



Task Force on Equitable and Inclusive School Environments –
Subcommittee #1 - Best practices, defining behaviors, other states and
services for students under age 8
December 1, 2021, 11:30 a.m.-12:30 p.m.

Microsoft Teams Virtual Meeting

Call In: 1-802-828-7667

Conference ID: 697 365 270#

1 National Life Drive, David 5, Room #514

Montpelier, VT 05620-2501

DRAFT MEETING MINUTES

Present: Marianna Donnally, Department of Mental Health; Sandra Cameron, Vermont School Boards Association; Steve Perrin, Vermont Principals' Association (VPA); Meaghan Morgan-Puglisi, Vermont-National Education Association; Marilyn Mahusky, Legal Aid Disability Law Project; Karen Price, Vermont Family Network; Amy Wheeler-Sutton, Building Effective Strategies for Teaching Students Project at the University of Vermont; Chris Sheehan, teacher, appointed by the Vermont-National Education Association; and Justin Picard, Vermont School Counselor Association.

Members of the public/others: Jay Nichols, VPA

AOE: Chris Case, Kate Rogers, Suzanne Sprague

Call to Order/Roll Call/Amendments to Agenda

The meeting was called to order at 11:32 a.m.

Approval of Prior Meeting Minutes from November 17, 2021

Per Jay Nichols of VPA, draft meeting minutes need a correction re: Ana Lindert-Boyes does not represent the VPA (Suzanne to review with Maureen). Minutes approved; Sandra Cameron abstained (was absent 11/17/21).

Public Comments

Jay Nichols:

- correction of 11/17 minutes re: Ana
- strong advocate of student inclusion and safety
- wants school leaders to support all students with safety being the number one concern
- duty of care to each school district and its employees
 - every child desires free and appropriate public education; students sometimes need to be removed from the classroom in order to keep everyone safe
 - Principal has a responsibility not to compromise safety, and we cannot tie the hands of school leaders

- be mindful of conflicts in statute - guns-free act leads to automatic expulsion hearing
- dozens of examples of why school leaders need flexibility, here are a couple:
 - 6-year-old injured a teacher after injuring a peer and then flipped over a table
 - another young child used the n-word; what are the rights of the child and parent of the victim?
- same rules need to apply to any schools PreK-12 if they are receiving public money
- Jay offered to come back and talk more about this

Marilyn - still need to address the types of behavior that the schools are going to continue to use extraordinary discipline. What is imminent harm? Probably need to define this. Intent is a very difficult thing to define. Suggested a broader conversation for the next meeting.

Meaghan - agree that we need to have a broader conversation to better define exclusion as discipline and re-entry process; when students work in a different space within the school, education is still happening, it's just a different education. Same could be said for a student harassing others with the n-word; send a child home in order for the school to set up a plan and support and need to include re-entry due to potential victim re-trauma when a perpetrator returns to school. It's about putting more things in place so that exclusion is the last resort.

Marilyn - relative to weapons, kid brings a squirt gun to school, do we want the same response? Need to give some thought to this. Also wondering about the interplay with Family Education Rights and privacy Act (FERPA).

Karen - may be impossible to narrow a definition of intent. Students who bring weapons to defend themselves in hazing, harassment, and bullying (HHB) situations - how do we define "intent" in these situations? Staff shortages are resulting in suspension due to elopement and other dangerous student behavior.

Amy - restorative practices should include parents of the targeted student so they know what happens after the incident(s).

Marilyn asked Chris Case to access legal counsel. Chris will follow up.

Steve Perrin - example of a squirt gun situation where a toy rifle w/bright orange tip had been removed and resembled a real gun - school leaders need to have leeway to maintain safety. Trauma of students who witness unsafe behavior is a real concern. Do need to have a recommendation that promotes the idea that we use restorative practice and a re-entry process of both the perpetrator and the victims - not always the same conversations (would never require the victim to talk to a perpetrator).

Sandra -

- From K. Rogers: "suggest this group focus on universal PreK is paramount and needs to be addressed"

- “List of behaviors” cannot be limited or exhausted. There are an infinite number of possibilities, so the language needs to be broad and vetted by legal counsel. For example, very surprised not to see sexual harassment & assault on this list.
- Need to have AOE legal counsel review Task Force recommendations and the concurrent statutory obligations outlined in FERPA, Title IX, HHB, Individuals with Disabilities Education Act (IDEA). Also need to consider any Rules (i.e.: Drugs & Alcohol).
- Regarding the dialogue surrounding the determination of intent of the behavior and restorative practices (circle), Title IX and HHB require confidential investigations. Restorative practices will not be followed if the situation requires the school district to conduct an investigation.
- Administrators need to have flexibility to keep children safe, regardless of any specific list.

Marianna - It's concerning to not have the strategies implemented that have been available for so long. Recognizing that I am not in school, and the challenges are different today, but we are here because of the disproportionate rate of incidence for particular groups. Not convinced exclusion is the best way and we're not really good at the other ways yet.

Justin Pinard - context is crucial and how practices are being used are components of recommendations that need to be considered. Wondering about defining serious threats of harm - listing will box us in and we may miss something important - consider a broad definition of harm. Also consider mixing restorative practices in while the shift is happening. Administrators can still use traditional practices while transitioning.

