

TIMBERLANE POLICY COMMITTEE RECOMMENDATIONS TO THE SCHOOL BOARD

FIRST READ

NOTE: Policies JI, JIA, JIC, JICD, JICD-R, JICI-R are presented with revisions based on changes to RSA 193:13. Those language changes include:

- limiting the duration of long-term (“LT”) suspensions to 20 days;
- limiting the reasons a student may receive a long-term suspension;
- requiring intervention plans for students who are re-entering after a long-term suspension;
- specifically allowing for educational services to be provided to an expelled student;
- requiring districts to adopt separate standards for short term suspensions of less than 5 days, and those of five or more days;
- establishing/clarifying avenues for modification/reinstatement/enrollment after expulsion; and
- creating avenues of appeal if board/district declines reinstatement or enrollment of an expelled student.

1 **JI STUDENT RIGHTS AND RESPONSIBILITIES** (Last updated in 2019, language consistent with NHSBA language except for slight revision to policy reference JIA v. JIC)

2 **JIA STUDENT DUE PROCESS** (Recommendation to repeal as language is now covered under JICD)

3 **JIC STUDENT CONDUCT** (Extensive revision based on law changes. PC recommends effective date of July 1, 2021.)

4 **JICD STUDENT DISCIPLINE AND DUE PROCESS** (Numerous changes throughout based on law revisions. PC recommends effective date of July 1, 2021.)

5 **JICD-R MEMORANDUM OF UNDERSTANDING BETWEEN THE TIMBERLANE REGIONAL SCHOOL DISTRICT AND THE POLICE DEPARTMENT** (minor revisions – last updated in 2012. PC does request SB review on whether this MOU should be signed on an annual basis by Police Departments and Superintendent.)

6 **JICI-R MODIFICATION OF WEAPONS EXPULSION** (Recommendation to repeal as language now covered under JICD)

7 **CCB LINE AND STAFF RELATIONS** (generally the same as NHSBA language; minor change to reference Pre-School)

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Adopted: 07-21-83 Revised: 10-02-97 Revised: 02-24-05 Revised: 04-03-08 Revised: 07-25-19 Revised:	Page 1 of 1

STUDENT RIGHTS AND RESPONSIBILITIES

Related Policies: JIC, JICD

Student rights and responsibilities shall be published in a District publication and will be made available in another language or presented orally upon request. Student disciplinary procedures will be implemented pursuant to the provisions of Board Policies ~~JA~~-JIC and JICD.

Legal Reference:

- RSA 189:15, Regulations*
- NH Code of Administrative Rules, Section Ed. 306.04(a)(3)*
- NH Code of Administrative Rules, Section Ed. 306.04(f)(4)*
- NH Code of Administrative Rules, Section Ed. 317.04(b)*

<p>Timberlane Regional School District</p>	<p>Policy Code: JIA</p>
<p>Adopted: 07-21-83 Revised: 10-02-97 Revised: 02-24-05 Revised: 04-03-08 Revised: 07-25-19 Revised: 11-05-20</p>	<p style="text-align: center;">Page 1 of 1 <u>REPEALED</u></p>

STUDENT DUE PROCESS RIGHTS

~~Related Policies: JI, JICD~~

~~Students facing discipline will be afforded all due process rights given by law. In addition to the provisions of this policy, the Board recognizes the application of all pertinent provisions of RSA 193:13 and associated Department of Education rules.~~

~~Student due process rights shall be printed in the Parent Student Handbook and will be made available in another language or presented orally upon request.~~

~~Specific application can be found in Policy JICD.~~

~~Legal References:~~

~~RSA 189:15, Regulations~~

~~NH Code of Administrative Rules, Section Ed 306.04(a)(3), Policy Development, Discipline~~

~~NH Code of Administrative Rules, Section Ed 306.04(f), Student Discipline~~

~~NH Code of Administrative Rules, Section Ed 317.04(b), Disciplinary Procedures~~

~~Appendix: JICD--R~~

~~Repealed by the School Board on _____. See policy JICD~~

Timberlane Regional School District	Policy Code: JIC
Adopted: 07-99 Revised: 04-03-08 Revised: 10-20-11	Page 1 of 4

STUDENT CONDUCT

Related Policies: JICD, JICK

A. General Policy.

The School Board is committed to promoting a safe, healthy, orderly and supportive school and learning environment. To achieve that for all, it is important for students to conduct themselves in a manner fitting to their age level and maturity, and with respect and consideration other students, District personnel and other members of the community. Students are expected and required to maintain appropriate behavior that allows teachers and staff to perform their professional duties effectively and without disruption while on School District property or on property within the jurisdiction of the School District (including vehicles); and/or while attending or engaged in school activities.

Expectations for student conduct and standards of behavior shall be communicated through written Board policies, as well as District and/or school rules. Those policies and rules should be included in a Code of Conduct for each school.

Student conduct that causes material or substantial disruption to the school environment, interferes with the rights of others, presents a threat to the health and safety of students, employees, or visitors, and/or violates the Code of Conduct or classroom rules is prohibited. Response to violations of the Code of Conduct, however, should be designed to maximize student academic, emotional and social success, while at the same time assuring safety of all students, staff and school visitors. With this objective, the Board endorses adoption of a Multi-Tiered System of Support for Behavioral Health and Wellness (“MTSS-B”) as the framework for the Code of Conduct. District personnel who interact with students are expected to utilize progressive disciplinary measures, and to place emphasis on educating students so they may grow in self-discipline. Suspensions and expulsions shall be administered consistent with the applicable Code of Conduct and Board policy JICD.

