



# **Vermont Compilation of School Discipline Laws and Regulations**

Prepared: March 31, 2023

## ***Introduction***

This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

Discipline categories were not mutually exclusive. Laws and regulations often appeared across multiple categories. For jurisdictions with more extensive laws covering a breadth of topical areas, relevant sections were excerpted from the larger legislative text for inclusion in the appropriate discipline category. Laws, ordered by chapter and section number, appear first within each category followed by regulations. All laws and regulations listed within categories in the compilation also appear in the sources cited section of the document, which lists laws by chapter and section number and title, and where available, includes active hyperlinks to source websites supported or maintained by state legislatures. Additional links to government websites or resources are provided at the end of this document.

## ***Notes & Disclaimers***

To the best of the preparer's knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of March 2023. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the [Discipline Laws and Regulations Compendium](#) posted on the Center's website.

*Prepared by:*



**National Center on Safe Supportive  
Learning Environments**

**Engagement • Safety • Environment**

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# ***Vermont State Codes Cited***

## **Vermont Revised Statutes**

### **Title 13. Crimes and Criminal Procedure**

#### **Chapter 85. Weapons**

### **Title 16. Education**

#### **Chapter 1. Administration Generally**

##### **Subchapter 1. General Provisions**

[§ 11.](#) Classifications and definitions

##### **Subchapter 8. Tobacco Use Policy**

[§ 140.](#) Tobacco use prohibited on public school grounds

### **Chapter 3. State Board of Education**

##### **Subchapter 1. General Provisions**

[§ 164.](#) State Board; general powers and duties

[§ 165.](#) Education quality standards; equal educational opportunities; independent school meeting education quality standards

### **Chapter 9. School Districts**

##### **Subchapter 4. Other Provisions**

[§ 563.](#) Powers of school boards; form of vote

##### **Subchapter 5. Harassment**

[§ 570.](#) Harassment, hazing, and bullying prevention policies

[§ 570a.](#) Harassment

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### **Chapter 23. Courses of Study**

##### **Subchapter 1. Public Schools Generally**

[§ 909.](#) Tobacco use, alcohol and drug abuse prevention education curriculum

### **Chapter 25. Attendance and Discipline**

##### **Subchapter 3. Compulsory Attendance**

[§ 1125.](#) Truant officers

[§ 1126.](#) Failure to attend; notice

- [§ 1127.](#) Notice and complaint by truant officer; penalty  
[§ 1128.](#) Legal pupil taken to school; nonresident child living in district

#### **Subchapter 4: Effective Discipline Measures**

- [§ 1161a.](#) Discipline  
[§ 1162.](#) Suspension or expulsion of students  
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[§ 1165.](#) Alcohol and drug abuse  
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[§ 1167.](#) School resource officer; memorandum of understanding

#### **Chapter 99. General Policy**

- [§2902.](#) Tiered system of supports and education support team

#### **Title 18. Health**

#### **Chapter 225. Tobacco Prevention, Cessation, and Control**

- [§ 9503.](#) Vermont tobacco prevention and treatment

#### **Title 20. Internal Security and Public Safety**

#### **Chapter 151. Vermont Criminal Justice Council**

#### **Title 33. Human Services**

#### **Chapter 52. Delinquency Proceedings**

#### **Subchapter 2: Petition**

#### **HB95.**

- Section 35. Agency of education; restorative justice practices

#### **S.16 (Act 35). An act relating to the Task Force on Equitable and Inclusive School Environment**

- Section 2. Task force on equitable and inclusive environments; Report

## Vermont Regulations

The State of Vermont contracts with LexisNexis to provide free public access to the Vermont Regulations (<http://www.lexisnexis.com/hottopics/codeofvtrules/>). Users must agree to terms and conditions prior to use of the site. All listed statutes are searchable by title and chapter number or by using key search terms.

### Agency 22. Department of Education Sub-Agency 000. General

#### Chapter 003. State Board Rule 2000 Education Quality Standards

##### Section 2121. Professional Resources

2121.5. Tiered system of support

##### Section 2122. Learning Environment

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##### Section 2124. Reporting of Results

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##### Section 2125. Continuous Improvement Plan

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#### Chapter 006. Special Education Rules (2360-2369)

##### Section 2365. Parental Rights and Confidentiality of Information

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# ***Codes of Conduct***

## **Authority to Develop and Establish Codes of Conduct**

### **LAWS**

#### **§ 140. Tobacco use prohibited on public school grounds.**

No person shall be permitted to use tobacco products or tobacco substitutes as defined in 7 V.S.A. § 1001 on public school grounds or at public school sponsored functions. Public school boards may adopt policies that include confiscation and appropriate referrals to law enforcement authorities.

#### **§ 570. Harassment, hazing, and bullying prevention policies.**

(a) State policy. - It is the policy of the State of Vermont that all Vermont educational institutions provide safe, orderly, civil, and positive learning environments. Harassment, hazing, and bullying have no place and will not be tolerated in Vermont schools. No Vermont student should feel threatened or be discriminated against while enrolled in a Vermont school.

(b) Prevention policies. - Each school board shall develop, adopt, ensure the enforcement of, and make available in the manner described under subdivision 563(1) of this title harassment, hazing, and bullying prevention policies that shall be at least as stringent as model policies developed by the Secretary. Any school board that fails to adopt one or more of these policies shall be presumed to have adopted the most current model policy or policies published by the Secretary.

#### **§ 1161a. Discipline.**

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

- (1) The school's approach to classroom management and response to disruptive behavior, including the use of alternative educational settings.
- (2) The manner in which the school will provide information and training to students in methods of conflict resolution, peer mediation, and anger management.
- (3) Procedures for informing parents of the school's discipline policies, for notifying parents of student misconduct, and for working with parents to improve student behavior.
- (4) The school's response to significant disruptions, such as threats or use of bombs or weapons.
- (5) A description of how the school will ensure that all staff and contractors who routinely have unsupervised contact with students periodically receive training on the maintenance of a safe, orderly, civil, and positive learning environment. The training shall be appropriate to the role of the staff member being trained and shall teach classroom and behavior management, enforcement of the school's discipline policies, and positive youth development models.
- (6) A description of behaviors on and off school grounds that constitute misconduct, including harassment, bullying, and hazing, particularly those behaviors that may be grounds for expulsion. The plan shall include a description of misconduct as listed in subdivisions 11(a)(26)(A)-(C) and (32) of this title that, although serious, does not rise to the level of harassment or bullying as those terms are defined in these subdivisions.
- (7) Standard due process procedures for suspension and expulsion of a student.



**§ 1165. Alcohol and drug abuse.**

(a) The State Board, in consultation with local school boards, the alcohol and drug division, the law enforcement authorities, and the juvenile court system shall formulate a general policy for the education, discipline, and referral for rehabilitation of students who are involved with alcohol or drug abuse on school property or at school functions.

(b) The State Board shall adopt rules for all school districts that include standards consistent with due process of law for discipline, suspension, or dismissal of students and recommended procedures for education and for referral for treatment and rehabilitation.

(c) Each school district shall adopt its own policy consistent with the State Board's rules setting forth recommended procedures for education; referral for treatment, counseling, and rehabilitation; and standards consistent with due process of law for discipline, suspension, or dismissal of students in accordance with section 1162 of this title. Nothing in this section is intended to mandate local school districts to employ counselors for treatment or rehabilitation.

**§ 1166. Possession of a firearm at school.**

(b) Each school board shall adopt and implement policies regarding a student who brings a firearm to or possesses a firearm at school, which at a minimum shall include:

(1) A provision that any student who brings a firearm to or possesses a firearm at school shall be referred to a law enforcement agency. In addition to any other action the law enforcement agency may take, it may report the incident to the Department for Children and Families.

(2) A provision that the superintendent or principal, with the approval of the school board following opportunity for a hearing, shall expel from the school for not less than one calendar year any student who brings a firearm to or possesses a firearm at school; provided, however, the school board may modify the expulsion on a case-by-case basis. Modifications may be granted in circumstances such as:

(A) The student is unaware that he or she has brought a firearm to or possessed a firearm at school.

(B) The student did not intend to use the firearm to threaten or endanger others.

(C) The student has a disability and the misconduct is related to the student's disability.

(D) The student does not present an ongoing threat to others and a lengthy expulsion would not serve the best interests of the student.

**REGULATIONS**

**22 000 003. Section 2122.1. School facilities and the learning environment.**

Each school shall maintain a safe, orderly, civil, flexible and positive learning environment, which is free from hazing, harassment and bullying and based on sound instructional and classroom management practices and clear discipline and attendance policies that are consistently and effectively enforced.

The design and operation of the school facilities shall be in full compliance with all state and federal fire, health, and safety, chemical and architectural standards.

Each school's comprehensive plan for responding to student misbehavior, as required by 16 V.S.A. §1161a(a) , shall address student behavior, language, classroom attendance, clothing and treatment of property, as well as consequences for violations of policy, and shall be clear and consistently enforced.

Each school shall observe due process requirements as set forth in Rule 4300 et seq .

**22 000 009. Section 4212. Policy requirements.**

School districts shall adopt an alcohol and drug abuse policy which shall contain the following:

4212.1 Statement of Philosophy. This policy shall be concerned with the health and well-being of all students and the policy shall take into consideration the individual needs of students with problems as well as the right of the majority of students to an education.

4212.2 Education Program. The policy shall define an educational program consistent with the Vermont Alcohol and Drug Education Curriculum Plan.

4212.3 Support and Referral Systems and Cooperative Agreements. The policy shall provide for a support and referral system for students in distress due to their own or another's use of alcohol or other drugs. Such a system shall include both a clearly defined in-school process for initial assessment, support, and if necessary, referral to community resources of such students, and a written referral agreement with at least one community substance abuse treatment provider approved by the Office of Alcohol and Drug Abuse Programs. Such an agreement should define the process for making an effective referral and the nature and extent of information to be provided during and after such a referral to all parties involved.

4212.3A Immediate Procedures. The policy shall provide for the handling of any alcohol/drug-related incident until the student has been discharged to the parent, guardian, social service, medical or law enforcement agency.

4212.3B Emergency. The school district policy shall establish procedures for administering emergency first-aid related to alcohol and drug abuse. The procedures will define the roles of the personnel involved.

## **Scope**

### **LAWS**

#### **§ 1161a. Discipline.**

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

(6) A description of behaviors on and off school grounds that constitute misconduct, including harassment, bullying, and hazing, particularly those behaviors that may be grounds for expulsion. The plan shall include a description of misconduct as listed in subdivisions 11(a)(26)(A)-(C) and (32) of this title that, although serious, does not rise to the level of harassment or bullying as those terms are defined in these subdivisions.

#### **§ 1162. Suspension or expulsion of students.**

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

(1) 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;

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

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

## **REGULATIONS**

No relevant regulations found.

## **Communication of Policy**

### **LAWS**

#### **§ 570. Harassment, hazing, and bullying prevention policies.**

(c) Notice. - Annually, prior to the commencement of curricular and cocurricular activities, the school board shall provide notice of the policy and procedures developed under this subchapter to students, custodial parents or guardians of students, and staff members, including reference to the consequences of misbehavior contained in the plan required by section 1161a of this title. Notice to students shall be in age-appropriate language and should include examples of harassment, hazing, and bullying. At a minimum, this notice shall appear in any publication that sets forth the comprehensive rules, procedures, and standards of conduct for the school. The school board shall use its discretion in developing and initiating age-appropriate programs to inform students about the substance of the policy and procedures in order to help prevent harassment, hazing, and bullying. School boards are encouraged to foster opportunities for conversations between and among students regarding tolerance and respect.

#### **§ 570f. Harassment; notice and response.**

(a)(1) An educational institution that receives actual notice of alleged conduct that may constitute harassment shall promptly investigate to determine whether harassment occurred. After receiving notice of the alleged conduct, the school shall provide a copy of its harassment policy, including its harassment investigation procedure, to the alleged victim and the alleged perpetrator. If either the alleged victim or the alleged perpetrator is a minor, the copy of the policy shall be provided to the person's parent or guardian. Nothing in this section shall be construed to prohibit educational institutions from investigating and imposing disciplinary consequences upon students for misconduct. Elementary and secondary school officials shall strive to implement the plan developed in accordance with subdivision 1161a(a)(6) of this title in order to prevent misconduct from escalating to the level of harassment.

#### **§ 1161a. Discipline.**

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

- (3) Procedures for informing parents of the school's discipline policies, for notifying parents of student misconduct, and for working with parents to improve student behavior.

## **REGULATIONS**

#### **22 000 036. Section 4506. Annual notification.**

Annually, at or before the beginning of the academic year, each school (defined in 4500.3(10)) shall inform all school personnel, and parents of students enrolled in the school of the policies pertaining to the use of physical restraint and seclusion and the intent to emphasize the use of positive behavioral interventions and supports and its intention to avoid the use of physical restraint or seclusion to address targeted student behavior.

