

AGENDA

MANCHESTER SCHOOL DISTRICT SAU #37 POLICY COMMITTEE

September 16, 2026

**Committee Members Want, O'Neil-Wong, Potter, St. John
and Taylor**

**Student Member: Wadd Mohamed (WHS) and Julie
Langlois (WHS)**

**5:30 p.m. Or Immediately following
Student Conduct
Aldermanic Chambers
City Hall (3rd Floor)**

1. Chair Want calls the meeting to order.
2. The Clerk calls the roll.
3. **Public Forum**
4. Chairwoman Want advises the purpose of the public forum is to give the residents of Manchester the opportunity to address the board. All people wishing to speak will have up to three (3) minutes to do so, and any comments must be directed to the chair. Any resident wishing to speak will come forward to the nearest microphone, clearly state their name and address when recognized and give their comments.
5. Chair Want advises that if there is no one else present to speak and there are no other public comments that have been submitted, a motion would be in order to take all comments under advisement and to further receive and file any written documentation presented.
6. Approval of the Minutes from the August 19, 2026 Policy Committee meeting.
7. **Presentations**
8. Students 520: Discipline and Due Process policy proposed revisions – by Stacy Champey, Executive Director of Safe and Supportive Schools
Ladies and Gentlemen, what is your pleasure? **1 – 28**

9. Student Code of Conduct Proposed Revisions – by Stacy Champey, Executive Director of Safe and Supportive Schools 29 -
Ladies and Gentlemen, what is your pleasure?

10. **TABLED ITEMS**

11. **NEW BUSINESS**

ADJOURNMENT

12. If there is no further business, a motion is in order to adjourn.

***Statement of nondiscrimination:** It is the policy of the Manchester Board of School Committee, in its actions, and those of its employees, that there shall be no discrimination on the basis of age, sex, race, color, marital status, physical or mental disability, religious creed, national origin or sexual orientation for employment in, or operation and administration of any program or activity in the Manchester School District. The Title IX Coordinator is Dr. Kelly Espinola for staff and students.*

Per the Strategic Plan, our Mission objective is to provide a transformational learning experience and ensure that every MSD learner has high quality postsecondary options to attain a technical certificate, gainful employment, and/or a two-year or four-year degree.

MANCHESTER SCHOOL DISTRICT

TITLE: Students 520: Discipline & Due Process Proposed Revisions

COMMITTEE ON POLICY MEETING OF: September 16, 2026

ACTION: X **CONSENT:** **INFORMATION:**

BACKGROUND:

Proposed revisions to Students Policy 520:

- Update Policy numbers throughout the document to reflect current policy numbers
- Positive Behavior Intervention Plan section: Update the language to Behavior Support Plan and Intervention Plan to reduce confusion with special education plans, align with the code of conduct language, and align with RSA 193:13 to develop an “intervention plan” for students suspended cumulative 10 days.
- Long-Term Out of School Suspension section: update the language from possession of a “firearm” to define the type of gun possession in school that would result in an out of school long-term suspension

FISCAL IMPACT:

There is no fiscal impact.

FISCAL VERIFICATION:

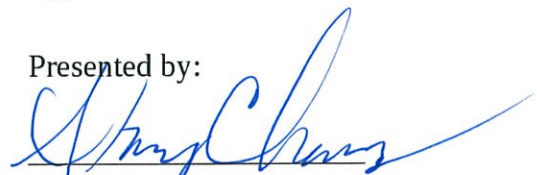
RECOMMENDATION:

That the Committee on Policy moves to approve suggested revisions to the Students 520 and forward this item to the full Board of School Committee for approval.

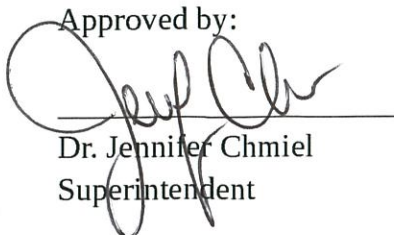
Prepared by:


Stacy Champey
Exec Director Safe Supportive Schools

Presented by:


Stacy Champey
Exec Director Safe Supportive Schools

Approved by:


Dr. Jennifer Chmiel
Superintendent

Leslie Want

Leslie Want
Committee Chair

Proposed Revisions

Students

520 STUDENT DISCIPLINE & DUE PROCESS

[JICD: 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, discipline, or general welfare of the school.

Student rights and responsibilities shall be published in the Parent-Student Handbook. Student disciplinary procedures will be implemented pursuant the Manchester Student Code of Conduct. The Parent-Student Handbook is a collection of rules and procedures for students and parents to follow that pertain to the student's daily activities at the school which includes the Code of Conduct. The Parent- Student Handbook will be made available to parents and students on an annual basis. Parents and students shall sign a notification form indicating that they have read and understand their rights and responsibilities. A student who has reached the age of majority shall be required to sign the notification form. The Parent-Student Handbook will be made available in another language or presented orally upon request.

Disciplinary consequences will range from a verbal warning for minor misconduct up to and including suspension or expulsion for the most serious offenses. Graduated sanctions shall be employed when appropriate, and suspension and expulsion should be used only when other remedies have been unsuccessful, unless otherwise required under law or this policy. The Manchester 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. All discipline must be administered equitably pursuant to the Manchester School District Code of Conduct. The Manchester Board of School Committee does not review appeals of student disciplinary decisions unless a right to appeal is explicitly conferred by policy or by law.

Although District staff shall strive to manage student behavior with the student discipline process outlined herein and in accordance with RSA 193:13, behavior that also violates the law may be referred to law enforcement authorities when appropriate, in accordance with RSA 193D:4 and N.H. Ed. Rules 317.05. The Board further recognizes the right of each school to establish disciplinary procedures in accordance with the school board policies, RSA 193:13 and RSA 193-D through the development of administrative procedures which are approved by the Superintendent or his/her designee. Due process shall be afforded to any student involved in a proceeding which may result in suspension, exclusion, or expulsion. Students expelled from school may be reinstated by the Board under the provisions of RSA 193:13.

Graduated Sanctions

Prior to pursuing a suspension or expulsion under this policy, school personnel shall take measures to implement graduated sanctions. Such actions shall be age appropriate and based

on the circumstances of each individual student. Such sanctions include, but are not limited to, verbal warnings, parent conferences, counseling, peer mediation, anger management instruction, parent counseling and training, community service, changing class schedules, or may include more substantial actions such as restricting a student from extracurricular activities, temporarily removing a student from a classroom, providing a teacher detention, assigning an after-school or Saturday morning detention, or trying in-school suspension prior to removing a student to the out-of-school suspension status. These graduated sanctions and others may be employed, when appropriate, in accordance with the Manchester School District's Code of Conduct. Due to the serious nature of implementing a suspension or expulsion as a disciplinary action, the Board has set forth important due process considerations below.

Short-Term Out-of-School Suspension

The building 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 district's 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 who is subject to a short-term suspension (ten school days or fewer) is entitled to the following due process:

1. The student and their parent/ guardian (for a student under age 18) 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 and their parent/guardian 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 and Assistant Superintendents, 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 [See BOSC Policy Students **526 418**: Violence Prevention and Bullying] 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 firearm, BB/Pellet gun, or Airsoft gun, paintball gun, or any other similar weapon/device that is not otherwise classified as a firearm.

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 who is subject to a long-term suspension is entitled to the following due process:

1. Upon recommendation of a long-term suspension and prior to a 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), as follows:

- 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.

E. The student is entitled to a written decision which includes the legal and factual basis for the conclusion that the student should be suspended.

F. The written decision shall include notice to the student and the student's parent/guardian that the decision may be appealed, as outlined below. The long term suspension shall remain in effect while an appeal is pending unless the Board stays the suspension.

For a long term suspension issued by Superintendent, the decision must be appealed in writing to the Manchester Board of School Committee 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. For a long term suspension issued by the Board of School Committee, the decision must be appealed to the New Hampshire State Board of Education within 20 days after receipt of the decision.

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 an act that poses an ongoing threat to the safety of students or school personnel and that constitutes:

A repeated act that would permit 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 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 student shall be informed

that they are welcome to bring an advocate who may be an attorney or other representative to the hearing. 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. Before expelling a pupil under this section the local school board of trustees 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 prior 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. The student may request alternative education services at this time.

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 Manchester Board of School Committee 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 Manchester 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.

Equitable Application

This policy shall be implemented in an equitable manner. The Board hereby directs the administration to collect data, as outlined in the Student Code of Conduct, to include data on graduated sanctions, suspensions, and expulsions imposed on students. This data shall reflect the demographics of the students receiving disciplinary action when possible while protecting student privacy. The Student Conduct Committee shall review this data to ensure equitable application of this policy and shall outline a schedule for data review with District administrators.

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.

Educational Assignments

The District will notify the designated point of contact at the suspended student's school (guidance counselor or other designee by the school Principal). The designee will make all educational assignments available to the suspended student during the student's suspension. 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.

~~Positive 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 assist the school with proactively addressing the student's problematic behaviors. The plan may include goals and objectives for the student, but must also include pro-active interventions by the school that will assist and support the student as well. These plans may address, but are not limited to, the following components: (1) target student behaviors; (2) define specific goals including replacement behaviors and timelines; (3) describe interventions, including strategies to change negative behaviors, teach appropriate skills and outline negative consequences; and (4) include a mechanism to monitor the effectiveness of the plan. Plans should be reviewed and modified as necessary to meet student needs.

This plan is differentiated from any ~~positive behavior intervention plan~~ **behavior support plan or intervention plan** implemented prior to the student's suspension, mentioned in *Expulsion 3(e)* of this policy. More information regarding behavior management and intervention before suspension can be found in *Students ~~445.2~~ 550 Behavior Management and Intervention*.

Superintendent Authority

The School Board authorizes the Superintendent to reinstate a suspended or expelled pupil on a case by case basis if so designated by the School Board in their decision to expel. Such authority may allow the Superintendent to reinstate a student upon meeting certain criteria for good behavior during the period of expulsion.

Code of Conduct

The Board directs the Superintendent to create a Code of Conduct, subject to Board approval, which will contain a system of supports and consequences designed to correct student misconduct and promote behavior within acceptable norms. The information in this policy can also be found in the Code of Conduct and that the purpose of this policy is to act as the authority that the Code of Conduct follows.

The Code of Conduct will include a graduated set of age-appropriate responses to misconduct and will set forth standards for short term suspensions up to ten (10) school days and long term suspensions up to 20 school days, and expulsion. 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.

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.

Notice

This policy and school rules which inform the student body of the content of RSA 193:13 shall be included in the Code of Conduct, which shall be 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 each 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 Code of Conduct 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:

Students **533 428**: Dangerous Weapons on School Property

Students **526 418**: Pupil Safety and Violence Prevention – Bullying

Manchester School District Student Code of Conduct Students

445.2 550 Behavior Management and Intervention.

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

New Hampshire School Board Association (NHSBA) Code JI, JICD

HISTORY

Revision History: June 28, 2021; June 27, 2022; ~~September 16, 2026~~ June 27, 2022
September 16, 2026 ↗ New Paragraph

First Reading by Policy Committee: ~~June 8, 2022~~ Second Reading & Adopted by BOSC: ~~June 27, 2022~~ September 28, 2026

Please Note: Updated Numbering Approved by BOSC 11/24/25 from **STUDENTS 116**
STUDENT DISCIPLINE & DUE PROCESS to STUDENTS 520 STUDENT DISCIPLINE & DUE
PROCESS

Students

520 STUDENT DISCIPLINE & DUE PROCESS

[JICD: Student Discipline and Due Process]

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Bullying pursuant to school district policy [See BOSC Policy Students 526: Violence Prevention and Bullying] 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 BB/Pellet gun, Airsoft gun, paintball gun, or any other similar weapon/device that is not otherwise classified as a firearm.

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1. Upon recommendation of a long-term suspension and prior to a 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), as follows:
 - 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.

E. The student is entitled to a written decision which includes the legal and factual basis for the conclusion that the student should be suspended.

F. The written decision shall include notice to the student and the student's parent/guardian that the decision may be appealed, as outlined below. The long term suspension shall remain in effect while an appeal is pending unless the Board stays the suspension.

For a long term suspension issued by Superintendent, the decision must be appealed in writing to the Manchester Board of School Committee 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. For a long term suspension issued by the Board of School Committee, the decision must be appealed to the New Hampshire State Board of Education within 20 days after receipt of the decision.

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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 would permit 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).

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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 student shall be informed

that they are welcome to bring an advocate who may be an attorney or other representative to the hearing. 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.
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3. Before expelling a pupil under this section the local school board of trustees 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 prior positive behavioral interventions;
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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. The student may request alternative education services at this time.

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 Manchester Board of School Committee 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 Manchester 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.

Equitable Application

This policy shall be implemented in an equitable manner. The Board hereby directs the administration to collect data, as outlined in the Student Code of Conduct, to include data on graduated sanctions, suspensions, and expulsions imposed on students. This data shall reflect the demographics of the students receiving disciplinary action when possible while protecting student privacy. The Student Conduct Committee shall review this data to ensure equitable application of this policy and shall outline a schedule for data review with District administrators.

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.

Educational Assignments

The District will notify the designated point of contact at the suspended student's school (guidance counselor or other designee by the school Principal). The designee will make all educational assignments available to the suspended student during the student's suspension. 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.

Intervention Plan

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 assist the school with proactively addressing the student's problematic behaviors. The plan may include goals and objectives for the student, but must also include pro-active interventions by the school that will assist and support the student as well. These plans may address, but are not limited to, the following components: (1) target student behaviors; (2) define specific goals including replacement behaviors and timelines; (3) describe interventions, including strategies to change negative behaviors, teach appropriate skills and outline negative consequences; and (4) include a mechanism to monitor the effectiveness of the plan. Plans should be reviewed and modified as necessary to meet student needs.

This plan is differentiated from any behavior support plan or intervention plan implemented prior to the student's suspension, mentioned in *Expulsion 3(e)* of this policy. More information regarding behavior management and intervention before suspension can be found in *Students 550 Behavior Management and Intervention*.

Superintendent Authority

The School Board authorizes the Superintendent to reinstate a suspended or expelled pupil on a case by case basis if so designated by the School Board in their decision to expel. Such authority may allow the Superintendent to reinstate a student upon meeting certain criteria for good behavior during the period of expulsion.

Code of Conduct

The Board directs the Superintendent to create a Code of Conduct, subject to Board approval, which will contain a system of supports and consequences designed to correct student misconduct and promote behavior within acceptable norms. The information in this policy can also be found in the Code of Conduct and that the purpose of this policy is to act as the authority that the Code of Conduct follows.

The Code of Conduct will include a graduated set of age-appropriate responses to misconduct and will set forth standards for short term suspensions up to ten (10) school days and long term suspensions up to 20 school days, and expulsion. 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.

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.

Notice

This policy and school rules which inform the student body of the content of RSA 193:13 shall be included in the Code of Conduct, which shall be 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 each 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 Code of Conduct 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:

Students 533: Dangerous Weapons on School Property

Students 526: Pupil Safety and Violence Prevention – Bullying

Manchester School District Student Code of Conduct Students

550 Behavior Management and Intervention.

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

New Hampshire School Board Association (NHSBA) Code JI, JICD

HISTORY

Revision History: June 28, 2021; June 27, 2022; ~~September 16, 2026~~ **June 27, 2022**

September 16, 2026 **New Paragraph**
First Reading by Policy Committee: ~~June 8, 2022~~ Second Reading & Adopted by BOSC: ~~June 27, 2022~~ **September 28, 2026**

Please Note: Updated Numbering Approved by BOSC 11/24/25 from **STUDENTS 116**
STUDENT DISCIPLINE & DUE PROCESS to STUDENTS 520 STUDENT DISCIPLINE & DUE PROCESS

Existing Policy

Students

520 STUDENT DISCIPLINE & DUE PROCESS

[JICD: 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, discipline, or general welfare of the school.

Student rights and responsibilities shall be published in the Parent-Student Handbook. Student disciplinary procedures will be implemented pursuant to the Manchester Student Code of Conduct. The Parent-Student Handbook is a collection of rules and procedures for students and parents to follow that pertain to the student's daily activities at the school which includes the Code of Conduct. The Parent-Student Handbook will be made available to parents and students on an annual basis. Parents and students shall sign a notification form indicating that they have read and understand their rights and responsibilities. A student who has reached the age of majority shall be required to sign the notification form. The Parent-Student Handbook will be made available in another language or presented orally upon request.

Disciplinary consequences will range from a verbal warning for minor misconduct up to and including suspension or expulsion for the most serious offenses. Graduated sanctions shall be employed when appropriate, and suspension and expulsion should be used only when other remedies have been unsuccessful, unless otherwise required under law or this policy. The Manchester 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. All discipline must be administered equitably pursuant to the Manchester School District Code of Conduct. The Manchester Board of School Committee does not review appeals of student disciplinary decisions unless a right to appeal is explicitly conferred by policy or by law.

Although District staff shall strive to manage student behavior with the student discipline process outlined herein and in accordance with RSA 193:13, behavior that also violates the law may be referred to law enforcement authorities when appropriate, in accordance with RSA 193-D:4 and N.H. Ed. Rules 317.05. The Board further recognizes the right of each school to establish disciplinary procedures in accordance with the school board policies, RSA 193:13 and RSA 193-D through the development of administrative procedures which are approved by the Superintendent or his/her designee. Due process shall be afforded to any student involved in a proceeding which may result in suspension, exclusion, or expulsion. Students expelled from school may be reinstated by the Board under the provisions of RSA 193:13.