B. Student Code of Conduct

The School Board delegates to the Superintendent, in consultation with the appropriate building Principal and counselors, the responsibility of adopting and implementing a [Student Code of Conduct] with such age-appropriate rules and regulations for each school as he/she deems necessary to implement the objectives of this policy, and reflects the three-tiered support prevention of framework of MTSS-B: school-wide approaches; targeted supports for at-risk students; and individualized services for highest-needs students.

The Code of Conduct for each school shall be submitted to the School Board for review [delete footnote] each year, either separately or with the applicable student handbook.

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Consistent with the Board's statutory authority, and other Board policies regarding review of administrative rules, regulations and procedures, the School Board retains the authority to modify, supersede, or suspend any provision of the Code of Conduct.

The Code of Conduct shall include:

1. A graduated and age-appropriate system of supports and intervention strategies, such as:
 - parent conferences,
 - counseling,
 - peer mediation,
 - instruction in conflict resolution and anger management,
 - parent counseling and training,
 - community service, and
 - rearranging class schedules.
2. Graduated and age-appropriate disciplinary consequences such as:
 - restriction from extra-curricular activities,
 - temporary (same day) removal from class or activity,
 - detention,
 - temporary reassignment/in-school suspension,
 - out-of-school suspension, and
 - expulsion.
3. Provisions describing how and when short term suspensions of up to 5 days, short term suspensions up to 10 days, long term suspensions up to 20 days, and/or expulsion should be imposed. These standards shall make reference to and reflect:
 - the nature and degree of disruption caused to the school environment;
 - the threat to the health and safety of pupils and school personnel, volunteers or visitors;
 - whether the conduct or behavior is isolated or repeated.

All temporary (same day) removal from classrooms or activities, restriction from activities, detentions, suspensions and expulsions shall comport with applicable laws, regulations and Board policy JICD.

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4. Information regarding RSA 193:13, 193-D, this policy, Board policy {**}JICD, and other Board policies or District/school rules regulating student conduct on and off-campus. Except where the complete text of a statute, regulation or policy is required, the Code of Conduct should include age appropriate language. E.g., summaries for elementary grade levels.

C. Implementation and Notice.

The Superintendent shall assure that the Code of Conduct, complete with the information set out in section B.4, above, shall be printed in full in each student handbook, made available to parents at the beginning of the school year, publicly available on the school, District and/or SAU district website [or in some other manner to assure parental notification if neither the school district nor SAU maintain a website].

Additionally, building Principal(s) shall assure student awareness of the Code of Conduct and other District policies and building rules through print, postings and periodic announcements.

The Superintendent should also designate personnel to explore the availability of and pursue any State or Federal grants, technical assistance and professional development opportunities available to facilitate implementation of MTSS-B per RSA 135-F:5, I(c) and (d).

D. Parental Notification of Simple Assaults.

Pursuant to RSA 193-D:4, I (b), the Superintendent is directed to adopt and implement procedures requiring parents/guardians of each student involved in a simple assault (victim and perpetrator) occurring during the school day, when such assault causes: any form of bodily injury, including bruising or discoloration, or would otherwise constitute a disciplinable offense under the Code of Conduct. For purposes of this policy, "simple assault" shall have the same meaning as that provided in RSA 631:2-a (a simple assault occurs when one purposefully or knowingly causes bodily injury or unprivileged physical contact to another; or recklessly causes bodily injury to another or negligently causes bodily injury to another by means of a deadly weapon).

E. Disciplinary Removal of Students with Disabilities.

If a student is disabled under the Individuals with Disabilities Act (IDEA), the New Hampshire RSA 186-C, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, or any other law providing special rights to disabled students, those laws shall govern and shall supersede these local policies to the extent these local policies are inconsistent with those laws. Accordingly, any class or activity removal, suspension or expulsion of a child with a disability as defined in Ed 1102.01(t) shall be in accordance with Ed 1124.01.

*EFFECTIVE JULY 1, 2021

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Legal References:

[RSA 135-F:5, System of Care for Children/Duties of Commissioner of Dept. of Education](#)

[RSA 193:13, Suspension and Expulsion of Pupils](#)

[RSA 193-D:4, Written Report Required](#)

[RSA 631:2-a, Simple Assault](#)

[NH Code of Administrative Rules, Section Ed. 306.04\(f\)\(4\), Student Discipline](#)

[NH Code of Administrative Rules, Section Ed. 306.04\(g\), Suspension & Expulsion](#)

[NH Code of Administrative Rules, Section Ed. 306.06, Culture and Climate](#)

[NH Code of Administrative Rules, Section Ed. 317.04\(b\), Disciplinary Procedures](#)

~~Student conduct that causes material or substantial disruption to the school environment, interferes with the rights of others, presents a threat to the health and safety of students, employees, and visitors, violates other board policies or is otherwise inappropriate is prohibited. Students are expected to maintain appropriate classroom behavior that allows teachers and staff to perform their professional duties effectively and without disruption.~~

~~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; and/or while attending or engaged in school activities. Students may also be discipline for off-campus behavior in accordance with the provisions of Policy JICK.~~

~~Terms and levels of discipline are established in Policy JICD. Disciplinary measures include, but are not limited to, removal from the classroom, detention, in school suspension, out-of-school suspension, restriction from activities, probation, and expulsion.~~