## ***In-School Discipline***

### **Discipline Frameworks**

#### **LAWS**

##### **§ 1161a. Discipline.**

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

- (1) The school's approach to classroom management and response to disruptive behavior, including the use of alternative educational settings.
- (2) The manner in which the school will provide information and training to students in methods of conflict resolution, peer mediation, and anger management.
- (3) Procedures for informing parents of the school's discipline policies, for notifying parents of student misconduct, and for working with parents to improve student behavior.
- (4) The school's response to significant disruptions, such as threats or use of bombs or weapons.
- (5) A description of how the school will ensure that all staff and contractors who routinely have unsupervised contact with students periodically receive training on the maintenance of a safe, orderly, civil, and positive learning environment. The training shall be appropriate to the role of the staff member being trained and shall teach classroom and behavior management, enforcement of the school's discipline policies, and positive youth development models.
- (6) A description of behaviors on and off school grounds that constitute misconduct, including harassment, bullying, and hazing, particularly those behaviors that may be grounds for expulsion. The plan shall include a description of misconduct as listed in subdivisions 11(a)(26)(A)-(C) and (32) of this title that, although serious, does not rise to the level of harassment or bullying as those terms are defined in these subdivisions.
- (7) Standard due process procedures for suspension and expulsion of a student.

#### **REGULATIONS**

No relevant regulations found.

### **Teacher Authority to Remove Students From Classrooms**

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

No relevant regulations found.

## **Alternatives to Suspension**

### **LAWS**

#### **§ 570a. Harassment.**

(a) Policies and plan. - The harassment prevention policy required by section 570 of this title and its plan for implementation shall include:

(2) Consequences and appropriate remedial action for staff or students who commit harassment. At all stages of the investigation and determination process, school officials are encouraged to make available to complainants alternative dispute resolution methods, such as mediation, for resolving complaints.

#### **§ 1161a. Discipline.**

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

(2) The manner in which the school will provide information and training to students in methods of conflict resolution, peer mediation, and anger management.

#### **HB 95. Section 35. Agency of education; restorative justice practices.**

The Agency of Education shall explore the use of restorative and similar practices regarding school climate and culture, truancy, bullying and harassment, and school discipline. The Agency shall consider the research that demonstrates that restorative approaches lead to reductions in absenteeism, suspensions, and expulsions and to improved educational outcomes.

### **REGULATIONS**

No relevant regulations found.

## ***Conditions on Use of Certain Forms of Discipline***

### **Corporal Punishment**

#### **LAWS**

##### **§ 1161a. Discipline.**

(b) For the purpose of this chapter, "corporal punishment" means the intentional infliction of physical pain upon the body of a pupil as a disciplinary measure.

(c) No person employed by or agent of a public or approved independent school shall inflict or cause to be inflicted corporal punishment upon a student attending the school or the institution. However, this section does not prohibit a person from using reasonable and necessary force:

- (1) to quell a disturbance;
- (2) to obtain possession of weapons or other dangerous objects upon the person of or within the control of a student;
- (3) for the purpose of self defense; or
- (4) for the protection of persons or property.

#### **REGULATIONS**

No relevant regulations found.

### **Search and Seizure**

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

No relevant regulations found.

### **Restraint and Seclusion**

#### **LAWS**

##### **§ 1167. School resource officer; memorandum of understanding.**

(a) Neither the State Board nor the Agency shall regulate the use of restraint and seclusion on school property by a school resource officer certified pursuant to 20 V.S.A. § 2358.

#### **REGULATIONS**

##### **22 000 036. Section 4500.1. Statement of purpose.**

The purposes of these rules are to:

- a. Create and maintain a positive and safe learning environment in schools;
- b. Promote positive behavioral interventions and supports in schools; and
- c. Ensure that students are not subjected to inappropriate use of restraint or seclusion.

**22 000 036. Section 4500.2. Applicability.**

These rules are applicable to all learning environments that receive public funding, or over which the Vermont Department of Education has regulatory authority.

**22 000 036. Section 4500.3. Definitions.**

For purposes of these rules, the following definitions apply:

2. Chemical Restraint means a drug, medication or chemical used on a student to control behavior or restrict movement that is not:

- a. Prescribed by a student's licensed physician for the standard treatment of a student's medical or psychiatric condition; and
- b. Administered as prescribed by the licensed physician. [...]

4. Mechanical Restraint means the use of any device or object that restricts a student's movement or limits a student's sensory or motor functions unless under the direction of a healthcare professional for medical or therapeutic purposes.

The term does not include devices implemented by trained school personnel, or utilized by a student for the specific and approved therapeutic and safety purposes for which such devices were designed including:

- a. Restraints for medical immobilization,
- b. Adaptive devices or mechanical supports used to achieve proper body position, balance or alignment;
- c. Vehicle safety restraints including a seat belt or harness used for balance or safety on a car or bus; or
- d. Seat belts in wheelchairs or on toilets. [...]

7. Physical Restraint means the use of physical force to prevent an imminent and substantial risk of bodily harm to the student or others. Physical restraint does not include:

- a. Momentary periods of physical restriction by direct person-to-person contact, accomplished with limited force and designed either
  - i. to prevent a student from completing an act that would result in potential physical harm to himself/herself or another person; or
  - ii. to remove a disruptive student who is unwilling to leave the area voluntarily;
- b. The minimum contact necessary to physically escort a student from one place to another;
- c. Hand-over-hand assistance with feeding or task completion; or
- d. Techniques prescribed by a qualified medical professional for reason of safety or for therapeutic or medical treatment. [...]

9. Prone Physical Restraint means holding a student face down on his or her stomach using physical force for the purpose of controlling the student's movement. [...]

12. Seclusion means the confinement of a student alone in a room or area from which the student is prevented or reasonably believes he or she will be prevented from leaving. Seclusion does not include time-out where a student is not left alone and is under adult supervision. [...]

14. Supine Physical Restraint means holding a student on his or her back using physical force for the purpose of controlling the student's movement.

**22 000 036. Section 4501. Prohibitions.**

4501.1 School personnel and contract service providers are prohibited from imposing on a student any of the following as defined in rule 4500.3:

- a. Mechanical restraint,
- b. Chemical restraint,
- c. Any physical restraint, escort or seclusion that restricts or limits breathing or communication, causes pain or is imposed without maintaining direct visual contact.

4501.2 Physical restraint or seclusion shall not be used:

- a. For convenience of staff;
- b. As a substitute for an educational program;
- c. As a form of discipline or punishment;
- d. As a substitute for inadequate staffing or training;
- e. In response to a student's use of profanity or other verbal or gestural display of disrespect; or
- f. In response to a verbal threat unaccompanied by demonstrated means of or intent to carry out the threat.

4501.3 The restraints and seclusion prohibited by these Rules shall not be considered "reasonable and necessary force" as that term is used in 16 VSA §1161a(c) .

4501.4 Schools may have policies and procedures for the use of physical restraint and seclusion in school-wide safety plans, provided such plans are consistent with these Rules.

**22 000 036. Section 4502. Permissible use of restraint and seclusion.**

4502.1 Permissible Use of Physical Restraint

Physical restraint, not otherwise prohibited by these Rules, may be used only:

- a. When a student's behavior poses an imminent and substantial risk of physical injury to the student or others;
- b. Within the limits set forth in 16 VSA § 1161 a;
- c. Less restrictive interventions have failed or would be ineffective in stopping such imminent danger of physical injury or property damage;
- d. In accordance with a school-wide safety plan that is consistent with these rules; and
- e. In a manner that is safe, proportionate to and sensitive to the student's:
  - i. Severity of behavior;
  - ii. Chronological and developmental age;
  - iii. Physical size;
  - iv. Gender;
  - v. Ability to communicate;
  - vi. Cognitive ability; and
  - vii. Known physical, medical, psychiatric condition, and personal history, including any history of physical, emotional or sexual abuse or trauma.

4502.1.1 Prone and supine physical restraints are more restrictive than other forms of physical restraint and may be used only when the student's size and severity of behavior require such a restraint because a less restrictive restraint has failed or would be ineffective to prevent harm to the student or others.



#### 4502.2 Permissible Use of Seclusion

Seclusion, not otherwise prohibited by these rules, may be used only:

- a. When a student's behavior poses an imminent and substantial risk of physical injury to the student or others;
- b. When less restrictive interventions have failed or would be ineffective in stopping such imminent risk of physical injury;
- c. As a temporary intervention;
- d. When physical restraint is contraindicated;
- e. When there is no known developmental, medical, psychological or other contraindication to its use;
- f. When the student is visually monitored at all times by an adult; and
- g. In a space large enough to permit safe movement that is adequately lit, heated, ventilated, free of sharp or otherwise dangerous objects; and in compliance with all fire and safety codes.

4502.3 In rare circumstances where the use of physical restraint or seclusion may be necessary due to a student's pattern of dangerous behavior that is not responsive to less restrictive interventions, physical restraint and/or seclusion may be included in an individual safety plan only if all of the following conditions apply:

- a. School personnel have reviewed and agreed to the safety plan;
- b. The use of physical restraint and seclusion complies with these Rules;
- c. The student has a documented history showing a series of behaviors in the preceding six (6) months that have created an imminent and substantial risk of physical injury to the student or others in the school;
- d. A comprehensive, data-driven, functional behavioral assessment has been conducted;
- e. A behavioral intervention plan, emphasizing positive behavioral interventions and supports, has been implemented;
- f. The educational planning team, IEP team or Section 504 team has reviewed the student's program and placement to determine whether it is sufficient to meet the student's unique needs;
- g. The criteria for use are clearly identified;
- h. Any contraindications for use are identified;
- i. Staff implementing the individual safety plan have received training from a state-recommended training program;
- j. The parents are fully informed of the inherent risks of using restraint and seclusion;
- k. The parents provide informed consent to the use of restraint and/or seclusion, which shall be revocable at any time; and
- l. The ongoing need for an individual safety plan is reviewed and revised, as appropriate, and in any event at least annually.

4502.3.1 Any restraint or seclusion imposed as a result of an individual safety plan is subject to all the reporting, documentation and debriefing requirements set forth in 4503, 4504 and 4505 below.

4502.4 Physical restraint or seclusion shall only be imposed:

- a. By school personnel or contract service providers who have been trained to provide the selected intervention unless, due to the unforeseeable nature of the danger of the circumstance, trained personnel are not immediately available;
- a. When a restrained student is monitored face-to-face by school personnel or contract service providers; or

b. If personnel safety is significantly compromised by face-to-face monitoring, or the student is in seclusion, school personnel or a contract service provider are in direct visual contact with the student.

4502.5 Physical restraint or seclusion shall be terminated as soon as:

- a. The student demonstrates that he/she is in unnecessary pain or significant physical distress indicating a possible need for emergency medical assistance or that his/her breathing or communication is compromised; or
- b. The student's behavior no longer poses an imminent danger of physical injury to the student or others or danger to property; or
- c. Less restrictive interventions would be effective in stopping such imminent danger of physical injury or property damage.

4502.6 Following termination of any physical restraint or seclusion, the student shall be evaluated and monitored for the remainder of the school day on which physical restraint or seclusion is imposed. The evaluation shall include a routine physical/medical assessment conducted by someone not involved in the restraint or seclusion, and documentation of any injury received by the student as a result of the restraint or seclusion.

### **22 000 036. Section 4503. Reporting the use of restraint and seclusion.**

4503.1 To the School Administrator.

Any person who imposes a restraint or seclusion shall report its use to the school administrator as soon as possible, but in no event later than the end of the school day of its use.

4503.2 To Parents.

- a. The school administrator shall make a documented attempt to provide verbal or electronic notice of any incident of restraint or seclusion to the student's parents (as defined in 4500.3(13)) as soon as practical but in no event later than the end of the school day of its use; and
- b. Shall provide written notice to the parents within 24 hours of each use of restraint or seclusion that includes:
  - i. The date and time of its use;
  - ii. A description of the restraint and other intervention used;
  - iii. The date and time when the debriefing session will occur; including notice that the parents have the opportunity to participate in the debriefing; and
  - iv. The name and telephone number of the contact person who can provide further

information. 4503.3 To the Superintendent.

The school administrator shall report the use of restraint or seclusion to the superintendent of the Supervisory Union whenever:

- a. There is death, injury or hospitalization to staff or student as a result of a restraint or seclusion; or
- b. An individual employee or contracted service provider has engaged in the use of physical restraint or seclusion three (3) separate times on one (1) or more students; or
- c. Physical restraint has been used for more than fifteen (15) minutes; or
- d. Any student has been restrained or secluded three (3) or more times per school year; or
- e. A student has been restrained or secluded more than once in a school day; or
- f. A student is restrained or secluded who is not on a behavioral intervention plan; or
- g. Restraint or seclusion has been used in violation of these rules, including the use of any prohibited form of restraint.

Reports to the Superintendent shall be made within three school days of the incident that requires reporting and shall include all the information set forth in Rule 4504 required of a written record of each use of restraint or seclusion.

4503.3.1 Learning environments other than public schools shall fulfill this reporting requirement by reporting to the Superintendent of the Supervisory Union that is the LEA or sending district for the student. If there is no sending district or LEA, this requirement shall be fulfilled by reporting to the Commissioner of the Department of Education in accordance with Rule 4503.4.

4503.4 To the Commissioner of the Department of Education.

The Superintendent of the supervisory union shall report the use of restraint or seclusion to the Commissioner of the Department of Education within three (3) school days of receipt of a report indicating any the following:

- a. There is death, injury requiring outside medical treatment or hospitalization to staff or student as a result of a restraint or seclusion; or
- b. Physical restraint or seclusion has been used for more than thirty (30) minutes or
- c. Physical restraint or seclusion has been used in violation of these rules, including the use of any prohibited restraint or seclusion.