Graduated Sanctions

Prior to pursuing a suspension or expulsion under this policy, school personnel shall take measures to implement graduated sanctions. Such actions shall be age appropriate and based on the circumstances of each individual student. Such sanctions include, but are not limited to, verbal warnings, parent conferences, counseling, peer mediation, anger management instruction, parent counseling and training, community service, changing class schedules, or may include more substantial actions such as restricting a student from extracurricular activities, temporarily removing a student from a classroom, providing a teacher detention, assigning an after-school or Saturday morning detention, or trying in-school suspension prior to removing a student to the out-of-school suspension status. These graduated sanctions and others may be employed, when appropriate, in accordance with the Manchester School District's Code of Conduct. Due to the serious nature of implementing a suspension or expulsion as a disciplinary action, the Board has set forth important due process considerations below.

Short-Term Out-of-School Suspension

The building 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 district's 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 who is subject to a short-term suspension (ten school days or fewer) is entitled to the following due process:

1. The student and their parent/ guardian (for a student under age 18) 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 and their parent/guardian 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 and Assistant Superintendents, 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 [See BOSC Policy Students 118: Violence Prevention and Bullying] 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 firearm, BB gun, or paintball gun.

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 who is subject to a long-term suspension is entitled to the following due process:

1. Upon recommendation of a long-term suspension and prior to a 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), as follows:
 - 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.

E. The student is entitled to a written decision which includes the legal and factual basis for the conclusion that the student should be suspended.

F. The written decision shall include notice to the student and the student's parent/guardian that the decision may be appealed, as outlined below. The long term suspension shall remain in effect while an appeal is pending unless the Board stays the suspension.

For a long term suspension issued by Superintendent, the decision must be appealed in writing to the Manchester Board of School Committee 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. For a long term suspension issued by the Board of School Committee, the decision must be appealed to the New Hampshire State Board of Education within 20 days after receipt of the decision.

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 an act that poses an ongoing threat to the safety of students or school personnel and that constitutes:

A repeated act that would permit 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 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 student shall be informed that they are welcome to bring an advocate who may be an attorney or other representative to the hearing. 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. Before expelling a pupil under this section the local school board of trustees 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 prior 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. The student may request alternative education services at this time.

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 Manchester Board of School Committee 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 Manchester 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.

Equitable Application

This policy shall be implemented in an equitable manner. The Board hereby directs the administration to collect data, as outlined in the Student Code of Conduct, to include data on graduated sanctions, suspensions, and expulsions imposed on students. This data shall reflect the demographics of the students receiving disciplinary action when possible while protecting student privacy. The Student Conduct Committee shall review this data to ensure equitable application of this policy and shall outline a schedule for data review with District administrators.

Students with Disabilities

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Educational Assignments

The District will notify the designated point of contact at the suspended student's school (guidance counselor or other designee by the school Principal). The designee will make all educational assignments available to the suspended student during the student's suspension. 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.

Positive 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 assist the school with proactively addressing the student's problematic behaviors. The plan may include goals and objectives for the student, but must also include pro-active interventions by the school that will assist and support the student as well. These plans may address, but are not limited to, the following components: (1) target student behaviors; (2) define specific goals including replacement behaviors and timelines; (3) describe interventions, including strategies to change negative behaviors, teach appropriate skills and outline negative consequences; and (4) include a mechanism to monitor the effectiveness of the plan. Plans should be reviewed and modified as necessary to meet student needs.

This plan is differentiated from any positive behavior intervention plan implemented prior to the student's suspension, mentioned in *Expulsion 3(e)* of this policy. More information regarding behavior management and intervention before suspension can be found in *Students 145.2 Behavior Management and Intervention*.

Superintendent Authority

The School Board authorizes the Superintendent to reinstate a suspended or expelled pupil on a case by case basis if so designated by the School Board in their decision to expel. Such authority may allow the Superintendent to reinstate a student upon meeting certain criteria for good behavior during the period of expulsion.

Code of Conduct

The Board directs the Superintendent to create a Code of Conduct, subject to Board approval, which will contain a system of supports and consequences designed to correct student

misconduct and promote behavior within acceptable norms. The information in this policy can also be found in the Code of Conduct and that the purpose of this policy is to act as the authority that the Code of Conduct follows.

The Code of Conduct will include a graduated set of age-appropriate responses to misconduct and will set forth standards for short term suspensions up to ten (10) school days and long term suspensions up to 20 school days, and expulsion. 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.

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.

Notice

This policy and school rules which inform the student body of the content of RSA 193:13 shall be included in the Code of Conduct, which shall be 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 each 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 Code of Conduct 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:

Students 128: Dangerous Weapons on School Property

Students 118: Pupil Safety and Violence Prevention – Bullying

Manchester School District Student Code of Conduct

Students 145.2 Behavior Management and Intervention.

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

New Hampshire School Board Association (NHSBA) Code JI, JICD

HISTORY

Revision History: June 28, 2021; June 27, 2022

First Reading by Policy Committee: June 8, 2022 Second Reading & Adopted by BOSC: June 27, 2022

Please Note: Updated Numbering Approved by BOSC 11/24/25 from **STUDENTS 116 STUDENT DISCIPLINE & DUE PROCESS** to **STUDENTS 520 STUDENT DISCIPLINE & DUE PROCESS**

MANCHESTER SCHOOL DISTRICT

TITLE: Student Code of Conduct Proposed Revisions

COMMITTEE ON POLICY MEETING OF: September 16, 2026

ACTION: X **CONSENT:** **INFORMATION:**

BACKGROUND:

Proposed revisions to Student Code of Conduct:

- Update Policy numbers throughout the document to reflect current policy numbers
- Update some terms and wording to be consistent with District language in related policies
- Remove lists of behaviors under levels and replace with tables that show the Level, Aspen Code, Description of Behavior, and Definition according to the NH Department of Education School Safety Data Collection instructions

FISCAL IMPACT:

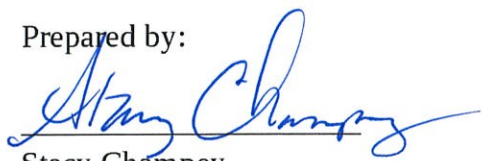
There is no fiscal impact.

FISCAL VERIFICATION:

RECOMMENDATION:

That the Committee on Policy moves to approve suggested revisions to the Student Code of Conduct and forward this item to the full Board of School Committee for approval.

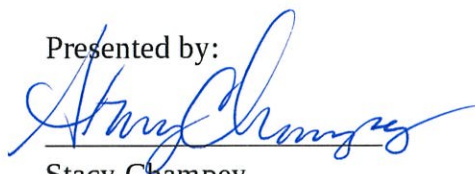
Prepared by:



Stacy Champey

Exec Director Safe Supportive Schools

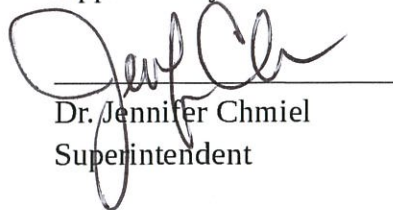
Presented by:



Stacy Champey

Exec Director Safe Supportive Schools

Approved by:



Dr. Jennifer Chmiel
Superintendent

Leslie Want

Leslie Want
Committee Chair

Proposed Revisions

MANCHESTER SCHOOL DISTRICT

STUDENT CODE OF CONDUCT

The Board of School Committee has approved this Code of Conduct for addressing student behavior in schools in compliance with the laws and regulations of New Hampshire including, but not limited to, RSA 193:13, New Hampshire Ed. Rules 306.04 and 317, RSA 193-F, RSA 193-D, RSA 186-C, and. **Students 520: ~~Student Conduct~~ Student Discipline and Due Process.** The Board recognizes that safe school environments are necessary for students to learn and achieve, and for staff to support learning. The Board of School Committee expects student conduct to contribute to a safe and productive learning environment that benefits the entire community. The Board directs the District's administration and staff to address disruptive student behavior proactively, with a focus on positive behavioral actions and graduated behavioral sanctions, with student removal from the school being a last resort option that is often only appropriate when the behavior impacts the health or safety of other students and personnel in the District.

All students are entitled to a safe and productive learning environment, which is achieved when everyone in the school community, including students, parents/ guardians, teachers, principals, administrative and support personnel, superintendents, and the community (as represented by the Board), accepts responsibility for appropriate behavior at all times.

This policy is available at: www.mansd.org/o/msd/page/district-policies under "**Student Code of Conduct**". ~~Code of Conduct for Students~~

RSA 193:13, XII. Each school district and chartered public school shall make its policy on school discipline:

- (a) Available to parents at the beginning of each school year;*
- (b) Publicly available on the district, school administrative unit, or chartered public school website and in the student handbook; and*
- (c) Available to parents via a manner designed to ensure parental notification if the school district, school administrative unit, or chartered public school does not maintain a website and/or student handbook.*

I. DEFINITIONS

Age-Appropriate Responses

All Manchester School District Staff shall respond to student behavior in an age-appropriate manner, consistent with this policy. Age appropriate reactions means that the District staff, at every grade level, will take into account the student's age when determining an appropriate response to behavior, as well as other factors as outlined in this policy. Age is not a singular factor to consider when determining a response to student behavior, but is an important consideration.

Positive Behavior Interventions

Before implementing this Code of Conduct's graduated sanctions or disciplinary reactions to student behavior, District administrators and staff are directed pursuant to BOSC Policy Students **550 Behavior Management & Intervention 446** to take proactive approaches to discipline by redirecting student behavior, engaging in positive relationships with students, encouraging behavior modifications, and otherwise utilizing positive behavior approaches available prior to employing graduated sanctions. Such responses occur on a daily basis and are generally performed before the Code of Conduct is implemented and before any formal documentation is required but may be included in the documentation once graduated sanctions are employed.

Graduated Sanctions

The set of potential interventions, remedies, remedial, and/or disciplinary actions that may be taken by school administrators in response to student conduct that violates this code of conduct, as outlined within this document (see Section II, below).

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 conduct that violates the Student Code of Conduct. 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 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 not serve detention during recess, in accordance with BOSC Policy Safety **128. 1022**. Parents will be notified no later than the day prior to the detention. The length of the detention is left to the discretion of the classroom teacher, 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 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 not serve detention during recess, in accordance with BOSC Policy Safety **1022 128**. Parents will be notified no later than the day prior to the detention. The length of the detention is left to the discretion of the administration, 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 conduct set forth in the Student Code of Conduct. During such detentions, students will be required to report to school on their designated Saturday morning. Parents will be notified no later than the day prior to the detention. The length of the detention is 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. 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 schoolwork while serving the in-school suspension. **Parents will be notified no later than the day prior to the in-school suspension.**

Short-Term Suspension

The removal of a student from the school premises and classroom setting for up to ten (10) school days.

Long-Term Suspension

The removal of a student from the school premises and classroom setting for anywhere between ten to twenty (10-20) school days (beyond the initial 10 days of a short-term suspension). The maximum length of a short-term and long-term suspension combined for the same incident is twenty (20) school days.

Expulsion

The permanent removal of a student from the school premises and classroom setting. Expulsion from any other New Hampshire District shall be enforceable in the Manchester School District at the Board of School Committee's discretion. Expulsion by the Manchester School District shall be enforceable at any other school district in New Hampshire, at the discretion of the receiving district.

Student Assistance Counselors ("SAP")

Specific counselors who are trained to address a variety of topics with students and may assist students with addressing behavior in the schools.

Extracurricular Suspension

The removal of a student from the activity or sport that they are enrolled in for a particular duration of time, often identified as a number of school days of participation during which the student will be prohibited from participating in their chosen activity or sport, including practices and games.

Re-Entry Plans

Any student that has been suspended will require a re-entry plan. A re-entry plan must include information outlined in Section IV, C, 3 of this document (see page 22). ~~The District will provide a checklist to administrators to complete a re-entry plan.~~

~~Behavior~~ Intervention Plan

An ~~Behavior~~ Intervention Plan, as defined in BOSC Policy ~~Students 520~~ 446, must be created for any student who has ~~received an out-of-school suspension for been suspended~~ more than ten (10) cumulative school days in any school year. The District will provide an ~~Behavior~~ Intervention Plan Template. The intervention plan will proactively address the student's problematic behaviors. It may include goals and objectives for the student, but must also include proactive interventions by the school that will assist and support the student as well. Please see Sections IV, C, 2-3, below.

~~School Safety~~ Intervention Plan

~~A School Safety Intervention Plan contains all the main components of an Behavior Intervention Plan, but also includes components to address specific Safety concerns, in addition to staff response for safety situations that may escalate.~~

II. STUDENT RIGHTS AND RESPONSIBILITIES

A safe and productive learning environment is achieved when students, parents/guardians, teachers, principals, administrative and support personnel, superintendents, and the community, as represented by the Board of School Committee, accept responsibility for appropriate behavior.

Everyone is responsible to:

- Behave in a manner that provides for a safe, respectful and productive educational environment;
- Learn and support the Manchester School District's Student Code of Conduct;
- Respect the rights of others and their property;
- Work cooperatively with one another;
- Be responsible for their own actions;
- Understand the importance of regular school attendance;
- Recognize that absenteeism is a classroom disruption.

Parents are responsible to:

- Be an active participant in their child(ren)'s education;
- Help their child(ren) learn about the Manchester School District's behavioral expectations and the consequences of breaking rules (Student Code of Conduct);
- Ensure that their child(ren) attend school daily;
- Encourage their child(ren) to do their best;
- Communicate the needs and concerns of their child(ren) to the school;
- Notify the school if their child(ren) will be absent;
- Be available for conferences;
- Ensure that adult supervision is provided should their child's behavior cause him or her to be suspended out of school.

Teachers are responsible to:

- Provide students with a positive and safe school environment;
- Enforce the Manchester School District's Student Code of Conduct;
- Inform students and parents of classroom rules and behavioral expectations;
- Manage classroom behaviors;
- Communicate with parents regularly;
- Encourage and model exemplary behavior and attendance.

Principals are responsible to:

- Ensure a positive and safe school environment for students and staff;
- Communicate school rules to students, staff and parents;
- Enforce the Manchester School District's Student Code of Conduct;
- Assume responsibilities for school rules being followed by his/her students;
- Communicate the discipline action taken with parents and involved staff;
- Maintain discipline and attendance files;
- Report all suspected illegal activities to police and the Superintendent's office;

- Encourage and model exemplary behavior and attendance.

The Superintendent is responsible to:

- Ensure a positive and safe school environment for all students and staff;
- Ensure that all school Principals consistently enforce the Manchester School District's Student Code of Conduct;
- Provide support and guidance to school staff;
- Maintain quarterly discipline reports (excluding students' names) of incidents requiring Principal's involvement.

The Board of School Committee is responsible to:

- Adopt a fair and consistent discipline policy;
- Ensure, through the Superintendent of Schools, that the Student Code of Conduct is consistently and equitably implemented by all school employees.

