

WORKING DRAFT

1 Introduced by Senator Champion

2 Referred to Committee on

3 Date:

4 Subject: Education; discipline; expulsion; alternative education services

5 Statement of purpose of bill as introduced: This bill proposes to require that
6 public schools provide alternative education services to any student excluded
7 from school for disciplinary reasons for more than ten consecutive days.

8 An act relating to providing alternative education services to a student
9 during a period of expulsion

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

11 Sec. 1. 16 V.S.A. § 1161a(a) is amended to read:

12 (a) Each public and each approved independent school shall adopt and
13 implement a comprehensive plan for responding to student misbehavior. To
14 the extent appropriate, the plan shall promote the positive development of
15 youth. The plan shall include:

16 * * *

17 (8) If the school is operated by public school district, procedures to
18 provide alternative education services to a student who is expelled pursuant to
19 section 1162 of this title.

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

2 § 1162. SUSPENSION OR EXPULSION OF STUDENTS

3 (a) A superintendent or principal may, pursuant to policies adopted by the
4 school board that are consistent with State Board rules, **suspend a student for**
5 **up to 10 school days** or, with the approval of the board of the school district,
6 **expel a student for up to the remainder of the school year or up to 90 school**
7 **days, whichever is longer**, for misconduct:

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

11 (2) not on school property, on a school bus, or at a school-sponsored
12 activity where direct harm to the welfare of the school can be demonstrated; or

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

16 * * *

17 (c)(1) Principals, superintendents, and school boards are authorized and
18 encouraged to provide alternative education services or programs to ~~students a~~
19 student during any period of suspension or ~~expulsion~~ authorized under this
20 section.

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1 (2) The board of a school district shall ensure that alternative education
2 services or programs are provided to a resident student during any period of
3 expulsion authorized under this section. An approved or recognized
4 independent school is encouraged to provide alternative education services
5 or programs.

6 Sec. 3. 16 V.S.A. § 1163 is amended to read:

7 § 1163. TRANSFER OF SUSPENSION OR EXPULSION TO OTHER
8 SCHOOLS

9 (a) If a student transfers from one Vermont public or independent school to
10 another, then upon application by the student and after a review of whether the
11 school can provide the student with appropriate services, including alternative
12 education services provided to a student during a period of expulsion pursuant
13 to subsection 1162(c) of this title, the new school may choose whether to
14 permit the student to attend the school or to continue a suspension or expulsion
15 imposed by the original school.

16 (b)(1) During a period of suspension ~~or expulsion~~ imposed under section
17 1162 of this title, a student, or parent or guardian, shall not be subject to the
18 provisions of subchapter 3 of this chapter regarding compulsory attendance at
19 school unless the conditions of the suspension ~~or expulsion~~ include
20 participation in a program in the school or an alternative program outside the
21 school. ~~Further, nothing~~ In addition, the provisions shall not apply to a student

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1 during a period of expulsion from an approved or recognized independent
2 school if the school does not choose to provide alternative education services
3 or programs to a student during a period of expulsion.

4 (2) The provisions of subchapter 3 of this chapter regarding compulsory
5 attendance apply to a student, or to the student's parent or guardian, in
6 connection with alternative education services provided during a period of
7 expulsion.

8 (c) Nothing in this section shall prohibit a suspended or expelled student
9 from applying to a different Vermont public or independent school during the
10 period of suspension or expulsion and attending if accepted.

11 ~~(e)~~(d) A school district that provides for the education of a suspended or
12 expelled student by paying tuition to a public or approved independent school:

13 (1) may, at the discretion of the school board, provide for the education
14 of ~~the~~ a student during the period of suspension ~~or expulsion~~ by paying tuition
15 to another public or approved independent school

16 (2) shall pay tuition to another public or approved independent school to
17 the extent necessary to provide alternative education services to a student
18 during a period of expulsion pursuant to subsection 1162(c) of this section.

19 Sec. 4. EFFECTIVE DATE

20 This act shall take effect on July 1, 2015.