

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Education to which was referred Senate Bill No. 16
3 entitled “An act relating to the creation of the Task Force on School
4 Exclusionary Discipline Reform” respectfully reports that it has considered the
5 same and recommends that the House propose to the Senate that the bill be
6 amended by striking out all after the enacting clause and inserting in lieu
7 thereof the following:

8 Sec. 1. FINDINGS

9 The General Assembly finds that:

10 (1) Nationally, millions of students are removed from the classroom
11 each year for disciplinary reasons.

12 (2) U.S. Department of Education data reveals that in the 2013–2014
13 school year, of the 50 million students nationally enrolled in schools:

14 (A) 2.7 million received in-school suspensions;

15 (B) 1.6 million received one out-of-school suspension;

16 (C) 1.1 million received more than one out-of-school suspension; and

17 (D) 111,215 were expelled.

18 (3) Exclusionary discipline is used mostly in middle and high schools,
19 and mostly for minor misconduct, according to the Council on State
20 Governments’ Justice Center.

1 (4) Students who are suspended are at significantly higher risk of
2 academic failure, of dropping out of school, and of entering the juvenile justice
3 system according to the Council on State Governments’ Justice Center.

4 (5) Nationally, students of certain racial and ethnic groups and students
5 with disabilities are disciplined at higher rates than their peers, beginning in
6 preschool, as evidenced by 2013–2014 data from the U.S. Department of
7 Education’s Office for Civil Rights.

8 (A) Black students, representing approximately 15 percent of the
9 U.S. student population, are suspended and expelled at a rate two times greater
10 than White students, representing approximately 50 percent of the U.S. student
11 population.

12 (B) Students with disabilities who have individualized education
13 plans (IEPs) are more likely to be suspended than students without disabilities.

14 (6) According to the 2016 study “Educational Exclusion” published
15 by the Gay, Lesbian, and Straight Education Network, which is a national
16 education organization focused on ensuring safe and affirming schools for all
17 students, students who are lesbian, gay, bisexual, transgender, or queer face
18 disproportionately high rates of school discipline, including detention,
19 suspension, and expulsion from school.

20 (7)(A) According to the Agency of Education’s Report on Exclusionary
21 Discipline Response, January 2017, for the 2015–2016 school year, 3,616

1 Vermont public school students were excluded, representing 4.7 percent of
2 total enrollment.

3 (B) The Agency of Education found that students who are non-
4 Caucasian, participate in the free and reduced lunch program, have Section 504
5 or IEP plans, male, or are English Learners are over-represented in terms of the
6 number who experience exclusion and the number of incidents resulting in
7 exclusion.

8 (C) Use of school discipline strategies, such as exclusionary
9 discipline, restraint, seclusion, referral to law enforcement, and school-related
10 arrest, varies widely throughout the State.

11 (8) The Agency of Education publishes data on school discipline in
12 Vermont annually, however:

13 (A) some data can be challenging to find or understand;

14 (B) consistent with federal student privacy laws and regulations,
15 certain data may not be publicly reportable due to Vermont's extremely small
16 size conditions, such as data with very few reported cases, data on specific
17 incidents or actions, and data disaggregated by student demographics or grade
18 level characteristics;

19 (C) even when available and reportable, care must be taken when
20 using data to inform practice in order to ensure they are applied in a coherent
21 and methodologically defensible manner; and

1 (D) while the Agency of Education and Vermont supervisory unions
2 are currently working to improve data collection, stewardship, reporting
3 processes, and infrastructure, this work is in the context of enhancing data
4 quality, data literacy, and the technical infrastructure to support these
5 enhancements.

6 (9) More data on school discipline practices in Vermont is necessary to
7 understand what strategies are effective and to encourage the adoption of these
8 strategies at the local level.

9 Sec. 2. TASK FORCE ON EQUITABLE AND INCLUSIVE SCHOOL

10 ENVIRONMENTS; REPORT

11 (a) Creation. There is created the Task Force on Equitable and Inclusive
12 School Environments. The Task Force shall make recommendations to end
13 suspensions and expulsions for all but the most serious student behaviors and
14 compile data regarding school discipline in Vermont public and approved
15 independent schools in order to inform strategic planning, guide statewide and
16 local decision making and resource allocation, and measure the effectiveness
17 of statewide and local policies and practices.

18 (b) Membership.