Safe and Orderly Educational Environment

Student Responsibilities • To only engage in behaviors which support a positive educational environment • To express needs and concerns appropriately • To understand and follow school behavior expectations and to report instances of bullying and dangerous/unsafe situations to school administrators	Student Rights • To attend school in a safe, supportive, respectful, and engaging learning environment • To have school staff that is willing to hear the needs and concerns of students • To feel safe from crime, violence, intimidation, bullying, harassment, racism and other discrimination at school
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Attendance

Student Responsibilities • To attend school each day; to be on time; to actively participate in all classes • To provide documentation of the reason for an absence • To request make-up work for an absence and arrange to complete it upon return to school; to request counseling and home instruction when needed	Student Rights • To be informed of school board policies and school rules about absences, credit recovery and tardiness • To appeal a decision about attendance • To arrange to make up class work/tests for credit within ten (10) school days or returning from an absence and whenever possible to access counseling and home instruction during long periods of illness
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Dress and Grooming

Student Responsibilities • To dress and groom in accordance with	Student Rights • To have school policies on dress and
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policies to contribute to the health and safety of the individual and promote an orderly educational environment • To refrain from wearing clothing or hairstyles that can be hazardous to them in their educational activities such as shop, lab work, physical education, art or on-the-job training	grooming be clear and reasonable • To have policies on dress for participation in physical education and other designated activities that do not impose a financial hardship on them or their families
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Discipline and Student Conduct

Student Responsibilities • To be aware of the Student Code of Conduct and obey all laws, school rules and regulations • To exercise their rights of due process and to pursue grievances according to the orderly process established by the Board of School Committee	Student Rights • To be informed of laws, school rules and regulations and be provided with fair, consistent and appropriate discipline • To be provided with due process in disciplinary matters, including the right of grievance, a fair hearing, and the right of appeal
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Free Speech/Expression

Student Responsibilities • To respect the rights of others when they express their views • To behave respectfully during patriotic observances • To respect the religious beliefs of others and to refrain from activities that hold religious beliefs up to ridicule • To follow the rules of responsible journalism under the guidance of a teacher, advisor or administrator • To refrain from harassing conduct • To refrain from bullying, cyberbullying intimidating and threatening conduct	Student Rights • To express views (in written or verbal form) without being obscene, disruptive, discriminatory, provocative or illegal • To choose to participate in patriotic observances • To have religious beliefs respected • To help develop and distribute publications as part of the educational process • To be protected from harassment • To be protected from bullying, intimidation and threats
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Privacy and Property Rights

Student Responsibilities • To keep prohibited items away from school and school sponsored activities on and off school grounds • To respect the personal property of others • Respect the property of the school district and use school books appropriately.	Student Rights • To have personal possessions remain private unless school staff has reason to believe that a student is in possession of items prohibited by the Student Code of Conduct, and other school policy or the law
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	• To have personal property respected • To use lockers and desks to keep and maintain articles or materials • To have personal property respected
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Assembly and Petition

Student Responsibilities • To follow established school procedures when participating in or conducting demonstrations or assemblies and not interfere with the normal operation of the school or classroom • To ensure that all meetings on school grounds or in the school building function only as part of the formal educational process or as authorized by school administration • To respect the rights and interests of others who wish to participate and not disrupt the ceremony for other persons • To submit all petitions in writing to the principal prior to circulating them in the school • To ensure that the collection of signatures on petitions does not disrupt classroom procedures, or interfere with the educational process; not to initiate, circulate, sign or praise petitions that contain obscenities, vulgarities, or libelous statements	Student Rights • To assemble peacefully • To organize any club or organization for any legal purpose in accordance with school policy with an advisor approved by school administration • To decline to participate in such school-sponsored patriotic exercises or ceremonies as the flag, Pledge of Allegiance, or singing of the National Anthem • To circulate and present petitions • To initiate or sign approved petitions without being subject to disciplinary actions
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Extracurricular/Co-Curricular Activities

Student Responsibilities • To be aware of and adhere to Board of School Committee policies, school-level criteria and NHIAA rules and regulations • To be aware of all rules and regulations and follow them	Student Rights • To participate in extracurricular/co-curricular activities and athletic programs • To be provided with clearly defined rules and regulations
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Guidance and Student Services

Student Responsibilities • To utilize guidance services for educational improvement	Student Rights • To be informed about school guidance services
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• To schedule an appointment with guidance personnel, except in emergency situations • To work cooperatively with school staff	• To have access to school counselors • To request counseling when needed
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Motor Vehicles

Student Responsibilities • To register the vehicle, immediately leave vehicle when parked, not move the vehicle during the school day without permission from the school administration, follow all school rules, courteous and preventive driving procedures, and local and state traffic laws when operating vehicles on school grounds	Student Rights • To access parking for their vehicles when available at their high school
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III. BEHAVIOR INTERVENTIONS GRADUATED SANCTIONS

RSA 193:13, XI. School boards and chartered public schools shall establish policies on school discipline that contain a system of supports and consequences designed to correct student misconduct and promote behavior within acceptable norms. Such policies shall:

(a) Include a graduated set of age-appropriate responses to misconduct that may include, but are not limited to, parent conferences, counseling, peer mediation, instruction in conflict resolution and anger management, parent counseling and training, community service, rearranging class schedules, restriction from extracurricular activities, detention, in-school supports and consequences, out-of-school suspension, and expulsion.

This Code of Conduct serves to establish certain rules that apply to student behavior at school including, but not limited to, on the school premises and at any school sporting or recreational activity or event or school-sponsored activity whether on school grounds or off school grounds. Teachers, administrators, coaches, staff, and volunteers are required to maintain a safe and orderly environment by utilizing classroom management techniques and should offer access to guidance and student services as appropriate. The following **behavior interventions responses to behavior** are designed to be implemented when additional resources are needed beyond typical classroom management. At all times the **behavioral intervention behavior response** must comply with State and Federal law, the Individuals with Disabilities Education Act (IDEA), Family Educational Rights and Privacy Act (FERPA) and Section 504.

Discipline should be implemented both by progressive levels and by implementing graduated sanctions, starting with positive actions, and progressing to interventions, as outlined in the chart below. This approach requires a system of supports to be in place for the student for lower level offenses before progressing to more serious disciplinary action, including removal from school. See Section III, B, below for description of each response category.

Level of Offense	Personnel to Respond	Appropriate Response	Delivered By
Level 1 Offense	Teacher or Administrator	Positive Behavior Actions	Administrator, Teacher, School Behavioral Health Staff, or Community Partner in the school supporting student Behavioral Health with an MOU in place
Level 2 Offense	Administrator at School	Positive Behavior Actions Behavior Interventions	Administrator, Teacher, School Behavioral Health Staff, or Community Partner in the school supporting student Behavioral Health with an MOU in place
Level 3 Offense	Administrator at School or SAU	Behavior Interventions Change in Assignment Temporary Removal (Short-term Out-of-School Suspension) if indicated	Interventions: Administrator, Teacher, School Behavioral Health Staff, or Community Partner in the school supporting student Behavioral Health with an MOU in place Change in Assignment: Administrator or SAU Short-Term Suspension: Administrator
Level 4 Offense	Administrator at School or SAU	Temporary Removal (Long-term Out-of-School Suspension)	Superintendent
Level 5 Offense	SAU or Board	Permanent Exclusion (Expulsion)	Board of School Committee

A. LEVELS OF OFFENSES

Level 1 Offenses: These offenses include behavior on the part of the student which impedes orderly classroom procedures or interferes with the orderly operation of the school. When these misbehaviors cannot be managed by an individual staff member, other school personnel may be required to intervene. These behaviors should be addressed through **positive behavior actions** in the first instance ~~(for repeated behaviors see level 2 or 3). Such behaviors may include:~~

- ~~• Uncooperative behavior in class or study~~
- ~~• Tardiness~~
- ~~• Violation of the Dress code~~
- ~~• Rude or inappropriate language~~
- ~~• Physical contact without permission (no intent to cause harm/injury)~~
- ~~• Loitering on school property~~

- ~~Refusal to conform to the rules of the school and/or school district policies~~
- ~~Parking violations~~
- ~~Public display of affection~~
- ~~Use of skates, skateboard, scooter, etc. during school hours~~
- ~~Being in "off limits" area~~
- ~~Use or display of personal technology during school hours~~
- ~~Refusal to follow staff direction~~
- ~~Disruptive Behavior~~
- ~~Throwing solid objects (with no intent of injury)~~
- ~~Unauthorized use of a Personal Electronic Communication Device~~

- Students should not receive an out-of-school suspension, in-school suspension, or detention for Level 1 behaviors
- Repeated Level 1 behavior can move to a Level 2, but first there must be documented positive behavior actions that were implemented to address the repeated behavior

Level	Aspen Code	Description	Definition
Level 1	DISB	Disruptive Behavior	Examples: Behavior causing an interruption in a class or activity. Disruption includes sustained loud talk, yelling, or screaming; noise with materials; horseplay or roughhousing; and/or sustained out-of-seat behavior. Throwing objects without trying to injure another person.
Level 1	UNPRV	Unprivileged Contact	Putting hands on others with no harm or injury. Physical altercation, minor - pushing, shoving, confrontation, tussle, that doesn't result in injury.
Level 1	RULE	Breaking school rules or District policies	Refusal to conform to the rules of the school, and/or school district policies - or staff directions
Level 1	OFFL	Off-limits	Being in an "off limits area - for example, closed stairwell
Level 1	ELEC	Electronics violation	Use or display of personal technology during school hours when prohibited. Cell Phone violation will be noted in Aspen.
Level 1	TRDY	Tardy	Tardy to class

Level 1	PDAF	Public display of affection	Public display of affection
Level 1	CHEA	Cheating	Copy work from another student or source

Level 2 Offenses: These offenses include either **repeated Level 1** behaviors or more serious behaviors that disrupt the learning environment in the school. These behaviors may require the intervention of administrative personnel due to the inability of the behavior to be controlled by positive behavior actions during the Level 1 phase. These behaviors do not present a direct threat to health or safety, and as such, would not warrant removal (**out-of-school suspension**). See Level 3 for repeated behaviors that do impact health or safety and may warrant removal from school. ~~These behaviors should be addressed through either positive behavior actions or, if such actions are not sufficient or have been unsuccessful, then through behavior interventions.~~ Such behaviors may include:

- ~~• Repeated Level 1 Behavior~~
- ~~• Cutting Class~~
- ~~• Plagiarism/cheating~~
- ~~• Verbal/symbolic harassment~~
- ~~• Forgery (school forms)~~
- ~~• Profanity, vulgar language, or gestures directed at a specific person~~
- ~~• Violations of internet use policy (BOSC Policy Students 129.1)~~
- ~~• Truancy~~
- ~~• Leaving school grounds without authority~~
- ~~• Gambling and lotteries~~
- ~~• Throwing solid objects (with intent or danger of injury)~~
- ~~• Reckless operation of a wheeled vehicle (bike, scooter, etc.) on school grounds~~

Electronic Violation – Cellphones: Intentional failure to turn in a Personal Electronic Communication Device into Main Office at the beginning of the school day after the third offense for the unauthorized use of a Personal Electronic Communication Device **moves the Electronics violation offense from a Level 1 to a Level 2.**

- These behaviors should be addressed through positive behavior actions and/or interventions (Section B.) - Students should not receive an out-of-school suspension for Level 2 behaviors - Repeated Level 2 behavior can move to a Level 3, but first there must be documented positive behavior actions and interventions that were implemented to address the repeated behavior			
Level	Aspen Code	Description	Definition

Level 2	HARA	Harassment Non-Sexual (physical, verbal, or psychological)	Repeatedly annoying or attacking a student or group of students or other personnel that creates an intimidating or hostile educational or work environment. Physical, verbal, or psychological harassment.
Level 2	PRESA	In the Presence of Drugs	Type I offense - Knowingly in the Presence of Drugs & Alcohol
Level 2	PRESA	In the Presence of Alcohol	Type I offense - Knowingly in the Presence of Drugs & Alcohol
Level 2	INSU	Insubordination	Repeated refusal to follow directions or comply with school rules, unwilling to listen to authority
Level 2	LEAV	Leaving assigned area	Leaving school grounds when not permitted
Level 2	CUTS	Cutting class	Confirmed did not show up for class even though was present in school. Skipping class, being out of class for extended period of time without permission
Level 2	INTR	Internet violation	Violations of internet use policy (BOSC Policy Students 129.1). Using websites that are NOT approved.
Level 2	INAP	Inappropriate language	(Abusive language/Profanity) Verbal messages that include swearing, name calling or use of word in an inappropriate way.
Level 2	FORG	Forgery	Forging parent/guardian's signature on school documents
Level 2	GAMB	Gambling	Gambling

Level 3 Offenses: **Repeated Level 2 offenses can result in a Level 3 offense.** These offenses are acts that are directed against particular people or that warrant immediate intervention. Such acts may be considered criminal, but more likely can be handled through the school's disciplinary process. Corrective measures which the school should undertake, however, depend on the extent of the school's resources for remediating the situation in the best interests of all students. **Level 3 offenses may lead to a short-term out-of-school suspension** by the Principal if a student's behavior is detrimental to the health, safety, or welfare of pupils, or if a student acts with repeated and willful disregard of the reasonable rules of the

school and their behavior has not been remediated through the use of graduated sanctions. **Students in middle and high school may be provided the opportunity to choose a behavior support plan or intervention plan over a short-term out-of-school suspension. The student must be part of the plan development if they choose a behavior or intervention plan. If the student does not follow through with the behavior or intervention plan, then the short-term suspension will be immediately imposed.**

Without a safety threat, documented graduated sanctions are necessary prior to the use of **out-of-school** suspension at Level 3. Any report of Bullying as defined in RSA 193-F, copied below, must be reported in accordance with BOSC Policy Students 418 526: Pupil Safety and Violence Prevention Policy.

• These behaviors <u>may</u> lead to an out-of-school short-term suspension, but without a safety threat, documented positive behavior actions and interventions must be in place prior to the use of out-of-school suspension if a student has continued to act with willful disregard to the rules of the school. • Students in middle and high school may be provided the opportunity to choose a behavior or intervention plan in place of short-term out-of-school suspension, but they must be part of the planning and follow through with the plan.			
Level	Aspen Code	Description	Definition
Level 3	FIGH	Fighting	Mutual participation in an incident involving physical violence where there is no major injury and NO weapons. 2 or more people.
Level 3	ASTS	Assault on a student	Second degree assault - Assault on another student that causes injury - but not severe bodily injury (see Level 5 Battery)
Level 3	RECK	Reckless Conduct	Recklessly engaging in conduct which places or may place another in danger of bodily injury. Includes throwing objects that places someone in danger of bodily injury.
Level 3	HAZE	Hazing	Any act directed toward a student, or any coercion or intimidation of a student to act or to participate in or submit to any act, when: (1) Such act is likely or would be perceived by a reasonable person as likely to cause physical or psychological injury to any person; and (2) Such act is a condition of

			initiation into, admission into, continued membership in or association with any organization.
Level 3	SEXH	Harassment, sexual (unwelcome sexual conduct)	Unwelcome sexual advances, requests for sexual favors, other physical or verbal conduct, or communication of a sexual nature, including gender-based harassment that creates an intimidating, hostile, or offensive educational or work environment. Must report under Title IX.
Level 3	BULL	Bullying	"Bullying" means a single significant incident or a pattern of incidents involving a written, verbal, or electronic communication, or a physical act or gesture, or any combination thereof, directed at another pupil which: (1) Physically harms a pupil or damages the pupil's property; (2) Causes emotional distress to a pupil; (3) Interferes with a pupil's educational opportunities; (4) Creates a hostile educational environment; or (5) Substantially disrupts the orderly operation of the school. (b) "Bullying" shall include actions motivated by an imbalance of power based on a pupil's actual or perceived personal characteristics, behaviors, or beliefs, or motivated by the pupil's association with another person and based on the other person's characteristics, behaviors, or beliefs.
Level 3	CBULL	Cyber Bullying	"Cyberbullying" means conduct defined in paragraph 1 undertaken through the use of electronic devices. Electronic devices include, but are not limited to, phones, text messages, computers, email, instant messaging, and websites.
Level 3	PORN	Pornography	Possession of pornographic material

Such behaviors may include:

- ~~Repeated listed Level II behavior (3 or more infractions)~~
- ~~Bullying (as defined in RSA 193-F, copied below)~~
- ~~Simple Assault (RSA 631)~~
- ~~Sexual Harassment (must report under Title IX)~~

- ~~Defacing, destroying school property (Criminal Mischief RSA 634:2)~~
- ~~Theft (RSA 631 and 637)~~
- ~~Reckless operation of motor vehicle on school grounds~~
- ~~Possession or use of pornographic or non-academic violent material including sexually explicit or graphically violent materials~~
- ~~Gang-related activities (clothing, insignia, communication, threats, coercion, solicitation, conspiracy)~~
- ~~Reckless Conduct~~
- ~~Possession (or use of) fireworks/explosives)~~
- ~~Hazing~~
- ~~Targeted assault on a student~~
- ~~Physical fighting (3 or more people)~~

RSA 193-F:3, (a) "Bullying" means a single significant incident or a pattern of incidents involving a written, verbal, or electronic communication, or a physical act or gesture, or any combination thereof, directed at another pupil which:

- (1) Physically harms a pupil or damages the pupil's property;*
 - (2) Causes emotional distress to a pupil;*
 - (3) Interferes with a pupil's educational opportunities;*
 - (4) Creates a hostile educational environment; or*
 - (5) Substantially disrupts the orderly operation of the school.*
- (b) "Bullying" shall include actions motivated by an imbalance of power based on a pupil's actual or perceived personal characteristics, behaviors, or beliefs, or motivated by the pupil's association with another person and based on the other person's characteristics, behaviors, or beliefs.*

Level 4 Offenses: A **repeat** Level 3 offense moves to Level 4. This includes Bullying that has not been resolved through targeted interventions where the student poses an ongoing threat to the safety of the school community or an individual. These offenses may require a hearing with the Assistant Superintendent to consider a long-term **out-of-school** suspension from school. These offenses are acts which result in violence to another person or property or which pose a direct threat to the safety of others in the school. The acts may be criminal in nature, and are so serious they always require administrative action. These offenses may result in immediate removal from school when an ongoing safety threat persists and may also require action from law enforcement as well. NH school authorities are obligated to report clearly established criminal offenses to law enforcement authorities. See Section II, E (below) for reporting requirements for acts of theft, destruction or violence, and firearms pursuant to NH Ed. Rules 317 and **NH Hampshire's Safe School Zones Act** RSA 193-D:4.

Students may be suspended or expelled for actions not immediately connected with school activities where school officials have reasonable cause to believe that a student by virtue of actions after school hours and off school property, present a danger to him or herself, to others, or to school property.

