



THE UNIVERSITY OF VERMONT EDUCATION AND SOCIAL SERVICES

Testimony

House Committee on Education

S. 16: Task Force on School Exclusionary Discipline Reform

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Introductions

Good afternoon, my name is Dr. Bernice Garnett and I am an Associate Professor in the College of Education and Social Services at the University of Vermont. I have a masters and doctorate in public health, which is a discipline primary focused on primary prevention of deleterious outcomes through environmental and structural changes to systems, policies, procedures and programs. To date, most of my research has been on school climate, restorative practices and school based health promotion.

Good morning, my name is Dr. Lance Smith and I am an Associate Professor in the College of Education and Social Services at the University of Vermont where I train the next generation of school counselors. I started my career in education as a 6th grade teacher, and then became a school counselor. My research and scholarship focuses on diversity and equity issues within schools and mental health.

For the past five years, we have been leading a community based participatory research team with fellow colleagues in the College of Education and Social Services at UVM that has been working alongside our community partners in the largest school district in Vermont, the Burlington School District, to build data gathering systems and structures that support the district-wide implementation of Restorative Practices. In other words, we have spent years, working side by side, arm in arm, with teachers, administrators and most importantly *students*, designing and implementing research protocols, gathering and analyzing data that connects directly to the heart of S.16--how do we redress the hyper-representation of Vermont's Black and Brown students, and students with disabilities within the exclusionary discipline systems of Vermont's schools?

Our remarks today are informed by our individual lived experiences, professional identities, the peer reviewed literature, and community based participatory research project with the Burlington School District. Our recommendations are structured to inform both the language in the current bill and the work of the proposed task force.

Recommendations Related to Supporting Senate Bill S. 16 Task Force on School Exclusionary Discipline Reform

- We strongly affirm the current language in the bill that boldly cites the current disparities in exclusionary discipline that are experienced by Vermont's students with disabilities, black and brown students, students experiencing poverty, and students who are english language learners. However, we want to emphatically recommend that the language in the bill be strengthened to name the root causes--institutional racism and structural ableism--that inform documented disparities in exclusionary discipline outcomes, both in Vermont and in national data. Data cannot be viewed devoid of context and it's critical to be aware of the lens through which we make "meaning" of data. For example, just reporting a disparity in the number of discipline referrals without simultaneously acknowledging the forces of institutional racism and structural ableism, opens the door for reinforcement of the age-old stereotype that black, brown and kids with disabilities are inherently problem kids. This is exactly what deniers of racism and ableism do.

In a recent comprehensive review of school discipline disparities, authors Welsh & Little (2018) provide a wonderfully robust empirical discussion of the multi-level factors that are related to exclusionary school discipline disparities citing that "the evidence suggests that discipline disparities may be explained more by the behavior of adults—teachers and principals in schools—than by student misbehavior" and further state "to date, interventions have given insufficient attention to issues of race and culture and have focused predominantly on student misbehavior. There appears to be a preference for race-neutral policies. The role of race should not be overlooked or under-discussed in crafting solutions to the discipline dilemma." We want to echo the findings from this article and CALL IN the need for critically conscious school discipline policies and data collection systems in Vermont. Transformative, anti-racist, trauma-informed and equity centered language is implicit in this bill and related creation of a task force. Let's make it explicit and central to the work of the task force.

- We affirm that valuable, state-wide data on school discipline is largely unavailable and incomplete, some data is not readily available, and that additional data is necessary. Furthermore, we want to name the critical importance of *data ownership and ensuring that school communities have timely and transparent access to school and district level data on the continuum of factors that relate to school discipline outcomes.* Power sharing is

a central tenet of community based participatory research, the type of research methodology we embody with our community partners in the Burlington School District, as it produces the most sustainable and effective outcomes. We have seen the actionable importance of timely dissemination of community accessible data to our partner schools in ensuring that data truly is used to inform program implementation, professional development and school behavioral support initiatives. How can this task force support a streamlined system for school communities to access, integrate and act upon existing and further reimagined school discipline data systems?

- The current language in S.16 calls for an improvement in both the breadth and depth of data on suspensions and expulsions in Vermont schools. While this data is critical, it's severely limited as it is singularly focused on outcomes. Imagine if you will, trying to deal with the COVID pandemic if we limited our data gathering efforts to the outcomes of the disease--the number of persons who contracted the disease and the number of people who died--*but we didn't simultaneously gather data* on the etiology of the disease, how it is spread, and factors that limit the spread?

We must approach the pandemic of systemic racism and ableism in Vermont schools in similar fashion. Vermont students and families desperately need reliable data that not only paints a picture of the scope and degree of exclusionary discipline outcomes, the symptoms if you will, but *also* data that will inform mitigation and primary prevention. We need data that will inform our understanding of how many Black and Brown students and students with disabilities in Vermont have a sense of *belonging* within their schools. Our work thus far says few do. How many Black students and students with disabilities in Vermont trust that, when they take the risk to name issues of racism or ableism to an educator, they will be heard, validated and that action will be taken? Our data indicates very few. If we want to interrupt and redress the factors that inform disparities in exclusionary discipline, we need state-wide data on the number of Vermont educators who have the cultural competence and critical awareness to name and address even the most subtle forms of racism and ableism in Vermont schools.. Again, our data within one district thus far, suggests very few.

