

SCHOOL BOARD POLICIES

Student Conduct, Discipline and Due Process – JICD-R

The School District rules relative to student conduct, discipline and due process in the schools are to be adapted from the Rules of the New Hampshire State Board of Education (see ED 317). The discipline rules of the School District shall be reviewed no less than annually in order to determine continued conformance with the School Board rules and other applicable statutes and regulations as they may from time to time be amended or superseded.

I. Purpose

- A. The School District’s disciplinary rules will provide the process in all matters of pupil misconduct, and specifically for the enforcement of RSA 193-D relative to disciplinary action for misconduct by a pupil in a safe school zone, including possessing a firearm or any other dangerous weapon, and RSA 193:13 relative to suspension and expulsion of pupils.
- B. These rules shall also link discipline and the process in safe school zones to the requirements of ED 1109 relative to special needs students.

II. Definitions

The following definitions shall apply to all School Policies and all District or school based rules and procedures. To the extent, if any, that such other policies, rules or regulations may have distinct definitions, the broader definition shall apply unless the context suggests otherwise.

- A. “Expulsion” means the permanent denial of a pupil’s attendance at school for any reasons listed in RSA 193:13, II and III.
- B. “Weapon” means (1) a firearm (see 18 USC Section 921) to include a pellet or BB gun; (2) any object prohibited, licensed, or regulated under RSA 159; (3) any knife, except either (i) a cafeteria-issued dining utensil being used solely for that purpose, or (ii) a folding pocket knife with a blade of less than 2 inches, provided such pocket knife is not opened by a switch or pressure on the handle and the blade cannot be locked; (4) a bullet; and/or (5) any firework, explosive, or other incendiary; (6) a club, metallic knuckle; (7) containers containing chemicals such as pepper gas or mace, and/or (8) any other instrument, object, or substance which has the capacity to cause serious injury or death as used, intended to be used, or threatened to be used. This includes any instrument that might otherwise have legitimate purposes within the school setting (for instance, pens, glass containers, baseball bats, etc.).
- C. “Gross misconduct” means an act or acts which: (1) results in violence to another person or property; or (2) poses a direct threat to the safety of others in a safe school zone; or (3) is identified in RSA 193-D1; or (4) involves repeated instances of misconduct or inappropriate behavior for which the pupil has been previously warned or disciplined.
- D. “Neglect” in the context of RSA 193:13, I and II means the failure of a pupil to pay attention to an announced, posted, or printed school rule.
- E. “Possession” shall include, but not be limited to, having control over a weapon during any part of a school day or during any part of a school-related activity, including transporting the weapon to school or to a school-related activity, and storage of the weapon anywhere on school premises, whether in the student’s locker or automobile, or in another student’s locker or automobile, or in any other place on school premises. Possession is also deemed to include doing any other act whereby the actor knowingly contributes to causing a weapon to be on school premises or contributes to causing use of a weapon on school premises.
- F. “Pupil” or “student” means a child through age 21 in attendance at the school during the school day, and may include other individuals lawfully enrolled as students in the School District. (If the pupil is age 18 or older and not under guardianship, the written notices required below to issue to

a parent shall issue instead only to the pupil and, further, all consents or decisions required in the suspension or expulsion process will issue from the pupil).

- G. "Refusal" in the context of RSA 193:13, I and II means the defiance or intentional failure of a pupil to comply with an announced, posted or printed school rule.
- H. "Safe School Zone" means "Safe School Zone" as defined in RSA 193-D: II.
- I. "School day" shall include not only the instructional portion of the day, but may also include travel to and from school or a school-related activity, as well as the time spent as a participant or spectator at a school-related activity.
- J. "School premises" shall include the school and surrounding school property, including, without limitation, parking areas, athletic fields, and playgrounds; school buses or other vehicle furnished by the District or its agents for transportation to or from school or a school-related activity; school bus stops; and/or those premises and surroundings being used for a school-related activity. For purposes of this procedure and without intending to interfere with the rights and duties of the police and/or private property owners, school premises shall also be deemed to include streets and exterior property in the school neighborhood during the course of travel to and from school or a school-related activity.
- K. "Superintendent" means the school Superintendent or, in the absence of the Superintendent, the Assistant Superintendent of the School District(s) or towns.
- L. "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.
- M. "Day", with respect to the number of days, shall refer to school days unless there is specific reference to "calendar" days.

III Notice

The principal of each school will make certain that every pupil receives notice of the requirements of RSA 193:13 and RSA 193-D:1 through announced, posted, or printed school rules. 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 schools and high schools. Nothing herein shall prevent a school principal from printing, posting and/or announcing other rules applicable to the principal's specific school.

