

## JICD - STUDENT CONDUCT, DISCIPLINE AND DUE PROCESS

### Safe School Zone

Inappropriate student conduct that causes material and substantial disruption to the school environment, interferes with the rights of others, or presents a threat to the health and safety of others will not be tolerated. Students are expected to exhibit appropriate classroom behavior that allows teachers to communicate and educate effectively. The Board recognizes the right of each school to establish disciplinary procedures, which are approved by the Superintendent or his/her designee in accordance with RSA 193:13 and RSA 193-D.

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 school district property or on property within the jurisdiction of the school district; while on school owned and/or operated school or chartered vehicles; or while attending or engaged in school activities. Consequences for misconduct will be fair and developmentally appropriate in light of the circumstances.

#### (I) Definitions:

- (1) **“Safe School Zone”** means an area inclusive of any school property or school buses.
- (2) **“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.
- (3) **“Suspension”** means the temporary denial of a student’s attendance at school for a specific period of time for gross misconduct or for neglect or refusal to conform to announced, posted, or printed school rules.
- (4) **“Firearm”** means “firearm” as defined in section 921 of Title 18 of the US Code
- (5) **“Dangerous weapons”** means dangerous weapons listed but not limited to those is RSA 159:16.
- (6) **“Gross Misconduct”** means an act which:
  - a. Results in violence to another’s person or property
  - b. Poses a direct threat to the safety of others in a safe school zone
  - c. Is identified as an “Act of Theft, Destruction or Violence” in RSA 193-D:1, I (see list in Section II(3) of this Policy)

#### (II) Conduct Prohibited in Safe School Zones

- (1) Gross misconduct
- (2) Neglect or refusal to conform to the reasonable rules of the school
- (3) An “Act of Theft, Destruction, or Violence” regardless of the age of the perpetrator as defined in RSA 193-D:1 and listed below:

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- a. Homicide
  - b. Any simple, first or second degree assault
  - c. Any felonious or aggravated felonious sexual assault
  - d. Criminal mischief
  - e. Unlawful possession or sale of a firearm or other dangerous weapon
  - f. Arson
  - g. Burglary
  - h. Robbery
  - i. Theft
  - j. Illegal sale or possession of a controlled drug
  - k. Criminal threatening
- (4) Possession of: (as listed in RSA 193:13)
- a. A pellet gun
  - b. Paint ball gun
  - c. B B gun
  - d. Rifle
  - e. A firearm
  - f. Other dangerous weapon

### (III) Levels of Discipline Available to School Officials

- (1) **Short-term** (not to exceed 10 school days) **Suspension** by the Superintendent or the Principal (if designated in writing by the superintendent) for gross misconduct or for neglect or refusal to conform to the reasonable rules of the school.
- (2) **Long-term** (in excess of 10 school days) **Suspension** by the Superintendent (or School Board in the absence of the Superintendent or if the Superintendent administered the short-term suspension) for “An Act of Theft, Destruction, or Violence” as defined in RSA 193-D or for Possession under RSA 193,II (see list in Section II(3) of this Policy).
- (3) **Expulsion** by the School Board (or a sub-committee of the board duly authorized by the school board) for “Conduct Prohibited in a Safe School Zone”. (see Section II of this Policy).
- (4) **Expulsion** by the School Board (or a sub-committee of the board duly authorized by the school board) **for a period of not less than 12 months**, in accordance with RSA 193:13(III), for any pupil who brings or possesses a firearm in a safe school zone without written authorization from the superintendent or designee.

Each school will have these 4 levels of discipline at a minimum. Additional levels of discipline may be utilized as long as they do not conflict with this Policy.

**AMHERST Policy****(IV) Due Process in Disciplinary Proceedings**

Due process shall be afforded to any student involved in a proceeding that may result in suspension or expulsion. The School Board instructs the Superintendent to develop procedures that ensure all students will be provided due process that, at a minimum, conforms to the requirements in Ed 317.04(d).

Pupils shall receive notice of the requirements of RSA 193-D (the Safe School Zones Act) and the provisions of RSA 193:13 concerning suspension and expulsion of pupils by printing these requirements in each school's student handbook.

A long-term suspension determined by the Superintendent, based upon a hearing, may be appealed to the local school board, provided that the superintendent received such an appeal in writing within 10 days after the issuance of the decision being appealed. The School Board shall hold a hearing on the appeal, but shall have discretion to hear evidence or to rely upon the record of the suspension hearing conducted by the superintendent. The suspension shall be enforced while the appeal is pending, unless the school board stays the suspension while the appeal is pending.

A long-term suspension or an expulsion determined by the School Board may be appealed to the state board of education. All appeals to the state board shall be filed within 20 calendar days of receipt of the written decision of the local school board. Any expulsion shall be subject to review, if requested, prior to the start of each school year. The superintendent may modify the expulsion requirements on a case-by-case basis.

The decision of the school board to expel a student shall be based on a dispassionate and fair consideration of substantial evidence that the accused pupil committed the act for which expulsion is to be imposed and that such acts are, in fact, a proper reason for expulsion. Students expelled from school may be reinstated by the Board based on conditions established by the Board at the time of the expulsion in accordance with the provisions of RSA 193:13 II.

The Superintendent may modify expulsion requirements as provided in RSA 193:14, IV. In addition, the District shall comply with the provisions of the Individual With Disabilities Education Act (IDEA) when disciplining students who receive special education services.

If a pupil brings or possesses a firearm in a safe school zone without written authorization from the superintendent:

- (1) The superintendent shall suspend the pupil for a period not to exceed 10 days, pending a hearing by the local board; and
- (2) The school board shall hold a hearing within 10 days to determine whether the student was in violation of RSA 193:13, III and therefore is subject to expulsion.  
*{Note: Ed 317.04(d)(3) requires that if the expulsion hearing "is held after the expiration of a short-term suspension, the pupil shall be entitled to return to school after the short-term suspension has expired and pending the expulsion hearing".}*

**AMHERST Policy****(V) Reporting Requirements**

Any school employee who has witnessed or who has information from the victim of an “Act of Theft, Destruction, or Violence” (see list in section II of this Policy) in a safe school zone is required by state law, RSA 193-D:4, to report such act in writing immediately to a supervisor. A supervisor receiving such a report shall immediately forward such information to the school principal who shall file it with the local law enforcement authority. Such report shall be made by the principal to the local law enforcement authority immediately, by telephone or otherwise, and shall be followed within 48 hours by a report in writing unless a written police report has already been completed. If the alleged victim is a student, the principal shall also immediately notify the person responsible for the victim’s welfare that a report was made to the local law enforcement authority. A simple assault, involving pupils in kindergarten through grade 12, does not have to be reported to the local law enforcement authority but will be reported to the students’ parents or guardians.

The School Board instructs the superintendent to establish a memorandum of understanding, in conjunction with the local law enforcement authority, for administering the provisions of RSA 193-D:4, I(a)-(c) concerning reporting requirements.

The school administration shall provide professional development opportunities directed at understanding the policies and reporting requirements that support a safe and healthy school environment.

**Legal References:**

*RSA 193:13, Suspension & Expulsion of Pupils*

*RSA 193-D, Safe School Zones*

*NH Code of Administrative Rules, Section Ed 317 Standards and Procedures for Suspension and Expulsion of Pupils Including Procedures Assuring Due Process*

*NH Code of Administrative Rules, Section Ed 306.04(a)(3), Student Discipline*

*NH Code of Administrative Rules, Section Ed 306.4(f), Policy Relative to Student Discipline*

*NH Code of Administrative Rules, Section Ed 306.06, Culture & Climate*

**ADOPTED: September 4, 2008**