

## STUDENT DISCIPLINE AND DUE PROCESS

*Category: P*

*See Also: Policy: JI, JIA, JIC, JICDD & JICK*

*Appendix: JICD-R*

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 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 (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 {note: 193:13 and Ed. 317 both authorize the School Board to designate a representative to issue long term suspensions. Most districts designate 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. 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)*

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