



Vermont
Superintendents
Association



January 27, 2021

To: Senate Education Committee

From: Sue Ceglowski, Executive Director, Vermont School Boards Association
Jay Nichols, Executive Director, Vermont Principals Association
Jeff Francis, Executive Director, Vermont Superintendents Association
Chelsea Myers, Associate Executive Director, Vermont Superintendents Association

Re: An act relating to the creation of the School Discipline Advisory Council (S.16)

On behalf of our organizations and our members, we would like to thank you for inviting us to speak to your committee on S.16, regarding the creation of a School Discipline Council.

First and foremost, we want to convey our respective Association's commitment to advancing equity in schools across Vermont. Accordingly, we recognize and support the need to examine exclusionary discipline practices as a whole and in particular, how these practices disproportionately affect traditionally underserved students. In that spirit, our organizations would like to offer some considerations in response to S.16.

Data Collection and Transparency

Data collection and subsequently, data transparency, is an important tool for district and state leaders to examine their practices and adjust accordingly. School districts are required to report exclusionary discipline data, including disaggregated reporting, to the Office of Civil Rights. Our Associations ask that consideration is given to reducing redundancy in reporting and to the extent possible, have the Agency of Education utilize data that is already being reported.

We recommend considering strategies to improve the fidelity of the reporting of this existing data and more transparent reporting at the state level. A complete picture of the data that exists at the local and state levels is a critical first step in identifying what information might be missing. Any additional data reporting and transparency should meet all requirements for student privacy.

A report titled, “[The Status of School Discipline in State Policy](#)” draws reference to Delaware’s [S.B. 85-1](#), which “requires the state department of education to compile and release an annual school discipline report that includes statewide and individual school totals for out-of-school suspensions, expulsions, alternative school assignments and in-school suspensions — all disaggregated by race, ethnicity, gender, disability status, grade level, limited English proficiency, incident type and discipline duration. Schools meeting certain thresholds of suspension or expulsion for three consecutive years must review their discipline policies, assure proper implementation of restorative justice practices and submit a corrective plan to the state department of education.”

This approach points to the importance of coupling data collection and transparency with appropriate and supported accountability, with an emphasis on growth and improvement rather than a punitive response.

Any additional emphasis on data collection, reporting, and transparency should consider proper support to local school districts on appropriate use of the data and best practices for considering data to improve policies and practices. [Rhode Island Department of Education](#) provides an example of how data collection can be supported by resources on best practices.

Proactive Support of the Field

Encouraging and supporting the use of alternative strategies to support students at risk for exclusionary practices is imperative. Vermont schools have a number of established and emerging structures that can reduce the occurrence of exclusionary practices. As a state, we should leverage and provide support for the field in the following areas:

- A continued emphasis on the importance of high-quality multi-tiered systems of support (MTSS), social and emotional learning (SEL), trauma-informed practice, positive behavior interventions and support (PBIS), and restorative justice. Equity and culturally responsive practices are fundamental in the design and implementation of each of these frameworks.
- Focus on integrated mental health services.
- Provide best practices around building a positive school climate and reinvigorate the need for a well-vetted statewide school climate survey.
- 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. There are times when a student may need something more than what can be provided in the

regular structure of the school. Schools need support in providing Alternative Learning Environments (ALE's) to support students for whom the general school systems are not effective. This may include strong embedded mental health services for the student within the school.

Inclusion of School Board Representation on the Advisory Council

With respect to the Advisory Council, we are recommending that representation from the Vermont School Boards be included. School discipline is an area that is currently, and appropriately, addressed in school board policies. We also want to make clear to the Committee that supervisory union (school district) boards are responsible for establishing a supervisory union-wide curriculum under 16 V.S.A. Section 261a(1).

Some policies related to this topic include:

- All school boards currently have a Firearms Policy based on the [VSBA Model Policy - Firearms](#). The Firearms policy is required by 16 VSA Section 1166 (see other statutory references in the model policy including federal law) and includes expulsion as a sanction (as required by Section 1166).
- Many school boards also have a Student Discipline Policy based on [VSBA Model Policy - Student Discipline](#).

Other Strategies to Consider:

- Reducing or eliminating expulsion in grades PreK - 3, minimizing to the greatest extent possible exceptions to this rule.
- Consider private childcare providers in any actions resulting from this work. Nationwide, evidence suggests that PreK students are expelled at higher rates than in the K-12 system. For example, please see [Preschool Expulsion and Suspension: Defining the Issues](#).)
- Prohibiting expulsion and out-of-school suspensions for most non-violent infractions, including truancy and attendance issues.

Our Associations believe that creating more equitable and antiracist schools is of the utmost importance. Given the complexity and scope of the work, consideration should be given to establishing a designated team or person at the Agency of Education that is able to provide technical assistance, research and report best practices, and lead the complement of statewide initiatives that have been and will continue to be introduced.

Thank you.