

COLCHESTER SCHOOL DISTRICT

POLICY: STUDENT CONDUCT AND DISCIPLINE

DATE ADOPTED: February 19, 2019

PURPOSE

It is the policy of the Colchester School District to maintain a safe, orderly, civil and positive learning environment via a system of classroom and school management practices, supported by consistent, clear and fair disciplinary policy and procedure. 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.

I. DEFINITIONS

- A. School** means any setting which is under the control and supervision of the school district. It includes school grounds, facilities, and school sponsored events and activities held on or off school grounds. The definition of school also includes vehicles used to transport students to and from school or school sponsored events and activities.
- B. In-School Suspension** means the exclusion within the school building of a student from the student's regular education program for up to but not more than ten (10) school days for disciplinary reasons.
- C. Out-of-School Suspension** means the removal of a student from the school building and from the student's regular education program for up to but not more than ten (10) school days for disciplinary reasons.
- D. Short-Term Suspension** means the student is separated from school for a period of time that is up to, but not more than, ten (10) school days for disciplinary reasons. For further explanation, see Section V of this policy.
- E. Long-Term Suspension** means the student is separated from school for a period of time that is more than ten (10) consecutive school days and up to the remainder of the school year for misconduct when the misconduct makes the continued presence of the student harmful to the welfare of the school. "Expulsion" is a long-term suspension that terminates educational services for the remainder of the school year or 90 school days, whichever is longer. For further explanation, see Section V of this policy.

Last Adopted: November 16, 2010
Date Warned: December 14, 2018
First Reading: December 18, 2018
Second Reading: February 5, 2019
Third Reading: February 19, 2019

II. STUDENT RESPONSIBILITIES

Each student has the responsibility of contributing to a civil, safe and productive learning environment by showing respect and consideration for other students and adults. This responsibility includes obeying all school rules, complying with all school policies, and responding to any related inquiries with honesty and integrity. The act of giving false information to a staff member, teacher, or administrator, including academic dishonesty, or knowingly providing false or misleading information regarding one's own conduct, or the conduct of other students, may serve as an independent basis for disciplinary referral.

III. PARENT RESPONSIBILITIES

As members of the school community, parents of students are asked to share the students' and school staff's responsibilities for maintaining a positive learning environment. This can be achieved by reinforcing and modeling for their children the importance of respectful behavior toward others and by complying with school rules.

IV. ADMINISTRATIVE RESPONSIBILITIES

In compliance with 16 V.S.A. §1161a, the principal of each school in the district shall develop a comprehensive plan for responding to student misbehavior that is consistent with all other district policies. The comprehensive plan shall, to the extent appropriate, promote positive development of youth and shall address each of the seven elements outlined in §1161a (a).

A. Distribution and Review

The plan shall be distributed to all students enrolled at the school, and their parents. Each school shall post its comprehensive plan on the district's website, the school office, the student handbook, and in a place that is visible to students, parents and the public.

At the beginning of each school year, the school shall review with all students in attendance portions of the plan that address the school's rules describing what constitutes misconduct and the disciplinary consequences for misconduct. In addition to other types of misconduct, this review shall include a review of what constitutes harassment, hazing and bullying, and the consequences for engaging in such misconduct.

B. Applicable State Statute and Rules

Suspension and expulsion of students shall be imposed in accordance with State statutory requirements (16 V.S.A. §§1162-1163), and in compliance with suspension and expulsion Rule 4311. In addition, Section 504 students shall receive the additional protections of Rule 4312, and special education students shall receive the additional protections of Rule 4313.

V. STUDENT SUSPENSIONS

Suspension separates the student from school for a specified period of time, e.g., four hours, four days, etc., for disciplinary reasons. Suspension may be imposed only by the principal, assistant principal, the Superintendent or their designee, or, in cases of long-suspension the Colchester School Board.

A. Short-Term Suspensions

Short-term suspension separates a student from school for a period of time that is up to but not more than ten (10) school days for disciplinary reasons. A short-term suspension can be assigned as an in-school suspension or an out-of-school suspension at the discretion of the building administrator. With but one exception, in all cases of suspension from school the students and their parent or guardian shall be given an opportunity for an informal hearing before an appropriately designated school administrator. The exception involves a student who, because of their conduct or condition, is an immediate threat to themselves, to others, to property or to the educational environment. In this instance, the school administrator may take whatever action is appropriate under the circumstances including but not limited to immediate suspension pending a hearing within the next four (4) succeeding school days. Except as noted in the preceding sentence, the informal hearing must precede the suspension. At the informal hearing, the school administrator shall provide, either orally or in writing, the following:

1. Notice of the charge(s);
2. Explanation of the evidence against the student;
3. Opportunity for the student to tell their side of the story; and
4. The administrators decision on the matter.

Immediately following the informal hearing, the student's parent or guardian, or the student themselves if over the age of 18, shall be notified in writing of any decision to suspend. All suspensions shall be reported to the superintendent immediately. With respect to students eligible for special education, parents shall also be notified with a copy of Parents' Rights in Special Education, Procedural Safeguards Notice.

There shall be no formal appeal of a suspension, but the student or their parent or guardian may request the superintendent review a suspension. The suspension shall not automatically be delayed pending any review, however, unless so ordered at the discretion of the superintendent.