Level	Aspen Code	Description	Definition

Level 4	ASTT	Assault on a teacher	Second degree assault - Assault on a teacher or staff that causes injury - but not severe bodily injury (see Level 5 Battery)
Level 4	TRES	Trespassing	Entering the school building when not permitted
Level 4	VAND	Vandalism	Deliberate destruction of or damage to public or private property (Criminal Mischief)
Level 4	FALS	False Alarm	False alarm of fire, chemical/ biological weapon or substance or delivery of such weapon to school
Level 4	THEF	Theft	RSA 631 & 637
Level 4	BURG	Burglary	Entry into a building or onto property illegally with intent to commit a crime
Level 4	ARSN	Arson	Setting or attempting to set fires, detonation, of explosives, arson (RSA 634:1)
Level 4	ROBNW	Robbery without a weapon	Robbery is the taking of, or attempting to take, anything of value that is owned by another person or organization under confrontational circumstances by force or threat of force or violence and/or by putting the victim in fear.
Level 4	THRTOW	Threat of attack with other weapon (i.e bomb, substances)	Threats of destruction or harm: Any threat (verbal, written, electronic) by a person to bomb or use other substances or devices for the purpose of exploding, burning, or causing damage to a school building, property, or to harm students & staff
Level 4	THRTNW	Threat of physical attack without a weapon	
Level 4	RIOT	3 or more people Administrator decides if it's a fight or a riot	Mutual participation in an incident involving physical violence where there is no major injury and NO weapons

Level 4	STAL	Stalking	Conduct targeted at a specific person which would cause a reasonable person to fear for his or her personal safety
Level 4	LWEA	Look alike weapon	Possession of look-alike weapons (Safe Schools-RSA 193-D)
Level 4	BIOL	Biological weapon	Chemical/biological weapon or substance or delivery of such weapon to school (i.e. tear gas)
Level 4	PELL	Pellet gun	BB/Pellet gun, Airsoft gun, paintball gun, or any other similar weapon/device that is not otherwise classified as a firearm (RSA 193:13; RSA 193-D)
Level 4	ODD	Possession of a weapon that is NOT a firearm Other Destructive Device or Explosive device	Any explosive, incendiary, or poison gas: • bomb, • grenade, • rocket having a propellant charge of more than four ounces, • missile having an explosive or incendiary charge of more than one-quarter ounce • fireworks
Level 4	POSSD	Possession of Drugs	Type II offense - Possession or use of alcohol, tobacco, drugs, or paraphernalia - including using/have used, attempting to secure and/or purchasing the above
Level 4	SALE	Sale of Drugs or Alcohol	Type III offense - Intending and/or attempting to sell and/or distribute alcohol, tobacco, or other drugs
Level 4	POSSA	Possession of Alcohol	Type II offense - Possession or use of tobacco, drugs, alcohol or paraphernalia - including using/have used, attempting to secure and/or purchasing the above

~~• An act of theft, destruction, or violence prohibited by New Hampshire's Safe School Zones Act (RSA 193-D) including:~~

- ~~• Such acts that threatens safety of students, faculty, staff or administration~~
- ~~• Physical fighting (3 or more people) May be considered "Riot"~~
- ~~• Assault on teacher or staff member (RSA 631)~~

- ~~○ Assault on student resulting in severe bodily injury or by means of deadly weapon~~
- ~~○ Possession of a weapon (air rifle, pellet gun, knife other weapon RSA 193:13; RSA 193-D)~~
- ~~○ Possession of look-alike weapons (Safe Schools RSA 193-D)~~
- ~~○ Setting or attempting to set fires, detonation of explosives, arson (RSA 634:1)~~
- ~~○ Bomb threat, possession of bomb or look-alike bomb~~
- ~~○ Defacing or destroying school property Criminal Mischief (RSA 634:2)~~
- ~~○ Extortion~~
- ~~○ Stalking~~
- ~~○ Causing a false fire alarm~~
- ~~○ False alarm of chemical/ biological weapon or substance or delivery of such weapon to school.~~
- ~~○ Burglary~~
- ~~● Bullying that has not been resolved through targeted interventions where the student poses an ongoing threat to the safety of the school community or an individual;~~
- ~~● Possession of a firearm, BB gun or paintball gun.~~

RSA 193-D:1

I. “Act of theft, destruction, or violence” means an act set forth in the following statutes regardless of the age of the perpetrator:

- (a) Any of the offenses enumerated in RSA 189:13-a, V.
- (b)(1) Any first or second degree assault under RSA 631.
- (2) Any simple assault under RSA 631:2-a.
- (c) Criminal mischief under RSA 634:2.
- (d) Unlawful possession or sale of a firearm or other dangerous weapon under RSA 159.
- (e) Arson under RSA 634:1.
- (f) Burglary under RSA 635.
- (g) Robbery under RSA 636.
- (h) Theft under RSA 637.
- (i) Illegal sale or possession of a controlled drug under RSA 318-B.
- (j) Criminal threatening under RSA 631:4.

II. “Safe school zone” means an area inclusive of any school property or school buses.

III. “School” means any public or private elementary, secondary, or secondary vocational-technical school in New Hampshire. It shall not include home schools under RSA 193-A.

IV. “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 district, school department, or school administrative unit.

V. “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.

VI. “School purposes” means school-sponsored programs, including but not limited to educational or extra-curricular activities.

Level 5 Offenses: A repeat Level 4 offense moves to Level 5. This includes behaviors that pose an ongoing safety threat to the school community – a repeated act of theft, destruction, or violence as defined under Level 4 offenses and repeated acts of bullying that have not responded to targeted interventions. These offenses may require a hearing with the Board of School Committee’s Conduct Committee for consideration of an expulsion from school. These offenses are acts which result in violence to another person or property and which pose an ongoing threat to the safety of others in the school or to the school community. The acts are criminal in nature, and are so serious they always require administrative action. These offenses may result in immediate removal ~~form from~~ school when an ongoing safety threat persists and may result in a permanent exclusion from school (expulsion). Such acts may also require action from law enforcement as well. NH school authorities are obligated to report clearly established criminal offenses to law enforcement authorities. See Section II, E (below) for reporting requirements for acts of theft, destruction or violence, and firearms pursuant to NH Ed. Rules 317 and RSA 193 -D:4.

Level	Aspen Code	Description	Definition
Level 5	ASTW	Assault with weapon	Physical assault with a weapon that would be a felony if committed by an adult. <i>Requires medical attention.</i>
Level 5	BATT	Battery	Battery (physical attack or harm): Examples include striking that causes bleeding, broken nose, and kicking a student while he or she is down. Consider age and developmentally appropriate behavior before using this category. This category should be used when the attack is serious enough to warrant calling the police or security or when serious bodily harm occurs. This offense may be referred to by law enforcement as aggravated assault.
Level 5	SEXA	Sexual assault	Will be noted in Aspen under either category: 1) Rape or attempted rape 2) Fondling
Level 5	ROBW	Robbery with a weapon	Robbery is the taking of, or attempting to take, anything of value that is owned by another person or organization under confrontational circumstances by force or threat of force or violence and/or by putting the victim in fear.
Level 5	THRTW	Threat of physical attack with weapon	Threats of destruction or harm: Any threat (verbal, written, electronic) by a person to bomb or use other substances or devices

			for the purpose of exploding, burning, or causing damage to a school building, property, or to harm students & staff Felonious criminal threatening by use of a deadly weapon RSA 631:4 1la
Level 5	GUN	Possession of a firearm	A firearm is defined in Title 18 USC §921, Definitions as follows: • any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive • the frame or receiver of any such weapon • any firearm muffler or firearm silencer • any destructive device, such term does not include an antique firearm

- ~~Behaviors that pose an ongoing safety threat to the school community, and:~~
 - ~~Are a repeated act of theft, destruction, or violence pursuant to RSA 193-D (Repeated Section 4 violations);~~
 - ~~Repeated act of bullying that has not responded to targeted interventions and that poses an ongoing threat to an individual or the school community;~~
 - ~~Repeated possession of a firearm, BB gun or paintball gun;~~
 - ~~Are an act of physical assault that would be a felony if committed by an adult;~~
 - ~~Are an act of sexual assault that would be a felony if committed by an adult;~~
 - ~~Acts of Violence as defined in RSA 651:5 including:~~
 - * ~~First degree assault~~
 - * ~~Aggravated felonious sexual assault or felonious sexual assault~~
 - * ~~Kidnapping~~
 - * ~~Criminal Restraint~~
 - * ~~Class A felony Arson~~
 - * ~~Robbery~~
 - * ~~Incest or endangering the welfare of a child by solicitation~~
 - * ~~Felonious offenses involving child sexual abuse images~~
 - ~~Felonious Criminal Threatening by use of a deadly weapon, RSA 631:4, II (a).~~
- ~~Possession of a Firearm~~

For all Level 5 offenses, **other than Possession of a Firearm**, the Board's Conduct Committee must consider the student's age, disciplinary history, whether the student has a disability, the seriousness of the behavior, whether the school implemented positive behavior interventions, and whether a lesser intervention would properly address the behavior prior to determining whether expulsion is appropriate.

B. LEVELS OF INTERVENTIONS/ SANCTIONS POSITIVE BEHAVIOR ACTIONS & INTERVENTIONS

Responses to student behavior may include, but are not limited to, the following possible actions and interventions:

1. Positive Behavior Actions

- a. Use of school-wide classroom management protocols
- b. Re-teaching school-wide expectations 1:1 by a staff member or in a small group
- c. Positive acknowledgment for following behavior expectations
- d. Positive Behavior **Support** Plan
- e. Facilitated referral to community partner working in or outside of the school
- f. Counseling (including SAP counseling)
- g. Peer mediation
- h. Anger management instruction and/or support
- ~~i. Parent counseling~~
- j. Restorative Conference
- k. Special assignments
- l. Support from outside agency
- m. Parent counseling, training and/or collaboration

2. Behavior Interventions – Level 2, Repeated Level 2, or Level 3

- a. ~~Behavior~~ **Intervention plan** – Combining any of the above positive behavior actions and/or interventions to address the student’s problematic behavior
- b. Behavior contract
- c. Restorative Conference
- d. Small group or individualized support to re-teach behavior expectations
- e. Facilitated referral to community partner working in or outside of the school
- f. Community Service
- g. Changing class schedule, teacher(s)
- h. Change in Bus assignment (in accordance with BOSC policy Transportation 1003
- i. Restriction or removal from extra-curricular activities including sports participation – shall be done in increments of 10/20/30 day suspensions.
- j. Loss of privileges
- k. Temporary removal from classroom
- l. Detention
- m. Saturday Detention
- n. In-School Suspension
- o. Restitution/ Restorative action

3. Change in Assignment

- a. School Transfer for probationary period (or for duration of school year)
- b. Alternative school (if/ when available)

4. **Removal** (requires due process, as outlined below).
 - a. **Out-of-School Suspension**, Short-Term (any duration of 1-10 days)
 - b. **Out-of-School Suspension**, Long-Term (10 additional days)
 - c. Expulsion (permanent, anything beyond 20 consecutive days)
5. **Notification to Law Enforcement**
 - a. Notification to and communication with School Resource Officers (SROs) regarding students shall be in accordance with the annual Memorandum of Understanding (MOU) developed between the District and the Manchester Police Department (MPD).
 - b. Any offense involving an act of theft, destruction, or violence, or a firearm, shall be reported to law enforcement in accordance with NH Ed. Rules 317 and New Hampshire Safe School Zones law, RSA 193-D:4. See Section II, E, below for additional reporting information.

IV. DRUG/ ALCOHOL OFFENSES

Drug and Alcohol Offenses: The District expressly prohibits alcohol and other drug usage, including at all school functions, activities, and school locations in accordance with RSA 318-B and RSA 179:10. Recommended responses are outlined below; however, school administrators shall take into account the specific circumstances of the student's alleged violation of this policy, as well as the student's willingness to engage in counseling and other offered support and/or services. Administrators have mandatory reporting obligations to law enforcement pursuant to RSA 193-D for acts of theft, destruction, or violence which includes offenses that fall under Type II and Type III, below. Please see Section III, A, Level 4, above, for the definition of "acts of theft, destruction, or violence" including drug offenses. Nothing in this provision shall amend the student's rights to due process procedures for **out-of-school** suspension or expulsion as outlined in Sections III and IV, below.

- A. Type 1 Offense: Knowingly in the Presence of Drugs or Alcohol
 1. Behavior Management: Parent notified, student offered SAP counseling, contraband confiscated (if any), and re-entry plan developed (if student removed).
 2. Behavior Consequences:
 - a. First Offense:
 - i. 10 day extracurricular suspension
 - ii. SAP counseling (up to 10 hours) and potential 1 day **out-of-school** suspension
 - iii. No counseling: potential 2 day **out-of-school** suspension
 - b. Second Offense:
 - i. 20 day extracurricular suspension
 - ii. SAP counseling (up to 15 hours) and potential up to 3 day **out-of-school** suspension
 - iii. No counseling: potential up to 5 day **out-of-school suspension**

- B. Type II Offense: Possession or use of alcohol, tobacco, drugs, or paraphernalia (including using/ having used, attempting to secure and/or purchasing the above)
 - 1. Behavior Management: Parent notified, Student offered SAP counseling, contraband confiscated (if any), SRO involvement, re-entry plan if needed.
 - 2. Behavior Consequences:
 - a. First Offense:
 - i. Thirty days extracurricular suspension
 - ii. SAP counseling (up to 15 hours) and potential up to 3 day **out-of-school** suspension
 - iii. No SAP counseling: potential up to 5-10 day **out-of-school** suspension
 - 3. Second Offense: Elevate to Type III Offense
- C. Type III Offense: Repeated Type II or Intending and/or Attempting to sell and/or distribute alcohol, tobacco or other drugs
 - 1. Behavior Management: Behavior Management: Parent notified, Student offered SAP counseling, contraband confiscated (if any), SRO involvement, re-entry plan if needed.
 - 2. Behavior Consequences:
 - a. Sixty day extracurricular suspension
 - b. Potential for 5-10 school day **out-of-school** suspension
 - c. Referral to Superintendent for potential long-term expulsion (add 10 days)
 - d. SAP counseling up to 20 hours

Assistance Available: Counseling services are available to students who are having problems with alcohol and other drugs. Any violation of this drug use policy will result in the referral of the student to SAP counseling. The counselor will provide individual counseling to the student, small group counseling, and/or may assist with making appropriate referrals to outside agencies and community partners for further support services depending on the needs of the student and the resources available in the community. All conversations will be kept confidential.

All drug or alcohol offenses must be documented so that a proper determination as to first, second, or subsequent offense may be made, regardless of consequence.

In all cases where there has been a violation of this policy, a parent or guardian will be notified. The student will be released to the parent or guardian. If the parent or guardian cannot be reached or is unwilling to come to the school, Manchester Police Department/ SRO may be called, apprised of the facts, and requested to take protective custody of the student if necessary.

Prescription Drugs/ Medication. These items shall be given to the school nurse immediately upon arrival to school. The student may take the medication upon leaving for the day. Exceptions will be granted in special circumstances with approval in writing from the school nurse.

Re-Entry Plans for **Out-of-School Suspension due to Drugs or Alcohol**

Any student who is suspended for a drug/alcohol offense must have a re-entry plan developed upon their return to school. The plan should address (but is not limited to) behavior expectations, participation in counseling/ SAP, academic expectations and any other activity which will allow for positive re-entry to school. The plan should be developed with the student, administration, guidance department (SAP), teachers, and parent(s) or guardian(s).

Class officers may forfeit their leadership position when they violate this policy. They may resume activity after their extracurricular suspension; however, they may not hold office until the following school year.

The graduated sanctions as outlined above are strongly recommended but may not take into account the specific circumstances of any given situation. The administration may determine that an upward or downward deviation is necessary to address the student and their particular circumstances at school.

V. UNAUTHORIZED USE OF PERSONAL ELECTRONIC DEVICES

The unauthorized use of Personal Electronic Communication Devices shall be governed by the Manchester School District's policy on student use of Personal Electronic Communication Devices-Students 166 and Students 166-R. The unauthorized use of a Personal Electronic Communication Device during the school day shall be treated as a Level 1 offense. Failure to comply with request to turn in device into the Main Office shall be treated as a refusal to follow staff direction. The intentional failure to surrender a Personal Electronic Communication Devices at the beginning of the school day after a third offense for the unauthorized use of a Personal Electronic Communication Device shall be treated as a Level 2 offense. Enforcement shall be as follows:

- A. **First Offense:** Warning and confiscation of the Personal Electronic Communication Device for the remainder of the school day. A disciplinary referral will be written and entered into Aspen.
- B. **Second Offense:** The Personal Electronic Communication Device will be confiscated. A disciplinary referral will be written and entered into Aspen. The student's parent/guardian must pick up the device from the principal or superintendent's office.
- C. **Third Offense:** The Personal Electronic Communication Device will be confiscated. A disciplinary referral will be written and entered into Aspen. The parent/guardian must pick up the device from the Main Office. Each school day thereafter the student must drop off the device at the Main Office upon arrival and pick up the Personal Electronic Communication Device at the end of the school day for the balance of the semester. Failure to drop off the phone at the Main Office as directed shall result in detention and/or **out-of-school** suspension from school.

Audio/video recordings made without consent of another person, including the posting, sharing or dissemination thereof, particularly when such recordings violate another person's reasonable expectations of privacy, may result in referral to law enforcement and/or additional disciplinary measures including expulsion from school.

VI. SPECIAL EDUCATION CONSIDERATIONS

Disciplinary responses for students with educational disabilities shall occur in accordance with all federal and state laws, district policies and regulations and the New Hampshire Rules for the Education of Children with Disabilities. See Section III, E if more serious sanctions are going to be considered for a child with a disability.

