

Policy Development Committee Agenda

4/13/2021

7:30 A.M. ~ Gilford High School – Rm 131

Policies to Review

Student Handbook Review/Updates – Code of Conduct

JJ- Student Rights and Responsibilities

JIA – Student Due Process Rights

JIC – Student Conduct

JICD – Student Discipline and Due Process

JICI-R – Modification of a Weapons Expulsion

JICDD – Student Discipline/Out-of-School Actions

Code of Conduct

It is essential for schools to maintain a safe and orderly environment which supports student learning and achievement. All students are expected to conduct themselves with respect for others and in accordance with School Board policies, school rules, and applicable state and federal laws. Disciplinary action may be taken against students who violate policies, rules, or laws, and/or whose conduct directly interferes with the operations, discipline, or general welfare of the school.

Disciplinary consequences will range from a verbal warning for minor misconduct up to and including expulsion for the most serious offenses. The Gilford School District will follow the procedures set forth by state and federal law, specifically RSA 193:13 and Ed 317, in the discipline of students. The Gilford School Board does not review appeals of student disciplinary decisions unless a right to appeal is explicitly conferred by policy or by law. Behavior that also violates the law may be referred to law enforcement authorities.

Behavior Intervention Plans

The Code of Conduct will include a graduated set of age appropriate responses to misconduct and will set forth standards for short term suspensions up to five (5) school days, short term suspensions up to ten (10) school days, long term suspensions up to 20 school days, and expulsion. Such standards will make reference to the nature and degree of disruption caused to the school environment, the threat to the health and safety of pupils and school personnel, and the isolated or repeated nature of incidents forming the basis of disciplinary action.

Five (5) Cumulative Days of Suspension: Tier-1 intervention plan

The tier-1 intervention plan is for any student who has been suspended more than five **(5) cumulative school days in any school year**. The intervention plan will be designed to proactively address the student's behaviors. The student's academic team will meet to determine specific measures to be taken to support the student from exhibiting those problematic behavior(s) leading to the student being suspended from school.

Upon returning to school from the 5th day of suspension, the student will be required to participate in a re-entry meeting for the purpose of:

- Welcoming the student back to school
- Review past student infractions pertaining to suspensions
- Review Parent/Student Handbook expectations and District Policies pertinent to suspensions

- Develop a plan to support the student from exhibiting the problematic behavior(s) through setting forth future guidelines/expectations and possible restrictions and/or modifications to the student's school day.
- Develop a plan for the student to meet with their school counselor and/or other designee on a predetermined basis to review the student's progress. The school counselor or or designee will check in with the student on an as needed basis.

Ten (10) Cumulative Days of Suspension: Tier-2 intervention plan

The tier-2 intervention plan is for any student who has been suspended more than **ten (10) cumulative school days in any school year**. The intervention plan will be designed to proactively address the student's problematic behaviors. The school psychologist will meet with the student's academic team to determine possible next steps, as well as to establish whether or not the student should be evaluated to determine eligibility to receive special education services and/or if a Functional Behavioral Assessment (FBA) is warranted. Based on the school psychologist's recommendations, specific interventions will be put into place to support the student in correcting their problematic behavior(s).

Long Term Suspension

The School Board, or the Superintendent, as the School Board's designee, may **extend a student's suspension for up to an additional ten (10) consecutive school days**. A long-term out-of-school suspension may be imposed for egregious violations, such as, but not limited to:

- An act of theft, destruction, or violence as defined in RSA 193-D;
- Bullying pursuant to school district policy when the student has not responded to targeted interventions and poses an ongoing threat to the safety or welfare of another student; or
- Possession of a firearm, BB gun, or paintball gun.
- Drug and alcohol violations

During such suspensions, unless otherwise stipulated in writing, a suspended student is not permitted to attend school activities, school sponsored events, or be on school property for the duration of the suspension.

No student shall be penalized academically solely by virtue of missing class due to suspension.

Expulsion

The School Board may expel a student, which permanently denies a student's attendance at school. An expulsion may be imposed for an act that poses an ongoing threat to the safety of students or school personnel and that constitutes:

- A repeated act that would permit a long term suspension;
- Any act of physical or sexual assault that would be a felony if committed by an adult;
- Any act of violence that constitutes a "violent crime" pursuant to RSA 651:5, XIII; or
- Criminal threatening that constitutes a class B felony pursuant to RSA 631:4, II(a).

During an expulsion, unless otherwise stipulated in writing, a student is not permitted to attend school classes or activities, school sponsored events, or occasion school property.

Last Updated 3/30/21

Current GSD Policy – “JIA” would need to be removed from this policy if JIA policy is withdrawn. Add “JIC” to this policy if we keep policy JIC.
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STUDENT RIGHTS AND RESPONSIBILITIES

Student rights and responsibilities shall be published in the Parent-Student Handbook, and will be made available in another language or presented orally upon request. Student disciplinary procedures will be implemented pursuant to the provisions of Board Policies ~~JA~~ JIC and JICD.

Legal References:

RSA 189:15, Regulations

NH Code of Administrative Rules, Section Ed 306.04(a)(3), Student Discipline

NH Code of Administrative Rules, Section Ed 306.04(f), Student Discipline

NH Code of Administrative Rules, Section Ed 317.04(b), Disciplinary Procedures

(Adopted: 1-5-09)

Current GSD policy. NHSBA suggests we withdraw this policy as it is incorporated in JICD 4-13-2021 Policy Committee

JIA

STUDENT DUE PROCESS RIGHTS

Students facing discipline will be afforded all due process rights given by law. The Superintendent or his/her written designee is authorized to suspend any student for ten days or less for violations of school rules or policies. Should the Superintendent desire to suspend a student for more than ten days, such student will be afforded a hearing before the School Board. In addition to the provisions of this policy, the Board recognizes the application of all pertinent provisions of RSA 193:13 and associated Department of Education rules.

Student due process rights shall be printed in the Parent-Student Handbook and will be made available in another language or presented orally upon request.

Legal References:

RSA 189:15, Regulations

NH Code of Administrative Rules, Section Ed 306.04(a)(3), Policy Development, Discipline

NH Code of Administrative Rules, Section Ed 306.04(f), Student Discipline

NH Code of Administrative Rules, Section Ed 317.04(b), Disciplinary Procedures

(Adopted: 5/4/2002)

(Revised: 1/7/2019)

Current GSD policy. We had suggested withdrawing this policy as it is incorporated in the new JICD policy written by Drummond and Woodsum.

NHSBA Sample policy does not have this incorporated so if we go with NHSBA sample policy, we will want to keep policy JIC but should consider NHSBA sample policy JIC.

JIC is required by law.

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STUDENT CONDUCT

A. General Conduct Standards and Disciplinary Concepts.

Student conduct that causes material or substantial disruption to the school environment, interferes with the rights of others, presents a threat to the health and safety of students, employees, and visitors, violates other Board policies or is otherwise inappropriate is prohibited. Students are expected to maintain appropriate classroom behavior that allows teachers and staff to perform their professional duties effectively and without disruption.

Students will conduct themselves in a manner fitting to their age level and maturity, and with respect and consideration for the rights of others, while on Gilford School District property or on property within the jurisdiction of the Gilford School District; while on school owned and/or operated school or chartered vehicles; and/or while attending or engaged in school activities. Students may also be disciplined for off-campus behavior in accordance with the provisions of Policies JICDD and JICK.

Terms, and levels of discipline are established in Policy JICD, as are the due process procedures to be afforded relative to each level of discipline. Disciplinary measures as defined in that policy include, but are not limited to, removal from the classroom, detention, in-school suspension, out-of-school suspension, restriction from activities, probation, and expulsion.

Due process in accordance with all applicable laws will be afforded to any student involved in a proceeding that may result in suspension, exclusion, or expulsion. Students expelled from school may be reinstated by the Board under the provisions of RSA 193:13.

B. Implementation and Notice.

The School Board delegates to the Superintendent the responsibility of adopting and implementing such age-appropriate rules and regulations for each school as he/she, in consultation with the appropriate building Principal, deems necessary to implement this policy.

