

Policies for Review - 2nd Reading

June 8, 2021

J1 - Student Rights and Responsibilities

J1A - Student Due Process Rights

J1C - Student Conduct

J1CD - Student Discipline and Due Process

J1CI-R - Modification of a Weapons Expulsion

Current GSD Policy –The Policy Committee suggests withdrawing this policy as it is included in policy JICD.

4-13-2021 Policy Committee

5-3-2021 School Board – first reading

6-8-2021 School Board – second reading

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 JIA 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. *Policy Committee suggests withdrawing this policy as it is included in policy JICD*

4-13-2021 Policy Committee

5-3-2021 School Board – first reading

6-8-2021 School Board – second reading

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. The Policy Committee suggests replacing this current GSD policy with the revised sample policy.

3-9-2021 Policy Committee

4-13-2021 Polic Committee

5-3-2021 School Board – first reading

6-8-2021 School Board – second reading

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. The Policy Committee suggests replacing current GSD policy with this revised sample policy.

3-9-2021 Policy Committee

4-13-2021 Policy Committee

5-3-2021 School Board – first reading

6-8-2021 School Board – second reading

STUDENT CONDUCT

JIC

Page 1 of 3

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 for each school.

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. 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.

A. 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 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.

New Hampshire School Boards Association Sample Policy. The Policy Committee suggests replacing current GSD policy with this revised sample policy.

3-9-2021 Policy Committee

4-13-2021 Policy Committee

5-3-2021 School Board – first reading

6-8-2021 School Board – second reading

STUDENT CONDUCT

JIC

Page 2 of 3

The Code of Conduct shall include but not limited to:

1. A graduated and age-appropriate system of supports and intervention strategies such as, but not limited to:
 - parent conferences,
 - counseling,
 - peer mediation,
 - instruction in conflict resolution and anger management,
 - community service, and
 - rearranging class schedules.
2. Graduated and age-appropriate disciplinary consequences such as, but not limited to:
 - 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.

B. Implementation and Notice.

New Hampshire School Boards Association Sample Policy. The Policy Committee suggests replacing current GSD policy with this revised sample policy.

3-9-2021 Policy Committee

4-13-2021 Policy Committee

5-3-2021 School Board – first reading

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STUDENT CONDUCT

JIC

Page 3 of 3

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).

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 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).

D. 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.

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

This policy was rewritten by Drummond Woodsum Law Firm and administration to comply with the new law, effective July 1, 2021. The Policy Committee suggests replacing current GSD policy JICD with this policy.
3-9-2021 Policy Committee
4-13-2021 Policy Committee
5-3-2021 School Board – first reading
6-8-2021 School Board – second reading

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.

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.

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4-13-2021 Policy Committee
5-3-2021 School Board – first reading
6-8-2021 School Board – second reading

JICD

Page 2 of 9

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 not exceed two (2) hours. Parents will be notified by phone or email at least 24 hours before the detention takes place.

Administrative After-School Detention

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). The length of the detention is left to the discretion of the administration and will not to exceed two (2) hours. Parents will be notified by phone or email at least 24 hours before the detention takes place.

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 within a reasonable timeframe but no later than 24 hours.

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.

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.

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3-9-2021 Policy Committee
4-13-2021 Policy Committee
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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.
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.

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.

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

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3-9-2021 Policy Committee
4-13-2021 Policy Committee
5-3-2021 School Board – first reading
6-8-2021 School Board – second reading

JICD

Page 4 of 9

- 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.
 - 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.

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.

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:

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3-9-2021 Policy Committee

4-13-2021 Policy Committee

5-3-2021 School Board – first reading

6-8-2021 School Board – second reading

JICD

Page 5 of 9

- 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).

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.
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

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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, 30 days 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.

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.

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 and policy JICI-R. 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

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4-13-2021 Policy Committee

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6-8-2021 School Board – second reading

JICD

Page 7 of 9

The School Board authorizes the Superintendent to reinstate a suspended or expelled pupil on a case-by-case basis. The Superintendent will notify the School Board of consideration of an expelled student to be reinstated.

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.

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.

Parental Notification of Simple Assaults.

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3-9-2021 Policy Committee

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5-3-2021 School Board – first reading

6-8-2021 School Board – second reading

JICD

Page 8 of 9

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 to be notified (victim and perpetrator) of the assault occurring as part of 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).

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 elementary school, 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

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 189:70, Educational Institution – Policies on Social Media

RSA Chapter 193-D, Safe School Zones

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

3-9-2021 Policy Committee

4-13-2021 Policy Committee

5-3-2021 School Board – first reading

6-8-2021 School Board – second reading

JICD

Page 9 of 9

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

*Current GSD Policy. Policy Committee made one revision on this policy.
4-13-2021 Policy Committee
5-3-2021 School Board – first reading
6-8-221 School Board – second reading*

JICI-R

Page 1 of 2

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. 30 days prior to the start of each school year. 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. Policy Committee made one revision on this policy.

4-13-2021 Policy Committee

5-3-2021 School Board – first reading

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JICI-R

Page 2 of 2

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)