IV Standard for Expulsion by the School District

- A. If the School Board expels a pupil under RSA 193:13, II or III, it will state in writing the act or acts leading to expulsion; and the specific statutory reference prohibiting that act or acts as set forth in RSA 193:13 and/or RSA 193-D; and will provide notice that the expulsion may be reviewed prior to the start of each school year in accordance with District Policy.
- B. If a pupil is subject to expulsion and a weapon is involved, the responsibility shall be upon the Superintendent to contact local law enforcement officials whenever there is any issue concerning:
 - 1. Whether a firearm is legally licensed under RSA 159: or
 - 2. Whether a firearm is lawfully possessed, as opposed to unlawfully possessed, under the legal definitions of RSA 159.
- C. If a pupil brings or possesses a weapon in a safe school zone without written permission from the Superintendent, the pupil shall be suspended for a period of not less than 10 days. If the weapon is determined to be a firearm as defined in 18 USC Section 921, 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 for a period of not less than 12 months. Notwithstanding the foregoing sentence, the Superintendent may, in his or her sole discretion, determine that expulsion is not appropriate, but as provided in District Policy.

I. Disciplinary Measures and Procedures

- A. Discipline Levels: There shall be the following levels of discipline available to school officials enforcing RSA 193:13 and/or RSA 193-D relative to the suspension and expulsion of pupils.
1. Detention
 2. Short-term suspension: (not to exceed 10 days school is in session.) The Board hereby designates that the Superintendent, the Assistant Superintendent for the School District(s) and Towns, and each Principal and Assistant Principal shall have the authority to suspend a pupil for 10 days or fewer.
 3. Long-term suspension (More than 10 days school is in session, which 10 days shall include any short-term suspension for the same instance of misconduct or violation). Following a hearing, the Superintendent, the Assistant Superintendent for the school District(s) and Towns, and each Principal shall have the authority to extend a short-term suspension past 10 days school is in session, or issue a long-term suspension.

The hearing shall be conducted and the decision shall be issued by a different administrator than the administrator who suspended the pupil for the first 10 days (short-term suspension). The ordinary and preferred practice will be that the Superintendent of the School in which the pupil is a student will preside at the hearing and administer the decision regarding an extended suspension.

4. Expulsion with conditions: whereby conditions or time periods are established for reinstatement.
 5. Indefinite expulsion by the School Board whereby no specific provisions are established for reinstatement.
- B. Discipline Procedures: Due process in disciplinary proceedings shall include, at a minimum, the following:
1. Short-Term Suspension:
 - i. The pupil shall be informed of the process of meeting.
 - ii. At or before the meeting, oral and/or written notice of the charges and/or written explanation of the evidence against the pupil shall be provided to the pupil.
 - iii. The pupil shall be provided an opportunity to present his/her side of the story.
 - iv. Following the meeting, a written statement shall be issued to the pupil and at least one of the pupil's parents or guardians, delivered in person or by mail to the pupil's last known address, including an explanation of the charges, evidence, the findings, any recommendation for additional suspension or expulsion, and a recommendation for student action to correct the discipline problem.
 2. Long-Term Suspension:
 - i. The pupil and at least one of his/her parents or legal guardians shall receive a written recommendation delivered in person or by mail to the pupil's last known address a statement including the following:
 - a. the charges and an explanation of the evidence against the pupil;
 - b. the date, place and time for the hearing.
 - ii. The hearing will not generally be postponed if the postponement would interrupt the continuity of a short-term suspension into a long-term suspension.
 - iii. The hearing shall be conducted in accordance with the procedures set fourth below in 3, vi.
 - iv. A written decision which includes the local and factual basis for the conclusion that the pupil should be suspended for an additional period of time.
 - v. Within 10 calendar days of the date of the written decision, this decision may be appealed to the School Board under RSA 193:13, 1. The board may or may not

stay the suspension while the appeal is pending. The Board reserves the right to issue a decision without hearing any evidence or all proffered evidence, but may instead rely upon the record as it has been developed during the suspension process.