19 (1) The Task Force shall be composed of the following 16 members:

20 (A) the Secretary of Education or designee;

21 (B) the Commissioner of Mental Health or designee;

1 (C) the Executive Director of the Vermont School Boards

2 Association or designee;

3 (D) the Executive Director of the Vermont Council of Special

4 Education Administrators or designee;

5 (E) the Executive Director of the Vermont Principals' Association or

6 designee;

7 (F) the Executive Director of the Vermont-National Education

8 Association or designee;

9 (G) the Executive Director of the Vermont Superintendents

10 Association;

11 (H) one member, appointed by the Legal Aid Disability Law Project;

12 (I) one member, appointed by the Vermont Family Network;

13 (J) one member, appointed by the Building Effective Strategies for

14 Teaching Students Project at the University of Vermont;

15 (K) one member, appointed by the Vermont Restorative

16 Collaborative;

17 (L) one teacher, appointed by the Vermont-National Education

18 Association;

19 (M) one member of a therapeutic school, appointed by the Vermont

20 Independent Schools Association;

1 (N) one school counselor, appointed by the Vermont School
2 Counselor Association; and

3 (O) two high school students, appointed by the Vermont Principals’
4 Association in consultation with UP for Learning.

5 (2) The appointing authorities shall seek racial diversity in membership
6 in making appointments to the Task Force.

7 (c) Powers and duties.

8 (1) The Task Force shall make recommendations to end suspensions and
9 expulsions for all but the most serious student behaviors and, taking into
10 account the Vermont Youth Risk Behavior Survey issued by the Department of
11 Health and relevant data reported by the Agency of Education, shall perform
12 the following tasks:

13 (A) review current behavioral supports and in-school services and
14 availability of these services in various supervisory unions, approved
15 independent schools, and regions of the State that are available to support
16 students who would otherwise face exclusionary discipline;

17 (B) recommend additional or more uniform in-school services that
18 should be available to:

19 (i) students who are under eight years of age where expulsion is
20 not permitted under 16 V.S.A. § 1162 as amended by this act; and

1 (ii) other students who would otherwise face exclusionary
2 discipline;

3 (C) define the most serious behaviors that, after considering all other
4 alternatives and supports, should remain eligible for suspension or expulsion;

5 (D) review school professional development programs and make
6 recommendations on how educator practices, such as positive behavioral
7 interventions and support, trauma informed practices, and restorative practices,
8 and related training for these practices can increase educators' awareness of
9 students' needs in a manner to reduce behaviors that lead to possible out-of-
10 school disciplinary measures;

11 (E) identify best practice procedures for students facing in-school or
12 exclusionary discipline that:

13 (i) minimize law enforcement contacts;

14 (ii) are trauma-responsive; and

15 (iii) maximize relational and restorative actions that support the
16 social, emotional, and mental health needs of these students;

17 (F) subject to federal and State privacy laws, review, on a school-
18 district and approved independent schools basis, the readily available data and
19 the data collection processes regarding suspensions and expulsions and review
20 additional data necessary to inform the work of the Task Force, including:

1 (i) the total number of instances of expulsions and suspensions in
2 each grade operated by the district or approved independent school;

3 (ii) the total number of students in each grade operated by the
4 district or approved independent school who were expelled or suspended and
5 the number of instances of expulsion or suspension, or both, for each student;

6 (iii) the duration of each instance of expulsion and suspension;

7 (iv) the infraction for which each expulsion and suspension was
8 imposed;

9 (v) each instance of referral to local law enforcement authorities,
10 the juvenile justice system, community justice center, State’s Attorneys
11 Offices, Department for Children and Families, or other juvenile justice-related
12 authority;

13 (vi) each instance in which a civil, criminal, or juvenile citation
14 was the consequence for a school-related infraction; and

15 (vii) each instance in which an excluded student received
16 reeducational services, as well as the duration of reeducational services per
17 day, per week, and per month;

18 (G) recommend how to ensure that school staff who collect, process,
19 or communicate data understand the importance of data quality, the context of
20 their role, and the rules that govern data collection, processing,
21 communication, and public disclosure; and

1 (H) review how other states address exclusionary discipline.

2 (2) All data specified in subdivision (1)(F) of this subsection shall be in
3 disaggregated format by, at a minimum, the following subgroups and
4 categories to the extent permitted by federal and State privacy laws and to the
5 extent information is available:

6 (A) White;

7 (B) Black;

8 (C) Hispanic;

9 (D) American Indian/Alaskan Native;

10 (E) Asian, Pacific Islander/Hawaiian Native;

11 (F) low-income/free or reduced lunch;

12 (G) Limited English Proficient or English Language Learner;

13 (H) migrant status;

14 (I) students receiving special education services;

15 (J) students on educational plans under Section 504 of the

16 Rehabilitation Act of 1973;

17 (K) gender;

18 (L) sexual orientation;

19 (M) foster care status;

20 (N) homeless status; and

21 (O) grade level.