The report shall include all the information set forth in Rule 4504 required of a written record of each use of restraint or seclusion.

**22 000 036. Section 4504. Documentation.**

Each school shall maintain written records of each use of restraint and seclusion. The records shall be maintained by the school administrator and shall include the following:

- a. The name, age, gender and grade of the student;
- b. The date, time and duration of the restraint or seclusion;
- c. Any injuries, death or hospitalization to student or staff resulting from the use of restraint or seclusion;
- d. The location where the restraint or seclusion occurred;
- e. The precipitating event[s] leading up to the restraint or seclusion;
- f. A list of school personnel who participated in the application, monitoring and supervision of the student while restrained or secluded;
- g. The type of restraint or seclusion used;
- h. The reason for the restraint or seclusion;
- i. A description of all the interventions used prior to the application of the restraint or seclusion;
- j. Whether the student has a behavioral intervention plan and/or individualized education plan, Section 504 plan or educational support plan; and
- k. The date notification was provided to the student's parents.

**22 000 036. Section 4505. Debriefing following use of restraint or seclusion.**

Following each incident of restraint or seclusion, the school administrator shall implement follow-up procedures that include:

- a. Within two (2) school days, a proper staff person reviewing the incident with the student in a manner appropriate to the student's age and developmental ability, to discuss the behavior[s] that precipitated the use of restraint or seclusion;

- b. Within two (2) school days, reviewing the incident with the staff person(s) who administered the restraint or seclusion to discuss whether proper restraint or seclusion procedures were followed, including the use of proper procedures to prevent the need for restraint or seclusion;
- c. An opportunity for parents to participate in the review of an incident of restraint or seclusion within four (4) school days:
  - i. Parents shall receive prior written (including e-mail) notice of the review meeting; and
  - ii. The meeting shall be convened at a mutually acceptable time and place; and
- d. Determining, in consultation with the parents, any specific follow up actions to be taken.

**22 000 036. Section 4506. Annual notification.**

Annually, at or before the beginning of the academic year, each school (defined in 4500.3(10)) shall inform all school personnel, and parents of students enrolled in the school of the policies pertaining to the use of physical restraint and seclusion and the intent to emphasize the use of positive behavioral interventions and supports and its intention to avoid the use of physical restraint or seclusion to address targeted student behavior.

**22 000 036. Section 4507. Complaints and investigations.**

4507.1 Filing a Complaint

- a. A parent (as defined in 4500.3(13)) or school personnel may file a complaint regarding the use of restraint or seclusion at any time in accordance with school district policy.
- b. The complaint shall be in writing and shall be directed to the principal, director or administrator of the school in which the student participates.
- c. If the person filing the complaint is unable to submit the complaint in writing, the recipient of the complaint shall complete the form based on a verbal complaint. In this case, the complainant shall be provided with a copy of the complaint.

4507.2 Investigation

All complaints shall be investigated by the school or district and written findings issued within thirty (30) days;

4507.3 Unresolved Complaints

Unresolved complaints shall be directed to the superintendent of the Supervisory Union where the student resides in accordance with the school board's established complaint process. A student on an individualized education plan (IEP) or Section 504 Plan may also use the dispute resolution options available under Rules 2365.1.4 - 2365.1.6, if appropriate.

**22 000 036. Section 4508. Monitoring and corrective action.**

The commissioner of the Department of Education shall review reports received pursuant to Rule 4503.4 and identify those schools in need of additional training and, when those reports reflect an over-use of these interventions, shall direct the school to work with the department to develop a corrective action plan.

**22 000 036. Section 4509. State recommended training.**

The Department of Education shall maintain a directory of recommended physical restraint training programs, which must include at least the following elements:

- a. Appropriate procedures for preventing the need for physical restraint, including the de-escalation of dangerous behavior, relationship-building, and the use of alternatives to physical restraint;

- b. Identification of dangerous behaviors that may indicate the need for physical restraint and methods for evaluating the risk of harm to determine if physical restraint is warranted;
- c. Simulated experience in administering and in receiving a variety of physical restraint techniques, across a range of increasingly restrictive interventions;
- d. Instruction regarding the effects of physical restraint on the person restrained, including monitoring physical signs of distress and how to obtain medical assistance;
- e. Instruction regarding investigation of injuries and complaints.

A school may use a training program that is not on the state recommended list if it submits a plan to the Commissioner of Education demonstrating how that training program meets the purposes of these Rules and contains the elements listed above.

**22 000 036. Section 4510. Effective date.**

These Rules shall become effective on August 15, 2011, however schools shall have until September 30, 2011, to have trained staff available.

# ***Exclusionary Discipline: Suspension, Expulsion, and Alternative Placement***

## **Grounds for Suspension or Expulsion**

### **LAWS**

#### **§ 1161a. Discipline.**

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

(6) A description of behaviors on and off school grounds that constitute misconduct, including harassment, bullying, and hazing, particularly those behaviors that may be grounds for expulsion. The plan shall include a description of misconduct as listed in subdivisions 11(a)(26)(A)-(C) and (32) of this title that, although serious, does not rise to the level of harassment or bullying as those terms are defined in these subdivisions.

#### **§ 1162. Suspension or expulsion of students.**

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

(1) 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;

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

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

(d) Notwithstanding anything to the contrary in this chapter, a student enrolled in a public school who is under eight years of age shall not be suspended or expelled from the school; provided, however, that the school may suspend or expel the student if the student poses an imminent threat of harm or danger to others in the school.

#### **§ 1166. Possession of a firearm at school.**

(b) Each school board shall adopt and implement policies regarding a student who brings a firearm to or possesses a firearm at school, which at a minimum shall include:

(2) A provision that the superintendent or principal, with the approval of the school board following opportunity for a hearing, shall expel from the school for not less than one calendar year any student who brings a firearm to or possesses a firearm at school; provided, however, the school board may modify the expulsion on a case-by-case basis. Modifications may be granted in circumstances such as:

(A) The student is unaware that he or she has brought a firearm to or possessed a firearm at school.

(B) The student did not intend to use the firearm to threaten or endanger others.

(C) The student has a disability and the misconduct is related to the student's disability.

(D) The student does not present an ongoing threat to others and a lengthy expulsion would not serve the best interests of the student.

## **S. 16 (Act 35). An act relating to the Task Force on Equitable and Inclusive School Environment**

Section 2. (a) Creation. There is created the Task Force on Equitable and Inclusive School Environments. Task Force shall make recommendations to end suspensions and expulsions for all but the most serious student behaviors and compile data regarding school discipline in Vermont public and approved independent schools in order to inform strategic planning, guide statewide and local decision making and resource allocation, and measure the effectiveness of statewide and local policies and practices

### **REGULATIONS**

No relevant regulations found.

## **Limitations or Conditions on Exclusionary Discipline**

### **LAWS**

#### **§ 1162. Suspension or expulsion of students.**

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

(1) 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;

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

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

(d) Notwithstanding anything to the contrary in this chapter, a student enrolled in a public school who is under eight years of age shall not be suspended or expelled from the school; provided, however, that the school may suspend or expel the student if the student poses an imminent threat of harm or danger to others in the school.

#### **§ 1166. Possession of a firearm at school.**

(b) Each school board shall adopt and implement policies regarding a student who brings a firearm to or possesses a firearm at school, which at a minimum shall include:

(2) A provision that the superintendent or principal, with the approval of the school board following opportunity for a hearing, shall expel from the school for not less than one calendar year any student who brings a firearm to or possesses a firearm at school; provided, however, the school board may modify the expulsion on a case-by-case basis. Modifications may be granted in circumstances such as:

(A) The student is unaware that he or she has brought a firearm to or possessed a firearm at school.

(B) The student did not intend to use the firearm to threaten or endanger others.

(C) The student has a disability and the misconduct is related to the student's disability.

(D) The student does not present an ongoing threat to others and a lengthy expulsion would not serve the best interests of the student.

### **REGULATIONS**

#### **22 000 009. Section 4311. Procedures.**

When a student is subject to disciplinary action, the school district shall afford the student due process procedures as follows:

4311.3 (1) When a student, because of his or her conduct or condition, is an immediate threat to himself or herself, others, property or educational environment, the school district may take whatever action is appropriate under the circumstances, including, but not limited to, immediate suspension pending a hearing as soon as possible thereafter. In addition, in cases where a student brings a weapon (as defined in the federal Gun-Free School Act) to school, the school district must refer the student to a law enforcement agency and expel the student for a period of not less than one calendar year unless such expulsion is modified in accordance with the provisions of 16 V.S.A. § 1166(b)(2) in circumstances such as but not limited to:

- (a) the student is unaware that he or she has brought a weapon to school,
- (b) the student did not intend to use the weapon to threaten or endanger others,
- (c) the student is disabled and the misconduct is related to the disability,
- (d) the student does not present an ongoing threat to others and a lengthy expulsion would not serve the best interest of the student.

(2) In situations where a student with a disability brings a weapon to school, the provisions of regulation 4312(2) shall apply. In any such situation, an opportunity for a hearing prior to an expulsion must be provided prior to the expulsion, pursuant to 16 V.S.A. § 1166(b)(2).

## **Due Process**

### **LAWS**

#### **§ 570a. Harassment.**

(b) Independent review.

(1) A student who desires independent review under this subsection because the student is either dissatisfied with the final determination of the school officials as to whether harassment occurred or believes that, although a final determination was made that harassment occurred, the school's response was inadequate to correct the problem shall make such request in writing to the headmaster or superintendent of schools. Upon such request, the headmaster or superintendent shall initiate an independent review by a neutral person selected from a list developed jointly by the Secretary of Education and the Human Rights Commission and maintained by the Secretary. Individuals shall be placed on the list on the basis of their objectivity, knowledge of harassment issues, and relevant experience.

(2) The independent review shall proceed expeditiously and shall consist of an interview of the student and the relevant school officials and review of written materials involving the complaint maintained by the school or others.

(3) Upon the conclusion of the review, the reviewer shall advise the student and the school officials as to the sufficiency of the school's investigation, its determination, the steps taken by the school to correct any harassment found to have occurred, and any future steps the school should take. The reviewer shall advise the student of other remedies that may be available if the student remains dissatisfied and, if appropriate, may recommend mediation or other alternative dispute resolution.

(4) The independent reviewer shall be considered an agent of the school for the purpose of being able to review confidential student records.

(5) The costs of the independent review shall be borne by the public school district or independent school.

(6) Nothing in this subsection shall prohibit the school board from requesting an independent review at any stage of the process.

(7) Evidence of conduct or statements made in connection with an independent review shall not be admissible in any court proceeding. This subdivision shall not require exclusion of any



evidence otherwise obtainable from independent sources merely because it is presented in the course of an independent review.

(8) The Secretary may adopt rules implementing this subsection.

**§ 1161a. Discipline.**

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

(7) Standard due process procedures for suspension and expulsion of a student.

**§ 1162. Suspension or expulsion of students.**

(b) Nothing contained in this section shall prevent a superintendent or principal, subject to subsequent due process procedures, from removing immediately from a school a student who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process of the school, or from expelling a student who brings a weapon to school pursuant to section 1166 of this title.

**§ 1165. Alcohol and drug abuse.**

(a) The State Board, in consultation with local school boards, the alcohol and drug division, the law enforcement authorities, and the juvenile court system shall formulate a general policy for the education, discipline, and referral for rehabilitation of students who are involved with alcohol or drug abuse on school property or at school functions.

(b) The State Board shall adopt rules for all school districts that include standards consistent with due process of law for discipline, suspension, or dismissal of students and recommended procedures for education and for referral for treatment and rehabilitation.

(c) Each school district shall adopt its own policy consistent with the State Board's rules setting forth recommended procedures for education; referral for treatment, counseling, and rehabilitation; and standards consistent with due process of law for discipline, suspension, or dismissal of students in accordance with section 1162 of this title. Nothing in this section is intended to mandate local school districts to employ counselors for treatment or rehabilitation.

**§ 1166. Possession of a firearm at school.**

(b) Each school board shall adopt and implement policies regarding a student who brings a firearm to or possesses a firearm at school, which at a minimum shall include:

(2) A provision that the superintendent or principal, with the approval of the school board following opportunity for a hearing, shall expel from the school for not less than one calendar year any student who brings a firearm to or possesses a firearm at school; provided, however, the school board may modify the expulsion on a case-by-case basis. Modifications may be granted in circumstances such as:

(A) The student is unaware that he or she has brought a firearm to or possessed a firearm at school.

(B) The student did not intend to use the firearm to threaten or endanger others.

(C) The student has a disability and the misconduct is related to the student's disability.

(D) The student does not present an ongoing threat to others and a lengthy expulsion would not serve the best interests of the student.

**REGULATIONS**

**22 000 003. Section 2122.1. School facilities and the learning environment.**

Each school shall observe due process requirements as set forth in Rule 4300 et seq.

