

**AUBURN SCHOOL DISTRICT  
STUDENT 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, learning environment 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 Auburn School District will follow the procedures set forth by state and federal law, specifically RSA 193:13 and Ed 317, in the discipline of students. The Auburn School Board reviews appeals of student disciplinary decisions when the 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, lunchroom, or recess 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 conduct that violates the Student Code of Conduct. During such removals, students will be sent to the 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 conduct which violates the Student Code of Conduct.

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 exceed one (1) hour.

**Administrative Detention**

Students may be assigned a detention at the discretion of the 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 conduct which violates the Student Code of Conduct. During such detentions, students will be required to remain at school during non-school hours. 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 exceed one (1) hour.

**In-School Suspension**

Students may be assigned in-school suspension at the discretion of the Principal or designee. 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 room within the building. The student will be expected to remain in good behavior and work quietly on school work while serving the in-school suspension. Parents will be notified 24 hours prior to the in-school suspension. The length of in-school suspension is left to the discretion of the administration and will generally not exceed 10 days.

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

The Principal or representative designated in writing by the Superintendent is authorized to suspend a student for a specific period of time, not to exceed ten (10) consecutive school days. A suspension may be imposed for:

- Behavior that is detrimental to the health, safety, or welfare of pupils or school personnel; or
- Repeated and willful disregard of the reasonable rules of the school that is not remediated through imposition of the districts graduated sanctions.

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

A student being considered for a short-term suspension (ten school days or fewer) is entitled to the following due process:

1. The student will meet with the 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 Principal or designee may also refer or recommend the student to the Superintendent or to the School Board for further disciplinary consequences. Parents will be notified prior to the short-term out of school suspension.

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

The School Board, or the Superintendent, as the School Board's designee, may extend a student's suspension for up to an additional ten (10) consecutive school days. A long-term out- of-school suspension may be imposed for:

- An act of theft, destruction, or violence as defined in RSA 193-D;
- Bullying pursuant to school district policy, JICK when the student has not responded to targeted interventions and poses an ongoing threat to the safety or welfare of another student; or
- Possession of a weapon as defined in Auburn School District Policy JICI

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

A student being considered for a long-term suspension 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, at least five calendar days prior to the hearing, 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) will be held.
  - 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, the nature of the evidence does not violate the privacy of other students or if the Superintendent or School Board determines that substantial harm to the pupil could result from a decision to hold the hearing in public. In these circumstances, 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 decision rendered at the hearing.
4. The written decision shall include notice to the student that the decision may be appealed. For a long term suspension issued by Superintendent, the decision must be appealed in writing to the Auburn School Board within ten days after the issuance of the decision. The School Board will hold a hearing on the appeal but has the discretion to hear evidence or to rely upon the hearing conducted by the Superintendent.
5. For a long term suspension issued by the School Board, the decision must be appealed to the New Hampshire State Board of Education within 20 days after receipt of the decision.
6. The long-term suspension shall remain in effect while an appeal is pending unless the School Board stays the suspension.

Depending on the severity of the student's conduct, the Superintendent may also refer or recommend the student to the School Board, and/or local law enforcement authorities 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 an act that poses an ongoing threat to the safety of students or school personnel and that constitutes:

- A repeated act that previously resulted in a long term suspension;
- Any act of physical or sexual assault that would be a felony if committed by an adult;
- Any act of violence that constitutes a "violent crime" pursuant to RSA 651:5, XIII; or
- Criminal threatening that constitutes a class B felony pursuant to RSA 631:4, II(a).

During an expulsion, unless otherwise stipulated in writing, a student is not permitted to attend school classes or activities, school sponsored events, or occasion school property.

A student who is being considered for 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 the nature of the evidence does not violate the privacy of other students or if the Superintendent or Board determines that substantial harm to the pupil could result from a decision to hold the hearing in public. In these circumstances, 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. Before expelling a student under this section the School Board shall consider each of the following factors:
  - a. The student's age;
  - b. The student's disciplinary history;
  - c. Whether the student has a disability;
  - d. The seriousness of the violation or behavior committed by the student;
  - e. Whether the school district has implemented positive behavioral interventions;
  - f. Whether a lesser intervention would properly address the violation or behavior committed by the student.
4. 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.
5. 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 at any time while the expulsion remains in effect.

Any expulsion shall be subject to review by the School Board, if requested, prior to the start of each school year. A student seeking restoration of permission to attend school shall file a written request with the Superintendent prior to the start of each school year which details the basis for the request.

### **Possession of a Firearm**

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

Pursuant to RSA 193:13, VI, a student who is expelled from school in another state under the provisions of the Gun Free School Zones Act of 1994 shall not be eligible to enroll in the Auburn School District during such expulsion. If the out of state expulsion is for an indefinite period of time, the student may petition the School Board for enrollment upon establishing residency.

As provided in RSA 193:13, VII, both of the above expulsions may be modified by the Superintendent 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 student's best interest to allow a modification.

### **Superintendent Authority**

The School Board authorizes the Superintendent to reinstate a suspended or expelled pupil on a case by case basis.

### **Educational Assignments**

The student's school will make all educational assignments available to the suspended student during the student's suspension.

The school district will provide alternative educational services to a student whenever the student is suspended in excess of twenty (20) cumulative days within any school year. Such alternative educational services will be determined by the school Principal or Assistant Principal and shall be designed to enable the student to advance from grade to grade.

No student shall be penalized academically solely by virtue of missing class due to suspension.

The School Board, in its discretion, may authorize educational services to be provided to an expelled student in an alternative setting on a case by case basis.

### **Behavior Intervention Plans**

The student's school will develop an intervention plan for any student who has been suspended more than ten (10) cumulative school days in any school year. The intervention plan will be designed to proactively address the student's problematic behaviors.

### **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 State Law on Special Education (RSA 186-C),

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

**Student Code of Conduct (Handbook)**

The School Board authorizes the Superintendent to establish a Student Code of Conduct (Handbook) which will contain a system of supports and consequences designed to correct student misconduct and promote behavior within acceptable norms. The Student Code of Conduct will include a graduated set of age appropriate responses to misconduct and will set forth standards for due diligence and process. Such standards will make reference to the nature and degree of disruption caused to the school environment, the threat to the health and safety of pupils and school personnel, and the isolated or repeated nature of incidents forming the basis of disciplinary action.

**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 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 at the beginning of each school year. 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. Nothing herein shall prevent a school principal from printing, posting and/or announcing other rules applicable to the school.

**Legal References:**

18 U.S.C. § 921, Definition of Firearm RSA 189:15, Regulations  
RSA 193:13, Suspension & Expulsion of Pupils  
RSA 651:5, XIII, Annulment of Criminal Records - Violent Crimes RSA 631:4, II(a), Criminal Threatening  
RSA Chapter 193-D, Safe School Zones  
RSA Chapter 193-F, Pupil Safety and Violence Prevention  
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

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