

Section F

Students

File Code: F -1 (Mandatory)

Policy: Student Conduct and Discipline
Green Mountain Union High School

Date Warned: 6/20/02
Date Adopted: 8/15/02

Policy

It is the policy of the Green Mountain Union High School Board to maintain a safe, orderly, civil and positive learning environment. In order to ensure that the school is free from hazing, harassment, bullying and other disruptive misconduct, a system of classroom and school management practices, supported by consistent, clear and fair disciplinary procedures, will be utilized.

The goal of this policy is to create an environment where the rules for student behavior are clearly stated, are understood and accepted by students and staff, and are applied in compliance with due process requirements. This policy is to be applied in conjunction with the school's overall discipline plan developed pursuant to 16 V.S.A. § 1161a.

Discipline Philosophy

The goal of school discipline is to foster self-control within students. Discipline will be consistent and support a safe atmosphere with respect for the dignity of all. To create positive learning environments, everyone will be responsible for his/her own behaviors and understand the consequences. The entire school community, both adults and children will participate in and support the discipline procedures. Families and community will play an active role in promoting the discipline philosophy.

Student Responsibilities

It is the responsibility of each student to contribute to a safe and productive learning environment in the school by demonstrating respect and consideration for fellow students and adults. This includes complying with all policies and rules of conduct of Green Mountain Union High School and individual classrooms.

Administrative Responsibilities

The Principal, in consultation with the educational staff, will develop an overall discipline procedure pursuant to 16 V.S.A. § 1161a. The procedure will include clear guidelines for student behavior. Behavioral expectations, and the consequences of misconduct, will be stated in the student handbook and other publications distributed to students and parents/guardians.

The rules of conduct will be distributed to, and discussed with, all students at the beginning of each school year in accord with procedures stated in the school discipline plan. Students will be instructed to share the student handbook with their parents. Copies of the handbook will be provided to parents or guardians in a manner determined by the Principal. The Principal may ask that parents sign a form indicating that they have reviewed the rules of conduct with their children. When new students enroll during the school year, they and their parents will be given copies of the rules of conduct as part of the pre-enrollment process.

The Principal or his or her designee shall be responsible for carrying out discipline procedures conforming to the following guidelines.

1. A student may request a meeting with the Principal or his or her designee to review any disciplinary action, other than a suspension or expulsion, affecting the student. If requested, the Principal or designee shall hold an informal meeting to review the incident and to hear the views of the student and any other persons who may have information that the Principal or designee believes to be relevant in the circumstances. The Principal or designee shall issue a prompt decision to the student, which may be oral or written.
Except as otherwise provided in this policy, the decision of the Principal will be final.
2. Suspension or expulsion of students shall be imposed in accordance with state and federal law and regulations, due process requirements, and the following rules and procedures:
 - A. **The Principal or the Dean of Students or Middle School Coordinator may assign a student in-school suspension for up to 10 consecutive school days for any infraction of school rules. As provided in the school's overall discipline plan, students assigned to in-school suspension will be provided with reasonable opportunities to complete academic assignments and to benefit from counseling or other activities designed to bring about improvements in their behavior.**
 - B. A student who poses an immediate danger to persons or property or a significant threat of disrupting the academic process of the school shall be removed from the school or to a place within the school determined by the Principal, Superintendent or their designee to be sufficiently secure to ensure the safety of students and school personnel and the continuation of the academic process. The Superintendent or Principal or their designee shall notify a parent or guardian of a student who is removed from school without undue delay. If the parent, guardian or other responsible person designated as an emergency contact by the parent or guardian cannot be notified, the student will be detained at school or at another safe and secure setting for the remainder of the school day.
 - C. **No student will be removed from school for more than the remainder of a school day unless the student and his or her parents are given an opportunity for an informal hearing pursuant to paragraph "D" of this policy. When immediate removal of a student is necessary prior to a hearing, the hearing shall be held as soon as possible following the removal.**
 - D. The Superintendent or Principal may suspend a student from school for a period of 10 days or less for misconduct occurring **on or off** school grounds while participating in a school activity. Except as provided in paragraph "B" above, prior to such a suspension, the student and his or her parent or guardian shall be given an opportunity for an informal hearing with the Principal or his or her designee. The student and his or her parent or guardian 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 shall be given to the parent or guardian. If a student has an out-of-school suspension, homework and class assignments will be provided.

- E. The Superintendent or Principal may, with the **majority vote of the Board** and in accordance with 16 V.S.A. § 1162(a), impose a long-term suspension or expulsion of a student (**for longer than ten days and up to 90 school days or the remainder of the school year, whichever is longer**) for misconduct on school property, on a school bus or at a school-sponsored activity when the misconduct makes the continued presence of the student harmful to the welfare of the school.
 - F. In accord with the overall discipline plan developed under 16 V.S.A. § 1161a, short-term (ten days or less) or long-term suspension or expulsion may be imposed for misconduct not on school property, on a school bus or at a school sponsored activity where direct harm or threat to the welfare of the school can be demonstrated.
 - G. Long-term suspension or expulsion must be preceded by notice and formal due process procedures, including the opportunity for a hearing before the School Board. The Superintendent shall notify the student and his or her parents in writing of the nature of the charges, the date, time and place of the hearing, the right to legal representation, and the disciplinary action to be recommended to the board. This notice shall be provided in sufficient time to allow the student and his or her parents to prepare for the hearing. At the hearing, the student and parent/guardian shall be given an opportunity to present evidence and to cross-examine witnesses. **The Board shall issue a written decision within 5 days of the conclusion of the hearing.**
3. However, a pupil who has a disability or is suspected of having a disability, and is eligible for special education services or section 504 services will be disciplined according to the following guidelines in accord with VSBE rules 4311, 4312, and 4313.

Definitions

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

IEP - Individual Education Plan required under IDEA where the child has a disability, which adversely effects their education.

504 Plan - Established plan under section 504 of the Civil Rights Legislation for a child with a disability who has no adverse effect to their education if they are provided with the appropriate accommodations.

In situations involving a student with a disability under IDEA or Section 504, the Principal shall consult with the IEP team or 504 team to determine if there are disciplinary provisions in the IEP 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 maintain primary control.

- A. The school Principal, with the agreement of the Director of Special Education, may impose short-term disciplinary sanctions on special education students as provided in VSBE rule 4313.
- B. The Director of Special Education shall be notified of pending disciplinary actions for students with disabilities, which may constitute changes in placement (10 or more cumulative days suspension). Ten cumulative days of suspension will be considered a significant change in placement unless the IEP team or 504 team determines the suspension does not constitute a change in placement and explains its reasoning in writing.
- C. Pending the supplemental evaluation by the student's team, or during an appeal of the IEP team 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 himself 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 after evaluation 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 after evaluation 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.

- G. In situation where the administration's disciplinary recommendations for a special education student includes expulsion the same procedure will be applied as with regular education students in section 2-G above.
 - H. The Superintendent and Director of Special Education will develop additional procedures as needed to govern the discipline of students with disabilities.
4. In the event a student brings a weapon to school, the procedures set forth in the School's Weapons Policy (F-41) shall apply.
 5. By October 1 st of each year the Superintendent and Principal will report to the School Board on student disciplinary actions taken during the prior school year.

Legal Reference(s): 16 V.SA §1161a (discipline)
 16 V.S.A. § 1162 (suspension and expulsion)
 20 U.S.C. §§1400 et seq. (IDEA)
 29 U.S.C. §794 (Section 504, Rehabilitation Act of 1973)
 VT State Board of Education Manual of Rules & Practices
 §4311, 4312, 4313

Cross Reference(s):