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

Act 35 of 2021, Section 2

REPORT

March 15, 2022

Report to the House and Senate Committees on Education

Submitted by the
Task Force on Equitable and Inclusive School Environments,

Catherine Gallagher, Chair

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Legislation

This report is submitted pursuant to <u>Act 35 of 2021, Sec. 2</u>. This legislation requires the Task Force on Equitable and Inclusive School Environments to submit an initial and final report with findings addressing its duties under Sec. 2(c) of the act, and recommendations for legislative action. The final report is due on March 15, 2022.

Introduction

The goal of the Task Force (TF) on Equitable and Inclusive School Environments is to **make recommendations to end suspensions and expulsions for all but the most serious student behaviors** and **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.**

The <u>findings section of Act 35</u> comprehensively details the rationale behind the goal of reducing exclusionary discipline by creating equitable and inclusive school environments. 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 (<u>American Psychological Association, 2008</u>).

Pursuant to Act 35, the full TF met six times: August 30, 2021, September 24, 2021, October 14, 2021, November 19 2021, December 8, 2021, March 8, 2022.

During the first meeting, the TF appointed a chair (Catherine Gallagher) and two vice-chairs (students Grace Brown and Ana Lindert-Boyes; Grace later resigned from the TF). The Agency of Education (AOE) provided an overview and training to the TF on navigating the Agency website and the available data on out-of-school suspensions and expulsions. The following data-related resources are critical to this work: the <u>Exclusionary Discipline Dashboard</u>; <u>VT Education Dashboard</u>; <u>Annual Snapshot</u>; <u>Data collection home</u>; <u>Year End Official collection home</u>.

Recognizing the significant amount of work to be completed, subcommittees were formed during the second meeting as a strategy to accomplish each goal that the TF was expected to accomplish. Subcommittees met on the following dates:

- Subcommittee No. 1 (11 meetings): October 6, 2021, October 13, October 27, November 3, November 17, December 1, December 15, January 19, 2022, February 4, February 24, March 1, 2022.
- Subcommittee No. 2 (4 meetings): October 12, 2021, October 28, November 12, February 15, 2022.
- Subcommittee No. 3 (4 meetings): October 14, 2021, October 19, November 3, November 17, 2021
- Subcommittee No. 4 (1 meeting): October 13, 2021 (combined with Subcommittee 1)

The findings of these subgroups are detailed in the sections below. This final report, along with related insights and best practices, will be shared by the AOE with Vermont educators; school

administrators; policymakers; agencies; and education and advocacy organizations and will be posted on the AOE website.

Task Force Members

Kym Asam, Vermont Independent Schools Association; Member of Subcommittee 2

Heather Bouchey, Deputy Secretary, Agency of Education; Member of Subcommittee 3

Grace Brown, Burlington High School, appointed by UP for Learning *(resigned)*

Sandra Cameron, Vermont School Boards Association; Member of Subcommittees 1 and 4

Marianna Donnally, Department of Mental Health; Member of Subcommittees 1, 2, 3, and 4

Catherine Gallagher, Vermont Superintendents Association; Chair of Task Force; Member of Subcommittees 2 and 3

Lindsey Halman, VT Restorative Approaches Collaborative; Member of Subcommittees 1 and 4

Karen Price, Vermont Family Network *(replaced Christine Kilpatrick);* Member of Subcommittees 1 and 4

Ana Lindert-Boyes, Twinfield Union High School, appointed by UP for Learning; Member of Subcommittee 1

Marilyn Mahusky, Legal Aid Disability Law Project; Chair of Subcommittees 1 and 3; Member of Subcommittee 2 *(replaced by Charles Becker – Member of Subcommittee 1)*

Darren McIntyre, Vermont Council of Special Education Administrators

Meaghan Morgan-Puglisi, Vermont National Education Association *(replaced Wanda Otero);* Chair of Subcommittee 1, Member of Subcommittee 2

Steve Perrin, Vermont Principals' Association; Member of Subcommittee 1

Justin Pinard, Vermont School Counselor Association; Member of Subcommittees 1 and 2

Chris Sheehan, a teacher, appointed by the Vermont-National Education Association; Member of Subcommittees 1 and 2

Amy Wheeler-Sutton, Building Effective Strategies for Teaching (BEST) Project at the University of Vermont; Member of Subcommittee 1, Chair of Subcommittee 2

Acknowledgements

The Task Force would like to thank Maureen Gaidys from the AOE for all of the time she spent setting up and organizing meetings for the full TF as well as the numerous subcommittee meetings. Her knowledge of open meeting law and her ability to organize a large group of people is second to none.

Definitions

"Early childhood education," "early education," or "prekindergarten education": According to 16 V.S.A. § 11(a)(31), these refer to services designed to provide developmentally appropriate

early development and learning experiences based on Vermont's early learning standards to children who are **three to four years of age and to five-year-old children** who are not eligible for or enrolled in kindergarten.

"Expulsion": According to the AOE's **Data Collection and Reporting Knowledge Base** Action Type Codeset, an expulsion refers to when a student is removed from their regular classroom, barred from school grounds, and the principal asked the school district to expel the student. According to 16 V.S.A. § 1162, expulsion is exclusion from school for the remainder of the school year or up to 90 school days, whichever is longer.

"Independent school": According to 16 V.S.A. § 11(8), "Independent school" means a school other than a public school, which provides a program of elementary or secondary education, or both. An "independent school meeting education quality standards" means an independent school in Vermont that undergoes the education quality standards process and meets the requirements of subsection 165(b) of this title.

"In-School Suspension": According to the AOE's **Data Collection and Reporting Knowledge Base** Action Type Codeset, an in-school suspension refers to when a student is removed from their regular classroom and assigned to an in-school-suspension program for more than ¼ (.25) of a day. According to 16 V.S.A. § 1162, a student may be suspended for up to 10 school days.

"Out-of-School Suspension": According to the AOE's **Data Collection and Reporting Knowledge Base** Action Type Codeset, an out-of-school suspension refers to when a student is removed from their regular classroom and barred from school grounds for a specified length of time (for more than ¼ (.25) of a day) and DID NOT receive educational services. According to 16 V.S.A. § 1162, a student may be suspended for up to 10 school days.

"Public school": According to 16 V.S.A. § 11(7), "Public school" means an elementary school or secondary school operated by a school district. A public school may maintain evening or summer schools for its students and it shall be considered a public school.

"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).

"Vermont Early Learning Standards (VELS)": includes introduction, explanations for how to use the VELS, and background information about what is unique to Vermonters' sensibilities and systems that underpin the early childhood years. The introduction is followed by the Standards themselves, which are presented in nine domains. The domains are the broad areas of development and learning that are the focus of all that happens in the years from **birth through third grade**. *

*Note: language in statute, rules, and AOE guidance (VELS) is inconsistent with working definitions of early education.

Recommendations for Legislative Action

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.**

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), Positive Behavioral Interventions and Supports (PBIS), restorative approaches, social-emotional learning (SEL), trauma-informed schools, etc.).

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.

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.**

All specific recommendations found in the report are listed here. Details about each of these recommendations are listed within the related sections.

Recommendations Related to Suspension and Expulsion Data and Data Collection Processes

1. Request data comparing the percentage of excluded students to the population of each student group in the PreK-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).
2. 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).
3. Request data on correlations between community demographics and incidence of exclusionary discipline.
4. 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.
5. Should the legislature deem it a priority to collect behavioral data on children attending all schools the following must be achieved:

a. Approved independent schools: adequate resources would need to be secured (significant investments of time, training, and communication, and in computing and staff resources);

b. Prequalified prekindergarten programs: accountability measures would need to be assured to collect comprehensive and reliable data from private prequalified prekindergarten programs.

6. If deemed a priority to request data on any of the following data points, incorporate this data collection into the existing Statewide Longitudinal Data System (SLDS) data collection and allocate additional funds to expand the current data collection.

a. Each instance of referral to local law enforcement authorities, the juvenile justice system, community justice center, State's Attorneys Offices, Department for Children and Families, or other juvenile justice-related authority.

b. Each instance in which a civil, criminal, or juvenile citation was the consequence for a school-related infraction.

c. Whether re-educational services were received during exclusion.

d. Migrant status, sexual orientation, foster care status, interventions applied (including seclusion and restraint).

7. Future data report requests should include:

a. Total number of incidents (statewide).

b. Total number of days out of school due to exclusionary discipline (statewide).

c. Total number of students and percentage of student population affected by exclusionary discipline (statewide).

d. Number of incidents broken down by type: in-school suspension, out-of-school suspension, expulsion, alternative school placements, other type of removal.

e. Prior year(s) data should be included to show comparison across the years.

8. 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) that 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.

Recommendations for Behavioral Data Collection in Schools

1. The TF discussed the importance of **educator training** on data literacy on social/emotional/behavioral indicators that involves disaggregating data and other equity considerations.

2. The development and use of very clear, standard definitions of all types of behavior reported annually in the Exclusionary Discipline section of the Dashboard.

3. The development and use of standard definitions of disciplinary responses. The following school responses should be defined: Out-of-School Suspension, In-School suspension (with no academic services offered), In-school Suspension (with academic services provided and which services), After School Detention, Recess/Break Detention, Lunch Detention.

4. The development of a standard system for schools to collect and track exclusionary discipline data.

5. Standardizing data collection by schools to ensure that student demographic information is accurately tracked so that exclusionary discipline can be disaggregated by ethnicity, race, gender, etc. In addition, further exploration should be conducted to determine if there could be a means by which student can self-identify as other than male or female.

6. A comprehensive, statewide training and adequate deployment of resources for all schools/districts to include a common understanding of standardized definitions of behaviors that result in exclusionary discipline and standardized definitions of responses to behaviors.

7. Develop a standard definition of early childhood education and delineate developmentally appropriate recommendations for behaviors that could result in exclusionary discipline.

Recommendations Based on Other States' Approaches to Exclusionary Discipline

1. Consider further exploration of any of the approaches other states have taken to reduce exclusionary discipline listed in this section. In particular, the TF highly recommends the legislature further study and consider the following approaches:
   a. 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.
   b. AOE revisit the adoption of a statewide school climate survey and present a plan to the legislature for measuring and monitoring school climate.
   c. Consider establishing a state-level Restorative Approaches Coordinating Council and how it might be structured and funded.

Recommendations on Most Serious Behaviors

1. 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., Family Education Rights and Privacy Act (FERPA), Individuals with Disabilities Education Act (IDEA), Gun-Free Schools Act, Drug-Free Schools Act, Title IX, etc.).

2. 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.

3. 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.

4. Adopt a definition of suspension that provides clarity and may reduce inconsistent interpretation, which could lead to "informal removals." The TF is unsure of how to monitor the use of "informal removals" and recommends more attention to this matter.

5. The TF recommends that the legislature task the AOE with determining the extent to which training on implicit bias is occurring and whether that training includes the topics of environmental redesign, vulnerable decision points, and neutralizing routines. All schools should have professional development plans that include diversity, inclusion, equity, and accessibility.

6. Although this was not a charge of this TF, a member of the public attended multiple TF meetings to express their concern related to the process of disciplinary record expungement. The topic of expungement warrants further consideration and study.

7. **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.

8. 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. While 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.

Recommendations on Professional Development Programs, Proactive and Responsive Behavioral Supports, and In-School Services

1. All programs, supports, and services should be developed and offered within a Multi-Tiered System of Supports (MTSS).

2. Legislative action should take the form of additional support to strengthen existing initiatives, rather than proposing or mandating anything new. In particular:

   - Prioritize state appropriations specific to Early MTSS and restorative approaches.

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- Build the capacity for a cadre of recognized state/regional Early MTSS trainers and coaches.
- Create a state level Early MTSS Leadership Team.

3. Vermont should create statewide social-emotional learning standards.
4. The TF recommends that the AOE release a request for information (RFI) to compile a list of trauma-informed/responsive professional development providers and restorative approaches professional development providers so that schools and districts have easy access to information about a variety of providers who might meet their needs.
5. The TF recommends that the legislature identify additional funding for school mental health that allows for increased services to be provided at the universal and targeted levels.
6. The TF recommends the AOE, in conjunction with the Agency of Human Services, develop standards of practice on trauma-informed/responsive schools.

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

1. The TF recommends that the 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.

Recommendations for Educator Best Practices

1. It is recommended that 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.
2. Engage students in responsive, adult and/or student-led restorative conversations, impromptu circles, peace circles, harm circles, conferences, and/or justice panel processes.

Review of Suspension and Expulsion Data and Data Collection Processes

The AOE finalized and published a public Exclusionary Discipline Dashboard in November 2021. The data is accessible to the public and can be filtered by school, district, or state. This data is subject to federal and state privacy laws.

The TF reviewed 2018 and 2019 Vermont statewide data provided by the AOE. It is important to note that any data obtained during the COVID-19 pandemic will not necessarily present an

accurate picture of exclusionary discipline given both school closures across the board, followed by hybrid instructional models that resulted in fewer students attending in-person school learning. As such, the report only showcases data from 2018 and 2019, highlighted in the tables in Appendix A to include all exclusionary discipline by incident type, and incident type by those who are designated as English Language Learners (ELL); by gender; by race; by those who qualify for free and reduced lunch; and by those who access student support services (Individualized Education Plan (IEP Plan), 504 Plan, Educational Support Team (EST) Plan – new in this report).

In addition to the data by incident type described above and included in the initial report, this final report also includes data tables in Appendix B with duration of suspensions in 2018 and 2019 and duration by those who are designated as English Language Learners (ELL), by gender, by race, by those who qualify for free and reduced lunch, and by those who access student support services (IEP Plan, 504 Plan, EST Plan).

It should be noted that the exclusionary discipline data on Vermont's youngest students who attend private prequalified prekindergarten programs is supposed to be reported to the public school district they are partnering with, but the AOE reports that based on information from their accountability and continuous improvement system (ACIS), reporting of suspension and expulsion from private prequalified prekindergarten programs is very inconsistent. Therefore, it can be assumed that data on students attending private prequalified prekindergarten programs is not fully represented in the data in the dashboard or this report.

Data from approved independent schools was also unavailable. According to Wendy Geller, Division Director, Data Management & Analysis Division, "Historically, collecting discipline data from independent schools has not been required." When asked about whether approved independent schools could be required to submit discipline data, Geller explained, "The primary data collection platform currently in place at AOE is called edFusion, or the SLDS (statewide longitudinal data system). Currently, edFusion is not built to take in data from independent schools directly. Historically, the Independent Census has been the required data collection from Independent Schools and this has been managed by a separate collection mechanism. That mechanism does not contain all the supporting information that AOE is required to collect about public school students. Significant investment (fiscal, time, training, and communication, etc.) in computing and staff resources would be required to either adjust edFusion to be able to include these data and collection points in its model or to stand up a separate data collection mechanism to ingest these data in another way."

The following data that was requested in Act 35, subdivision (1)(F) was unable to be obtained:

- The total number of instances of expulsions and suspensions in each grade operated by the district or approved independent school; the total number of students in each grade who were expelled or suspended; and the number of instances of expulsion or suspension, or both, for each student.
    - According to the [Exclusionary Discipline public data dashboard notes](#), "Grade was initially included as a slicer in the disaggregation, but almost all rows and cells, even at the state level, in this product would have undergone suppression.

This is because, due to our tiny sizes, while grade level isn't in itself a sensitive characteristic, when cross-tabulated with other sensitive characteristics, it would yield identifiable data." The notes further indicate that it "may be advisable to collapse grades into large groups like elementary, middle, or secondary so that some of these data would become visible while still enabling privacy to be maintained under FERPA."

- Each instance of referral to local law enforcement authorities, the juvenile justice system, community justice center, State's Attorneys Offices, Department for Children and Families, or other juvenile justice-related authority.
    - This data is not collected by the AOE.
- Each instance in which a civil, criminal, or juvenile citation was the consequence for a school-related infraction.
    - This data is not collected by the AOE.
- Each instance in which an excluded student received reeducational services, as well as the duration of reeducational services per day, per week, and per month.
    - This data is not collected by the AOE. The legal requirement for *educational* services during removal applies only to students on an IEP per Board of Education Rules. Whether or how to provide educational services during the removal of students who are not on an IEP is a local decision. It should be clarified that *"reeducational"* means "education or training to change someone's beliefs or behavior," and comes from the criminal justice field. This should not be confused with educational or academic lessons. The legislature should clarify which type of services it is looking for data on.
- Disaggregation by migrant status, sexual orientation, foster care status, homeless status, interventions applied (including restraint and seclusion), and educational services provided.
    - This data is not collected by the AOE.