VII. DOCUMENTATION/ DATA GATHERING

RSA 193-D:4

(a) Any public or private school employee who has witnessed or who has information from the victim of an act of theft, destruction, or violence in a safe school zone shall report such act in writing immediately to a supervisor. A supervisor receiving such report shall immediately forward such information to the school principal who shall file it with the local law enforcement authority. Such report shall be made by the principal to the local law enforcement authority immediately, by telephone or otherwise, and shall be followed within 48 hours by a report in writing. If the alleged victim is a student, the principal shall also immediately notify the person responsible for the victim's welfare, as defined in RSA 169-C:3, XXII, that a report was made to the local law enforcement authority.

Each time this Code of Conduct is utilized, the administrator involved shall record, at a minimum, the student's name, offense, administrator involved, SRO involved (if any), and graduated sanctions imposed. RSA 193-D:4 requires that any District staff member report acts of theft, destruction, or violence in a safe school zone to a "supervisor" which shall mean the building Principal or designee at each school in this District. The reporting requirements of NH Ed. Rules 317.05 must be followed for any act of theft, destruction, or violence in accordance with RSA 193-D:4, by filling out Ed. Form 317. Such report shall include the following information: (1) School name; (2) School address; (3) School telephone number; (4) Name of school principal; (5) Date, time, and location of incident involving an act of theft, destruction, or violence, or the possession of a firearm; (6) Alleged offense; (7) Description of incident; (8) Name of suspect; (9) Grade in school of suspect; (10) Address of suspect; (11) Gender of suspect; (12) Name of victim; (13) Grade in school of victim; (14) Address of victim; (15) Gender of victim; (16) Name of employee reporting incident; (17) Date report was completed by employee; (18) Date report was filed with local law enforcement authority by school principal. Please see Appendix A for the definition of an act of theft, destruction, or violence.

VIII. OUT-OF-SCHOOL SUSPENSION HEARING PROCESS

RSA 193:13, I

(a) A superintendent or chartered public school director, or a representative designated in writing by

the superintendent or chartered public school director, may suspend pupils from school for a period not to exceed 10 consecutive school days for:

- (1) Behavior that is detrimental to the health, safety, or welfare of pupils or school personnel; or*
- (2) Repeated and willful disregard of the reasonable rules of the school that is not remediated through imposition of the district's graduated sanctions under paragraph X.*

(b) The school board or chartered public school board of trustees, or a representative designated in writing may, following a hearing, extend the suspension of a pupil up to 10 additional consecutive school days for an act that constitutes an act of theft, destruction, or violence as defined in RSA 193-D; bullying pursuant to school district policy when the pupil has not responded to targeted interventions and poses an ongoing threat to the safety or welfare of another student; or possession of a firearm, BB gun, or paintball gun. The school board's or board of trustee's designee may be the superintendent or any other individual, but may not be the individual who suspended the pupil for the first 10 days under subparagraph (a). Any suspension shall be valid throughout the school districts of the state, subject to modification by the superintendent of the school district or chartered public school in which the pupil seeks to enroll.

(c) Any suspension in excess of 10 school days imposed under subparagraph (b) by any person other than the school board or board of trustees is appealable to the school board or board of trustees, provided that the superintendent, school board, or board of trustees received such appeal in writing within 10 days after the issuance of the decision being appealed. The school board or board of trustees shall hold a hearing on the appeal, but shall have discretion to hear evidence or to rely upon the record of a hearing conducted under subparagraph (b). The suspension under subparagraph (b) shall be enforced while that appeal is pending, unless the school board or board of trustees stays the suspension while the appeal is pending.

IX. Nothing in this section shall prevent the superintendent of the pupil's local school district or chartered public school director from reinstating a suspended or expelled pupil.

SHORT-TERM OUT-OF-SCHOOL SUSPENSION

Minimum Requirements

The Principal and/or his/her designee at each school may suspend a student for up to a total of 10 consecutive days for conduct that is either:

- 1. Detrimental to the health, safety, or welfare of pupils, OR*
- 2. For students who act with repeated or willful disregard of the reasonable rules of the school if the behavior is not remediated through graduated sanctions.*

Any Principal or designee that seeks to suspend a student must therefore have a concern for health/safety/ or welfare of the school's students or must have already attempted graduated sanctions prior to **assigning an out-of-school suspension suspending** for repeated conduct that does not threaten health/safety/welfare of the student or other students in the school. The attempted graduated sanctions must be documented prior to proceeding with **out-of-school** suspension for repeated conduct without a health/safety/welfare concern.

Due Process Procedure

A short-term **out-of-school** suspension for alleged conduct that meets the above criteria requires the following due process procedures prior to being imposed:

1. A Principal or his/her designee must hold a meeting with the student and a parent or guardian prior to implementing a short-term **out-of-school** suspension.
2. The student must be afforded the opportunity to have a parent or guardian present.
3. The student shall be afforded with notice that they may elect to have an advocate and/or attorney present.
4. The Principal or designee shall inform the student and parent/ guardian of the nature of the alleged conduct, an explanation of the evidence supporting the allegation, and that they are considering an **out-of-school** suspension.
5. This notice of the allegation and potential for **out-of-school** suspension may occur in writing prior to the meeting, if time permits. However, the notice may also be verbal during the meeting itself.
6. The student shall then have the opportunity to present his or her side of the story or present any alternative evidence in his/her defense.
7. Following this meeting, the Principal or designee must provide a written statement to the student and their parent/ guardian explaining the decision for any disciplinary action taken against the student.

Next Steps

If a Principal believes the conduct may justify a long-term **out-of-school** suspension, the Principal must immediately, within 1 school day, refer the matter to the Superintendent's office with a recommendation for long-term **out-of-school** suspension, if appropriate under the circumstances.

Any student that is suspended for 1-10 consecutive days by the Principal must be returned to school the day following the last day of the **out-of-school** suspension, and in any case no later than the 11th day following the imposition of the short-term **out-of-school** suspension, unless a further hearing and additional **out-of-school** suspension or expulsion was imposed by the Superintendent, Board, or either designee.

***Note:** Please see "Educational Assignments During Suspension" at Section III, C, 1 (below), for the District's obligation to provide assignments and/or educational services to a student while they are out of school during a period of suspension.

LONG-TERM **OUT-OF-SCHOOL** SUSPENSION

Minimum Requirements

The Superintendent and/or his/her designee may suspend a student, following a hearing, for up to a total of an additional 10 consecutive days for conduct outlined in Level 4, above, that is either:

1. *An act of “theft, destruction, or violence” OR*
2. *An act of Bullying when the student **both** has not responded to targeted interventions **and** the student poses an ongoing threat to the safety or welfare of another student; OR*
3. **Possession of a firearm-BB/Pellet gun, Airsoft gun, paintball gun, or any other similar weapon/device that is not otherwise classified as a firearm**

A long-term **out-of-school** suspension may not be imposed to address repeated rule violations, unless the behavior also falls into one of the specific categories above. A long-term **out-of-school** suspension for a firearm is warranted even though the statute calls for a 12 month expulsion as the long-term suspension may be (but does not need to be) served prior to the start of the expulsion. When both a suspension and expulsion are imposed for the same conduct, the start date of the expulsion shall be the first day of the suspension, so that the suspension period is credited towards the total period of the student’s expulsion.

If any long-term **out-of-school** suspension will result in the student being suspended for more than 20 cumulative days in the school year, the school must provide alternative education services as outlined in Section III, C, 1 (below).

The long-term **out-of-school** suspension may extend the initial short-term, 10 day **out-of-school** suspension by a period of up to an additional 10 days. The long-term **out-of-school** suspension and short-term **out-of-school** suspension, combined, can not exceed 20 cumulative days. If a student is recommended for expulsion, but has not had a hearing with the Board of School Committee, the student must be returned to school on the 21st day under the law.

Due Process Procedures

A long-term **out-of-school** suspension for alleged conduct that meets the above criteria requires the following due process procedures prior to being imposed:

1. Written communication must be issued from the Superintendent’s office to the student and parent or guardian, prior to the hearing, which includes notice of the alleged conduct, an explanation of the evidence, and the date/ time of the hearing with the Superintendent or his/her designee. The student and parent/guardian shall also be notified of their right to have an advocate or attorney (at their own expense) present at the hearing.
2. The student and parent/ guardian may choose whether this hearing is a private or public hearing.
3. A hearing shall be conducted with the Superintendent or his/her designee. During the hearing, school officials shall have the opportunity to present evidence in support of the alleged conduct and make a recommendation as to disciplinary action. The Superintendent or designee may ask an administrator to attend in person, or may rely upon the record of documentation provided by the school official prior to the hearing. A copy of such written documentation shall also be provided to the parent/ guardian at the hearing for their review.
4. The student, parent/guardian, and/or advocate for the student may present evidence in the form of testimony or documentation to support their position, address the charges, or information that is relevant to determining an appropriate sanction.

5. A written decision shall be issued by the Superintendent or designee stating the legal and factual basis for the **out-of-school** suspension if imposed after a hearing.
6. The written decision must include information regarding the student's ability to appeal a decision on a long-term **out-of-school** suspension to the Board of School committee.

Next Steps

If expulsion is warranted under the circumstances (see criteria below) and is recommended by the Superintendent following the imposition of a long-term suspension, a referral shall be made to the Board via the Clerk, Chair, and vice Chair of the Board immediately, but no later than 24 hours after the imposition of the long-term suspension.

If the long-term suspension is intended to extend a previously imposed short-term suspension, the suspension must not be imposed by the same person that imposed the short-term suspension. Any student that is suspended for an additional 1-10 days by the Superintendent or designee must be returned to school on the school day following the last day of the long-term suspension, which in no case may be longer than the 21st day after the first day of the short-term suspension, unless the student has received a full hearing from the Board of School Committee and an expulsion order has been issued.

***Note:** Please see "Educational Assignments During Suspension" in Section III, C, 1 below for the District's obligation to provide assignments and/or educational services to a student while they are out of school during a period of suspension.

IX. PROCEDURES DURING AND AFTER SUSPENSION: SCHOOL DISTRICT'S OBLIGATIONS TO PROVIDE ACADEMIC AND RE-ENTRY SUPPORTS TO STUDENTS

RSA 193:13, V. School districts and chartered public schools shall make educational assignments available to the suspended pupil during periods of suspension. Except as provided in paragraphs II and IV, a school district or chartered public 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 a pupil to advance from grade to grade. Anytime 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. No pupil shall be penalized academically solely by virtue of missing class due to suspension.

The following procedures must be utilized to support a student both academically and behaviorally whenever a student is suspended from school:

A. Academic Support and Progress

1. When a student has been suspended for any period of time, the school shall provide **education assignments** to include the student's daily work and coursework from the classes they are missing.

2. When a student is suspended in excess of 20 cumulative days during any school year, the student must be provided with *alternative education services* which are designed to enable the student to progress from grade to grade while the student is out of the building. These services may include additional tutoring, academic support, alternative education programming, or any other services that are necessary to enable the student to make progress towards completing their current grade level.
3. A student cannot be penalized academically solely for missing class due to suspension from school.

B. Behavior Intervention Plan or Safety Intervention Plan (RSA 193:13):

1. When a student is suspended for more than 10 cumulative days in a school year, the school must ~~create an~~ **draft an intervention plan** prior to the student's return to school. ~~which is in addition to the re-entry plan outlined above.~~
2. This intervention plan should be specifically tailored to the student's behaviors and designed to address hypothesized or known causes of behavior by providing supports and services from school and/or community-based partners in the school, or facilitated referrals to services outside of the school
3. The District will provide ~~Behavior~~ **the Intervention Plan template – Student Success Plan** and ~~Safety Intervention Plan templates.~~ ;
4. In addition to implementing supports and services for students, the intervention plan should:
5. Target problem behaviors
6. Define specific goals including replacement behaviors and timelines
7. Describe interventions, including strategies to change negative behaviors, teach appropriate skills and outline negative consequences,
8. Have a mechanism to monitor the effectiveness of the plan.
9. The plan must be developed and approved before the student returns to school. The plan may be amended and adjusted as needed if further behaviors arise or if additional **out-of-school** suspension is warranted after the initial plan is put in place.

C. Re-Entry Plans

1. ~~All students returning from suspension shall receive a re-entry plan.~~ **Students returning after a suspension will be supported by a re-entry plan.**
2. A re-entry plan shall include:
 - a. A staff member familiar with the student to be assigned as the contact person/~~counselor~~, as assigned by the building administrator.
 - b. The student shall be received by this contact upon returning to school.
 - c. The re-entry ~~counselor~~ **contact person** shall review the suspension, discuss how the behavior led to the suspension, and how the behavior impacts fellow students, teachers, the school community, the student's parents and the student's self-esteem and education.

- d. The re-entry ~~counselor~~ **contact person** shall review the Code of Conduct with the student including next steps if the behavior continues.
 - e. The re-entry ~~counselor~~ **contact person** shall outline a transition and guidance plan for reintegration into school, shall assist the student with catching up on schoolwork, and ensure the student shall not repeat the behavior.
 - f. In no event shall a student be ~~penalized~~ **punished** academically for the suspension.
3. **Students returning from an out-of-school suspension for 10 or more days, or who have reached 10 cumulative days out-of-school suspension, shall have an intervention plan in place – utilizing the template from the District**

X. DOCUMENTATION/ DATA GATHERING

Each time this Code of Conduct is utilized for suspension of a student, the administrator involved shall record, at a minimum, the student's name, offense, administrator involved, SRO involved (if any), a record of the notices sent to the student/parents, a record of the proceedings with each level of administration, and a record of the suspension imposed, if any. The reporting requirements of NH Ed. Rules 317.05 must be followed for any act of theft, destruction, or violence in accordance with RSA 193-D:4. See Section II, E above.

XI. SPECIAL EDUCATION CONSIDERATIONS

Disciplinary responses for students with educational disabilities shall occur in accordance with all federal and state laws, district policies and regulations and the New Hampshire Rules for the Education of Children with Disabilities. If a student with an educational disability has a cumulative total of suspensions in excess of ten (10) days in a school year, the principal/designee shall ensure that an Individualized Education Program (IEP) meeting is convened prior to the commencement of the 11th day or further suspension. The IEP Team is to complete a functional behavior assessment and a positive behavior intervention plan and determine if the behavior is or is not a manifestation of the student's disability.

When a student with an educational disability is recommended for a long-term suspension, the student and the student's parent or guardian shall receive the same notice as students without disabilities. This written notice shall also advise the student and the student's parent or guardian of their rights under the Individuals with Disabilities Education Act (IDEA), including notice that a long-term suspension is a change of placement which they may disagree with and, if applicable, invoke the "stay-put" provision of IDEA.

The student's IEP Team shall meet prior to the imposition of a long-term suspension to conduct a manifestation determination review to determine the relationship between the student's disability and the behavior subject to the disciplinary action. The IEP team shall determine whether the conduct causing the disciplinary action was a manifestation of the student's educational disability. A manifestation of the student's disability occurs when the conduct in question was caused by the student's disability or,

whether the conduct in question had a direct and substantial relationship to the student's disability or, if the conduct in question was the direct result of the school's failure to implement the student's IEP.

If the IEP Team determines that the student's conduct was not a manifestation of the student's educational disability, the disciplinary action shall proceed with the student's IEP being implemented during the period of suspension. If the IEP Team determines that the student's conduct was a manifestation of the student's educational disability, the long-term suspension shall not be imposed without educational programming to appropriately implement the student's IEP.

The student's IEP Team shall also conduct a functional behavior assessment and develop and implement a positive behavior intervention plan within ten (10) business days of the eleventh (11th) day of suspension or after causing a removal constituting a change in placement. If a behavioral intervention plan already exists, the IEP Team must review and, if appropriate, modify that existing plan.

Students with Section 504 Plans shall also have disciplinary action in excess of ten (10) days be in accordance with all federal and state laws. If a student with a disability and a Section 504 plan is recommended for a long-term suspension a manifestation meeting shall be convened. If the Section 504 Team determines that the student's conduct was not a manifestation of the student's disability, the disciplinary action shall proceed. If the Section 504 Team determines that the student's conduct was a manifestation of the student's disability, the long-term suspension shall not be imposed without an appropriate plan and placement put into place.

XII. EXPULSION HEARING PROCESS

RSA 193:13

II. Any pupil may be expelled from school by the local school board or board of trustees for an act that poses an ongoing threat to the safety of students or school personnel and that constitutes:

- (a) A repeated act under subparagraph I(b);*
- (b) Any act of physical or sexual assault that would be a felony if committed by an adult;*
- (c) Any act of violence pursuant to RSA 651:5, XIII; or*
- (d) Criminal threatening pursuant to RSA 631:4, II(a).*

III. A pupil who has been expelled shall not attend school until reinstated by the local board or chartered public school board of trustees.

III-a. Before expelling a pupil under this section the local school board or chartered public school board of trustees shall consider each of the following factors:

- (a) The pupil's age.*
- (b) The pupil's disciplinary history.*
- (c) Whether the pupil is a student with a disability.*
- (d) The seriousness of the violation or behavior committed by the pupil.*
- (e) Whether the school district or chartered public school has implemented positive behavioral interventions under paragraph V.*
- (f) Whether a lesser intervention would properly address the violation or behavior committed by the pupil.*

III-b. Any expulsion shall be subject to review by the pupil's school board of attendance or the board of trustees of the chartered public school's board that issued the expulsion if requested prior to the start of each school year and further, any parent or guardian has the right to appeal any such expulsion by the local board or board of trustees to the state board of education at any time while the expulsion remains in effect. All appeals of final action by the state board of education shall be in accordance with RSA 541.

