

VERMONT LEGAL AID, INC.

OFFICES:

Burlington
RUTLAND
ST. JOHNSBURY

56 MAIN STREET SUITE 301
Springfield, Vermont 05156
(802) 885-5181 (VOICE AND TTY)
FAX (802) 885-5754
(800) 769-9164

OFFICES:

Montpelier
Springfield

June 23, 2020

AN OPEN LETTER TO VERMONT SCHOOL BOARDS AND SUPERINTENDENTS

In the wake of George Floyd's death at the hands of police, and the rising violence against people of color in our communities across the country, we stand with the Vermont Racial Justice Alliance, the Vermont Human Rights Commission, the American Civil Liberties Union, the NAACP, the Advancement Project, and other organizations in calling for the removal of law enforcement in our schools and the end of exclusionary disciplinary policies including suspension and expulsion. We urge school boards and school administrators to shift resources to establishing restorative justice practices and providing mental health supports and services to students.

School Boards across the country have taken the decisive step to remove School Resource Officers and to cancel contracts with law enforcement with the knowledge that students of color, students with disabilities and other marginalized students are disproportionately impacted by biased policing – a symptom of the structural racism inherent in our nation. Vermont schools are not immune from this structural racism - they reflect society at large.

Unfortunately, we know that as police presence became more prevalent in our schools following the shooting of 17 at the Marjory Stoneman Douglas Highschool in Parkland, Florida in 2018, students became less safe. According to the Advancement Project, “[t]he presence of police in schools threatens student safety and denies students the opportunity to learn because it leads to the criminalization of age-appropriate behavior. This is especially true for children of color, students with disabilities and LGBTQIA students who are disproportionately funneled through the school to prison pipeline.”¹

Vermont schools are no more secure since the introduction of police in our schools and the criminalization of often age-appropriate behavior, or behavior directly attributable to a student's

¹ See, “*We Came to Learn: A Call to Action for Police Free Schools*,” a publication of the Advancement Project (9/13/18) available at <https://advancementproject.org/wp-content/uploads/WCTLweb/docs/We-Came-to-Learn-9-13-18.pdf?reload=1536822360635>.

disability. In 2015, Vermont Legal Aid released a report titled, “*Kicked Out! Unfair and Unequal Student Discipline in Vermont Schools.*”² The report documented that, in Vermont,

*Black and Native American students were two to three times more likely to be suspended than white students.

*Students with disabilities were nearly three times more likely to be suspended than students without disabilities.

*Over 500 Vermont students were referred to law enforcement or experienced school-based arrest.

The Disability Law Project of Vermont Legal Aid represents people with disabilities in legal issues arising from their disabilities. In school year 2019-2020, prior to the COVID-19 related closure, Vermont Legal Aid represented at least two students with disabilities whose disability-related behavior led to referral to law enforcement by the School Resource Officer, and ultimately to the filing of juvenile charges. Since school closure, we have assisted two families in filing complaints with the Vermont Human Rights Commission on behalf of children of color due to race-based peer harassment – harassment ignored by school officials. Before that, VLA represented a student with learning disabilities who was expelled for having trace amounts of marijuana in their backpack, and another student of color with disabilities who was arrested and lodged overnight for riding a stolen bicycle.

The presence of police, surveillance equipment in the hallways, and the use of disciplinary exclusion impacts student and educational outcomes. The Council of State Governments (Council), in 2014, issued a report emphasizing that “an overreliance on suspensions, expulsions, and arrests has been shown as counterproductive to achieving many of a school’s goals and has had tremendously negative consequences for youth.” A Johns Hopkins study showed that students suspended just one time in grade 9 had double the risk of dropping out. Other studies have shown that disciplinary removal increases the likelihood of contact with the juvenile justice system by threefold. Myriad other studies connect drop-out rates to a greater likelihood of incarceration as an adult and higher poverty rates.

Importantly, these trends can be reversed. The Council found that intentionally correcting these disparities by lowering exclusionary discipline not only improved school climate, safety, and order, but also kept students engaged in learning and increased their chances for life-long success. According to the Discipline Disparities Research Collaborative, numerous studies show that the use of positive behavior interventions and supports, non-punitive response protocols, restorative justice, and associated professional development for school staff have effectively improved school climate and academic achievement for all students.

The time is now for school boards across Vermont to join mayors, superintendents, and school boards in Portland, Charlottesville, Minneapolis, West Contra Costa, Denver, and others in

²Available at <https://www.vtlegalaid.org/sites/default/files/Kicked%20Out%20-%20Unfair%20and%20Unequal%20Student%20Discipline%20in%20Vermont%27s%20Public%20Schools%20-%20print%20version.pdf>.

remedying the inequity and discriminatory effect of policing and exclusionary practices. We ask that your school district/supervisory union immediately:

- Remove law enforcement and School Resource Officers from your school, whether funded by the school district or the local law enforcement agency.
- End the use of suspension and expulsion as a response to student behavior.
- Adopt and implement restorative justice practices.
- Invest the savings in mental health and social services and supports to students.

We can only address the racial disparities and inequities in our educational system by taking action now. Thank you for your anticipated courage in taking this important step.

Regards,

/s/ Marilyn A. Mahusky

Marilyn A. Mahusky

Barbara Prine

Staff Attorneys

Disability Law Project, Vermont Legal Aid, Inc.

Copy to:

Philip Scott, Governor

Daniel French, Secretary, Agency of Education

Philip Baruth, Chair, Senate Education Committee

Kathryn Webb, Chair, House Education Committee

John Carroll, Chair, Vermont State Board of Education

Jeff Francis, Executive Director, VSA

Sue Ceglowski, Executive Director, VSBA

James Lyall, Executive Director, Vermont ACLU

Bor Yang, Executive Director Vermont Human Rights Commission

Mark Hughes, Vermont Racial Justice Alliance

Tabitha Moore, President, Rutland Chapter NAACP

Mary Brown-Guillory, President, Champlain Area NAACP

Steffen Gillom, President, Windham Chapter NAACP