Legal References:

RSA 193:13, Suspension and Expulsion of Pupils

NH Code of Administrative Rules, Section Ed. 306.04(f)(4), Student Discipline

NH Code of Administrative Rules, Section Ed. 306.06, Culture and Climate

NH Code of Administrative Rules, Section Ed. 317.04(b), Disciplinary Procedures

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STUDENT DISCIPLINE AND DUE PROCESS

Related Policies: ADC, JI, JIC, JICF, JICFA, JICH, JICL, JICK

A. Policy Statement.

This policy establishes the substantive parameters, procedures and due process that shall apply before a student may be subject to temporary (same day) removal from classrooms or activities, restriction from activities, detentions, suspensions and/or expulsion. Pursuant to Board policy JIC, response to misconduct, including disciplinary measures and consequences should be designed to maximize student academic, emotional and social success, while at the same time assuring safety of all students, staff and school visitors. Administration of any of the consequences described in this policy shall be consistent with the system of supports and graduated sanctions established pursuant to Policy JIC and the applicable **Code of Conduct**.

B. Standards and Procedures Relative to Disciplinary Consequences.

- "Removal from the classroom"** means a student is sent to the building Principal's office or other designated area during the same school day. It is within the discretion of the person in charge of the classroom or activity to remove the student.

Students may be removed from the classroom at the classroom teacher's discretion if the student refuses to obey the teacher's directives, becomes disruptive, fails to abide by school or District rules, or the Code of Conduct, or otherwise impedes the educational purpose of the class. Before ordering the removal, the staff member ordering the removal shall warn the student of the infraction and allow the student to respond.

Detentions are not appealable.

- "Restriction from school activities"** means a student will attend school, classes, but will not participate in other school extra-curricular activities, including such things as competitions, field trips, and performances. A student who has been restricted from school activities may participate in practices at the discretion of the person imposing the restriction.

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Before ordering the restriction, the supervising employee (e.g., teacher, coach, director, Principal, etc.) ordering the restriction shall warn the student of the infraction and allow the student to respond. If the restriction is immediate and outside of school hours, provision must be made to assure the student is not left unsupervised. The terms of the restriction shall be communicated to the Principal and the student’s parent/guardian.

Restrictions under this policy are not appealable.

3. "Detention" means the student's presence is required for disciplinary purposes before or after the hours when the student is assigned to be in class, and may occur on one or more Saturdays.

Students may be assigned classroom detention at the classroom teacher's discretion, and building detention at the Principal’s discretion, if the student refuses to obey the teacher/employee's directives, becomes disruptive, fails to abide by printed classroom, school or District rules, or the Code of Conduct, or otherwise impedes the educational purpose of the class. Before ordering the detention, the staff member ordering the detention shall warn the student of the infraction and allow the student to respond. Parents/guardians shall be notified at least 24 hours prior to a student serving detention.

Detentions before or after school shall not exceed **one hour**, and Saturday detentions shall not exceed **three hours**. The building Principal is authorized to establish, announce and post additional guidelines and rules regarding detention, supervision, building access, etc.. The length and timing of the detention, is within the discretion of the licensed employee disciplining the student or the building Principal, pursuant to the posted rules of the school.

Detentions are not appealable.

4. "Temporary Reassignment" or “in-school suspension” means the student will attend school but will be temporarily isolated from one or more classes while under supervision. A temporary reassignment should not exceed **five** consecutive school days. **Parents/guardians shall be notified at least 24 hours prior to the administration of a temporary reassignment.**

The building Principal is authorized to issue reassignment, restrictions from activities, or place a student on probation for repeated failure to conform to the

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Code of Conduct, classroom rules, or for any conduct that causes material or substantial disruption to the school/class environment, interferes with the rights of others, presents a threat to the health and safety of students, employees, and visitors, is otherwise inappropriate, or is prohibited by law.

5. “Probation” means a student is given a conditional suspension of a penalty for a definite period of time in addition to being reprimanded. The conditional suspension will mean the student must meet the conditions and terms for the suspension of the penalty. Failure of the student to meet these conditions and terms will result in reinstatement of the penalty. Notwithstanding the assignment of probation, no imposition of the suspended consequence may be administered unless and until all of the provisions of this policy applicable to the suspended consequence (i.e., long-term suspension, expulsion, etc.) are satisfied.

6. “Out-of-school suspension” means the temporary denial of a student's attendance at school for a specific period of time. It includes short-term and long-term out of school suspensions.

a. Short-term suspension. A “short-term suspension” means an out-of-school suspension of ten (10) consecutive school days or less. RSA 193:13, I (a).

The Superintendent or his/her written designee is authorized to suspend a student for ten (10) school days or less.

A short term suspension may be imposed only for:

- i. Behavior that is detrimental to the health, safety, or welfare of pupils or school personnel (including, but not limited to, and act of theft, destruction or violence, as defined in RSA 193-D:1); or
- ii. Repeated and willful disregard of the reasonable rules of the school that is not remediated through imposition of the district's graduated sanctions described in JIC and the Code of Conduct.

Pursuant to RSA 193:13, XI(b) and Board policy JIC, a short-suspension over 5 days must conform to the standards included in the Code of Conduct.

