

Final Report of the Act 35 Task Force on Equitable and Inclusive School Environments

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Goal of the Task Force (TF)

- Make recommendations to end suspensions and expulsions for all but the most serious student behaviors
- Compile data regarding school discipline in Vermont public and approved independent schools to:
 - inform strategic planning
 - guide statewide and local decision making and resource allocation
 - and measure the effectiveness of statewide and local policies and practices.

Rationale

- An APA review of the research literature found **no evidence** to support claims that severely punitive disciplinary actions that remove students from schools effectively improve student behavior.
- Instead, such actions result in **decreased academic achievement**, more **arrests**, and **incarceration** - thus, creating the **school-to-prison pipeline** (American Psychological Association, 2008).

(See the [Findings section of Act 35](#) for a comprehensive rationale.)

Task Force Meetings

- As outlined in Act 35, the full TF met **six times** between August 30, 2021 and March 8, 2022.
- Recognizing the significant amount of work to be completed, subcommittees were formed. There were **20 subcommittee meetings**.
- **Cat Gallagher** served as the chair of the TF.
- All TF members are listed on pg. 4 of the report.

Definitions in the Report

- **“School”**: In this report, when the word “school” is used, it refers to **public schools, approved independent schools, and prequalified prekindergarten programs**. All recommendations apply to all children enrolled in educational public schools and in programs receiving public education tuition vouchers to provide educational services (age 3 through grade 12).
- **Also defined**: “Early childhood education,” “early education,” or “prekindergarten education”; “Expulsion”; “Independent school”; “In-School Suspension”; “Out-of-School Suspension”; “Public school”; “Vermont Early Learning Standards (VELS)”
- ***Note**: language in statute, rules, and AOE guidance (VELS) is inconsistent with working definitions of early education.

Overall Recommendations for Legislative Action

- Consider **current context** of education: schools have **limited capacity**.
- While reducing exclusionary discipline is **critical**, legislative action must take the form of **additional support** and **strengthening of existing initiatives** rather than proposing or mandating anything new.
- **Support schools in sustainable, long-term implementation of alternatives to exclusionary discipline** through a **gradual, phased-in approach**.
- All recommendations need to be **funded with adequate appropriations**.

Additional State-Level Staffing

- Consider whether **additional state-level staffing** is necessary to support schools in improving equitable and inclusive environments.
- For example, the AOE role(s) could include:
 - examining discipline data systems
 - conducting regular audits for data integrity
 - analysis of discipline data
 - overseeing the alignment of all related initiatives/programs
 - (i.e., school climate (and statewide school climate survey efforts), PBIS, restorative approaches, SEL, trauma-informed schools, etc.).

Interagency Committee

- The TF also recommends the formation of an **interagency committee** that examines the intersections between:
 - AOE, Department of Mental Health, Vermont Department of Health, Agency of Human Services, and the Office of Racial Equity as they connect with this topic of equitable and inclusive schools.

Overall, much work remains and it is clear that **additional resources** beyond that provided in Act 35 will be necessary to accomplish the goals of this Act.

Recommendations: Suspension & Expulsion Data & Data Collection Processes

- **Request additional data** (either to be collected as part of the SLDS and/or included in the annual report from the AOE):
 - (i.e., data that would indicate over- or under-representation by student group; incidents by groups of grade levels, referrals to local law enforcement authorities, additional demographic data, etc.)
- Consider whether it is a priority to collect behavioral data on children attending **all schools** (i.e., approved independent schools and prequalified prekindergarten programs)
 - If so, adequate resources and accountability measures would need to be allocated and developed.

Recommendations: Suspension & Expulsion Data & Data Collection Processes

- Due to the **complexity** of this data analysis and the reporting requirements of Act 35, consider recommending (and supporting with adequate appropriations) the AOE contract with an **outside organization** that has the **requisite equity-oriented quantitative skills** and is **facile with large scale statewide educational data sets**.
- **Qualitative** data from students and families who have experienced exclusionary discipline would be powerful to include as well (*note typo in the report: should read qualitative*).

Extensive data tables on incidents and duration from 2018 and 2019 begin on pg. 51 of the report.

Recommendations: Behavioral Data Collection in Schools

- Support for funding for **additional data literacy training** and training in disciplinary reporting and adequate deployment of resources.
- The development and use of **very clear, standard definitions** of all types of behavior and disciplinary responses.
- The development of a **standard system** for schools to collect and track lower-level exclusionary discipline data.
- **Standard definition of early childhood education** and developmentally appropriate recommendations

Recommendations Based on Other States' Approaches to Exclusionary Discipline

- Further exploration of any approaches other states have taken, including:
 - Require schools with high out-of-school suspension rates or significant discipline gaps between student groups to **review and address discipline policies within continuous improvement plan.**
 - AOE revisit adoption of a **statewide school climate survey** and present a plan to the legislature for measuring and monitoring school climate.
 - Establish a **state-level Restorative Approaches Coordinating Council.**

Recommendations: Most Serious Behaviors

- **Legislative counsel** review all recommendations and do a **legal crosswalk** to ensure that any recommendations do not conflict with or duplicate existing law or statute.
- **Add language** related to exclusionary discipline similar to Rule 4500 that considers a student's **entire narrative** and not the specific infraction devoid of context.
- **Further study/clarification re: drug and alcohol use, abuse, possession, and distribution** to make determination about whether those behaviors should be listed under the category of "most serious behaviors" eligible for exclusionary discipline or not.

