

STUDENT CONDUCT AND DISCIPLINE

Policy

It is the policy of the _____ 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 procedures. 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.

Definitions

- 1) **Weapon** means a device, instrument, material or substance whether animate or inanimate, which, when used as it is intended to be used, is known to be capable of producing death or serious bodily injury.²
- 2) **School** means any setting which is under the control and supervision of the School District. It includes school grounds, facilities, and school-sponsored events whether held on or off of school grounds and vehicles used to transport students to and from school or school activities.³
- 3) **Expelled** means the termination of educational services for the remainder of the school year or up to 90 school days, whichever is longer.⁴
- 4) **Knife** means any instrument that is capable of ready use as a stabbing weapon that may inflict bodily injury or death.

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 the School District and individual classrooms.

Administrative Responsibilities

The Principal, in consultation with the educational staff, will develop an overall discipline plan pursuant to 16 V.S.A. §1161a.

¹ There is no clear legal requirement for a school board policy on discipline. However, 16 V.S.A. § 1162(a) authorizes school superintendents or principals to suspend pupils for up to 10 school days “...pursuant to policies adopted by the school board...” 16 V.S.A. § 1161a requires that all schools “...adopt and implement a comprehensive plan for responding to student misbehavior...” The State Board of Education Manual of Rules and Practices includes a school quality standard that refers to a “safe and orderly school environment,” and refers to the required discipline plan, but does not require a policy. The Vermont Department of Education has posted guidelines for discipline plan development and several other resources on student discipline issues on its website at http://www.state.vt.us/educ/new/html/pgm_safeschools/pubs.html#resources.

² See 13 V.S.A. §4016(a)(2) for definition of “dangerous or deadly weapon.”

³ The Federal Gun Free Schools Act defines “school” as “...any setting that is under the control and supervision of the local education agency for the purpose of student activities approved and authorized by the local education agency. 20 U.S.C. § 7151(b)(f).

⁴ 16 V.S.A. §1162(a).

The plan will include clear guidelines for student behavior. The guidelines may include provisions for the suspension or expulsion of students who engage in 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. The guidelines may also include provisions for the suspension or expulsion of students who engage in misconduct not on school property, on a school bus, or at a school sponsored activity where direct harm to the school can be demonstrated or where the misconduct can be shown to pose a clear and substantial interference with another student's equal access to educational programs.⁵

The guidelines for student behavior will also include prohibitions against the possession by students of knives, weapons and dangerous instruments while at school, and shall allow disciplinary action up to and including expulsion for violations of the prohibition against knives, weapons and dangerous instruments that are not possessed at school as part of an educational program sponsored or sanctioned by the school.⁶

Behavioral expectations, and the consequences of misconduct, will be stated in the student handbook and other publications distributed to students and parents/guardians.

Date Warned:

Date Adopted:

Legal Reference(s): 16 V.S.A. §1161a (discipline)
16 V.S.A. §1162 (suspension and expulsion)
20 U.S.C. §§1400 et seq.(IDEA)

⁵ See 16 V.S.A. § 1162(a)(3)

⁶ The “knives, weapons and dangerous instruments” prohibition in this model policy is not required by law. The possession of “dangerous and deadly weapons” on school grounds by any individual is prohibited by 13 V.S.A. §4004. This prohibition does not apply to the possession of firearms in schools for “instructional or other specific purposes.” 13 V.S.A. §4004(c)(2).

29 U.S.C. §794 (Section 504, Rehabilitation Act of 1973)
VT State Board of Education Manual of Rules & Practices §4311, 4312, 4313; 2120.8.12
Cross Reference: Board Commitment to Non-Discrimination (C6)
Public Complaints About Personnel (D10)
Interrogations or Searches of Students by Law Enforcement)
Officers or Other Non-School Personnel (F4)
Search and Seizure (F3)
Alcohol and Drug Abuse (F7)
Weapons (F21)