

# **Initial Report of the Task Force on Equitable and Inclusive School Environments**

**Act 35 of 2021, Section 2**

**REPORT**

**February 3, 2022**

**Report to the House and Senate  
Committees on Education**

**Submitted by the  
Task Force on Equitable and Inclusive School  
Environments,  
Catherine Gallagher, Chair**



## Legislation

This report is submitted pursuant to [Act 35 of 2021, Sec. 2](#). 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 initial report is due on or before January 15, 2022, the final report 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 in order 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 Findings Section of Act 35 comprehensively details the rationale behind 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 are effective in improving student behavior. Instead such actions result in decreased academic achievement, more arrests, and incarceration – thus, creating the school-to-prison pipeline ([American Psychological Association, 2008](#)).

The TF met on August 30, 2021, September 24, October 14, November 19 and December 8, 2021. The full TF will meet one more time prior to March 15, 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 how to navigate 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 [Exclusionary Discipline Dashboard](#); [VT Education Dashboard](#); [Annual Snapshot](#); [Data collection home](#); [Year End Official collection home](#).

During the second meeting, when reviewing the myriad of tasks that the TF is expected to complete, subcommittees were formed to accomplish each goal. All subcommittees met several times. Initial findings of these subgroups are detailed in the sections below. The 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

Heather Bouchey, Deputy Secretary, Agency of Education

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

Sandra Cameron, Vermont School Boards Association

Marianna Donnally, Department of Mental Health

Catherine Gallagher, Vermont Superintendents Association  
Lindsey Halman, Vermont Restorative Approaches Collaborative  
Christine Kilpatrick, Vermont Family Network (*replaced by Karen Price*)  
Ana Lindert-Boyes, Twinfield Union High School, appointed by UP for Learning  
Marilyn Mahusky, Legal Aid Disability Law Project (*replaced by Charles Becker*)  
Darren McIntyre, Vermont Council of Special Education Administrators  
Wanda Otero, Vermont-National Education Association (*on leave, replaced by Meaghan Morgan-Puglisi*)  
Steve Perrin, Vermont Principals' Association  
Justin Picard, Vermont School Counselor Association  
Chris Sheehan, teacher, appointed by the Vermont-National Education Association  
Amy Wheeler-Sutton, Building Effective Strategies for Teaching Students Project at the University of Vermont

## **Review of Suspension and Expulsion Data and Data Collection Processes**

A public data dashboard on exclusionary discipline was finalized by AOE in November 2021. The data can be viewed by school and district, as well as statewide. Specific school and district profiles can be viewed at the [Exclusionary Discipline Dashboard](#).

The TF discussed the following topics. Any recommendations related to the following will be made in the final report:

- Potential disproportionality related to responses to behavior; potential implications of implicit bias.
- Challenges related to small numbers and suppressed data.
- Issue of underreporting (i.e. when students are sent home without a formal suspension and told they can return under certain conditions).
- Need for clear definitions of terms (suspension, expulsion, school misconduct, etc.).

The TF reviewed 2018 and 2019 Vermont statewide data and will have a full analysis in the final report, due in March. 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 below, 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 and by those who qualify for free and reduced lunch. It should be noted that the data on Vermont's youngest students who attend private prekindergarten programs was unavailable.

## Data

2018 and 2019 data tables below are broken down by incident counts, and the count as a percentage of Vermont's student population. 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).

### 2018 Data

#### 2018 Incidents – All Students

	Incident Count	% Student Population
School Conduct/Policy Violation	3560	2
Fighting	665	01
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
School Threat	19	0
Threat/ Intimidation	451	0
Tobacco	278	0
Unlawful Restraint	0	0
Vandalism	37	0

	Incident Count	% Student Population
Weapons Possession	111	0
Arson	*	*
Robbery	*	*
Sexual Assault/Battery	*	*
Stalking	*	*
Trespassing	*	*

### 2018 Incidents – English Language Learner Breakdown

	ELL (Count)	Not ELL (count)	Not ELL (% Student Pop.)	Not ELL (% Student Pop.)
School Conduct/Policy Violation	21	3539	0	2
Fighting	39	626	0	1
Alcohol Sale/Use	79	0	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
School Threat	*	*	*	*
Threat/ Intimidation	18	433	0	0
Tobacco	*	*	*	*
Unlawful Restraint	0	0	0	0
Vandalism	*	*	*	*

	ELL (Count)	Not ELL (count)	Not ELL (% Student Pop.)	Not ELL (% Student Pop.)
Weapons Possession	*	*	*	*
Arson	*	*	*	*
Robbery	*	*	*	*
Sexual Assault/Battery	*	*	*	*
Stalking	*	*	*	*
Trespassing	*	*	*	*

### 2018 Incidents – Gender Breakdown

	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	*
School Threat	18	*	0	*
Threat/ Intimidation	353	98	0	0
Tobacco	213	65	0	0
Unlawful Restraint	0	0	0	0
Vandalism	31	*	0	*

	Male (Count)	Female (Count)	Male (% student pop.)	Female (% student pop.)
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)

	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	*
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

	AI/NA	Asian	Black	Hispanic	Multi-racial	NH/PI	White
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)**

	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	*
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



	AI/NA	Asian	Black	Hispanic	Multi-racial	NH/PI	White
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

	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
Domestic Assault	229	125	*	*	0	0	*	*
Drugs	152	154	34	11	0	0	0	0
Harassment	193	118	*	*	0	0	*	*

	FRL Eligible (Count)	Non-Eligible (Count)	Reduced (Count)	Declined (Count)	FRL Eligible (%)	Non-Eligible (%)	Reduced (%)	Declined (%)
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	*	*	*	*	*	*	*	*

