

MEMORANDUM

TO: Superintendents
FROM: Daniel M. French, Ed.D., Secretary of Education
SUBJECT: New Requirement: Ban on suspension and expulsion of students under eight
DATE: September 10, 2021

Background

[Act 35 of 2021](#), is intended to reduce the incidence of suspension and expulsion in Vermont public schools and ensure that, where disciplinary exclusion is necessary, it is applied equitably across Vermont school systems. This memo is intended to inform supervisory unions/supervisory districts (SU/SD) of new requirements that public schools must adhere to, as stipulated in Act 35, as a part of planning for SY '21-'22. The law creates one new immediate requirement (outlined below), and establishes a task force to consider additional measures to combat disciplinary exclusion.

Suspension and Expulsion of Students Under 8 Years Old

Act 35 adds a section (d) to [16 V.S.A. § 1162](#), banning suspension and expulsion of students under eight years old, except in cases of imminent harm or danger to others. The full text of the section follows:

§ 1162 SUSPENSION OR EXPULSION OF STUDENTS

*(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.*

Previously this subchapter did not make separate provisions for children under 8.

Going forward, suspension and expulsion shall not be allowed for students under age eight, enrolled in public schools, except in the very rare occurrences when a student poses an imminent threat of harm or danger to others in the school.

Contact Information:

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