III-c. Any expulsion shall be valid throughout the school districts of the state. However, upon application by the pupil, any school district or chartered public school may choose to admit an expelled pupil at the school district or chartered public school's sole discretion. The decision by a chartered public school or superintendent to accept a pupil under this paragraph shall not be binding upon any other school district or chartered public school until the pupil is reinstated by the pupil's local school board or chartered public school board of trustees.

VI. A pupil expelled from school in another state under the provisions of the Gun-Free Schools Act of 1994 shall not be eligible to enroll in a school district in New Hampshire for the period of such expulsion. If the out-of-state expulsion is for an indefinite period of time, such pupil or the pupil's parent or guardian shall have the right to petition the pupil's local school board for enrollment upon establishing residency. If the pupil is denied enrollment, the pupil's expulsion shall be subject to review pursuant to paragraph III-b.

VII. The local school board or chartered public school shall adopt a policy which allows the superintendent or charter public school director to modify the expulsion and enrollment requirements under paragraphs IV and VI on a case by case basis.

VIII. For purposes of paragraphs I, II, III, and IV school board may be either the school board or a subcommittee of the board duly authorized by the school board.

Minimum Requirements

The Board of School Committee may expel a student, following a hearing, for conduct outlined in Level 5, above, that **BOTH** poses an ongoing threat to the safety of students or personnel, **AND** that constitutes:

- 1. A repeated act that would justify a long-term suspension; or*
- 2. An act of physical/ sexual assault that would be a felony if committed by an adult; or*
- 3. An act of violence; or*
- 4. Criminal Threatening.*

A student may not be expelled unless the alleged conduct poses an ongoing threat to the safety of the students or personnel of the Manchester School District. A repeated rule violation that does not threaten the safety of others cannot be the basis for an expulsion.

SPECIAL CONSIDERATIONS FOR FIREARMS

Any student who brings a firearm to school shall be expelled for a period of twelve (12) months following a hearing by the Board of School Committee and in accordance with the same due process procedures set forth in Section IV, b below. An allegation that a student brought a firearm into a school building, onto

school property, or in attendance at any school-sponsored event or activity requires a factual determination regarding the veracity of the allegation prior to imposing the mandatory 12 month expulsion.

Similar to expulsion on other grounds, the school district may provide educational services to a student who was expelled, but is not obligated to do so unless the student is identified as a special education student. The district may also choose to place the student in an alternative educational setting to receive such services, but such alternative education program is not required.

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IV. Any pupil who brings or possesses a firearm as defined in section 921 of Title 18 of the United States Code in a safe school zone as defined in RSA 193-D:1 without written authorization from the superintendent or designee shall be expelled from school by the local school board for a period of not less than 12 months. Nothing in this section shall be construed to prevent the local school district or chartered public school that expelled the student from providing educational services to such student in an alternative setting.

VI. A pupil expelled from school in another state under the provisions of the Gun-Free Schools Act of 1994 shall not be eligible to enroll in a school district in New Hampshire for the period of such expulsion. If the out-of-state expulsion is for an indefinite period of time, such pupil or the pupil's parent or guardian shall have the right to petition the pupil's local school board for enrollment upon establishing residency. If the pupil is denied enrollment, the pupil's expulsion shall be subject to review pursuant to paragraph III-b.

VII. The local school board or chartered public school shall adopt a policy which allows the superintendent or charter public school director to modify the expulsion and enrollment requirements under paragraphs IV and VI on a case by case basis.

Due Process Procedures (for all pending cases recommending expulsion)

A expulsion for alleged conduct that meets the above criteria requires the following due process procedures prior to being imposed:

1. A formal expulsion hearing must be held at the Board of School Committee;
2. Written notice must be provided to the student and their parent or guardian a minimum of 5 days prior to the hearing. Such notice must include a statement of the alleged conduct, an explanation of the anticipated evidence to support the allegation, and a recommendation from the Superintendent for the Board's action, including an explanation of how the Superintendent reached that recommendation.
3. The student and their parent/ guardian may decide to waive the right to a hearing and admit to the charges by the Superintendent. The student and their parent/ guardian may also decide whether the hearing will be public or private.

4. A student who is 18 years of age or older may waive their right to have a parent or guardian present, unless the student is subject to guardianship.
5. A formal hearing shall be conducted by the Board, which includes a presentation of the evidence by the Superintendent or administration. Formal rules of evidence do not apply; however, the administration shall present evidence in support of the alleged conduct. The hearing shall also include an opportunity for the student to defend against the allegations. The student shall have the right to examine any witnesses if presented by the administration, and to address any documentary evidence or other physical evidence submitted for consideration. The student shall also have the right to present evidence in their own defense.
6. The decision of the Board shall be based on a dispassionate and fair consideration of substantial evidence that the accused student committed the act for which the expulsion is to be imposed and that such acts are, in fact, a proper reason for expulsion.
7. In determining whether to expel a student, the Board must consider the student's: (1) age; (2) disciplinary history; (3) disability (if any); (4) seriousness of the violation or behavior; (5) whether the school implemented positive behavior interventions; (6) whether a lesser intervention would properly address the behavior.
8. The Board will issue a written decision that explains the factual and legal basis underlying the Board's decision whether to expel the student from school. The notice shall also include a statement on the duration of the expulsion. The student shall also be notified of their right to petition for reinstatement at the start of each school year, the process to petition for reinstatement at the start of the school year or the end of the period of expulsion and shall be notified of their right to appeal the decision to the New Hampshire Board of Education.

Next Steps: Reinstatement and Appeals Process

Any student who has been expelled may petition the Board of School Committee to be reinstated prior to the start of each new school year. In addition, the student, or parent/ guardian of the student may appeal any expulsion imposed by the Board to the State Board of Education at any time during the period of expulsion, while the expulsion remains in effect. These procedures do not limit the ability of the superintendent to reinstate a suspended or expelled student.

Upon receipt of a petition by the student or their parent/ guardian, the Board may admit a student who was expelled from another district or chartered public school at their discretion

Educational Assignments

The district may, but is not required to, provide education assignments to a student who is expelled. If the student is identified as a special education student, then the district may have an obligation to provide such alternative education services in accordance with that student's plan.

Documentation and Data Gathering

Each time this Code of Conduct is utilized, the administrator involved shall record, at a minimum, the student's name, offense, administrator involved, SRO involved (if any), a record of the notices sent to the

student/ parents, a record of the proceedings with each level of administration, and a record of the expulsion imposed, if any, with a copy of the notice to parents from the Board of the legal and factual basis for the expulsion, if any. The reporting requirements of NH Ed. Rules 317.05 must be followed for any act of theft, destruction, or violence in accordance with RSA 193-D:4. See Section II, E above.

Special Education Considerations

If a student with an educational disability is recommended for expulsion, the student and the student's parent or guardian shall be provided the same notice as students without disabilities. This written notice shall also advise the student and the student's parent or guardian of their rights under the Individuals with Disabilities Education Act (IDEA) including their right to disagree with any change in placement and to appeal decisions of the student's IEP Team.

A student with an educational disability may only be recommended for expulsion after it has been determined that the behavior giving rise to the request for expulsion is not a manifestation of the student's disability. The IEP Team shall convene a meeting to make a determination of an appropriate forty-five (45) day interim alternative education placement to ensure that the student's IEP is implemented pending the expulsion hearing and decision by the Board of School Committee. Should the student with a disability be expelled by the Board of School Committee, the IEP Team must again be convened to propose and offer an alternative long-term placement where the student's IEP can be implemented.

When the conduct of a student with an educational disability does not involve drugs or weapons, but the school determines that the student presents a potential danger to himself/herself or to others in his/her current placement, the school may request a forty-five (45) day interim alternative educational placement. No change of placement shall occur without the consent of the parent or guardian after the convening of the IEP Team or until the school obtains an order from a Hearings Officer granting permission for such placement.

XIII. Compliance with State and Federal Law

<i>X. The provisions of this section shall be construed in a manner consistent with RSA 186-C.</i>
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At all times the behavioral intervention must comply with State and Federal law, the Individuals with Disabilities Education Act (IDEA), Family Educational Rights and Privacy Act (FERPA) and Section 504. When any behavioral action is taken with a student, whether it is the implementation of a positive behavioral action, graduated sanction, suspension, expulsion, or other consequential action, the District must consider whether the student has a disability. The specific obligations for the District for students with identified disabilities are outlined in Sections III, e and IV, g, above. If the child's behavior indicates that a disability may exist, but the district was not previously aware of this disability, then the District should engage in appropriate evaluations to determine if the child has a disability and whether the child requires additional special education services.

~~Approved by the Board of School Committee on August 25, 2025~~

Revised from 8/25/25

First Reading (Policy Committee):

Second Reading & BOSC Adoption:

MANCHESTER SCHOOL DISTRICT

STUDENT CODE OF CONDUCT

The Board of School Committee has approved this Code of Conduct for addressing student behavior in schools in compliance with the laws and regulations of New Hampshire including, but not limited to, RSA 193:13, New Hampshire Ed. Rules 306.04 and 317, RSA 193-F, RSA 193-D, RSA 186-C, and Students 520: Student Discipline and Due Process. The Board recognizes that safe school environments are necessary for students to learn and achieve, and for staff to support learning.

The Board of School Committee expects student conduct to contribute to a safe and productive learning environment that benefits the entire community. The Board directs the District's administration and staff to address disruptive student behavior proactively, with a focus on positive behavioral actions and graduated behavioral sanctions, with student removal from the school being a last resort option that is often only appropriate when the behavior impacts the health or safety of other students and personnel in the District.

All students are entitled to a safe and productive learning environment, which is achieved when everyone in the school community, including students, parents/ guardians, teachers, principals, administrative and support personnel, superintendents, and the community (as represented by the Board), accepts responsibility for appropriate behavior at all times.

This policy is available at: www.mansd.org/o/msd/page/district-policies under "Student Code of Conduct".

RSA 193:13, XII. Each school district and chartered public school shall make its policy on school discipline:

- (a) Available to parents at the beginning of each school year;*
- (b) Publicly available on the district, school administrative unit, or chartered public school website and in the student handbook; and*
- (c) Available to parents via a manner designed to ensure parental notification if the school district, school administrative unit, or chartered public school does not maintain a website and/or student handbook.*

I. DEFINITIONS

Age-Appropriate Responses

All Manchester School District Staff shall respond to student behavior in an age-appropriate manner, consistent with this policy. Age appropriate reactions means that the District staff, at every grade level, will take into account the student's age when determining an appropriate response to behavior, as well as other factors as outlined in this policy. Age is not a singular factor to consider when determining a response to student behavior, but is an important consideration.

Positive Behavior Interventions

Before implementing this Code of Conduct's graduated sanctions or disciplinary reactions to student behavior, District administrators and staff are directed pursuant to BOSC Policy Students 550 Behavior Management & Intervention to take proactive approaches to discipline by redirecting student behavior, engaging in positive relationships with students, encouraging behavior modifications, and otherwise utilizing positive behavior approaches available prior to employing graduated sanctions. Such responses occur on a daily basis and are generally performed before the Code of Conduct is implemented and before any formal documentation is required but may be included in the documentation once graduated sanctions are employed.

Graduated Sanctions

The set of potential interventions, remedies, remedial, and/or disciplinary actions that may be taken by school administrators in response to student conduct that violates this code of conduct, as outlined within this document (see Section II, below).

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 conduct that violates the Student Code of Conduct. 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 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 not serve detention during recess, in accordance with BOSC Policy Safety 1022. Parents will be notified no later than the day prior to the detention. The length of the detention is left to the discretion of the classroom teacher, 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 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 not serve detention during recess, in accordance with BOSC Policy Safety 1022. Parents will be notified no later than the day prior to the detention. The length of the detention is left to the discretion of the administration, 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 conduct set forth in the Student Code of Conduct. During such detentions, students will be required to report to school on their designated Saturday morning. Parents will be notified no later than the day prior to the detention. The length of the detention is 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. 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 schoolwork while serving the in-school suspension. **Parents will be notified no later than the day prior to the in-school suspension.**

Short-Term Suspension

The removal of a student from the school premises and classroom setting for up to ten (10) school days.

Long-Term Suspension

The removal of a student from the school premises and classroom setting for anywhere between ten to twenty (10-20) school days (beyond the initial 10 days of a short-term suspension). The maximum length of a short-term and long-term suspension combined for the same incident is twenty (20) school days.

Expulsion

The permanent removal of a student from the school premises and classroom setting. Expulsion from any other New Hampshire District shall be enforceable in the Manchester School District at the Board of School Committee's discretion. Expulsion by the Manchester School District shall be enforceable at any other school district in New Hampshire, at the discretion of the receiving district.

Student Assistance Counselors ("SAP")

Specific counselors who are trained to address a variety of topics with students and may assist students with addressing behavior in the schools.

Extracurricular Suspension

The removal of a student from the activity or sport that they are enrolled in for a particular duration of time, often identified as a number of school days of participation during which the student will be prohibited from participating in their chosen activity or sport, including practices and games.

Re-Entry Plans

Any student that has been suspended will require a re-entry plan. A re-entry plan must include information outlined in Section IV, C, 3 of this document (see page 22).

Intervention Plan

An Intervention Plan, as defined in BOSC Policy Students 520, must be created for any student who has received an out-of-school suspension for more than ten (10) cumulative school days in any school year. The District will provide an Intervention Plan Template. The intervention plan will proactively address the student's problematic behaviors. It may include goals and objectives for the student, but must also include proactive interventions by the school that will assist and support the student as well. Please see Sections IV, C, 2-3, below.

II. STUDENT RIGHTS AND RESPONSIBILITIES

A safe and productive learning environment is achieved when students, parents/guardians, teachers, principals, administrative and support personnel, superintendents, and the community, as represented by

the Board of School Committee, accept responsibility for appropriate behavior.

Everyone is responsible to:

- Behave in a manner that provides for a safe, respectful and productive educational environment;
- Learn and support the Manchester School District's Student Code of Conduct;
- Respect the rights of others and their property;
- Work cooperatively with one another;
- Be responsible for their own actions;
- Understand the importance of regular school attendance;
- Recognize that absenteeism is a classroom disruption.

Parents are responsible to:

- Be an active participant in their child(ren)'s education;
- Help their child(ren) learn about the Manchester School District's behavioral expectations and the consequences of breaking rules (Student Code of Conduct);
- Ensure that their child(ren) attend school daily;
- Encourage their child(ren) to do their best;
- Communicate the needs and concerns of their child(ren) to the school;
- Notify the school if their child(ren) will be absent;
- Be available for conferences;
- Ensure that adult supervision is provided should their child's behavior cause him or her to be suspended out of school.

Teachers are responsible to:

- Provide students with a positive and safe school environment;
- Enforce the Manchester School District's Student Code of Conduct;
- Inform students and parents of classroom rules and behavioral expectations;
- Manage classroom behaviors;
- Communicate with parents regularly;
- Encourage and model exemplary behavior and attendance.

Principals are responsible to:

- Ensure a positive and safe school environment for students and staff;
- Communicate school rules to students, staff and parents;
- Enforce the Manchester School District's Student Code of Conduct;
- Assume responsibilities for school rules being followed by his/her students;
- Communicate the discipline action taken with parents and involved staff;
- Maintain discipline and attendance files;
- Report all suspected illegal activities to police and the Superintendent's office;
- Encourage and model exemplary behavior and attendance.

The Superintendent is responsible to:

- Ensure a positive and safe school environment for all students and staff;
- Ensure that all school Principals consistently enforce the Manchester School District's Student

- Code of Conduct;
- Provide support and guidance to school staff;
- Maintain quarterly discipline reports (excluding students' names) of incidents requiring Principal's involvement.

The Board of School Committee is responsible to:

- Adopt a fair and consistent discipline policy;
- Ensure, through the Superintendent of Schools, that the Student Code of Conduct is consistently and equitably implemented by all school employees.

