

## STUDENT DISCIPLINE AND DUE PROCESS

The board recognizes its responsibility to preserve order and ensure that school buildings, together with its grounds, bus stops and bus routes and at school-sponsored events are safe for students and staff. Students, as part of the educational community, shall be made aware that misconduct will not be tolerated and may result in temporary or long-term removal from the school. In addition, a student may be suspended or expelled for activities not immediately connected with school activities where school officials have reasonable cause to believe that a student, by virtue of activities after school hours and off school property, presents a danger to himself, to others, or to school property. (See Attorney Drescher Legal opinion, *Discipline of Students for Off-Campus Conduct*, October 1998).

The board requires that the student body be annually notified of school rules, including RSA 193-B, the Drug-Free School Statute, RSA 193-D, known as the Safe School Zone law, and RSA 193:13, the law governing student suspension and expulsion from school. The student handbook shall contain a summary of these laws and this policy; moreover, this policy will be distributed to all school employees and kept on file in the principal's office and the superintendent's office.

Compliance with these state laws enable school districts to receive certain federal funds which would not otherwise be available.

### **RSA 193-D, Safe School Zone**

Under the Safe School Zone statute, a student may be suspended or expelled for acts of theft, destruction or violence occurring on school property, bus stops and routes and at school-sponsored events regardless of the age of the student, for:

- a. Homicide
- b. Assault (simple, first degree, second degree assault)
- c. Sexual Assault (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

### **RSA 193-B, Drug-Free School Zone**

Chapter 193-B, Drug-Free School Zone, makes it unlawful for any person to manufacture, sell, prescribe, administer, dispense, or possess with intent to sell, dispense, or compound any controlled drug or its analog, within a drug-free school zone at any time of the year. Drug-free school zone means an area inclusive of any property used for school purposes, whether or not owned by the

school, within 1,000 feet of school property, or within or immediately adjacent to school buses.

**RSA 193:13, Suspension and Expulsion**

A student may be suspended or expelled for an act of theft, destruction or violence as defined in RSA 193-D and 193-B as well as for gross misconduct or neglect or refusal to conform to the reasonable rules of the school as stated in RSA 193:13. A student shall be expelled by the school board if the violation involves bringing or possessing a firearm as defined in Section 921 of Title 18 of the United States Code in a safe school zone as defined in RSA 193:D:1. This statute allows the superintendent to modify the expulsion requirements on a case by case basis.

The superintendent has the authority, pursuant to RSA 193:13 III, to grant written authorization to a student or others to possess a firearm or other weapon on school property. Any such authorization shall be requested in writing, and any such request by a student shall also be signed by a parent or guardian. The authorization shall be issued in advance of the possession. Any such authorization shall identify the student or others, the weapon or firearm, the purpose of the possession, and time frame of the authorization.

**Souhegan School Board Regulations**

This policy and the regulations listed below are established to implement RSA 193-D, RSA 193-B, and RSA 193:13. Should any portion of this board policy, regulation (regulation signified by “R”) and exhibit (exhibit signified by “E”) conflict with state law or regulations issued pursuant thereto, it is the Board’s intention that its policy be read in such a manner that it conforms to law or regulations.

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| JFC/R1  | Definition of Terms, Students with Educational Disabilities, and Due Process Procedures for Suspension and Expulsion |
| JFC/R2  | Expelled Student Request for Readmission   |
| JFC/R3  | Reporting Protocol for Acts of Theft, Destruction, or Violence   |
| JFC/E3a | State Department of Education Form 317   |
| JFC/E3b | State Department of Education Form 317 - Fed   |
| JFC/E3c | Memorandum of understanding by and between the Amherst Police Department and the Souhegan School Board.              |
| JFC/R4  | School Response Plan for Acts of Theft, Destruction, or Violence or Failure to Conform to School Rules               |

JFC/R5      Student Notification of Souhegan Safe School Policy