



# ADDISON NORTHWEST SCHOOL DISTRICT PROCEDURE

<b>PROCEDURE</b>	<b>Student Conduct and Discipline</b>		
<b>SECTION</b>	<b>Suspension Procedures</b>	<b>CODE</b>	<b>C15R</b>

*Last Updated: August 2023*

Suspension is exclusion from the learning environment for less than the remainder of the school year. Suspensions can be served in school or out of school. [Rule 4311](#) specifies the procedures required for students who are suspended and who are not suspected of having a disability. Suspension is always used as a last resort at ANWSD. Prior to a suspension, we consider how to most effectively maintain the integrity and safety of the student, and learning environment.

What can constitute a suspension in ANWSD:

- Students brings a weapon to school
- Student brings or distributes controlled substance to/in school
- Students is immediate threat to others
- Student brings or distributes alcohol to/in school
- Student is substantiated offender in hazing, harassment or bullying investigation

What constitutes an expulsion, or referral to school board for possible expulsion, in ANWSD:

- Student brings a firearm to school (see [policy C15](#))

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

**Short-term Suspension** (10 consecutive days or less) Student and family receive an “informal hearing.” The “hearing must precede the suspension” unless the student is an immediate threat to himself, herself, others, property, or the educational environment. At the informal hearing, the district shall provide:

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

**Long-term Suspension** (More than 10 consecutive days)

Student and family receive a “formal hearing” A long term suspension must have a formal hearing within 10 days. The Superintendent notifies the Board Chair and the hearing is held (in executive session) with the student and family. Both the district and the family have the right to obtain legal counsel. It is not the

District responsibility to pay for legal counsel for the student and family. The “hearing must precede the suspension” unless the student is an immediate threat to himself, herself, others, property, or the educational environment. The district shall provide written notice of the following:

- 1) nature of the charges,
- 2) date, time, and place of hearing,
- 3) right to legal representation, and
- 4) possible penalties involved.

The district shall also provide:

- 1) opportunity to present evidence at the hearing,
- 2) opportunity to cross examine witnesses at the hearing, and
- 3) a decision in writing to the parent/guardian.

With only limited exception, schools may not suspend a student unless these procedures are followed. The exception is if the student poses an **immediate threat** to themselves, others, school property, or the school environment. Students who pose an immediate threat can be removed from school immediately. However, the opportunity for an informal hearing must be offered as soon as possible after such a suspension.

### **Suspension Under Eight Years Old**

In accordance with Act 35, banning suspension and expulsion of students under eight years old, except in cases of imminent harm or danger to others.

Within 5 school calendar days from the date of incident, the school must submit this report to the Agency of Education (AOE), in addition to reporting the suspension on Powerschool.

- [Kindergarten to Age 8: Suspension and Expulsion Incident Report](#)

Vermont law encourages but does not require schools to offer educational services to students who have been suspended. Schools may be required to offer educational services in some cases where the student being excluded has a disability.

A student with a disability **cannot be suspended for more than 10 days (consecutive or cumulative) in a year**, unless the school:

- re-evaluates the student **or**
- conducts a “manifestation hearing”

### **Special Education and students served by Section 504**

A student with a disability who is removed from their current placement shall continue to receive educational services so as to enable them to continue to participate in the general education curriculum (although in another setting) and to progress toward meeting the goals set out in their IEP, and:

- Receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, which are designed to address the behavior violation so it does not recur.
- These services may be provided in an interim alternative educational setting.
- The school is not required to provide services during periods of removal to a student with a disability who has been removed from their current placement for ten school days or less in one

In the case of ten suspensions, a manifestation determination meeting must be held. The administrator should contact the Director of Student Support Services for consultation.

### **Documentation**

All suspensions (in school and out of school) should be recorded as both an incident, and in the attendance record in Powerschool.

In Powerschool, an administrator or designee should record the incident, and use Out-of-School suspension or In-School suspension for "Response/Action Taken". For attendance, administrators or attendance secretaries will select OSS (out-of-school suspension) or ISS (in-school suspension) for the days that the student will be suspended.

### **Suspensions for a Threat to Self**

In the case of a student making a substantiated threat towards themselves and is asked to leave school for mental health purposes, the student should not receive an immediate suspension. If both the parent/guardian and school agree that the student needs further assessment or outside professional intervention, then the student should be coded in the system as leaving for a medical appointment. In the circumstance that a student is asked to leave to seek further mental health intervention and the parent/guardian does not agree, then a call should be placed to DCF and coded as a suspension under Title 16 section 1162.

### **Re-entry Meetings**

All out of school suspensions at ANWSD are concluded with a re-entry meeting for the family. The purpose of the meeting is to interrupt a potential cycle of suspensions, communicate any changes in the academic environment, and coordinate any supports that have been added for the student to access. A reentry plan should be created for each incident.

## Coding Suspensions: Guidelines to Follow

***If a student gets an In school Suspension, but the family says we want to come and get their student, do we code that as an out of school suspension? Or is it an early dismissal?***

You need to record that as *in-school suspension* in the student incident or discipline record. The attendance record would be an *early dismissal*. A note in the discipline report indicating that the family took the student home would be a good idea.

***If a student is told to go into the office (or leave class) but then rejoins the next class, does that count as an in-school suspension?***

The second situation (B) depends on timing and circumstances. We generally consider in-school suspension as periods of time out of class or program of  $\frac{1}{4}$  school day or more. In a typical secondary setting with a block schedule, this would be roughly equivalent to one entire class or block. In lower grades it is  $\frac{1}{4}$  of the total hours in school.

***If a threat assessment (both harm to self or harm to others happens, and we send the student home, is that a suspension? Historically, we have typically used Medical Excused.***

Harm to Others:

Actually, that would be a suspension. In fact, that fits with the statutory definition of allowable causes for suspension. Title 16 section 1162 allows for suspension (or expulsion) for behavior that is "harmful to the welfare of the school". That language is usually interpreted to mean a significant disruption, threat or danger to school staff and/or students. **If the school makes the decision that a student cannot be in school (either potential harm to themselves or others), this is a suspension.**