Data: Incidents

Data are reported to the AOE from SU/SDs. Data tables provided by the AOE on all instances of exclusions from 2018 and 2019 can be found in Appendix A and are broken down by incident counts and the count as a percentage of Vermont's student population. Please note that these counts include both in-school and out-of-school suspension. Additional information and definitions can be found on the Vermont Education Dashboard.

Please note: asterisks represent a number that is suppressed to report in order to protect student privacy under the Federal Educational Rights and Privacy Act of 1974 (FERPA). Where 0% is displayed, it indicates a decimal percentage due to small ns. The data is rounded to the nearest whole number.

Data: Duration

Data tables provided by the AOE on the duration of all instances of suspension from 2018 and 2019 can be found in Appendix B and are broken down by incident counts and the count as a percentage of Vermont's student population. However, please note that the exclusion duration

of students who are classified as receiving support services is listed on the Dashboard as *student* count, instead of *incident* count. This should likely be changed in the future to provide consistency and to provide a more accurate picture of patterns regarding exclusionary discipline and consequences of behaviors.

Please note that these counts include both in-school and out-of-school suspension. Additional information and definitions can be found on the [Vermont Education Dashboard: Exclusionary Discipline.](#)

Please note: asterisks represent a number that is suppressed to report in order to protect student privacy under the Federal Educational Rights and Privacy Act of 1974 ([FERPA](#)). Where 0% is displayed, it indicates a decimal percentage due to small ns. The data is rounded to the nearest whole number.

Data Analysis

Subcommittee #3 met several times to review the AOE Dashboard and data therein and determined that it is more meaningful to understand how behaviors that have resulted in exclusionary discipline are classified rather than use the actual numbers that have resulted in exclusionary discipline. The total numbers of incidents are not statistically significant, and therefore, breaking down the numbers further would be even less statistically significant.

There is a helpful explanation on suppression and data privacy in the [Exclusionary Discipline public data dashboard](#) notes indicating that information in one category can make suppressed information in another category calculable. It also outlines several ways of mitigating the effects of the necessary data suppression, including:

- Choosing aggregation levels that maximize the amount of information you can display publicly (looking at large enough organizational units (e.g., SU/SDs, 5 SU/SD regions, or state level).
- Blurring of the data (as is done in the [Annual Snapshot](#)) can determine or assign a relative score at the Local Education Agency (LEA) level without revealing information about individual students or small student groups.
- Looking at average suspension lengths.
- Increasing the size of student group slicers (i.e., grade bands, referenced above).

While the data suppression may limit analysis by the general public, administrators at the SU/SD and school levels have access to their school or district's data and can use them to inform their practice. However, it is unknown whether/to what extent SU/SDs or schools are utilizing behavioral data in this way. The AOE may include a question on this topic in a future [VTmtss Survey](#).

The TF has determined that the critical question is first to understand what kinds of behaviors are subject to exclusionary discipline and to carefully distinguish between acts of noncompliance or other low-level, non-violent behaviors and more serious offenses such as assault, possession of weapons, harassment, etc. The TF attempted to determine if there is an overuse of suspension for low-level, non-violent behaviors. For instance, according to the

Vermont Education Dashboard: Exclusionary Discipline, in 2019, "school conduct/policy violations" made up 4,000 incidents, whereas all other instances combined made up 3,783. "School conduct/policy violation" is defined as, "misbehavior not captured elsewhere. Problem behaviors could include dress code violations, running in the halls, possession of contraband, cheating, lying to authorities, or falsifying records."

There is also overlap between "school conduct/policy violations" and "disorderly conduct," which contributed 556 incidents in 2019 and is defined as "Any act that disrupts the orderly conduct of a school function; behavior which substantially disrupts the orderly learning environment. This category comprises misbehavior not captured elsewhere. Problem behaviors could include dress code violations, running in the halls, possession of contraband, cheating, lying to authorities, or falsifying records, or any significant incident resulting in disciplinary action not classified previously. Offenses could include bribery, fraud, embezzlement, forgery, resisting arrest, gambling, extortion, or dealing in stolen property" (see Graph 1).

While the TF understands the necessity of a "catch-all" category for behaviors that do not fit elsewhere, it makes it difficult to understand the data and the extent to which suspension is being used to respond to low-level, non-violent behaviors in an inappropriate way.

Graph 1: 2019 Incidents by Type
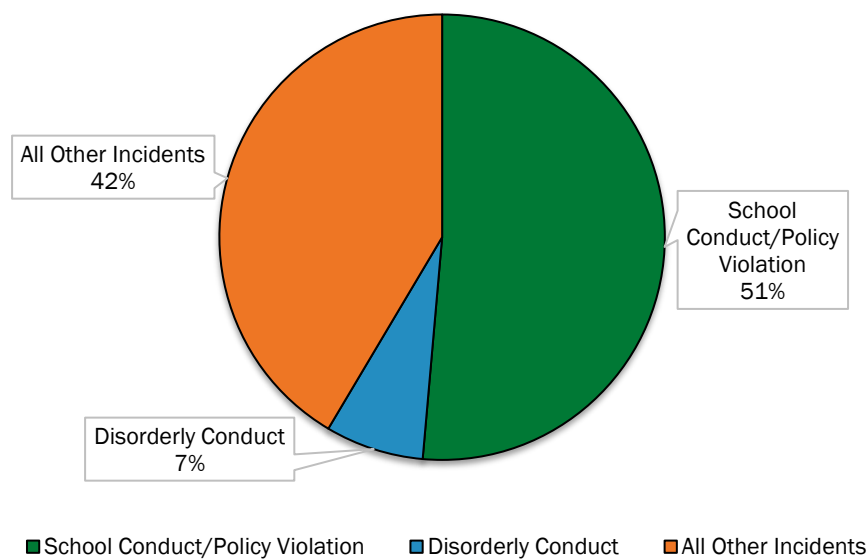
All Other Incidents 42%

School Conduct/Policy Violation 51%

Disorderly Conduct 7%

■ School Conduct/Policy Violation   ■ Disorderly Conduct   ■ All Other Incidents

Task Force Recommendations Related to Suspension and Expulsion Data and Data Collection Processes

3. Act 35 did not request data in the same format as the request that came after testimony during S.67 in 2015, and therefore the TF is unable to report **whether specific subgroups are overrepresented** in the exclusionary discipline data. **Future data report requests could include 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**

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underrepresented or overrepresented in terms of exclusionary discipline to see whether progress has been made since 2016, the last year data was analyzed and reported on in this way (pg. 31-73).

4. Future data report requests could include analysis on the percentage of incidents that involve **weapons and/or drugs** compared to all other incidents, similar to the 2016 report (pg. 75-77).

5. The TF also did not have access to any analysis describing any potential **correlations** between community demographics and the incidence of exclusionary discipline. Future data requests could include this type of analysis be conducted.

6. The legislature could request that **groups of grade levels**, as described above, be included in future iterations of the Exclusionary Discipline public data dashboard or in the reports the AOE will be required to produce each year beginning in 2025, as required by Act 35. Of particular interest is whether any grade band receives disproportionate suspensions/expulsions compared to their enrollment.

7. In order to make sound recommendations, comprehensive and reliable data must be available for analysis. Should the legislature deem it a priority to collect behavioral data on children attending **all** schools in Vermont, the following must be achieved:

   a. **Approved independent schools**: adequate resources would need to be secured, as described by Geller above (significant investments of time, training, and communication, and in computing and staff resources);

   b. **Prequalified prekindergarten programs:** accountability measures would need to be assured to collect comprehensive and reliable data from private prequalified prekindergarten programs.

8. Although requested in Act 35, the AOE does not collect data on the following:

   • Each instance of referral to local law enforcement authorities, the juvenile justice system, community justice center, State's Attorneys Offices, Department for Children and Families, or other juvenile justice-related authority.

   • Each instance in which a civil, criminal, or juvenile citation was the consequence for a school-related infraction.

   • Whether reeducational services were received during exclusion.
      o As noted above, reeducational means "education or training to change someone's beliefs or behavior," and comes from the criminal justice field. This should not be confused with academic lessons. Perhaps provision of both reeducational services and educational services (i.e., academic lessons) is of interest in future data requests.

   • Migrant status, sexual orientation, foster care status, interventions applied (including seclusion and restraint).

If the legislature wishes to pursue any of these data points, the TF recommends incorporating this data collection in the existing SLDS data collection. As these would be new requests, additional funds for the development of these fields will be required and a contract amendment written to authorize this work. If the legislature so requests, the AOE

can pursue their vendor for cost and time estimates to implement this **expansion of the current data collection.**

9. Future data report requests should include:

    - 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 (statewide): 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.

10. 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 are 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.

Behavioral Data Collection in Schools

Data collection and analysis enhance our understanding of the students most frequently experiencing exclusionary discipline and help policymakers target interventions to improve educational outcomes. The school staff who collect, process, and/or communicate data must be fluent in data literacy in order to understand the importance of data quality, the context of their role, and the rules that govern data collection, processing, communication, and public disclosure. Consistent definitions and training are critical to consistent reporting and reliable data analysis.

Task Force Recommendations for Behavioral Data Collection in Schools

1. The TF discussed the importance of **educator training** on data literacy on social/emotional/behavioral indicators that involves disaggregating data and other equity considerations, to ensure the data are viewed in context to avoid reifying individual stereotypes. The AOE has been offering a Data Literacy Professional Development Workshop series since April of 2021. This set of workshops aims to help SUs/SDs use data more effectively to address their school improvement needs. The legislature could support funding for additional data literacy training that involves disaggregating data and other equity considerations.

2. The TF recommends the development and use of **very clear, standard definitions of all types of behavior** reported annually in the Exclusionary Discipline section of the Dashboard. The State has issued standard definitions of bullying and harassment, but many other types of behavior are left to individual school leaders to interpret to define. The lack of a standard definition could contribute to biased interpretations of student behavior. The overlap between "school conduct/policy violations" and "disorderly conduct" definitions is confusing. These "catch-all" categories make it difficult to use this data for decision-making.

3. The TF recommends the development and use of **standard definitions of disciplinary responses.** Specifically, exclusionary discipline needs further definition regarding whether academic and special education-related services are still provided or whether any access to education is being denied. The following school responses should be defined: Out-of-School Suspension, In-School Suspension (with no academic services offered), In-School Suspension (with academic services provided and which services), After School Detention, Recess/Break Detention, Lunch Detention.

4. The TF recommends the development of a standard system for schools to collect and track exclusionary discipline data. The Combined Incident Reporting Software (CIRS)/SLDS report collects data for the most egregious behavior that leads to suspensions from school, but there is no statewide expectation or process for reporting **lower levels of exclusionary discipline** such as detentions or suspensions from riding the bus or participating in extracurricular events.

5. The TF recommends standardizing data collection by schools **to ensure that student demographic information is accurately tracked** so that exclusionary discipline can be disaggregated by ethnicity, race, gender, etc. In addition, further exploration should be conducted to determine if there could be a means by which student can self-identify as other than male or female.

6. The TF recommends **a comprehensive, statewide training and adequate deployment of resources** for all schools/districts to include a common understanding of standardized definitions of behaviors that result in exclusionary discipline and standardized definitions of responses to behaviors. Consistent understanding of definitions could lead to more consistent reporting and data analysis.

7. The TF recommends the **development and use of a standard definition of early childhood education** (age 3 through grade 3/age 8), as there are variations in definitions found in statute, rules, and AOE/AHS guidance (i.e., VELS). Because of these variations, it is impossible to delineate developmentally appropriate recommendations for behaviors that could result in exclusionary discipline.

Other States' Approaches to Exclusionary Discipline

While maintaining the safety and functioning of the school environment is critical, exclusionary discipline has been over-relied on for minor, non-violent infractions nationally, which has detrimental effects on student outcomes. Most exclusionary disciplinary incidents in Vermont are in response to school policy violations (see Graph 1), suggesting our state also fits this national pattern. "The Every Student Succeeds Act (ESSA) of 2015 requires states to support school districts in reducing the overuse of exclusionary discipline practices that remove students from the classroom (National Conference of State Legislatures, 2019)."

Other states have attempted to reduce the use of exclusionary discipline as highlighted below:

- Committing the ESSA requirements to statute (Arkansas, Delaware).
- Requiring schools with high out-of-school suspension rates or significant discipline gaps between student groups for three consecutive years to review and address their discipline policies within their school improvement plan (Delaware).

- Prioritizing school climate and discipline in their accountability system under ESSA (California, New York, Rhode Island, West Virginia).
- Reducing and prohibiting the use of exclusionary discipline for the early grades (Ohio);
- Prohibiting suspension or expulsion for certain behaviors (California K-12 students are prohibited from being expelled for disruption or defiance; Arkansas, Rhode Island, Oregon, North Carolina, Nevada, New Mexico, District of Columbia have prohibitions related to truancy).
- Requiring each institution that provides a teacher preparation program to include a semester course, or the equivalent, for all students pursuing a license to teach Pre-K through grade five that includes instruction on positive behavior intervention and supports and social-emotional development; the impact of trauma, toxic stress, and other environmental variables on learning; etc. ([Ohio](#)).
- Requiring state education agencies to compile and release an annual school discipline report (Delaware).
- Forming a Restorative Justice Coordinating Council made up of appointed board members representing a diverse group of stakeholders (state government agencies, restorative justice practitioners, and victim services) who work with communities, state, and local organizations to support the implementation of restorative justice practices ([Colorado](#)).
- Creating multi-year rollouts of Restorative Practices to prioritize community building in schools, focusing on de-escalation strategies and fostering school culture ([Denver](#), [Baltimore City](#)).

Two of the items outlined were recently enacted by Vermont, both in Act 35:

- Prohibiting the use of exclusionary discipline for early grades (for public schools only, currently) (Sec. 6).
- Requiring the state education agency (AOE) to compile and release an annual school discipline report, beginning in 2025 (Sec. 5).

For more information about what other states have done to reduce exclusionary discipline, please reference [an article on school discipline](#) from the National Conference of State Legislatures. The Education Commission of the States also published a [policy analysis](#).

Task Force Recommendations Based on Other States' Approaches to Exclusionary Discipline

1. The TF encourages the legislature to **consider further exploration of any of the approaches** other states have taken to reduce exclusionary discipline listed above. In particular, the TF highly recommends the legislature further study and consider the following approaches:
    a. **Requiring schools** with **high out-of-school or in-school suspension rates** or **significant discipline gaps** between student groups to **review and address their discipline policies within their continuous improvement plan.** Currently in Vermont, exclusionary discipline data is used only for reporting, not accountability. If the AOE included exclusionary discipline data within the

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Educational Quality Standards (EQS) or Vermont ESSA plan, schools could become eligible for comprehensive, or equity supports based on their data.

    i. For instance, in 2019, 51 schools or SU/SDs had 5% (or more, up to 20%) of their student body receive a suspension of less than five days, according to data in the [Vermont Education Dashboard (full dataset download)](#).

    ii. In the [2017 ESSA Plan submitted to the US Department of Ed](#), exclusionary discipline is named as one of the Safe, Healthy Schools indicators. In the [Annual Snapshot](#), the indicator reflects the amount of school days missed as result of out-of-school suspensions relative to the number of students enrolled during the school year selected. This indicator can be filtered by state, SU/SD, and school and can be disaggregated by grade level and a variety of student group characteristics (i.e., all students, economic status, racial group, special education status, English Language Learner, and Historical Status. Here, Historical Status means Historically Marginalized or Historically Privileged. Vermont added a "Historically Marginalized Student (HMS)" group to student groups measured to address the problem of small school sizes causing data suppression. HMS is the aggregation of all student groups historically underserved by educational institutions). Where applicable, the Annual Snapshot measures each domain and each of the individual indicators that compose the domain in four ways: current performance; performance change (amount of change compared to the previous academic year); current equity index (difference in performance between students who have been historically underserved in schools compared to their historically privileged peers); and equity index change.

    iii. The [ESSA plan](#) says, "Within Vermont's continuous improvement framework, the VT-AOE will support LEAs and schools in identifying alternatives to these disciplinary measures, with an emphasis on ensuring that students stay on a school campus and have access to classroom supports, even when disciplinary action is warranted."

2. A School Climate Survey (Students and Staff) was [originally](#) intended to be one of the indicators of Safe, Healthy schools in Vermont's [ESSA Plan](#). A [November 1, 2019 memo from Dan French](#) announced that the rollout of the Vermont School Climate Survey would be delayed indefinitely. The AOE concluded that adding a new data collection at that time would create too much additional work for both school districts and the Agency and would negatively impact their collective capacity to be successful in other high priority data work. The TF recommends that the **AOE revisit the adoption of a statewide school climate survey and present a plan to the legislature for measuring and monitoring school climate.**

    a. In the absence of a statewide school climate survey, many districts and schools have created their own surveys or utilized a survey through another software (i.e., PBIS Apps, Panorama, etc.). The AOE should consider whether there is a way to honor local choice of which school climate measure is utilized (yet still track and aggregate

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the data to analyze statewide trends and needs), while also providing a free, statewide option for schools to access, if desired.