Sandra - Thanked Amy for the work collecting and organizing info from other states. In any of these examples from other states, is there clear language about what should be done instead of exclusion and/or any examples of how state education agencies supported schools during a transition period and while mental health supports can be ramped up?

Amy - In looking at the percentage of schools that have reported suspension within certain school districts or schools that had more than 6% of student population w/suspension, one as high as 20%; wondering how wide-spread the issue is vs. are there specific schools that need targeted support to improve practices. All administrations are well meaning but may not have necessary skills. Ohio has benchmarks, but if benchmarks are quantified, there is fear they will not be reported. Some people in this committee have experienced the worst of the worst, but there is a real need to have a one-day planning option to address dangerous behavior with the intent to address safety vs. exclusion for the sole purpose of discipline with no restorative approach or re-entry plan. Referral form “behavior observation and data form” now includes more restorative practices prompts, including ‘was the student involved in the development of this plan?’ U-32’s student-parent handbook has some good language, but still some places reference immediate one day suspension for certain behaviors.

Meaghan - Denver uses some percentage benchmarks of implementation of restorative practices, etc. VT Dashboard, looking at one specific school district, reports that no students of color have been suspended due to rounding, but knows this is not correct. Due to our small state population, some data points do not show up.

Amy - asked for any questions about the state-level info she provided

Sandra - In any of these examples from other states:

- is there clear language to ensure that these protective provisions apply to all students who attend schools that receive public education funding (independent and private PreK)?
- Amy did not see this specifically but could provide a definition of "schools."

Marilyn - haven't had the chance to really study the information. How can each of us provide feedback while abiding by Open Meeting Law?

Amy - make a copy of the document and add your feedback. At large task force, Kheya said that she would do this; she is not actually on the task force. Bernice Garnett at UVM...is it appropriate to share the draft with her and other stakeholders for feedback?

Marilyn - let's share a pdf for everyone to look at and people can make copies & provide feedback

Chris - we are leaning heavily on restorative practices, which depends on consent of both the person accused and the victim, so if consent is not given, what happens? Is exclusionary discipline then back on the table, does there have to be something else in place? The victim could react in a variety of ways; some students cannot sit in a classroom with their perpetrator, so then what?

Marilyn - Example of a student sexually assaulted by another student - the victim/survivor has dropped out of school because the person doesn't feel safe. Speaks to the range of the harm; how do we define serious harm vs. other situations?

Chris - we cannot define the seriousness of the experience for the victim. Also, teachers being bit, kicked, and hit is an increasingly serious problem and not part of a teacher's job and it seems to be overlooked and we just move on with the conversation.

Sandra - Agrees with Chris and notes that the students who observed this are experiencing secondary trauma.

Meaghan - restorative practices asks the person who experienced the harm what they need to move forward, including the teacher. What if the teacher needs to no longer have this student in class?

Teacher needs to dig down deeper about why is it... if you can provide a learning environment for that student that is equitable and the same that should be on the table (i.e.: moving the student to a different class); sometimes this is not an option (only 1 teacher for this grade level). Have to deal with the event and something needs to happen, maybe a circle, maybe it's getting the teacher support (counseling, another person in the classroom, etc.). Current problems are staff shortages, overstretched, no time for training and decompression. Need to require the State to change expectations for staff, staff pay, things that will get more people in the classroom and more people helping. Bringing in outside training is good but may not be enough. Marianna made a good point that all the strategies have an idea of establishing a positive climate and that's the thing that is missing in most places, not necessarily anyone's fault.

Justin - To Chris' point regarding schools transitioning, in my experience and research, restorative practices are offered, but school reserves the right to give a consequence based on a behavior matrix. I don't want an offender sitting next to me. Need a plan until schools are further along in training.

Amy - one fear of trainers is that people walking away from a training are not equipped to do what we are asking of them, and harm can be done as part of restorative practice if not done correctly. That's why in the past we have not recommended "all schools must..."

Sandra - This discussion is placing the onus of intervention on schools for all the difficult situations that children experience outside of school. Students are in school 7 hours a day for 175 days a year - real change needs to include family support through AHS. Responding to Meaghan, yes schools need more resources and that requires dollars. So, the Task Force recommendations need to reflect how schools can access additional funding to cover the cost of additional resources.

Chris - Emily Simmons will be at the next meeting. Are we ready to circulate and comment on AOE draft guidance? (Later said he may have been confused about another committee).

Marilyn - are we ready for this and are we ready to review/discuss Amy's feedback? How can we focus on next week's meeting (homework)?

Marianna - come together with full task force; return to AOE after a full Task Force meeting on 12/8/21.

Amy - will share her document as a Word doc, send questions/comments to her. Specifically for students under the age of 8 - Amy got lots of info from Kate Rogers.

Marianna - should this subcommittee break even further (behaviors that would qualify, 8 and younger, and more broadly best practices) - we would all want to be on all these so decided not to break up. Jay is available to provide feedback at the next meeting, Marilyn asked Jay to attend to present on VPA views relative to school safety and obligation of school to educate the student who violates school rules and the education of the other students in the classroom, etc., who may have been impacted by the violation. The focus will be on "not tying the hands of administrators to address serious school safety concerns." Steve may have more results from a survey.

Adjourn

The meeting adjourned at 12:35 p.m.

Meeting minutes submitted by: Sandra Cameron