The content of RSA 193:13, this policy, and any such rules and regulations adopted hereunder, shall be printed in the student handbook(s) and distributed to all students, and parents/guardians. The Superintendent shall also assure that this policy, the content of 193:13, and any such rules and regulations adopted under this policy are made available on the District's website, with additional notice provided to the student body as the Superintendent or building Principal deems appropriate (e.g., periodic postings and notices).

Rules and regulations adopted and published under this policy will be deemed to be regulations and policies of the School Board and maintained as School Board records. The Superintendent shall provide to the School Board copies of all student handbook(s), and other rules and the regulations adopted under this policy. The School Board retains the authority to modify, supersede, or suspend any such rules and regulations consistent with the Board's statutory authority, and other Board policies regarding review of administrative rules, regulations and

procedures.

C. Parental Notification of Simple Assaults.

Pursuant to RSA 193-D:4, I (b), the Superintendent is directed to adopt and implement procedures requiring parents/guardians of each student involved in a simple assault (victim and perpetrator) occurring during the school day, when such assault causes: any form of bodily injury, including bruising or discoloration, or would otherwise constitute a disciplinable offense under either District or building rules of conduct. For purposes of this policy, "simple assault" shall have the same meaning as that provided in RSA 631:2-a (a simple assault occurs when one purposefully or knowingly causes bodily injury or unprivileged physical contact to another; or recklessly causes bodily injury to another or negligently causes bodily injury to another by means of a deadly weapon).

D. Disciplinary Removal of Students with Disabilities.

If a student is disabled under the Individuals with Disabilities Act (IDEA), the New Hampshire RSA 186-C, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, or any other law providing special rights to disabled students, those laws shall govern and shall supersede these local policies to the extent these local policies are inconsistent with those laws. Accordingly, any suspension or expulsion of a child with a disability as defined in Ed 1102.01(t) shall be in accordance with Ed 1124.01.

Legal References:

RSA 193:13, Suspension and Expulsion of Pupils

RSA 193-D:4, Written Report Required

RSA 631:2-a, Simple Assault

NH Code of Administrative Rules, Section Ed. 306.04(f)(4), Student Discipline

NH Code of Administrative Rules, Section Ed. 306.06, Culture and Climate

NH Code of Administrative Rules, Section Ed. 317.04(b), Disciplinary Procedures

(Adopted: 1/5/2009)

(Revised: 1/7/2019)

New Hampshire School Boards Association Sample Policy. We had suggested withdrawing current GSD policy JIC as it is incorporated into the sample policy JICD from Drummond and Woodsum. If we adopt NHSBA sample policy JICD, we would need to keep this sample policy – JIC
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STUDENT CONDUCT

JIC

Category: Priority/Required by Law

Related Policies: JICD, JICDD, JICI, JICK
See also Appendix: JICD-R



ADOPTION/REVISION NOTES –

All text between the highlighted lines “~ ~ ~ ~” above and below, and all highlights within the policy should be removed prior to adoption.

- (a) *General – As with all sample policies, NHSBA recommends that each district carefully review this sample prior to adoption/revision to assure suitability with the district’s own specific circumstances, internal coding system, current policies, and organizational structures.*
- (b) *Highlighted language or blank, underscored spaces indicate areas which Boards must review/change/complete to reflect local personnel titles, internal or external policy references, duty assignments etc.*
- (c) *{**} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.*
- (d) *Withdrawn and earlier versions of revised policies should be maintained separately as part of the permanent records of the District.*



A. General Policy.

The School Board is committed to promoting a safe, healthy, orderly and supportive school and learning environment. To achieve that for all, it is important for students to conduct themselves in a manner fitting to their age level and maturity, and with respect and consideration other students, District personnel and other members of the community. Students are expected and required to maintain appropriate behavior that allows teachers and staff to perform their professional duties effectively and without disruption while on School District property or on property within the jurisdiction of the School District (including vehicles); and/or while attending or engaged in school activities.

Expectations for student conduct and standards of behavior shall be communicated through written Board policies, as well as District and/or school rules. Those policies and rules should be included in a Code of Conduct [Delete footnote] for each school.

¹ No law or regulation requires something called a “code of conduct”. However, boards and schools are required to have a policy for “rules of conduct”, and “penalties for misbehavior”, and be disseminated to parents and guardians. (Ed 306.04(f), and (g)). Ed 306.06 further requires fair and consistent implementation of the outdated

New Hampshire School Boards Association Sample Policy. We had suggested withdrawing current GSD policy JIC as it is incorporated into the sample policy JICD from Drummond and Woodsum. If we adopt NHSBA sample policy JICD, we would need to keep this sample policy – JIC

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STUDENT CONDUCT

JIC

Student conduct that causes material or substantial disruption to the school environment, interferes with the rights of others, presents a threat to the health and safety of students, employees, or visitors, and/or violates the Code of Conduct _____, or classroom rules is prohibited. Response to violations of the Code of Conduct _____, however, should be designed to maximize student academic, emotional and social success, while at the same time assuring safety of all students, staff and school visitors. With this objective, the Board endorses adoption of a Multi-Tiered System of Support for Behavioral Health and Wellness (“MTSS-B”) as the framework for the Code of Conduct _____. [2delete footnote] District personnel who interact with students are expected to utilize progressive disciplinary measures, and to place emphasis on educating students so they may grow in self-discipline. Suspensions and expulsions shall be administered consistent with the applicable Code of Conduct and Board policy {**}JICD.

B. Student Code of Conduct []

The School Board delegates to the Superintendent, in consultation with the appropriate building Principal and counselors, the responsibility of adopting and implementing a [Student Code of Conduct] with such age-appropriate rules and regulations for each school as he/she deems necessary to implement the objectives of this policy, and reflects the three-tiered support prevention of framework of MTSS-B: school-wide approaches; targeted supports for at-risk students; and individualized services for highest-needs students.

The Code of Conduct for each school shall be submitted to the School Board for review [3delete footnote] each year, either separately or with the applicable student handbook. Consistent with the Board's statutory authority, and other Board policies regarding review of administrative rules, regulations and procedures, the School Board retains the authority to modify, supersede, or suspend any provision of the Code of Conduct _____.

The Code of Conduct _____ shall include:

term “code of discipline”. This sample policy uses “Code of Conduct” to reference the collection of Board policies, school and district administrative rules, and policies & rules pertaining to disciplinary consequences. Any district which does not use term Code of Conduct for such rules, should replace with the District’s own title, e.g., Expectations and Standards of Behavior and Consequences. In mid-May, 2021, NHSBA will make available upon request a template for a code of conduct based upon MTSS-B.

² MTSS-B was endorsed by the legislature specifically through 2020 amendments to RSA 135-F, and the “supports” required under 193:3, XI(a), and included in paragraph B.1 above.

³ An annual review should be sufficient for Board oversight, as the Board will always retain authority require revisions (within legal limits). Pre-approval often creates timing issues as necessary adjustments from school year, and processes reflecting new legislative changes, are not identified until the end of the school year. If the Board wishes annual pre-approval of the Code of Conduct, it should include a date for submission, keeping in mind the board meeting calendar for summer and the need to have handbook ready.

New Hampshire School Boards Association Sample Policy. We had suggested withdrawing current GSD policy JIC as it is incorporated into the sample policy JICD from Drummond and Woodsum. If we adopt NHSBA sample policy JICD, we would need to keep this sample policy – JIC

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STUDENT CONDUCT

JIC

1. A graduated and age-appropriate system of supports and intervention strategies, such as:
 - parent conferences,
 - counseling,
 - peer mediation,
 - instruction in conflict resolution and anger management,
 - parent counseling and training,
 - community service, and
 - rearranging class schedules.
2. Graduated and age-appropriate disciplinary consequences such as:
 - restriction from extra-curricular activities,
 - temporary (same day) removal from class or activity,
 - detention,
 - temporary reassignment/in-school suspension,
 - out-of-school suspension, and
 - expulsion.
3. Provisions describing how and when short term suspensions of up to 5 days, short term suspensions up to 10 days, long term suspensions up to 20 days, and/or expulsion should be imposed. These standards shall make reference to and reflect:
 - the nature and degree of disruption caused to the school environment;
 - the threat to the health and safety of pupils and school personnel, volunteers or visitors;
 - whether the conduct or behavior is isolated or repeated.

