



Vermont Developmental Disabilities Council

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Good Afternoon Senator Campion and members of the Senate Committee on Education;

Thank you for taking up the important issue of exclusionary discipline in Vermont Schools.

Vermont needs to support students with disabilities and BIPOC students by requiring the Agency of Education to measurably reduce the use of exclusionary discipline, restraint and seclusion in Vermont's schools.

As first steps, the Agency of Education should develop a dashboard to indicate the effectiveness of existing rules and regulations. The data reported in Kicked Out should be updated and reviewed, at State expense, for a report card on our progress since 2015. A progress report about this data should be due annually to the committees of jurisdiction at the State Legislature, starting 1.15.22.

The School to Prison Pipeline refers to policies and practices that push students out of classrooms and into the juvenile and criminal justice systems. The School to Prison Pipeline has been identified as a significant issue for students with disabilities at the national level and here in Vermont.

Key Facts Nationally

1. Students with disabilities are more than twice as likely to receive an out-of-school suspension (13 percent) than students without disabilities (6 percent).¹
2. Students with disabilities represent 12 percent of the overall student population, yet make up 25 percent of all students involved in a school-related arrest, 58 percent of all students placed in seclusion, and a staggering 75 percent of all students physically restrained at school.²

¹ [U.S. Department of Education](#)

² [U.S. Department of Education](#)

Key Facts in Vermont

3. Vermont's students with disabilities and students of color were two to three times more likely to be excluded from school through suspension and expulsion.³
4. Disability Rights Vermont found that up to 90% of the youth in the Woodside Juvenile Rehabilitation Center are students with disabilities.⁴

The numbers are even worse for Black students with disabilities. Nationally:

5. Over 25 percent of Black boys with disabilities, and 19 percent of Black girls with disabilities, received at least one out-of-school suspension in 2011—2012.
6. Black students with disabilities represent 18.7 percent of the special education population, but 49.9 percent of special education students in correctional facilities.

Many disabled students in the juvenile justice and criminal justice systems go through general education with unaddressed academic, behavioral, or mental health needs.

7. For example, one study found that up to 85 percent of children in juvenile detention facilities have disabilities that make them eligible for special education, yet only 37 percent receive services while in school.⁵

An AOE Dashboard could monitor the effectiveness of rule 4500, passed in 2010 regulating the use of restraint and seclusion in schools. During the rule making process all stakeholders, including the Vermont Agency of Education, agreed that ongoing monitoring of data being reported by schools would be needed. This rule has been in effect for a few years we feel it is extremely important that the legislature continue to monitor the implementation of the rule to ensure that students are being properly protected as well as support ongoing efforts to implement positive behavioral supports in all Vermont schools promoting a proactive rather than reactive approach to behavior management. We encourage an in-depth review of the state-wide data that includes the family organizations and other stakeholders to monitor data collection integrity, effectiveness of the rule implementation, and the impact on all students, paying particularly close attention to the impact on students with disabilities who are not only the most vulnerable, but also the most likely to be restrained or secluded.

³ Kicked Out <C:\Users\susan.aranoff\Downloads\Kicked Out - Unfair and Unequal Student Discipline in Vermont's Public Schools - print version.pdf>

⁴ Kicked Out

⁵ OCR Report

Families of children with disabilities report that restraints and seclusion are happening at school which impact their children's health and well-being. Some families have opted to pull their children out of school to protect them.

Please consider taking testimony from students and family members of students who have been excluded from school, restrained, secluded and/ or arrested as you consider this important issue. Please let me know if I can be of any assistance to the Committee.

Thank you,
Susan Aranoff
On behalf of the Vermont Developmental Disabilities Council

