

## **Proposed language for S.283, relating to miscellaneous changes to education law.**

In addition to the language added in section 2 of the bill, Let's Grow Kids and the Vermont Family Network propose adding a task force on equitable and inclusive early childhood education environments in order to, among other duties, define exclusionary practices in early childhood settings and best practices for responding to students who would otherwise face exclusion or expulsion, and recommend additional resources and data as necessary.

### **TASK FORCE ON EQUITABLE AND INCLUSIVE EARLY CHILDHOOD EDUCATION ENVIRONMENTS; REPORT**

(a) Creation. There is created the Task Force on Equitable and Inclusive Early Childhood Education Environments. The Task Force shall make recommendations to end suspensions and expulsions in early childhood settings; recommend improvements to the system providing services to children with specialized needs in early childhood education settings; and compile data regarding suspension and expulsion in Vermont regulated early childhood education settings in order to inform strategic planning, guide statewide and local decision making and resource allocation, and measure the effectiveness of statewide and local policies and practices.

(b) Membership.

(1) The Task Force shall be composed of a subcommittee of the Early Learning and Development Committee of the Vermont Early Childhood Action Plan convened by Building Bright Futures. The following representatives may be invited to join the subcommittee if not already represented on the Early Learning and Development Committee:

- (A) the Secretary of Education or designee;
- (B) the Deputy Commissioner for Child Development or designee;
- (C) the Commissioner of Mental Health or designee;
- (D) the Director of Children's Integrated Services – Early Intervention IDEA Part C
- (E) the Executive Director of Building Bright Futures or designee;
- (F) the Executive Director of the Vermont Council of Special Education Administrators or designee;
- (G) the Executive Director of the Vermont School Boards Association or designee;
- (H) the Executive Director of the Vermont Principals Association or designee;
- (I) the Executive Director of the Vermont Superintendents Association or designee;
- (J) one representative of the Legal Aid Disability Law Project;
- (K) one representative of the Vermont Family Network;
- (L) one representative of the Early Childhood Education Program at the University of Vermont;
- (M) one representative of the Center on Disability and Community Inclusion at the University of Vermont;
- (N) two early childhood educators, one center-based child care and preschool program and one family child care home, designated by the Vermont Association for the Education of Young Children;
- (O) one member from the Vermont Head Start Association;

- (P) one director of a specialized child care program;
- (Q) one early childhood special educator who works in public school;
- (R) one behavioral interventionist who works with children in regulated child care program settings;
- (S) two parents, guardians, or family members of children in need of or currently receiving specialized services in a child care setting

(2) The appointing authorities shall seek diversity in membership in making appointments to the Task Force.

(c) Powers and duties.

(1) The Task Force shall make recommendations to end suspensions and expulsions in early childhood education settings and, taking into account relevant data reported by the Department for Children and Families, the Agency of Education, and Building Bright Futures, shall perform the following tasks:

(A) review current behavioral supports and services and availability of these services in various early childhood education settings and regions of the State that are available to support students who would otherwise face exclusion or expulsion;

(B) define exclusionary practices in early childhood education settings and identify best practice procedures for students facing in-school or exclusionary discipline that are trauma responsive and maximize relational and restorative actions that support the social, emotional and mental health needs of students across settings;

(C) review early childhood education professional development programs and make recommendations on how educator practices, such as positive behavioral interventions and support, trauma informed practices, restorative practices, and related training for these practices can increase educators' awareness of children's needs in a manner to reduce behaviors that lead to possible exclusion or suspension;

(D) recommend additional or more uniform services that should be available to students who are five years of age or under where expulsion is not permitted under 16 V.S.A. § 1162;

(E) subject to federal and State privacy laws, review, on a regulated program basis, the readily available data and the data collection processes regarding suspensions and expulsions and review additional data necessary to inform the work of the Task Force, including:

(i) the total number of instances of expulsions and suspensions in classroom operated by the regulated program;

(ii) the total number of students in each classroom operated by the regulated program who were expelled or suspended and the number of instances of expulsion or suspension, or both, for each student;

(iii) the duration of each instance of expulsion and suspension;

(iv) the reason for which each expulsion and suspension was imposed;  
and

(F) review how other states address exclusionary discipline.

