

# KICKED OUT!

## Unfair and Unequal Student Discipline in Vermont's Public Schools



What's Happening, Why  
It Matters, and What We  
Can Do to Stop It



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## Executive Summary

Over the course of the last decade, Vermont policymakers have shown great concern about the widening achievement gap between low-income students and their upper-income peers.<sup>1,2</sup> This achievement gap is closely connected to disability, race, and poverty.<sup>3,4</sup> Because kids with disabilities, of color, and from low-income families do worse in school, they are more likely to grow up to be poor adults.<sup>5</sup> Not only does this outcome violate our sense of justice as Vermonters, it also weakens our faith that education is the great equalizer. If our state is to create and maintain a stable, productive, and vibrant society, we must do something to ensure that all students are able to succeed.

To that end, Vermont is making strides to reduce child poverty and ensure educational equality. We fund our schools through a system that promotes equal access to quality public education no matter the town's property values or income levels. We are also moving toward universal pre-K and healthcare, improving access to early childcare for low-income families, and raising the minimum wage.

However, we have shied away from coming up with policy solutions to reduce other continuing inequities in our education system. While Vermont's education system ranks high nationally<sup>6</sup>, we continue to see gaps in achievement, skills,<sup>7</sup> aspiration for post-secondary attendance,<sup>8</sup> and direct college attendance.<sup>9,10</sup> Why?

Across the country, educators, policymakers, advocates, parents, and students are finding some of the answers. In a 2014 report, The Council of State Governments found large disparities between the rates of exclusionary discipline for students with disabilities, students of color, and students from low-income families when compared with other students.<sup>11</sup> The report emphasized that "an overreliance on suspensions, expulsions, and arrests has been shown as counterproductive to achieving many of a school's goals and has had tremendously negative consequences for youth." For instance, a Johns Hopkins study showed that students suspended just one time in grade 9 had double the risk of dropping out.<sup>12</sup> Other studies have shown that disciplinary removal increases the likelihood of contact with the juvenile justice system by threefold.<sup>13</sup> Myriad other studies connect drop-out rates to a greater likelihood of incarceration as an adult and higher poverty rates.<sup>14</sup> Furthermore, the issue is seen as having such great importance that the U.S. Departments of Justice and Education jointly released legal guidance on the need to improve school discipline and climate.<sup>15</sup>

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Thankfully, the Council also found that intentionally correcting these disparities by lowering exclusionary discipline not only improved school climate, safety, and order, but also kept students engaged in learning and increased their chances for life-long success.<sup>16,17</sup> According to the Discipline Disparities Research Collaborative, numerous studies show that the use of positive behavior interventions and supports, non-punitive response protocols, restorative justice, and associated professional development for school staff have effectively improved school climate and academic achievement for all students.<sup>18</sup>

This report seeks to provide Vermont's policymakers, educators, advocates, parents, and students with the information necessary to assess school discipline in Vermont and to identify where we must go from here.

Sadly, when it comes to school discipline rates and disparities, Vermont is not faring better than most other states. A comprehensive review of Vermont's school discipline data submitted to the 2011-2012 US Department of Education's Civil Rights Data Collection (CRDC) shows that we suspend students at a rate similar to most other states.<sup>19,20</sup> During 2011-2012, 5-10% of Vermont's public school students were suspended, losing at least 8,000 days of school. In addition, Vermont's students with disabilities and students of color were two to three times more likely to be excluded from school through suspension and expulsion. These disparities persisted for restraint, seclusion, and referral to law enforcement.

Worse, these strategies lead to poor outcomes for affected students down the road: high drop-out rates, lost earnings, and incarceration are among the increased risks of exclusionary discipline. In sum, too often getting “kicked out” of school is a recipe for being locked out of the American Dream. Although studies on the connection between suspension, school failure, and incarceration have not been done in Vermont, the connection has been demonstrated in studies across the country.<sup>21</sup>

Also, Vermont PBIS found that achievement scores go up<sup>22</sup> and office referrals go down when positive behavior interventions are implemented.<sup>23</sup> In addition, a 2008 Vermont Department of Corrections study stated that 90 percent of Vermont’s inmates under 22 years old were high school dropouts prior to incarceration,<sup>24</sup> and Disability Rights Vermont found that up to 90% of the youth in the Woodside Juvenile Rehabilitation Center are students with disabilities.

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The Vermont school discipline data and the effects of school discipline that are presented in this report should give us pause, but also give us cause to act. States across the nation are passing laws to keep kids in the classroom,<sup>25</sup> improve school climate,<sup>26</sup> and improve data collection on exclusion.<sup>27</sup> It is time that Vermont considers new ways to keep our schools safe and ensure that all students have an equal opportunity to learn and succeed.

This report is the result of months of research and analysis and presents a comprehensive snapshot of school discipline in Vermont. In Section I, we introduce the topic of exclusionary discipline and why this issue is important for Vermont schools, communities, parents, and children. In Section II, we review the laws and regulations governing school discipline in Vermont. In Section III, we discuss the report’s Methodology and data collection issues. Section IV details the report’s major findings under the following headings:

- **Finding 1:** Vermont Public School Students Were Suspended for More Than 8,000 Days in the 2011-2012 School Year.
- **Finding 2:** Students with Disabilities Were Nearly Three Times More Likely than Students without Disabilities to be Suspended.
- **Finding 3:** Black/African-American and Native American Students Were Two to Three Times More Likely than White Students to be Suspended.
- **Finding 4:** The Use of Exclusionary Discipline, Restraint, Seclusion, Referral to Law Enforcement, and School-related Arrest Varies Widely.
- **Finding 5:** Valuable Data on School Discipline in Vermont is Largely Unavailable, but is Necessary to Understand What Works.

And, finally, Section V proposes concrete recommendations for changing student discipline and improving student outcomes in Vermont under the following headings:

- **Recommendation 1:** Limit Disciplinary Exclusion and its Collateral Effects.
- **Recommendation 2:** Allow Students to Continue to Learn During Exclusion and Provide the Necessary Resources.
- **Recommendation 3:** Ensure and Upgrade Students’ Constitutional and Civil Rights in Disciplinary Proceedings.
- **Recommendation 4:** Find Positive School Discipline Program Examples in Vermont by Ensuring Accurate and Timely Reporting of School Discipline Data.