

STUDENT CONDUCT, DISCIPLINE AND DUE PROCESS

Safe School Zone

The Hollis Brookline Cooperative School Board endorses the following principles of student conduct:

- I. Respect for law and those given authority to administer it shall be expected of all students. This includes conformity to School Board policies, school rules, and applicable state and federal laws.
- II. Respect for the rights of others, consideration of their privileges, and cooperative citizenship shall be expected of all members of the school community.
- III. Respect for the real and personal property, pride in one's work, and exemplary personal standards of courtesy, decency, honesty, and wholesome attitudes shall be maintained.
- IV. Respect for individual worth is the obligation of the school. Diligence and a desire to benefit from the opportunity is the obligation of the student.

The Board expects student conduct to contribute to a productive learning climate. Individual rights are to be honored and protected in all instances; however, the rights of one individual shall not take precedence over those of another individual or of the group itself, and all students shall have equal rights and equal responsibilities in the classroom or at any school-sponsored activity.

The Board further recognizes the right of each school to establish disciplinary procedures in accordance with RSA [193](#):13 and RSA 193-D through the development of administrative procedures which are approved by the Superintendent or their designee.

At all times, students are required to conduct themselves in accordance with behavioral standards set forth in the student handbook 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. Due process shall be afforded to any student involved in a proceeding which may result in suspension, or expulsion. 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.

- I. **Disciplinary Measures – "Definitions"**. Disciplinary measures may include, but are not limited to, removal from the classroom, detention, in-school suspension, out-of-school suspension, restriction from activities, and expulsion.
 - A. "Removal from the classroom" means a student is sent to the building administration's office. It is within the discretion of the person in charge of the classroom to remove the student.
 - B. "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 educator disciplining the student or the building Principal.
 - C. "Saturday detention" means a student serves a detention at school between 8 AM until 12:00 PM on Saturday as assigned by administration. Examples of infractions that may merit a Saturday detention include but are not limited to failure to report to regular detention, verbally

aggressive, inappropriate or hostile behavior, bullying/harassment, and any other offense that requires administrative action and a consequence greater than a detention. The building Principal or designee has the authority to assign a student to a Saturday morning detention.

D. "In-school suspension" means the student will attend school but will be temporarily removed from one or more classes while under supervision. An in-school suspension will not exceed ten (10) consecutive school days.

E. "Out-of-school suspension" means the temporary denial of a student's attendance at school for a specific period of time.

F. "Short-term suspension" means a suspension of ten (10) consecutive school days or less under RSA 193:13, I(a).

G. "Long-term suspension" means an extension of a short-term suspension for up to ten (10) additional consecutive school days under RSA 193:13, I (b)-(c).

H. "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.

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

II. Standards for Removal from Classroom and Detention.

A. 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.

B. Classroom teachers may assign students to detention for conduct outlined in Paragraph IIA.

C. The building Principal or designee may assign students to detention, including Saturday detention for conduct outlined in Paragraph IIA.

III. Standards for In-School Suspension and Restriction of Activities.

The building Principal or designee is authorized to issue in-school suspensions or restrictions of activities 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.

IV. Process for Out-of-School Suspension.

The building Principal or designee is authorized to issue short-term suspensions. The Superintendent is authorized to issue long-term suspensions.

A. Short-term Suspensions. The building Principal or designee (as designee of the Superintendent) is authorized to suspend a student for ten (10) consecutive school days or less. 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.

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

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

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

- a. 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.
 - b. The student will be given an opportunity to present his or her side of the story at this meeting.
 - c. 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.
4. Depending on the severity of the student's conduct, the building Principal or designee may recommend the student to the Superintendent or to the School Board for further disciplinary consequences.

B. Long-term Suspensions. The Superintendent is authorized to continue the suspension and issue a long-term suspension up to an additional ten (10) consecutive school days. 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 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.

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

2. Prior to a long-term suspension, the student is entitled to the following due process:

- a. 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.
- b. A hearing that meets the requirements of Ed 317.04(f)(3)(g).

1. 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.

2. During the hearing, the student, parent/guardian shall have the right to examine any witnesses presented by school officials.

3. 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 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.

4. The student may, together with a parent/guardian, waive the right to a hearing and admit to the charges.

- c. The student is entitled to a written decision which includes the legal and factual basis for the conclusion that the student should be suspended.
 - d. The written decision shall include notice to the student that the decision may be appealed.
3. For a long term suspension issued by Superintendent, the decision must be appealed in writing to the 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.
 4. 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.
 5. The long-term suspension shall remain in effect while an appeal is pending unless the School Board stays the suspension.
 6. Depending on the severity of the student's conduct, the Superintendent may recommend the student to the School Board for further disciplinary consequences.

V. Process for Expulsion.

A. Any pupil may be expelled by the School Board 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.

B. Prior to any expulsion, the District will ensure that the due process standards set forth in RSA 193:13 and Ed 317.04(f)(3) are followed. Specifically, students are entitled to the following due process:

1. 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.
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 School Board 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.

C. An expulsion under this paragraph will run until the School Board reviews it and 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 prior to the start of each school year. The Board will determine whether and in what manner it will consider any such request.

D. Any decision by the Board to expel a student may be appealed to the State Board of Education at any time while the expulsion remains in effect.

E. The Superintendent of Schools is authorized to modify the expulsion or suspension requirements of Section IV.B. and Section V above on a case-by-case basis.

VI. 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 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 Hollis Brookline Cooperative 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.

VII. Alternative Educational Services

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.

VIII. 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.

IX. Sub-committee of Board. For purposes of sections IV and V 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.

X. Code of Conduct

The School Board authorizes the Superintendent to establish a Code of Conduct which will contain a system of supports and consequences 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.

XI. Disciplinary Removal of 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.

XII. Notice and Dissemination.

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 at the beginning of the school year. The Principal or designee 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.

Legal References:

RSA 189:15, Regulations

RSA 193:13, Suspension & Expulsion of Pupils

RSA Chapter 193-D, Safe Schools Zones

RSA 193-F, Pupil Safety and Violence Prevention

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)

See Appendix: [JICD-R](#)

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