

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 EXCLUSIONARY DISCIPLINE

5 REFORM; REPORT

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

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

18 (1) educators;

19 (2) administrators;

20 (3) high school students;

21 (4) special educators;

- 1 (5) parents of students;
2 (6) school board members; and
3 (7) members of community groups working in the areas of racial justice
4 and school discipline reform.

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

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

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

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

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

21 (B) other students who would otherwise face exclusionary discipline;

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

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

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

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

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

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

15 (D) the infraction for which each expulsion and suspension was
16 imposed; and

17 (E) each instance of referral to local law enforcement authorities or
18 the juvenile justice system;

19 (6) recommend changes to the types of data collected and the data
20 collection processes regarding suspensions and expulsions, as necessary, for
21 the collection of all appropriate data related to school discipline; 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.

1 Sec. 3. APPROPRIATION

2 The sum of [\$15,000.00][only accounts for per diem and reimbursement] is
3 appropriated from the General Fund in fiscal year 2022 to the Agency of
4 Education for per diem and reimbursement of expenses for members of the
5 Task Force on School Exclusionary Discipline Reform created under Sec. 2 of
6 this act and for expenses incurred by the Task Force in carrying out its duties.

7 Sec. 4. DATA COLLECTION; SECRETARY OF EDUCATION

8 (a) On or before the first meeting of the Task Force established in Sec. 2 of
9 this act, the Secretary of Education shall collect and distribute to the members
10 of the Task Force all readily available data on suspensions and expulsions from
11 each Vermont public school and approved independent school in academic
12 years 2013–2014 through 2018–2019, including the data specified in
13 subdivision (d)(5) of Sec. 2.

14 (b) On or before July 1, 2022, the Secretary of Education and the State
15 Board of Education shall incorporate the Task Force’s data collection and
16 practices recommendations developed in subdivision (d)(6) of Sec. 2 of this act
17 into their data collection rules and procedures and, to the extent permitted by
18 20 U.S.C. § 1232g (family educational and privacy rights) and any regulations
19 adopted thereunder, shall require the collection of data as recommended by the
20 Task Force beginning with the 2023–2024 school year.

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 (d)(5) 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 expelled from the school; provided, however, that the school may expel the
13 student if the student poses a threat of harm or danger to others in the school.

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

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

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

1 Sec. 8. EFFECTIVE DATE

2 This act shall take effect on passage.

3 and that after passage the title of the bill be amended to read: “An act
4 relating to the creation of the Task Force on School Exclusionary Discipline
5 Reform”

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8 (Committee vote: _____)

9

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Senator _____

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FOR THE COMMITTEE