1 (3) All data specified in subdivision (1)(F) of this subsection shall be
2 cross-tabulated by, at a minimum, the following subgroups and categories to
3 the extent permitted by federal and State privacy laws and to the extent
4 information is available:

5 (A) school;

6 (B) school district;

7 (C) race;

8 (D) low-income/free or reduced lunch;

9 (E) Limited English Proficient or English Language Learner;

10 (F) migrant status;

11 (G) students receiving special education services;

12 (H) students on educational plans under Section 504 of the
13 Rehabilitation Act of 1973;

14 (I) gender;

15 (J) sexual orientation;

16 (K) foster care status;

17 (L) homeless status;

18 (M) grade level;

19 (N) behavior infraction code;

20 (O) intervention applied, including restraint and seclusion; and

21 (P) educational services provided.

1 (d) Report. On or before January 15, 2022, the Task Force shall submit an
2 initial written report, and on or before March 15, 2022, the Task Force shall
3 submit a final written report, to the House and Senate Committees on
4 Education with its findings, addressing each of its duties under subsection (c)
5 of this section, and any recommendations for legislative action. The Agency
6 of Education shall share the report and any related insights and best practices
7 with Vermont educators, school administrators, policymakers, agencies, and
8 education and advocacy organizations, and shall post the report on its website.

9 (e) Meetings.

10 (1) The Secretary of Education shall call the first meeting of the Task
11 Force to occur on or before August 1, 2021.

12 (2) The Task Force shall select a chair from among its members at the
13 first meeting.

14 (3) A majority of the membership shall constitute a quorum.

15 (4) The Task Force shall meet not more than six times.

16 (5) The Task Force shall cease to exist on April 15, 2022.

17 (f) Assistance. The Task Force shall have the administrative, technical, and
18 legal assistance of the Agency of Education.

19 (g) Compensation and reimbursement. Members of the Task Force shall be
20 entitled to per diem compensation and reimbursement of expenses as permitted
21 under 32 V.S.A. § 1010 for not more than six meetings of the Task Force.

1 Sec. 3. APPROPRIATION

2 The sum of \$6,750.00 is appropriated from the General Fund in fiscal year
3 2022 to the Agency of Education for per diem and reimbursement of expenses
4 for members of the Task Force on Equitable and Inclusive School
5 Environments created under Sec. 2 of this act and for expenses incurred by the
6 Task Force in carrying out its duties.

7 Sec. 4. DATA COLLECTION; TRAINING; SECRETARY OF
8 EDUCATION

9 (a) On or before the first meeting of the Task Force on Equitable and
10 Inclusive School Environments established in Sec. 2 of this act, the Secretary
11 of Education shall collect and distribute to the members of the Task Force all
12 readily available data on suspensions and expulsions from each Vermont
13 public school and approved independent school in academic years 2013–2014
14 through 2018–2019, including the data specified in subdivision (e)(1)(F) of
15 Sec. 2.

16 (b) At the first meeting of the Task Force, the Secretary of Education or
17 designee shall provide an overview and training to the Task Force on how to
18 navigate the Agency website and the readily available data collections that
19 provide data on out-of-school suspensions and expulsions from each Vermont
20 public school.

1 Sec. 5. OUTCOME ANALYSIS

2 On or before January 15 of each year from 2025 to 2030, the Secretary of
3 Education shall submit a written report to the House and Senate Committees
4 on Education on suspensions and expulsions from each Vermont public school
5 and approved independent school in the prior school year, including the data
6 specified in subdivision (c)(1)(F) of Sec. 2.

7 Sec. 6. 16 V.S.A. § 1162 is amended to read:

8 § 1162. SUSPENSION OR EXPULSION OF STUDENTS

9 * * *

10 (d) Notwithstanding anything to the contrary in this chapter, a student
11 enrolled in a public school who is under eight years of age shall not be
12 suspended or expelled from the school; provided, however, that the school may
13 suspend or expel the student if the student poses an imminent threat of harm or
14 danger to others in the school.

15 Sec. 7. REFERRALS OF TRUANCY TO THE STATE’S ATTORNEYS

16 (a) On or before September 1, 2021, each school district shall report to the
17 Agency of Education the number of cases referred by the district or its staff to
18 a State’s Attorney for truancy under 16 V.S.A. § 1127 or 33 V.S.A. § 5309,
19 what mitigation techniques were used by the district to engage with families
20 prior to each referral, and the result of each referral.

1 (b) On or before December 15, 2021, the Agency of Education shall collate
2 the reports from school districts and report the results to the General Assembly.

3 Sec. 8. EFFECTIVE DATE

4 This act shall take effect on passage.

5 and that after passage the title of this bill be amended to read: “An act
6 relating to the Task Force on Equitable and Inclusive School Environments”

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10 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE