

## Testimony on S.16 - School Discipline

**To: Senate Education Committee**

**By: Daniel M. French, Secretary of Education**

**Date: January 27, 2021**

I support the intention of S.16 and the creation of a state-level advisory council on school discipline. I think the work of such a council would be helpful in ensuring equal opportunity for all students.

I think the role of the council should be to review and identify best practices in school discipline. As drafted, there is an emphasis on data collection which from my perspective is problematic.

- 1) Under current law (16 V.S.A. § 212), the Secretary shall, “Establish requirements for information to be submitted by school districts, including necessary statistical data and other information and ensure, to the extent possible, that data are reported in a uniform way.” If the General Assembly is interested in having school districts report more information on school discipline, it should direct the Secretary to collect this information in accordance with existing law. The data collection would then be designed in consideration of other data collections, and using the tools and processes districts are familiar with.
- 2) On page 4, the bill describes the required federal Civil Rights data collection as, “incomplete and may be inaccurate.” It is important that we continue to address data quality issues in our education system. This data quality work is ongoing with the implementation of our first State Longitudinal Data System (SLDS). The SLDS is automating many of our data collections from school districts. Adding a new data collection that may or may not be aligned to federal data standards, that would be implemented outside of the authority of the Secretary to ensure coordination with other data collections, and implemented outside of the automated data collection toolset of the SLDS, would likely contribute to poor data quality not improve it.

I support the concept of an advisory council on school discipline. I think the role of such a council, however, should be less focused on data collection and more focused on identifying and disseminating best practices which we know already exist. We do not need additional data to justify the adoption of more inclusionary disciplinary practices.

I also think the work of such a council should be situated in the broader context of ensuring equal opportunity for all of our students. Based on a consideration of this broader context, I suggest the following language for your consideration.

## Anti-Hate Curriculum, Equity Policy, and Discipline Reform

### 1) Add a new requirement that curriculum must include lessons against hate speech, hateful imagery, and discrimination (Add 16 V.S.A. 913)

- The approach is modeled on existing law regarding tobacco use, alcohol and drug abuse prevention curriculum. AOE will develop model curriculum and best practices to teach against hate speech, hateful images such as confederate flags, and discrimination. New language in 16 V.S.A. 913 (Ch. 23, Courses of Study) would read as follows:

“(a) The Secretary, shall develop a model curriculum for elementary and secondary schools to teach against hate speech, hateful imagery and symbols and to enable students to recognize discrimination. The curriculum shall include best practices for teaching these concepts.

(b) The Secretary shall:

(1) Provide trainings for school personnel on the model curriculum and best practices described above. Each superintendent shall determine the content, duration, and frequency of training on issues of hate speech, hateful imagery and symbols and the recognition of discrimination for the districts in his or her supervisory union.

(2) Provide teaching materials that are appropriate to the age and learning ability of the students.

(3) Provide technical assistance to the local school districts for implementation of the curriculum.

(4) Encourage coordination of effort with existing community resources.”

### 2) Expand charge of Act 1 Working Group to Advise Secretary on Model Curriculum

- Amend session law creating Act 1 Working Group to add the following to its duties:  
“Shall advise the Secretary on the development of model curriculum and best practices for elementary and secondary schools to teach against hate speech, hateful imagery and symbols and to enable students to recognize discrimination.”

### 3) Amend 16 V.S.A. 563 to require school districts to adopt a model policy on racial equity

- Amend existing school board duties in 16 V.S.A. 563 to add the following:  
“(33) Shall develop, adopt and ensure implementation of a racial equity policy that shall be at least as stringent as the model policy developed by the Secretary. Any school board that fails to adopt one or more of these policies shall be presumed to have adopted the most current model policy or policies published by the Secretary.”

- Add session law to require AOE to publish a model policy required by 16 V.S.A. 563(33) on or before July 1, 2022. AOE must work with stakeholder groups and Act 1 working group in development of the policy.

#### **4) Task Force on School Discipline Reform**

- Establish a task force that, in conjunction with AOE, will make recommendations to end suspensions and expulsions for all but the most serious student behaviors. The task force should report to General Assembly through the education committees on or before November 30, 2021. The task force should be directed to:
  - Review in-school services and availability of these services in various SUs/regions that are available to support students who would otherwise face exclusionary discipline;
  - Recommend additional or more uniform in-school services that should be available to students who would otherwise face exclusionary discipline;
  - Define the most serious behaviors that, after considering all other alternatives and supports, should remain eligible for suspension or expulsion.
  - Identify best practice procedures that minimize law enforcement contacts for students facing in-school or exclusionary discipline.
- The task force should be appointed by AOE. AOE should be directed to seek, in making appointments, racial diversity in membership. The task force will consist members who represent:
  - Educators
  - Administrators
  - School Board Members
  - Students
  - Special Educators
  - Parents
  - Community groups working in the areas of racial justice and school discipline reform.