

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



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[Link to full report](#)



Who are we?



Our Roadmap

- National & Vermont Context
- Act 35 Overview
- Recommendations
- Q & A



National Context

- Exclusionary discipline (removing students from the classroom through punishments such as suspensions and expulsions), deprives students of the opportunity to learn.
- Dramatically increased in the US over several decades due to zero-tolerance policies often applied to minor, nonviolent misbehaviors
- Exclusionary discipline has damaging consequences and disproportionately impacts students of color and students with disabilities.
- 5% of all students in the US experience suspensions. School level, gender, race, and disability status together can substantially impact a student's risk of suspension.

<https://learningpolicyinstitute.org/product/crdc-school-suspension-report>



Vermont Context

2018 -

- Total Number of Incidents of Suspension = 7003 (Expulsion not included)
 - Total Number of Incidents of Suspension by EST, 504, IEP = 3407 (Expulsion not included)

2019 -

- Total Number of Incidents of Suspension = 7594 (Expulsion not included)
 - Total Number of Incidents of Suspension by EST, 504, IEP = 4496 (Expulsion not included)



Vermont Context Cont'd...

- From the Field:
 - VT Schools and SU/SDs are working hard to:
 - Address student and staff mental health and well-being
 - Balance the needs of individual students and the safety and wellbeing of all
 - Hire staff within the context of workforces shortages
 - Obtain and utilize resources effectively



Other Related Work in Vermont

**Act 112:
Mental
Health
Supports for
Students and
Educators**

**Act 67:
Community
Schools**

**Early
MTSS/
Pyramid
Model**

**Act 1:
Ethnic
and Social
Equity
Studies
Standards**

**Project
AWARE:
Advancing
Wellness and
Resiliency in
Education**

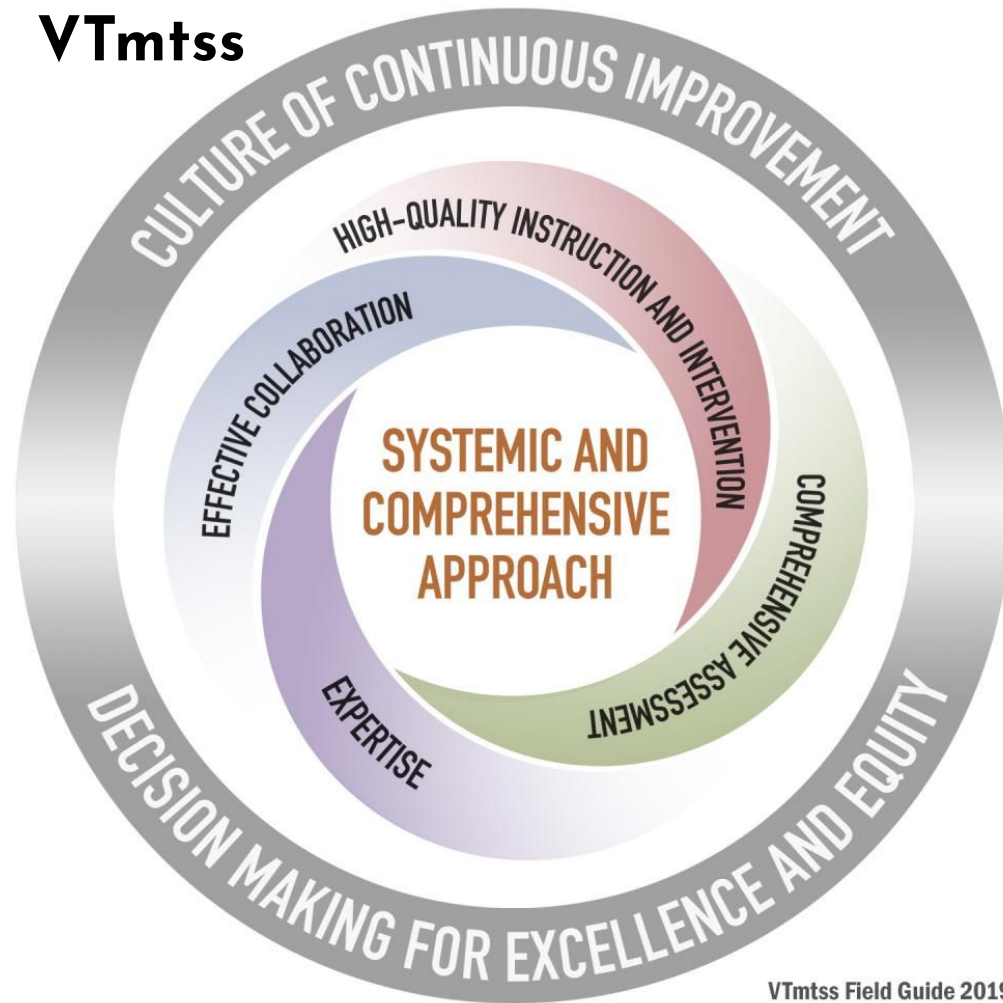
**BEST/
Act 230:
positive
behavioral
interventions
+ supports**