3. While there is a volunteer-driven [Vermont Restorative Approaches Collaborative (VTRAC)](#) (many members of the VTRAC are part of this TF), Colorado passed a law establishing a Restorative Justice Coordinating Council. The Legislature should **consider whether Vermont should have a similar body** and **how it might be structured and funded**. Important to this conversation is that the Vermont Law School received a $3 million federal grant to create and host the [National Center on Restorative Justice](#) in South Royalton, Vermont.

4. "In partnership with the [University of Vermont (UVM)](#), the [University of San Diego (USD)](#), and the [U.S. Office of Justice Programs (OJP)](#), VLS is excited to launch expanded educational opportunities and research initiatives that will shape and move forward the restorative dialogue and movement that is being seen and applied in many facets of US society from our criminal justice system to education and beyond. United States Senator Patrick Leahy, long a champion of justice reform, was instrumental in helping to secure the funding."

Definition of Most Serious Behaviors

The TF discussed at great length how to define the "most serious behaviors" that, after considering all other alternatives and supports, should remain eligible for suspension or expulsion, and struggled to come to consensus.

It is important to note that "all other alternatives and supports" that a school, district, prequalified prekindergarten program, or approved independent school may offer varies widely across the state. There is concern that variability and inequities in "alternatives and supports" could result in variabilities and inequities in application of suspension or expulsion among settings.

Given the variations in definitions of early childhood education (as noted above), 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 define the most serious behaviors for children under the age of eight.

Some serious behaviors and responses are already defined in statute. For instance:

*   Possession of a firearm at school ([16 V.S.A. § 1166](#))
*   Hazing, harassment, and bullying ([16 V.S.A. § 570](#))
*   Amendments to the regulations implementing [Title IX](#) related to sexual harassment, sexual assault, dating violence, domestic violence, and stalking
*   Alcohol and drug abuse ([16 V.S.A. § 1165](#))

Alcohol and Drug Abuse

While the first three statutes above define how districts and schools must handle situations, the statute around alcohol and drug abuse simply states that the State Board, in consultation with

local school boards, the alcohol and drug division, the law enforcement authorities, and the juvenile court system "shall formulate a general policy for the education, discipline, and referral for rehabilitation of students who are involved with alcohol or drug abuse on school property or at school functions."

These policy requirements and definitions are published in the Vermont State Board of Education Manual of Rules and Practices—[4200 Alcohol and Drugs](#) and include: a statement of philosophy, an educational program, support and referral systems and cooperative agreements and procedures for immediate handling of a substance use related incident and for administering emergency first aid.

There is a difference between substance use *policy* and substance use *procedures*. Understanding the difference may allow school leaders to more readily engage in continual efforts to enhance how they respond to substance use violations that align with research-based best practice.

The Vermont State Board of Education Manual of Rules and Practices does not address the suspension/expulsion of students within the 4200 Rules, which is focused on the health and well-being of all students in the learning environment. The Vermont AOE published guidance on [Comprehensive, School-Based Alcohol, Tobacco and Other Drug Prevention](#) that defines safe and healthy school environments: "A safe and healthy school environment that supports student connection to school promotes healthy relationships, academic success and buffers against negative effect of unhealthy risk behaviors, such as early alcohol and drug use. A Multi-Tiered System of Supports (MTSS) framework can be applied to effectively promote healthy behaviors for all students."

The TF did not come consensus about whether to recommend that alcohol and drug use fall under the category of "most serious" behaviors that would still be eligible for suspension or expulsion. Some members of the TF expressed that suspending or expelling a student for substance-related violations could exacerbate the situation for the student and that only a non-exclusionary approach should be taken. Other members expressed concerns related to the difference in severity and response between possession and distribution of alcohol and drugs. There are also equity concerns related to disproportionate numbers of students of color and students with disabilities being excluded for drug- and alcohol-related violations.

Complicating Factors

The TF recognizes that there may be inconsistency in districts around the state. Surveys of principals (2021) and superintendents (2019) suggests that most administrators avoid using exclusionary discipline. Still, there remains great latitude given to those in positions of authority and variability in board policies across the state. The TF recognizes the role implicit bias and subjectivity play in applying suspensions and expulsions and reiterates the need for clear definitions, statute, and Rules. Although these biases can manifest at any time, "there are vulnerable decision points where implicit biases are more likely to manifest and adversely impact the problem solving process" ([Newell, Loyola University Chicago](#), 2020).

Vulnerable decision points (VDPs) are contextual events or elements that increase the likelihood of implicit bias affecting decision making. There are certain contexts (e.g., classrooms with less

engaging instruction), factors (e.g., student behavior that is judged subjectively, such as disrespect), and internal states of educators (e.g., hunger, fatigue) that increase the likelihood of educators making decisions based on implicit bias. By identifying these vulnerable decision points, educators can take steps to interrupt the process and make decisions based on objective information, resulting in equitable and appropriate solutions (Smolkowski, Girvan, McIntosh, Nese, and Horner (2016)). Training in implicit bias by itself has not been shown to be effective (Forscher, et. al, 2019). It is unknown to what extent Vermont educators have received training in implicit bias that includes environmental redesign and training in both vulnerable decision points and neutralizing routines.

Definitions of Suspension and Use of "Unofficial Suspensions" or "Informal Removals"

In the Vermont AOE [Data Collection and Reporting Knowledge Base](link), those entering discipline data in the statewide system are instructed to "Mark suspensions/expulsions in ¼ (.25) increments of a day, not just whole days, each and every time a student misses instruction for disciplinary reasons" and that "absolutely all suspensions are reportable. Both in school and out of school. The smallest increment that we are interested in is ¼ day. Smaller than that it is just a visit to the planning room."

In the FAQs of the Knowledge Base, the AOE specifies, "[if the incidents involve one of these types of things](link), then it should be reported as an in-school suspension because the student has been removed from their usual settings for one of the outlined behaviors. If the student is going to this time out and it's part of an IEP or some other type of behavior plan, then it is probably not an in-school suspension. Particularly if the student is provided schoolwork in this setting or alternative setting instruction." It goes on to say that while the differences can be nuanced, it is important "to check in with those that made the plan to see what their intentions around school and suspension are. It's good to keep in mind that the purpose of this data set is the following: [1]. To provide each school with important data about their school climate to support their improvement efforts [2]. To show trends throughout the state which can inform policy decisions [3]. To provide evidence of compliance with federal and state requirements."

According to the [National Disability Rights Network](link), the Vermont Family Network, and the Vermont Disability Law Project, there has been ongoing and persistent use of "unofficial suspensions" or "informal removals" in which students are sent home with parents/caregivers without a suspension "on the books." If the student is removed for more than ¼ (.25) of the school day, as referenced above, such actions qualify as exclusionary discipline and should not be used, as they deny students their right to an education. Furthermore, there was concern among some members of the TF that students with disabilities are disproportionately affected by said measures, directly contradicting IDEA.

The Vermont Family Network (VFN) reported anecdotally that children are repeatedly being removed from the classroom environment to separate spaces due to lack of behavior supports. Some of these students have 1:1 behavioral supports identified in their IEP, but these services are not being provided. VFN reports that this has worsened during the pandemic due to staffing issues within schools. They also reported that families are being called to pick up children from school due to behavioral issues. Some families report they receive these calls

multiple times a week and sometimes very shortly after the child arrives at school. In some instances, families report they wait in the school parking lot after drop-off to avoid having to return to school minutes later when they receive a phone call.

According to the Disability Law Project, although the Project does not separately track informal removals as such, each year, close to one third of the Project's special education cases include "inappropriate discipline" or "discrimination in education," both of which could include informal removal related issues such as: shortened school days, referrals to non-existent "programs," or to programs with no space available, referrals to crisis, being sent home for "risk assessments," or excessive use of "calming spaces," including seclusion spaces.

According to the [National Disability Rights Network](#), "Informal removals not only hurt children academically and emotionally, but also harm their families, communities, and society at large. Parents are often forced to scramble to make arrangements in the middle of the workday because their child with a disability is suddenly "out of school." It goes without saying that any practice that places children most in need of supervision and support, unsupervised in the community, is illogical and potentially reckless."

Cautions

The TF also discovered that despite good intentions, legislation that limits the use of exclusionary discipline can sometimes lead to unintended negative consequences. For instance, in 2015, the Oregon legislature limited the 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](#)). A study in February 2021 found that the number of office discipline referrals that resulted in exclusionary discipline and in non-exclusionary discipline *increased* after the 2015 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. The report names a limitation that a causal relationship cannot be proven between the policy shift and the changes in school discipline ([Nishioka, Merrill, & Hanson, 2021](#)). However, this study should serve as a reminder that policy change alone may not result in the changes the state is looking for and that 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.

Task Force Recommendations on Most Serious Behaviors

1. While the TF can make its best recommendation based on information considered in six meetings of the full TF, legal counsel was not provided to the TF. The TF requests that the **legislative counsel review all recommendations and do a legal crosswalk** to ensure that any recommendations do not conflict with or duplicate existing legislation or statutes (i.e., FERPA, IDEA, Gun-Free Schools Act, Drug-Free Schools Act, Title IX, etc.).
2. Considering the context that the behavior occurs within is critical. 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.

3. 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.

4. The TF recommends that the legislature adopt a definition of suspension that provides clarity and may reduce inconsistent interpretation, which could lead to "informal removals." Suspensions include any time a student is removed from the classroom for more than ¼ of a day (excluding for health reasons or documented processes for self-regulation). The TF is unsure of how to monitor the use of "informal removals" and recommends more attention to this matter.

5. The TF recommends that the legislature task the AOE with determining the extent to which training on implicit bias is occurring and whether that training includes the topics of environmental redesign, vulnerable decision points, and neutralizing routines. All schools should have professional development plans that include diversity, inclusion, equity, and accessibility.

6. Although this was not a charge of this TF, a member of the public attended multiple TF meetings to express their concern related to the process of disciplinary record expungement. The topic of expungement warrants further consideration and study.

7. Upon completion of the legal crosswalk (see #1 above), the TF recommends that "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:

   a. Possession of a firearm at school (as described in 16 V.S.A. § 1166)
   b. Hazing, harassment, and bullying (as described in 16 V.S.A. § 570)
   c. Sexual harassment, sexual assault, dating violence, domestic violence, and stalking (as described in (amendments to the regulations implementing Title IX)
   d. Behaviors that pose an imminent and substantial risk of emotional/physical harm/injury (as defined further in forthcoming guidance written by the AOE).
      i. The TF points to Rule 4500's advisement to avoid seclusion unless "the student's behavior poses an imminent and substantial risk of physical injury." Rule 4500 goes on to say, "Substantial Risk means an imminent threat of bodily harm where there is an ability to enact such harm. Substantial risk shall exist only if all other less restrictive alternatives to defuse the situation have been exhausted or failed or the level of risk prohibits exhausting other means." Additional, Ohio's Act HB318 defines the need for suspension as "only as necessary to protect the immediate health

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and safety of the student, the student's fellow classmates, the classroom staff and teachers, or other school employees."

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.

8. The TF recommends that, unless already dictated by statute or State Board of Education rules, **responses to behavior should be considered on a case-by-case basis** and that **suspension or expulsion should always be a last resort.** The TF understands that the term "case-by-case" can be a double-edged sword. While 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 TF discussed at great length whether to include a list of behaviors that should NOT warrant an exclusionary discipline response. Ultimately, the TF agreed to include the following list as a starting place. To be clear, this is not to say that there should be no response to these behaviors, but rather that an **instructive and restorative approach** should be used. Suspending a student for exhibiting these behaviors does not examine the underlying cause of the behavior, teach the skills necessary for the student to avoid the behavior in the future, or repair the harm that was caused by the behavior.

The TF recognizes that not all schools and districts are currently equipped with the systems necessary to respond in an instructive and restorative manner. The following section on Available School Professional Development Programs, Behavioral Supports, and In-School Services will outline the types of training, coaching, and support needed to make this shift from a punitive to a trauma-responsive, restorative approach.

In addition, at this time when school staff are feeling particularly stressed and student behaviors seem to be escalated, any recommendations that appear to limit the options for school leaders to respond to concerning student behaviors would require a shift for schools. During this period of transition, while school districts and schools are gaining the necessary knowledge, skills, and experience, it is imperative that students remain in the classroom whenever possible. In an effort to give schools time to access adequate professional development opportunities to fully replace unnecessary suspensions and expulsions with effective supports, a gradual implementation is necessary.

To that end, the TF offers this list as an **aspirational view** of where schools should be headed in Vermont. **We aspire that in the future, the following types of behaviors should not be handled with an exclusionary response and that the legislature, AOE, and/or State Board of Education revisit this topic in 2023.**

This list is not exhaustive, but represents the types of behaviors the TF believes should be handled with a non-exclusionary approach whenever possible:

- Inappropriate language/gestures (not directed at an individual)
- Fighting/physical aggression/physical contact
    - Rough play (pushing or shoving)

- o Out of control/dysregulated body
- o Public displays of affection
- Defiance or disrespect
  - o Passive refusal to participate
  - o Extremely slow in response to a request
  - o Testing limits
  - o Rude/mean comments
- Non-cooperative/disruptive behavior
  - o Noise making or outside talk
  - o Attention-seeking (connection-seeking) behavior
  - o Class clowning
  - o Bothering others
  - o Cell phone usage
- Property misuse
  - o Not returning items to appropriate places
  - o Not following electronic device responsibilities
  - o Accidentally damaging property
- Lying/Cheating/Theft
  - o Borrowing without asking
  - o Refusing to return a borrowed item
  - o Taking someone's property without asking
  - o Plagiarism
  - o Taking food for lunch despite meal plans
- Possession of a controlled/illegal item
  - o References to drugs/alcohol (words, clothes, etc.)
  - o Substance use or possession of personal amount of a substance (excluding distribution or a serious or immediate safety concern as a result of use)
- Dress code violations
- Skipping class/tardy/attendance/truancy
- Low-level infractions, even if repeated

Available School Professional Development Programs, Behavioral Supports, and In-School Services

The TF identified various professional development programs, proactive and responsive behavioral supports, and in-school services intended to support students that are available to varying degrees in various SUs, approved independent schools, prekindergarten programs, and regions of the state. Brief descriptions and reach (when known) of the programs can be found below. Some additional information can be found in the 2020-2021 Multi-Tiered System of Supports (VTmtss) Survey Summary (i.e., efforts around substance abuse prevention; equity literacy; mental health and social services; trauma-informed/responsive practices; academic and behavioral services and supports; VTmtss capacity, etc.)

When a nationally representative sample of 1,000 current classroom teachers were asked in a 2018 survey what areas they would like to have professional development and support,

teachers selected alternatives to punitive discipline, such as restorative justice and positive behavioral interventions and supports (PBIS), as their top choice. Social-emotional learning, family engagement, and trauma-informed teaching were also highly ranked ([Educators for Excellence](#), 2018).

Adequate training, coaching, fidelity of implementation, and continuous improvement are critical to the success of any program, initiative, practice, or framework. Any program, when **implemented poorly or without equity at the center, can be ineffective and even cause harm**.

Vermont Multi-Tiered System of Supports (VTmtss)

All programs, supports, and services should be developed and offered within a Multi-Tiered System of Supports (MTSS). "MTSS is a framework that unifies educational opportunities and supports to improve outcomes and ensure equity for all students. The [Vermont Multi-tiered System of Supports](#) (VTmtss) is a systemic approach to decision-making for excellence and equity within a culture of continuous improvement that focuses on successful outcomes for all students. This systemic approach:

- Supports the collaboration of all adults to meet the academic, behavioral, social, and emotional needs of all students,
- Provides a layered system of high-quality, evidence-based instruction, intervention, and assessment practices that are matched to student strengths and needs,
- Relies on the effective and timely use of meaningful data,
- Helps districts and their schools organize resources to accelerate the learning of every student, and
- Engages and develops the collective expertise of educators, students, family and community partnerships ([AOE webpage](#))."

The AOE publishes a [list of vendors who provide MTSS professional development](#) in alignment with the VTmtss Framework. Providers on the list have demonstrated knowledge of the VTmtss Framework and experience supporting educators in VTmtss implementation. Inclusion on this list does not constitute an endorsement from the State of Vermont; school systems are encouraged to conduct additional research and reference checks to identify the resource(s) that will work best for their needs. This list of vendors will be updated periodically.