3. Expulsion:
 - i. A formal hearing.
 - ii. Such hearing may be held either before or after the short-term suspension has expired.
 - iii. If the hearing is held after the expiration of a short-term suspension and without the imposition of a long-term suspension, the pupil shall be entitled to return to school after the short-term suspension has expired, pending the expulsion hearing. The School Board reserves the right to deny a request for postponement of a scheduled hearing if the request for postponement is objected to by either the pupil or the administrator recommending expulsion.
 - iv. A written notice including the following:
 - a. the date, time, and location for the expulsion hearing;
 - b. the administrator's recommendation for the School Board action;
 - c. a description of the process used by the administration to reach its recommendation that the student be expelled.
 - v. The notice shall be delivered to the principal and at least one of the pupil's parents or guardians, at least 5 calendar days prior to the hearing.
 - vi. The following procedures shall apply at the hearing:
 - a. The pupil, together with a parent or guardian, may waive the right to a hearing and accept the findings.
 - b. Formal rules of evidence shall not be applicable; however, school officials shall present evidence in support of the charge(s) and the accused pupil or his/her parent or guardian shall have an opportunity to present any defense or reply.
 - c. The hearing shall be either public or private and the choice shall be that of the pupil or his parent or guardian. Nevertheless 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 to conduct a private hearing.
 - d. During the hearing the pupil, parent, guardian, or counsel representing the pupil, shall have the right to examine any and all witnesses.
 - vii. The decision of the school Board shall be based on a dispassionate and fair consideration of substantial evidence that the accused pupil committed the act or acts for which expulsion is to be imposed and that such acts are, in fact, a proper reason for expulsion.
 - viii. The decision shall state whether the student is expelled; a statement of the time period for which the student is expelled; and any action the student may take to be restored by the Board.
 - ix. If the decision is to expel the pupil, the decision shall include the legal and factual basis for the decision.
- C. Any decision to expel shall be in writing and shall include a statement that the pupil has the right to appeal the decision to the State Board of Education.
- D. All appeals to the State Board allowed under RSA 193:13, II or III, shall be filed within 20 calendar days of receipt of the written decision of the School Board and shall be in accordance with applicable statutes and Department of Education regulations.

II. Reporting Procedures

- A. In accordance with RSA 193-D:4, each written report by a supervisor to the principal relating to an act of theft, destruction, or violence in a safe school zone shall be on standardized New Hampshire Board of Education Form #Ed 317.
- B. The report by a supervisor to a principal on Form #Ed 317 shall contain all the statutory information, required by RSA 193-D:4.
- C. Form #Ed 317 shall be completed and filed with the Commissioner of Education on or before June 30 of each year.
- D. Form #Ed 317 shall contain the following information:
 1. School name.
 2. School address.
 3. School telephone number.
 4. Name of the School Principal.
 5. Date of incident involving an act of theft, destruction, or violence, or the possession of a firearm.
 6. Time of incident in (5) above.
 7. Location of incident in (5) above.
 8. Alleged offense.
 9. Description of incident.
 10. Name of suspect.
 11. Grade in school of suspect.
 12. Address of suspect.
 13. Gender of suspect.
 14. Name of victim.
 15. Grade in school of victim.
 16. Address of victim.
 17. Gender of victim.
 18. Name of employee reporting incident.
 19. Date report was completed by employee.
 20. Date report was filed with law enforcement authority by school principal.

III. Student with an Educational Disability

For any student with disabilities for whom a teacher, and administrator or any member of the team has proposed suspension from school in excess of ten (10) days or expulsion from school due to the student's misconduct, the following procedures apply:

- A. The Local Education Placement Team (LEPT) shall convene as soon as reasonably possible after such misconduct to determine the relationship between the student's disability, the misconduct and the placement.
- B. The team shall notify the parents in writing of a decision as to whether the misconduct was a manifestation of the student's disability.
- C. If the team determines that the misconduct was a manifestation of the student's disability, it may choose any of the following actions:
 1. Continue to invoke the procedures, if any, described in the IEP or 504 plan.
 2. Seek an interim placement with parental approval.
 3. Apply disciplinary measures, but not exceeding suspension for 10 days.
 4. Invoke the aid of the courts to remove or change the placement of a dangerous or extraordinarily disruptive student.
- D. If the team determines that the misconduct was not a manifestation of the student's disability, the District may impose disciplinary sanctions in accordance with District Policy.

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Adopted: June 2000

Dangerous Weapons on School Property Policy - JICI

Possession of any Dangerous Weapon, on school property, on school vehicles or at school sponsored activities is strictly prohibited. Student and/or employee violations of this policy will result in both school disciplinary action – up to and including expulsion, and notification to the police. Violations by any other person will be reported to the police. “Dangerous weapon” as used in the rule shall include any instrument, object or substance of any kind which has the capacity to cause serious injury or death as used, intended to be used, or threatened to be used This includes any instrument which might otherwise have legitimate purposes within the school setting (for instance, pens, glass containers, baseball bats, etc.). Examples of prohibited items, includes, for instance: (1) a firearm (see 18 USC Section 921) to include a pellet or BB gun; (2) any object prohibited, licensed, or regulated under RSA 159: (3) any knife, except either (i) a cafeteria-issued dining utensil being used solely for that purpose, or (ii) a folding pocket knife with a blade of less than 2 inches, provided such pocket knife is not opened by a switch or pressure on the handle and the blade cannot be locked; (4) a bullet; and/or (5) any firework, explosive, or other incendiary; (6) a club, metallic knuckle; (7) containers containing chemicals such as pepper gas or mace, (8) etc.