**VT
Restorative
Approaches
Collaborative**



Other R

**Act 112:
Mental Health
Supports for
Students and
Educators**



**Act 1:
Ethnic
and Social
Equity
Studies
Standards**

**VT
Restorative
Approaches
Collaborative**



Act 35 Overview

An act relating to the Task Force on Equitable and Inclusive School Environments:

- Creation of a Task Force
- Data collection and training for the Task Force
- Outcome analysis (report from AOE, 2025-2030)
- Limiting suspension and expulsion



Act 35 Overview

Sec. 6. 16 V.S.A. § 1162 is amended to read:

§ 1162. SUSPENSION OR EXPULSION OF STUDENTS

(d) Notwithstanding anything to the contrary in this chapter, a student enrolled in a public school who is **under eight years of age** shall not be suspended or expelled from the school; provided, however, that the school may suspend or expel the student if the student poses an **imminent threat of harm or danger** to others in the school.



Act 35 Overview

*Amended in Act No. 166 (S.283) to include **approved independent schools** and **prequalified prekindergarten programs** and tasked Building Bright Futures to **define** suspension, expulsion, and exclusionary practices in early childhood education settings and to **establish best practices** for supporting children who face such measures.



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 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.

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**.

Priority Recommendations

- We expect the main six recommendations discussed today will be part of the **Vermont Coalition for Disability Rights** platform.
- They are part of **Vermont Developmental Disability Council's** platform and supported by the **Disability Law Project** of VT Legal Aid.
- We will indicate which ones exist in the Act 35 report and where elaborations have been made since.
- It is possible some provisions will be added to a bill.

Additional State-Level Staffing

- Consider **additional, permanent state-level staffing** 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.).
 - *Expected VCDR platform also includes Rule 4500 in this list*

Interagency Committee

- The TF also recommends the formation of an **interagency committee** that examines the intersections between:
 - AOE, Agency of Human Services depts. (Dept. of Mental Health, Dept. of Health, DCF, DDAL), and the Office of Racial Equity as they connect with this topic of equitable and inclusive schools.
- The interagency committee would be responsible for **identifying areas of need** to create equitable and inclusive schools and **making recommendations** to the Agency Secretaries and to the legislature.

Data Monitoring, Analysis, & Reporting:

- Require the Agency of Education to **monitor and report** on both the use of **exclusionary discipline** and the implementation and effectiveness of Rule 4500 (regulating the use of **restraint and seclusion** in Vermont schools). Increase **reporting requirements** for schools re: restraint and seclusion and exclusionary discipline.
 - The monitoring and review of seclusion/restraint and exclusionary discipline data can help identify where there may be school districts where **additional resources/training** may be directed.

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.

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**.

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.

PD Programs, Supports, and Services

- All programs, supports, and services should be developed and offered within a **Multi-Tiered System of Supports (MTSS)** to ensure sustainability.
- Legislative action should take the form of **additional support to strengthen existing initiatives**, rather than proposing or mandating anything new by providing **sustainable funding sources** for this work, beyond grant funding or use of other unspent funds (i.e. IDEA-B, Title, etc.).

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.

Most Serious Behaviors Cont'd

- **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.