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Before any short-term suspension may be imposed, a student is entitled to the minimum due process (notice before meeting of the charge and explanation of evidence, notice of the possibility of suspension, opportunity for the student to respond, and a written decision explaining the disciplinary taken). See New Hampshire Department of Education Rule Ed 317.04(f)(1).

b. Long-term suspension. A “long-term suspension” is the extension or continuation of a short-term suspension for a period **not to exceed an additional 10 days** beyond the duration of the short-term suspension.

The **Superintendent** is authorized to continue the suspension and issue a long-term suspension of a pupil for a period in excess of ten (10) school days, provided only that if the Superintendent issued the original short-term suspension, then the School Board may designate another person to continue the short-term suspension and issue the long-term suspension.

A long-term suspension may only be imposed for:

- i. an act that constitutes an act of theft, destruction or violence, as defined in RSA 193-D;
- ii. bullying pursuant to Board policy JICK when the pupil has not responded to targeted interventions **and** poses an ongoing threat to the safety or welfare of another student; or
- iii. possession of a firearm, BB gun, or paintball gun.

Prior to a long-term suspension, the student will be afforded a hearing on the matter. The informal hearing need not rise to the level and protocol of a formal hearing, but **the process must comply with the requirements of Ed 317.04 (f)(2), and (f)(3)(g)**, including, without limitation, the requirements for advance notice and a written decision.

c. Appeal of long-term suspension. Any long-term suspension issued other than by the School Board under this policy, is appealable to the School Board, provided the Superintendent or School Board chair receives the appeal in writing within ten (10) days after the issuance of the **Superintendent's [or other person designated under B.6.b, above]** hearing and written decision required under N.H.

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Dept. of Education Rule Ed. 317.04 (f)(2)c, and sub-paragraph B.6.b, above. The Board shall hold a hearing on the appeal, but will rely upon the record of the decision being appealed from.

Any suspension in excess of ten (10) school days shall remain in effect while this appeal is pending unless the School Board stays the suspension while the appeal is pending. Any request to stay a long-term suspension should be included in the original appeal.

d. Educational Assignments. As required by RSA 193:13, V, educational assignments shall be made available to students during both short and long term suspensions.

e. Alternative Educational Services. The school shall provide alternative educational services to a suspended pupil whenever the pupil is suspended **in excess of 20 cumulative days** within any school year. The alternative educational services shall be designed to enable the pupil to advance from grade to grade.

f. Re-entry Meetings and Intervention Plans. Prior to returning to regular classes, a suspended student, and parent/guardian (when available) shall meet with the building Principal or his/her designee to assist the student in smoothly returning to the school setting.

Any time a pupil is suspended **more than 10 school days in any school year**, upon the pupil's return to school the school district shall develop an intervention plan designed to proactively address the pupil's problematic behaviors by reviewing the problem behavior, re-teaching expectations, and identifying any necessary supports.

g. Attendance Safe Harbor. A student may not be penalized academically solely by virtue of missing class due to a suspension.

7. **"Expulsion"** means the complete denial of a pupil's attendance at school for any of the reasons listed in RSA 193:13, II and IV. An expulsion may be for either a stated duration or permanent.

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a. Grounds for Expulsion. Any pupil may only be expelled by the School Board, and only for the following grounds:

- i. A repetition of an act that warranted long term suspension under section **B.6.b.** above;
- ii. Any act of physical or sexual assault that would be a felony if committed by an adult;
- iii. Any act of violence pursuant to RSA 651:5, XIII;
- iv. Criminal threatening pursuant to RSA 631:4, II(a); or
- v. For bringing or possessing a firearm as defined in Section 921 U.S.C. Title 18 within a safe school zone as prohibited under RSA 193-D:1, or under the Gun Free School Zones Act, unless such pupil has written authorization from the Superintendent.

Before expelling a pupil, the Board shall consider each of the following factors:

- (1) The pupil's age.
- (2) The pupil's disciplinary history.
- (3) Whether the pupil is a student with a disability.
- (4) The seriousness of the violation or behavior committed by the pupil.
- (5) Whether the school district or chartered public school has implemented positive behavioral interventions under paragraph V.
- (6) Whether a lesser intervention would properly address the violation or behavior committed by the pupil.

b. Due Process to Be Afforded Prior to Expulsion. Prior to any expulsion, the District will ensure that the **due process standards set forth in Ed 317.04(f)(3) through 317.04 (m)** are followed.

c. Duration of Expulsion. An expulsion will run for the duration stated in the written decision or until the School Board or Superintendent restores the

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student's permission to attend school as provided in this policy. An expulsion relating to a firearm in a safe school zone per **B.7.a.v**, shall be for a period of not less than 12 months.

d. Educational Services. The Superintendent is authorized, but not required, to arrange for educational services to be provided to any student residing in the District who has been expelled by the District or by any other school.

C. Modification or Reinstatement After Suspension or Expulsion.

Expelled or suspended students may request a modification of, or reinstatement from, an expulsion or suspension as provided below. Except for students establishing residency from out-of-state, requests for modification or reinstatement from expulsion/suspension shall be submitted in writing to the Superintendent no later than August 15. The request should set forth the reasons for the request, and include additional information to establish that it is in the best interest of the student and school community to reinstate the student. Such additional information may include such things as work history, letters of reference, medical information, etc. All reinstatements shall include an Intervention Plan as described in paragraph **B.6.f** above, including such conditions as the reinstating authority (Superintendent or Board) deem appropriate.

1. Modification by Superintendent. Subject to all other applicable laws, regulations and Board policies, and paragraph **C.3**, below (relating to firearms), the Superintendent is authorized to reinstate any student who has been suspended or expelled from a school in this District, and or enroll a student suspended or expelled from another school or district, on a case-by-case basis.