Early MTSS

Vermont also offers professional development and technical assistance in [Early MTSS](#). The AOE was a recipient of a State Professional Development Grant (SPDG) and Race to the Top Early Learning Challenge Grant (RTT ELC). Both federal grants supported expansion, scale-up, and sustainability of the Foundations for Early Learning (FEL) professional development initiative that began in 2007. Over the past 15 years, Vermont has recognized and promoted research-based practices to support young children's social and emotional competence and confidence through Early MTSS.

The AOE offered Early MTSS professional development to regional cohort leaders and early childhood practitioners based on the Pyramid Model, a tiered framework of evidence-based practices (EBP) developed by two national, federally funded research and training centers: the Center on the Social and Emotional Foundations for Early Learning (CSEFEL) and the Technical Assistance Center on Social Emotional Intervention (TACSEI). This tiered framework of universal promotion, prevention, and intervention is the model for delivering a comprehensive range of evidence-based practices, strategies, and resources to families and early childhood practitioners and administrators with the goal of improving early learning, social and emotional well-being, and competence for Vermont's young children birth through age 8.

Early MTSS also aligns the extensive research, materials, and practices developed by the Center for Early Literacy Learning to support early language and literacy development. Early MTSS is embedded with the early education team's professional development opportunities, as well as an integral component of Universal PreKindergarten's (UPK's) accountability and continuous improvement system (ACIS). This system not only monitors over 400 UPK programs for compliance under Act 166 but has been designed to offer training and technical assistance to programs that may need additional targeted supports as identified. Northern Lights Professional Development System (through Agency of Human Services/Child Development Division) recognizes Early MTSS trainings. Building Bright Futures has adopted and promotes Early MTSS in Goal 3 of the Governor's Early Childhood Action Plan. Step Ahead Recognition System (STARS), Vermont's quality recognition system for childcare, preschool, and afterschool programs is being revised to include Early MTSS as evidence within the rating system.

The staff at 36 school districts, supervisory unions, and private pre-K programs received Pyramid Model training, practice-based coaching, and fidelity measures under the Race to the Top (RTT) Early Learning Challenge Grant and the Preschool Development Grant between 2013-2018. The AOE has been conducting training in the Pyramid Model since 2007, but sites trained prior to 2013 are not represented in the total number above.

The AOE is planning to offer Early MTSS professional development targeted to over 400 UPK programs over the next two years. Both public and private UPK programs will have the opportunity to take advantage of Early MTSS systems-level training as well as Pyramid Model training and practice-based coaching focused on supporting children's social and emotional well-being, skill sets, competence, and confidence. Scaling up, implementing, and sustaining Early MTSS statewide is the goal. The AOE will also be rolling out the *Early MTSS Practice and Implementation Manual* in the upcoming months and presenting this information at the National Training Institute on Effective Practices Addressing Challenging Behaviors in April 2022.

It is important to note that the AOE also partners with the National Center for Pyramid Model Innovation (NCPMI) for technical assistance on statewide scale up. However, the AOE does not have current capacity or financial resources to promote statewide scale-up to ensure sustainability of Early MTSS.

Alignment of Initiatives

Many of the programs, initiatives, practices, and frameworks listed below are most effective when implemented schoolwide (or better yet, districtwide) and in an integrated and aligned

manner with collaborative leadership, shared decision-making, sustainability, and adequate resources (both financial and personnel). Ideally, integration and alignment happen at the state and district level so initiative fatigue is minimized and schools and building-level educators can implement in a way that is feasible and appears seamless to educators, students, families, and the school community. While there have been some efforts to integrate and align social, emotional, and behavioral initiatives in Vermont, this work requires ongoing attention. All of these initiatives share similar goals, and when implemented together, can create a student-centered environment to support the needs of the entire school community.

Professional Development Programs, Proactive and Responsive Behavioral Supports, and In-School Services

BEST Project and Vermont Positive Behavioral Interventions and Supports (VTPBIS)

The BEST Project is supported by the AOE and is located at the University of Vermont's Center on Disability and Community Inclusion. The BEST Project is supported by BEST and Act 230 funding. Since the inception of BEST/Act 230 in 1990, the VT State Legislature has consistently distributed funds to Vermont Supervisory Unions/Supervisory Districts (SU/SDs) to increase the "implementation of evidence-based practices that support positive school climate, student proficiency, and personalization within a tiered system of academic and behavioral supports" and are "intended for training and professional learning to support students with emotional and behavioral needs" (VT AOE Website, 2017). The maintenance of this funding stream is vital for two reasons: 1) Providing quality professional development to educators, nationally, and in Vermont in the areas of social, emotional, and behavioral supports for students is critically important, and 2) Nationally, pre-service training encompasses very little course work on strategies for attending to the social, emotional, and behavioral needs of all students.

The goal of the BEST Project is to increase and strengthen regional capacity across Vermont so that schools and their communities can better anticipate and respond to the needs of students who are at risk of, or who experience, emotional and behavioral challenges. To help schools develop more effective strategies and interventions, the BEST Team facilitates workshops, in-service training, university coursework, webinars, coaching, and an annual Summer Institute. Statewide training, coaching, and technical assistance are presented within a multi-tiered system of supports, specifically, Positive Behavioral Interventions and Supports (PBIS). PBIS fits within VTmtss.

PBIS provides a framework for schools to build a supportive environment, develop common language, proactively address behavior, prevent concerning behaviors from occurring, and provide consistent responses to concerning behaviors that do occur. When concerning behaviors happen, a PBIS approach includes responses that are instructive (i.e., teaching, not punishing), and/or restorative.

Schools implementing PBIS build systems to install a small number of evidence-based practices to support students' social, emotional, and behavioral success. PBIS schools utilize their student outcome and fidelity data to progress monitor and adjust their systems and practices. There has

been a recent heightened emphasis on ensuring that equity is centered in PBIS systems, data, and practices and that all students are achieving equitable outcomes (see Figure 1 below).

Figure 1 – Showing three intersecting circles entitled "systems," "data," and "practices." The space where they intersect is labeled "equity," and a fourth circle, labeled "outcomes," surrounds them all.

PBIS is a tiered framework in which all students receive a universal level of supports (including clearly defining, teaching, and practicing expectations and social skills; acknowledging positive behaviors using behavior-specific praise; engaging academic curriculum and teaching strategies; etc.). Some students may need targeted supports layered on and a few students may need intensive, individualized supports. In a PBIS school, students who are at risk of exhibiting concerning behaviors should be identified early using data, universal screening, and requests for assistance from teachers, families, or students, and interventions should be matched to student need. Schools that utilize the School-Wide Information System (SWIS) have instantaneous access to their schoolwide behavioral data and can drill down to determine areas of the school, types of behaviors, grade levels, etc. to target with additional supports. There are also sophisticated equity reports that can help schools determine whether there is disproportionality in their behavioral data.

The following topics can be addressed within the PBIS framework: bullying prevention, classroom-level supports, coaching, data-based decision making, supports for students with disabilities, equity, family engagement, mental health, social-emotional well-being, substance misuse, and reduction of restraint/seclusion. A wealth of resources on each of these topics can be found at pbis.org and PBISVermont.org.

There are sometimes misconceptions in the field about PBIS. Answers to frequently asked questions can be found on the VTPBIS website, including the evidence base behind PBIS and a microlearning on PBIS.

A critical feature of PBIS is considering the function of behavior. From function-based thinking, that occurs in the moment to respond effectively to low-level behaviors, to simple functional behavioral assessments (FBAs) and complex FBAs and behavior support plans (BSPs), a function-based approach involves considering *why* a student may be exhibiting the behavior and what is occurring immediately before and after the behavior that may be reinforcing that behavior. It also consists of teaching students skills to be able to utilize a replacement behavior that allows them to meet their needs in a more prosocial way and reduces the likelihood that the challenging behavior will happen again. Other targeted- and intensive-level supports

include Check-In/Check-Out (CICO), social skills groups, self-monitoring, mentoring, wraparound, and more.

As of 2021, 168 schools in 48 Supervisory Unions/Districts (SU/SDs) have been trained in PBIS, representing 58% of Vermont schools and 94% of SU/SDs. Of the 137 VTPBIS schools who completed the Tiered Fidelity Inventory (TFI) in 2019, 77% report implementing with fidelity (as measured by a score of 70% on the TFI) (VTPBIS 2019 Annual Report). In Vermont, the TFI is usually completed by the school's PBIS Leadership Team, occasionally with the support of a VTPBIS coach/technical assistance provider. Schools may self-report their level of implementation as higher than an external evaluator may, so it is challenging to assess the accuracy of this data.

One way to assess the impact of PBIS on student outcomes is to review rates of out-of-school suspensions (OSS). The highest VTPBIS achievement level is Exemplar. VTPBIS Exemplar schools show sustained fidelity of implementation in addition to academic and behavioral improvement. Comparison of the rates of OSS in 2019 across VTPBIS Exemplar schools, other VTPBIS schools, and non-VTPBIS schools (according to data provided by the AOE) shows that students at Exemplar PBIS schools receive lower rates of OSS than other PBIS schools. All PBIS schools show lower rates of students with OSS than non-PBIS schools (see Graph 2 below).

Graph 2: SY19 Percentage of Students with Out of School Suspensions
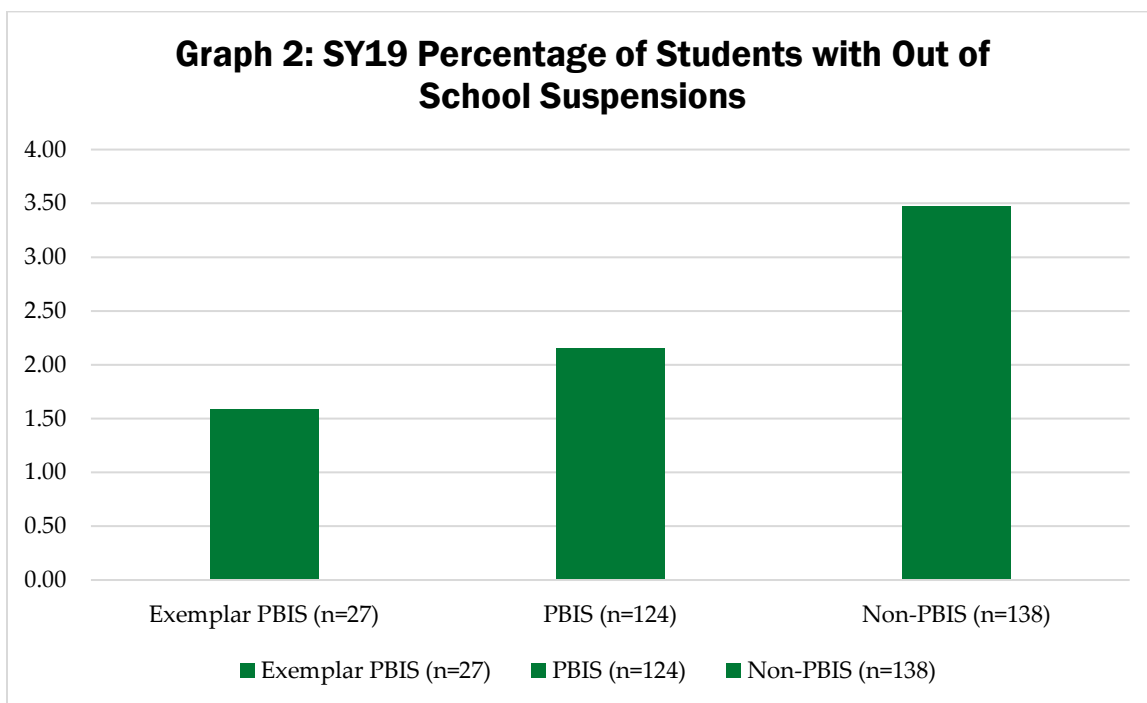
	Exemplar PIBIS (n=27)	PBIS (n=124)	Non-PBIS (n=138)
% Students with Out of School Suspensions	1.58	2.15	3.47

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The most recent Annual Report includes more information about the implementation and sustainability of PBIS in Vermont, including professional development opportunities offered by the BEST Project.

Pyramid Model

According to the National Center for Pyramid Model Innovations (NCPMI) website, the Pyramid Model is a "conceptual framework of evidence-based practices for promoting young children's healthy social and emotional development." Based on over a decade of evaluation data, the Pyramid Model has shown to be a sound framework for early care and education systems.

The Pyramid Model "provides the framework of practices for the implementation of PBIS within early childhood classrooms and programs." The Pyramid Model is "uniquely designed to address the needs and contexts of programs serving infants, toddlers, and preschools… When schools are implementing PBIS and want to include preschool classrooms, they may use the Pyramid Model to define the practices appropriate for use with young children and their families" (NCPMI website).

In Vermont, an organization called Pyramid 802 provides trainers, consultants, and practice-based coaches to early education teams, schools, and practitioners. There are also other independent consultants that provide training, consultation, and coaching in the Pyramid Model. See section on Early MTSS for more information.

Success Beyond Six – Community Designated Mental Health Agencies' School Mental Health Programs

Success Beyond Six (SB6) was developed with the intent to ensure partnership between the local school system and community mental health organizations, recognizing that such a partnership strengthens the ability of both entities to meet the needs of students and families. It is also a means to reduce the cost burden on school districts by using local education funds as the state match to draw down federal Medicaid for eligible services to eligible children.

While not all school mental health services are provided by designated agencies (DAs), DAs are the only qualified entity to provide expanded mental health supports beyond traditional clinical therapies (individual, group, family, and psychiatry) under the Vermont Medicaid program, including supportive counseling, service planning and coordination, and crisis stabilization, to name a few. School mental health (SMH) services provided through a DA allows the SMH provider to bring expertise in mental health practice to school-based teams while also providing the additional structure of clinical supervision, administrative support for billing and reporting, ability to link with other DA services, and oversight and accountability to the State.

Success Beyond Six (SB6) has three main programs: School-Based Clinical Services (SBC), School-Based Behavioral Services, and Concurrent Education Rehabilitation and Treatment (CERT). Each program is grounded in trauma-informed practices and evidence-based approaches (e.g., ARC, CBT, DBT, ABA). Additionally, these programs operate with a focus on working with students in the context of their family, community, and in collaboration with other system partners.

School-based behavioral services are a collaboration between the DA and local educational program to provide consultation and behavioral intervention with targeted students in a school setting. The behavioral services use evidence-based and best practice strategies, such as Applied Behavior Analysis (ABA), that are individualized to the student's mental health and behavioral needs to help the student access their academics. The behavioral services include initial and ongoing assessment by clinical professionals, typically Board-Certified Behavioral Analysts (BCBAs); behavior interventions that are grounded in the assessment and behavior support plan; and clinical training and supervision of the Behavioral Interventionist (BI) as described in the BI Minimum Standards. These services may be provided within a mainstream education program in public elementary, middle, and high schools or in an alternative education program through partnership between the public school and an independent school.

Where SMH clinicians are embedded in PBIS-participating schools, they can be an active team member at all levels of PBIS implementation. At the Universal level, SMH clinicians can participate in school leadership team meetings, provide general consultation or training on mental health issues, and assist in the implementation of school-wide practices. They can also assist in reviewing and interpreting student data to assist in making decisions on whether targeted or intensive supports are needed. They can provide Check-In/Check-Out interventions for students at risk and needing more support. Some may partner with teachers or school counselors on SEL and mental health skill development. They can participate in student Education Support Team (EST) meetings, offer consultation and clinical expertise regarding students not on the DA caseload, assist in training paraeducators and classroom support staff on behavior support plans, and assist teachers in creating classroom-wide behavior support plans. At the intensive level, the more traditional individualized treatment services and family interventions are available, in addition to the supports described at the other tiers.

While school mental health clinicians provide support at the universal (school-wide) and targeted (classroom or grade) levels, the majority of their work is focused at the intensive (individual student) level due to the requirements of Medicaid funding. Medicaid funds pay for increased support for an individual student when warranted, therefore clinicians must spend the majority of their time focused on individual students to receive appropriate reimbursement. These services are appropriate and needed, however school mental health frameworks, such as Interconnected Systems Framework, are encouraging schools and community teams to also focus on more preventative "up-stream" services, to decrease the growing need at the intensive level. The TF recommends that the legislature identify additional funding for school mental health that allows for increased services to be provided at the universal and targeted levels.

It should be noted that there are persistent workforce shortages in community mental health agencies related to underfunding, recruitment and retention of staff, staff burnout, and increased demand for services. The Department of Mental Health has formed a Workforce Development Taskforce to address these challenges.