Recommendations: Most Serious Behaviors

- **Adopt definition of suspension** that provides **clarity** and reduces **inconsistent interpretation** (“informal removals”). The TF recommends more attention to this matter.
- Task the AOE with determining extent to which **training on implicit bias** is occurring and whether that training includes certain key topics. All schools should have professional development plans that include diversity, inclusion, equity, and accessibility.
- Not a charge of this TF, but a member of the public expressed concern related **disciplinary record expungement**. The topic warrants further consideration and study.

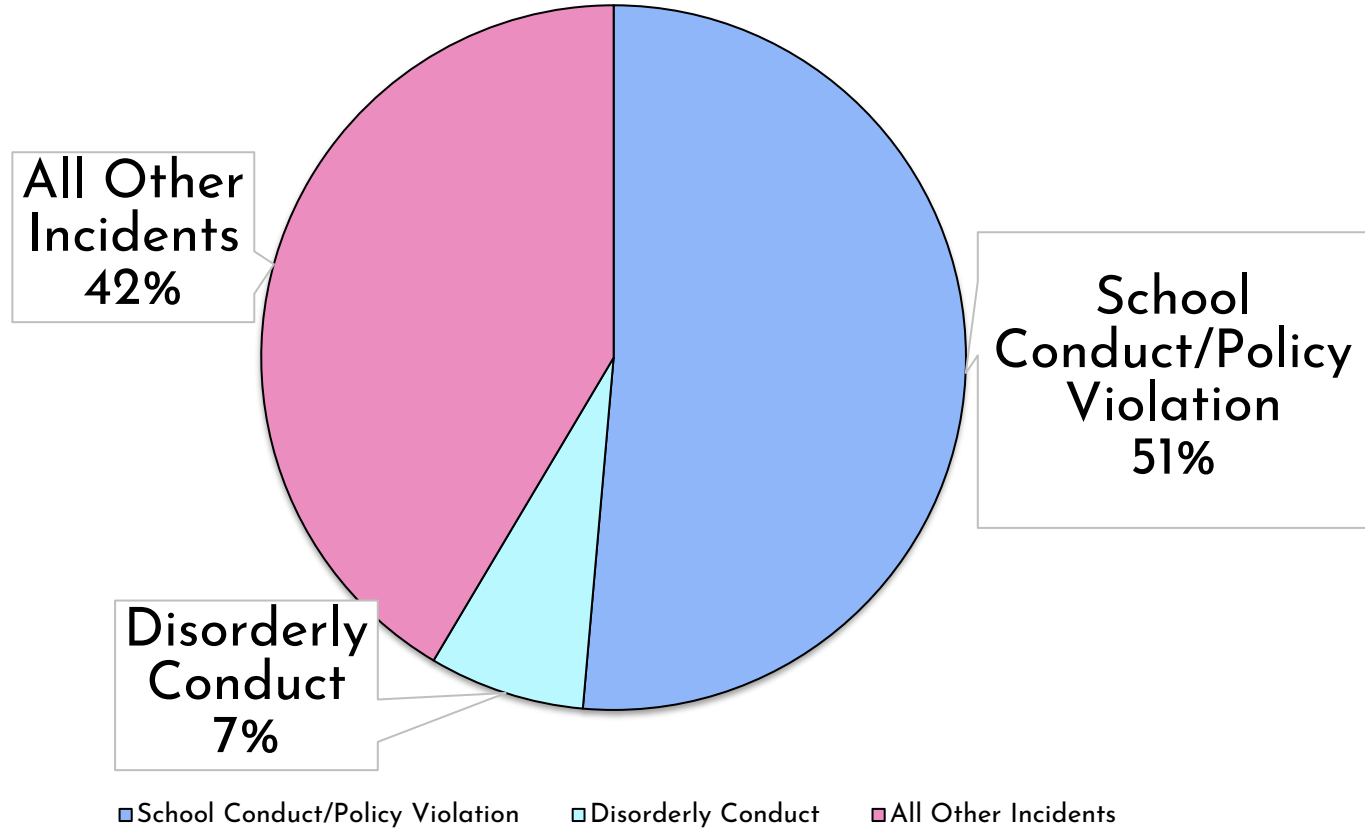
Recommendations: Most Serious Behaviors

- Upon completion of the legal crosswalk by legal counsel, clarify that the “**most serious behaviors**” that, *after considering all other alternatives and supports*, should **remain eligible** for **suspension or expulsion**, *depending on the context and intensity of the behavior*, are:
 - **Possession of a firearm at school** (as described in 16 V.S.A. § 1166)
 - **Hazing, harassment, and bullying** (as described in 16 V.S.A. § 570)
 - **Sexual harassment, sexual assault, dating violence, domestic violence, and stalking** (*as described in (amendments to the regulations implementing Title IX)*)
 - Behaviors that pose an **imminent and substantial risk of emotional/physical harm/injury** (*as defined further in forthcoming guidance written by the AOE*).
- To be clear, unless otherwise dictated by statute or Rule, these behaviors **do not require** a suspension or expulsion, but rather should **remain eligible** for suspension or expulsion.

