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S.67

Introduced by Senators Sears, Campion, and McCormack

Referred to Committee on

Date:

Subject: Education; discipline

Statement of purpose of bill as introduced: This bill proposes to create a School Discipline Advisory Council to oversee reform of school discipline strategies in Vermont.

An act relating to school discipline reform

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. FINDINGS

The General Assembly finds that:

(1) Nationally, millions of students are removed from the classroom each year for disciplinary reasons.

(2) U.S. Department of Education data reveals that in the 2011–2012 school year, of the 49 million students nationally enrolled in schools:

(A) 3.5 million received in-school suspensions;

(B) 1.9 million received one out-of-school suspension;

(C) 1.55 million received multiple out-of-school suspensions; and

(D) 130,000 were expelled.

1           (3) Exclusionary discipline is used mostly in middle and high schools,  
2           and mostly for minor misconduct, according to the Council on State  
3           Governments' Justice Center.

4           (4) Students who are suspended are at significantly higher risk of  
5           academic failure, of dropping out of school, and of entering the juvenile justice  
6           system, according to the Council on State Governments' Justice Center.

7           (5) Nationally, students of certain racial and ethnic groups and students  
8           with disabilities are disciplined at far higher rates than their peers, beginning in  
9           preschool, as evidenced by 2011–2012 data from the U.S. Department of  
10          Education's Office for Civil Rights:

11           (A) Black students (representing 16 percent of the U.S. student  
12           population) are suspended and expelled at a rate three times greater than white  
13           students (representing 51 percent).

14           (B) Students with disabilities who have individualized education  
15           plans (IEPs) are more than twice as likely to be suspended than students  
16           without disabilities.

17           (6) According to Vermont's public school discipline data submitted to  
18           the U.S. Department of Education's Civil Rights Data Collection for the  
19           2011–2012 school year:

20           (A) Vermont suspends students at a rate similar to other states.

1           (B) 3,982 Vermont public school students were suspended out of  
2           school or expelled, and 3,861 students were suspended in school.

3           (C) Vermont public school students likely lost more than 8,000 days  
4           of class time due to suspension in the 2011–2012 school year because it is  
5           likely that many students were suspended for more than one day.

6           (D) Of the Vermont public school students suspended in the  
7           2011–2012 school year:

8           (i) Black/African American and Native American students were  
9           two to three times more likely than white students to be suspended.

10          (ii) Students with disabilities on IEPs were nearly three times  
11          more likely than students without IEPs to be suspended.

12          (E) Use of school discipline strategies, such as exclusionary  
13          discipline, restraint, seclusion, referral to law enforcement, and school-related  
14          arrest, varies widely throughout the State.

15          (7) Valuable data on school discipline in Vermont is largely unavailable  
16          and incomplete.

17          (A) Vermont does not publicly report any discipline data on the  
18          Agency of Education website, even if this data has been collected by schools  
19          and districts and reported to the Agency of Education.

1           (B) Some relevant data is not readily available from the Vermont  
2           Agency of Education, such as the total number of school days missed by  
3           students due to suspension or expulsion.

4           (C) Other relevant data is not maintained by the Vermont Agency of  
5           Education, such as data indicating whether students received educational  
6           services during suspensions, beyond federal requirements for certain students  
7           with disabilities.

8           (D) The public school discipline data that Vermont submitted to the  
9           U.S. Department of Education's Civil Rights Data Collection for the  
10          2011–2012 school year, while available, is incomplete and may be inaccurate:

11           (i) There was no data on some schools, districts, and supervisory  
12          unions, possibly because it was not submitted.

13           (ii) Thirty-eight Vermont schools, districts, and supervisory  
14          unions reported zero incidents of suspension, expulsion, referral to law  
15          enforcement, school-related arrest, restraint, or seclusion. In one county, all  
16          schools reported zero disciplinary incidents.

17           (8) More data on school discipline practices in Vermont is necessary to  
18          understand what strategies are effective and to encourage the adoption of these  
19          strategies at the local level.

1 Sec. 2. 16 V.S.A. § 1164 is added to read:

2 § 1164. SCHOOL DISCIPLINE ADVISORY COUNCIL; REPORT

3 (a) Creation. There is created a School Discipline Advisory Council. The  
4 Council, in consultation with the Commissioners of Corrections and of Public  
5 Safety, shall collect and analyze data regarding school discipline in Vermont  
6 public and approved independent schools in order to inform strategic planning,  
7 guide statewide and local decision making and resource allocation, and  
8 measure the effectiveness of statewide and local policies and practices.