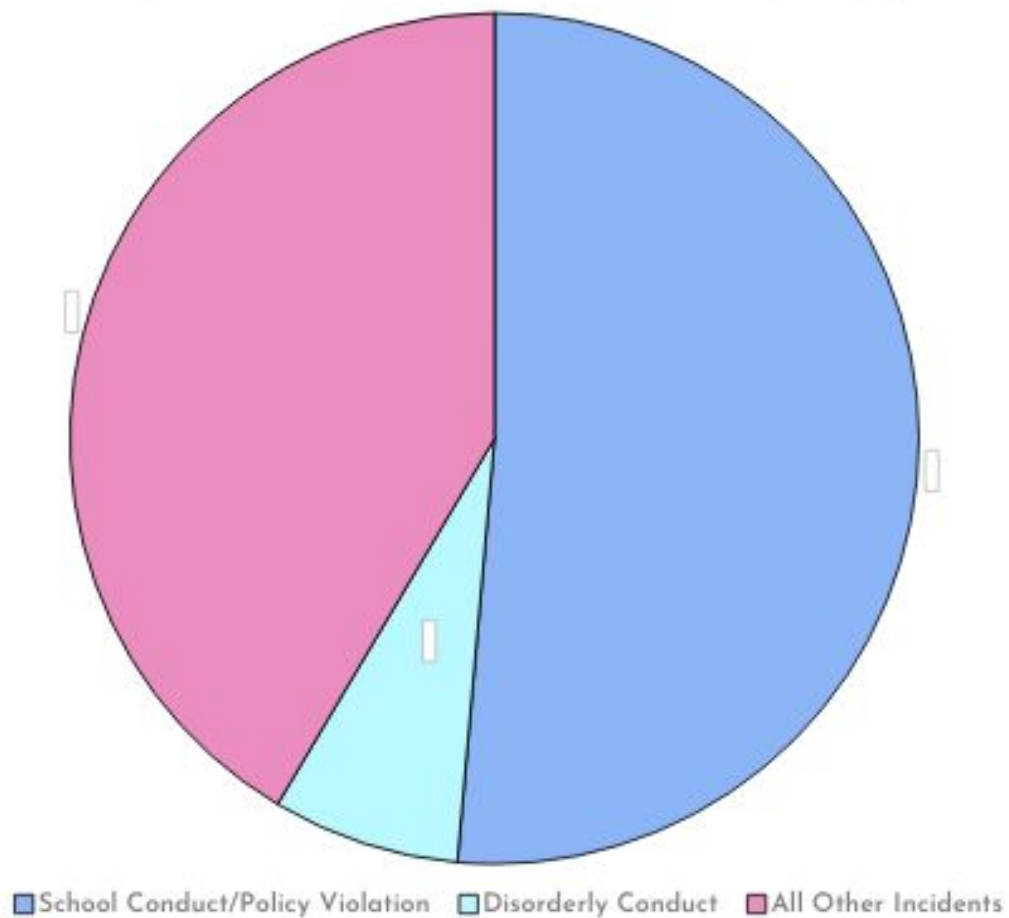
Most Serious Behaviors Cont'd

- 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.

Most Serious Behaviors Cont'd

- 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



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.

Hazing, Harassment, and Bullying

- Amend HHB statute to create an independent review pathway for bullying investigations.
- Mandate safety plans for HHB and sexual harassment/assault, stalking etc. victims that do not inconvenience the survivor.
- Develop qualifications and training requirements for HHB Investigators.

Implications for Early Childhood

- The [Building Bright Futures 283 Task Force Report](#) is a good start, but may not be the full picture.
- 9/2/22 guidance for Universal Prekindergarten (UPK) programs as a joint agency memo included the definitions of suspension and expulsion and requirements for reporting for early childhood. Additional joint agency guidance is in the review process.

Implications for Early Childhood

- 27 suspension/expulsion reported incidents between Spring 2020 to April 2022.
- An additional 29 more reported incidents since April 2022 to January 19, 2023 (including quantitative and qualitative data, public and private UPK sites).
- More consistent reporting could lead to providing targeted supports based on need.

- Agency of Education (AOE) Accountability and Continuous Improvement System (ACIS) Monitoring Team

Implications for Early Childhood

- Early Multi-tiered Systems of Support (Early MTSS) is a way to address the issues to reduce the likelihood of reducing suspension and expulsion.
 - Framework of research and evidence-based practices to support young children's social and emotional growth and development.
 - Focused on giving educators the necessary knowledge and skills for prevention and effective intervention.
 - Currently being supported through three funding streams, but none are permanent

Cautions

- Policy change alone may not result in the changes the state is looking for.
- 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.
- Special attention needs to be paid to how Act 35 impacts different student groups.

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. We also can connect the committee with exemplar schools/districts.

Questions?

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Additional Recommendations from the Report

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: 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.