2. Review and reinstatement by Board. A student may request the School Board (of the district of attendance) to review an expulsion decision prior to the start of each school year by filing a written request with the Superintendent detailing the basis of the request. The Board will determine whether and in what manner it will consider any such request after consultation with the Superintendent.

3. Modification of Expulsion for Firearms. A student who has been expelled from this District or any other public or private school for bringing or possessing a firearm in a safe school zone as prohibited under RSA 193-D1, or under the Gun

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Free Schools Act, may only be reinstated or enrolled if the Superintendent first determines: possession of the firearm was inadvertent and unknowing; the firearm was for sporting purposes and the student did not intend to display the firearm to any other person while within the safe schools zone; the student is/was in the fifth or lower grade when the incident occurred; or the Superintendent determines that the firearm was not loaded; and that no ammunition was reasonably available; and that the pupil had no intention to display the firearm to other students.

Additionally, the School Board may enroll a student expelled from a school outside of New Hampshire for a violation of the Gun Free Schools Act upon the student establishing residency.

D. Appeals to State Board of Education. Any decision by the Board (i) to expel a student, (ii) not to reinstate a student upon request, or (iii) enroll a student from another state who had been expelled for a violation of the Gun Free Schools Act, may be appealed to the State Board of Education at any time that the expulsion remains in effect, subject to the rules of the State Board of Education.

E. Sub-committee of Board. For purposes of sections B.6 and B.7 of this policy, "Board" or "School Board" may either be a quorum of the full Board, or a subcommittee of the Board duly authorized by the School Board.

F. Superintendent and Principal Designees.

Except where otherwise stated in this policy, the Superintendent may delegate any authority s/he has under this policy, and a principal may delegate any authority s/he has under this policy, to other appropriate personnel.

G. Disciplinary Removal of Students with Disabilities.

If a student is disabled under the Individuals with Disabilities Act (IDEA), the New Hampshire RSA 186-C, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, or any other law providing special rights to disabled students, those laws shall govern and shall supersede these local policies to the extent these local policies are inconsistent with those laws. Accordingly, any suspension or expulsion of a child with a disability as defined in Ed 1102.01(t) shall be in accordance with Ed 1124.01.

H. Notice and Dissemination.

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[This policy shall be made available to families, students and staff as provided in Board policy JIC.](#)

I. Conflict in Law or State Regulation.

[If any provision of this policy shall conflict with State or Federal law, or regulation of the New Hampshire Department of Education, then such law or regulation shall apply, and the remainder of the policy shall be read and interpreted to be consistent with the law or regulation. School administrators and families are strongly encouraged to review the links for pertinent statutes and laws as referenced in this policy.](#)

EFFECTIVE JULY 1, 2021

Legal References:

- [18 U.S.C. § 921, Et seq., Firearms](#)
- [20 U.S.C. § 7151, Gun-Free Schools Act](#)
- [RSA 189:15, Regulations](#)
- [RSA 193:13, Suspension & Expulsion of Pupils](#)
- [RSA Chapter 193-D, Safe Schools Zones](#)
- [RSA 631:4, Criminal Threatening](#)
- [RSA 651:5, XIII "Act of Violence"](#)
- [NH Code of Administrative Rules, Section Ed 306.04\(a\)\(3\), Discipline](#)
- [NH Code of Administrative Rules, Section Ed 306.04\(f\), Student Discipline Policy](#)
- [NH Code of Administrative Rules, Section Ed. 306.04\(g\), Suspension & Expulsion](#)
- [NH Code of Administrative Rules, Section Ed 317.04, Suspension and Expulsion of Pupils Assuring Due Process Disciplinary Procedures](#)
- [In re Keelin B., 162 N.H. 38, 27 A.3d 689 \(2011\)](#)

Definitions

- ~~1. Disciplinary measures include, but are not limited to, removal from the classroom, detention, in-school suspension, out-of-school suspension, restriction from activities, probation, and expulsion.~~
- ~~2. Removal from the classroom means a student is sent to the building principal's office. It is within the discretion of the person in charge of the classroom to remove the student.~~
- ~~3. Detention means the student's presence is required during non-school hours for~~

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~~disciplinary purposes. The building principal is authorized to establish guidelines or protocol for when detention shall be served (either before school or after school.) Whether a student will serve detention, and the length of the detention, is within the discretion of the licensed employee disciplining the student or the building principal.~~

- ~~4. An in-school suspension means the student will attend school but will be temporarily isolated from one or more classes while under supervision. An in-school suspension will not exceed ten consecutive school days.~~
- ~~5. An out-of-school 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 school rules or policies.~~
- ~~6. A restriction from school activities means a student will attend school and classes and practice but will not participate in school extra-curricular activities.~~
- ~~7. Probation means a student is given a conditional suspension of a penalty for a definite period of time in addition to being reprimanded. The conditional suspension will mean the student must meet the conditions and terms for the suspension of the penalty. Failure of the student to meet these conditions and terms will result in immediate reinstatement of the penalty.~~
- ~~8. 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.~~

Standards for Removal from Classroom and Detention

~~Students may be removed from the classroom at the classroom teacher's discretion if the student refuses to obey the teacher's directives, becomes disruptive, fails to abide by school rules or policies, or otherwise impedes the educational purpose of the class.~~

~~Likewise, classroom teachers may assign students to detention for similar conduct.~~