All temporary (same day) removal from classrooms or activities, restriction from activities, detentions, suspensions and expulsions shall comport with applicable laws, regulations and Board policy **{**}**JICD.
4. Information regarding RSA 193:13, 193-D, this policy, Board policy **{**}**JICD, and other Board policies or District/school rules regulating student conduct on and off-campus. Except where the complete text of a statute, regulation or policy is required, the Code of Conduct should include age appropriate language. E.g., summaries for elementary grade levels.

New Hampshire School Boards Association Sample Policy. We had suggested withdrawing current GSD policy JIC as it is incorporated into the sample policy JICD from Drummond and Woodsum. If we adopt NHSBA sample policy JICD, we would need to keep this sample policy – JIC

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JIC

C. Implementation and Notice.

The Superintendent shall assure that the Code of Conduct, complete with the information set out in section B.4, above, shall be printed in full in each student handbook, made available to parents at the beginning of the school year, publicly available on the school, District and/or SAU district website [or in some other manner to assure parental notification if neither the school district nor SAU maintain a website].

Additionally, building Principal(s) shall assure student awareness of the Code of Conduct and other District policies and building rules through print, postings and periodic announcements.

The Superintendent should also designate personnel to explore the availability of and pursue any State or Federal grants, technical assistance and professional development opportunities available to facilitate implementation of MTSS-B per RSA 135-F:5, I(c) and (d).

D. Parental Notification of Simple Assaults.

Pursuant to RSA 193-D:4, I (b), the Superintendent is directed to adopt and implement procedures requiring parents/guardians of each student involved in a simple assault (victim and perpetrator) occurring during the school day, when such assault causes: any form of bodily injury, including bruising or discoloration, or would otherwise constitute a disciplinable offense under the Code of Conduct _____. For purposes of this policy, "simple assault" shall have the same meaning as that provided in RSA 631:2-a (a simple assault occurs when one purposefully or knowingly causes bodily injury or unprivileged physical contact to another; or recklessly causes bodily injury to another or negligently causes bodily injury to another by means of a deadly weapon).

E. Disciplinary Removal of Students with Disabilities.

If a student is disabled under the Individuals with Disabilities Act (IDEA), the New Hampshire RSA 186-C, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, or any other law providing special rights to disabled students, those laws shall govern and shall supersede these local policies to the extent these local policies are inconsistent with those laws. Accordingly, any class or activity removal, suspension or expulsion of a child with a disability as defined in Ed 1102.01(t) shall be in accordance with Ed 1124.01.

District Policy History:

First reading: _____

Second reading/adopted: _____

New Hampshire School Boards Association Sample Policy. We had suggested withdrawing current GSD policy JIC as it is incorporated into the sample policy JICD from Drummond and Woodsum. If we adopt NHSBA sample policy JICD, we would need to keep this sample policy – JIC

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STUDENT CONDUCT

JIC

District revision history:

Legal References:

RSA 135-F:5, System of Care for Children/Duties of Commissioner of Dept. of Education

RSA 193:13, Suspension and Expulsion of Pupils

RSA 193-D:4, Written Report Required

RSA 631:2-a, Simple Assault

NH Code of Administrative Rules, Section Ed. 306.04(f)(4), Student Discipline

NH Code of Administrative Rules, Section Ed. 306.04(g), Suspension & Expulsion

NH Code of Administrative Rules, Section Ed. 306.06, Culture and Climate

NH Code of Administrative Rules, Section Ed. 317.04(b), Disciplinary Procedures

Legal References Disclaimer: These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

When adopting this sample or variation of the same, a district should not include the NHSBA history or NHSBA policy notes appearing below. The district should, to the extent possible, include its own adoption/revision history, as well as the legal references and disclaimer as indicated above.

NHSBA history: Revised – March 2021; September 2018; May 2018; April 2011; September 2009; October 2004; November 1999; July 1998

NHSBA revision note, March 2021: Policy JIC was revised to reflect 2020 amendments to RSA 193:13. Among other things, those amendments largely are designed to effect greater emphasis on the emotional and academic needs of students through support and intervention strategies prior to using exclusion from school through suspension and expulsion. The amendments also (a) limit the duration of long-term (“LT”) suspensions to 20 days, (b) limit the reasons a student may receive a LT suspension, and (c) require districts to adopt separate standards for short term suspensions of <5 days, and those of >5.

w/p-update/2021-U1 Special/JIC Student Conduct 2021-U1 (f)

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STUDENT DISCIPLINE AND DUE PROCESS

At all times, students are required to conduct themselves in accordance with behavioral standards set forth in Policy JIC and all other applicable Board policies and all District or school rules. Failure to comply can lead to disciplinary consequences as set forth in this policy and applicable law.

A. Disciplinary Measures - "Definitions".

Disciplinary measures include, but are not limited to, removal from the classroom, detention, in-school suspension, out-of-school suspension, restriction from activities, probation, and expulsion.

1. "Removal from the classroom" means a student is sent to the building Principal's office. It is within the discretion of the person in charge of the classroom to remove the student.
2. "Detention" means the student's presence is required for disciplinary purposes before or after the hours when the student is assigned to be in class. The building Principal is authorized to establish guidelines or protocol for when detention shall be served (either before school or after school). Whether a student will serve detention, and the length of the detention, is within the discretion of the licensed employee disciplining the student or the building Principal.
3. "In-school suspension" means the student will attend school but will be temporarily isolated from one or more classes while under supervision. An in-school suspension will not exceed ten (10) consecutive school days.
4. "Out-of-school suspension" means the temporary denial of a student's attendance at school for a specific period of time for gross misconduct, for neglect, or refusal to conform to school rules or policies.
 - a. "Short-term suspension" means a suspension of ten (10) school days or less. Ed 317.04(a)(1).
 - b. "Long-term suspension" means the continuation of a short-term suspension under RSA 193:13, I (b)-(c), and also means a suspension in excess of ten (10) school days under Ed 317.04(a)(2).
5. "Restriction from school activities" means a student will attend school, classes, and practice but will not participate in other school extra-curricular activities, including competitions.
6. "Probation" means a student is given a conditional suspension of a penalty for a definite period of time in addition to being reprimanded. The conditional suspension will mean the student must meet the conditions and terms for the suspension of the penalty. Failure of the student to meet these conditions and terms will result in immediate reinstatement of the penalty.

7. "Expulsion" means the permanent denial of a pupil's attendance at school for any of the reasons listed in RSA 193:13, II and III.

B. Standards for Removal from Classroom and Detention.

Students may be removed from the classroom at the classroom teacher's discretion if the student refuses to obey the teacher's directives, becomes disruptive, fails to abide by school rules or policies, or otherwise impedes the educational purpose of the class.

Likewise, classroom teachers may assign students to detention for similar conduct.

The building Principal may assign students to detention under the same standard.

C. Standards for In-School Suspension, Restriction of Activities, and Probation.

The building Principal or designee is authorized to issue in-school suspensions, restrictions of activities, or place a student on probation for any failure to conform to school or School District policies or rules, or for any conduct that causes material or substantial disruption to the school environment, interferes with the rights of others, presents a threat to the health and safety of students, employees, and visitors, is otherwise inappropriate, or is prohibited by law.

Restriction of activities may also be issued pursuant to rules or policies pertaining to specific clubs or teams.

D. Process for Out-of-School Suspension.

The power of suspension is authorized for gross misconduct, for neglect, or refusal to conform to School District policies and rules as follows:

1. Short-term Suspensions. The building Principal, or designee] (as designee of the Superintendent) is authorized to suspend a student for ten (10) school days or less. The Principal shall consult with the Superintendent prior to issuing any suspension.

As required by RSA 193:13(a), educational assignments shall be made available to the suspended pupil during the period of suspension.

Due process standards for short-term suspensions (ten (10) days or less) will adhere to the requirements of Ed 317.04(f)(1).

2. Long-term Suspensions. The Superintendent is authorized to continue the suspension and issue a long-term suspension of a pupil for a period in excess of ten (10) school days, provided only that if the Superintendent issued the original short-term suspension, then the School Board may designate another person to continue the short-term suspension and issue the long-term suspension.

Prior to a long-term suspension, the student will be afforded an informal hearing on the matter. The informal hearing need not rise to the level and protocol of a formal hearing before the School Board, but the process must comply with the requirements of Ed 317.04 (f)(2) and Ed 317.04 (f)(3)(g), including, without limitation, the requirements for advance notice and a written decision.

