



Morning

**To: House Committee on Education**

**Re: S.16 - Task Force on School Exclusionary Discipline Reform**

**From: Vermont Council of Special Education Administrators**

**Date: 4/1/2021**

VCSEA supports the overall purpose of this bill, to address exclusionary discipline practice. Use of accurate disciplinary data provides a foundation for action to address school climate, supporting students in productive social interaction and for supporting and guiding students who are behaviorally challenged in school. The Task Force is an important step in deepening our statewide understanding of how schools can support, teach and provide students with tools for appropriate and healthy interaction. In addition, the data can provide important information as to how districts and schools might strengthen their role in employing preventative frameworks and strategies.

1. Students identified in S.16 who are more frequently in the numbers of students facing exclusionary discipline – students with disabilities, black and Hispanic students, and students from poverty face both implicit and explicit bias in school communities and in the broader community. Knowing the numbers and categories of students experiencing disproportionate levels of exclusionary discipline is vital to understanding the scope and nature of the issues needing to be analyzed and addressed. Yet, the data is only the first step in addressing the underlying issues.
2. Students who face discrimination by other students and adults in their community often face greater emotional stressors than those who don't. Student behavior is communication. An essential question is, what are students communicating by behaviors that we might see as inappropriate? Next to food and shelter, belonging is the deepest need for children. A sense of belonging is critical to freeing energy for meaningful learning. When students don't feel that they belong, or are understood, they frequently act out through challenging behaviors or act inwards through anxiety and depression. With COVID recovery in process concerns about student trauma in reentering school are increased.
3. Administrators, teachers and other school staff need tools and strategies both to understand what students are trying to communicate through their behavior and how to meet those needs. In the COVID environment currently accountability through discipline is only one component, though it is an important component, in assuring a safe learning environment.
4. It is important the committee consider inclusion of a special education administrator on the Task Force. As you all know, special education and Section 504 laws are heavily regulated at the state and federal levels and even more so in the area of school

discipline. A deep understanding of the required steps in the school discipline processes for students with disabilities, whether the student is special education eligible or Section 504 protected or suspected of needing such protections is critical. Appropriate assessments, a current and individually designed Functional Behavior Assessment, and Behavior Support Plan that is used by all staff, determining whether there is a relationship between the behavior that is being addressed (Manifestation Determination) through proposed disciplinary actions, and the student's disability are all critical steps to assuring disciplinary action is both appropriate and targeted and that the student's rights are protected. It is often challenging to meet the requirements of the law and to provide the needed protections for students who are facing school discipline. The special education administrator is frequently involved in the decision-making process to assure that the law is being followed in individual situations. These steps become even more difficult to follow when emotions run high as a result of significant behavior infractions. Therefore, a special education administrator would be a valuable and critical member of the proposed Task Force.

5. Exclusionary discipline includes in-school and out of school suspension and expulsion. Restraint is listed as a disciplinary strategy in this bill and in AOE's Behavior Interventions and the Use of Restraints and Seclusions During the 2020-2021 School Year (8/28/20). Restraint should only be used to maintain the student's safety or the safety of others or to prevent damage and destruction to property and for the briefest possible period of time needed to assure safety. Given the trauma history of many students, restraint must be used with utmost caution and in many cases would be contraindicated.
6. We are learning through our multi-tiered systems of support structures that successful and lasting change happens through a comprehensive framework that includes critical training, support and action steps. Use of a multi-tiered framework is as important for social and emotional learning as it is for academic learning. Included are:
  - A leadership team that represents the school community and where the principal is actively engaged as the school leader. This team must be committed to long term improvement of school climate, embrace diversity as a strength and foster a deep sense of belonging for all.
  - Research based strategies need to be in place to instruct and support all students' academic and social and emotional needs in a comprehensive way. Intensity, frequency and duration of instruction and support needs vary greatly from student to student. Frequent progress monitoring is necessary to see what the data is telling us about student behavior and its relationship to students' academic success and sense of belonging. The data also informs what the most successful strategies employed by school staff are, and points to those areas where support for identified staff members and professional development is needed.
  - Teaching clear expectations in the classroom and the larger school environment and involving students in determining what the expectations should be in their classroom, the hallways, on the bus and other school environments strengthens student commitment and engagement in the safety of the school community.

- Training for staff members that can be used regardless of the school social and emotional learning framework employed in a particular school include crisis prevention and de-escalation strategies, Life Space Crisis Intervention training, trauma informed practices, interagency coordinated services planning processes, restorative justice and others. These trainings are invaluable for school staff to have tools to bring to interactions with students that are difficult.
  - Teaching expectations to all students across environments at the universal level is foundational. We cannot assume every student arrives with the same set of academic, communication and social skills and adaptive behaviors. Generalization of skills across environments requires instruction. A shared sense of appropriate expectations for students builds a sense of community. The same shared commitment to teaching and supporting students at the level of need must be present for staff in building a caring and strong school community.
  - Providing heightened supports for student who struggle to maintain positive interactions across environments, and then providing more intensive interventions for those students who need more intensive strategies and supports are necessary components of effective behavioral and social supports. While rewarding at times this is difficult work and staff need to be supported in embracing this role.
  - Celebrating successes across environments - in whole school meetings, in classrooms, small group settings and individually – is also a key component of building community.
  - Communicating with and involving parents in the process remains vital to sustaining the parental support so important to school success for our students.
  - We encourage you to avail this committee of testimony from schools who have successfully implemented a multi-tiered social and emotional learning framework. There are 164 school in Vermont implementing, for example, Positive Behavior Intervention Supports (PBIS) with varying degrees of fidelity and success. Other more locally designed frameworks are also successfully used in some Vermont schools. Hearing from some of these would provide the committee with knowledge that these comprehensive frameworks make a difference in the lives of marginalized students and who may react in unexpected and destructive ways that seem to cry out for harsh discipline. We can prevent some of these situations within strong and responsive school communities.
7. While collecting data is an important step, it is not enough to address the underlying individual, family and community needs of students who struggle deeply emotionally and behaviorally. VCSEA applauds the creation of a task force to address the need for accurate and comprehensive data. This can be foundational in moving us forward in meeting student behavioral and emotional needs more effectively across the state.

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