

1 *** **Alternative Education Services; Expulsion** ***

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

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

7 * * *

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

11 Sec. B. 16 V.S.A. § 1162 is amended to read:

12 § 1162. SUSPENSION OR EXPULSION OF STUDENTS

13 (a) A superintendent or principal may, pursuant to policies adopted by the
14 school board that are consistent with State Board rules, suspend a student for
15 up to 10 school days or, with the approval of the board of the school district,
16 expel a student for up to the remainder of the school year or up to 90 school
17 days, whichever is longer, for misconduct:

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

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

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

6 * * *

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

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

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

17 § 1163. TRANSFER OF SUSPENSION OR EXPULSION TO OTHER
18 SCHOOLS

19 (a) If a student transfers from one Vermont public or independent school to
20 another, then upon application by the student and after a review of whether the
21 school can provide the student with appropriate services, including alternative

1 education services provided to a student during a period of expulsion pursuant
2 to subsection 1162(c) of this title, the new school may choose whether to
3 permit the student to attend the school or to continue a suspension or expulsion
4 imposed by the original school.

5 (b)(1) During a period of suspension ~~or expulsion~~ imposed under section
6 1162 of this title, a student, or parent or guardian, shall not be subject to the
7 provisions of subchapter 3 of this chapter regarding compulsory attendance at
8 school unless the conditions of the suspension ~~or expulsion~~ include
9 participation in a program in the school or an alternative program outside the
10 school. ~~Further, nothing~~ In addition, the provisions shall not apply to a student
11 during a period of expulsion from an approved or recognized independent
12 school if the school does not choose to provide alternative education services
13 or programs to a student during a period of expulsion.

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

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

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

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

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

9 Sec. D. STUDENT SUSPENSION AND EXPULSION STUDY

10 COMMITTEE; REPORT

11 (a) Creation. There is created a Student Suspension and Expulsion Study
12 Committee to recommend what student behaviors should constitute sufficient
13 grounds for suspension or expulsion from Vermont public schools and how to
14 best reengage students who have been suspended or expelled.

15 (b) Membership. The Committee shall be composed of the following six
16 members:

17 (1) one member selected by the Senate Committee on Education;

18 (2) one member selected by the House Committee on Education;

19 (3) one member selected by the Secretary of Education;

20 (4) one member selected by the Vermont-National Education

21 Association;

1 (5) one member selected by the Vermont Principals' Association; and

2 (6) one member selected by the Vermont Superintendents Association.

3 (c) Powers and duties. The Committee shall provide recommendations to
4 the Senate and House Committees on Education and to the Secretary of
5 Education regarding:

6 (1) What student behaviors should constitute misconduct sufficient to
7 merit suspension or expulsion from a Vermont public school, including a
8 proposed standard definition for each identified behavior. In preparing its
9 recommendations, the Committee shall consider the descriptions of behaviors
10 used by Vermont public and approved independent schools in their plans
11 and policies for responding to student misconduct pursuant to 16 V.S.A.
12 chapter 25, subchapter 4 (effective discipline measures).

13 (2) What policies and practices are most likely to reengage a Vermont
14 student successfully who has been suspended or expelled while ensuring that
15 schools can continue providing safe, orderly, civil, and positive learning
16 environments for all students.

17 (d) Assistance. The Committee shall have the administrative, technical,
18 and legal assistance of the Agency of Education.

19 (e) Report. On or before January 15, 2016, the Committee shall submit a
20 written report to the Senate and House Committees on Education and to the

1 Secretary of Education with its findings and recommendations for legislative
2 and administrative action.

3 (f) Meetings.

4 (1) The member selected by the Senate Committee on Education shall
5 call the first meeting of the Committee created under this section to occur on or
6 before July 1, 2016.

7 (2) The Committee shall select a chair from among its members at the
8 first meeting.

9 (3) A majority of the membership shall constitute a quorum.

10 (4) The Committee shall cease to exist on February 1, 2016.

11 *[effective date]*

12 Secs. A–D (expulsion; study) shall take effect on July 1, 2015.