

**POLICY #5114(a)  
Required**

**WINOOSKI SCHOOL DISTRICT**

**POLICY ON STUDENT CONDUCT AND DISCIPLINE**

The Winooski School District respects the individual rights of students while at the same time accepting the “loco parentis” responsibilities inherent in the operation of a public school.

It is the policy of the Winooski School District to maintain a safe, orderly, civil and positive learning environment via a system of classroom and school management practices, supported by consistent, clear, restorative and fair disciplinary procedures. The goal of this policy is to create an environment where the expectations and rules for student behavior are clearly stated, are understood and accepted by students and staff, and are applied in compliance with due process requirements. In addition, violations of expectations and/or rules shall be treated as learning opportunities for students. This policy is to be applied in conjunction with the school's overall discipline plan developed pursuant to 16 V.S.A. § 1161a.

**Definitions**

- 1) Weapon means a device, instrument, material or substance whether animate or inanimate, which, when used as it is intended to be used, is known to be capable of producing death or serious bodily injury.
- 2) School means any setting that is under the control and supervision of the School District. It includes school grounds, facilities, and school-sponsored events whether held on or off of school grounds and vehicles used to transport students to and from school or school activities.
- 3) Expelled means the termination of educational services for the remainder of the school year or up to 90 school days, whichever is longer.
- 4) Knife means any instrument that is capable of ready use as a stabbing weapon that may inflict bodily injury or death.
- 5) Suspension means removal from school for a short period of time. Services may be provided to the student.
- 6) Expulsion means student is no longer eligible for services by the District.

**Student Responsibilities**

It is the responsibility of each student to contribute to a safe and productive learning environment in the school by demonstrating respect and consideration for fellow students and adults. This includes complying with all policies, procedures, expectations and rules of conduct of the Winooski School District and individual classrooms.

**Administrative Responsibilities**

The Principal, in consultation with the educational staff, will develop an overall discipline plan pursuant to 16 V.S.A. §1161a.

The plan will include clear guidelines for student behavior. The guidelines may include provisions for the suspension or expulsion of students who engage in misconduct on school property or 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. The guidelines may also include provisions for the suspension or expulsion of students who engage in misconduct not on school property, on a school bus, or at a school sponsored activity where direct harm to the school can be demonstrated or where the misconduct can be shown to pose a clear and substantial interference with another student’s equal access to educational programs.

The guidelines for student behavior will also include prohibitions against the possession by students of knives, weapons and dangerous instruments while at school, and shall allow disciplinary action up to and including expulsion for violations of the prohibition against knives, weapons and dangerous instruments that are not possessed at school as part of an educational program sponsored or sanctioned by the school.

Behavioral expectations, and the consequences of misconduct will be stated in the student handbook and other publications distributed to students and parents/guardians.

PROCEDURES: (also referred to as rules or regulations) are the specific directions that indicate exactly how school personnel and others will carry out the policies adopted by the School Board. Procedures will be developed by the Superintendent in consultation with staff and are attached. Procedures may change more frequently than the underlying policy and do not require adoption by the Board.

Reviewed and Updated:

1st Reading: October 10, 2018

2<sup>nd</sup> Reading: November 14, 2018

Approved by Board of School Trustees: November 14, 2018

Legal Reference(s):     16 V.S.A. §1161a (discipline)  
                                  ..... 16 V.S.A. §1162 (suspension and expulsion)  
                                  ..... 20 U.S.C. §§1400 et seq. (IDEA)  
                                  ..... 29 U.S.C. §794 (Section 504, Rehabilitation Act of 1973)  
                                  ..... VT State Board of Education Manual of Rules & Practices §4311, 4312, 4313;  
                                  ..... 2120.8.12

Cross Reference(s):  
                                  ..... Board Policy #5111: Prevention of Harassment, Hazing and Bullying of Students  
                                  ..... Board Policy #5114(b): Student Alcohol and Drug Abuse  
                                  ..... Board Policy #5114(c): Weapons  
                                  ..... Administrative Procedure WSD105: Public Complaints About Personnel  
                                  ..... Administrative Procedure WSD501: Student Possession and Use of Tobacco Products  
                                  ..... Administrative Procedure WSD502: Search and Seizure  
                                  ..... Administrative Procedure WSD503: Interrogation or Searches of Students by Law  
                                  ..... Enforcement Personnel or Other Non-School Personnel  
                                  ..... Administrative Procedure WSD509: Interscholastic Athletics and Extra-Curricular Activities  
                                  ..... Administrative Procedure WSD510: Dress Code