(2) All data specified in subdivision (1)(E) of this subsection shall be in disaggregated format by, at a minimum, the following subgroups and categories to the extent permitted by federal and State privacy laws and to the extent information is available: (A) White; (B) Black;; (C) American Indian/Alaskan Native; (D) Pacific Islander/Hawaiian Native; (E) Asian; (F) Hispanic or Non-Hispanic across the aforementioned races; (G) low-income/free or reduced lunch; (H) Limited English Proficient or English Language Learner; (I) migrant status; (J) students receiving special education services; (K) students on educational plans under Section 504 of the Rehabilitation Act of 1973, IEPs, FIPs, CIPs, or Act 264 Coordinated Services Plans; (L) gender; (M) sexual orientation; (N) foster care status; (O) homeless status; and (P) age group (infant, toddler, preschooler).

(3) All data specified in subdivision (1)(E) of this subsection shall be cross-tabulated by, at a minimum, the following subgroups and categories to the extent permitted by federal and State privacy laws and to the extent information is available: (A) program; (B) county; (C) race; (D) ethnicity (E) low-income/free or reduced lunch/CCFAP eligible; (F) Limited English Proficient or English Language Learner; (G) migrant status; (H) students receiving special education services; (I) students on educational plans under Section 504 of the Rehabilitation Act of 1973; (J) gender; (K) sexual orientation; (L) foster care status; (M) homeless status; (N) age group; (O) behavior infraction code; (P) intervention applied, including restraint and seclusion; and (Q) educational services provided.

(d) Report. On or before December 15, 2022, the Task Force shall submit an initial written report, and on or before January 15, 2023, the Task Force shall submit a final written report, to the House and Senate Committees on Education, the House Committee on Human Services, and the Senate Committee on Health and Welfare with its findings, addressing each of its duties under subsection (c) of this section, and any recommendations for legislative action.

Building Bright Futures shall share the report and any related insights and best practices with Vermont early childhood educators, early childhood education administrators, policymakers, agencies, and education and advocacy organizations, and shall post the report on its website.

(e) Meetings.

(1) On or before July 1, 2022, Building Bright Futures shall convene the Early Learning and Development Committee with the membership stated in (b)(1) as the Task Force.

(2) The Early Learning and Development Committee of the Vermont Early Childhood Action Plan convened by Building Bright Futures shall cease to serve as the Task Force by April 15, 2023.

(f) Assistance. The Task Force shall have the administrative, technical, and legal assistance of the Agency of Education and Agency of Human Services, Department for Children and Families Child Development Division.

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

Sec. 3. APPROPRIATION The sum of \$XXXX.XX is appropriated from the General Fund in fiscal year 2023 to Building Bright Futures for per diem and reimbursement of expenses for members of the Task Force on Equitable and Inclusive School Environments created under Sec. 2 of this act and for expenses incurred by the Task Force in carrying out its duties.

(a) On or before the first meeting of the Task Force on Equitable and Inclusive Early Childhood Education Environments established in Sec. 2 of this act, the Deputy Commissioner for the Child Development Division and the Secretary of Education shall collect and distribute to the members of the Task Force all readily available data on suspensions and expulsions from regulated early childhood education programs from 2011 through 2021, including the data specified in subdivision (c)(1)(E) of Sec. 2.

Sec. 4. OUTCOME ANALYSIS On or before January 15 of each year from 2023 to 2030, the Deputy Commissioner for the Child Development Division shall submit a written report to the House and Senate Committees on Education on suspensions and expulsions from regulated early childhood education programs in the prior school year, including the data specified in subdivision (c)(1)(E) of Sec. 2.