

1 S.194

2 Introduced by Senators Campion and Sears

3 Referred to Committee on

4 Date:

5 Subject: Education; student discipline; expulsion; suspension

6 Statement of purpose of bill as introduced: This bill proposes to require that  
7 student expulsion and suspension be used only as last-resort disciplinary  
8 measures.

9 An act relating to student expulsion and suspension as a last resort

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 Sec. 1. FINDINGS AND INTENT

12 (a) The General Assembly finds that:

13 (1) Over one in 23 Vermont public school students is suspended out of  
14 school each year.

15 (2) Regardless of risk factors such as socioeconomic status, parental  
16 involvement, and prior risk, exclusionary discipline, such as expulsion and  
17 out-of-school suspension, is consistently found to increase:

18 (A) antisocial behaviors such as drug abuse, violent behavior, and  
19 crime; and

1           (B) a student's chances of repeating a grade or dropping out of  
2           secondary school.

3           (b) The purpose of this act is to strengthen discretion for school teachers  
4           and administrators by eliminating zero-tolerance discipline policies for  
5           nonviolent offenses and infractions of school codes and policies. The act does  
6           not prevent administrators from immediately removing dangerous or  
7           potentially dangerous students from school or from removing repeatedly  
8           disruptive students from school after nonexclusionary interventions have failed  
9           to correct the behavior.

10          Sec. 2. 16 V.S.A. § 1162 is amended to read:

11          § 1162. SUSPENSION OR EXPULSION OF STUDENTS

12           (a) Expulsion. A superintendent or principal may, pursuant to policies  
13           adopted by the school board that are consistent with State Board rules, ~~suspend~~  
14           ~~a student for up to 10 school days or, with the approval of the board of the~~  
15           ~~school district,~~ expel a student for up to the remainder of the school year or up  
16           to 90 school days, whichever is longer, for misconduct that poses a risk of  
17           physical harm to the student or others, provided nonexclusionary interventions  
18           have failed to prevent occurrences of the same misconduct, and further  
19           provided the misconduct occurs:

1 (1) on school property, on a school bus, or at a school-sponsored activity  
2 ~~when the misconduct makes the continued presence of the student harmful to~~  
3 ~~the welfare of the school;~~

4 (2) not on school property, on a school bus, or at a school-sponsored  
5 activity where it can be demonstrated that the student's behavior poses a direct  
6 ~~harm to the welfare of the school can be demonstrated;~~ or

7 (3) not on school property, on a school bus, or at a school-sponsored  
8 activity where the misconduct can be shown to pose a clear and substantial  
9 interference with another student's equal access to educational programs.

10 (b) Suspension. A superintendent or principal may, pursuant to policies  
11 adopted by the school board that are consistent with State Board rules, suspend  
12 a student for up to 10 school days for repeated misconduct that poses a  
13 risk of substantial harm to the safety of the student or others, provided  
14 nonexclusionary interventions have failed to prevent repeated occurrences of  
15 the same misconduct or the misconduct substantially interferes with the  
16 academic process of the school, and further provided the misconduct occurs:

17 (1) on school property, on a school bus, or at a school-sponsored  
18 activity; or

19 (2) not on school property, on a school bus, or at a school-sponsored  
20 activity where the student's behavior poses a risk to the safety of others in the  
21 school.

1        (c) Immediate removal. Nothing contained in this section shall prevent a  
2        superintendent or principal, subject to subsequent due process procedures,  
3        from removing immediately from a school a student who poses a continuing  
4        danger to persons or property ~~or an ongoing threat of disrupting the academic~~  
5        ~~process of the school~~, or from expelling a student who brings a weapon to  
6        school pursuant to section 1166 of this title.

7        ~~(e)~~(d) Scope. Nothing in this section shall prevent a superintendent or  
8        principal from suspending or expelling a student pursuant to subdivision  
9        1161a(a)(6) of this title and State Board rules and procedures where the student  
10       has been found to have engaged in misconduct that constitutes bullying,  
11       hazing, or harassment and such misconduct has substantially interfered with at  
12       least one other student's equal access to education.

13       (e) Alternative education. Principals, superintendents, and school boards  
14       are authorized and encouraged to provide alternative education services or  
15       programs to students during any period of suspension or expulsion authorized  
16       under this section.

17       Sec. 3. EFFECTIVE DATE

18       This act shall take effect on passage.