Any suspension in excess of ten (10) school days, as described in Paragraph 2 of this Section, is appealable to the School Board, provided the Superintendent receives the appeal in writing within ten (10) days after the issuance of the [Superintendent]'s decision described in Paragraph 2. Any suspension in excess of ten (10) school days shall remain in effect while this appeal is pending.

E. Process for Expulsion.

1. Any pupil may be expelled by the School Board for (a) an act of theft, destruction, or violence as defined in RSA Chapter 193-D, (b) for possession of a pellet paint ball gun or BB gun or rifle as provided by RSA 193:13, II, or (c) for gross misconduct, or for neglect or refusal to conform to the reasonable rules of the school. An expulsion under this paragraph will run until the School Board restores the student's permission to attend school. A student seeking restoration of permission to attend school shall file a written request with the Superintendent which details the basis for the request. The Board will determine whether and in what manner it will consider any such request.

2. Additionally, any pupil may be expelled by the School Board for bringing or possessing a firearm as defined in Section 921 U.S.C. Title 18 in a safe school zone, as defined in RSA 193-D:1, unless such pupil has written authorization from the Superintendent. Any expulsion under this provision shall be for a period of not less than twelve (12) months.

3. Prior to any expulsion, the District will ensure that the due process standards set forth in Ed 317.04(f)(3) are followed.

4. Any decision by the Board to expel a student may be appealed to the State Board of Education.

5. An expelled pupil has the right to request a review of the expulsion prior to the start of each school year.

A request for review should be directed by the pupil to the Superintendent of Schools and should be received by the Superintendent on or before August 15. The request shall set forth each and all reasons why the pupil's right to attend school should be reinstated. Of particular importance would necessarily be such information as might convince school authorities that the conduct which led to the expulsion would not be repeated.

6. The Superintendent of Schools is authorized to modify the expulsion or suspension requirements of Sections E.1 and E.2 above on a case-by-case basis.

F. Sub-committee of Board. For purposes of sections D and E of this policy, "Board" or "School Board" may either be a quorum of the full Board, or a subcommittee of the Board duly authorized by the School Board.

G. Disciplinary Removal of Students with Disabilities.

If a student is disabled under the Individuals with Disabilities Act (IDEA), the New Hampshire RSA 186-C, Section 504 of the Rehabilitation Act of 1973, the Americans with

Disabilities Act, or any other law providing special rights to disabled students, those laws shall govern and shall supersede these local policies to the extent these local policies are inconsistent with those laws. Accordingly, any suspension or expulsion of a child with a disability as defined in Ed 1102.01(t) shall be in accordance with Ed 1124.01.

H. Notice.

This policy and school rules which inform the student body of the content of RSA 193:13 shall be printed in the student handbook and made available on the District's website to students, parents, and guardians. The Principal or designated building administrator shall also inform the student body concerning this policy and school rules which address the content of RSA 193:13 through appropriate means, which may include posting and announcements. See: Ed. 317.04(d).

Legal References:

RSA 189:15, Regulations

RSA 193:13, Suspension & Expulsion of Pupils

RSA Chapter 193-D, Safe Schools Zones

NH Code of Administrative Rules, Section Ed 306.04(a)(3), Discipline

NH Code of Administrative Rules, Section Ed 306.04(f), Student Discipline Policy

NH Code of Administrative Rules, Section Ed 317.04, Suspension and Expulsion of Pupils Assuring Due Process Disciplinary Procedures

In re Keelin B., 162 N.H. 38, 27 A.3d 689 (2011)

(Adopted: 4/20/2009)

(Revised: 6/3/2013, 5/7/2018, 1/7/2019)

This policy was rewritten by Drummond Woodsum Law Firm and administration to comply with the new law, effective July 1, 2021. Suggest replacing current GSD policy JICD with this policy.

3-9-2021 Policy Committee

4-13-2021 Policy Committee

STUDENT DISCIPLINE AND DUE PROCESS

It is essential for schools to maintain a safe and orderly environment, which supports student learning and achievement. All students are expected to conduct themselves with respect for others and in accordance with School Board policies, school rules, and applicable state and federal laws. Disciplinary action may be taken against students who violate policies, rules, or laws, and/or whose conduct directly interferes with the operations, discipline, or general welfare of the school.

Disciplinary consequences will range from a verbal warning for minor misconduct up to and including expulsion for the most serious offenses. The Gilford School District will follow the procedures set forth by state and federal law, specifically RSA 193:13 and Ed 317, in the discipline of students. The Gilford School Board does not review appeals of student disciplinary decisions unless a right to appeal is explicitly conferred by policy or by law.

Behavior that also violates the law may be referred to law enforcement authorities.

Temporary Removal from Classroom

Students may be temporarily removed from the classroom at the discretion of the classroom teacher. A student may be temporarily removed if the student refuses to follow the teacher's directions, fails to follow school policies or rules, disrupts the classroom environment, or otherwise engages in conduct that violates the Student Code of Conduct. During such removals, students will be sent to the building Principal's office or designated area.

Teacher Detention

Students may be assigned a detention at the discretion of the classroom teacher. A student may receive a detention if the student refuses to follow the teacher's directions, fails to follow school policies or rules, disrupts the classroom environment, or otherwise engages in conduct which violates the Student Code of Conduct.

During such detentions, students will be required to remain at school during non-school hours; elementary students may serve a detention during their recess period(s). Parents will be notified at least twenty-four (24) hours prior to the detention. The length of the detention is left to the discretion of the classroom teacher and will generally not to exceed one (2) hour.

Administrative After-School Detention

This policy was rewritten by Drummond Woodsum Law Firm and administration to comply with the new law, effective July 1, 2021. Suggest replacing current GSD policy JICD with this policy.

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Students may be assigned a detention at the discretion of the building Principal or designee. A student may receive a detention if the student refuses to follow the administrator's directions, fails to follow school policies or rules, disrupts the school environment, or otherwise engages in conduct which violates the Student Code of Conduct.

During such detentions, students will be required to remain at school during non-school hours; elementary students may serve a detention during their recess period(s). Parents will be notified at least twenty-four (24) hours prior to the detention. The length of the detention is left to the discretion of the administration and will generally not to exceed one (1) hour.

In-School Suspension

Students may be assigned in-school suspension at the discretion of the building Principal or designee. During such in-school suspensions, the student will attend school but will be removed from one or more classes and placed in a restricted and supervised classroom within the building. The student will be expected to remain of good behavior and work quietly on school work while serving the in-school suspension. Parents will be notified of an in-school suspension.

Short-Term Out-of-School Suspension

The building Principal or representative designated in writing by the Superintendent is authorized to suspend a student for a specific period of time, not to exceed ten (10) consecutive school days.

A suspension may be imposed for:

- Behavior that is detrimental to the health, safety, or welfare of pupils or school personnel;
- or
- Repeated and willful disregard of the reasonable rules of the school that is not remediated through imposition of the district's graduated sanctions.

During such suspensions, unless otherwise stipulated in writing, a suspended student is not permitted to attend school activities, school sponsored events, or be on school property for the duration of the suspension.

A student who is subject to a short-term suspension (ten school days or fewer) is entitled to the following due process:

1. The student will meet with the building principal or assistant principal to discuss the charges and the evidence against the student. The principal or assistant principal will inform the student of the possibility of a short-term suspension.
2. The student will be given an opportunity to present his or her side of the story at this meeting.

This policy was rewritten by Drummond Woodsum Law Firm and administration to comply with the new law, effective July 1, 2021. Suggest replacing current GSD policy JICD with this policy.

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3. The student and at least one of the student's parents/guardians will receive a written statement explaining any disciplinary action taken against the student.

Depending on the severity of the student's conduct, the building Principal or designee may also refer or recommend the student to the Superintendent for further disciplinary consequences.

Long-Term Out-of-School Suspension

The School Board, or the Superintendent, as the School Board's designee, may extend a student's suspension for up to an additional ten (10) consecutive school days. A long-term out-of-school suspension may be imposed for:

- An act of theft, destruction, or violence as defined in RSA 193-D;
- Bullying pursuant to School District Policy JICK when the student has not responded to targeted interventions and poses an ongoing threat to the safety or welfare of another student; or
- Possession of a firearm, BB gun, or paintball gun.

