

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: JICD
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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 the Oyster River Cooperative 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 Oyster River Cooperative 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 Oyster River Cooperative 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.

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 classes or activities, school sponsored events, or be on school property for the duration of the suspension.

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

Long-Term Out-of-School Suspension

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 classes or activities, school sponsored events, or be on school property for the duration of 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 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;

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- 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.

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.

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 Oyster River Cooperative 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 Oyster River 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.

Superintendent Authority

The School Board authorizes the Superintendent to reinstate a suspended 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 the Superintendent to provide educational services 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

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(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 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.

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:

JJ - Student Rights and Responsibilities
 JIC- Code of Conduct/Student Behavior Standards
 JICI - Weapons on School Property
 JICK - Pupil Safety and Violence Prevention – Bullying

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 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