



Procedure Name: Firearms Procedure

Related to which policy: Firearms C 5

Date Last Updated: April 2018

Specific Procedures Outline:

The procedures contained within can be used for any misconduct that warrants long term suspension or expulsion.

- A. Consistent with this policy and the State Board Rules, the principal and/or Superintendent may recommend to the school board that a student be suspended for a definite period of more than ten days.
- B. During the suspension all rights to teacher assistance and cooperation on make- up of class work, assignments, tests, etc. generally available to pupils with excused absences, will be available to suspended pupils. The student may not enter upon school grounds or attend any school function during any period of the suspension.
- C. The Superintendent or building principal, may, with the approval of the school board, expel a student for the remainder of the school year where the student's misconduct makes the continued presence of the pupil harmful to the welfare of the school.
- D. Long term suspension and expulsion procedures, including written notice and an opportunity for a formal hearing before the school board, shall be consistent with requirements of 16 V.S.A. §1162 and VDE Rule 4311, or successor provisions.

The pupil and his/her parents shall be provided an opportunity for a formal hearing before the school board prior to imposition of expulsion, and shall be provided with prior written notice of the following information and rights in connection with the hearing. The written notice shall be provided prior to the hearing and shall include:

- 1. A statement of the charges and of the evidence against the pupil;
- 2. The time, place and location of the hearing;
- 3. A statement that, as a result of the hearing, discipline may be imposed upon the student, up to and including long term suspension or expulsion;
- 4. Notice of the right for a formal hearing before the school board;
- 5. Notice of the right of the parents and student to be represented at the hearing by counsel (at

student's/parents' expense);

6. Notice of the right to cross-examine witnesses and to present witnesses and other evidence at hearing.
7. The right to a decision in writing.

Students with Disabilities. Students with disabilities as defined by the Individuals with Disabilities Act ("IDEA") and/or Section 504 of the Rehabilitation Act of 1973, and/or suspected of having such disabilities, shall not be suspended for more than 10 days, or expelled, except pursuant to provisions of the IDEA, and VDE Rule 4312, addressing long- term suspension and expulsion for such students.

Issuance of Procedures. Copies of VDE Rules 4311 and 4312 (or successor sections) are attached to this policy or made available upon request.

Sources: 16 V.S.A. §§1161a; 1162; Vermont Board of Education Rules 4311 and 4312; 20 U.S.C. §1415(k).

Clarification: This most recent procedure is the one that is to be used. All prior drafts are null and void.