Recommendations: Most Serious Behaviors

- School's response to behavior should be considered on a **case-by-case basis** and suspension or expulsion should **always be a last resort**.
 - Schools should use an **instructive and restorative approach**.
 - The TF understands that the term "case-by-case" can be a double-edged sword. What it is important to consider each student's circumstances individually, the TF recognizes that this can lead to inequitable practices as implicit biases influence decision-making. The intent here is to ensure that all cases are viewed on an individual basis and that an exclusionary response is never an automatic response to any behavior.
- The legislature, AOE, and/or State Board of Education should revisit the topic of a list of student behaviors that **should not** be handled with an exclusionary response in 2023 (*see pg. 25*).

Graph 1: 2019 Incidents by Type



Recommendations: PD Programs, Supports, and Services

- All programs, supports, and services should be developed and offered within a **Multi-Tiered System of Supports (MTSS)**.
- Legislative action should take the form of **additional support to strengthen existing initiatives**, rather than proposing or mandating anything new.
 - Prioritize state appropriations specific to **Early MTSS** and **restorative approaches**.
 - Build the capacity for a cadre of **state/regional Early MTSS trainers and coaches**.
 - Create a **state-level Early MTSS Leadership Team**.
- Vermont should create **statewide social-emotional learning standards**.

Recommendations: PD Programs, Supports, and Services

- AOE release a **request for information (RFI)** to compile a list of **trauma-informed/responsive** professional development providers and **restorative approaches** professional development providers.
- Identify additional **funding for school mental health** that allows for increased services to be provided at the universal and targeted levels.
- AOE, in conjunction with the Agency of Human Services, develop **standards of practice on trauma-informed/responsive schools**.

A comprehensive list of PD programs, supports, and services are listed beginning on pg. 27 of the report.

Recommendations: Additional or More Uniform In-School Services for Students Under Eight Years Old

- Legislature **amend the language of Act 35** to read:
 - (d) Notwithstanding anything to the contrary in this chapter, a student enrolled in a publicly funded education program, including public schools, private prequalified prekindergarten programs, and independent elementary schools, and who is under eight years of age shall not be suspended or expelled from the school; provided, however, that suspension or expulsion may be utilized if the student poses an imminent threat of harm or danger to others in the education program. Furthermore, prequalified private prekindergarten programs shall be required to report all suspensions and expulsions to the AOE.

Given the variations in definitions of early childhood education and because the TF is aware that there is a bill under consideration which would charge another stakeholder group (Building Bright Futures Council, Agencies of Human Services and Education) with defining suspension, expulsion, and other exclusionary practices in early childhood education settings, this TF did not devote as much time to this section of the report.

Recommendations: Educator Best Practices

- Every school district be required to establish a **consistent school discipline policy** that aligns with intersecting laws and regulations, promotes the safety and well-being of the school community, is trauma-responsive, emphasizes positive approaches, limits the use of school exclusion, enacts preventative and restorative responses to concerning behavior, implements age-appropriate discipline for concerning behavior, and has a clear communication of due process with students and families.

There is an extensive description of educator best practices with resources linked beginning on pg. 46 of the report.

Cautions

- Despite good intentions, legislation that limits the use of exclusionary discipline can sometimes lead to unintended negative consequences.
- 2015: Oregon legislature limited use of exclusionary discipline for students in grades K-5 to situations that pose a direct threat to the safety of other students and adults (S. 553).
- 2021: study found the number of office discipline referrals that resulted in exclusionary discipline and in non-exclusionary discipline **increased** after the policy reform, especially for Black students.
 - During the post-policy years, Black students experienced the largest increase in exclusionary discipline and were twice as likely as students overall to experience exclusionary discipline.
- A causal relationship cannot be proven between the policy shift and the changes in school discipline (Nishioka, Merrill, & Hanson, 2021).
- However, should serve as a reminder that policy change alone may not result in the changes the state is looking for.
- Special attention needs to be paid to how Act 35 impacts different student groups. Schools need training and coaching in order to decrease their use of exclusionary discipline. Without this, the policy change in Act 35 could just lead schools to increase their use of “informal removals” or inaccurate reporting of exclusionary discipline.

Summary

- Going forward, each year from 2025-2030, the Secretary of Education will submit a written report to the House and Senate Committees on Education on suspensions and expulsions from each Vermont public school and approved independent schools in the prior school year, including the data specified in subdivision (c)(1)(F) of Sec. 2.
- The TF hopes the Legislature will consider all recommendations made in the report and if they choose to pursue any, to explore that section of the report for further information.
- We hope this report will lead Vermont in the direction of limiting exclusionary discipline and creating more inclusive and equitable learning environments.
- Other members of the TF would be willing to testify to lend their expertise if needed.

Thank you for your time.



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