

1 TO THE HONORABLE SENATE:

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

7 Sec. 1. FINDINGS

8 The General Assembly finds that:

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

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

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

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

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

16 (D) 111,215 were expelled.

17 (3) Exclusionary discipline is used mostly in middle and high schools,

18 and mostly for minor misconduct, according to the Council on State

19 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)(A) According to the Agency of Education’s Report on Exclusionary
15 Discipline Response, January 2017, for the 2015–2016 school year, 3,616
16 Vermont public school students were excluded, representing 4.7 percent of
17 total enrollment.

18 (B) The Agency of Education found that students who are non-
19 Caucasian, participate in the free and reduced lunch program, have Section 504
20 or IEP plans, male, or are English Learners are over-represented in terms of the

1 number who experience exclusion and the number of incidents resulting in
2 exclusion.

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

6 (7) Valuable data on school discipline in Vermont is largely unavailable
7 and incomplete.

8 (A) Vermont does not publicly report any discipline data on the
9 Agency of Education website, even if this data has been collected by schools
10 and districts and reported to the Agency of Education.

11 (B) Some relevant data is not readily available from the Vermont
12 Agency of Education, such as the total number of school days missed by
13 students due to suspension or expulsion.

14 (C) Other relevant data is not maintained by the Vermont Agency of
15 Education, such as data indicating whether students received educational
16 services during suspensions, beyond federal requirements for certain students
17 with disabilities.

18 (D) The public school discipline data that Vermont submitted to the
19 U.S. Department of Education’s Civil Rights Data Collection for the
20 2013–2014 school year, while available, is incomplete and may be inaccurate.

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

4 Sec. 2. TASK FORCE ON SCHOOL DISCIPLINE REFORM; REPORT

5 (a) Creation. There is created the Task Force on School Discipline Reform.
6 The Task Force shall, in conjunction with the Agency of Education, make
7 recommendations to end suspensions and expulsions for all but the most
8 serious student behaviors and collect and analyze data regarding school
9 discipline in Vermont public and approved independent schools in order to
10 inform strategic planning, guide statewide and local decision making and
11 resource allocation, and measure the effectiveness of statewide and local
12 policies and practices.

13 (b) Membership. The Task Force shall be composed of the Secretary of
14 Education and not more than 20 members appointed by the Secretary of
15 Education, who shall be Vermont residents and a balanced representation of
16 the following:

17 (1) educators;

18 (2) administrators;

19 (3) high school students;

20 (4) special educators;

21 (5) parents of students;

1 (6) school board members; and

2 (7) members of community groups working in the areas of racial justice
3 and school discipline reform.

4 (c) Membership diversity. The Secretary shall seek, in making
5 appointments to the Task Force, racial diversity in membership and shall
6 include **balanced representation** of public and approved independent schools,
7 **including therapeutic schools.**

8 (d) Powers and duties. The Task Force shall, in conjunction with the
9 Agency of Education, make recommendations to end suspensions and
10 expulsions for all but the most serious student behaviors and shall perform the
11 following tasks:

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

16 (2) recommend additional or more uniform in-school services that
17 should be available to students who would otherwise face exclusionary
18 discipline;

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

1 (4) identify best practice procedures that minimize law enforcement
2 contacts for students facing in-school or exclusionary discipline;

3 (5) analyze current data collection definitions and practices used in
4 Vermont for misconduct and for disciplinary actions that result in a student’s
5 exclusion from the classroom and develop standard definitions and practices,
6 as necessary, for the collection of all appropriate data related to school
7 discipline;

8 (6) analyze, on a school-district and approved independent schools basis,
9 the available data regarding suspensions and expulsions and identify, collect,
10 and analyze additional data necessary to inform the work of the Task Force,
11 including:

12 (A) the total number of instances of expulsions and suspensions in
13 each grade operated by the district or approved independent school;

14 (B) the total number of students in each grade operated by the district
15 or approved independent school who were expelled or suspended and the
16 number of instances of expulsion or suspension, or both, for each student;

17 (C) the duration of each instance of expulsion and suspension;

18 (D) the infraction for which each expulsion and suspension was
19 imposed; and

20 (E) each instance of referral to local law enforcement authorities or
21 the juvenile justice system; and

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

2 (e) Report. On or before November 30, 2021, the Task Force shall submit
3 a written report to the House and Senate Committees on Education with its
4 findings, addressing each of its duties under subsection (d), and any
5 recommendations for legislative action. The Agency of Education shall share
6 the report and any related insights and best practices with Vermont educators,
7 school administrators, policymakers, agencies, and education and advocacy
8 organizations, and shall post the report on its website.

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

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

21 Sec. 3. APPROPRIATION

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

6 Sec. 4. DATA COLLECTION; SECRETARY OF EDUCATION

7 (a) On or before the first meeting of the Task Force established in Sec. 2 of
8 this act, the Secretary of Education shall collect and distribute to the members
9 of the Task Force all readily available data on suspensions and expulsions from
10 each Vermont public school and approved independent school in academic
11 years 2013–2014 through 2018–2019, including the data specified in
12 subdivision (d)(6) of Sec. 2.

13 (b) On or before July 1, 2022, the Secretary of Education and the State
14 Board of Education shall incorporate the Task Force’s standard definitions and
15 practices developed in subdivision (d)(5) of Sec. 2 of this act into their data
16 collection rules and procedures and, to the extent permitted by 20 U.S.C.
17 § 1232g (family educational and privacy rights) and any regulations adopted
18 thereunder, shall require the collection of data as recommended by the Task
19 Force beginning with the 2023–2024 school year.

20 Sec. 5. OUTCOME ANALYSIS

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

6 Sec. 6. EFFECTIVE DATE

7 This act shall take effect on passage.
8 and that after passage the title of the bill be amended to read: “An act relating
9 to the creation of the Task Force on School Discipline Reform”

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(Committee vote: _____)

Senator _____
FOR THE COMMITTEE