - Statewide Data Export

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