**PROCEDURES:**

1. The Principal or his or her designee may assign a student to in-school detention for up to 10 consecutive school days with due process. The educational program of a student assigned to in-school detention shall be continued to an extent determined to be feasible and appropriate by the principal. Students assigned to in-school detention should be provided with a reasonable opportunity to engage in restorative actions such as completing academic assignments, counseling and/or related activities designed to bring about an improvement in their behavior.
2. A student who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process of the school shall be immediately removed from the school or to a place within the school determined by the principal or his or her designee to be sufficiently secure to permit the academic process of the school to continue. The parent or guardian of a student who is to be removed from school will be notified by the superintendent, principal, or their designee. If the parent or guardian cannot be located, the student will be detained at school for the remainder of the school day.

No student will be removed from school for more than the remainder of a school day unless the student and his or her parents are given an opportunity for an informal hearing pursuant to #3 of these procedures. When immediate removal of a student is necessary prior to a hearing, the informal hearing shall be held as soon as possible following the removal.

3. The principal or superintendent may suspend a student from school for a period of 10 days or less for violations of school rules. Prior to such a suspension, the student and his or her parent or guardian shall be given an opportunity for an informal hearing with the principal or his or her designee. The student and his or her parent or guardian must be given notice of the charges, an explanation of the evidence against the student, an opportunity for the student to tell his or her side of the story, and a decision in writing to the parent or guardian.
4. A principal or superintendent may, pursuant to policies adopted by the school board that are consistent with state board rules, suspend a pupil for up to 10 school days or, with the approval of the board of the school district, expel a pupil for the remainder of the school year or up to 90 school days, whichever is longer, for misconduct on school property, on a school bus or at a school-sponsored activity when the misconduct makes the continued presence of the pupil harmful to the welfare of the school or for misconduct 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. Nothing contained in this section shall prevent a superintendent or principal, subject to subsequent due process procedures, from removing immediately from a school a pupil 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 pupil who brings a weapon to school. (VSA, Title 16, Section 1162; 1166)

Long-term suspension must be preceded by notice and formal due process procedures, including the opportunity for a hearing before the board. The student and his or her parents/guardian must be notified in writing of the date, time and place of the hearing and given an opportunity to present evidence, to cross-examine witnesses, and to be represented by counsel and to receive a written decision. The notice shall also include a statement of the rule infraction(s) alleged, the potential consequences of the hearing, and a summary of the evidence to be introduced at the hearing.

5. The principal or superintendent may recommend for expulsion any student whose misconduct makes the continued presence of the student harmful to the welfare of the school. A student may be expelled only after a majority vote of the board supporting the recommendation of the superintendent or principal, preceded by notice and due process hearing conforming to the requirements set forth in number 4 above.
6. The Winooski School District will comply with all IDEA Statutes and regulations as well as state statutes and regulations concerning discipline of students with disabilities.
7. With regard to offenses involving the use and possession of drugs and alcohol, the special disciplinary procedures applicable to students with disabilities outlined in # 6 need of these procedures need not be

followed for students who are disabled solely by virtue of their current use of drugs and/or alcohol and are not involved in a treatment program.

8. In the case when the discipline issue is related to the possession, use and/or abuse of alcohol or a controlled substance and the special provisions of number 6 does not apply, the additional provision of Policy #5114(b) – Student Drug and Alcohol shall also be followed.
9. In the case when the discipline issue is related to the possession, use and/or abuse of alcohol or a controlled substance and the special provisions of the number 6 does not apply, the additional provision of Policy #5114(c) - Weapons shall also be followed.
10. In the case when the discipline issue is related to possession and use of tobacco products, the additional provision of Administrative Procedure WSD501 – Student Possession and Use of Tobacco Products shall also be followed.
11. The principals will retain records of all reported incidents of harassments, hazing, and bullying and conduct an annual review of all reported incidents to determine if staff development and/or student education and programs are necessary to respond to these incidents.