Additionally, any student who is determined to have brought a firearm (as defined by Title 18 U.S.C. 921) to school will be expelled for not less than one year (365 days); this expulsion may be notified by the Superintendent upon review of the specific case in accordance with other applicable law. The determination of whether to modify the expulsion shall be left to the discretion of the Superintendent, who is making that determination, may consider the following factors:

- A. Whether 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 she/he was bringing the firearm within the safe school zone; or
- B. Whether 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.
- C. Whether the pupil is in the fifth grade or lower grade and the pupil did not properly understand the dangers of firearms when the firearm was brought to school.
- D. Whether the firearm was loaded; and whether there was any ammunition reasonably available; and
- E. Whether the pupil had any intention to display the firearm to other students.

Weapons under control of law enforcement personnel are permitted.
All students will receive written notice of this policy at least once each year.

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Sexual Harassment and Sexual Violence

I. General Statement of Policy

Sexual harassment is a form of sex discrimination, which violates Section 703 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq. Sexual violence is a physical act of aggression that includes a sexual act or sexual purpose.

It is the policy of the School District to maintain a learning and working environment that is free from sexual harassment and sexual violence. The School District prohibits any form of sexual harassment and sexual violence.

It shall be a violation of this policy for any student or employee to harass a student or an employee through conduct or communication of a sexual nature as defined by this policy.

It shall be a violation of this policy for any student or employee to be sexually violent to a student or employee.

The School District will act to investigate all complaints, either formal or informal, verbal or written, of sexual harassment or sexual violence and to discipline any student or employee who sexually harasses or is sexually violent to a student or employee of the School District.

II. Sexual Harassment/Sexual Violence Defined

- A. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:
 - 1. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or
 - 2. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile or offensive employment or education environment.
 - 3. Any sexual harassment as defined when perpetrated on any student or employee by any student or employee will be treated as sexual harassment under this policy.

- B. Sexual harassment may include but is not limited to:
 - 1. verbal harassment and/or abuse of a sexual nature;
 - 2. subtle pressure for sexual activity;
 - 3. inappropriate patting or pinching;
 - 4. intentional brushing against a student's or an employee's body;
 - 5. demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or educational status;
 - 6. demanding sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status;
 - 7. any sexually motivated unwelcome touching; or
 - 8. sexual violence which is a physical act to aggression that includes a sexual act or sexual purpose.

III. Reporting Procedures

Any person who believes he or she has been the victim of sexual harassment or sexual violence by a student or an employee of the School District or any third person with knowledge or belief of conduct which may constitute sexual harassment or sexual violence should report the alleged acts immediately to an appropriate School District official as designated by this policy. The School District encourages the reporting party or complainant to use the report form available from the Principal or available from the Superintendent's office.

- A. In School. The Principal is the person responsible for receiving oral or written reports of sexual harassment or sexual violence at the building level. Upon receipt of a report the Principal must notify the Superintendent of Schools. A written report will be forwarded simultaneously to the Superintendent. If the report was given verbally, the Principal shall reduce it to written form within 2 school days and forward it to the Superintendent. Failure to forward any sexual harassment or sexual violence report or complaint as provided herein will result in disciplinary action. If the complaint involves the Building Principal, the complaint shall be filed directly with the Superintendent of Schools.
- B. District-Wide. The School Board hereby designates the Superintendent of Schools as the School District Human Rights Officer to receive reports or complaints of sexual harassment and sexual violence from any individual, employee or victim of sexual harassment or sexual violence and also from the Building Principal as outlined above. If the complaint involves the Superintendent, the complaint shall be filed directly with the School Board. The School District shall conspicuously post the name of the Human Rights Officer, including mailing address and telephone number.
- C. Submission of a complaint or report of sexual harassment or sexual violence will not affect the individual's future employment, grades or work assignments.
- D. Use of formal reporting forms is not mandatory. The School District will respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible, consistent with the School District's legal obligations and the necessity to investigate allegations of sexual harassment and sexual violence and take disciplinary action when the conduct has occurred.

IV. Investigation and Recommendation

By authority of the School District, the Human Rights Officer, upon receipt of a report or complaint alleging sexual harassment or sexual violence shall immediately authorize an investigation. This investigation may be conducted by the School District officials or by a third party designated by the School District. The investigating party shall provide a written report of the status of the investigation within 10 working days to the Superintendent of Schools. If the Superintendent is the subject of the complaint, the report shall be submitted to the School Board.