Interconnected Systems Framework (ISF)/Project Aware

The Interconnected Systems Framework (ISF) is a structure and process to integrate Positive Behavioral Interventions and Supports and School Mental Health within school systems. The

goal is to blend resources, training, systems, data, and practices in order to improve outcomes for all children and youth. There is an emphasis on prevention, early identification, and intervention of the social, emotional, and behavior needs of students. Family and community partner involvement is critical to this framework.

Vermont Project AWARE is a five year Substance Abuse and Mental Health Services Administration (SAMHSA) grant that was awarded in 2019 to create a partnership between the Agency of Education (AOE) and the Agency of Human Services, Department of Mental Health (AHS/DMH), and three communities to promote: on-going collaboration at the state and local level regarding best practices to increase awareness of mental health issues; enhance wellness and resiliency skills for school age youth; and support system improvements for school based mental health services. Target communities are Orleans Southwest Supervisory Union, partnering with Lamoille County Mental Health; Slate Valley Unified School District, and Greater Rutland County Supervisory Union, who both partner with Rutland County Mental Health Services. The project has established planning teams with each of three LEAs and their Designated Mental Health Agency (DA) partner. Each LEA/DA team works with state staff to: improve access to school and community mental health services for school age children and their families; develop school-based mental health programs to screen for, provide early intervention and address ongoing mental health needs of youth; conduct outreach and engagement activities to increase awareness and identification of mental health issues and to promote positive mental health; include families, schools, and community stakeholders in planning and implementing project activities; help school-aged youth develop skills that promote resiliency and pro-social behaviors and prevent youth violence.

Restorative Approaches

Community Justice Centers (CJCs), independent contractors, and educators have been training school staff in Vermont in restorative approaches for over ten years. Restorative approaches may also be referred to as restorative justice or restorative practices. The AOE has published a resource guide on whole-school restorative approaches.

The guide offers this definition of restorative approaches: "Whole-school restorative approaches build healthy school climates by creating space for people to understand one another and develop relationships; when things go wrong, restorative approaches create space to address needs, repair relationships, and heal...Proactive practices intentionally build trust and understanding within the community to ensure a healthy supportive climate and environment. When things go wrong, restorative practices engage those affected and create space so that individuals and communities can effectively identify, understand, and address harms and needs—this facilitates healing" (Kidde, 2017, Pg. 3-4).

To expand upon this, "The fundamental hypothesis of restorative practices is that human beings are happier, more cooperative, more productive, and more likely to make positive changes in their behavior when those in positions of authority do things with them rather than to them or for them. The nature of the process, not the outcome, make a response restorative or not" (Costello, Wachtel, & Wachtel, 2019, Pg. 47).

More about the actual practices involved in restorative approaches can be found in the Recommendations for Educator Best Practices section of this report. Introductory texts, implementation guides/books, educator guides and resources, books, articles, and videos can be found on the [Vermont Restorative Approaches Collaborative](#) (VTRAC) [resource page](#).

The AOE contracted with VTRAC, coordinated by UP for Learning (more details below) and the BEST Project (more details above) to provide training and coaching on whole-school restorative approaches to seven schools and three SU/SDs from 2019-2020. These sites were selected from 37 applications representing 75 schools. Considering it was a very short turnaround time for this application process, the response was quite notable. This is indicative of schools' interest in receiving training and coaching in restorative approaches. The [final report](#) from this project was submitted in 2020. A virtual library of resources related to restorative approaches can be found [VTRAC website](#). A directory of restorative approaches trainers and coaches will be available on the VTRAC website soon.

In November of 2022, the AOE entered into another contract with the [Vermont Restorative Approaches Collaborative](#), again coordinated by UP for Learning and the BEST Project. This year, the VTRAC will work with a select number of sites to deepen their implementation of restorative approaches and document their process of implementation for other schools to learn from.

Other opportunities for restorative approaches training and coaching include, but are not limited to:

- [Green OMEGA, LLC](#) (Jon Kidde)
- [Partners in Restorative Change](#), a team of "passionate, highly experienced, educated, and credentialed" statewide restorative practitioners, consultants, and educators.
- An [annual Summer Institute](#) for Restorative Practices hosted by the St. Johnsbury Community Restorative Justice Center.
- [National Center on Restorative Justice, housed at the Vermont Law School](#).
- [Local community justice centers](#).

Trauma-Informed Schools

Exposure to childhood maltreatment (developmental trauma) is detrimental to students' academic success and educational outcomes. It leads to a cascade of neurobiological impairments that can contribute to a myriad of deficits related to neurodevelopment and neuroprocessing, resulting in disruptions in academic performance, emotional and behavioral regulation, and school attendance. When educators and the school systems become trauma-informed/responsive by fully integrating knowledge about trauma into policies, procedures, and practices, they can mitigate these adverse experiences and utilize positive, proactive multi-tiered interventions within the learning environment.

Through professional development and the implementation of social-emotional learning and trauma-informed/responsive policies, educators can combat the negative role maltreatment has on the academic and social/emotional/behavioral success of students who have been harmed by trauma. In addition, professional development on trauma-informed/responsive practices

includes strategies that reduce the stress that educators experience as a result of working with children with traumatic content.

Many qualified mental health providers began extensive training with national experts on developmental trauma in the early 2000s and consequently began offering trainings to schools across the state on its impact. A non-exhaustive list of content that has been delivered includes neurobiological domains of impairment; vicarious trauma (compassion fatigue); resilience development; intervention strategies; workforce development; enhanced empathic responses, etc. Since then, every SD/SU in Vermont has accessed some level of professional development opportunities to further their understanding of building trauma-informed/responsive/resilient school communities. These forums include one-day trainings, keynotes, year-long trainings (i.e., course work), targeted trainings (focusing on specific students), student-specific trauma evaluations, classroom observations, etc.

A primary goal of these offerings is to teach intervention strategies for creating trauma-informed/responsive systems, classrooms, and individualized interventions and provide information that would increase understanding of how trauma impacts students' capacity to access their education. By increasing this understanding, educators could better recognize that students who have experienced developmental trauma are often engaging in maladaptive, survival responses to stress and ultimately shift adult mindsets to ponder, "what happened to you?" instead of "what is wrong with you?" (Joe Foderara, LICSW).

In 2004, the Vermont child and family trauma workgroup (now called the Child and Family Trauma Workgroup) began meeting to develop recommendations and resources for addressing the impact of trauma on the well-being of children and adults. The Agency of Human Services drafted a policy statement in 2013 and the Department of Mental Health has multiple resources and links that families, schools, and providers can access.

Despite the wealth of knowledge, expertise, and resources schools can avail themselves of, standards for training content or efficacy measures have not been developed. Many schools have participated in training more than once from different trainers, yet there is no coordinated/centralized method or database for tracking impact. Moreover, it is difficult to determine if trauma-informed/responsive training has resulted in reduced use of exclusionary disciplinary practices.

Developmental trauma is not currently a diagnosis in the Diagnostic and Statistical Manual V (DSMV), so misdiagnosis of Conduct Disorder, Oppositional Defiant Disorder, Post Traumatic Stress Disorder, Attention Deficit Hyperactivity Disorder, Depression, Anxiety, etc. often occurs. In addition, families are often hesitant to disclose their child's history of maltreatment due to concerns about judgment, child protective services involvement, etc. Therefore, developmental trauma is rarely specified when disaggregating data to correlate a diagnosis with the consequence that schools have used (unless a comprehensive trauma evaluation has been conducted).

The AOE is exploring releasing a request for information (RFI) to compile a list of trauma professional development providers in the state (similar to the VTmtss professional

development providers list mentioned above and the equity and diversity professional development providers list mentioned below).

Social-Emotional Learning (SEL)

The [Collaborative for Academic, Social, and Emotional Learning (CASEL)](#) defines SEL as "the process through which all young people and adults acquire and apply the knowledge, skills, and attitudes to develop healthy identities, manage emotions and achieve personal and collective goals, feel and show empathy for others, establish and maintain supportive relationships, and make responsible and caring decisions… The CASEL 5 addresses five broad and interrelated areas of competence and highlights examples for each: self-awareness, self-management, social awareness, relationship skills, and responsible decision-making. The CASEL 5 can be taught and applied at various developmental stages from childhood to adulthood and across diverse cultural contexts. Many school districts, states, and countries have used the CASEL 5 to establish preschool to high school learning standards and competencies that articulate what students should know and be able to do for academic success, school and civic engagement, health and wellness, and fulfilling careers."

SEL can take the form of a formal curriculum, in-the-moment modeling of strategies, and embedding the use of SEL skills and strategies into academic lessons. Attention to the SEL skills and competencies of the educators is also critical. Through the [Collaborating Districts Initiative (CDI)](#), CASEL has learned that "schools are more effective at teaching and reinforcing SEL for students when they also cultivate SEL competencies in adults. Successful SEL implementation depends on how well staff work together to facilitate SEL instruction, foster a positive school community, and model social and emotional competence. This calls on schools to focus on adults' professional growth as educators as well as their own social and emotional learning (Jones et al., 2018)" ([CASEL website](#)).

[The Social-Emotional Learning Alliance for Vermont (SEL4VT)](#) is a grassroots effort to promote and support high-quality social and emotional learning (SEL) across the state of Vermont. With over 120 members, SEL4VT's work over the past few years has focused on:

- Connecting educators, researchers, and advocates to share best practices and lessons learned when it comes to implementing social-emotional learning (both in schools as well as in after-school/out-of-school programs).
- Providing online professional learning opportunities to share resources and research-practice insights for supporting the needs of young people and adults in schools.
- Advocating for policies that help support the collective well-being of stakeholders in our school communities.

Diversity, Equity, and Inclusion

Developing an understanding of issues related to diversity, equity, and inclusion is crucial for the reduction of exclusionary discipline. The AOE offered a [list of 22 educational equity and diversity professional development providers.](#) The list contains venders who provide various forms of professional development that address educational equity and diversity practices. Inclusion on this list does not constitute an endorsement from the State of Vermont; school

systems are encouraged to conduct research and reference checks to identify the resource(s) that will best suit their needs.

Community Schools

"Act 67 of 2021, referred to as the Community Schools Act was signed into law on June 8, 2021. With the passage of the Community Schools Act, the Agency of Education developed a competitive grant opportunity for eligible applicants to develop and pilot Community School models around the state. Community Schools serve as resource hubs that provide a broad range of easily accessed, well-coordinated supports and services that help students and families with increasingly complex needs. This three-year federally-funded grant program supports Vermont schools and community partners to develop, expand, and sustain a community school model that demonstrates five pillars outlined in the legislation: integrated student supports, expanded and enriched learning time and opportunities, active family and community engagement, collaborative leadership and practices, and safe, inclusive, and equitable learning environments."

"The following Supervisory Unions/Supervisory Districts (SU/SDs) are recipients of the three-year Community Schools grant program award: Addison Northwest Supervisory District, Caledonia Central Supervisory Union, North Country Supervisory Union, Orleans Southwest Supervisory Union, and White River Valley Supervisory Union" (AOE website). More information about the intersection between exclusionary discipline and community schools can be found at the University of Chicago website.

Substance Abuse Prevention

According to the AOE website, the AOE will, "when funding is available, help distribute grant funding, professional development, and technical assistance to support comprehensive substance abuse prevention efforts in Vermont schools. Schools implement curricula, policies, peer leadership, intervention and referral services to promote student resiliency and reduce risky behaviors." The website provides recommended elements for school-based substance abuse prevention, an evidence-based program list, guidance for selecting evidence-based substance prevention curricula, Youth Risk Behavior Survey briefs, information on the Tobacco Grant, and other helpful links and resources.

The Department of Health Division of Alcohol and Drug Abuse Programs (ADAP) has a Regional Prevention Consultant Network. The Prevention Consultant network is the one system through which technical assistance, education, and community planning specific to substance abuse prevention is made available around the state. There are ten Prevention Consultants who serve as resources to 12 Health Department District Offices and the agencies, organizations and individuals within those Districts. The goal of the Prevention Consultant system is to increase the regional and local capacity of communities to lead and carry out effective substance abuse prevention efforts.

UP for Learning

[UP for Learning](#) (UP) supports educational communities' work toward systemic transformation, engaging all learners, and increasing the authentic voice of youth in learning and decision-making. UP believes educational equity is a basic human right and all young people deserve a meaningful and engaging education. In all of UP's work, they use research-based models that transform the student-teacher relationship to one of shared ownership and shared responsibility. UP for Learning believes that we must empower youth by ensuring every young person is known and valued in their community, has a sense of purpose, and has the ability to shape their own lives and the lives of others. These values and principles are in direct alignment with restorative practices. Since 2008, UP for Learning has worked with 96% of Vermont high schools, 50% of middle schools, and a rapidly growing number of elementary schools in all 14 counties of Vermont. UP for Learning crafts innovative, student-centered education programs and supports schools with customized training, coaching, graduate courses, professional development, and online resources.

One area where authentic youth-adult partnership has shown to have successful outcomes is with the implementation of school-wide restorative approaches. When implemented holistically, restorative practices help develop a culture where everyone's voice is heard and valued, and relationships become the cornerstone of the community. Restorative practices work by putting the emphasis on relationships, collaborative problem solving, and collective responsibility.

The central goal of UP's facilitation is a culture shift to one of equity and shared responsibility. For this shift to occur, youth and adults must be at the table together in authentic partnership. Often restorative practices are implemented by adults on behalf of students; however, in UP's work, students sit side-by-side as full partners with adults as they craft, implement and assess their restorative practices action plan.

For example, UP for Learning is working in partnership with the Burlington School District and the Burlington Community Justice Center on a multi-year project to reduce racial and ethnic disparities in the discipline data. The ultimate goal of this project is to reduce, and ultimately eliminate, suspensions for all students. Youth and adults will conduct participatory action research to examine and analyze current data, share their findings with the community and create an action plan for change.

The integrity of this working partnership is tied to mutual respect, equity in an on-going exchange of ideas and input, and shared responsibility. When young people are challenged to bring forth their best efforts, adults similarly rise to the occasion. Both parties grow in their understanding and commitment to change, grappling with the complexity of the school change process from the diverse perspectives of both key stakeholder groups. Youth-adult partnership unleashes a previously unknown source for problem solving and change.

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Center for Health and Learning

Center for Health and Learning (CHL) is a non-profit organization focused on building a foundation for healthy schools and communities. They work to improve health via training, policy development, evaluation, research, and resource development. They work with schools, health care, community providers and coalitions, state and national agencies, and organizations.

Within CHL, Vermont Suicide Prevention Center's mission is to create health-promoting communities in which schools, Institutions of Higher Education, public and private agencies, and people of all ages have the knowledge, attitudes, skills and resources to reduce the risk of suicide.

Another program within CHL is Umatter, a suicide prevention program that teaches young people and adults to recognize and address depression and risk factors and build strengths through self-care and community action. Students receive knowledge and skills to recognize signs of depression and how to help. CHL also offers a variety of other programs.

Institutions of Higher Education

Multiple institutions of higher education offer courses, webinars, and trainings for educators on topics related to social-emotional learning. The Vermont Higher Education Collaborative (VT-HEC) holds regular workshops on racial trauma and pro-equity classrooms as well as courses on trauma-informed practices. In addition, they have video webinars individuals and groups can pay to use, including "Racial and Restorative Justice: Considerations for Circle Keepers," and "Connecting with Our Students as They Are: Using an Equity Lens to Build Relationships and Engagement." Annie O'Shaughnessy teaches standalone classes on Mindfulness and Restorative Practices through St. Michael's College as well as part of their Holistic Restorative Education Certificate Program. The University of Vermont (UVM) has a "Trauma-Informed, Resiliency-Based, and Interprofessional Practice Sequence" with courses that support trauma-informed practices in addition to regular courses on racial trauma. Castleton University offers courses throughout the year on equity, building classroom culture, and restorative practices. While the offerings vary depending on semester and availability, these four institutions provide opportunities for educators to strengthen their practice.

Responsive Classroom

"Responsive Classroom is a student-centered, social and emotional learning approach to teaching and discipline. It is comprised of a set of research and evidence-based practices designed to create safe, joyful, and engaging classrooms and school communities for both students and teachers" (Responsive Classroom website). The national organization that trains educators and schools in Responsive Classroom was unable to provide a list of schools in Vermont who have been trained in this approach.

Developmental Designs

Developmental Designs (DD) is used in many middle and high schools in Vermont to build SEL and relationship skills at the classroom level. According to the Developmental Designs website, DD is "an approach that brings everyday strategies for relationship building, social skill-

building, safe community, cultural responsiveness, and intrinsic motivation to advisory, content area classes, and across the school, throughout the day." It is unknown how many schools in Vermont have been trained in this approach.

