

STUDENT DISCIPLINE AND DUE PROCESS

Definitions

1. 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.
2. 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.
3. Detention means the student's presence is required during non-school hours for disciplinary purposes. 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.
4. An 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 consecutive school days.
5. An out-of-school suspension means the temporary denial of a student's attendance at school for a specific period of time for gross misconduct or for neglect or refusal to conform to school rules or policies.
6. A restriction from school activities means a student will attend school and classes and practice but will not participate in school extra-curricular activities.
7. 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.
8. 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.

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.

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

The building principal is authorized to issue in-school suspensions, restrictions of activities, or

place a student on behavior probation 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, violates other board Policies or is otherwise inappropriate.

Process for Out-of-School Suspension:

The power of suspension is authorized as follows:

1. The building principal is authorized to suspend a student for 10 school days or less for gross misconduct or for neglect or refusal to conform to school district policies or rules. The principal shall consult with the Superintendent prior to issuing any suspension.
 - A. Pursuant to Ed 317.04(a)(1), a suspension of 10 school days or less shall be considered a “short-term suspension” and may be issued for gross misconduct or for neglect or refusal to conform to the reasonable rules of the school under RSA 193:13,I.
 - B. As required by RSA 193:13(a), educational assignments shall be made available to the suspended pupil during the period of suspension.
2. The Superintendent is authorized to continue the suspension of a pupil for a period in excess of 10 school days. Prior to this extended suspension, the Superintendent will provide an informal hearing on the matter. The informal hearing need not rise to the level and protocol of an official hearing before the school board.
 - A. Pursuant to Ed 317.04(a)(2), a suspension in excess of 10 school days shall be considered a “long-term suspension” and may be issued for an act of theft, destruction, or violence as defined in RSA 193-D, or for possession of a pellet paint ball gun or BB gun or rifle under RSA 193:13,II.
3. Any suspension in excess of 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 10 days after the issuance of the Superintendent’s decision described in Paragraph 2. Any suspension in excess of 10 school days shall remain in effect while this appeal is pending.
4. Due process standards for short-term suspensions (10 days or less) will adhere to the requirements of Ed 317.04(d)(1).
5. Due process standards for long-term suspensions (more than 10 days) will adhere to the requirements of Ed 317.04(d)(2).

Process for Expulsion

1. Any pupil may be expelled by the School Board for gross misconduct, or for neglect or refusal to conform to District rules or policies, or for an act of theft, destruction, or violence, as defined in RSA 193-D:1, or for the possession of a pellet or BB gun, rifle, or paint ball gun.
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 12 months.

3. The District will ensure that the due process standards set forth in Ed 317.04(d)(3) are followed.

4. An expulsion 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.

Legal References:

RSA 189:15, Regulations

RSA 193:13, Suspension & Expulsion of Pupils

RSA Chapter 193-D

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)

First Reading:	January 14, 2015
Second Reading & Approval:	February 11, 2015
First Reading:	October 4, 2017
Second Reading & Approval:	November 1, 2017