

Warned: 5/24/95

Adopted: 6/06/95

The principal or designee shall be responsible for suspension and expulsion procedures conforming with the following guidelines. Basic rules of student conduct will be stated in a student handbook and distributed to all students. Suspension or expulsion of students shall follow due process requirements.

### Definitions

IDEA - Individuals with Disabilities Education Act of 1973 (federal law)

IEP - Individual Education Plan required under IDEA

504 Team - established for planning under regulations of Section 504 of the Civil Rights Legislation

In situations involving a student with a disability under Individuals with Disabilities Education Act of 1973 or Section 504, the principal shall consult with the Individual Education Plan, 504 team to determine if there are disciplinary provisions in the Individual Education Plan or 504 Plan. Should there be a conflict between the disciplinary or behavior management provisions of an IEP or 504 plan and the school's discipline policy or procedure, the provisions of the IEP or 504 plan shall control.

### Procedures

1. The principal or designee may assign a student to in-school suspension for up to 10 consecutive days. The educational program of a student assigned to in-school suspension shall be continued to an extent determined to be feasible and appropriate by the principal.
2. A student who poses a continuing danger to persons or property or threat of disrupting the school shall be immediately removed from school or to a place in the school sufficiently secure to permit school to continue. The parent(s) or guardian(s) of a student who is to be removed from school will be notified by the superintendent, principal, or their designee. If the parent(s) or guardian(s) cannot be located, the student will be detained at school for the remainder of the school day.

3. The principal may suspend a student from school for a period of 10 days or less for violations of school rules. The student and his or her parent(s) or guardian(s) may have an informal hearing with the principal or designee. At the hearing, the student and his or her parent(s) or guardian(s) must be given notice of the charges, an explanation of the evidence against the student, an opportunity for the student to tell his or her side of the story, and a decision in writing to the parent or guardian.
4. The principal may suspend a student for more than 10 days but for a fixed period of time for misconduct when the misconduct makes the continued presence of the student harmful to the welfare of the school.

Such a long-term suspension must be preceded by notice and due process, including a hearing before the board. The student and his or her parent(s) or guardian(s) must be notified in writing of the date, time and place of the hearing and given an opportunity to present evidence, to cross-examine witnesses, and to be represented by counsel and to receive a written decision. The notice shall also include a statement of the infraction(s) alleged, the potential consequences of the hearing, and a summary of the evidence to be introduced at the hearing.

5. The superintendent may recommend for expulsion any student whose misconduct makes the continued presence of the student harmful to the welfare of the school. A student may be expelled only after a majority vote of the board supporting the recommendation of the superintendent preceded by notice and a hearing conforming to the requirements set forth in paragraph 4 above.
6. A pupil who is designated disabled or handicapped may be expelled or suspended (in or out of school or from bus or extra-curricular activities) for more than 10 days in a school year only after a supplemental evaluation as defined in Vermont State Board of Education Rules §4312 and a determination by the student's basic staffing team that there is no relationship between the student's misconduct and his or her handicapping condition or disability.
  - a. 10 cumulative days of suspension will be considered a significant change in placement unless the IEP or 504 team determines the suspension does not constitute a change in placement and explains its reasoning in writing.
  - b. The Director of Special Services shall be notified of pending disciplinary actions for students with disabilities which may constitute changes in placement (10 or more cumulative days suspension).

- c. Pending the supplemental evaluation by the student's team, or during an appeal of the IEP or 504 team's decision, a disabled student must remain in his or her current

placement, unless the parent or guardian of the student agrees to a change in placement, or unless the school obtains a court injunction upon a showing that the student poses a genuine threat to him or herself or others if returned to the current placement. Nothing herein shall prevent an IEP team or 504 team from making changes in a student's program which do not constitute a change in placement during a supplemental evaluation period and the team review or an appeal.

- d. If there is a relationship between the student's misconduct and his or her handicapping condition or disability, a change in placement may be addressed through the IEP or 504 plan. A disabled pupil shall not be expelled when a relationship between misconduct and handicapping condition is found by the student's basic staffing, evaluation and placement team or 504 team.
  - e. If there is no relationship between conduct and handicapping condition and the student is eligible for special education services under IDEA, the district shall continue to provide a free appropriate public education during a long-term suspension or what would otherwise be an expulsion. An interim IEP shall be written.
  - f. If there is no relationship between conduct and handicapping condition and the student is handicapped under 504, no regular or special educational services will be provided during a long-term suspension or upon expulsion.
7. The special disciplinary procedures applicable to handicapped students outlined above need not be followed for students who are handicapped solely by virtue of being alcoholics or drug addicts with regard to offenses involving the use and possession of drugs and alcohol.

Legal Reference: §4300 and §4312 of the Vermont State Rules  
Statutory Authority 16 VSA §1162  
Individuals with Disabilities Education Act  
and Section 504 of the Rehabilitation Act of 1973

Cross Reference: LEAP: Individual Education Plan F-28:2  
LEAP: Confidentiality F-28:3  
LEAP: Procedural Safeguards F-28:6  
Alcohol and Other Drugs Policy F-9