Conscious Discipline

"Conscious Discipline is an evidence-based, trauma-informed approach. It is recognized by the SAMHSA's National Registry of Evidence-based Programs and Practices (NREPP), and received high ratings in 8 of 10 categories in a Harvard analysis of the nation's top 25 social-emotional learning programs. The Harvard study's authors say, 'Conscious Discipline provides an array of behavior management strategies and classroom structures that teachers can use to turn everyday situations into learning opportunities'" ([Conscious Discipline website](#)). The national organization that trains educators in Conscious Discipline® was unable to provide a list of schools in Vermont who have been trained in this approach.

Collaborative & Proactive Solutions (CPS)

Complementary (or in addition) to PBIS and SEL frameworks, many schools seek professional development in [Collaborative & Proactive Solutions (CPS).](#) CPS was developed by Dr. Ross Greene and focuses on proactively solving the problems that create challenging behaviors. According to the CPS website, "rather than focusing on kids' challenging behaviors (and modifying them), CPS helps kids and caregivers solve the problems that are causing those behaviors. The problem solving is collaborative (not unilateral) and proactive (not reactive). [Research](#) has shown that the model is effective not only at solving problems and improving behavior but also at enhancing skills." It is unknown how many schools in Vermont have been trained in this approach.

Task Force Recommendations on Professional Development Programs, Proactive and Responsive Behavioral Supports, and In-School Services

1. All programs, supports, and services should be **developed and offered within a Multi-Tiered System of Supports (MTSS)** (see information on VTmtss above).
2. As was detailed in the overall recommendations section above, the TF recommends that legislative action take the form of **additional support and strengthening of existing initiatives** (particularly those listed in the section on Professional Development Programs, Proactive and Responsive Behavioral Supports, and In-School Services), rather than proposing or mandating anything new. In particular:
   a. **State appropriations specific to building statewide Early MTSS capacity are critical.** Early MTSS efforts help schools and partnering private universal Pre-K programs (UPK) build systemic capacity to implement evidenced-based practices that support children's social/emotional competence with fidelity. Identifying funding mechanisms for ongoing training and coaching in Early MTSS has been challenging; coaching is key to sustained change in practice. To scale up and sustain statewide, adequate funding and dedicated resources are required. In particular, the state needs to build capacity for **a cadre of recognized state/regional Early MTSS trainers and coaches**. The TF also recommends the **creation of a state Early MTSS**

> Leadership Team. This Leadership Team should examine, among other things, necessary "real time" (as opposed to annual) data collection/reporting processes to accurately evaluate effectiveness of implementation and continuous improvement at state and local program levels.

 b. **State appropriations specific to restorative approaches are also critical.** While the AOE has supported two separate contracts since 2019, there is not a guaranteed funding stream specific to this work. It is also important to note that the type of systemic change necessary to move toward a restorative approach takes time. The field of implementation science indicates that schools should expect to spend three to five years getting to full implementation. One-year contracts make it difficult to build momentum with schools. **Adequate funding to support multi-year contracts is recommended.**

3. While Vermont has standards related to social-emotional learning in the [Vermont Early Learning Standards (VELS)](#) "Developing Self" domain, statewide SEL standards do not exist for students older than age 8. Some districts (such as [Missisquoi Valley School District](#), in collaboration with CASEL) have developed social-emotional competencies, however, **each district in Vermont should be supported at the state level to create social-emotional learning standards that are trauma-responsive and resilience-based**. As one Vermont Superintendent wrote, "We have standards for reading, writing, mathematics, science, and social studies, but have historically looked at behavior and discipline data to inform us about student emotional wellbeing. We know that a student's ability to regulate themselves and attend to the feelings of others is a prerequisite for success in school and in life. That makes it urgent that we treat students' social and emotional functioning through a learning lens rather than a deficit/disciplinary lens." **The TF recommends that Vermont create statewide social-emotional learning standards.**

1. The TF recommends that the **AOE release a request for information (RFI)** to compile a list of trauma-informed/responsive professional development providers and restorative approaches professional development providers so that schools and districts have easy access to information about a variety of providers who might meet their needs.

2. The TF recommends that the legislature identify **additional funding for school mental health** that allows for **increased services to be provided at the universal and targeted levels.**

3. The TF recommends the AOE, in conjunction with the Agency of Human Services, develop **standards of practice on trauma-informed/responsive schools**.

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

Act 35 explicitly names students under eight years old as having additional protections from suspension/expulsion. Act 35 (Sec. 6) amended [16 V.S.A. § 1162](#), which has resulted in a disparity between students enrolled in public schools and those enrolled in private prekindergarten programs and elementary education independent school settings. Specifically, it says:

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(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.

The TF recommends that the legislature amend this language 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, private prequalified prekindergarten programs shall be required to report all suspensions and expulsions to the Agency of Education.**

To support this recommendation, State Board of Education Rule 2606 (1) says: "Any prequalified public or private prequalified prekindergarten education program shall: (a) Adhere to all applicable federal and state laws including, but not limited to, Part B of the Individuals with Disabilities in Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA) and Title VII of the Civil Rights Act of 1964."

Given the variations in definitions of early childhood education (as noted above), 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. The TF did have representation of at least one early childhood expert in its membership and the TF communicated regularly with the VT AOE Early Childhood Education Team Manager.

While not all members agreed that a separate task force is necessary to inform exclusionary discipline for students under 8 years old, this TF agrees that any recommendations should require consistent definitions and requirements for exclusionary discipline across provider types.

Please reference sections on Early MTSS and the Pyramid Model for more information pertinent to children under the age of 8.

Recommendations for Educator Best Practices

Educators' response to behaviors, both in the moment and when disciplinary actions are being considered, can serve to either deescalate or exacerbate the challenges involved. Evidence of the latter has indicated that when schools rely on suspension or expulsion as discipline methods, they create more problems than they solve. For example, students miss lessons, fall behind when they return, become disengaged in school, lose trust in their teachers and connection to their school community, and are more likely to drop out, struggle to find jobs, or become involved with the Juvenile Justice System (Government Accountability Office, 2018).

The following best practices strive to increase educators' awareness of students' needs to reduce behaviors that lead to possible exclusionary discipline measures, decrease the likelihood of the aforementioned negative outcomes, and increase students' sense of belonging within their school communities. Sustainably integrating these best practices requires a shift in mindset (see table in Appendix C), engaging in related professional development organizations mentioned above to boost the confidence of school personnel in their knowledge and skills, and other collaborative efforts to enhance the school climate.

The following examples of best practices being used within schools in Vermont and across the country are not meant to be an exhaustive list. However, they are evidence-based, trauma-responsive, culturally informed, and designed to keep everyone's social emotional well-being at the forefront, while minimizing contact with law enforcement whenever possible.

It is recommended that 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. In addition, it is important to note that the very nature of restorative practices, approaches, or measures is designed to be adaptable to the situation at hand, while centering relationships, needs, and accountability. That is, they should be adjusted to each specific school system, those impacted by harm, the student body as a whole, and surrounding communities (Amstutz & Mullet, 2015).

Two of the most crucial elements to successfully utilizing alternative actions to exclusionary discipline is to uphold the restorative principles while implementing the practice itself and consistently using restorative communication when interacting with students and those involved in a particular situation. Creating an atmosphere wherein all stakeholders feel validated, understood, heard, and a sense of connection is key to establishing the bridges often needed to attend to everyone's needs in a disciplinary situation.

Other universal practices that help strengthen the proactiveness and responsiveness within the system itself include: training and support for trauma-informed practices; consideration of the impact of trauma in disciplinary decisions; restorative professional development opportunities for all school personnel (including training for any School Resource Officers (SROs)); training the relevant school personnel in Life Space Crisis Intervention (LSCI) and/or Crisis Prevention Intervention (CPI); training the school board members or those overseeing exclusionary processes in restorative practices (e.g., family group conferencing, victim/offender conferencing, or restorative panel processes); partnering with local community justice centers (CJCs); establishing and equitably utilizing diversion programs; partnering with local law enforcement in non-punitive ways; partnering with community mental health or other supportive agencies; providing relevant resources and supports to families; connecting students and families with local mentoring programs; ensuring there are in-school counseling supports to assist students; training student leaders in restorative practices and peer-led conferences, panels, meditations or committees; and establishing positions for school site restorative coordinators and specialists

who can help establish and/or lead restorative teams, collect and analyze data, coach teachers and staff, and support the facilitation of higher level restorative interventions.

When considering these higher-level restorative interventions, it is critical to remind folks that having a foundational base of the universal level practices is a bedrock for success and sustainability (Amstutz & Mullet, 2005). That is, the notion of restoration is strengthened when it is not used simply as a replacement for traditional disciplinary practices and when students or stakeholders feel a sense of belonging in their community (Hardy & Laszloffy, 2007). Before proceeding with more intensive practices, it is highly recommended to ensure the principles of restorative justice are being upheld during any situation involving potential exclusionary discipline. School personnel involved in higher level restorative interventions also need adequate training and support, so as to not unintentionally cause harm themselves.

With that in mind, the following are alternatives utilized locally, nationally, and internationally. Engaging students in responsive, **adult and/or student-led restorative conversations** (e.g., The School District of Philadelphia, 2021), **impromptu circles** (e.g., Lyons Community School), **peace circles** (e.g., Chicago Public Schools; Denver School-Based Restorative Practices Partnership), **harm circles** (e.g., The School District of Philadelphia, 2021; Oakland Unified School District), **conferences** (e.g., Winslade, Espinoza, Myers, & Yzaguirre, 2014; Denver School-Based Restorative Practices Partnership; Holyoke High School), and/or **justice panel processes** (e.g., Lyons Community School; Edmunds Middle School) have shown to be successful alternatives to exclusion.

U-32 in Montpelier has been utilizing what they refer to as **Community** as an alternative route to work through conflict resolution. Students who are assigned "community" are expected to attend an afterschool meeting with peers to work on building their transferable skills, taking responsibility for the actions that contributed to their attending community, and building relationships to deepen their involvement in and care for U-32. Enosburg Falls Middle/High School's approach to restorative practices across the tiers is detailed here. The Lamoille Restorative Center coordinates a Lamoille Valley Truancy Project that provides Student Engagement Specialists to area schools.

Regardless of the alternative response, it is imperative to collaborate with and include the student's parents/caregivers or trusted adults whenever a student is facing exclusionary discipline. The life skill of accountability takes shape throughout these processes, especially when all stakeholders create a restorative agreement or plan to repair any harm or damage (i.e., what can be done to make things right or better moving forward?).

Although situationally dependent, a restorative approach asks students to fulfill a set of obligations to meet the needs of those impacted. It could range from an apology, engaging in educational programs to help with behavior changes, or volunteering in meaningful and relevant community service opportunities. In addition, students may need extra support with referrals to substance prevention centers, counselors or education, mental health counseling, assistance in scheduling tutoring services to ensure they keep up with their education if asked to leave class for an extended period of time, or other wraparound services (e.g., a coordinated service plan) (Winslade et al., 2014) to assist in supporting students' transition back into the

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classroom. In more intensive situations, an official re-entry meeting is recommended (Amstutz & Mullet, 2005; Smith, Fisher & Frey, 2015; Winslade et al., 2014). This would include all relevant stakeholders (e.g., student, parents/guardians, administrators, those impacted, trusted adults, etc.). The meeting often centers itself around the next steps for reparation, earning one's way back into the school community, behavior changes, safety planning, gaining the school's trust back, and/or how to ensure that the infraction will not happen again.

Meeting the needs of those impacted is paramount within a restorative framework as are the needs of other parties involved. However, meeting these needs should never come at the expense of anyone involved, especially those affected or victimized. Restorative justice processes work best when they are voluntary, and no one is forced to sit in front of their responsible party (if one is involved). The time invested in these practices to ensure the safety of those involved is well worth it. Restorative practices rest on a foundation of structure and flexibility that can not only adapt to the varying needs of each school system, but also interweave themselves to strengthen pre-established traditional approaches to discipline. It is about finding a balance best suited for each situation.

Restorative practices do not seek to deny a school response or consequence for inappropriate or misbehavior (e.g., Amstutz & Mullet, 2015). Instead, higher level restorative practices have shown to hold people accountable in more thorough ways than is usually achieved when solely using punishment or traditionally based systems (Winslade et al., 2014).

Furthermore, it is essential that regardless of the strategy used, the restorative principles are at the forefront, the restorative questions are adapted to the situation, the practices are individualized to take the whole child into consideration, and they are a logical response to the situational context at hand (Amstutz & Mullet, 2015). One of the main goals with restorative justice is to foster and sustain a holistic framework that includes and empowers all voices in equitable ways, while upholding a collaborative and needs-based mentality to ensure the needs of all stakeholders are met. Restorative practices are a way of being (Hardy & Laszloffy, 2007) or working *with* others (Wachtel, 2005). It is not designed to be a one size fits all approach. Instead, it is more about *how* schools utilize the restorative principles and recommended practices to best meet the needs of their community (Hardy & Laszloffy, 2007).

Summary

The TF will cease to exist on April 15, 2022. 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 specific in subdivision (c)(1)(F) of Sec. 2.

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Appendix A: Data: Incidents

Data are reported to the AOE from SU/SDs. Data tables provided by the AOE on all instances of exclusions from 2018 and 2019 are broken down by incident counts and the count as a percentage of Vermont's student population. Please note that these counts include both in-school and out-of-school suspension. Additional information and definitions can be found on the Vermont Education Dashboard.

Please note: asterisks represent a number that is suppressed to report in order to protect student privacy under the Federal Educational Rights and Privacy Act of 1974 (FERPA). Where 0% is displayed, it indicates a decimal percentage due to small ns. The data is rounded to the nearest whole number.

Additional note: data from prequalified, private prekindergarten programs is incomplete due to inconsistent reporting to SU/SDs. Because of inconclusive data, it is impossible to make sound recommendations specific to exclusionary discipline in prekindergarten.

2018 Data Regarding Incidents of Exclusionary Discipline

Total Number of Incidents of Suspension = 7003 (Expulsion not included in this number)

2018 Incidents – All Students

Incident Type	Incident Count	% Student Population
School Conduct/Policy Violation	3560	2
Fighting	665	1
Alcohol Sale/Use	79	0
Assault/Battery	249	0
Bullying	229	0
Burglary	44	0
Danger to Self/Other	39	0
Disorderly Conduct	137	0
Domestic Assault	413	0
Drugs	351	0
Harassment	352	0
Hazing	0	0
Lewd/Lascivious Conduct	16	0
Property Damage	49	0

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Incident Type	Incident Count	% Student Population
School Threat	19	0
Threat/ Intimidation	451	0
Tobacco	278	0
Unlawful Restraint	0	0
Vandalism	37	0
Weapons Possession	111	0
Arson	*	*
Robbery	*	*
Sexual Assault/Battery	*	*
Stalking	*	*
Trespassing	*	*

2018 Incidents – English Language Learner Breakdown

Incident Type	ELL (Count)	Not ELL (count)	ELL (% Student Pop.)	Not ELL (% Student Pop.)
School Conduct/Policy Violation	21	3539	0	2
Fighting	39	626	0	1
Alcohol Sale/Use	0	79	0	0
Assault/Battery	12	237	0	0
Bullying	*	*	*	*
Burglary	0	44	0	0
Danger to Self/Other	0	39	0	0
Disorderly Conduct	*	*	*	*
Domestic Assault	*	*	*	*
Drugs	*	*	*	*
Harassment	*	*	*	*
Hazing	0	0	0	0
Lewd/Lascivious Conduct	0	16	0	0
Property Damage	0	49	0	0

Incident Type	ELL (Count)	Not ELL (count)	ELL (% Student Pop.)	Not ELL (% Student Pop.)
School Threat	*	*	*	*
Threat/ Intimidation	18	433	0	0
Tobacco	*	*	*	*
Unlawful Restraint	0	0	0	0
Vandalism	*	*	*	*
Weapons Possession	*	*	*	*
Arson	*	*	*	*
Robbery	*	*	*	*
Sexual Assault/Battery	*	*	*	*
Stalking	*	*	*	*
Trespassing	*	*	*	*

