

## **LONDONDERRY SCHOOL DISTRICT STUDENT CONDUCT, 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 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 Londonderry School District will follow the procedures set forth by state and federal law, specifically Ed 317 and RSA 193:13, in the discipline of students. The Londonderry 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.

### **Temporary Removal from Classroom**

Students may be temporarily removed from the classroom at the discretion of the classroom teacher. A student may be temporarily removed if the student refuses to follow the teacher's directions, fails to follow school policies or rules, disrupts the classroom environment, or otherwise engages in Level I conduct as set forth in the Behavioral Standards. During such removals, students will be sent to the building principal's office or designated area.

### **Teacher Detention**

Students may be assigned a detention at the discretion of the classroom teacher. A student may receive a detention if the student refuses to follow the teacher's directions, fails to follow school policies or rules, disrupts the classroom environment, or otherwise engages in Level I conduct as set forth in the Behavioral Standards.

During such detentions, students will be required to remain at school during non-school hours; elementary students may serve a detention during their recess period(s). Parents will be notified at least twenty-four (24) hours prior to the detention. The length of the detention is left to the discretion of the classroom teacher and will generally not to exceed one (1) hour.

### **Administrative After-School Detention**

Students may be assigned a detention at the discretion of the building Principal or designee. A student may receive a detention if the student refuses to follow the administrator's directions, fails to follow school policies or rules, disrupts the school environment, or otherwise engages in Level I or Level II conduct as set forth in the Behavioral Standards.

During such detentions, students will be required to remain at school during non-school hours; elementary students may serve a detention during their recess period(s). Parents will be notified at least twenty-four (24) hours prior to the detention. The length of the detention is left to the discretion of the administration and will generally not to exceed one (1) hour.

### **Administrative Saturday Morning Detention**

High school students may be assigned a Saturday morning detention at the discretion of the building Principal or designee. A student may receive a Saturday morning detention if the student engages in Level II or Level III conduct as set forth in the Behavioral Standards.

During such detentions, students will be required to remain at Londonderry High School on Saturday mornings. Parents will be notified hours prior to the detention. The length of the detention left to the discretion of building administration, and can be up to three (3) hours.

### **In-School Suspension**

Students may be assigned in-school suspension at the discretion of the building Principal or designee. A student may be assigned an in-school suspension if the student engages in Level II or Level III conduct as set forth in the Behavior Standards.

During such in-school suspensions, the student will attend school but will be removed from one or more classes and placed in a restricted and supervised classroom within the building. The student will be expected to remain of good behavior and work quietly on school work while serving the in-school suspension. Parents will be notified hours prior to the detention.

An in-school suspension will not exceed ten consecutive school days.

### **Short-Term Out-of-School Suspension**

The building Principal or designee is authorized to suspend a student for a specific period of time, not to exceed 10 school days. A suspension may be imposed for gross misconduct or for neglect or refusal to the rules of the school, which includes but is not limited to Level III and IV conduct as set forth in the Behavior Standards.

During such suspensions, unless otherwise stipulated in writing, a suspended student is not permitted to attend school classes or activities, school sponsored events, or occasion school property for the duration of the suspension.

A student who is subject to a short-term suspension (less than ten days) is entitled to the following due process:

1. The student will meet with the building principal or assistant principal to discuss the charges and the evidence against the student. The principal or assistant principal will inform the student of the possibility of a short-term suspension.
2. The student will be given an opportunity to present his or her side of the story at this meeting.
3. The student and at least one of the student's parents/guardians will receive a written statement explaining any disciplinary action taken against the student.

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 School Board, or the Superintendent, as the School Board's designee, may suspend a student in excess of ten (10) school days. A long-term out-of-school suspension may be imposed for gross misconduct, for an act of theft, destruction, or violence as defined in RSA 193-D, for possession of a pellet paint ball gun or BB gun or rifle or paintball gun under RSA 193:13,II, or for neglect or refusal to the rules of the school, which includes but is not limited to Level III and IV conduct as set forth in the Behavior Standards.

During such suspensions, unless otherwise stipulated in writing, a suspended student is not permitted to attend school classes or activities, school sponsored events, or occasion school property for the duration of the suspension.

