

Key Short-Term Recommendations from the Final Report of the Task Force on Equitable and Inclusive School Environments

Act 35 of 2021, Section 2

April 4, 2022

Context

The TF recommends that the General Assembly (referred to as “legislature” throughout this report) consider the current context of education, which has not yet entered the recovery phase, and understand that schools have limited capacity during this stressful time. While reducing exclusionary discipline is critical to the success of our students, legislative action must take the form of **additional support** and **strengthening of existing initiatives** rather than proposing or mandating anything new. Our recommendations will aim to **support schools in the sustainable, long-term implementation of alternatives to exclusionary discipline through a gradual, phased-in approach. All recommendations that will result in additional training and resources, etc., need to be funded with adequate appropriations from the legislature.**

Recommendations

Details about each of these recommendations are listed in the full final report.

1. State Level-Staffing

- The legislature should 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 and conducting regular audits for data integrity; analysis of discipline data; and overseeing the alignment of all related initiatives/programs (i.e., school climate (and state-wide school climate survey efforts), PBIS, restorative approaches, SEL, trauma-informed schools, etc.).
- Request a plan from the AOE regarding revisiting the adoption of a statewide school climate survey
- Request a plan from the AOE regarding developing state-wide social emotional learning (SEL) standards.

2. Interagency Committee

- The TF 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.

3. Appropriations for Additional Training for Educators

- **Data-related training**
 - i.e., definitions of behaviors and responses to behaviors (including “informal removals”
 - Data literacy on social/emotional/behavioral indicators that involves disaggregating data and other equity considerations.
- **Content-level training**
 - i.e., alternatives to exclusionary discipline
 - Early MTSS/Pyramid Model training
- After there is confidence that data reporting is accurate, require schools with high out-of-school suspension rates or significant discipline gaps between student groups to review and address their discipline policies within their **continuous improvement plan**.

4. Changes in Data Requests and Reporting

- Request data comparing the percentage of excluded students to the population of each student group in the Pre-K-12 student population and the proportional relationship between these two percentages to identify the degree to which students are disproportionately underrepresented or overrepresented in terms of exclusionary discipline, similar to the [2016](#) report (pg. 31-73).
- Request data on the percentage of incidents that involve weapons and/or drugs compared to all other incidents, similar to the [2016](#) report (pg. 75-77).
- Request data on correlations between community demographics and incidence of exclusionary discipline.
- Request that groups of grade levels be included in future iterations of the Exclusionary Discipline public data dashboard or in the reports the AOE will be required to produce.
- Request data from approved independent schools and prequalified prekindergarten programs
 - Adequate resources and accountability measures would need to be secured (significant investments of time, training, and communication, and in computing and staff resources);
- Request additional data including:
 - Total number of incidents (statewide).
 - Total number of days out of school due to exclusionary discipline (statewide).
 - Total number of students and percentage of student population affected by exclusionary discipline (statewide).

- Number of incidents broken down by type: in-school suspension, out-of-school suspension, expulsion, alternative school placements, other type of removal.
 - Prior year(s) data should be included to show comparison across the years.
- Due to the complexity of this data analysis and the reporting requirements of Act 35, the legislature should consider whether to recommend (and support with adequate appropriations) the AOE contract with an outside organization that has the requisite equity-oriented quantitative skills and is facile with large scale state-wide educational data sets. Quantitative data from students and families who have experienced exclusionary discipline would be powerful to include as well. If this is possible, consider moving the start date of reporting from 2025 to 2023.

5. Language of Act 35

- In addition to the additional data requests listed above, the section of Act 35 related to allowable suspensions and expulsions needs to be revisited. Legislative counsel should review all recommendations and do a **legal crosswalk** to ensure that any recommendations do not conflict with or duplicate existing law or statute (i.e., FERPA, IDEA, Gun-Free Schools Act, Drug-Free Schools Act, Title IX, etc.).
- The TF suggests adding language in law, statute, or State Board Rules related to exclusionary discipline similar to the language in in [Rule 4500](#): “in a manner that is safe, proportionate to and sensitive to the student’s: (i.) severity of behavior; (ii.) chronological and developmental age...and (vii.) known physical, medical, psychiatric condition, and personal history, including any history of physical, emotional, or sexual abuse or trauma.” It is crucial to consider the student’s entire narrative and not the specific infraction devoid of context.
- The TF recommends further study and clarification in statute and or State Board of Education Rules regarding drug and alcohol use, abuse, possession, and distribution to make a final determination about whether none/any/some/all of those behaviors should be listed under the category of “most serious behaviors” that are eligible for exclusionary discipline. Substance prevention/recovery professionals should be included in this study.
- **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.

- 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.