2018 Incidents – Gender Breakdown

Incident Type	Male (Count)	Female (Count)	Male (% student pop.)	Female (% student pop.)
School Conduct/Policy Violation	2577	983	2	1
Fighting	527	138	0	0
Alcohol Sale/Use	51	28	0	0
Assault/Battery	205	44	0	0
Bullying	165	64	0	0
Burglary	32	12	0	0
Danger to Self/Other	26	13	0	0
Disorderly Conduct	108	29	0	0
Domestic Assault	266	147	0	0
Drugs	235	116	0	0
Harassment	309	43	0	0
Hazing	0	0	0	0
Lewd/Lascivious Conduct	*	*	*	*
Property Damage	42	*	0	*

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Incident Type	Male (Count)	Female (Count)	Male (% student pop.)	Female (% student pop.)
School Threat	18	*	0	*
Threat/ Intimidation	353	98	0	0
Tobacco	213	65	0	0
Unlawful Restraint	0	0	0	0
Vandalism	31	*	0	*
Weapons Possession	91	20	0	0
Arson	*	0	*	0
Robbery	*	*	*	*
Sexual Assault/Battery	*	*	*	*
Stalking	*	0	*	0
Trespassing	0	*	0	*

2018 Incidents – Race Breakdown (Part 1 – Incident Count)

Incident Type	AI/NA	Asian	Black	Hispanic	Multi-racial	NH/PI	White
School Conduct/Policy Violation	*	25	103	83	125	*	524
Fighting	*	17	53	*	51	*	428
Alcohol Sale/Use	0	*	*	*	0	0	*
Assault/Battery	*	*	15	*	*	0	218
Bullying	0	*	15	*	*	0	203
Burglary	0	*	*	0	*	0	*
Danger to Self/Other	0	0	*	0	*	0	*
Disorderly Conduct	0	0	*	*	*	*	125
Domestic Assault	0	0	20	*	*	0	378
Drugs	0	*	*	*	*	*	331
Harassment	*	*	12	*	*	0	319
Hazing	0	0	0	0	0	0	0
Lewd/Lascivious Conduct	0	0	*	*	*	0	*

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Incident Type	AI/NA	Asian	Black	Hispanic	Multi-racial	NH/PI	White
Property Damage	0	0	*	*	*	0	*
School Threat	0	*	0	*	0	0	*
Threat/ Intimidation	*	*	42	*	37	0	353
Tobacco	*	*	*	*	*	0	260
Unlawful Restraint	0	0	0	0	0	0	0
Vandalism	0	0	*	0	*	0	*
Weapons Possession	0	*	*	0	*	0	*
Arson	*	*	*	*	*	*	*
Robbery	*	*	*	*	*	*	*
Sexual Assault/Battery	0	0	*	0	0	0	*
Stalking	*	*	*	*	*	*	*
Trespassing	0	0	0	0	0	0	*

2018 Incidents – Race Breakdown (Part 2 – Percent Student Population)

Incident Type	AI/NA	Asian	Black	Hispanic	Multi-racial	NH/PI	White
School Conduct/Policy Violation	*	0	0	0	0	*	0
Fighting	*	0	0	*	0	*	0
Alcohol Sale/Use	0	*	*	*	0	0	*
Assault/Battery	*	*	0	*	*	0	0
Bullying	0	*	0	*	*	0	0
Burglary	0	*	*	0	*	0	*
Danger to Self/Other	0	0	*	0	*	0	*
Disorderly Conduct	0	0	*	*	*	0	0
Domestic Assault	0	0	0	*	*	0	0
Drugs	0	*	*	*	*	*	0
Harassment	*	*	0	*	*	0	0
Hazing	0	0	0	0	0	0	0
Lewd/Lascivious Conduct	0	0	*	*	*	0	*

Incident Type	AI/NA	Asian	Black	Hispanic	Multi-racial	NH/PI	White
Property Damage	0	0	*	*	*	0	*
School Threat	0	*	0	*	0	0	*
Threat/Intimidation	*	*	0	*	0	0	0
Tobacco	*	*	*	*	*	0	0
Unlawful Restraint	0	0	0	0	0	0	0
Vandalism	0	0	*	0	*	0	*
Weapons Possession	0	*	*	0	*	0	*
Arson	*	*	*	*	*	*	*
Robbery	*	*	*	*	*	*	*
Sexual Assault/Battery	0	0	*	0	0	0	*
Stalking	*	*	*	*	*	*	*
Trespassing	0	0	0	0	0	0	0

2018 Incidents – Free and Reduced Lunch Breakdown

Incident Type	FRL Eligible (Count)	Non-Eligible (Count)	Reduced (Count)	Declined (Count)	FRL Eligible (%)	Non-Eligible (%)	Reduced (%)	Declined (%)
School Conduct/Policy Violation	2147	1087	316	14	1	1	0	0
Fighting	331	260	*	*	0	0	*	*
Alcohol Sale/Use	30	35	*	*	0	0	*	*
Assault/Battery	136	80	*	*	0	0	*	*
Bullying	112	82	*	*	0	0	*	*
Burglary	23	*	*	0	0	*	*	0
Danger to Self/Other	22	*	*	0	0	*	*	0
Disorderly Conduct	81	*	*	0	0	*	*	0

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Incident Type	FRL Eligible (Count)	Non-Eligible (Count)	Reduced (Count)	Declined (Count)	FRL Eligible (%)	Non-Eligible (%)	Reduced (%)	Declined (%)
Domestic Assault	229	125	*	*	0	0	*	*
Drugs	152	154	34	11	0	0	0	0
Harassment	193	118	*	*	0	0	*	*
Hazing	0	0	0	0	0	0	0	0
Lewd/Lascivious Conduct	*	*	*	0	*	*	*	0
Property Damage	*	21	*	0	*	0	*	0
School Threat	*	*	*	0	*	*	*	0
Threat/ Intimidation	272	114	*	21	0	0	*	0
Tobacco	131	109	17	21	0	0	0	0
Unlawful Restraint	0	0	0	0	0	0	0	0
Vandalism	20	*	*	*	0	*	*	*
Weapons Possession	69	*	*	0	0	*	*	0
Arson	*	*	*	*	*	*	*	*
Robbery	*	*	0	0	*	*	0	0
Sexual Assault/Battery	*	*	0	0	*	*	0	0
Stalking	*	*	*	*	*	*	*	*
Trespassing	*	*	*	*	*	*	*	*

2018 Incidents – Student Support Services Breakdown

Incident Type	504 Plan (Count)	EST (Count)	IEP (count)	Not Student Support Services (count)	504 Plan (%)	EST (%)	IEP (%)	Not Student Support Services (%)
Alcohol Sale/Use	*	*	20	46	*	*	0%	0%
Arson	0	0	0	*	0%	0%	0%	*
Assault/Battery	15	12	109	113	0%	0%	0%	0%
Bullying	18	25	57	129	0%	0%	0%	0%
Burglary	*	*	18	21	*	*	0%	0%
Danger to Self/Other	*	11	13	13	*	0%	0%	0%
Disorderly Conduct	18	22	51	46	0%	0%	0%	0%
Domestic Assault	24	50	165	174	0%	0%	0%	0%
Drugs	32	44	82	192	0%	0%	0%	0%
Fighting	73	74	207	309	0%	0%	0%	0%
Harassment	29	34	103	186	0%	0%	0%	0%
Hazing	0	0	0	0	0%	0%	0%	0%
Homicide	0	0	0	0	0%	0%	0%	0%
Kidnapping	0	0	0	0	0%	0%	0%	0%
Lewd/Lascivious conduct	0	0	*	*	0%	0%	*	*
Property Damage	*	*	13	23	*	*	0%	0%
Robbery	0	0	0	*	0%	0%	0%	*
School Conduct/Policy Violation	385	387	1259	1527	0%	0%	0%	1%
School Threat	*	0	*	*	*	0%	*	*
Sexual Assault/Batt	0	0	*	*	0%	0%	*	*
Stalking	0	0	*	0	0%	0%	*	0%

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Incident Type	504 Plan (Count)	EST (Count)	IEP (count)	Not Student Support Services (count)	504 Plan (%)	EST (%)	IEP (%)	Not Student Support Services (%)
Threat/Intimidation	57	55	167	172	0%	0%	0%	0%
Tobacco	24	29	71	153	0%	0%	0%	0%
Trespassing	0	0	*	0	0%	0%	*	0%
Unlawful Restraint	0	0	0	0	0%	0%	0%	0%
Vandalism	*	*	16	14	*	*	0%	0%
Weapons Possession	*	*	47	45	*	*	0%	0%

2019 Data Regarding Incidents of Exclusionary Discipline

Total Number of Incidents of Suspension = 7594 (Expulsion not included in this number)

2019 Incidents – All Students

Incident Type	Incident Count	% Student Population
School Conduct/Policy Violation	4000	1
Fighting	705	0
Alcohol Sale/Use	83	0
Assault/Battery	262	0
Bullying	193	0
Burglary	55	0
Danger to Self/Other	136	0
Disorderly Conduct	556	0
Domestic Assault	35	0
Drugs	417	0
Harassment	278	0
Hazing	*	*
Lewd/Lascivious Conduct	11	0
Property Damage	50	0
School Threat	*	*
Threat/ Intimidation	363	0
Tobacco	511	0
Unlawful Restraint	0	0
Vandalism	41	0
Weapons Possession	87	0
Arson	*	*
Robbery	*	*
Sexual Assault/Battery	*	*
Stalking	*	*
Trespassing	*	*

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Incident Type	Incident Count	% Student Population
Homicide	0	0
Kidnapping	0	0

2019 Incidents – English Language Learner Breakdown

Incident Type	ELL (Count)	Not ELL (count)	Not ELL (% Student Pop.)	Not ELL (% Student Pop.)
School Conduct/Policy Violation	35	3965	0	1
Fighting	26	679	0	0
Alcohol Sale/Use	0	81	0	0
Assault/Battery	*	134	*	0
Bullying	*	183	*	0
Burglary	0	55		
Danger to Self/Other	*	134	*	0
Disorderly Conduct	*	546	*	0
Domestic Assault	0	35	0	0
Drugs	*	409	*	0
Harassment	*	272	*	0
Hazing	0	*	0	*
Lewd/Lascivious Conduct	0	11	0	0
Property Damage	*	49	*	0
School Threat	0	*	0	*
Threat/ Intimidation	*	353	*	0
Tobacco	*	509	*	0
Unlawful Restraint	0	0	0	0
Vandalism	*	40	*	0
Weapons Possession	0	87	0	0
Arson	0	*	0	*
Robbery	0	*	0	*

Incident Type	ELL (Count)	Not ELL (count)	Not ELL (% Student Pop.)	Not ELL (% Student Pop.)
Sexual Assault/Battery	0	*	0	*
Stalking	0	*	0	*
Trespassing	0	0	0	0
Homicide	0	0	0	0
Kidnapping	0	0	0	0

2019 Incidents – Gender Breakdown

Incident Type	Male (Count)	Female (Count)	Male (% student pop.)	Female (% student pop.)
School Conduct/Policy Violation	2886	1114	1	1
Fighting	556	149	0	0
Alcohol Sale/Use	44	39	0	0
Assault/Battery	193	69	0	0
Bullying	130	63	0	0
Burglary	40	15	0	0
Danger to Self/Other	114	22	0	0
Disorderly Conduct	429	127	0	0
Domestic Assault	28	*	0	*
Drugs	250	167	0	0
Harassment	243	35	0	0
Hazing	*	*	*	*
Lewd/Lascivious Conduct	0*	*	*	*
Property Damage	43	*	0	0
School Threat	*	*	*	*
Threat/ Intimidation	264	99	0	0
Tobacco	335	176	0	0
Unlawful Restraint	0	0	0	0
Vandalism	30	11	0	0

Incident Type	Male (Count)	Female (Count)	Male (% student pop.)	Female (% student pop.)
Weapons Possession	71	16	0	0
Arson	*	*	0	*
Robbery	*	*	*	*
Sexual Assault/Battery	*	0	*	0
Stalking	*	0	*	0
Trespassing	*	0	*	0
Homicide	0	0	0	0
Kidnapping	0	0	0	0

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2019 Incidents – Race Breakdown (Part 1 – Incident Count)

Incident Type	AI/NA	Asian	Black	Hispanic	Multi-racial	NH/PI	White
School Conduct/Policy Violation	84	26	330	110	0	*	3700
Fighting	30	16	74	4	0	0	637
Alcohol Sale/Use	*	0	*	*	*	0	80
Assault/Battery	14	*	31	*	0	0	236
Bullying	*	*	16	*	0	*	178
Burglary	*	*	*	*	0	0	53
Danger to Self/Other	*	0	*	*	0	*	131
Disorderly Conduct	19	*	33	12	0	0	529
Domestic Assault	0	0	*	0	0	0	32
Drugs	12	*	31	*	0	*	384
Harassment	11	*	16	*	0	0	256
Hazing	0	0	0	0	0	0	*
Lewd/Lascivious Conduct	0	0	0	0	0	0	11
Property Damage	*	0	*	*	0	0	49
School Threat	0	0	0	0	0	0	*
Threat/ Intimidation	*	*	47	*	0	*	318
Tobacco	18	*	11	14	0	*	497
Unlawful Restraint	0	0	0	0	0	0	0
Vandalism	*	0	*	0	0	0	38
Weapons Possession	*	*	*	*	0	0	84
Arson	0	0	0	0	0	0	*
Robbery	0	0	0	0	0	0	*
Sexual Assault/Battery	0	0	0	0	0	0	*
Stalking	0	0	0	0	0	0	*
Trespassing	0	0	0	0	0	0	*

2019 Incidents – Race Breakdown (Part 2 – Percent Student Population)

	AI/NA	Asian	Black	Hispanic	Multi-racial	NH/PI	White
School Conduct/Policy Violation	0	0	0	0	0	*	1
Fighting	0	0	0	0	0	0	0
Alcohol Sale/Use	*	0	*	*	*	0	0
Assault/Battery	0	*	0	*	0	0	0
Bullying	*	*	0	*	0	*	0
Burglary	*	*	*	*	0	0	0
Danger to Self/Other	*	0	*	*	0	*	0
Disorderly Conduct	0	*	0	0	0	0	0
Domestic Assault	0	0	*	0	0	0	0
Drugs	0	*	0	*	0	*	0
Harassment	0	*	0	*	0	0	0
Hazing	0	0	0	0	0	0	*
Lewd/Lascivious Conduct	0	0	0	0	0	0	0
Property Damage	*	0	*	*	0	0	0
School Threat	0	0	0	0	0	0	*
Threat/ Intimidation	*	*	0	*	0	*	0
Tobacco	0	*	0	0	0	*	0
Unlawful Restraint	0	0	0	0	0	0	0
Vandalism	*	0	*	0	0	0	0
Weapons Possession	*	*	*	*	0	0	0
Arson	0	0	0	0	0	0	*
Robbery	0	0	0	0	0	0	*
Sexual Assault/Battery	0	0	0	0	0	0	*
Stalking	0	0	0	0	0	0	*
Trespassing	0	0	0	0	0	0	*

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2019 Incidence – Free and Reduced Lunch Breakdown

Incident Type	FRL Eligible (Count)	Non-Eligible (Count)	Reduced (Count)	Declined (Count)	FRL Eligible (%)	Non-Eligible (%)	Reduced (%)	Declined (%)
School Conduct/Policy Violation	2344	1386	270	*	1	0	0	*
Fighting	372	290	43	*	0	0	0	*
Alcohol Sale/Use	27	49	*	*	0	0	*	*
Assault/Battery	150	82	29	*	0	0	0	*
Bullying	67	110	16	*	0	0	0	*
Burglary	33	19	*	*	0	0	*	*
Danger to Self/Other	76	45	15	*	0	0	0	*
Disorderly Conduct	19	*	33	12	0	0	0	
Domestic Assault	0	0	*	0	0	0	*	0
Drugs	212	161	44	*	0	0	0	*
Harassment	120	129	29	*	0	0	0	*
Hazing	*	0	0	*	*	0	*	*
Lewd/Lascivious Conduct	*	*	*	*	*	*	*	*
Property Damage	21	24	*	0	0	0	*	0
School Threat	*	*	*	*	*	*	*	*
Threat/ Intimidation	209	124	31	*	0	0	0	*
Tobacco	213	249	49	*	0	0	0	*

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Incident Type	FRL Eligible (Count)	Non-Eligible (Count)	Reduced (Count)	Declined (Count)	FRL Eligible (%)	Non-Eligible (%)	Reduced (%)	Declined (%)
Unlawful Restraint	0	0	0	*	0	0	0	*
Vandalism	25	15	*	*	0	0	*	*
Weapons Possession	41	35	11	*	0	0	0	*
Arson	*	*	*	*	*	*	*	*
Robbery	*	0	*	*	*	0	*	*
Sexual Assault/Battery	0	*	0	*	0	*	0	*
Stalking	0	*	0	*	0	*	0	*
Trespassing	0	*	0	*	0	*	0	*