## **22 000 009. Section 4311. Procedures.**

When a student is subject to disciplinary action, the school district shall afford the student due process procedures as follows:

4311.1 In all cases of short-term suspension from school, which is generally regarded as 10 days or less, the student and his or her parent/guardian shall be given an opportunity for an informal hearing before an appropriately designated school official. Except for cases set forth in the last paragraph 4311.3, the hearing must precede the suspension and the district shall provide:

- (1) notice of the charges;
- (2) explanation of the evidence against the student;
- (3) opportunity for the student to tell his or her side of the story;
- (4) decision in writing to the parent/guardian.

4311.2 In cases of a long term suspension which is generally more than 10 days unless a school district establishes a shorter period, the student and his or her parent/guardian shall be given an opportunity for a formal hearing before the school board and the district shall provide:

- (1) written notice of the following:
  - (a) nature of charges against the student;
  - (b) date, time and place of hearing;
  - (c) right to legal representation;
  - (d) possible penalties involved;
- (2) opportunity to present evidence;
- (3) opportunity to cross-examine witnesses;
- (4) decision in writing to parent/guardian.

4311.3 (1) When a student, because of his or her conduct or condition, is an immediate threat to himself or herself, others, property or educational environment, the school district may take whatever action is appropriate under the circumstances, including, but not limited to, immediate suspension pending a hearing as soon as possible thereafter. In addition, in cases where a student brings a weapon (as defined in the federal Gun-Free School Act) to school, the school district must refer the student to a law enforcement agency and expel the student for a period of not less than one calendar year unless such expulsion is modified in accordance with the provisions of 16 V.S.A. § 1166(b)(2) in circumstances such as but not limited to:

- (a) the student is unaware that he or she has brought a weapon to school,
- (b) the student did not intend to use the weapon to threaten or endanger others,
- (c) the student is disabled and the misconduct is related to the disability,
- (d) the student does not present an ongoing threat to others and a lengthy expulsion would not serve the best interest of the student.

(2) In situations where a student with a disability brings a weapon to school, the provisions of regulation 4312(2) shall apply. In any such situation, an opportunity for a hearing prior to an expulsion must be provided prior to the expulsion, pursuant to 16 V.S.A. § 1166(b)(2).

## **Return to School Following Removal**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

No relevant regulations found.

## **Alternative Placements**

### **LAWS**

#### **§ 1161a. Discipline.**

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

- (1) The school's approach to classroom management and response to disruptive behavior, including the use of alternative educational settings.

#### **§ 1162. Suspension or expulsion of students.**

(c) Principals, superintendents, and school boards are authorized and encouraged to provide alternative education services or programs to students during any period of suspension or expulsion authorized under this section.

#### **§ 1163. Transfer of suspension or expulsion to other schools.**

(b) During a period of suspension or expulsion imposed under section 1162 of this title, a student, or parent or guardian, shall not be subject to the provisions of subchapter 3 of this chapter regarding compulsory attendance at school, unless the conditions of the suspension or expulsion include participation in a program in the school or an alternative program outside the school. Further, nothing in this section shall prohibit a suspended or expelled student from applying to a different Vermont public or independent school during the period of suspension or expulsion and attending if accepted.

(c) A school district that provides for the education of a suspended or expelled student by paying tuition to a public or approved independent school may, at the discretion of the school board, provide for the education of the student during the period of suspension or expulsion by paying tuition to another public or approved independent school.

### **REGULATIONS**

No relevant regulations found.

# ***Discipline Addressing Specific Code of Conduct Violations***

## **Firearms and Other Weapons Violations**

### **LAWS**

#### **§ 563. Powers of school boards; form of vote.**

The school board of a school district, in addition to other duties and authority specifically assigned by law:

(5) Shall keep the school buildings and grounds in good repair, suitably equipped, insured, and in safe and sanitary condition at all times. The school board shall regulate or prohibit firearms or other dangerous or deadly weapons on school premises. At a minimum, a school board shall adopt and implement a policy at least consistent with section 1166 of this title and 13 V.S.A. § 4004, relating to a student who brings a firearm to or possesses a firearm at school.

#### **§ 1162. Suspension or expulsion of students.**

(b) Nothing contained in this section shall prevent a superintendent or principal, subject to subsequent due process procedures, from removing immediately from a school a student who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process of the school, or from expelling a student who brings a weapon to school pursuant to section 1166 of this title.

#### **§ 1166. Possession of a firearm at school.**

(a) In this section, the terms "to school" and "firearm" shall have the same meaning that the terms have in 18 U.S.C. § 921. The school board may expand the definitions, however, provided they remain consistent with federal law.

(b) Each school board shall adopt and implement policies regarding a student who brings a firearm to or possesses a firearm at school, which at a minimum shall include:

(1) A provision that any student who brings a firearm to or possesses a firearm at school shall be referred to a law enforcement agency. In addition to any other action the law enforcement agency may take, it may report the incident to the Department for Children and Families.

(2) A provision that the superintendent or principal, with the approval of the school board following opportunity for a hearing, shall expel from the school for not less than one calendar year any student who brings a firearm to or possesses a firearm at school; provided, however, the school board may modify the expulsion on a case-by-case basis. Modifications may be granted in circumstances such as:

(A) The student is unaware that he or she has brought a firearm to or possessed a firearm at school.

(B) The student did not intend to use the firearm to threaten or endanger others.

(C) The student has a disability and the misconduct is related to the student's disability.

(D) The student does not present an ongoing threat to others and a lengthy expulsion would not serve the best interests of the student.

(c) Annually at a time and on a form determined by the Secretary, each superintendent shall provide the Secretary with a description of the circumstances surrounding expulsions imposed under this section, the number of students expelled, and the type of firearm involved.

## **REGULATIONS**

### **22 000 009. Section 4311. Procedures.**

When a student is subject to disciplinary action, the school district shall afford the student due process procedures as follows:

4311.3 (1) When a student, because of his or her conduct or condition, is an immediate threat to himself or herself, others, property or educational environment, the school district may take whatever action is appropriate under the circumstances, including, but not limited to, immediate suspension pending a hearing as soon as possible thereafter. In addition, in cases where a student brings a weapon (as defined in the federal Gun-Free School Act) to school, the school district must refer the student to a law enforcement agency and expel the student for a period of not less than one calendar year unless such expulsion is modified in accordance with the provisions of 16 V.S.A. § 1166(b)(2) in circumstances such as but not limited to:

- (a) the student is unaware that he or she has brought a weapon to school,
- (b) the student did not intend to use the weapon to threaten or endanger others,
- (c) the student is disabled and the misconduct is related to the disability,
- (d) the student does not present an ongoing threat to others and a lengthy expulsion would not serve the best interest of the student.

(2) In situations where a student with a disability brings a weapon to school, the provisions of regulation 4312(2) shall apply. In any such situation, an opportunity for a hearing prior to an expulsion must be provided prior to the expulsion, pursuant to 16 V.S.A. § 1166(b)(2) .

## **Students with Chronic Disciplinary Issues**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

No relevant regulations found.

## **Chronic Absenteeism and Truancy**

### **LAWS**

#### **§ 1125. Truant officers.**

(a) A school board shall annually appoint one or more truant officers and record their appointments with the clerk of the school district on or before July 3. State police, sheriffs, deputy sheriffs, constables, and police officers shall be truant officers ex officio.

(b) Truant officers shall receive remuneration for time actually spent in performance of their duties and shall be allowed their necessary expenses incurred in connection therewith.

#### **§ 1126. Failure to attend; notice.**

When a student between the ages of six and 16 years, who is not excused or exempted from school attendance, fails to enter school at the beginning of the academic year or, being enrolled, fails to attend the school, and when a student who is at least 16 years of age becomes enrolled in a public school and

fails to attend, the teacher or principal shall notify the truant officer and either the superintendent or the school board, unless the teacher or principal is satisfied that the student is absent on account of illness.

**§ 1127. Notice and complaint by truant officer; penalty.**

(a) The truant officer, upon receiving the notice provided in section 1126 of this title, shall inquire into the cause of the nonattendance of the child. If he or she finds that the child is absent without cause, the truant officer shall give written notice to the person having the control of the child that the child is absent from school without cause and shall also notify that person to cause the child to attend school regularly thereafter.

(b) When, after receiving notice, a person fails, without legal excuse, to cause a child to attend school as required by this chapter, he or she shall be fined not more than \$ 1,000.00 pursuant to subsection (c) of this section.

(c) The truant officer shall enter a complaint to the State's Attorney of the county and shall provide a statement of the evidence upon which the complaint is based. The State's Attorney shall prosecute the person. In the prosecution, the complaint, information, or indictment shall be deemed sufficient if it states that the respondent (naming the respondent) having the control of a child of school age (naming the child) neglects to send that child to a public school or an approved or recognized independent school or a home study program as required by law.

**§ 1128. Legal pupil taken to school; nonresident child living in district.**

(a) A superintendent may and the truant officer shall stop a child between the ages of six and 16 years or a child 16 years of age or over and enrolled in public school, wherever found during school hours, and shall, unless such child is excused or exempted from school attendance, take the child to the school that she or he should attend.

(b) A child of legal school age who is not exempt from school attendance and who has not finished the elementary school course and is living in a district other than the place of legal residence shall, with the school board's approval, be admitted immediately to a school in the district where he or she is found. If the child is not admitted to school, then immediate action shall be taken by the truant officer to cause the return of the child to the district of his or her residence.

**HB 95. Section 35. Agency of education; restorative justice practices.**

The Agency of Education shall explore the use of restorative and similar practices regarding school climate and culture, truancy, bullying and harassment, and school discipline. The Agency shall consider the research that demonstrates that restorative approaches lead to reductions in absenteeism, suspensions, and expulsions and to improved educational outcomes.

**REGULATIONS**

No relevant regulations found.

**Substance Use**

**LAWS**

**§ 140. Tobacco use prohibited on public school grounds.**

No person shall be permitted to use tobacco products or tobacco substitutes as defined in 7 V.S.A. § 1001 on public school grounds or at public school sponsored functions. Public school boards may adopt policies that include confiscation and appropriate referrals to law enforcement authorities.

**§ 909. Tobacco use, alcohol and drug abuse prevention education curriculum.**

(b) The Secretary shall:

(1) Provide for pre-service and in-service training programs for school personnel on alcohol and drug abuse prevention and on the effects and legal consequences of the possession and use of tobacco products. At least one training program shall be made available in electronic format. Each superintendent shall determine the content, duration, and frequency of training on issues concerning alcohol and drug abuse for the districts in his or her supervisory union.

**§ 1165. Alcohol and drug abuse.**

(a) The State Board, in consultation with local school boards, the alcohol and drug division, the law enforcement authorities, and the juvenile court system shall formulate a general policy for the education, discipline, and referral for rehabilitation of students who are involved with alcohol or drug abuse on school property or at school functions.

(b) The State Board shall adopt rules for all school districts that include standards consistent with due process of law for discipline, suspension, or dismissal of students and recommended procedures for education and for referral for treatment and rehabilitation.

(c) Each school district shall adopt its own policy consistent with the State Board's rules setting forth recommended procedures for education; referral for treatment, counseling, and rehabilitation; and standards consistent with due process of law for discipline, suspension, or dismissal of students in accordance with section 1162 of this title. Nothing in this section is intended to mandate local school districts to employ counselors for treatment or rehabilitation.

**§ 9503. Vermont tobacco prevention and treatment.**

(a) Except as otherwise specifically provided, the tobacco prevention and treatment program shall be administered and coordinated statewide by the Department of Health, pursuant to the provisions of this chapter. The program shall be comprehensive and research-based.

(b) The Department shall establish goals for reducing adult and youth smoking rates, including performance measures for each goal in conjunction with the Substance Misuse Prevention Oversight and Advisory Council established pursuant to section 4803 of this title. The services provided by a quitline approved by the Department of Health shall be offered and made available to any minor, upon his or her consent, who is a smoker or user of tobacco products as defined in 7 V.S.A. § 1001.

(c) The Department of Liquor and Lottery shall administer the component of the program that relates to enforcement activities.

(d) The Agency of Education shall administer school-based programs.

(e) The Department shall pay all fees and costs of the surveillance and evaluation activities, including the costs associated with hiring a contractor to conduct an independent evaluation of the program.

**REGULATIONS**

**22 000 009. Section 4211. Definition.**

Alcohol and drug abuse (substance abuse) shall be defined as: "the ingestion of a substance in such a way that it interferes with a person's ability to perform physically, intellectually, emotionally or socially." Vermont Office of Alcohol and Drug Abuse Programs.

**22 000 009. Section 4212. Policy requirements.**

School districts shall adopt an alcohol and drug abuse policy which shall contain the following:

4212.1 Statement of Philosophy. This policy shall be concerned with the health and well-being of all students and the policy shall take into consideration the individual needs of students with problems as well as the right of the majority of students to an education.

4212.2 Education Program. The policy shall define an educational program consistent with the Vermont Alcohol and Drug Education Curriculum Plan.

4212.3 Support and Referral Systems and Cooperative Agreements. The policy shall provide for a support and referral system for students in distress due to their own or another's use of alcohol or other drugs. Such a system shall include both a clearly defined in-school process for initial assessment, support, and if necessary, referral to community resources of such students, and a written referral agreement with at least one community substance abuse treatment provider approved by the Office of Alcohol and Drug Abuse Programs. Such an agreement should define the process for making an effective referral and the nature and extent of information to be provided during and after such a referral to all parties involved.