9 (b) Membership. The Council shall be composed of the following  
10 15 members:

11 (1) the Secretary of Education or designee;

12 (2) the Commissioner for Children and Families or designee;

13 (3) the Defender General or designee;

14 (4) the Executive Director of the State's Attorneys and Sheriffs'  
15 Association or designee;

16 (7) a superintendent selected by the Vermont Superintendents  
17 Association;

18 (8) two principals, one employed in a public or approved independent  
19 elementary school and one employed in a public or approved independent  
20 secondary school, selected by the Vermont Principals' Association;

1           (9) two teachers, one employed in a public or approved independent  
2           elementary school and one employed in a public or approved independent  
3           secondary school, selected by the Vermont–National Education Association;

4           (10) two special education teachers, one employed in a public or  
5           approved independent elementary school and one employed in a public or  
6           approved independent secondary school, selected by the Vermont Council of  
7           Special Education Administrators;

8           (11) the Executive Director of the Vermont Human Rights Commission  
9           or designee;

10           (12) the Executive Director of Vermont Legal Aid or designee; and

11           (13) two parents of Vermont students who have received an  
12           out-of-school suspension in a Vermont public or approved independent school,  
13           selected by the Secretary of Education.

14           (c) Powers and duties. The Council shall:

15           (1) analyze current data collection definitions and practices used in  
16           Vermont for misconduct and for disciplinary actions that result in a student’s  
17           exclusion from the classroom and develop standard definitions and practices,  
18           as necessary, for the collection of all appropriate data related to school  
19           discipline;

20           (2) analyze annually, on a school-district basis, the available data  
21           regarding suspensions and expulsions from Vermont public and approved

1 independent schools and identify, collect, and analyze additional data  
2 necessary to inform the work of the Council, including:

3 (A) the total number of instances of expulsions and suspensions in  
4 each grade operated by the district;

5 (B) the total number of students in each grade operated by the district  
6 who were expelled or suspended and the number of instances of expulsion  
7 or suspension or both for each student;

8 (C) the duration of each instance of expulsion and suspension;

9 (D) the infraction for which each expulsion and suspension was  
10 imposed; and

11 (E) each instance of referral to local law enforcement authorities or  
12 the juvenile justice system;

13 (3) identify strategies, including any necessary legislative changes, to  
14 assist schools to develop in-school solutions to school disciplinary issues, to  
15 ensure that students' access to education is not impaired as a result of  
16 disciplinary actions, and to limit the criminal justice system's involvement in  
17 school disciplinary matters; and

18 (4) share insights and best practices with Vermont educators, school  
19 administrators, policymakers, agencies, and education and advocacy  
20 organizations.

1        (d) Report. On or before January 15, and notwithstanding 2 V.S.A. § 20(d)  
2        (expiration of required reports), the Council shall submit an annual written  
3        report to the House and Senate Committees on Education and on Judiciary, the  
4        House Committee on Human Services, and the Senate Committee on Health  
5        and Welfare with its findings and any recommendations for legislative action.

6        (e) Meetings.

7            (1) The Secretary of Education shall call the first meeting of the Council  
8        to occur on or before September 1, 2015.

9            (2) The Council shall select a chair from among its members at the  
10        first meeting.

11           (3) A majority of the membership shall constitute a quorum.

12           (4) The Council shall meet at least quarterly.

13        (f) Assistance. The Council shall have the administrative, technical, and  
14        legal assistance of the Agency of Education.

15        Sec. 3. DATA COLLECTION; SECRETARY OF EDUCATION

16        (a) On or before the first meeting of the Council established in Sec. 2 of  
17        this act, the Secretary of Education shall collect and distribute to the members  
18        of the Council all readily available data on suspensions and expulsions from  
19        each Vermont public school in academic years 2010–2011 through 2013–2014,  
20        including the data specified in subdivision (c)(2) of Sec. 2.



1       (b) On or before July 1, 2016, the Secretary of Education and the State  
2       Board of Education shall incorporate the Council's standard definitions and  
3       practices developed in subdivision (c)(1) of Sec. 2 into their data collection  
4       rules and procedures and, to the extent permitted by 20 U.S.C. § 1232g (family  
5       educational and privacy rights) and any regulations adopted thereunder, shall  
6       require the collection of data as recommended by the Council beginning with  
7       the 2016–2017 school year.

8       Sec. 4. EFFECTIVE DATE

9       This act shall take effect on passage.