

Vermont Students and Parents, Know Your Rights! School Discipline and Exclusion Rights in Vermont

When can a Vermont school suspend a student?

- Schools can only suspend for certain kinds of misconduct that is described in the **student/parent handbook**.¹
 - Possible Examples of Student Misconduct: Illegal drug possession on campus, harassment, smoking cigarettes on campus, fighting, possession of weapon, talking back to school employees, cursing, etc.
- **Students can only be suspended for something they did:**
 - at school,
 - at a school sponsored activity,
 - on the way to or from school or a school sponsored activity, or
 - where direct harm to the welfare of the school or educational access of another student can be demonstrated.

How long can a student be suspended?

- Short-Term: schools can suspend students for **10 consecutive days or less** without school board approval.²
- Long-Term: suspension for **more than 10 consecutive days** is a “long term suspension” or expulsion.³
 - Long-term suspension or expulsion **requires** district school board approval. But, hearings must be **requested** by parents or students.
 - Long-term suspensions may last until the end of the school year or up to 90 days, whichever is longer.
- One Year: Students who bring a gun/knife, or make a bomb threat at school may be expelled for one year or more, subject to school board approval.

¹ Schools and school boards can make local policies that modify the rules in this sheet.

² Exceptions apply if the student may have a disability or is on an IEP or 504 plan.

³ If the student may have a disability or is on an IEP or 504 plan, the school must follow additional procedures.

What are students', parents', and guardians' rights **before** suspension?

- **Short-Term:** A student and his or her parent/guardian have the right to an informal hearing with a school official, upon request. Other rights:
 - **Prior notice** of the charges
 - **Explanation** of the evidence against the student
 - **Opportunity** for student to explain situation
 - **Decision in writing** to the parent/guardian
- **Long-Term:** A student and his or her parent/guardian have a right to a formal hearing before the school board, upon request. Other rights:
 - **Prior written notice** of the charges, hearing date/time/place, right to legal representation, and possible punishment that may be imposed
 - Opportunity to **present evidence**
 - Opportunity to **cross-examine witnesses**
 - **Decision in writing** to parent/guardian
- **Immediate Exclusion from School:**
 - If a student is an imminent threat to self, others, school property or school environment, the student may be suspended immediately, pending hearing.

What should a student or parent do if they do not agree with the suspension?

- **Short-Term:** If they do not agree with the suspension, a parent or student should **request an informal hearing** before an appropriately designated school official.
 - If the student is in special education or on a 504 plan, the parent should contact the school special education coordinator or the 504 coordinator to discuss appropriate responses.
- **Long-Term:** If they do not agree, a parent or student should **request a formal hearing** before the school board and **contract an advocate or lawyer.**
 - If the student has or may have a disability and is suspended for more than 10 days in a school year, that student must be evaluated, and may require more educational supports instead of discipline. Parents should contact their special education coordinator.