In determining whether alleged conduct constitutes sexual harassment or sexual violence, the School District should consider the surrounding circumstances, the nature of the sexual advances, relationships between the parties involved and the context in which the alleged sexual violence requires a determination based on all the facts and the surrounding circumstances.

The investigation may consist of personal interviews with the complainant the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint.

The investigation may also consist of any other methods and documents deemed pertinent by the investigator.

In addition, the School District may take immediate steps, at its discretion, to protect the complainant, students and employees pending completion of an investigation of alleged sexual harassment or sexual violence.

V. School District Action

- A. Upon receipt of a recommendation that the complaint is valid, the School District will take such action as appropriate based on the results of the investigation.

- B. The result of the investigation of each complaint filed under these procedures will be reported in writing to the complainant by the School District. The report will document any disciplinary action taken as a result of the complaint.

VI. Reprisal

The School District will discipline any individual who retaliates against any person who reports alleged sexual harassment or sexual violence or who retaliates against any person who testifies assists or participates in an investigation, proceeding or hearing relating to a sexual harassment or sexual violence complaint. Retaliation includes, but is not limited to any form of intimidation, reprisal or harassment.

VII. Right to Alternative Complaint Procedures

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the Commissioner of Education, initiating civil action or seeking redress under state criminal statutes and/or federal law.

VIII. Sexual Harassment or Sexual Violence as Sexual Abuse

Under certain circumstances, sexual harassment or sexual violence may constitute sexual abuse under New Hampshire law. In such situations, the School District shall comply with said law.

Nothing in this policy will prohibit the School District from taking immediate action to protect victims of alleged sexual abuse.

IX. Discipline

The School District will take such disciplinary action it deems necessary and appropriate, including warning, suspension or immediate discharge to end sexual harassment and sexual violence and prevent its recurrence.

Personal Harassment/Bullying
(Title IX and RSA 193-F)

The Wilton-Lyndeborough Cooperative School Board recognizes that students are expected to treat each other with dignity and respect and are entitled to freedom from any kind of personal harassment. No form of harassment will be tolerated whether it is related to, but not limited to, race, religion, nationality, language, physical appearance, age, gender, physical and/or mental capacity, sexual identity/orientation.

Harassment is defined as unwelcome, harmful behavior towards another person. This behavior is annoying, bothersome and/or physically-emotionally-academically injurious. Harassment can take the form of, but is not limited to, verbal and/or written remarks, gestures, innuendoes, gossip, symbols or physical contact.

Bullying is defined as conduct which subjects a pupil to insults, taunts or challenges, whether verbal or physical in nature, which is likely to intimidate or provoke a violent or disorderly response from the student being treated in this manner. Bullying may involve gang or clique behavior, hazing, threats and violence. Such behavior extends beyond actions that target those groups protected by anti-discrimination legislation including but not limited to sex, race, creed, color, marital status and national origin.

The Superintendent will develop administrative regulations to implement this policy.

PERSONAL HARASSMENT/BULLYING
(TITLE IX AND RSA193-F)

I. Reporting Procedures:

Any school employee, or employee of a company under contract with a school in the District, or the District itself, who has witnessed or has reliable information that a pupil has been subjected to “bullying,” as defined by District Policy, shall report such incident to the Principal, or his/her designee, who shall in turn report the incident to the Superintendent.

The Principal is initially responsible for receiving oral or written reports of violations of this Policy. The Principal may designate, in writing, an additional person to receive such reports.

After receiving any such reports, the Principal shall report the incident to the Superintendent. If the Principal received the information verbally, he/she shall reduce the report he/she received to writing within twenty-four hours of receiving the information and forward it to the Superintendent. If the Principal received the information in writing, he/she shall forward what he/she received to the Superintendent within twenty-four hours of receipt.

The District will make available forms for reporting incidents of bullying, and shall encourage the use of these forms. Such forms shall be available in the Principal’s Office in each building, and from the Superintendent’s Office.

II. Investigation:

The Superintendent shall direct an investigation to be made of reports of bullying in accordance with the procedures specified in District Policy.

III. Training:

The Superintendent may develop age-appropriate methods of discussing the meaning/substance, and application of this Policy with staff and students in order to minimize the occurrence of bullying, and for staff to effectively respond to any such incidents.

IV. Notice of Policy:

The Superintendent shall provide notice to students and staff of this Policy through appropriate references in the student and employee handbooks, or other reasonable means. The Superintendent shall also make all contractors contracting with the district aware of this Policy.