**2019 Data**

**2019 Incidents – All Students**

<b>Incident Type</b>	<b>Incident Count</b>	<b>% Student Population</b>
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	*	*
Homicide	0	0

Incident Type	Incident Count	% Student Population
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	*
Sexual Assault/Battery	0	*	0	*

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

### 2019 Incidents – Gender Breakdown

	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
Weapons Possession	71	16	0	0

	<b>Male (Count)</b>	<b>Female (Count)</b>	<b>Male (% student pop.)</b>	<b>Female (% student pop.)</b>
Arson	*	*	0	*
Robbery	*	*	*	*
Sexual Assault/Battery	*	0	*	0
Stalking	*	0	*	0
Trespassing	*	0	*	0
Homicide	0	0	0	0
Kidnapping	0	0	0	0

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

	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	*



## 2019 Incidence – Free and Reduced Lunch Breakdown

	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	*

	<b>FRL Eligible (Count)</b>	<b>Non-Eligible (Count)</b>	<b>Reduced (Count)</b>	<b>Declined (Count)</b>	<b>FRL Eligible (%)</b>	<b>Non-Eligible (%)</b>	<b>Reduced (%)</b>	<b>Declined (%)</b>
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	*

The TF met several times to review the AOE Dashboard and data therein, and determined that it is more meaningful to understand how behaviors are classified that have resulted in exclusionary discipline 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 even more into grade level analyses would be even less statistically significant. The TF is also mindful of the n size and understands that data from smaller schools may not be reported at all because of fewer numbers of students, and the need to make any data personally unidentifiable under FERPA.

That having been stated, the TF has determined that the critical question is to first understand what kinds of behaviors are subject to exclusionary discipline and to carefully distinguish between acts of noncompliance and more serious offenses such as assault, possession of weapons, etc. The final report of the TF will address this question in its entirety.

## **Recommendations for Behavioral Data Collection in Schools**

Data collection and analysis enhances our understanding of the students most impacted by exclusionary discipline and helps policymakers target interventions to improve educational outcomes. It is very important that the school staff who collect, process, and/or communicate data understand the importance of data quality, the context of their role, and the rules that govern data collection, processing, communication and public disclosure. As mentioned above, consistent definitions and training are critical to consistent reporting and reliable data analysis.

The TF discussed the importance of educator training on data literacy, disaggregating data, etc. alongside training on equity literacy, to ensure the data are viewed in context to avoid reifying individual stereotypes. Any recommendations related to this will be made in the final report.

## **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, which has detrimental effects on student outcomes. The majority of exclusionary disciplinary incidents in Vermont are in response to school policy violations (see Table 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 by:

- 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 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. (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 helpful [policy analysis](#).

## 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. This discussion is ongoing and recommendations will be made in the final report.

It is important to note that “all other alternatives and supports” that a school or district may offer varies widely across the state. There is concern that inequities in school or district “alternatives and supports” could result in a suspension or expulsion in one school or district, and a more supportive and/or restorative response in another for similar student behaviors.

Some of these most 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](#));
- Alcohol and drug abuse ([16 V.S.A. § 1165](#)).

The TF discussed the following topics. Any recommendations related to the following will be made in the final report:

- Implications of FERPA and the Individuals with Disabilities Education Act (IDEA);
- Subjectivity and the role of bias;
- Survey results of principals (2021) and superintendents (2019) about their use of exclusionary discipline;
- To what extent intention, context, and/or credibility should be taken into account when determining a response;
- Unique challenging situations (for instance, when a student is accused of sexual assault and the survivor attends the same school);
- The level of latitude/discretion administrators should be given (or not);
- Variability of board policies across the state;

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

The TF found that various professional development programs, proactive and responsive behavioral supports, and in-school services that are intended to support students are available to varying degrees in various SUs, approved independent schools, and regions of the state. Brief descriptions and reach of various programs will be provided in the final report. It is important to note that **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.**



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 ([Agency of Education webpage](#)).”

Many of the programs, initiatives, practices, and frameworks that will be detailed in the final report are most effective when implemented schoolwide (or better yet, systemwide) 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 happens at the state and district level so initiative fatigue is minimized and schools and building-level educators are able to implement in a way that 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 all share similar goals, and when implemented together, can create a student-centered environment to properly support the needs of the entire school community.

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

Act 35 specifically names students under eight years old as having additional protections from suspension/expulsion. In the final report, the TF will make recommendations for additional or more uniform services and supports for young students.

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:

(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 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 prekindergarten programs and independent schools shall be required to report all suspensions and expulsions to the Agency of Education.**

## **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. Educators’ skills and awareness of students’ needs and can reduce behaviors that lead to possible exclusionary

discipline measures. In the final report, the TF will make recommendations for educator best practices to reduce exclusionary responses.

## Recommendations for Legislative Action

As detailed in [this article](#) in the VTDigger, schools and districts are facing unprecedented levels of stress this year. Jay Nichols, Vermont Principals' Association Executive Director told the Vermont House Committee on Education, "Try as best you can this year to be the 'do-nothing Congress. And if you're going to add anything, please take things off their plate at the same time." Therefore, the TF recommends that the legislature consider the current context of education and understand that schools/districts have limited capacity at this 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 sustainable, long-term implementation of alternatives to exclusionary discipline through a gradual, phased-in approach. All recommendations that will result in the need for additional resources, training, etc. need to be resourced with adequate appropriations.**

The only formal recommendation of the TF at this time can be found under Recommendations for Additional or More Uniform In-School Services for Students Under 8, related to amending the Act to include "publicly funded education program, including public schools, private prekindergarten programs, and independent elementary schools."

## Summary

A final report will be submitted on or before March 15, 2022. 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.