4212.3A Immediate Procedures. The policy shall provide for the handling of any alcohol/drug-related incident until the student has been discharged to the parent, guardian, social service, medical or law enforcement agency.

4212.3B Emergency. The school district policy shall establish procedures for administering emergency first-aid related to alcohol and drug abuse. The procedures will define the roles of the personnel involved.

## **Gang-related Activity**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

No relevant regulations found.

## **Bullying, Harassment, or Hazing**

### **LAWS**

#### **§ 11. Classifications and definitions.**

(a) As used in this title, unless the context otherwise clearly requires:

(26)(A) "Harassment" means an incident or incidents of verbal, written, visual, or physical conduct, including any incident conducted by electronic means, based on or motivated by a student's or a student's family member's actual or perceived race, creed, color, national origin, marital status, sex, sexual orientation, gender identity, or disability that has the purpose or effect of objectively and substantially undermining and detracting from or interfering with a student's educational performance or access to school resources or creating an objectively intimidating, hostile, or offensive environment.

(B) "Harassment" includes conduct that violates subdivision (A) of this subdivision (26) and constitutes one or more of the following:

(i) Sexual harassment, which means conduct that includes unwelcome sexual advances, requests for sexual favors and other verbal, written, visual, or physical conduct of a sexual nature when one or both of the following occur:



(I) Submission to that conduct is made either explicitly or implicitly a term or condition of a student's education.

(II) Submission to or rejection of such conduct by a student is used as a component of the basis for decisions affecting that student.

(ii) Racial harassment, which means conduct directed at the characteristics of a student's or a student's family member's actual or perceived race or color, and includes the use of epithets, stereotypes, racial slurs, comments, insults, derogatory remarks, gestures, threats, graffiti, display, or circulation of written or visual material, and taunts on manner of speech and negative references to racial customs.

(iii) Harassment of members of other protected categories, which means conduct directed at the characteristics of a student's or a student's family member's actual or perceived creed, national origin, marital status, sex, sexual orientation, gender identity, or disability and includes the use of epithets, stereotypes, slurs, comments, insults, derogatory remarks, gestures, threats, graffiti, display, or circulation of written or visual material, taunts on manner of speech, and negative references to customs related to any of these protected categories. [...]

(30)(A) "Hazing" means any act committed by a person, whether individually or in concert with others, against a student in connection with pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization that is affiliated with an educational institution; and that is intended to have the effect of, or should reasonably be expected to have the effect of, humiliating, intimidating, or demeaning the student or endangering the mental or physical health of a student. Hazing also includes soliciting, directing, aiding, or otherwise participating actively or passively in these acts. Hazing may occur on or off the campus of an educational institution. Hazing shall not include any activity or conduct that furthers legitimate curricular, extracurricular, or military training program goals, provided that:

(i) the goals are approved by the educational institution; and

(ii) the activity or conduct furthers the goals in a manner that is appropriate, contemplated by the educational institution, and normal and customary for similar programs at other educational institutions.

(B) The definitions of "educational institution," "organization," "pledging," and "student" shall be the same as those in section 570i of this title. [...]

(32) "Bullying" means any overt act or combination of acts, including an act conducted by electronic means, directed against a student by another student or group of students and that:

(A) is repeated over time;

(B) is intended to ridicule, humiliate, or intimidate the student; and

(C)(i) occurs during the school day on school property, on a school bus, or at a school-sponsored activity, or before or after the school day on a school bus or at a school-sponsored activity; or

(ii) does not occur during the school day on school property, on a school bus, or at a school-sponsored activity and can be shown to pose a clear and substantial interference with another student's right to access educational programs.

#### **§ 164. State Board; general powers and duties.**

The State Board shall engage local school board members and the broader education community and, consistent with the provisions of this title, its own rules, and rules adopted by the Secretary, establish and regularly update a long-term strategic vision for the delivery of educational services in Vermont; advise the General Assembly, the Governor, and the Secretary of Education on high-priority educational policies and issues as they arise; and act in accordance with legislative mandates, including the adoption of rules and executing special assignments. In addition to other specified duties, the Board shall:

(17) Report annually on the condition of education statewide and on a supervisory union and school district basis. The report shall include information on attainment of standards for student performance adopted under subdivision (9) of this section, number and types of complaints of hazing, harassment, or bullying made pursuant to chapter 9, subchapter 5 of this title and responses to the complaints, financial resources and expenditures, and community social indicators. The report shall be organized and presented in a way that is easily understandable by the general public and that enables each school, school district, and supervisory union to determine its strengths and weaknesses. To the extent consistent with State and federal privacy laws and regulations, data on hazing, harassment, or bullying incidents shall be disaggregated by incident type, including disaggregation by ethnic groups, racial groups, religious groups, gender, sexual orientation, gender identity, disability status, and English language learner status. The Secretary shall use the information in the report to determine whether students in each school, school district, and supervisory union are provided educational opportunities substantially equal to those provided in other schools, school districts, and supervisory unions pursuant to subsection 165(b) of this title.

**§ 165. Education quality standards; equal educational opportunities; independent school meeting education quality standards.**

(a) In order to carry out Vermont's policy that all Vermont children will be afforded educational opportunities that are substantially equal in quality, each Vermont public school, including each career technical center, shall meet the following education quality standards:

(1) The school, through a process including parents, teachers, students, and community members, develops, implements, and annually updates a continuous improvement plan to improve student performance within the school. The plan shall include goals and objectives for improved student learning and educational strategies and activities to achieve its goals. The plan shall also address the effectiveness of efforts made since the previous continuous improvement plan to ensure the school maintains a safe, orderly, civil, and positive learning environment that is free from harassment, hazing, and bullying. The school shall assess student performance under the plan using a method or methods of assessment developed under subdivision 164(9) of this title. [...]

(8) The school maintains a safe, orderly, civil, and positive learning environment that is free from hazing, harassment, and bullying, and is based on sound instructional and classroom management practices and clear discipline policies that are consistently and effectively enforced.

**§ 570. Harassment, hazing, and bullying prevention policies.**

(a) State policy. - It is the policy of the State of Vermont that all Vermont educational institutions provide safe, orderly, civil, and positive learning environments. Harassment, hazing, and bullying have no place and will not be tolerated in Vermont schools. No Vermont student should feel threatened or be discriminated against while enrolled in a Vermont school.

(b) Prevention policies. - Each school board shall develop, adopt, ensure the enforcement of, and make available in the manner described under subdivision 563(1) of this title harassment, hazing, and bullying prevention policies that shall be at least as stringent as model policies developed by the Secretary. Any school board that fails to adopt one or more of these policies shall be presumed to have adopted the most current model policy or policies published by the Secretary.

(c) Notice. - Annually, prior to the commencement of curricular and cocurricular activities, the school board shall provide notice of the policy and procedures developed under this subchapter to students, custodial parents or guardians of students, and staff members, including reference to the consequences of misbehavior contained in the plan required by section 1161a of this title. Notice to students shall be in age-appropriate language and should include examples of harassment, hazing, and bullying. At a minimum, this notice shall appear in any publication that sets forth the comprehensive rules, procedures,

and standards of conduct for the school. The school board shall use its discretion in developing and initiating age-appropriate programs to inform students about the substance of the policy and procedures in order to help prevent harassment, hazing, and bullying. School boards are encouraged to foster opportunities for conversations between and among students regarding tolerance and respect.

(d) Duties of the Secretary. - The Secretary shall:

- (1) develop and, from time to time, update model harassment, hazing, and bullying prevention policies; and
- (2) establish an Advisory Council to review and coordinate school and statewide activities relating to the prevention of and response to harassment, hazing, and bullying. The Council shall report annually in January to the State Board and the House and Senate Committees on Education. The Council shall include:
  - (A) the Executive Director of the Vermont Principals' Association or designee;
  - (B) the Executive Director of the Vermont School Boards Association or designee;
  - (C) the Executive Director of the Vermont Superintendents Association or designee;
  - (D) the President of the Vermont-National Education Association or designee;
  - (E) the Executive Director of the Vermont Human Rights Commission or designee;
  - (F) the Executive Director of the Vermont Independent Schools Association or designee; and
  - (G) other members selected by the Secretary, at least one of whom shall be a current secondary student who has witnessed or experienced harassment, hazing, or bullying in the school environment.

(e) Definitions. - In this subchapter:

- (1) "Educational institution" and "school" mean a public school or an approved or recognized independent school as defined in section 11 of this title.
- (2) "Organization," "pledging," and "student" have the same meanings as in section 570i of this title.
- (3) "Harassment," "hazing," and "bullying" have the same meanings as in subdivisions 11(a)(26), (30), and (32) of this title.
- (4) "School board" means the board of directors or other governing body of an educational institution when referring to an independent school.

#### **§ 570a. Harassment.**

(a) Policies and plan. - The harassment prevention policy required by section 570 of this title and its plan for implementation shall include:

- (1) A statement that harassment, as defined in subdivision 11(a)(26) of this title, is prohibited and may constitute a violation of the public accommodations act as more fully described in article 2 of this subchapter 5.
- (2) Consequences and appropriate remedial action for staff or students who commit harassment. At all stages of the investigation and determination process, school officials are encouraged to make available to complainants alternative dispute resolution methods, such as mediation, for resolving complaints.
- (3) A procedure that directs students, staff, parents, and guardians how to report violations and file complaints.
- (4) A description of the circumstances under which harassment may be reported to a law enforcement agency.
- (5) A procedure for investigating reports of violations and complaints. The procedure shall provide that, unless special circumstances are present and documented by the school officials, an investigation is

initiated no later than one school day from the filing of a complaint and the investigation and determination by school officials are concluded no later than five school days from the filing of the complaint with a person designated to receive complaints under subdivision (7) of this subsection. All internal reviews of the school's initial determination, including the issuance of a final decision, shall, unless special circumstances are present and documented by the school officials, be completed within 30 days after the review is requested.

(6) A description of how the school board will ensure that teachers and other staff members receive training in preventing, recognizing, and responding to harassment.

(7) Annual designation of two or more people at each school campus to receive complaints and a procedure for publicizing those people's availability.

(8) A procedure for publicizing the availability of the Vermont Human Rights Commission and the federal Department of Education's Office of Civil Rights and other appropriate State and federal agencies to receive complaints of harassment.

(9) A statement that acts of retaliation for the reporting of harassment or for cooperating in an investigation of harassment are unlawful pursuant to 9 V.S.A. § 4503.

(b) Independent review.

(1) A student who desires independent review under this subsection because the student is either dissatisfied with the final determination of the school officials as to whether harassment occurred or believes that, although a final determination was made that harassment occurred, the school's response was inadequate to correct the problem shall make such request in writing to the headmaster or superintendent of schools. Upon such request, the headmaster or superintendent shall initiate an independent review by a neutral person selected from a list developed jointly by the Secretary of Education and the Human Rights Commission and maintained by the Secretary. Individuals shall be placed on the list on the basis of their objectivity, knowledge of harassment issues, and relevant experience.

(2) The independent review shall proceed expeditiously and shall consist of an interview of the student and the relevant school officials and review of written materials involving the complaint maintained by the school or others.

(3) Upon the conclusion of the review, the reviewer shall advise the student and the school officials as to the sufficiency of the school's investigation, its determination, the steps taken by the school to correct any harassment found to have occurred, and any future steps the school should take. The reviewer shall advise the student of other remedies that may be available if the student remains dissatisfied and, if appropriate, may recommend mediation or other alternative dispute resolution.

(4) The independent reviewer shall be considered an agent of the school for the purpose of being able to review confidential student records.

(5) The costs of the independent review shall be borne by the public school district or independent school.

(6) Nothing in this subsection shall prohibit the school board from requesting an independent review at any stage of the process.

(7) Evidence of conduct or statements made in connection with an independent review shall not be admissible in any court proceeding. This subdivision shall not require exclusion of any evidence otherwise obtainable from independent sources merely because it is presented in the course of an independent review.

(8) The Secretary may adopt rules implementing this subsection.

**§ 570b. Hazing.**

The hazing prevention policy required by section 570 of this title and its plan for implementation shall include:

- (1) a statement that hazing, as defined in subdivision 11(a)(30) of this title, is prohibited and may be subject to civil penalties pursuant to article 3 of this subchapter 5;
- (2) a procedure that directs students, staff, parents, and guardians how to report violations and file complaints;
- (3) a procedure for investigating reports of violations and complaints;
- (4) a description of the circumstances under which hazing may be reported to a law enforcement agency;
- (5) appropriate penalties or sanctions, or both, for organizations that or individuals who engage in hazing and revocation or suspension of an organization's permission to operate or exist within the institution's purview if that organization knowingly permits, authorizes, or condones hazing;
- (6) a description of how the school board will ensure that teachers and other staff members receive training in preventing, recognizing, and responding to hazing; and
- (7) annual designation of two or more people at each school campus to receive complaints and a procedure for publicizing those people's availability.