During such suspensions, unless otherwise stipulated in writing, a suspended student is not permitted to attend school activities, school sponsored events, or be on school property for the duration of the suspension.

A student who is subject to a long-term suspension is entitled to the following due process:

1. Upon recommendation of a long-term suspension and prior to any hearing, there shall be a written communication to the student and at least one of the student's parents or guardians, delivered in person or by mail to the student's last known address, which states the charges and an explanation of the evidence against the student.
2. A hearing that meets the requirements of Ed 317.04(f)(3)(g).
 - a. The school officials shall present evidence in support of the charges and the student (or the student's parent/guardian) shall have an opportunity to present any defense or reply.
 - b. During the hearing, the student, parent/guardian shall have the right to examine any witnesses presented by school officials.
 - c. The hearing shall be either public or private and the choice shall be that of the student or the parent/guardian. Provided, nevertheless, that if the nature of the evidence will violate the privacy of other students or if the Superintendent or
 - d. School Board determines that substantial harm to the pupil could result from an ill-conceived decision to hold the hearing in public, then the Board reserves the right and obligation to insist upon a private hearing.

This policy was rewritten by Drummond Woodsum Law Firm and administration to comply with the new law, effective July 1, 2021. Suggest replacing current GSD policy JICD with this policy.

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- e. The student may, together with a parent/guardian, waive the right to a hearing and admit to the charges.
3. The student is entitled to a written decision which includes the legal and factual basis for the conclusion that the student should be suspended.
4. The written decision shall include notice to the student that the decision may be appealed. For a long term suspension issued by Superintendent, the decision must be appealed in writing to the Gilford School Board within ten days after the issuance of the decision. The School Board will hold a hearing on the appeal but has the discretion to hear evidence or to rely upon the hearing conducted by the Superintendent.
5. For a long term suspension issued by the School Board, the decision must be appealed to the New Hampshire State Board of Education within 20 days after receipt of the decision.
6. The long-term suspension shall remain in effect while an appeal is pending unless the School Board stays the suspension.

Depending on the severity of the student's conduct, the Superintendent may also refer or recommend the student to the School Board for further disciplinary consequences.

Expulsion

The School Board may expel a student, which permanently denies a student's attendance at school. An expulsion may be imposed for an act that poses an ongoing threat to the safety of students or school personnel and that constitutes:

- A repeated act that would permit a long term suspension;
- Any act of physical or sexual assault that would be a felony if committed by an adult; Any act of violence that constitutes a "violent crime" pursuant to RSA 651:5, XIII; or
- Criminal threatening that constitutes a class B felony pursuant to RSA 631:4, II(a).

During an expulsion, unless otherwise stipulated in writing, a student is not permitted to attend school classes or activities, school sponsored events, or occasion school property.

A student who is subject to expulsion is entitled to the following due process:

1. Upon recommendation of an expulsion and prior to any hearing, there shall be a written notice to the student and at least one of the student's parents or guardians, delivered in person or by mail to the student's last known address, which states the date, time, and place for a hearing before the School Board. The notice shall be delivered to the student and at least one of the student's parents/guardians at least **five** calendar days prior to the hearing.

This policy was rewritten by Drummond Woodsum Law Firm and administration to comply with the new law, effective July 1, 2021. Suggest replacing current GSD policy JICD with this policy.

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2. The School Board shall conduct the hearing in accordance with New Hampshire Administrative Rule Ed 317.04(f)(3)(g).
 - a. The school officials shall present evidence in support of the charges and the student (or the student's parent/guardian) shall have an opportunity to present any defense or reply.
 - b. During the hearing, the student, or the parent/guardian shall have the right to examine any witnesses presented by school officials.
 - c. The hearing shall be either public or private and the choice shall be that of the student or the parent/guardian. Provided, nevertheless, that if the nature of the evidence will violate the privacy of other students or if the Board determines that substantial harm to the pupil could result from an ill-conceived decision to hold the hearing in public, then the Board reserves the right and obligation to insist upon a private hearing.
 - d. The student may, together with a parent/guardian, waive the right to a hearing and admit to the charges.
3. Before expelling a pupil under this section the local school board or chartered public school board of trustees shall consider each of the following factors:
 - a. The student's age;
 - b. The student's disciplinary history;
 - c. Whether the student has a disability;
 - d. The seriousness of the violation or behavior committed by the student;
 - e. Whether the school district has implemented positive behavioral interventions;
 - f. Whether a lesser intervention would properly address the violation or behavior committed by the student.
4. The School Board shall issue a written decision stating whether the student is expelled and, if so, the length of the expulsion. If the decision is to expel, the decision must include the legal and factual basis for the decision including the specific statutory reference prohibiting the act for which the student is expelled.
5. The expulsion shall run until the School Board reviews it and restores the student's permission to attend school. The written decision shall state any action that the student may take to be restored by the School Board. The decision shall also state that the student has the right to appeal the decision to the New Hampshire State Board of Education at any time while the expulsion remains in effect.

Any expulsion shall be subject to review by the School Board, if requested, prior to the start of each school year. A student seeking restoration of permission to attend school shall file a written request with the Superintendent prior to the start of each school year which details the basis for the request.

This policy was rewritten by Drummond Woodsum Law Firm and administration to comply with the new law, effective July 1, 2021. Suggest replacing current GSD policy JICD with this policy.

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Possession of a Firearm

Pursuant to RSA 193:13, IV, any student who brings or possesses a firearm (as defined in 18 U.S.C. § 921) in a safe school zone, as defined in RSA 193-D:1 without written authorization from the Superintendent or designee shall be expelled from school by the Gilford School Board for a period of not less than 12 months.

Pursuant to RSA 193:13, VI, a student who is expelled from school in another state under the provisions of the Gun Free School Zones Act of 1994 shall not be eligible to enroll in the Gilford School District during such expulsion. If the out of state expulsion is for an indefinite period of time, the student may petition the School Board for enrollment upon establishing residency.

As provided in RSA 193:13, VII, both of the above expulsions may be modified by the Superintendent upon review of the specific case in accordance with other applicable law. The expelled student must submit a written application to the Superintendent requesting modification of the expulsion, and the student will be required to submit sufficient evidence in the form of letters, work history, or other documents that it is in the school's best interest and the student's best interest to allow a modification.

Superintendent Authority

The School Board authorizes the Superintendent to reinstate a suspended or expelled pupil on a case-by-case basis.

Educational Assignments

The student's school will make all educational assignments available to the suspended student during the student's suspension. The School District will provide alternative educational services to a student whenever the student is suspended in excess of twenty (20) cumulative days within any school year. Such alternative educational services will be determined by the school Principal or Assistant Principal and shall be designed to enable the student to advance from grade to grade. No student shall be penalized academically solely by virtue of missing class due to suspension.

The School Board, in its discretion, may authorize educational services to be provided to an expelled student in an alternative setting on a case-by-case basis.

Behavior Intervention Plans

The student's school will develop an intervention plan for any student who has been suspended more than ten (10) cumulative school days in any school year. The intervention plan will be designed to proactively address the student's problematic behaviors.

This policy was rewritten by Drummond Woodsum Law Firm and administration to comply with the new law, effective July 1, 2021. Suggest replacing current GSD policy JICD with this policy.

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Students with Disabilities

Discipline of students with identified or suspected disabilities will be in accordance with the Individuals with Disabilities Education Act of 2004, New Hampshire State Law on Special Education (RSA 186-C), New Hampshire Standards for the Education of Children with Disabilities (Ed 1100), and Section 504 of the Rehabilitation Act of 1973.

Code of Conduct

The School Board authorizes the Superintendent to establish a Code of Conduct designed to correct student misconduct and promote behavior within acceptable norms. The Code of Conduct will include a graduated set of age appropriate responses to misconduct and will set forth standards for short term suspensions up to five (5) school days, short term suspensions up to ten (10) school days, long term suspensions up to 20 school days, and expulsion. Such standards will make reference to the nature and degree of disruption caused to the school environment, the threat to the health and safety of pupils and school personnel, and the isolated or repeated nature of incidents forming the basis of disciplinary action.