~~The building principal or designee may assign students to detention under the same standard.~~

Standards for In-School Suspension, Restriction of Activities, and Probation

~~The building principal or designee is authorized to issue in-school suspensions, restrictions of activities, or place a student on behavior probation for any conduct that causes material or substantial disruption to the school environment, interferes with the rights of others, presents a threat to the health and safety of students, employees, and visitors, violates other board Policies or is otherwise inappropriate is prohibited.~~

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Process for Out of School Suspension:

The power of suspension is authorized as follows:

1. ~~The building principal or designee is authorized to suspend a student for 10 school days or less for gross misconduct or for neglect or refusal to conform to school district policies or rules. The principal or designee shall consult with the Superintendent prior to issuing any suspension.~~
 - A. ~~Pursuant to Ed 317.04(a)(1), a suspension of 10 school days or less shall be considered a "short-term suspension" and may be issued for gross misconduct or for neglect or refusal to conform to the reasonable rules of the school under RSA 193:13,I.~~
 - B. ~~As required by RSA 193:13(a), educational assignments shall be made available to the suspended pupil during the period of suspension.~~
2. ~~The Superintendent is authorized to continue the suspension of a pupil for a period in excess of 10 school days. Prior to this extended suspension, the Superintendent will provide an informal hearing on the matter. The informal hearing need not rise to the level and protocol of an official hearing before the school board.~~
 - A. ~~Pursuant to Ed 317.04(a)(2), a suspension in excess of 10 school days shall be considered a "long-term suspension."~~
3. ~~A long-term suspension may be issued for an act of theft, destruction, or violence as defined in RSA Chapter 193-D, for possession of a pellet paint ball gun or BB gun or rifle as provided by RSA 193:13, II, or for any violation of any rule established using the authority granted by RSA 189:15, provided the rule includes notice that a student may receive a long-term suspension and/or may be expelled for violation of the rule and the rule has been recorded in the official records of the School Board. Any suspension in excess of 10 school days, as described in Paragraph 2 of this Section, is appealable to the school board, provided the Superintendent receives the appeal in writing within 10 days after the issuance of the Superintendent's decision described in Paragraph 2. Any suspension in excess of 10 school days shall remain in effect while this appeal is pending.~~
4. ~~Due process standards for short-term suspensions (10 days or less) will adhere to the requirements of Ed 317.04(d)(1).~~

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~~5. Due process standards for long term suspensions (more than 10 days) will adhere to the requirements of Ed 317.04(d)(2).~~

Process for Expulsion

- ~~1. Any pupil may be expelled by the School Board for an act of theft, destruction, or violence as defined in RSA Chapter 193-D, for possession of a pellet paint ball gun or BB gun or rifle as provided by RSA 193:13, II, or for any violation of any rule established using the authority granted by RSA 189:15, provided the rule includes notice that a student may receive a long term suspension and/or may be expelled for violation of the rule and the rule has been recorded in the official records of the School Board.~~
- ~~2. Additionally, any pupil may be expelled by the School Board for bringing or possessing a firearm as defined in Section 921 U.S.C. Title 18 in a safe school zone, as defined in RSA 193-D:1, unless such pupil has written authorization from the Superintendent. Any expulsion under this provision shall be for a period of not less than 12 months.~~
- ~~3. The District will ensure that the due process standards set forth in Ed 317.04(d)(3) are followed.~~
- ~~4. The Superintendent is authorized to modify the expulsion requirements of any student on a case-by-case basis.~~

~~NOTE: Students with disabilities, 504, and/or students receiving special education services will be disciplined in accordance with the student's IEP and all applicable provisions of the Individual with Disabilities Education Act (IDEA). Discipline matters for students with disabilities will be addressed on a case by case basis by administration. As such, and depending on the disability, consequences set forth in the Code of Discipline may vary or be waived, in whole or in part.~~

~~This policy and school rules which inform the student body of the content of RSA 193:13 shall be printed 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 announcements. See: Ed. 317.04(d).~~

See also policies JI, JIA, JIC, JICC, JICD, JICK

Legal References:

- RSA 193:13, Suspension & Expulsion of Pupils
- RSA 193-D, School Safe Zones
- NH Code of Administrative Rules, Section Ed 306.04(a)(3), Student Discipline

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NH Code of Administrative Rules, Section Ed 306.04(f), Student Discipline
NH Code of Administrative Rules, Section Ed 317.04, Standards and Procedures For
Suspension and Expulsion of Pupils Assuring Due Process
NH Rules for the Education of Children with Disabilities, Part ED 1124, Disciplinary Procedures for
Children with Disabilities

See Appendix: JICD-R

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MEMORANDUM OF UNDERSTANDING BETWEEN THE TIMBERLANE REGIONAL SCHOOL DISTRICT AND THE POLICE DEPARTMENT

for administering the Provisions of RSA 193-D Safe School Zones

1. General Principles

The Timberlane Regional School Board and the Police Department agree to work in a cooperative effort to provide a safe and healthy school environment for students, staffs and visitors. In furtherance of that effort, this Memorandum of Understanding is intended to comply with the provisions of RSA 193-D Safe School Zones. The Board and the Police Department further agree to respond effectively to incidents of school delinquency or criminal behavior in school, on school grounds, and at school sponsored events.