**§ 570c. Bullying.**

The bullying prevention policy required by section 570 of this title and its plan for implementation shall include:

- (1) a statement that bullying, as defined in subdivision 11(a)(32) of this title, is prohibited;
- (2) a procedure that directs students, staff, parents, and guardians how to report violations and file complaints;
- (3) a procedure for investigating reports of violations and complaints;
- (4) a description of the circumstances under which bullying may be reported to a law enforcement agency;
- (5) consequences and appropriate remedial action for students who commit bullying;
- (6) a description of how the school board will ensure that teachers and other staff members receive training in preventing, recognizing, and responding to bullying; and
- (7) annual designation of two or more people at each school campus to receive complaints and a procedure both for publicizing the availability of those people and clarifying that their designation does not preclude a student from bringing a complaint to any adult in the building.

**§ 570f. Harassment; notice and response.**

(a)(1) An educational institution that receives actual notice of alleged conduct that may constitute harassment shall promptly investigate to determine whether harassment occurred. After receiving notice of the alleged conduct, the school shall provide a copy of its harassment policy, including its harassment investigation procedure, to the alleged victim and the alleged perpetrator. If either the alleged victim or the alleged perpetrator is a minor, the copy of the policy shall be provided to the person's parent or guardian. Nothing in this section shall be construed to prohibit educational institutions from investigating and imposing disciplinary consequences upon students for misconduct. Elementary and secondary school officials shall strive to implement the plan developed in accordance with subdivision 1161a(a)(6) of this title in order to prevent misconduct from escalating to the level of harassment.

- (2) If, after notice, the educational institution finds that the alleged conduct occurred and that it constitutes harassment, the educational institution shall take prompt and appropriate remedial action reasonably calculated to stop the harassment.

(b) A claim may be brought under the Fair Housing and Public Accommodations Act pursuant to 9 V.S.A. chapter 139 only after the administrative remedies available to the claimant under the policy adopted by the educational institution pursuant to subsection 166(e) or section 570 of this title or pursuant to the harassment policy of a postsecondary school have been exhausted. Such a showing shall not be necessary where the claimant demonstrates that:

- (1) the educational institution does not maintain such a policy;
- (2) a determination has not been rendered within the time limits established under section 570a of this title;
- (3) the health or safety of the complainant would be jeopardized otherwise;
- (4) exhaustion would be futile; or
- (5) requiring exhaustion would subject the student to substantial and imminent retaliation.

(c) To prevail in an action alleging unlawful harassment filed pursuant to this section and 9 V.S.A. chapter 139, the plaintiff shall prove both of the following:

- (1) The student was subjected to unwelcome conduct based on the student's or the student's family member's actual or perceived membership in a category protected by law by 9 V.S.A. § 4502.
- (2) The conduct was either:
  - (A) for multiple instances of conduct, so pervasive that when viewed from an objective standard of a similarly situated reasonable person, it substantially and adversely affected the targeted student's equal access to educational opportunities or benefits provided by the educational institution; or
  - (B) for a single instance of conduct, so severe that when viewed from an objective standard of a similarly situated reasonable person, it substantially and adversely affected the targeted student's equal access to educational opportunities or benefits provided by the educational institution.

(d) As used in this article:

- (1) "Designated employee" means an employee who has been designated by an educational institution to receive complaints of harassment pursuant to section 570a of this title or in accordance with the harassment policy of a postsecondary school.
- (2) "Educational institution" means a Vermont public or independent school or a postsecondary school that offers or operates a program of college or professional education for credit or degree in Vermont.
- (3) "Notice" means a written complaint or oral information that harassment may have occurred that has been provided to a designated employee from another employee, the student allegedly subjected to the harassment, another student, a parent or guardian, or any other individual who has reasonable cause to believe the alleged conduct may have occurred. If the complaint is oral, the designated employee shall promptly reduce the complaint to writing, including the time, place, and nature of the conduct, and the identity of the participants and complainant.

#### **§ 570i. Definitions.**

As used in this subchapter:

- (1) "Educational institution" means a Vermont public or independent school or a postsecondary school that offers or operates a program of college or professional education for credit or a degree in Vermont.
- (2) "Organization" means a fraternity, sorority, athletic team, association, corporation, order, society, corps, cooperative, club, or other similar group, whose members primarily are students at an educational institution, and that is affiliated with the educational institution.

- (3) "Pledging" means any action or activity related to becoming a member of an organization.
- (4) "Student" means any person who:
  - (A) is registered in or in attendance at an educational institution;
  - (B) has been accepted for admission at the educational institution where the hazing incident occurs; or
  - (C) intends to attend an educational institution during any of its regular sessions after an official academic break.

**§ 570j. Unlawful conduct.**

- (a) For purposes of this subchapter, "hazing" means any intentional, knowing, or reckless act committed by a student, whether individually or in concert with others, against another student:
  - (1) in connection with pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization that is affiliated with the educational institution; and
  - (2) that is intended to have the effect of, or should reasonably be expected to have the effect of, endangering the mental or physical health of the student.
- (b) Hazing shall not include any activity or conduct that furthers legitimate curricular, extracurricular, or military training program goals, provided that:
  - (1) the goals are approved by the educational institution; and
  - (2) the activity or conduct furthers the goals in a manner that is appropriate, contemplated by the educational institution, and normal and customary for similar programs at other educational institutions.
- (c) It shall be unlawful to:
  - (1) engage in hazing;
  - (2) solicit, direct, aid, or attempt to aid, or abet another person engaged in hazing; or
  - (3) knowingly fail to take reasonable measures within the scope of the person's authority to prevent hazing.
- (d) It is not a defense in an action under this subchapter that the person against whom the hazing was directed consented to or acquiesced in the hazing activity.

**§ 570k. Civil penalty; Judicial Bureau; waiver penalty.**

- (a) A person who commits an unlawful act under this subchapter shall be subject to a civil penalty of not more than \$ 5,000.00.
- (b) Any law enforcement officer may issue a summons and complaint for an act of hazing, which shall be heard by the Judicial Bureau pursuant to the procedures provided in 4 V.S.A. chapter 29.
- (c) The Court Administrator shall appoint a panel of Judicial Bureau hearing officers to establish a waiver penalty for an act of hazing.
- (d) Nothing in this section shall limit or affect the right of an educational institution to enforce its own penalties against hazing.

**§ 570l. Criminal prosecution and civil action.**

Nothing in this subchapter shall limit or preclude a criminal prosecution or any criminal or civil action based on any act that may constitute hazing.

### **§ 1161a. Discipline.**

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

(6) A description of behaviors on and off school grounds that constitute misconduct, including harassment, bullying, and hazing, particularly those behaviors that may be grounds for expulsion. The plan shall include a description of misconduct as listed in subdivisions 11(a)(26)(A)-(C) and (32) of this title that, although serious, does not rise to the level of harassment or bullying as those terms are defined in these subdivisions.

### **HB 95. Section 35. Agency of education; restorative justice practices.**

The Agency of Education shall explore the use of restorative and similar practices regarding school climate and culture, truancy, bullying and harassment, and school discipline. The Agency shall consider the research that demonstrates that restorative approaches lead to reductions in absenteeism, suspensions, and expulsions and to improved educational outcomes.

## **REGULATIONS**

### **22 000 003. Section 2122.1. School facilities and the learning environment.**

Each school shall maintain a safe, orderly, civil, flexible and positive learning environment, which is free from hazing, harassment and bullying and based on sound instructional and classroom management practices and clear discipline and attendance policies that are consistently and effectively enforced.

### **22 000 003. Section 2125. Continuous improvement plan.**

The school board shall approve the plan, which at minimum shall contain

- a. goals and objectives for improved student learning;
- b. educational strategies and activities specifically designed to achieve these goals, including professional learning of administrative and instructional staff;
- c. strategies and supports to ensure the school maintains a safe, orderly, civil and positive learning environment which is free from harassment, hazing and bullying; and
- d. required technical assistance from the Vermont Agency of Education as appropriate or determined by law.

## **Dating and Relationship Violence**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

No relevant regulations found.



# ***Prevention, Behavioral Intervention, and Supports***

## **State Model Policies and Implementation Support**

### **LAWS**

#### **§ 165. Education quality standards; equal educational opportunities; independent school meeting education quality standards.**

(b) Annually, the Secretary shall determine whether students in each Vermont public school are provided educational opportunities substantially equal to those provided in other public schools. If the Secretary determines that a school is not meeting the education quality standards listed in subsection (a) of this section or that the school is making insufficient progress in improving student performance in relation to the standards for student performance set forth in subdivision 164(9) of this title, he or she shall describe in writing actions that a district must take in order to meet either or both sets of standards and shall provide technical assistance to the school. If the school fails to meet the standards or make sufficient progress within two years of the determination, the Secretary shall recommend to the State Board one or more of the following actions:

- (1) the Agency continue to provide technical assistance for one more cycle of review;
- (2) the State Board adjust supervisory union boundaries or responsibilities of the superintendency pursuant to section 261 of this title;
- (3) the Secretary assume administrative control of an individual school, school district, or supervisory union, including budgetary control to ensure sound financial practices, only to the extent necessary to correct deficiencies;
- (4) the State Board close an individual school or schools and require that the school district pay tuition to another public school or an approved independent school pursuant to chapter 21 of this title; or
- (5) the State Board require two or more school districts to consolidate their governance structures.

#### **§ 570. Harassment, hazing, and bullying prevention policies.**

(a) State policy. - It is the policy of the State of Vermont that all Vermont educational institutions provide safe, orderly, civil, and positive learning environments. Harassment, hazing, and bullying have no place and will not be tolerated in Vermont schools. No Vermont student should feel threatened or be discriminated against while enrolled in a Vermont school.

(b) Prevention policies. - Each school board shall develop, adopt, ensure the enforcement of, and make available in the manner described under subdivision 563(1) of this title harassment, hazing, and bullying prevention policies that shall be at least as stringent as model policies developed by the Secretary. Any school board that fails to adopt one or more of these policies shall be presumed to have adopted the most current model policy or policies published by the Secretary. [...]

(d) Duties of the Secretary. - The Secretary shall:

- (1) develop and, from time to time, update model harassment, hazing, and bullying prevention policies; and
- (2) establish an Advisory Council to review and coordinate school and statewide activities relating to the prevention of and response to harassment, hazing, and bullying. The Council shall report annually in January to the State Board and the House and Senate Committees on Education. The Council shall include:
  - (A) the Executive Director of the Vermont Principals' Association or designee;
  - (B) the Executive Director of the Vermont School Boards Association or designee;
  - (C) the Executive Director of the Vermont Superintendents Association or designee;
  - (D) the President of the Vermont-National Education Association or designee;

- (E) the Executive Director of the Vermont Human Rights Commission or designee;
- (F) the Executive Director of the Vermont Independent Schools Association or designee; and
- (G) other members selected by the Secretary, at least one of whom shall be a current secondary student who has witnessed or experienced harassment, hazing, or bullying in the school environment.

## **REGULATIONS**

### **22 000 003. Section 2125. Continuous improvement plan.**

The school board shall approve the plan, which at minimum shall contain

- a. goals and objectives for improved student learning;
- b. educational strategies and activities specifically designed to achieve these goals, including professional learning of administrative and instructional staff;
- c. strategies and supports to ensure the school maintains a safe, orderly, civil and positive learning environment which is free from harassment, hazing and bullying; and
- d. required technical assistance from the Vermont Agency of Education as appropriate or determined by law.

### **22 000 036. Section 4509. State recommended training.**

The Department of Education shall maintain a directory of recommended physical restraint training programs, which must include at least the following elements:

- a. Appropriate procedures for preventing the need for physical restraint, including the de-escalation of dangerous behavior, relationship-building, and the use of alternatives to physical restraint;
- b. Identification of dangerous behaviors that may indicate the need for physical restraint and methods for evaluating the risk of harm to determine if physical restraint is warranted;
- c. Simulated experience in administering and in receiving a variety of physical restraint techniques, across a range of increasingly restrictive interventions;
- d. Instruction regarding the effects of physical restraint on the person restrained, including monitoring physical signs of distress and how to obtain medical assistance;
- e. Instruction regarding investigation of injuries and complaints.

A school may use a training program that is not on the state recommended list if it submits a plan to the Commissioner of Education demonstrating how that training program meets the purposes of these Rules and contains the elements listed above.

## **Multi-tiered Frameworks and Systems of Support**

### **LAWS**

#### **§ 2902. Tiered system of supports and education support team.**

(a) Within each school district's comprehensive system of educational services, each public school shall develop and maintain a tiered system of academic and behavioral supports for the purpose of providing all students with the opportunity to succeed or to be challenged in the general education environment. For each school it maintains, a school district board shall assign responsibility for developing and maintaining the tiered system of supports either to the superintendent pursuant to a contract entered into under section 267 of this title or to the school principal. The school shall provide all students a full and fair opportunity to access the system of supports and achieve educational success. The tiered system of supports shall, at a minimum, include an educational support team, instructional and behavioral interventions, and accommodations that are available as needed for any student who requires support

beyond what can be provided in the general education classroom and may include intensive, individualized interventions for any student requiring a higher level of support.

(b) The tiered system of supports shall:

- (1) be aligned as appropriate with the general education curriculum;
- (2) be designed to enhance the ability of the general education system to meet the needs of all students;
- (3) be designed to provide necessary supports promptly, regardless of an individual student's eligibility for categorical programs;
- (4) seek to identify and respond to students in need of support for emotional or behavioral challenges and to students in need of specialized, individualized behavior supports;
- (5) provide all students with a continuum of evidence-based positive behavioral practices that promote social and emotional learning, including trauma-sensitive programming, that are both school-wide and focused on specific students or groups of students;
- (6) promote collaboration with families, community supports, and the system of health and human services; and
- (7) provide professional development, as needed, to support all staff in full implementation of the multi-tiered system of support.