Notice

This policy and school rules which inform the student body of the content of RSA 193:13 shall be included in the student handbook and made available on the District's website to students, parents, and guardians. The Principal or designated building administrator shall also inform the student body concerning this policy and school rules which address the content of RSA 193:13 through appropriate means, which may include posting and/or announcements.

The Principal of each school shall make certain that the pupil has received notice of the requirements of RSA 193:13 and RSA 193-D:1 through announced, posted, or printed school rules at the beginning of each school year. The statutory text shall be printed in the school handbook to be distributed to each student at the beginning of the school year; and shall be announced, posted, and printed at other appropriate locations and times in the middle school and high school. Nothing herein shall prevent a school principal from printing, posting and/or announcing other rules applicable to the school.

Cross References:

Student Rights and Responsibilities, Policy JI

Weapons on School Property, Policy JICI

Pupil Safety and Violence Prevention – Bullying, Policy JICK

Legal References:

18 U.S.C. § 921, *Definition of Firearm*

This policy was rewritten by Drummond Woodsum Law Firm and administration to comply with the new law, effective July 1, 2021. Suggest replacing current GSD policy JICD with this policy.

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RSA 189:15, Regulations

RSA 193:13, Suspension & Expulsion of Pupils

RSA 651:5, XIII, Annulment of Criminal Records - Violent Crimes

RSA 631:4, II(a), Criminal Threatening

RSA Chapter 193-D, Safe School Zones

RSA Chapter 193-F, Pupil Safety and Violence Prevention

NH Code of Administrative Rules, Section Ed 306.04(a), Policy Development

NH Code of Administrative Rules, Section Ed 306.04(f), Student Discipline

NH Code of Administrative Rules, Section Ed 317, Standards and Procedures for Suspension and Expulsion of Pupils Including Procedures Assuring Due Process

Student Discipline and Due Process

Category: Priority/Required by Law

Related Policies: JI, JIC, JICI & JICK
See also Appendix JICD-R



ADOPTION/REVISION NOTES –

All text between the highlighted lines “~ ~ ~ ~” above and below, and all highlights within the policy should be removed prior to adoption.

- (a) The 2021 revisions to JICD should be considered concurrently with 2021 revisions to sample policy JIC.
- (b) RSA 193:13, the statute regarding suspension and expulsion was amended significantly in 2020. That statute is explicitly linked to RSA 193-D (Safe Schools), Dept. of Ed. rule 317. Because amendments to either would supersede this policy, NHSBA has chosen not to reprint applicable sections but rather reference with appropriate links to the statute or rule; see, e.g., footnotes 2, 3, 5 – 8.
- (c) General – As with all sample policies, NHSBA recommends that each district carefully review this sample prior to adoption/revision to assure suitability with the district’s own specific circumstances, internal coding system, current policies, and organizational structures. Highlighted language or blank, underscored spaces indicate areas which Boards must review/change/complete to reflect local personnel titles, internal and external policy references, duty assignments etc.
- (d) {**} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.
- (e) Withdrawn and earlier versions of revised policies should be maintained separately as part of the permanent records of the District.



A. Policy Statement.

This policy establishes the substantive parameters, procedures and due process that shall apply before a student may be subject to temporary (same day) removal from classrooms or activities, restriction from activities, detentions, suspensions and/or expulsion. Pursuant to Board policy {**}JIC, response to misconduct, including disciplinary measures and consequences should be designed to maximize student academic, emotional and social success, while at the same time assuring safety of all students, staff and school visitors. Administration of any of the consequences described in this policy shall be consistent with the system of supports and graduated sanctions established pursuant to Policy {**}JIC and the applicable Code of Conduct__. [remove footnote]

¹ No law or regulation requires something called a “code of conduct”. However, boards and schools are required to have a policy for “rules of conduct”, and “penalties for misbehavior”, and be disseminated to parents and guardians. (Ed 306.04(f), and (g)). See also sample policy JIC. Ed 306.06 further requires fair and consistent implementation of the outdated term “code of discipline”. This sample policy uses “Code of Conduct” to reference the collection of Board policies, school and district administrative rules, and policies & rules pertaining to

Student Discipline and Due Process

B. Standards and Procedures Relative to Disciplinary Consequences.

1. **"Removal from the classroom"** means a student is sent to the building Principal's office or other designated area during the same school day. It is within the discretion of the person in charge of the classroom or activity to remove the student.

Students may be removed from the classroom at the classroom teacher's discretion if the student refuses to obey the teacher's directives, becomes disruptive, fails to abide by school or District rules, or the Code of Conduct, or otherwise impedes the educational purpose of the class. Before ordering the removal, the staff member ordering the removal shall warn the student of the infraction and allow the student to respond.

Detentions are not appealable.

2. **"Restriction from school activities"** means a student will attend school, classes, but will not participate in other school extra-curricular activities, including such things as competitions, field trips, and performances. A student who has been restricted from school activities may participate in practices at the discretion of the person imposing the restriction.

Before ordering the restriction, the supervising employee (e.g., teacher, coach, director, Principal, etc.) ordering the restriction shall warn the student of the infraction and allow the student to respond. If the restriction is immediate and outside of school hours, provision must be made to assure the student is not left unsupervised. The terms of the restriction shall be communicated to the Principal and the student's parent/guardian.

Restrictions under this policy are not appealable.

3. **"Detention"** means the student's presence is required for disciplinary purposes before or after the hours when the student is assigned to be in class, and may occur on one or more Saturdays.

Students may be assigned classroom detention at the classroom teacher's discretion, and building detention at the Principal's discretion, if the student refuses to obey the teacher/employee's directives, becomes disruptive, fails to abide by printed classroom, school or District rules, or the Code of Conduct, or otherwise impedes the educational purpose of the class. Before ordering the detention, the staff member ordering the detention shall warn the student of the infraction and allow the student to respond. Parents/guardians shall be notified at least 24 hours prior to a student serving detention.

Detentions before or after school shall not exceed **one hour**, and Saturday detentions shall not exceed **three hours**. The building Principal is authorized to establish, announce and post additional guidelines and rules regarding detention, supervision, building access, etc.. The length and timing of the detention, is within the discretion of the licensed employee disciplining the student or the building Principal, pursuant to the posted rules of the school.

disciplinary consequences. Any district which does not use term Code of Conduct for such rules, should replace with the District's own title, e.g., Expectations and Standards of Behavior and Consequences.

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Detentions are not appealable.

4. **"Temporary Reassignment"** or "in-school suspension" means the student will attend school but will be temporarily isolated from one or more classes while under supervision. A temporary reassignment should not exceed five consecutive school days. Parents/guardians shall be notified at least 24 hours prior to the administration of a temporary reassignment.

The building Principal is authorized to issue reassignment, restrictions from activities, or place a student on probation for repeated failure to conform to the Code of Conduct _____, classroom rules, or for any conduct that causes material or substantial disruption to the school/class environment, interferes with the rights of others, presents a threat to the health and safety of students, employees, and visitors, is otherwise inappropriate, or is prohibited by law.

5. **"Probation"** means a student is given a conditional suspension of a penalty for a definite period of time in addition to being reprimanded. The conditional suspension will mean the student must meet the conditions and terms for the suspension of the penalty. Failure of the student to meet these conditions and terms will result in reinstatement of the penalty. Notwithstanding the assignment of probation, no imposition of the suspended consequence may be administered unless and until all of the provisions of this policy applicable to the suspended consequence (i.e., long-term suspension, expulsion, etc.) are satisfied.
6. **"Out-of-school suspension"** means the temporary denial of a student's attendance at school for a specific period of time. It includes short-term and long-term out of school suspensions.
- a. **Short-term suspension.** A "short-term suspension" means an out-of-school suspension of ten (10) consecutive school days or less. RSA 193:13, I (a).²

The Superintendent or his/her written designee³ is authorized to suspend a student for ten (10) school days or less.

A short term suspension may be imposed only for:

- i. Behavior that is detrimental to the health, safety, or welfare of pupils or school personnel (including, but not limited to, an act of theft, destruction or violence, as defined in RSA 193-D:1); or
- ii. Repeated and willful disregard of the reasonable rules of the school that is not remediated through imposition of the district's graduated sanctions described in {**}JIC and the Code of Conduct _____.