This memorandum deals with the law enforcement response to any incident involving the possession, use, sale or distribution of alcohol and other drugs in a school setting or during any school sponsored activity. This memorandum also addresses the efforts by- the school and police to respond to incidents of violence; weapons possession; or acts of theft, violence or destruction, on school property and at school functions, under the provisions of and in concert with the implementation of the Safe Schools Act, RSA 193-D. This Memorandum applies to reportable behavior of adults, as well as, children.

The School Board and the Police Department agree to coordinate these efforts with the local prosecuting Attorney's Office and the New Hampshire Department of Education.

The School Board recognizes that in cases of an emergency situation or imminent danger to students, staff or the community, the Police Department and the School District may act without regard to the Memorandum of Understanding. Nothing contained in this Memorandum is intended to limit the events that may be reported to the Police Department or limit school employees from requesting police assistance on matters not referred to in this Memorandum.

In the event either the School Board or the Police Department desires to amend this Memorandum, the agency seeking changes will arrange for meeting with the other.

2. Definitions

The following terms, [as defined in RSA 193:D-1](#), apply to this Memorandum:

- "Safe School Zone" means an area inclusive to any school property or school buses.
- "School" means any public elementary or secondary school in New Hampshire. It will not include home schools.
- "School Employee" means any school administrator, teacher, or other employee of any public or private school, school district, school department, or school administrative unit, or any person providing, or performing continuing contract services for any public or private school, school districts school department or school administrative unit.

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- "School property" means all real property, physical plant and equipment used for school purposes, including but not limited to school playgrounds and buses, whether public or private.
- "School purposes" means school-sponsored programs, including but not limited to educational or extra-curricular activities.

3. School/Police Liaisons

In order to facilitate prompt and clear communication of incidents the School Board and the Police Department will designate individuals to serve as primary contact liaisons. The Superintendent of Schools will designate the Principal, or designated Assistant Principal, at each school as that school's Reporting Official. He/she will be responsible for handling all reportable incidents of: (1) drug/alcohol use, possession, sale and/or distribution; (2) assault or violence; (3) possession of weapons; and/or (4) theft or destruction of property. The School District liaison will communicate information on such incidents to the Police Department.

The Chief of Police will designate a police officer(s) who will be responsible for handling all reportable incidents brought to the attention of the Police Department by the school's Reporting Officials. In addition to communication between the Reporting Official and the Police Officer on the specific incidents mentioned above, it is recommended that the Official and Officer meet regularly to discuss the scope of these problems, and to identify strategies aimed at reducing them.

4. Reportable Acts

A. School Reports to Police Department

1. Mandatory: Notwithstanding the provisions of RSA 193-D, the Safe School Zone Act, the following incidents must be reported to the Police Department by the designated school employee:
 - a. Possession of alcohol by a minor or if it appears that a student is under the influence of alcohol or drugs on school property, or at school functions;
 - b. Possession, selling or distribution of any controlled substance (including drug paraphernalia) as defined in NH RSA 318-B, by an individual on school property, or at school functions;
 - c. Any incident in which any individual who is responsible for, suspected of, or determined to be selling or distributing drugs or alcohol on school property, or at school functions;
 - d. Unlawful possession, sale, or use of firearms or other dangerous or prohibited weapons, fireworks and explosives, as defined in NH RSA's 208, 644 and 159, on school property, or at school functions;

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- e. Arson under RSA 634:1 any person who knowingly starts any fire or causes any explosion which results in injury, damage to property of another, or is done with intentional disregard for the safety of others;
 - f. Burglary under RSA 635: any person who enters a building to separately secured section of a building, with a purpose to commit a crime;
 - g. Robbery under RSA 636: including any theft that is accomplished by the physical force or the threat of imminent use of force;
 - h. Thefts of property where the value is more than \$50.00, repeated occurrences of theft by one student, (thefts by students who are in the third grade or lower are generally not reported to the Police);
 - i. Homicides under RSA 630: any death will immediately be reported to the Police Department, regardless of suspected cause;
 - j. Any first or second degree assault under RSA 631, whereby an injury occurs to a person caused by another person. Investigation may reveal that not all if these incidents constitute an actual crime. Reporting will allow an investigation to be conducted;
 - k. Any sexual assault under RSA 632-A will be reported;
 - l. Criminal Mischief under RSA 634:2, purposely or recklessly damaging the property of another, resulting in a value of \$50 or more of damage. This includes vandalism to school property;
 - m. Threatening behavior under RSA 631:4 which purposely places or attempts to place another in fear of imminent bodily injury or physical contact.
2. Discretionary Reporting Events are up to the Discretion of the Building Principal or designated Assistant Principal.
- a. Refusal or neglect to conform to reasonable rules of the school or to clear non-injurious directions given by staff member.
 - b. Simple assault incidents~~Infractions~~ which don't meet the criteria as stated in 4.A.j. above, depending upon the nature of the incident, as determined by the school administration.
 - c. Theft, under RSA 637, of property ~~\$50~~49 or less.
 - d. Criminal Mischief under RSA 634:2, purposely or recklessly damaging the property of another, resulting in a value of ~~\$50~~49 or less of damage. This includes vandalism to school property.

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B. Police Department Reports to School

1. The following information will be reported by the Police Department to the School Principal or designated Assistant Principal:
 - a. An arrest made by the Police Department of a student, when such information is relevant to the safety of that student, or of other students in the school, where the law allows.
2. The following information may be shared with school Administration by the Police Department, subject to applicable statutes and regulations governing confidentiality:
 - a. The arrest and filing of a delinquency complaint against any student under the age of 17 years.
 - b. Other non-criminal activity that the Police Department deems pertinent to the student’s well-being, including but not limited to threatening to attempt suicide; victimization of the student by a parent, caretaker or other individual).