2019 Incidents – Student Support Services Breakdown

Incident Type	504 Plan (count)	EST (count)	IEP (count)	Not Student Support Services (count)	504 Plan (%)	EST (%)	IEP (%)	Not Student Support Services (%)
Alcohol Sale/Use	13	*	8	55	0%	*	0%	*
Arson	*	0	*	0	*	0%	*	0%
Assault/Battery	19	26	113	104	0%	0%	0%	0%
Bullying	*	27	57	100	*	0%	0%	0%
Burglary	*	*	21	24	*	*	0%	0%
Danger to Self/Other	14	*	60	54	0%	*	0%	0%
Disorderly Conduct	30	48	230	248	0%	0%	0%	0%
Domestic Assault	*	*	16	11	*	*	0%	0%

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Drugs	52	42	113	210	0%	0%	0%	0%
Fighting	79	94	237	295	0%	0%	0%	0%
Harassment	23	36	103	116	0%	0%	0%	0%
Hazing	0	0	*	0	0%	0%	*	0%
Homicide	0	0	0	0	0%	0%	0%	0%
Kidnapping	0	0	0	0	0%	0%	0%	0%
Lewd/Lascivious conduct	0	*	*	*	0%	*	*	*
Property Damage	*	15	20	14	*	0%	0%	0%
Robbery	0	0	*	*	0%	0%	*	*
School Conduct/Policy Violation	521	350	1614	1515	0%	0%	0%	1%
School Threat	*	*	*	*	*	*	*	*
Sexual Assault/Batt	0	0	0	*	0%	0%	0%	*
Stalking	0	0	*	0	0%	0%	*	0%
Threat/Intimidation	40	39	154	130	0%	0%	0%	0%
Tobacco	58	51	108	294	0%	0%	0%	0%
Trespassing	0	0	0	*	0%	0%	0%	*
Unlawful Restraint	0	0	0	0	0%	0%	0%	0%
Vandalism	*	*	17	20	*	*	0%	0%
Weapons Possession	*	13	35	31	*	0%	0%	0%

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Appendix B: Data: Duration

Data tables provided by the AOE on the duration of all instances of suspension from 2018 and 2019 are broken down by incident counts and the count as a percentage of Vermont's student population. However, please note that the exclusion duration of students who are classified as receiving support services is listed on the Dashboard as student count, instead of incident count. This should likely be changed in the future to provide consistency and to provide a more accurate picture of patterns regarding exclusionary discipline and consequences of behaviors. Please note that these counts include both in-school and out-of-school suspension. Additional information and definitions can be found on the [Vermont Education Dashboard.](#)

Please note: asterisks represent a number that is suppressed to report in order to protect student privacy under the Federal Educational Rights and Privacy Act of 1974 ([FERPA](#)). Where 0% is displayed, it indicates a decimal percentage due to small ns. The data is rounded to the nearest whole number.

Additional note: data from prequalified, private prekindergarten programs is incomplete due to inconsistent reporting to SU/SDs. Because of inconclusive data, it is impossible to make sound recommendations specific to exclusionary discipline in prekindergarten.

2018 Data Regarding Duration of Exclusionary Discipline

2018 Duration – All Students

Suspension Length	Incident Count	% Student Population
> or = to 10 days of suspension	67	0%
> or = to 5 days and less than 10 days of suspension	255	0%
Less than 5 days of suspension	6681	2%

2018 Duration – English Language Learner Breakdown

Suspension Length	Description	Incident Count	% Student Population
> or = to 10 days of suspension	ELL	***	***
> or = to 5 days and less than 10 days of suspension	ELL	***	***
Less than 5 days of suspension	ELL	***	***
> or = to 10 days of suspension	Not ELL	65	0%
> or = to 5 days and less than 10 days of suspension	Not ELL	252	0%
Less than 5 days of suspension	Not ELL	6568	2%

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2018 Incidents – Gender Breakdown

Suspension Length	Description	Incident Count	% Student Population
> or = to 10 days of suspension	Female	17	0%
> or = to 10 days of suspension	Male	50	0%
> or = to 5 days and less than 10 days of suspension	Female	65	0%
> or = to 5 days and less than 10 days of suspension	Male	190	0%
Less than 5 days of suspension	Female	1714	1%
Less than 5 days of suspension	Male	4967	2%

2018 Duration – Race Breakdown

Suspension Length	Description	Incident Count	% Student Population
> or = to 10 days of suspension	American Indian or Alaska Native	0	0%
> or = to 10 days of suspension	Asian	***	***
> or = to 10 days of suspension	Black or African American	***	***
> or = to 10 days of suspension	Hispanic	***	***
> or = to 10 days of suspension	Multi-racial	0	0%
> or = to 10 days of suspension	Native Hawaiian or Other Pacific Islander	0	0%
> or = to 10 days of suspension	White	63	0%
> or = to 5 days and less than 10 days of suspension	American Indian or Alaska Native	***	***
> or = to 5 days and less than 10 days of suspension	Asian	***	***
> or = to 5 days and less than 10 days of suspension	Black or African American	***	***
> or = to 5 days and less than 10 days of suspension	Hispanic	***	***
> or = to 5 days and less than 10 days of suspension	Multi-racial	0	0%
> or = to 5 days and less than 10 days of suspension	Native Hawaiian or Other Pacific Islander	0	0%

Suspension Length	Description	Incident Count	% Student Population
> or = to 5 days and less than 10 days of suspension	White	238	0%
Less than 5 days of suspension	American Indian or Alaska Native	***	***
Less than 5 days of suspension	Asian	***	***
Less than 5 days of suspension	Black or African American	485	0%
Less than 5 days of suspension	Hispanic	***	***
Less than 5 days of suspension	Multi-racial	0	0%
Less than 5 days of suspension	Native Hawaiian or Other Pacific Islander	17	0%
Less than 5 days of suspension	White	6287	2%

2018 Duration – Free and Reduced Lunch Breakdown

Suspension Length	Description	Incident Count	% Student Population
> or = to 10 days of suspension	Declined (student is targeted for Direct Certification and declined free lunch)	0	0%
> or = to 10 days of suspension	Free breakfast or lunch	33	0%
> or = to 10 days of suspension	Not eligible	28	0%
> or = to 10 days of suspension	Reduced-price breakfast or lunch	***	***
> or = to 5 days and less than 10 days of suspension	Declined (student is targeted for Direct Certification and declined free lunch)	15	0%
> or = to 5 days and less than 10 days of suspension	Free breakfast or lunch	144	0%
> or = to 5 days and less than 10 days of suspension	Not eligible	77	0%
> or = to 5 days and less than 10 days of suspension	Reduced-price breakfast or lunch	***	***
Less than 5 days of suspension	Declined (student is targeted for Direct Certification and declined free lunch)	63	0%
Less than 5 days of suspension	Free breakfast or lunch	3779	1%
Less than 5 days of suspension	Not eligible	2220	1%
Less than 5 days of suspension	Reduced-price breakfast or lunch	623	0%

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2018 Duration – Student Support Services Breakdown

Suspension Length	Description	Student Count	% Student Population
> or = to 10 days of suspension	504 Plan	***	***
> or = to 10 days of suspension	Educational Support Team	***	***
> or = to 10 days of suspension	Individualized Education Plan	16	0%
> or = to 10 days of suspension	Not Student Support Services	36	0%
> or = to 5 days and less than 10 days of suspension	504 Plan	***	***
> or = to 5 days and less than 10 days of suspension	Educational Support Team	***	***
> or = to 5 days and less than 10 days of suspension	Individualized Education Plan	71	0%
> or = to 5 days and less than 10 days of suspension	Not Student Support Services	135	0%
Less than 5 days of suspension	504 Plan	674	0%
Less than 5 days of suspension	Educational Support Team	730	0%
Less than 5 days of suspension	Individualized Education Plan	2311	1%
Less than 5 days of suspension	Not Student Support Services	2966	1%

2019 Data Regarding Duration of Exclusionary Discipline

2019 Duration – All Students

Suspension Length	Incident Count	% Student Population
> or = to 10 days of suspension	86	0%
> or = to 5 days and less than 10 days of suspension	306	0%
Less than 5 days of suspension	7202	2%

2019 Duration – English Language Learner Breakdown

Suspension Length	Description	Incident Count	% Student Population
> or = to 10 days of suspension	ELL	***	***
> or = to 5 days and less than 10 days of suspension	ELL	***	***
Less than 5 days of suspension	ELL	***	***
> or = to 10 days of suspension	Not ELL	84	0%
> or = to 5 days and less than 10 days of suspension	Not ELL	303	0%
Less than 5 days of suspension	Not ELL	7084	2%

2019 Duration – Gender Breakdown

Suspension Length	Description	Incident Count	% Student Population
> or = to 10 days of suspension	Female	24	0%
> or = to 10 days of suspension	Male	62	0%
> or = to 5 days and less than 10 days of suspension	Female	97	0%
> or = to 5 days and less than 10 days of suspension	Male	209	0%
Less than 5 days of suspension	Female	1918	1%
Less than 5 days of suspension	Male	5284	2%

2019 Duration – Race Breakdown

Suspension Length	Description	Incident Count	% Student Population
> or = to 10 days of suspension	American Indian or Alaska Native	***	***
> or = to 10 days of suspension	Asian	***	***
> or = to 10 days of suspension	Black or African American	***	***
> or = to 10 days of suspension	Hispanic	***	***
> or = to 10 days of suspension	Multi-racial	0	0%
> or = to 10 days of suspension	Native Hawaiian or Other Pacific Islander	***	***
> or = to 10 days of suspension	White	78	0%

Suspension Length	Description	Incident Count	% Student Population
> or = to 5 days and less than 10 days of suspension	American Indian or Alaska Native	***	***
> or = to 5 days and less than 10 days of suspension	Asian	***	***
> or = to 5 days and less than 10 days of suspension	Black or African American	***	***
> or = to 5 days and less than 10 days of suspension	Hispanic	***	***
> or = to 5 days and less than 10 days of suspension	Multi-racial	0	0%
> or = to 5 days and less than 10 days of suspension	Native Hawaiian or Other Pacific Islander	0	0%
> or = to 5 days and less than 10 days of suspension	White	279	0%
Less than 5 days of suspension	American Indian or Alaska Native	***	***
Less than 5 days of suspension	Asian	***	***
Less than 5 days of suspension	Black or African American	568	0%
Less than 5 days of suspension	Hispanic	***	***
Less than 5 days of suspension	Multi-racial	0	0%
Less than 5 days of suspension	Native Hawaiian or Other Pacific Islander	***	***
Less than 5 days of suspension	White	6676	2%

2019 Duration – Free and Reduced Lunch Breakdown

Suspension Length	Description	Incident Count	% Student Population
> or = to 10 days of suspension	Declined (student is targeted for Direct Certification and declined free lunch)	***	***
> or = to 10 days of suspension	Free breakfast or lunch	45	0%
> or = to 10 days of suspension	Not eligible	29	0%
> or = to 10 days of suspension	Reduced-price breakfast or lunch	12	0%
> or = to 5 days and less than 10 days of suspension	Declined (student is targeted for Direct Certification and declined free lunch)	***	***
> or = to 5 days and less than 10 days of suspension	Free breakfast or lunch	165	0%

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Suspension Length	Description	Student Count	% Student Population
> or = to 5 days and less than 10 days of suspension	Not eligible	118	0%
> or = to 5 days and less than 10 days of suspension	Reduced-price breakfast or lunch	23	0%
Less than 5 days of suspension	Declined (student is targeted for Direct Certification and declined free lunch)	***	***
Less than 5 days of suspension	Free breakfast or lunch	3956	1%
Less than 5 days of suspension	Not eligible	2679	1%
Less than 5 days of suspension	Reduced-price breakfast or lunch	567	0%

2019 Duration – Student Support Services Breakdown

Suspension Length	Description	Student Count	% Student Population
> or = to 10 days of suspension	504 Plan	15	0%
> or = to 10 days of suspension	Educational Support Team	12	0%
> or = to 10 days of suspension	Individualized Education Plan	27	0%
> or = to 10 days of suspension	Not Student Support Services	32	0%
> or = to 5 days and less than 10 days of suspension	504 Plan	42	0%
> or = to 5 days and less than 10 days of suspension	Educational Support Team	35	0%
> or = to 5 days and less than 10 days of suspension	Individualized Education Plan	99	0%
> or = to 5 days and less than 10 days of suspension	Not Student Support Services	130	0%
Less than 5 days of suspension	504 Plan	805	0%
Less than 5 days of suspension	Educational Support Team	697	0%
Less than 5 days of suspension	Individualized Education Plan	2746	1%
Less than 5 days of suspension	Not Student Support Services	2954	1%

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Appendix C

Traditional vs. Restorative Mindset Shift → Continuum

Traditional or Non-Restorative Mindset	Restorative Mindset
Worldview: **Social Control & Deficit-Based** **(Influences our personal, classroom, and school-wide practices)**	**Worldview:** **Social Engagement & Strength-Based** **(Influences our personal, classroom, and school-wide practices)**
Looks at negative behavior as defining the person	Looks at the whole person in the context of the situation
Demonstrates a judgmental approach	Demonstrates empathy
Focuses on removing the problem/exclusion	Repairs harm and builds relationships
Expects immediate results	Values that the process takes time
Practices autocratic decision making	Practices a collaborative approach
The teacher's job is to teach subject matter. The student's job is to learn it.	The teacher's job is to develop the kinds of relationships with students that will increase the odds that they will want to engage in learning.
Classroom disruptions and other misbehavior are plots by students to make adults' lives miserable.	Classroom disruptions and other misbehavior are attempts by students to get their needs met.
Rewards and punishments increase the odds of responsible behavior. Students should be encouraged to ask, "What do adults want me to do? What will happen to me if I don't do it? What will I get if I do?"	Building safe, caring school communities with high expectations increases the odds of responsible behavior. Students should be encouraged to ask, "What kind of

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	person do I want to be? What kind of classroom/school do we want to have?"
School staff members have a right to demand and expect obedience.	School staff members have a responsibility to guide students to own and solve the problems they create.

Discipline: Guiding Questions	
Question 1 What rules or laws were broken?	**Question 1** What was the harm? Who was harmed?
Question 2 Who broke them and who is to blame?	**Question 2** What are the needs of everyone involved?
Question 3 What is the punishment or what do they deserve?	**Question 3** What are the obligations to address the needs and repair the harm/relationships? Who are the stakeholders that need to come together for this dialogue?

Discipline: Overarching Principles	
Unbiased/Unemotional/Unattached/Adversarial (3rd party)	**Engagement:** Involves those who were impacted to identify the needs and collaborate on the outcome(s) (1st party)
Accountability: Consequences are imposed, which results in <u>passive</u> accountability	**Responsibility:** Encourages appropriate responsibility to address needs and repair the harm by <u>actively</u> engaging the person(s) who caused the harm
Compliance: Hierarchical control brings order to the community	**Restoration:** Acknowledge and repair the harm caused by, and revealed by, wrongdoing

Discipline: Comparison of Approaches

School rules are violated or broken	People and relationships are violated
Justice focuses on establishing guilt, compliance, blame, and shame	Justice identifies needs and obligations in an empathetic manner
Accountability is defined as punishment	Accountability is defined as understanding the effects of the offense and repairing any harm
Focuses on consequences as punishment	Focuses on the consequences as learning and problem solving
Justice is directed at the responsible party, while the affected party is often ignored	The responsible party, affected party and school all have direct roles in the justice process
Rules and intent outweigh the outcome	Responsible parties are held responsible for their behavior, repairing any harm they've caused and working toward a positive outcome
No opportunity is offered for the responsible party to express remorse or make amends	Opportunities are offered for responsible parties to express remorse, make amends, and learn and grow from the experience
Exclusionary and restrictive interventions often used to stop the behaviors	Interventions seek to understand the root causes of the behavior and offer support for positive change
Interventions often decided by authority figures	Interventions emphasize collaboration amongst all of those involved

Consistency in school-wide discipline is achieved when all staff members agree and act on a prescribed set of rules and consequences.	Consistency in school-wide discipline is achieved when all staff members agree that each misbehaving student will be dealt with in a manner that is in keeping with a set of agreed upon principles and that takes into account the unique aspects of the situation.

Adapted from Smith, Fisher & Frey, 2015; Zehr, Amstutz, MacRae & Pranis, 2015; Thorsborne & Blood 2015; Jon Kidde; Annie O'Shaughnessy; Chicago Public Schools; Peel School District in Ontario; and the San Francisco Unified School District).

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