Pursuant to RSA 193:13, XI(b) and Board policy {**}JIC, a short-suspension over 5 days must conform to the standards included in the Code of Conduct _____.

² The text of any state law ("RSA") referenced in this policy may be located with the following link:
<http://www.gencourt.state.nh.us/rsa/html/nhtoc.htm>

³ RSA 193:13, I(a) designates the Superintendent as the person with authority to suspend, but specifically allows the Superintendent to delegate that authority "in writing". This should be done before the start of each year.

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Before any short-term suspension may be imposed, a student is entitled to the minimum due process (notice before meeting of the charge and explanation of evidence, notice of the possibility of suspension, opportunity for the student to respond, and a written decision explaining the disciplinary taken). See New Hampshire Department of Education Rule Ed 317.04(f)(1).⁴

- b. Long-term suspension. A “long-term suspension” is the extension or continuation of a short-term suspension for a period **not to exceed an additional 10 days** beyond the duration of the short-term suspension.

The Superintendent [⁵delete footnote] is authorized to continue the suspension and issue a long-term suspension of a pupil for a period in excess of ten (10) school days, provided only that if the Superintendent issued the original short-term suspension, then the School Board may designate another person to continue the short-term suspension and issue the long-term suspension.

A long-term suspension may only be imposed for:

- i. an act that constitutes an act of theft, destruction or violence, as defined in RSA 193-D⁶;
- ii. bullying pursuant to Board policy {**}JICK when the pupil has not responded to targeted interventions **and** poses an ongoing threat to the safety or welfare of another student; or
- iii. possession of a firearm, BB gun, or paintball gun.

Prior to a long-term suspension, the student will be afforded a hearing on the matter. The informal hearing need not rise to the level and protocol of a formal hearing, but **the process must comply with the requirements of Ed 317.04 (f)(2), and (f)(3)(g)**, including, without limitation, the requirements for advance notice and a written decision.

- c. Appeal of long-term suspension: Any long-term suspension issued other than by the School Board under this policy, is appealable to the School Board, provided the Superintendent or School Board chair receives the appeal in writing within ten (10) days after the issuance of the Superintendent's [*or other person designated under B.6.b, above*] hearing and written decision required under N.H. Dept. of Education Rule Ed.

⁴ As of March 2021, Ed 317 has not been revised to reflect 2020 amendments to RSA 193:13. The text of any regulation of the NH Department of Education may be located with the following link:
<https://www.education.nh.gov/who-we-are/deputy-commissioner/office-of-governance/administrative-rules>

⁵ RSA 193:13 and Ed. 317 both authorize the School Board to designate a representative to issue long term suspensions. Most districts designate the Superintendent, an assistant superintendent, or student services administrator. Alternatively, the Board itself may issue a long term suspension (not recommended).

⁶ <http://www.gencourt.state.nh.us/rsa/html/XV/193-D/193-D-1.htm> That list is subject to change. The statute should be reviewed prior to any long term suspension for an act of theft, destruction of violence.

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317.04 (f)(2)c, and sub-paragraph **B.6.b**, above. The Board shall hold a hearing on the appeal, but will rely upon the record of the decision being appealed from.

Any suspension in excess of ten (10) school days shall remain in effect while this appeal is pending unless the School Board stays the suspension while the appeal is pending. Any request to stay a long-term suspension should be included in the original appeal.

- d. Educational Assignments. As required by RSA 193:13, V, educational assignments shall be made available to students during both short and long term suspensions.
- e. Alternative Educational Services. The school shall provide alternative educational services to a suspended pupil whenever the pupil is suspended **in excess of 20 cumulative days** within any school year. The alternative educational services shall be designed to enable the pupil to advance from grade to grade.
- f. Re-entry Meetings and Intervention Plans. Prior to returning to regular classes, a suspended student, and parent/guardian (when available) shall meet with the building Principal or his/her designee to assist the student in smoothly returning to the school setting.

Any time a pupil is suspended **more than 10 school days in any school year**, upon the pupil's return to school the school district shall develop an intervention plan designed to proactively address the pupil's problematic behaviors by reviewing the problem behavior, re-teaching expectations, and identifying any necessary supports.

- g. Attendance Safe Harbor. A student may not be penalized academically solely by virtue of missing class due to a suspension.
7. **“Expulsion”** means the complete denial of a pupil's attendance at school for any of the reasons listed in RSA 193:13, II and IV. An expulsion may be for either a stated duration or permanent.
- a. Grounds for Expulsion. Any pupil may only be expelled by the School Board, and only for the following grounds:
 - i. A repetition of an act that warranted long term suspension under section **B.6.b**, above;
 - ii. Any act of physical or sexual assault that would be a felony if committed by an adult;
 - iii. Any act of violence pursuant to RSA 651:5, XIII⁷;
 - iv. Criminal threatening pursuant to RSA 631:4, II(a)⁸; or

⁷ <http://www.gencourt.state.nh.us/rsa/html/LXII/651/651-5.htm>

⁸ <http://www.gencourt.state.nh.us/rsa/html/LXII/631/631-4.htm>

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- v. For bringing or possessing a firearm as defined in Section 921 U.S.C. Title 18 within a safe school zone as prohibited under RSA 193-D:1⁹, or under the Gun Free School Zones Act, unless such pupil has written authorization from the Superintendent.

Before expelling a pupil, the Board shall consider each of the following factors:

- (1) The pupil's age.
 - (2) The pupil's disciplinary history.
 - (3) Whether the pupil is a student with a disability.
 - (4) The seriousness of the violation or behavior committed by the pupil.
 - (5) Whether the school district or chartered public school has implemented positive behavioral interventions under paragraph V.
 - (6) Whether a lesser intervention would properly address the violation or behavior committed by the pupil.
- b. Due Process to Be Afforded Prior to Expulsion. Prior to any expulsion, the District will ensure that the **due process standards set forth in Ed 317.04(f)(3) through 317.04 (m)**¹⁰ are followed.
 - c. Duration of Expulsion. An expulsion will run for the duration stated in the written decision or until the School Board or Superintendent restores the student's permission to attend school as provided in this policy. An expulsion relating to a firearm in a safe school zone per **B.7.a.v**, shall be for a period of not less than 12 months.
 - d. Educational Services. The Superintendent is authorized, but not required, to arrange for educational services to be provided to any student residing in the District who has been expelled by the District or by any other school.

C. Modification or Reinstatement After Suspension or Expulsion.

Expelled or suspended students may request a modification of, or reinstatement from, an expulsion or suspension as provided below. Except for students establishing residency from out-of-state, requests for modification or reinstatement from expulsion/suspension shall be submitted in writing to the Superintendent no later than August 15. The request should set forth the reasons for the request, and include additional information to establish that it is in the best interest of the student and school community to reinstate the student. Such additional information may include such things as work history, letters of reference, medical information, etc. All reinstatements shall include an Intervention Plan as described in paragraph **B.6.f**, above, including such conditions as the reinstating authority (Superintendent or Board) deem appropriate.

⁹ <http://www.gencourt.state.nh.us/rsa/html/XV/193-D/193-D-1.htm>

¹⁰ <https://www.education.nh.gov/who-we-are/deputy-commissioner/office-of-governance/administrative-rules>

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1. **Modification by Superintendent.** Subject to all other applicable laws, regulations and Board policies, and paragraph C.3, below (relating to firearms), the Superintendent is authorized to reinstate any student who has been suspended or expelled from a school in this District, and or enroll a student suspended or expelled from another school or district, on a case-by-case basis.
2. **Review and reinstatement by Board.** A student may request the School Board (of the district of attendance) to review an expulsion decision prior to the start of each school year by filing a written request with the Superintendent detailing the basis of the request. The Board will determine whether and in what manner it will consider any such request after consultation with the Superintendent.
3. **Modification of Expulsion for Firearms.** A student who has been expelled from this District or any other public or private school for bringing or possessing a firearm in a safe school zone as prohibited under RSA 193-D1, or under the Gun Free Schools Act, may only be reinstated or enrolled if the Superintendent first determines: possession of the firearm was inadvertent and unknowing; the firearm was for sporting purposes and the student did not intend to display the firearm to any other person while within the safe schools zone; the student is/was in the fifth or lower grade when the incident occurred; or the Superintendent determines that the firearm was not loaded; and that no ammunition was reasonably available; and that the pupil had no intention to display the firearm to other students.