B. Long-Term Suspensions

Long-term suspension separates a student from school for a period of time that is more than ten (10) consecutive school days and up to the remainder of the school year, for misconduct when the misconduct makes the continued presence of the student harmful to the welfare of the school. Only the Colchester School Board has the authority to impose a long-term suspension following a formal hearing before the school board. The student and their parent or guardian shall receive

prior notice of the hearing and will have an opportunity to attend. The hearing shall be conducted in accordance with Appendix A of this policy, *The Hearing Process in a Long-Term Suspension of a Student*.

The district shall follow these steps prior to the formal hearing before the school board.

1. A written recommendation for long-term suspension shall be prepared by the principal or the superintendent or their designee. It shall contain a full statement of the grounds on which the recommendation is made and a summary of the evidence against the student. It shall be sent to the chair of the school board and to the superintendent.
2. The following information shall be sent by certified mail to the home address of the student and their parent or guardian:
 - a. The written recommendation for the long-term suspension of the student;
 - b. A notice of the scheduled hearing stating the date, time, and place.
 - c. The nature of the charges including notice of which policy was violated;
 - d. Notice that the student has the right to legal representation at the hearing;
 - e. Notice that the student has the right to present evidence at the hearing;
 - f. Notice that the student has the right to cross-examine witnesses at the hearing; and
 - g. The name and phone number of a school administrator to be contacted in case there are questions.
 - h. With respect to students eligible for special education, parents shall also be provided a copy of Parents' Rights in Special Education, Procedural Safeguards Notice.

C. Compulsory Attendance During Suspension

During any period of suspension imposed by the district, neither a student nor their parent or guardian shall be the subject to compulsory attendance requirements unless the conditions of the suspension include participation in a program in the school or an alternative program outside the school.

D. Transfer of Suspension to Other Schools

If a suspended student transfers into the district from a Vermont public or independent school, then upon application by the student and after a review of whether the school can provide the student with appropriate services, the district may choose to continue the suspension imposed by the original school.

Appendix A

**PROCEDURE FOR THE HEARING PROCESS
IN A LONG-TERM SUSPENSION OF A STUDENT**

I. HEARING

- A.** A quorum of the Colchester School Board must be present.
- B.** The chair will explain to the accused and/their parent and/or their counsel the procedure that will be followed.
- C.** Those present shall be school board members, the accused, the principal or designee who will present the administration's case, and a representative of the superintendent's office. The accused and/or the school board may elect to have counsel. The accused may be accompanied by their parent or legal guardian. Witnesses will be present when called upon by the chair. Only witnesses who have something material to contribute to the case will be allowed. Personal character witnesses may be allowed if approved by the school board following the presentation of the case.
- D.** The superintendent or their designee will supply all school board members, the accused, their counsel and/or parent or guardian, with copies of the following documentation.
 - 1.** The written statement of the grounds on which the recommendation is made and a brief summary of the evidence against the student;
 - 2.** Any police report expected to be furnished at the hearing; and
 - 3.** A Summary of past disciplinary actions of record involving the accused student.
- E.** The chair shall see that the following procedure is followed.
 - 1.** Record the time, date, place, and people in attendance.
 - 2.** Request a reading of the statement of grounds on which the recommendation for a long-term suspension is made.
 - 3.** Ensure that the school board members and accused understand the grounds for the recommendation for a long-term suspension.
 - 4.** Request that the principal or designee present their case. The principal or designee will do so by calling witnesses and presenting evidence. At this time, board members and administration will be allowed to question witnesses.

5. The student/parent/representative may then ask questions of witnesses.
 6. The student or their representative may then present their side of the case and call witnesses and present evidence. Witnesses may be examined by the accused and by the school board.
 7. The administration may then ask questions of the witnesses.
 8. Prior to going into deliberation, the school board may ask for a recommendation from the administration. The chair may also receive recommendations from the accused and/or their parent and/or their counsel.
 9. After receiving these recommendations, the chair shall announce that the school board is going into a deliberative session and will clear the hearing room except for the school board and counsel to the school board. Deliberations shall begin.
- F. In making its final decision, the school board reserves the right to accept the recommendation for long-term suspension, reject it, or impose a different sanction as it deems necessary for the benefit of the accused and/or the entire student body. Options of the school board may include but are not limited to long-term suspension, short-term suspension, or other sanctions, as are defined by school board policy.

The School Board may impose long-term suspension or expulsion while offering a student an earlier return to school, conditioned upon their cooperation in participating in counseling, a threat assessment, or other specialized program designed to meet their particular needs. Such a program shall be designed by administrators and/or faculty members of the school and shall be approved by the principal. The cost of any counseling or other specialized services shall be borne by the student, subject to Child Find obligations imposed under state and federal disability law.

II. POST-HEARING

- A. If after a reasonable amount of time the school board has not made its decision, the chair will inform those waiting that a decision will be forthcoming and set a specific date and time to give the decision to the accused. Said date shall be no later than five school days after the date of the hearing, or ten calendar days, whichever comes sooner.
- B. The superintendent will prepare a letter notifying the accused and parent or legal guardian of the decision of the school board.
- C. Copies of the recording and/or documentary evidence will be made available upon request, at cost, to the accused or their parent, guardian, and/or counsel.