Safe and Orderly Educational Environment

Student Responsibilities • To only engage in behaviors which support a positive educational environment • To express needs and concerns appropriately • To understand and follow school behavior expectations and to report instances of bullying and dangerous/unsafe situations to school administrators	Student Rights • To attend school in a safe, supportive, respectful, and engaging learning environment • To have school staff that is willing to hear the needs and concerns of students • To feel safe from crime, violence, intimidation, bullying, harassment, racism and other discrimination at school
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Attendance

Student Responsibilities • To attend school each day; to be on time; to actively participate in all classes • To provide documentation of the reason for an absence • To request make-up work for an absence and arrange to complete it upon return to school; to request counseling and home instruction when needed	Student Rights • To be informed of school board policies and school rules about absences, credit recovery and tardiness • To appeal a decision about attendance • To arrange to make up class work/tests for credit within ten (10) school days or returning from an absence and whenever possible to access counseling and home instruction during long periods of illness
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Dress and Grooming

Student Responsibilities • To dress and groom in accordance with policies to contribute to the health and safety of the individual and promote an orderly educational environment • To refrain from wearing clothing or hairstyles that can be hazardous to them in their educational activities such as shop,	Student Rights • To have school policies on dress and grooming be clear and reasonable • To have policies on dress for participation in physical education and other designated activities that do not impose a financial hardship on them or their families
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lab work, physical education, art or on-the-job training	
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Discipline and Student Conduct

Student Responsibilities • To be aware of the Student Code of Conduct and obey all laws, school rules and regulations • To exercise their rights of due process and to pursue grievances according to the orderly process established by the Board of School Committee	Student Rights • To be informed of laws, school rules and regulations and be provided with fair, consistent and appropriate discipline • To be provided with due process in disciplinary matters, including the right of grievance, a fair hearing, and the right of appeal
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Free Speech/Expression

Student Responsibilities • To respect the rights of others when they express their views • To behave respectfully during patriotic observances • To respect the religious beliefs of others and to refrain from activities that hold religious beliefs up to ridicule • To follow the rules of responsible journalism under the guidance of a teacher, advisor or administrator • To refrain from harassing conduct • To refrain from bullying, cyberbullying intimidating and threatening conduct	Student Rights • To express views (in written or verbal form) without being obscene, disruptive, discriminatory, provocative or illegal • To choose to participate in patriotic observances • To have religious beliefs respected • To help develop and distribute publications as part of the educational process • To be protected from harassment • To be protected from bullying, intimidation and threats
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Privacy and Property Rights

Student Responsibilities • To keep prohibited items away from school and school sponsored activities on and off school grounds • To respect the personal property of others • Respect the property of the school district and use school books appropriately.	Student Rights • To have personal possessions remain private unless school staff has reason to believe that a student is in possession of items prohibited by the Student Code of Conduct, and other school policy or the law • To have personal property respected • To use lockers and desks to keep and maintain articles or materials • To have personal property respected
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Assembly and Petition

Student Responsibilities • To follow established school procedures when participating in or conducting demonstrations or assemblies and not interfere with the normal operation of the school or classroom • To ensure that all meetings on school grounds or in the school building function only as part of the formal educational process or as authorized by school administration • To respect the rights and interests of others who wish to participate and not disrupt the ceremony for other persons • To submit all petitions in writing to the principal prior to circulating them in the school • To ensure that the collection of signatures on petitions does not disrupt classroom procedures, or interfere with the educational process; not to initiate, circulate, sign or praise petitions that contain obscenities, vulgarities, or libelous statements	Student Rights • To assemble peacefully • To organize any club or organization for any legal purpose in accordance with school policy with an advisor approved by school administration • To decline to participate in such school-sponsored patriotic exercises or ceremonies as the flag, Pledge of Allegiance, or singing of the National Anthem • To circulate and present petitions • To initiate or sign approved petitions without being subject to disciplinary actions
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Extracurricular/Co-Curricular Activities

Student Responsibilities • To be aware of and adhere to Board of School Committee policies, school-level criteria and NHIAA rules and regulations • To be aware of all rules and regulations and follow them	Student Rights • To participate in extracurricular/co-curricular activities and athletic programs • To be provided with clearly defined rules and regulations
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Guidance and Student Services

Student Responsibilities • To utilize guidance services for educational improvement • To schedule an appointment with guidance personnel, except in emergency situations • To work cooperatively with school staff	Student Rights • To be informed about school guidance services • To have access to school counselors • To request counseling when needed
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Motor Vehicles

Student Responsibilities To register the vehicle, immediately leave vehicle when parked, not move the vehicle during the school day without permission from the school administration, follow all school rules, courteous and preventive driving procedures, and local and state traffic laws when operating vehicles on school grounds	Student Rights To access parking for their vehicles when available at their high school
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III. GRADUATED SANCTIONS

RSA 193:13, XI. School boards and chartered public schools shall establish policies on school discipline that contain a system of supports and consequences designed to correct student misconduct and promote behavior within acceptable norms. Such policies shall:

(a) Include a graduated set of age-appropriate responses to misconduct that may include, but are not limited to, parent conferences, counseling, peer mediation, instruction in conflict resolution and anger management, parent counseling and training, community service, rearranging class schedules, restriction from extracurricular activities, detention, in-school supports and consequences, out-of-school suspension, and expulsion.

This Code of Conduct serves to establish certain rules that apply to student behavior at school including, but not limited to, on the school premises and at any school sporting or recreational activity or event or school-sponsored activity whether on school grounds or off school grounds. Teachers, administrators, coaches, staff, and volunteers are required to maintain a safe and orderly environment by utilizing classroom management techniques and should offer access to guidance and student services as appropriate. The following responses to behavior are designed to be implemented when additional resources are needed beyond typical classroom management. At all times the behavior response must comply with State and Federal law, the Individuals with Disabilities Education Act (IDEA), Family Educational Rights and Privacy Act (FERPA) and Section 504.

Discipline should be implemented both by progressive levels and by implementing graduated sanctions, starting with positive actions, and progressing to interventions, as outlined in the chart below. This approach requires a system of supports to be in place for the student for lower level offenses before progressing to more serious disciplinary action, including removal from school. See Section III, B, below for description of each response category.

Level of Offense	Personnel to Respond	Appropriate Response	Delivered By
Level 1 Offense	Teacher or Administrator	Positive Behavior Actions	Administrator, Teacher, School Behavioral Health Staff, or Community Partner in the

			school supporting student Behavioral Health with an MOU in place
Level 2 Offense	Administrator at School	Positive Behavior Actions Behavior Interventions	Administrator, Teacher, School Behavioral Health Staff, or Community Partner in the school supporting student Behavioral Health with an MOU in place
Level 3 Offense	Administrator at School or SAU	Behavior Interventions Change in Assignment Temporary Removal (Short-term Out-of-School Suspension) if indicated	Interventions: Administrator, Teacher, School Behavioral Health Staff, or Community Partner in the school supporting student Behavioral Health with an MOU in place Change in Assignment: Administrator or SAU Short-Term Suspension: Administrator
Level 4 Offense	Administrator at School or SAU	Temporary Removal (Long-term Out-of-School Suspension)	Superintendent
Level 5 Offense	SAU or Board	Permanent Exclusion (Expulsion)	Board of School Committee

A. LEVELS OF OFFENSES

Level 1 Offenses: These offenses include behavior on the part of the student which impedes orderly classroom procedures or interferes with the orderly operation of the school. When these misbehaviors cannot be managed by an individual staff member, other school personnel may be required to intervene. These behaviors should be addressed through positive behavior actions in the first instance

- Students should not receive an out-of-school suspension, in-school suspension, or detention for Level 1 behaviors - Repeated Level 1 behavior can move to a Level 2, but first there must be documented positive behavior actions that were implemented to address the repeated behavior			
Level	Aspen Code	Description	Definition
Level 1	DISB	Disruptive Behavior	Examples: Behavior causing an interruption in a class or activity. Disruption includes sustained loud talk, yelling, or screaming; noise with materials; horseplay or roughhousing; and/or sustained out-of-seat behavior. Throwing objects without trying to injure another person.

Level 1	UNPRV	Unprivileged Contact	Putting hands on others with no harm or injury. Physical altercation, minor - pushing, shoving, confrontation, tussle, that doesn't result in injury.
Level 1	RULE	Breaking school rules or District policies	Refusal to conform to the rules of the school, and/or school district policies - or staff directions
Level 1	OFFL	Off-limits	Being in an "off limits area - for example, closed stairwell
Level 1	ELEC	Electronics violation	Use or display of personal technology during school hours when prohibited. Cell Phone violation will be noted in Aspen.
Level 1	TRDY	Tardy	Tardy to class
Level 1	PDAF	Public display of affection	Public display of affection
Level 1	CHEA	Cheating	Copy work from another student or source

Level 2 Offenses: These offenses include either repeated Level 1 behaviors or more serious behaviors that disrupt the learning environment in the school. These behaviors may require the intervention of administrative personnel due to the inability of the behavior to be controlled by positive behavior actions during the Level 1 phase. These behaviors do not present a direct threat to health or safety, and as such, would not warrant removal (out-of-school suspension). See Level 3 for repeated behaviors that do impact health or safety and may warrant removal from school.

Electronic Violation – Cellphones: Intentional failure to turn in a Personal Electronic Communication Device into Main Office at the beginning of the school day after the third offense for the unauthorized use of a Personal Electronic Communication Device **moves the Electronics violation offense from a Level 1 to a Level 2.**

• These behaviors should be addressed through positive behavior actions and/or interventions (Section B.) • Students should not receive an out-of-school suspension for Level 2 behaviors • Repeated Level 2 behavior can move to a Level 3, but first there must be documented positive behavior actions and interventions that were implemented to address the repeated behavior			
Level	Aspen Code	Description	Definition
Level 2	HARA	Harassment Non-Sexual (physical, verbal, or psychological)	Repeatedly annoying or attacking a student or group of students or other personnel that creates an intimidating or hostile educational or work environment. Physical, verbal, or psychological harassment.

Level 2	PRESA	In the Presence of Alcohol	Type I offense - Knowingly in the Presence of Drugs & Alcohol
Level 2	PRESA	In the Presence of Alcohol	Type I offense - Knowingly in the Presence of Drugs & Alcohol
Level 2	INSU	Insubordination	Repeated refusal to follow directions or comply with school rules, unwilling to listen to authority
Level 2	LEAV	Leaving assigned area	Leaving school grounds when not permitted
Level 2	CUTS	Cutting class	Confirmed did not show up for class even though was present in school. Skipping class, being out of class for extended period of time without permission
Level 2	INTR	Internet violation	Violations of internet use policy (BOSC Policy Students 129.1). Using websites that are NOT approved.
Level 2	INAP	Inappropriate language	(Abusive language/Profanity) Verbal messages that include swearing, name calling or use of word in an inappropriate way.
Level 2	FORG	Forgery	Forging parent/guardian's signature on school documents
Level 2	GAMB	Gambling	Gambling

Level 3 Offenses: Repeated Level 2 offenses can result in a Level 3 offense. These offenses are acts that are directed against particular people or that warrant immediate intervention. Such acts may be considered criminal, but more likely can be handled through the school's disciplinary process. Corrective measures which the school should undertake, however, depend on the extent of the school's resources for remediating the situation in the best interests of all students. **Level 3 offenses may lead to a short-term out-of-school suspension** by the Principal if a student's behavior is detrimental to the health, safety, or welfare of pupils, or if a student acts with repeated and willful disregard of the reasonable rules of the school and their behavior has not been remediated through the use of graduated sanctions. Students in middle and high school may be provided the opportunity to choose a behavior support plan or intervention plan over a short-term out-of-school suspension. The student must be part of the plan development if they choose a behavior or intervention plan. If the student does not follow through with the behavior or intervention plan, then the short-term suspension will be immediately imposed.

Without a safety threat, documented graduated sanctions are necessary prior to the use of out-of-school suspension at Level 3. Any report of Bullying as defined in RSA 193-F, copied below, must be reported in accordance with BOSC Policy 526 Pupil Safety and Violence Prevention Policy.

- These behaviors may lead to an out-of-school short-term suspension, but without a safety threat,

documented positive behavior actions and interventions **must be in place prior to the use of out-of-school suspension** if a student has continued to act with willful disregard to the rules of the school.

- Students in middle and high school may be provided the opportunity to choose a behavior or intervention plan in place of short-term out-of-school suspension, but they must be part of the planning and follow through with the plan.

Level	Aspen Code	Description	Definition
Level 3	FIGH	Fighting	Mutual participation in an incident involving physical violence where there is no major injury and NO weapons. 2 or more people.
Level 3	ASTS	Assault on a student	Second degree assault - Assault on another student that causes injury - but not severe bodily injury (see Level 5 Battery)
Level 3	RECK	Reckless Conduct	Recklessly engaging in conduct which places or may place another in danger of bodily injury. Includes throwing objects that places someone in danger of bodily injury.
Level 3	HAZE	Hazing	Any act directed toward a student, or any coercion or intimidation of a student to act or to participate in or submit to any act, when: (1) Such act is likely or would be perceived by a reasonable person as likely to cause physical or psychological injury to any person; and (2) Such act is a condition of initiation into, admission into, continued membership in or association with any organization.
Level 3	SEXH	Harassment, sexual (unwelcome sexual conduct)	Unwelcome sexual advances, requests for sexual favors, other physical or verbal conduct, or communication of a sexual nature, including gender-based harassment that creates an intimidating, hostile, or offensive educational or work environment. Must report under Title IX.
Level 3	BULL	Bullying	"Bullying" means a single significant incident or a pattern of incidents involving a written, verbal, or electronic communication, or a physical act or gesture, or any combination thereof, directed at another pupil which: (1) Physically harms a pupil or damages the pupil's property; (2) Causes emotional distress to a pupil; (3) Interferes with a pupil's educational opportunities; (4) Creates a hostile educational environment; or (5) Substantially disrupts the orderly operation of the school. (b) "Bullying" shall

			include actions motivated by an imbalance of power based on a pupil's actual or perceived personal characteristics, behaviors, or beliefs, or motivated by the pupil's association with another person and based on the other person's characteristics, behaviors, or beliefs.
Level 3	CBULL	Cyber Bullying	"Cyberbullying" means conduct defined in paragraph 1 undertaken through the use of electronic devices. Electronic devices include, but are not limited to, phones, text messages, computers, email, instant messaging, and websites.
Level 3	PORN	Pornography	Possession of pornographic material

RSA 193-F:3, (a) *"Bullying" means a single significant incident or a pattern of incidents involving a written, verbal, or electronic communication, or a physical act or gesture, or any combination thereof, directed at another pupil which:*

- (1) Physically harms a pupil or damages the pupil's property;*
- (2) Causes emotional distress to a pupil;*
- (3) Interferes with a pupil's educational opportunities;*
- (4) Creates a hostile educational environment; or*
- (5) Substantially disrupts the orderly operation of the school.*

(b) "Bullying" shall include actions motivated by an imbalance of power based on a pupil's actual or perceived personal characteristics, behaviors, or beliefs, or motivated by the pupil's association with another person and based on the other person's characteristics, behaviors, or beliefs.

Level 4 Offenses: A repeat Level 3 offense moves to Level 4. This includes Bullying that has not been resolved through targeted interventions where the student poses an ongoing threat to the safety of the school community or an individual. **These offenses may require a hearing with the Assistant Superintendent to consider a long-term out-of-school suspension from school.** These offenses are acts which result in violence to another person or property or which pose a direct threat to the safety of others in the school. The acts may be criminal in nature, and are so serious they always require administrative action. These offenses may result in immediate removal from school when an ongoing safety threat persists and may also require action from law enforcement as well. NH school authorities are obligated to report clearly established criminal offenses to law enforcement authorities. See Section II, E (below) for reporting requirements for acts of theft, destruction or violence, and firearms pursuant to NH Ed. Rules 317 and NH Hampshire's Safe School Zones Act RSA 193-D.

Students may be suspended or expelled for actions not immediately connected with school activities where school officials have reasonable cause to believe that a student by virtue of actions after school hours and off school property, present a danger to him or herself, to others, or to school property.

Level	Aspen Code	Description	Definition
Level 4	ASTT	Assault on a teacher	Second degree assault - Assault on a teacher or staff that causes injury - but not severe bodily injury

			(see Level 5 Battery)
Level 4	TRES	Trespassing	Entering the school building when not permitted
Level 4	VAND	Vandalism	Deliberate destruction of or damage to public or private property (Criminal Mischief)
Level 4	FALS	False Alarm	False alarm of fire, chemical/ biological weapon or substance or delivery of such weapon to school
Level 4	THEF	Theft	RSA 631 & 637
Level 4	BURG	Burglary	Entry into a building or onto property illegally with intent to commit a crime
Level 4	ARSN	Arson	Setting or attempting to set fires, detonation, of explosives, arson (RSA 634:1)
Level 4	ROBNW	Robbery without a weapon	Robbery is the taking of, or attempting to take, anything of value that is owned by another person or organization under confrontational circumstances by force or threat of force or violence and/or by putting the victim in fear.
Level 4	THRTOW	Threat of attack with other weapon (i.e bomb, substances)	Threats of destruction or harm: Any threat (verbal, written, electronic) by a person to bomb or use other substances or devices for the purpose of exploding, burning, or causing damage to a school building, property, or to harm students & staff
Level 4	THRTNW	Threat of physical attack without a weapon	
Level 4	RIOT	3 or more people Administrator decides if it's a fight or a riot	Mutual participation in an incident involving physical violence where there is no major injury and NO weapons
Level 4	STAL	Stalking	Conduct targeted at a specific person which would cause a reasonable person to fear for his or her personal safety
Level 4	LWEA	Look alike weapon	Possession of look-alike weapons (Safe Schools- RSA 193-D)
Level 4	BIOL	Biological	Chemical/biological weapon or substance or delivery

		weapon	of such weapon to school (i.e. tear gas)
Level 4	PELL	Pellet gun	BB/Pellet gun, Airsoft gun, paintball gun, or any other similar weapon/device that is not otherwise classified as a firearm (RSA 193:13; RSA 193-D)
Level 4	ODD	Possession of a weapon that is NOT a firearm Other Destructive Device or Explosive device	Any explosive, incendiary, or poison gas: • bomb, • grenade, • rocket having a propellant charge of more than four ounces, • missile having an explosive or incendiary charge of more than one-quarter ounce • fireworks
Level 4	POSSD	Possession of Drugs	Type II offense - Possession or use of alcohol, tobacco, drugs, or paraphernalia - including using/have used, attempting to secure and/or purchasing the above
Level 4	SALE	Sale of Drugs or Alcohol	Type III offense - Intending and/or attempting to sell and/or distribute alcohol, tobacco, or other drugs
Level 4	POSSA	Possession of Alcohol	Type II offense - Possession or use of tobacco, drugs, alcohol or paraphernalia - including using/have used, attempting to secure and/or purchasing the above

RSA 193-D:1

I. "Act of theft, destruction, or violence" means an act set forth in the following statutes regardless of the age of the perpetrator:

- (a) Any of the offenses enumerated in RSA 189:13-a, V.
- (b)(1) Any first or second degree assault under RSA 631.
- (2) Any simple assault under RSA 631:2-a.
- (c) Criminal mischief under RSA 634:2.
- (d) Unlawful possession or sale of a firearm or other dangerous weapon under RSA 159.
- (e) Arson under RSA 634:1.
- (f) Burglary under RSA 635.
- (g) Robbery under RSA 636.
- (h) Theft under RSA 637.
- (i) Illegal sale or possession of a controlled drug under RSA 318-B.
- (j) Criminal threatening under RSA 631:4.