Additionally, the School Board may enroll a student expelled from a school outside of New Hampshire for a violation of the Gun Free Schools Act upon the student establishing residency.

- D. **Appeals to State Board of Education.** Any decision by the Board (i) to expel a student, (ii) not to reinstate a student upon request, or (iii) enroll a student from another state who had been expelled for a violation of the Gun Free Schools Act, may be appealed to the State Board of Education at any time that the expulsion remains in effect, subject to the rules of the State Board of Education.
- E. **Sub-committee of Board.** For purposes of sections B.6 and B.7 of this policy, "Board" or "School Board" may either be a quorum of the full Board, or a subcommittee of the Board duly authorized by the School Board.
- F. **Superintendent and Principal Designees.**

Except where otherwise stated in this policy, the Superintendent may delegate any authority s/he has under this policy, and a principal may delegate any authority s/he has under this policy, to other appropriate personnel.
- G. **Disciplinary Removal of Students with Disabilities.**

If a student is disabled under the Individuals with Disabilities Act (IDEA), the New Hampshire RSA 186-C, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, or any other law providing special rights to disabled students, those laws shall govern and shall

Student Discipline and Due Process

supersede these local policies to the extent these local policies are inconsistent with those laws. Accordingly, any suspension or expulsion of a child with a disability as defined in Ed 1102.01(t) shall be in accordance with Ed 1124.01.

H. Notice and Dissemination.

This policy shall be made available to families, students and staff as provided in Board policy **{**}**JIC.

I. Conflict in Law or State Regulation.

If any provision of this policy shall conflict with State or Federal law, or regulation of the New Hampshire Department of Education, then such law or regulation shall apply, and the remainder of the policy shall be read and interpreted to be consistent with the law or regulation. School administrators and families are strongly encouraged to review the links for pertinent statutes and laws as referenced in this policy.

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

Legal References:

- 18 U.S.C. § 921, Et seq., Firearms*
- 20 U.S.C. § 7151, Gun-Free Schools Act*
- RSA 189:15, Regulations*
- RSA 193:13, Suspension & Expulsion of Pupils*
- RSA Chapter 193-D, Safe Schools Zones*
- RSA 631:4, Criminal Threatening*
- RSA 651:5, XIII "Act of Violence"*
- NH Code of Administrative Rules, Section Ed 306.04(a)(3), Discipline*
- NH Code of Administrative Rules, Section Ed 306.04(f), Student Discipline Policy*
- NH Code of Administrative Rules, Section Ed. 306.04(g), Suspension & Expulsion*
- NH Code of Administrative Rules, Section Ed 317.04, Suspension and Expulsion of Pupils Assuring Due Process Disciplinary Procedures*
- In re Keelin B., 162 N.H. 38, 27 A.3d 689 (2011)*

Legal References Disclaimer: *These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

Student Discipline and Due Process

When adopting this sample or variation of the same, a district should not include the NHSBA history or NHSBA policy notes appearing below. The district should, to the extent possible, include its own adoption/revision history, as well as the legal references and disclaimer as indicated above.

NHSBA history: Revised - _____ 2021, May 2018, September 2017, April 2011, May 2008, November 2007, October 2005, and November 1999

NHSBA revision notes, _____ 2021, Policy JICD was revised to reflect 2020 amendments to RSA 193:13, which Policy JIC was revised to reflect 2020 amendments to RSA 193:13. Among other things, those amendments largely are designed to effect greater emphasis on the emotional and academic needs of students through support and intervention strategies prior to using exclusion from school through suspension and expulsion. The amendments also (a) limit the duration of long-term (“LT”) suspensions to 20 days, (b) limit the reasons a student may receive a LT suspension, and (c) require districts to adopt separate standards for short term suspensions of <5 days, and those of >5.

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MODIFICATION OF A WEAPONS EXPULSION

Pursuant to RSA 193:13, IV, the Superintendent may, upon written application of an expelled pupil, recommend modification to the expulsion. Prior to the School Board's consenting to such a modification, the pupil shall be required to submit to the Superintendent sufficient evidence in the form of letters, work history or other documents or testimony demonstrating that it is in the school's best interest and the pupil's best interest to allow a modification. In making such a decision, due regard will be given to other pupils and staff whose safety and well-being shall be of paramount importance.

ADMINISTRATIVE PROCEDURE TO ACCOMPANY POLICY JICI-R APPENDIX A

An expelled pupil has the right to request a review of the expulsion prior to the start of each school year.

A request for review should be directed by the pupil to the Superintendent of Schools and should be received by the Superintendent on or before August 15. The request shall set forth each and all reasons why the pupil's right to attend school should be reinstated. Of particular importance would necessarily be such information as might convince school authorities that the conduct which led to the expulsion would not be repeated.

The Superintendent of Schools or Assistant Superintendent and the Principal or an Assistant Principal at the applicable school shall direct written recommendation to the Board with a copy to the pupil.

- the expulsion may be continued;
- the pupil may be reinstated without conditions;
- the pupil may be required to meet certain conditions prior to reinstatement;
- a code of conduct and consequences may be established for a reinstated pupil which are more strict than for the general student population.

ADMINISTRATIVE PROCEDURE TO ACCOMPANY POLICY JICI-R APPENDIX B

The mandatory 12-month expulsion from school for bringing or possessing a firearm in a safe school zone may be modified on a case-by-case basis in the sole discretion of the Superintendent of Schools in the following situations:

1. The Superintendent determines that possession of the firearm was inadvertent in that another person had left the firearm in the pupil's vehicle; and the pupil had not noticed that s/he was bringing the firearm within the safe school zone; or

Current GSD Policy. NHSBA suggests withdrawing policy as it is incorporated into JICD.

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2. The Superintendent determines that the pupil intended to use the firearm for sport immediately before or after school and had no intention to display the firearm to other students.
3. Based on student school records and a safety assessment of student, the Superintendent determines that the pupil did not properly understand the dangers of firearms when the firearm was brought to school.
4. The Superintendent determines that the firearm was not loaded; and that no ammunition was reasonably available; and that the pupil had no intention to display the firearm to other students.

(Adopted: 11/5/2018)

Current GSD policy. We had suggested withdrawing this policy as it is incorporated in the new JICD policy from Drummond and Woodsum. If we go with NHSBA sample policy JICD, we need to keep this policy as out of school actions are not in the NHSBA sample policy JICD.

3-9-2021 Policy Committee

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STUDENT DISCIPLINE/OUT-OF-SCHOOL ACTIONS

The Board recognizes that out-of-school and off-campus student conduct is not normally the concern of the Board. However, the Board also recognizes that some out-of-school and off-campus conduct may have an adverse effect upon the school, school property, or school staff.

Therefore, it shall be the policy of this Board that the Board or school administrators may impose disciplinary measures against students for some out-of-school or off-campus conduct.

Discipline may be imposed if such out-of-school conduct causes a significant disruption or substantial interference with the school's educational mission, purpose, or objectives. Additionally, any off-campus or out-of-school behavior that has a strong potential to disrupt normal school operations may also be met with appropriate disciplinary actions.

Out-of-school and off-campus student conduct that may subject a student to discipline includes, but is not limited to:

1. Damaging school property;
2. Violence at or near the school's bus stop, either before or after the school day;
3. Drinking alcohol, using tobacco products, or using illegal drugs at or near the school bus stop, either before or after the school day;
4. Damaging the private property of school staff or employees; or
5. Any other activity the Board or administration determines impedes the general welfare of scholastic or co-curricular activities.

Cyber-Bullying and Internet Threats

Reports and/or allegations of cyberbullying will be addressed in accordance with the provisions of Board policy JICK.

Consistent with applicable law, the District will not require or request that a student disclose or provide to the District the student's user name, password or other authenticating information to a student's personal social media account.

However, the District may make a request to a student or a student's parent/guardian that the student voluntarily share printed copies of specific information from a student's personal social media account if such information is relevant to an ongoing District investigation.

Legal References:

RSA 189:70, Educational Institution Policies on Social Media

(Adopted: 9/7/2010)

(Revised: 6/4/2012, 1/7/2019)