

FINDINGS AND INTENT

- a) The General Assembly finds that:
 - 1) Each student, staff member, teacher, and administrator has a right to attend and/or work at a school which is safe and secure, and which is free from the threat, actual or implied, of physical harm by any other person;
 - 2) Young people are safer, more academically productive, and more likely to succeed when they are at school;
 - 3) According to the Agency of Education, thousands of Vermont students are excluded from school every year in Vermont for non-dangerous or non-threatening school misconduct;
 - 4) Some school districts and supervisory unions have zero-tolerance policies which require administrators to use one-size-fits-all approaches to student misconduct, preventing an individualized consideration of circumstances;
 - 5) Students with disabilities, in low-income households, and of color, as well as English Language Learners and male students are significantly overrepresented in exclusionary school discipline;
 - 6) According to the Agency of Education, these students are historically most at risk of adverse outcomes and limited educational opportunity and the most dependent on their attendance at school to achieve proficiency as students;
 - 7) Students receiving Free or Reduced-priced Lunch are not able to access their meals when suspended or expelled out-of-school;
 - 8) Students who are runaway, homeless or staying in shelters are at additional risk when excluded from school as many shelters are only open at night, leaving these youth without other safe options during school hours;
 - 9) School discipline is only proportionate when it is done with consideration for a child's age and cognitive ability, any known physical, medical, psychiatric condition, trauma

history and personal history, as well as the nature of the act, and whether it was willful or premeditated;

10) Regardless of risk factors such as socioeconomic status, parental involvement, and prior risk, exclusionary discipline is consistently found to increase:

- a. Anti-social behaviors such as drug abuse, violent behavior, and crime; and,
- b. A student's chances of repeating a grade or dropping out of secondary school

11) When schools use positive, restorative, or similar disciplinary systems, all students show greater achievement in test scores, students feel safer, and disciplinary exclusions are reduced.

12) Schools in Vermont have a constitutional responsibility to instruct all youth, to encourage virtue, and prevent vice and immorality. Excluding students from school unnecessarily is contrary to that responsibility.

b) The purpose of this act is to strengthen discretion for administrators by eliminating so-called zero-tolerance disciplinary policies for offenses and infractions of school codes and policies, except as otherwise required under existing state and federal law. Furthermore, the act asks schools to provide suspended and expelled students with an opportunity to make academic progress during suspension and expulsion. Nothing in this act prevents administrators from immediately removing dangerous or potentially dangerous students from school.

ACADEMIC PROGRESS DURING EXCLUSION

(e) Principals, superintendents, or school boards shall provide a meaningful opportunity for a student. ~~are authorized and encouraged to provide alternative education services or programs to students~~ during any period of suspension or expulsion ~~authorized under this section,~~ to make academic progress. A “meaningful opportunity” includes but is not limited to homework, packets, online coursework, one-on-one tutoring, or sending work home and allowing the student to return it to an assigned school employee.

ZERO TOLERANCE

Except as required under state or federal law, a superintendent, principal, school board, or independent school shall not adopt, implement, or maintain a policy that requires a student to be suspended or expelled from school for certain conduct and that does not provide for the exercise of discretion by school officials in the decision of whether or not to impose suspension or expulsion from school as the penalty for the conduct.