- Student voice is largely absent in current state wide school discipline data systems that singularly focus on exclusionary discipline and suspensions. In our multi-year partnership with student researchers in the Burlington School District, they have taught us, "Nothing about us, without us, is for us!." From the onset we have dedicated significant energy and commitment to ensure that we are centering student voice in our district data collection efforts related to restorative practices implementation. For example, we administered a district wide survey to all students in grades 3-12 that was specifically focused on their experiences and understandings of their relationship with their school community. We included items like "I feel my

classroom contributions are ignored because of my race/ethnicity, disability, lack of money, ELL, or LGBTQIA identity” and “I have a voice in helping create classroom behavioral expectations” and “There are adults here who care about what happens to me”.

And in their own data gathering efforts, student researchers in Burlington have found that their fellow Black classmates consistently experience white color-blindness in school, as evidence in the following quote from an 8th grader, ““Whenever a black man is shot by the police, I come to school and all the teachers are acting like nothing happens. If they do mention it, all they say is, “oh that’s so bad I don’t want to think about it.” I think you should not ignore it.”

These data mentioned have direct connection to the heart and soul of this bill, but instead of solely focusing on exclusionary discipline outcomes - these questions uncover student experiences with belonging, connection, microaggressions, implicit bias and authentic accountability. *We need to view data on student experiences in concert with school level outcome data on suspensions and expulsions.* Indeed, this work is already partially underway as schools in Vermont are collecting various iterations of school climate data from students, staff and parents. We recommend that the state level conversation that is already happening on school climate data collection be brought into this conversation in order for the S.16 Task force to function as a solution-oriented system that's focused primary prevention of negative behavioral outcomes.

- We energetically support language in the bill connected to “recommend changes to the types of data collected and the data collection processes regarding suspensions and expulsions, as necessary, for the collection of all appropriate data related to school discipline”. We recommend that Task Force review school district discipline policies to examine the behaviors that warrant a suspension as determined by the school community and further explore the behavioral referral process and data collection procedures.
- Schools are experiencing initiative overload. We are asking much of our school leaders and classroom teachers without appropriate support, resources and organizational prioritization. The implementation of work that seeks to redress disparities in exclusionary discipline needs to be integrated with current school based tiered systems of support for academics and behavior, like Restorative Practices (RP), Positive Behavior Interventions and Supports (PBIS), Multi-tiered systems of Support (MTSS), Social Emotional Learning (SEL), and other trauma informed practices. The implementation of S.16 data gathering efforts should not usurp current school based behavioral support initiatives that also hinge on significant data collection, but rather uplift and advance the work that Vermont schools are already doing to create equitable and inclusive environments.

- Furthermore, while we appreciate the explicit goals of a bill that, in conjunction with the Agency of Education, seeks to form a task force to collect and analyze data that will inform recommendations to end suspensions and expulsions, we are cautious about an endeavor that will draw upon the expertise of dedicated professionals from multiple fields who are already over extended. Therefore, we call on the Vermont Legislature to establish a grant program with a distinct RFP that will allow for targeted, sustainable data gathering, analysis and dissemination efforts by experienced community based researchers that will work alongside local school districts and the Agency of Education. Analysis of the school discipline data named in the bill needs to be considered in an intersectional lens as the ways in which social position factors of race, gender, poverty, disability and language intersect as it relates to exclusionary discipline is critical to analytically explore, document and ultimately act upon.
- Vermont is uniquely positioned to lead critical, trauma-informed and equity based school climate and discipline policy reform efforts. Is the Task Force structure what is needed to transform Vermont school discipline? Will it be enough? What other financially resourced and sustainable structures are needed to either be created or further reinforced to ensure that Vermont school discipline policies and related data collection efforts, supported and facilitated by the Vermont Agency of Education, are transformed to the degree needed to redress educational inequities? How can we resource a sustainable structure for school climate and school discipline reform efforts that are integrated into existing state agency positions and draw upon existing inter-agency partnerships? What is the relationship between the proposed new task force on School Exclusionary Discipline Reform and existing State level forces and working groups that were also legislatively created like, the Vermont Hazing Harassment and Bullying Prevention Council, Vermont Racial Equity Advisory Panel and related newly created position of the “Executive Director of Racial Equity”. While we appreciate the expressed importance of creating a positionally and racially diverse task force to review current data on exclusionary discipline and make recommendations to the Secretary of Education, what is MORE critical is that the work of this task force be embedded into the structure and data based decision making practices of all our Vermont schools. We cannot as a state create a facade of action through the creation of the School Discipline task force.

This work is even more critical in a post COVID world when our children are re-integrating into physical social connections in our school communities in the Fall. The social, emotional, behavioral and mental health implications of prolonged social isolation and a lack of consistent connection to school communities and support systems will be profound and most likely present in various ways behaviorally in our school communities. The COVID-19 pandemic has only further exacerbated and shed

light on persistent structural and social inequities that are present across a variety of social position factors, including but not limited to, race. We cannot let this unprecedented moment in history pass without a radical re-imagining of our school based behavioral supports and the data collection mechanisms that we currently engage with to inform decisions at the local level. We must and can do better.

We are grateful for this opportunity to be here today and thank you for the consideration of our remarks.

Note: Our testimony is based on our professional experiences, research, and teaching. However, we appear before the Committee as private citizens and parents of children in Vermont's schools. Accordingly, the opinions and the materials shared with the Committee do not represent organizations or individuals with whom we are, or have been, affiliated.