5. Procedures for Reporting

- A. It is agreed that every school employee who has witnessed, or has information from the victim of an act of theft, destruction, or violence in a safe school zone will report such act immediately to a supervisor. A supervisor receiving such report will immediately forward such information to the school Principal or designated Assistant Principal. The Principal or designated Assistant Principal will then contact the Police Department through the SRO, or if not available, call the Police Department and report the incident. The Principal or designated Assistant Principal will also provide the Police Department with a written report within 48 hours of the incident.
- B. The report required will include:
 1. Identification of the act of theft, destruction, or violence that was alleged.
 2. The name and address of witnesses to the alleged act.
 3. The name and home address of any person suspected of committing the act.
- C. The written report required above will be waived when there is a law enforcement response at the time of the incident which results a written police report.
- D. School Response
 1. A teacher or other school employee who has reasonable grounds to believe that a student has committed a reportable act will:
 - a. Confront the student with the nature of the offense;

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- b. Take the student to the Principal's or designated Assistant Principal's office;
 - c. Retrieve and turn over any physical evidence to the Principal or designated Assistant Principal.
 - 2. For Mandatory Reportable acts, the Principal or designated Assistant Principal will:
 - a. Notify the police and student's parent/guardian, and inform them of the nature of the incident;
 - b. Turn over any physical evidence seized and a written fact summary to the Police Department;
 - c. Initiate disciplinary action in accordance with Board policies.
 - 3. For Discretionary Reportable Acts, the Principal or designated Assistant Principal will:
 - a. Determine if the police and parent/guardian should be notified and, if so, make the calls as soon as reasonably possible. Any incident reported to the Police shall also be reported to the student's parent/ guardian;
 - ~~a.b.~~ Initiate disciplinary action in accordance with Board policies.
- E. Police Response
 - 1. The Police Officer will make contact with the school as soon as possible after receiving a report from the Principal or designated Assistant Principal to investigate the incident, or take any other appropriate action.
 - 2. During the investigation, the Police Officer may meet with the Principal or designated Assistant Principal, the student, the student's parent/guardian and appropriate persons with knowledge of pertinent facts, if required.
 - 3. If at the conclusion of the investigation, the student is found to have committed the alleged offense, the Police Officer may initiate the formal complaint process.
 - 4. When the Police Officer is called to the school in response to offenses involving the sale and/or distribution of drugs or alcohol, violent behavior, or the possession of a weapon, and when probable cause exists for arrest, the Officer will take the appropriate action to initiate the formal complaint process.
 - 5. To the greatest extent possible, precautions will be taken by both Police and school officials at all times to ensure the education process is not disrupted.

JICD-R - MEMORANDUM OF UNDERSTANDING

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Chief, Police Department

Date

Superintendent of Schools

Date

School Board Chair

Date

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<p>Adopted: 05-20-99 Revised: 12-17-09 Reaffirmed: 12-05-18</p>	<p><u>Repealed</u> Page 1 of 1</p>

MODIFICATION OF A WEAPONS EXPULSION

Repealed by the school board on _____ . See Policy JICD.

~~Pursuant to RSA 193:13, IV, the Superintendent may, upon written application of an expelled pupil, recommend modification to the expulsion. Prior to consenting to such a modification, the pupil/parent shall be required to submit to the Superintendent sufficient evidence in the form of letters, work history or other documents or testimony demonstrating that it is in the school's best interest and the pupil's best interest to allow a modification. In making such a decision, due regard will be given to other pupils and staff whose safety and well-being shall be of paramount importance.~~

~~***Statutory Reference:***~~

~~_____ RSA 193:13, IV~~

~~_____ Reference Policy: JICI~~

Timberlane Regional School District	Policy Code: CCB
Adopted: 05-05-83 Reaffirmed: 12-06-90 Revised: 10-05-95 Revised: 12-03-98 Revised: 02-17-11 Revised:	Page 1 of 1

LINE AND STAFF RELATIONS

Related Policies: BHC, CB, CF, CFA

General Operations

The following principles shall govern the administrative operation of the school system:

1. Each school shall develop the educational program most appropriate for the students attending that school, consistent with District expectations, local school board policy, state law, and State Board regulations.
2. The Superintendent shall have specific responsibility for overseeing the pattern and sequence of educational experiences provided for children from Kindergarten [Preschool](#) through Grade 12.
3. Responsibility shall flow simply and clearly from the students through teachers, principals, and the Superintendent to the School Board.
4. Each member of the staff shall be told to whom he/she is responsible.
5. Whenever feasible, each member of the staff shall be made responsible to only one immediate superior for any one function.
6. Each staff member shall be told to whom he/she can go for help in working out his/her own functions in the school program.

Line of Responsibility

Each employee in the district shall be responsible to the Board through the Superintendent.

All personnel shall refer matters requiring administrative action to the administrator immediately in charge of the area in which the problem arises.

Administrators shall refer such matters to the next higher authority when necessary.

The Superintendent, in administering this policy, shall be guided by the knowledge that the Board values the freest possible interchange of ideas outside the established framework of direct responsibility as preeminently desirable in the schools of the district. Nothing provided herein shall be interpreted as intended to interrupt the free and open flow of ideas and assistance among personnel at every level.