

JGD

SUSPENSION AND EXPULSION

Any student attending school who neglects or refuses to conform with the standards of orderly conduct prescribed by these rules and regulations shall be subject to suspension or dismissal for gross misconduct, or for neglect or refusal to comply with these standards. (See RSA 193:13).

Conduct specifically prohibited shall include, but not be limited to, habitual truancy, verbal or physical abuse toward any student, faculty, or staff member, disobedience of reasonable demands of staff or faculty members, possession of controlled drugs and/or alcoholic beverages on school property, disrupting classroom atmosphere, impeding classroom decorum, causing disturbances among other students in attendance, distracting other students so as to interfere with the educational process, and disrupting the disciplinary process. Any student in possession of non-approved substances may be disciplined or referred to the Discipline Committee.

- A. Suspensions of not more than ten (10) school days may be made by the superintendent (or his/her representative as designated in writing) individually. Prior to such suspension the person ordering the suspension must, orally or in writing, inform the student of the charges against him/her and provide him/her with an opportunity to refute or explain the charges. If the student refutes the charge(s), evidence of the misconduct shall be related to the student.
- B. The superintendent and assistant superintendent, as designated representatives of the School Board, are authorized to continue the suspension of a student for a period in excess of ten (10) school days, but not to exceed twenty (20) school days. If the superintendent or assistant superintendent issued the suspension for the first ten days, or any part thereof, he/she may not be the individual who extends the suspension beyond the tenth day.
- C. Suspensions of six (6) to twenty (20) school days that were made by the Superintendent or Assistant Superintendent may be appealed by the parent or guardian to the School Board or its designated committee provided that the Superintendent or Assistant Superintendent received such appeal in writing within ten (10) days after issuance of the decision being appealed.
- D. The School Board or its designated committee shall hold a hearing on the appeal, but shall have discretion to hear evidence or to rely upon the record of a hearing conducted under paragraphs A or B, above. The suspension shall be enforced while the appeal is pending unless the School Board stays the suspension while the appeal is pending.

If a parent and student are unable to attend a hearing due to scheduling conflicts that cannot be resolved, the Committee may hear evidence from the Administration and make a recommendation to the Board. If the student is recommended to return to school, the student and parents must meet with the Superintendent prior to re-entry. If the recommendation is a long term suspension, the student and parent can schedule a meeting with the

Superintendent. The Superintendent can recommend the Board follow the Committee's decision, change the recommendation to the Board or the student and parent can appeal to the full Board.

E. Suspensions of more than twenty days must be approved by the School Board-

F. Expulsion may be made by the School Board after written notice to the student of his/her gross misconduct or his/her neglect or refusal to conform to the reasonable rules or regulations of the school or for an act of theft, destruction, or violence as defined in RSA 193-D:1, or for possession of a pellet or BB gun or rifle. Such expulsions occur only after a hearing by the board or designated committee. A student expelled by the School Board or its designated committee shall not attend school until restored by the School Board or its designated committee. Expulsions are subject to review prior to the start of the next school year, and may be appealed to the State Board of Education by the parent or guardian of the expelled student.

G. Any student who brings or possesses a firearm as defined in 18 USC § 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 School Board or its designated committee for a period of not less than twelve (12) months. Such an expulsion shall be subject to review by the School Board or its designated committee if requested by a parent or guardian prior to the start of the following school year, and may be appealed to the State Board of Education by the parent or guardian of the expelled student.

H. Whenever a student is suspended or expelled, Family Educational Rights and Privacy Act (FERPA) regulations § 99.31(a)(2) and § 99.34 will be followed.

Before any suspension or any expulsion may be made, except as provided for below, the student must be informed in writing of the charges against him/her, and a hearing scheduled before the person making the suspension (or before the School Board if appealed to or required to be approved by it) at which the student shall be permitted to be represented by counsel at his/her expense, to refute any charges or evidence against him/her, offer evidence, explanations or mitigating circumstances, cross-examine witnesses and call witnesses of his/her own.

The Chair of the Discipline Committee shall preside at any hearing before said Committee and shall control the testimony, cross examination, and general conduct of the hearing. He/she may limit or otherwise rule for the orderly conduct of the meeting.

FORMS OF STUDENT DISCIPLINE

- A. **Teacher student:** Teachers may and are encouraged to handle their own detention or other disciplinary measures for misconduct in their classes.
- B. **Social probation:** The denial of a student to attend and/or participate in extracurricular activities, school dances or any other form of after-school activity.

- C. **Detention:** A student is assigned to a specific supervised room during and/or after school hours.
- D. **Suspensions:** A student is denied attendance at school or school functions for a designated number of days in accordance with the provisions of Policy JGD.
1. Any student who is suspended from school has a right to appeal the decision.
 - a. Suspension of less than three days can be appealed to the Principal at the school level. If the Principal was the original Hearing Officer, the parent can request another hearing based on items c.i - iv listed below.
 - b. Suspension for three days or longer, that are not referred to the Discipline Committee can be appealed to the Superintendent, after an appeal is heard at the school level.
 - c. The basis of the appeal would typically include:
 - i. A decision lacks substantive basis in fact to support the findings.
 - ii. There is incongruity between the disciplinary action and the findings.
 - iii. There has been an unfairness in the hearing process
 - iv. There is newly discovered important evidence not known at the time of the hearing or disciplinary action.
 2. A student is not permitted on school property at any time during the duration of an out-of-school suspension.
- E. **Expulsion:** Expulsion will be made only by School Board

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