A student who is subject to a long-term suspension (a suspension in excess of ten days) is entitled to the following due process:

1. Upon recommendation of a long-term suspension and prior to any hearing, there shall be a written communication to the student and at least one of the student's parents or guardians, delivered in person or by mail to the student's last known address, which states the charges and an explanation of the evidence against the student.
2. A hearing that meets the requirements of Ed 317.04(f)(3)(g).
  - a. The school officials shall present evidence in support of the charges and the student (or the student's parent/guardian) shall have an opportunity to present any defense or reply.
  - b. During the hearing, the student, parent/guardian shall have the right to examine any witnesses presented by school officials.
  - c. The hearing shall be either public or private and the choice shall be that of the student or the parent/guardian. Provided, nevertheless, that if the nature of the evidence will violate the privacy of other students or if the Superintendent or School 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 and obligation to insist upon a private hearing.
  - d. The student may, together with a parent/guardian, waive the right to a hearing and admit to the charges.
3. The student is entitled to a written decision which includes the legal and factual basis for the conclusion that the student should be suspended.
4. The written decision shall include notice to the student that the decision may be appealed within ten days of the decision. For a long term suspension issued by Superintendent, the decision may be appealed to the Londonderry School Board. For a long term suspension issued by the School Board, the decision may be appealed to the New Hampshire State Board of Education. Any suspension in excess of ten (10) school days shall remain in effect while the appeal is pending.

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 permanently denies a student's attendance at school. An expulsion may be imposed for gross misconduct, for an act of theft, destruction, or violence as defined in RSA 193-D:1, for possession of a pellet or BB gun, rifle, or paint ball gun, or for neglect or refusal to conform to the reasonable rules of the school, which includes but is not limited to Level III and IV conduct as set forth in the Behavior Standards.

During such suspensions, unless otherwise stipulated in writing, a suspended student is not permitted to attend school classes or activities, school sponsored events, or occasion school property for the duration of the suspension. Any expulsion shall be subject to review, if requested, prior to the start of each school year.

A student who is subject to expulsion is entitled to the following due process:

1. Upon recommendation of an expulsion and prior to any hearing, there shall be a written notice to the student and at least one of the student's parents or guardians, delivered in person or by mail to the student's last known address, which states the date, time, and place for a hearing before the School Board. The notice shall be delivered to the student and at least one of the student's parents/guardians at least **five** calendar days prior to the hearing.
2. The School Board shall conduct the hearing in accordance with New Hampshire Administrative Rule Ed 317.04(f)(3)(g).
  - a. The school officials shall present evidence in support of the charges and the student (or the student's parent/guardian) shall have an opportunity to present any defense or reply.
  - b. During the hearing, the student, or the parent/guardian shall have the right to examine any witnesses presented by school officials.
  - c. The hearing shall be either public or private and the choice shall be that of the student or the parent/guardian. Provided, nevertheless, that 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 and obligation to insist upon a private hearing.
  - d. The student may, together with a parent/guardian, waive the right to a hearing and admit to the charges.
3. The School Board shall issue a written decision stating whether the student is expelled and, if so, the length of the expulsion. If the decision is to expel, the decision must include the legal and factual basis for the decision including the specific statutory reference prohibiting the act for which the student is expelled. The expulsion shall run until the School Board reviews it and restores the student's permission to attend school. The written decision shall state any action that the student may take to be restored by the School Board. The decision shall also state that the student has the right to appeal the

decision to the New Hampshire State Board of Education within twenty (20) calendar days of receipt of the decision from the School Board.

An expulsion will run until the School Board restores the student's permission to attend school. A student seeking restoration of permission to attend school shall file a written request with the Superintendent which details the basis for the request.

As provided in RSA 193:13, IV, the Superintendent may modify these expulsion requirements on a case-by-case basis.

### **Possession of a Firearm**

Pursuant to RSA 193:13, III, 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 Londonderry School Board for a period of not less than 12 months.

As provided in RSA 193:13, IV, this expulsion may be modified by the Superintendent on 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 pupil's best interest to allow a modification.

### **Educational Assignments**

As required by RSA 193:13(a), the student's school will make all educational assignments available to the suspended student during the student's suspension.

### **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 Standards for the Education of Children with Disabilities (Ed 1100), and Section 504 of the Rehabilitation Act of 1973.

### **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. 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:**

Student Behavior Standards/Code of Conduct, JG  
Student Behavior Standards, JG-R  
Life of a Lancer Co-Curricular Code of Conduct, JFCH

**Legal References:**

18 U.S.C. 921, Definition of Firearm  
RSA 189:15, Regulations  
RSA 193:13, Suspension & Expulsion of Pupils  
RSA Chapter 193-D, Safe School Zones  
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

**LONDONDERRY SCHOOL BOARD**

Adopted: September 9, 1998  
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