(c) The educational support team for each public school in the district shall be composed of staff from a variety of teaching and support positions and shall:

- (1) Determine which enrolled students require additional assistance to be successful in school or to complete secondary school based on indicators set forth in guidelines developed by the Secretary, such as academic progress, attendance, behavior, or poverty. The educational support team shall pay particular attention to students during times of academic or personal transition.
- (2) Identify the classroom accommodations, remedial services, and other supports to be provided to the identified student.
- (3) Assist teachers to plan for and provide services and accommodations to students in need of classroom supports or enrichment activities.
- (4) Develop an individualized strategy, in collaboration with the student's parents or legal guardian whenever possible, to assist the identified student to succeed in school and to complete his or her secondary education.
- (5) Maintain a written record of its actions. [...]

(g) The tiered system of academic and behavioral supports required under this section shall not be used by a school district to deny a timely initial comprehensive special education evaluation for children suspected of having a disability. The Agency of Education shall adopt policies and procedures to ensure that a school district's evaluation of a child suspected of having a disability is not denied because of implementation of the tiered system of academic and behavioral supports. The policies and procedures shall include:

- (1) the definition of what level of progress is sufficient for a child to stop receiving instructional services and supports through the tiered system of academic and behavioral supports;
- (2) guidance on how long children are to be served in each tier; and
- (3) guidance on how a child's progress is to be measured.

## **REGULATIONS**

### **22 000 003. Section 2121.5. Tiered system of support.**

In accordance with 16 V.S.A. §2902 and State Board Rule 2194, each school shall ensure that a tiered system of academic and behavioral supports is in place to assist all students in working toward

attainment of the standards. This system shall be aligned with the school's Personalized Learning Plan structures, and specific student support services shall be specified within a student's Personalized Learning Plan.

**22 000 036. Section 4500.1. Statement of purpose.**

The purposes of these rules are to:

- a. Create and maintain a positive and safe learning environment in schools;
- b. Promote positive behavioral interventions and supports in schools; and
- c. Ensure that students are not subjected to inappropriate use of restraint or seclusion.

**22 000 036. Section 4500.3. Definitions.**

For purposes of these rules, the following definitions apply:

- 8. Positive Behavioral Interventions and Supports means an approach to preventing and responding to targeted behavior that:
  - a. Is based on evidence-based practices;
  - b. Is proactive and instructional, rather than reactive;
  - c. Can operate on individual, group, classroom, or school wide levels;
  - d. Includes a system of continual data collection; and
  - e. Relies on data-driven decisions.

**22 000 036. Section 4502. Permissible use of restraint and seclusion.**

4502.3 In rare circumstances where the use of physical restraint or seclusion may be necessary due to a student's pattern of dangerous behavior that is not responsive to less restrictive interventions, physical restraint and/or seclusion may be included in an individual safety plan only if all of the following conditions apply:

- e. A behavioral intervention plan, emphasizing positive behavioral interventions and supports, has been implemented.

## **Prevention**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

No relevant regulations found.

## **Social-emotional Learning (SEL)**

### **LAWS**

**§ 2902. Tiered system of supports and education support team.**

(b) The tiered system of supports shall:

- (5) provide all students with a continuum of evidence-based positive behavioral practices that promote social and emotional learning, including trauma-sensitive programming, that are both school-wide and focused on specific students or groups of students.

### **REGULATIONS**

No relevant regulations found.

## Trauma-informed Practices

### LAWS

#### **§ 2902. Tiered system of supports and education support team.**

(a) Within each school district's comprehensive system of educational services, each public school shall develop and maintain a tiered system of academic and behavioral supports for the purpose of providing all students with the opportunity to succeed or to be challenged in the general education environment. For each school it maintains, a school district board shall assign responsibility for developing and maintaining the tiered system of supports either to the superintendent pursuant to a contract entered into under section 267 of this title or to the school principal. The school shall provide all students a full and fair opportunity to access the system of supports and achieve educational success. The tiered system of supports shall, at a minimum, include an educational support team, instructional and behavioral interventions, and accommodations that are available as needed for any student who requires support beyond what can be provided in the general education classroom and may include intensive, individualized interventions for any student requiring a higher level of support.

(b) The tiered system of supports shall:

(5) provide all students with a continuum of evidence-based positive behavioral practices that promote social and emotional learning, including trauma-sensitive programming, that are both school-wide and focused on specific students or groups of students.

### REGULATIONS

No relevant regulations found.

## Mental Health Literacy Training

### LAWS

No relevant laws found.

### REGULATIONS

No relevant regulations found.

## School-based Behavioral Health Programs

### LAWS

#### **§ 2902. Tiered system of supports and education support team.**

(b) The tiered system of supports shall:

(4) seek to identify and respond to students in need of support for emotional or behavioral challenges and to students in need of specialized, individualized behavior supports.

### REGULATIONS

#### **22-000-003. Section 2121.5. Tiered system of support.**

In accordance with 16 V.S.A. §2902 and State Board Rule 2194, each school shall ensure that a tiered system of academic and behavioral supports is in place to assist all students in working toward attainment of the standards. This system shall be aligned with the school's Personalized Learning Plan structures, and specific student support services shall be specified within a student's Personalized Learning Plan. [...] Health services, including health appraisal and counseling, communicable disease control, mental health, and emergency and first aid care, shall be made available in a confidential manner to students in each school. These health services shall be delivered in accordance with the school district's written policies and procedures, which shall be developed in collaboration with parents and community health resources.

# ***Monitoring and Accountability***

## **Formal Incident Reporting of Conduct Violations**

### **LAWS**

#### **§ 570a. Harassment.**

(a) Policies and plan. - The harassment prevention policy required by section 570 of this title and its plan for implementation shall include:

(3) A procedure that directs students, staff, parents, and guardians how to report violations and file complaints.

#### **§ 570b. Hazing.**

The hazing prevention policy required by section 570 of this title and its plan for implementation shall include:

(2) a procedure that directs students, staff, parents, and guardians how to report violations and file complaints.

#### **§ 570c. Bullying.**

The bullying prevention policy required by section 570 of this title and its plan for implementation shall include:

(2) a procedure that directs students, staff, parents, and guardians how to report violations and file complaints.

#### **§ 1126. Failure to attend; notice.**

When a student between the ages of six and 16 years, who is not excused or exempted from school attendance, fails to enter school at the beginning of the academic year or, being enrolled, fails to attend the school, and when a student who is at least 16 years of age becomes enrolled in a public school and fails to attend, the teacher or principal shall notify the truant officer and either the superintendent or the school board, unless the teacher or principal is satisfied that the student is absent on account of illness.

#### **§ 1127. Notice and complaint by truant officer; penalty.**

(a) The truant officer, upon receiving the notice provided in section 1126 of this title, shall inquire into the cause of the nonattendance of the child. If he or she finds that the child is absent without cause, the truant officer shall give written notice to the person having the control of the child that the child is absent from school without cause and shall also notify that person to cause the child to attend school regularly thereafter.

(b) When, after receiving notice, a person fails, without legal excuse, to cause a child to attend school as required by this chapter, he or she shall be fined not more than \$ 1,000.00 pursuant to subsection (c) of this section.

(c) The truant officer shall enter a complaint to the State's Attorney of the county and shall provide a statement of the evidence upon which the complaint is based. The State's Attorney shall prosecute the person. In the prosecution, the complaint, information, or indictment shall be deemed sufficient if it states that the respondent (naming the respondent) having the control of a child of school age (naming the child) neglects to send that child to a public school or an approved or recognized independent school or a home study program as required by law.

#### **§ 1166. Possession of a firearm at school.**

(b) Each school board shall adopt and implement policies regarding a student who brings a firearm to or possesses a firearm at school, which at a minimum shall include:

(1) A provision that any student who brings a firearm to or possesses a firearm at school shall be referred to a law enforcement agency. In addition to any other action the law enforcement agency may take, it may report the incident to the Department for Children and Families.

## **REGULATIONS**

### **22 000 036. Section 4503. Reporting the use of restraint and seclusion.**

4503.1 To the School Administrator.

Any person who imposes a restraint or seclusion shall report its use to the school administrator as soon as possible, but in no event later than the end of the school day of its use. [...]

4503.3 To the Superintendent.

The school administrator shall report the use of restraint or seclusion to the superintendent of the Supervisory Union whenever:

- a. There is death, injury or hospitalization to staff or student as a result of a restraint or seclusion; or
- b. An individual employee or contracted service provider has engaged in the use of physical restraint or seclusion three (3) separate times on one (1) or more students; or
- c. Physical restraint has been used for more than fifteen (15) minutes; or
- d. Any student has been restrained or secluded three (3) or more times per school year; or
- e. A student has been restrained or secluded more than once in a school day; or
- f. A student is restrained or secluded who is not on a behavioral intervention plan; or
- g. Restraint or seclusion has been used in violation of these rules, including the use of any prohibited form of restraint.

Reports to the Superintendent shall be made within three school days of the incident that requires reporting and shall include all the information set forth in Rule 4504 required of a written record of each use of restraint or seclusion.

4503.3.1 Learning environments other than public schools shall fulfill this reporting requirement by reporting to the Superintendent of the Supervisory Union that is the LEA or sending district for the student. If there is no sending district or LEA, this requirement shall be fulfilled by reporting to the Commissioner of the Department of Education in accordance with Rule 4503.4.

4503.4 To the Commissioner of the Department of Education.

The Superintendent of the supervisory union shall report the use of restraint or seclusion to the Commissioner of the Department of Education within three (3) school days of receipt of a report indicating any the following:

- a. There is death, injury requiring outside medical treatment or hospitalization to staff or student as a result of a restraint or seclusion; or
- b. Physical restraint or seclusion has been used for more than thirty (30) minutes or
- c. Physical restraint or seclusion has been used in violation of these rules, including the use of any prohibited restraint or seclusion.

The report shall include all the information set forth in Rule 4504 required of a written record of each use of restraint or seclusion.

### **22 000 036. Section 4504. Documentation.**

Each school shall maintain written records of each use of restraint and seclusion. The records shall be maintained by the school administrator and shall include the following:

- a. The name, age, gender and grade of the student;
- b. The date, time and duration of the restraint or seclusion;
- c. Any injuries, death or hospitalization to student or staff resulting from the use of restraint or seclusion;
- d. The location where the restraint or seclusion occurred;
- e. The precipitating event[s] leading up to the restraint or seclusion;
- f. A list of school personnel who participated in the application, monitoring and supervision of the student while restrained or secluded;

- g. The type of restraint or seclusion used;
- h. The reason for the restraint or seclusion;
- i. A description of all the interventions used prior to the application of the restraint or seclusion;
- j. Whether the student has a behavioral intervention plan and/or individualized education plan, Section 504 plan or educational support plan; and
- k. The date notification was provided to the student's parents.

**22 000 036. Section 4507. Complaints and investigations.**

**4507.1 Filing a Complaint**

- a. A parent (as defined in 4500.3(13)) or school personnel may file a complaint regarding the use of restraint or seclusion at any time in accordance with school district policy.
- b. The complaint shall be in writing and shall be directed to the principal, director or administrator of the school in which the student participates.
- c. If the person filing the complaint is unable to submit the complaint in writing, the recipient of the complaint shall complete the form based on a verbal complaint. In this case, the complainant shall be provided with a copy of the complaint.

**4507.2 Investigation**

All complaints shall be investigated by the school or district and written findings issued within thirty (30) days;

**4507.3 Unresolved Complaints**

Unresolved complaints shall be directed to the superintendent of the Supervisory Union where the student resides in accordance with the school board's established complaint process. A student on an individualized education plan (IEP) or Section 504 Plan may also use the dispute resolution options available under Rules 2365.1.4 - 2365.1.6, if appropriate.

## **Parental Notification**

### **LAWS**

**§ 570f. Harassment; notice and response.**

(d) As used in this article:

- (3) "Notice" means a written complaint or oral information that harassment may have occurred that has been provided to a designated employee from another employee, the student allegedly subjected to the harassment, another student, a parent or guardian, or any other individual who has reasonable cause to believe the alleged conduct may have occurred. If the complaint is oral, the designated employee shall promptly reduce the complaint to writing, including the time, place, and nature of the conduct, and the identity of the participants and complainant.

**§ 1127. Notice and complaint by truant officer; penalty.**

(a) The truant officer, upon receiving the notice provided in section 1126 of this title, shall inquire into the cause of the nonattendance of the child. If he or she finds that the child is absent without cause, the truant officer shall give written notice to the person having the control of the child that the child is absent from school without cause and shall also notify that person to cause the child to attend school regularly thereafter.

**§ 1161a. Discipline.**

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

- (3) Procedures for informing parents of the school's discipline policies, for notifying parents of student misconduct, and for working with parents to improve student behavior.



## **REGULATIONS**

### **22 000 009. Section 4311. Procedures.**

When a student is subject to disciplinary action, the school district shall afford the student due process procedures as follows:

4311.1 In all cases of short-term suspension from school, which is generally regarded as 10 days or less, the student and his or her parent/guardian shall be given an opportunity for an informal hearing before an appropriately designated school official. Except for cases set forth in the last paragraph 4311.3, the hearing must precede the suspension and the district shall provide:

- (1) notice of the charges;
- (2) explanation of the evidence against the student;
- (3) opportunity for the student to tell his or her side of the story;
- (4) decision in writing to the parent/guardian.

4311.2 In cases of a long term suspension which is generally more than 10 days unless a school district establishes a shorter period, the student and his or her parent/guardian shall be given an opportunity for a formal hearing before the school board and the district shall provide:

- (1) written notice of the following:
  - (a) nature of charges against the student;
  - (b) date, time and place of hearing;
  - (c) right to legal representation;
  - (d) possible penalties involved;
- (2) opportunity to present evidence;
- (3) opportunity to cross-examine witnesses;
- (4) decision in writing to parent/guardian.

### **22 000 036. Section 4503. Reporting the use of restraint and seclusion.**

4503.2 To Parents.

- a. The school administrator shall make a documented attempt to provide verbal or electronic notice of any incident of restraint or seclusion to the student's parents (as defined in 4500.3(13)) as soon as practical but in no event later than the end of the school day of its use; and
- b. Shall provide written notice to the parents within 24 hours of each use of restraint or seclusion that includes:
  - i. The date and time of its use;
  - ii. A description of the restraint and other intervention used;
  - iii. The date and time when the debriefing session will occur; including notice that the parents have the opportunity to participate in the debriefing; and
  - iv. The name and telephone number of the contact person who can provide further information.

### **22 000 036. Section 4505. Debriefing following use of restraint or seclusion.**

Following each incident of restraint or seclusion, the school administrator shall implement follow-up procedures that include:

- c. An opportunity for parents to participate in the review of an incident of restraint or seclusion within four (4) school days:
  - i. Parents shall receive prior written (including e-mail) notice of the review meeting; and
  - ii. The meeting shall be convened at a mutually acceptable time and place.

# Data Collection, Review, and Reporting of Discipline Policies and Actions

## LAWS

### **§ 164. State Board; general powers and duties.**

The State Board shall engage local school board members and the broader education community and, consistent with the provisions of this title, its own rules, and rules adopted by the Secretary, establish and regularly update a long-term strategic vision for the delivery of educational services in Vermont; advise the General Assembly, the Governor, and the Secretary of Education on high-priority educational policies and issues as they arise; and act in accordance with legislative mandates, including the adoption of rules and executing special assignments. In addition to other specified duties, the Board shall:

(17) Report annually on the condition of education statewide and on a supervisory union and school district basis. The report shall include information on attainment of standards for student performance adopted under subdivision (9) of this section, number and types of complaints of hazing, harassment, or bullying made pursuant to chapter 9, subchapter 5 of this title and responses to the complaints, financial resources and expenditures, and community social indicators. The report shall be organized and presented in a way that is easily understandable by the general public and that enables each school, school district, and supervisory union to determine its strengths and weaknesses. To the extent consistent with State and federal privacy laws and regulations, data on hazing, harassment, or bullying incidents shall be disaggregated by incident type, including disaggregation by ethnic groups, racial groups, religious groups, gender, sexual orientation, gender identity, disability status, and English language learner status. The Secretary shall use the information in the report to determine whether students in each school, school district, and supervisory union are provided educational opportunities substantially equal to those provided in other schools, school districts, and supervisory unions pursuant to subsection 165(b) of this title.

### **§ 1166. Possession of a firearm at school.**

(c) Annually at a time and on a form determined by the Secretary, each superintendent shall provide the Secretary with a description of the circumstances surrounding expulsions imposed under this section, the number of students expelled, and the type of firearm involved.

## REGULATIONS

### **22 000 003. Section 2124. Reporting of results.**

As required in 16 V.S.A. §165(a)(2) , each school shall report student and system performance results to the community at least annually in a format selected by the school board. The report shall at minimum include those elements listed in 16 V.S.A. §165a(2)(A-K) .

The performance criteria of the school shall be clear and be communicated to administrators, educators and other building staff.

Each supervisory union shall establish a secure student data system that enables regular access for teachers and administrators. Teachers shall have access to data on individual students whom they teach and aggregate data on student and system performance results. Administrators shall have access to individual student data and on student and system performance results.

For aggregate school data, in no case shall personally identifiable information on any student be revealed.

### **22 000 036. Section 4508. Monitoring and corrective action.**

The commissioner of the Department of Education shall review reports received pursuant to Rule 4503.4 and identify those schools in need of additional training and, when those reports reflect an over-use of these interventions, shall direct the school to work with the department to develop a corrective action plan.

# ***Partnerships between Schools and Law Enforcement***

## **Referrals to Law Enforcement**

### **LAWS**

#### **§ 140. Tobacco use prohibited on public school grounds.**

No person shall be permitted to use tobacco products or tobacco substitutes as defined in 7 V.S.A. § 1001 on public school grounds or at public school sponsored functions. Public school boards may adopt policies that include confiscation and appropriate referrals to law enforcement authorities.

#### **§ 570a. Harassment.**

(a) Policies and plan. - The harassment prevention policy required by section 570 of this title and its plan for implementation shall include:

- (4) A description of the circumstances under which harassment may be reported to a law enforcement agency.

#### **§ 570b. Hazing.**

The hazing prevention policy required by section 570 of this title and its plan for implementation shall include:

- (4) a description of the circumstances under which hazing may be reported to a law enforcement agency.

#### **§ 570c. Bullying.**

The bullying prevention policy required by section 570 of this title and its plan for implementation shall include:

- (4) a description of the circumstances under which bullying may be reported to a law enforcement agency.

#### **§ 1166. Possession of a firearm at school.**

(b) Each school board shall adopt and implement policies regarding a student who brings a firearm to or possesses a firearm at school, which at a minimum shall include:

- (1) A provision that any student who brings a firearm to or possesses a firearm at school shall be referred to a law enforcement agency. In addition to any other action the law enforcement agency may take, it may report the incident to the Department for Children and Families.

### **REGULATIONS**

#### **22 000 009. Section 4311. Procedures.**

When a student is subject to disciplinary action, the school district shall afford the student due process procedures as follows:

- 4311.3 (1) When a student, because of his or her conduct or condition, is an immediate threat to himself or herself, others, property or educational environment, the school district may take whatever action is appropriate under the circumstances, including, but not limited to, immediate suspension pending a hearing as soon as possible thereafter. In addition, in cases where a student brings a weapon (as defined in the federal Gun-Free School Act) to school, the school district must refer the student to a law enforcement agency and expel the student for a period of not less than one calendar year unless such

expulsion is modified in accordance with the provisions of 16 V.S.A. § 1166(b)(2) in circumstances such as but not limited to:

- (a) the student is unaware that he or she has brought a weapon to school,
- (b) the student did not intend to use the weapon to threaten or endanger others,
- (c) the student is disabled and the misconduct is related to the disability,
- (d) the student does not present an ongoing threat to others and a lengthy expulsion would not serve the best interest of the student.

(2) In situations where a student with a disability brings a weapon to school, the provisions of regulation 4312(2) shall apply. In any such situation, an opportunity for a hearing prior to an expulsion must be provided prior to the expulsion, pursuant to 16 V.S.A. § 1166(b)(2).

## **School Resource Officer (SRO) or School Security Officer (SSO) Training or Certification**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

No relevant regulations found.

## **Authorizations, Memoranda of Understanding (MOUs), and/or Funding**

### **LAWS**

**§ 1167. School resource officer; memorandum of understanding.**

(b) School boards and law enforcement agencies are encouraged to enter into memoranda of understanding relating to:

- (1) the possession and use of weapons and devices by a school resource officer on school property; and
- (2) the nature and scope of assistance that a school resource officer will provide to the school system.

### **REGULATIONS**

No relevant regulations found.

## **Threat Assessment Protocols**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

No relevant regulations found.

## ***State-Sponsored, Publicly Available Websites or Other Resources on School Discipline***

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Vermont provide additional context to state policy and regulations and, in some cases, may support the readers' efforts to provide a positive disciplinary school climate.

<i>Title</i>	<i>Description</i>	<i>Website address (if applicable)</i>
<b>Website</b>		
Healthy and Safe Schools, Vermont Agency of Education	Presents the Whole School, Whole Community, Whole Child (WSCC) model and provides links to school health profiles report, crisis planning guide, and youth risk behavior survey.	<a href="https://education.vermont.gov/student-support/healthy-and-safe-schools">https://education.vermont.gov/student-support/healthy-and-safe-schools</a>
Multi-tiered System of Supports, Vermont Agency of Education	Presents information on multi-tiered system of supports in Vermont schools and provides links to briefs, surveys, and toolkits for educators.	<a href="https://education.vermont.gov/student-support/vermont-multi-tiered-system-of-supports">https://education.vermont.gov/student-support/vermont-multi-tiered-system-of-supports</a>
Restraint and Seclusion, Vermont Agency of Education	Addresses restraint and seclusion in Vermont schools with the State Board Rule 4500 and provides incident reporting forms for restraint and seclusion.	<a href="https://education.vermont.gov/student-support/healthy-and-safe-schools/restraint-and-seclusion">https://education.vermont.gov/student-support/healthy-and-safe-schools/restraint-and-seclusion</a>
School Climate, Vermont Agency of Education	Provides an overview of school climate and information about the Harassment, Hazing, and Bullying Prevention Advisory Council (HHB). Includes links to model policies and data on harassment, hazing and bullying incidents in Vermont schools.	<a href="http://education.vermont.gov/student-support/healthy-and-safe-schools/school-climate">http://education.vermont.gov/student-support/healthy-and-safe-schools/school-climate</a>
Vermont Multi-tiered System of Support (VTmtss) Framework Tools, Vermont Agency of Education	Provides educators with a structure for assessing the strengths and areas of growth in their system and using that data to support the goals of their Continuous Improvement Plan.	<a href="https://education.vermont.gov/student-support/vermont-multi-tiered-system-of-supports/vtmtss-framework-tools">https://education.vermont.gov/student-support/vermont-multi-tiered-system-of-supports/vtmtss-framework-tools</a>

Vermont Positive Behavioral Interventions and Supports (VTPBIS), Vermont Agency of Education, UVM Center on Disability and Community Inclusion Collaborations	Provides information and resources on Vermont PBIS including a brief overview of PBIS, training modules and resources, guides for implementation, and a resource library to assist schools and educators form a systems approach to improving the social and academic competence of Vermont students.	<a href="https://www.pbisvermont.org/">https://www.pbisvermont.org/</a>
<b>Documents</b>		
Manual of Rules and Practices Series 4500 - Use of Restraint and Seclusion in Schools, Vermont State Board of Education	Manual of education rules and statutes on the use of restraint and seclusion in schools.	<a href="http://education.vermont.gov/sites/aoe/files/documents/edu-state-board-rules-series-4500.pdf">http://education.vermont.gov/sites/aoe/files/documents/edu-state-board-rules-series-4500.pdf</a>
Model Policy on the Prevention of Harassment, Hazing, and Bullying of Students (August 2016), Vermont Agency of Education	Model policy addressing prevention of harassment, hazing and bullying of students in Vermont schools.	<a href="https://education.vermont.gov/sites/aoe/files/documents/edu-healthy-safe-schools-hhb-model-policy.docx">https://education.vermont.gov/sites/aoe/files/documents/edu-healthy-safe-schools-hhb-model-policy.docx</a>
Vermont Agency of Education's Response to "Implementing Restorative Principles and Practices in Vermont Schools: A Meeting Report on the Future Visions, Current Initiatives and Strategic Recommendations of Restorative Practice Trainers and Vested Stakeholders," Vermont Agency of Education	Report summarizing a set of recommendations for how to improve and increase the use of restorative practices in Vermont schools.	<a href="https://education.vermont.gov/sites/aoe/files/documents/edu-integrated-frameworks-aoe-response-to-restorative-practices-report_0.pdf">https://education.vermont.gov/sites/aoe/files/documents/edu-integrated-frameworks-aoe-response-to-restorative-practices-report_0.pdf</a>
<b>Other Resources</b>		
Harassment, Hazing, and Bullying Data for School Year 2017, Vermont Agency of Education	School district data on the number of reported incidents of harassment, hazing and bullying in Vermont schools.	<a href="https://education.vermont.gov/documents/harassment-hazing-bullying-school-level-sy2017">https://education.vermont.gov/documents/harassment-hazing-bullying-school-level-sy2017</a>
Rule 4500 - Use of Restraint and Seclusion in Schools Questions and Answers, Vermont State Board of Education	Guidance document providing questions and answers on the use of restraint and seclusion in Vermont schools.	<a href="http://education.vermont.gov/sites/aoe/files/documents/edu-rule-4500-questions-answers-rebranded.pdf">http://education.vermont.gov/sites/aoe/files/documents/edu-rule-4500-questions-answers-rebranded.pdf</a>

School Reports, Vermont Agency of Education	School reports on student support services and enrollment data by school and grade level.	<a href="http://education.vermont.gov/data-and-reporting/school-reports">http://education.vermont.gov/data-and-reporting/school-reports</a>
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