II. "Safe school zone" means an area inclusive of any school property or school buses.

III. "School" means any public or private elementary, secondary, or secondary vocational-technical

school in New Hampshire. It shall not include home schools under RSA 193-A.

IV. "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 district, school department, or school administrative unit.

V. "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.

VI. "School purposes" means school-sponsored programs, including but not limited to educational or extra-curricular activities.

Level 5 Offenses: A repeat Level 4 offense moves to Level 5. This includes behaviors that pose an ongoing safety threat to the school community – a repeated act of theft, destruction, or violence as defined under Level 4 offenses and repeated acts of bullying that have not responded to targeted interventions. These offenses may require a hearing with the Board of School Committee's Conduct Committee for consideration of an expulsion from school. These offenses are acts which result in violence to another person or property and which pose an ongoing threat to the safety of others in the school or to the school community. The acts are criminal in nature, and are so serious they always require administrative action. These offenses may result in immediate removal from school when an ongoing safety threat persists and may result in a permanent exclusion from school (expulsion). Such acts may also require action from law enforcement as well. NH school authorities are obligated to report clearly established criminal offenses to law enforcement authorities. See Section II, E (below) for reporting requirements for acts of theft, destruction or violence, and firearms pursuant to NH Ed. Rules 317 and RSA 193-D:4.

Level	Aspen Code	Description	Definition
Level 5	ASTW	Assault with weapon	Physical assault with a weapon that would be a felony if committed by an adult. Requires medical attention.
Level 5	BATT	Battery	Battery (physical attack or harm): Examples include striking that causes bleeding, broken nose, and kicking a student while he or she is down. Consider age and developmentally appropriate behavior before using this category. This category should be used when the attack is serious enough to warrant calling the police or security or when serious bodily harm occurs. This offense may be referred to by law enforcement as aggravated assault.
Level 5	SEXA	Sexual assault	Will be noted in Aspen under either category: 1) Rape or attempted rape 2) Fondling
Level 5	ROBW	Robbery with a weapon	Robbery is the taking of, or attempting to take, anything of value that is owned by another person or organization under confrontational circumstances by force or threat of force or violence and/or by putting

			the victim in fear.
Level 5	THRTW	Threat of physical attack with weapon	Threats of destruction or harm: Any threat (verbal, written, electronic) by a person to bomb or use other substances or devices for the purpose of exploding, burning, or causing damage to a school building, property, or to harm students & staff Felony criminal threatening by use of a deadly weapon RSA 631:4 IIa
Level 5	GUN	Possession of a firearm	A firearm is defined in Title 18 USC §921, Definitions as follows: • any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive • the frame or receiver of any such weapon • any firearm muffler or firearm silencer • any destructive device, such term does not include an antique firearm

For all Level 5 offenses, **other than Possession of a Firearm**, the Board's Conduct Committee must consider the student's age, disciplinary history, whether the student has a disability, the seriousness of the behavior, whether the school implemented positive behavior interventions, and whether a lesser intervention would properly address the behavior prior to determining whether expulsion is appropriate.

B. POSITIVE BEHAVIOR ACTIONS & INTERVENTIONS

Responses to student behavior may include, but are not limited to, the following possible actions and interventions:

1. Positive Behavior Actions

- Use of school-wide classroom management protocols
- Re-teaching school-wide expectations 1:1 by a staff member or in a small group
- Positive acknowledgment for following behavior expectations
- Positive Behavior Support Plan
- Facilitated referral to community partner working in or outside of the school
- Counseling (including SAP counseling)
- Peer mediation
- Anger management instruction and/or support
- Restorative Conference
- Special assignments
- Support from outside agency
- Parent counseling, training and/or collaboration

2. Behavior Interventions – Level 2, Repeated Level 2, or Level 3

- a. Intervention plan – Combining any of the above positive behavior actions and/or interventions to address the student’s problematic behavior
- b. Behavior contract
- c. Restorative Conference
- d. Small group or individualized support to re-teach behavior expectations
- e. Facilitated referral to community partner working in or outside of the school
- f. Community Service
- g. Changing class schedule, teacher(s)
- h. Change in Bus assignment (in accordance with BOSC policy Transportation 1003)
- i. Restriction or removal from extra-curricular activities including sports participation – shall be done in increments of 10/20/30 day suspensions.
- j. Loss of privileges
- k. Temporary removal from classroom
- l. Detention
- m. Saturday Detention
- n. In-School Suspension
- o. Restitution/ Restorative action

3. Change in Assignment

- a. School Transfer for probationary period (or for duration of school year)
- b. Alternative school (if/ when available)

4. Removal (requires due process, as outlined below).

- a. Out-of-School Suspension, Short-Term (any duration of 1-10 days)
- b. Out-of-School Suspension, Long-Term (10 additional days)
- c. Expulsion (permanent, anything beyond 20 consecutive days)

5. Notification to Law Enforcement

- a. Notification to and communication with School Resource Officers (SROs) regarding students shall be in accordance with the annual Memorandum of Understanding (MOU) developed between the District and the Manchester Police Department (MPD).
- b. Any offense involving an act of theft, destruction, or violence, or a firearm, shall be reported to law enforcement in accordance with NH Ed. Rules 317 and New Hampshire Safe School Zones law, RSA 193-D:4. See Section II, E, below for additional reporting information.

IV. DRUG/ ALCOHOL OFFENSES

Drug and Alcohol Offenses: The District expressly prohibits alcohol and other drug usage, including at all school functions, activities, and school locations in accordance with RSA 318-B and RSA 179:10. Recommended responses are outlined below; however, school administrators shall take into account the specific circumstances of the student’s alleged violation of this policy, as well as the student’s willingness

to engage in counseling and other offered support and/or services. Administrators have mandatory reporting obligations to law enforcement pursuant to RSA 193-D for acts of theft, destruction, or violence which includes offenses that fall under Type II and Type III, below. Please see Section III, A, Level 4, above, for the definition of “acts of theft, destruction, or violence” including drug offenses. Nothing in this provision shall amend the student’s rights to due process procedures for out-of-school suspension or expulsion as outlined in Sections III and IV, below.

A. Type I Offense: Knowingly in the Presence of Drugs or Alcohol

1. Behavior Management: Parent notified, student offered SAP counseling, contraband confiscated (if any), and re-entry plan developed (if student removed).
2. Behavior Consequences:
 - a. First Offense:
 - i. 10 day extracurricular suspension
 - ii. SAP counseling (up to 10 hours) and potential 1 day out-of-school suspension
 - iii. No counseling: potential 2 day out-of-school suspension
 - b. Second Offense:
 - i. 20 day extracurricular suspension
 - ii. SAP counseling (up to 15 hours) and potential up to 3 day out-of-school suspension
 - iii. No counseling: potential up to 5 day out-of-school suspension

B. Type II Offense: Possession or use of alcohol, tobacco, drugs, or paraphernalia (including using/ having used, attempting to secure and/or purchasing the above)

1. Behavior Management: Parent notified, Student offered SAP counseling, contraband confiscated (if any), SRO involvement, re-entry plan if needed.
2. Behavior Consequences:
 - a. First Offense:
 - i. Thirty days extracurricular suspension
 - ii. SAP counseling (up to 15 hours) and potential up to 3 day out-of-school suspension
 - iii. No SAP counseling: potential up to 5-10 day out-of-school suspension
 3. Second Offense: Elevate to Type III Offense

C. Type III Offense: Repeated Type II or Intending and/or Attempting to sell and/or distribute alcohol, tobacco or other drugs

1. Behavior Management: Behavior Management: Parent notified, Student offered SAP counseling, contraband confiscated (if any), SRO involvement, re-entry plan if needed.
2. Behavior Consequences:
 - a. Sixty day extracurricular suspension
 - b. Potential for 5-10 school day out-of-school suspension
 - c. Referral to Superintendent for potential long-term expulsion (add 10 days)
 - d. SAP counseling up to 20 hours

Assistance Available: Counseling services are available to students who are having problems with alcohol and other drugs. Any violation of this drug use policy will result in the referral of the student to SAP counseling. The counselor will provide individual counseling to the student, small group counseling, and/or may assist with making appropriate referrals to outside agencies and community partners for further support services depending on the needs of the student and the resources available in the community. All conversations will be kept confidential. All drug or alcohol offenses must be documented so that a proper determination as to first, second, or subsequent offense may be made, regardless of consequence.

In all cases where there has been a violation of this policy, a parent or guardian will be notified. The student will be released to the parent or guardian. If the parent or guardian cannot be reached or is unwilling to come to the school, Manchester Police Department/ SRO may be called, apprised of the facts, and requested to take protective custody of the student if necessary.

Prescription Drugs/ Medication. These items shall be given to the school nurse immediately upon arrival to school. The student may take the medication upon leaving for the day. Exceptions will be granted in special circumstances with approval in writing from the school nurse.

Re-Entry Plans for Out-of-School Suspension due to Drugs or Alcohol

Any student who is suspended for a drug/alcohol offense must have a re-entry plan developed upon their return to school. The plan should address (but is not limited to) behavior expectations, participation in counseling/ SAP, academic expectations and any other activity which will allow for positive re-entry to school. The plan should be developed with the student, administration, guidance department (SAP), teachers, and parent(s) or guardian(s).

Class officers may forfeit their leadership position when they violate this policy. They may resume activity after their extracurricular suspension; however, they may not hold office until the following school year.

The graduated sanctions as outlined above are strongly recommended but may not take into account the specific circumstances of any given situation. The administration may determine that an upward or downward deviation is necessary to address the student and their particular circumstances at school.

V. UNAUTHORIZED USE OF PERSONAL ELECTRONIC DEVICES

The unauthorized use of Personal Electronic Communication Devices shall be governed by the Manchester School District's policy on student use of Personal Electronic Communication Devices-Students 166 and Students 166-R. The unauthorized use of a Personal Electronic Communication Device during the school day shall be treated as a Level 1 offense. Failure to comply with request to turn in device into the Main Office shall be treated as a refusal to follow staff direction. The intentional failure to surrender a Personal Electronic Communication Devices at the beginning of the school day after a third offense for the unauthorized use of a Personal Electronic Communication Device shall be treated as a Level 2 offense. Enforcement shall be as follows:

- A. **First Offense:** Warning and confiscation of the Personal Electronic Communication Device for the remainder of the school day. A disciplinary referral will be written and entered into Aspen.
- B. **Second Offense:** The Personal Electronic Communication Device will be confiscated. A disciplinary referral will be written and entered into Aspen. The student's parent/guardian must pick up the device from the principal or superintendent's office.
- C. **Third Offense:** The Personal Electronic Communication Device will be confiscated. A disciplinary referral will be written and entered into Aspen. The parent/guardian must pick up the device from the Main Office. Each school day thereafter the student must drop off the device at the Main Office upon arrival and pick up the Personal Electronic Communication Device at the end of the school day for the balance of the semester. Failure to drop off the phone at the Main Office as directed shall result in detention and/or out-of-school suspension from school.

Audio/video recordings made without consent of another person, including the posting, sharing or dissemination thereof, particularly when such recordings violate another person's reasonable expectations of privacy, may result in referral to law enforcement and/or additional disciplinary measures including expulsion from school.

VI. SPECIAL EDUCATION CONSIDERATIONS

Disciplinary responses for students with educational disabilities shall occur in accordance with all federal and state laws, district policies and regulations and the New Hampshire Rules for the Education of Children with Disabilities. See Section III, E if more serious sanctions are going to be considered for a child with a disability.

VII. DOCUMENTATION/ DATA GATHERING

RSA 193-D:4

(a) Any public or private school employee who has witnessed or who has information from the victim of an act of theft, destruction, or violence in a safe school zone shall report such act in writing immediately to a supervisor. A supervisor receiving such report shall immediately forward such information to the school principal who shall file it with the local law enforcement authority. Such report shall be made by the principal to the local law enforcement authority immediately, by telephone or otherwise, and shall be followed within 48 hours by a report in writing. If the alleged victim is a student, the principal shall also immediately notify the person responsible for the victim's welfare, as defined in RSA 169-C:3, XXII, that a report was made to the local law enforcement authority.

Each time this Code of Conduct is utilized, the administrator involved shall record, at a minimum, the student's name, offense, administrator involved, SRO involved (if any), and graduated sanctions imposed. RSA 193-D:4 requires that any District staff member report acts of theft, destruction, or violence in a safe school zone to a "supervisor" which shall mean the building Principal or designee at each school in this District. The reporting requirements of NH Ed. Rules 317.05 must be followed for any act of theft, destruction, or violence in accordance with RSA 193-D:4, by filling out Ed. Form 317. Such report shall include the following information: (1) School name; (2) School address; (3) School telephone number; (4) Name of school principal; (5) Date, time, and location of incident involving an act of theft, destruction, or violence, or the possession of a firearm; (6) Alleged offense; (7) Description of incident; (8) Name of suspect; (9) Grade in school of suspect; (10) Address of suspect; (11) Gender of suspect; (12) Name of victim; (13) Grade in school of victim; (14) Address of victim; (15) Gender of victim; (16) Name of employee reporting incident; (17) Date report was completed by employee; (18) Date report was filed with local law enforcement authority by school principal. Please see Appendix A for the definition of an act of theft, destruction, or violence.

VIII. OUT-OF-SCHOOL SUSPENSION HEARING PROCESS

RSA 193:13, I

(a) A superintendent or chartered public school director, or a representative designated in writing by the superintendent or chartered public school director, may suspend pupils from school for a period not to exceed 10 consecutive school days for:

- (1) Behavior that is detrimental to the health, safety, or welfare of pupils or school personnel; or*
- (2) Repeated and willful disregard of the reasonable rules of the school that is not remediated through imposition of the district's graduated sanctions under paragraph X.*

(b) The school board or chartered public school board of trustees, or a representative designated in writing may, following a hearing, extend the suspension of a pupil up to 10 additional consecutive school days for an act that constitutes an act of theft, destruction, or violence as defined in RSA 193-D; bullying pursuant to school district policy when the pupil has not responded to targeted interventions and poses an ongoing threat to the safety or welfare of another student; or possession of a firearm, BB gun, or paintball gun. The school board's or board of trustee's designee may be the superintendent or any other individual, but may not be the individual who suspended the pupil for the first 10 days under subparagraph (a). Any suspension shall be valid throughout the school districts of the state, subject to modification by the superintendent of the school district or chartered public school in which the pupil seeks to enroll.

(c) Any suspension in excess of 10 school days imposed under subparagraph (b) by any person other than the school board or board of trustees is appealable to the school board or board of trustees, provided that the superintendent, school board, or board of trustees received such appeal in writing within 10 days after the issuance of the decision being appealed. The school board or board of trustees shall hold a hearing on the appeal, but shall have discretion to hear evidence or to rely upon the record of a hearing conducted under subparagraph (b). The suspension under subparagraph (b) shall be enforced while that appeal is pending, unless the school board or board of trustees stays the suspension while the appeal is pending.

IX. Nothing in this section shall prevent the superintendent of the pupil's local school district or chartered public school director from reinstating a suspended or expelled pupil.

SHORT-TERM OUT-OF-SCHOOL SUSPENSION

Minimum Requirements

The Principal and/or his/her designee at each school may suspend a student for up to a total of 10 consecutive days for conduct that is either:

1. *Detrimental to the health, safety, or welfare of pupils, OR*
2. *For students who act with repeated or willful disregard of the reasonable rules of the school if the behavior is not remediated through graduated sanctions.*

Any Principal or designee that seeks to suspend a student must therefore have a concern for health/safety/welfare of the school's students or must have already attempted graduated sanctions prior to assigning an out-of-school suspension for repeated conduct that does not threaten health/safety/welfare of the student or other students in the school. The attempted graduated sanctions must be documented prior to proceeding with out-of-school suspension for repeated conduct without a health/safety/welfare concern.

Due Process Procedure

A short-term out-of-school suspension for alleged conduct that meets the above criteria requires the following due process procedures prior to being imposed:

1. A Principal or his/her designee must hold a meeting with the student and a parent or guardian prior to implementing a short-term out-of-school suspension.
2. The student must be afforded the opportunity to have a parent or guardian present.
3. The student shall be afforded with notice that they may elect to have an advocate and/or attorney present.
4. The Principal or designee shall inform the student and parent/ guardian of the nature of the alleged conduct, an explanation of the evidence supporting the allegation, and that they are considering an out-of-school suspension.
5. This notice of the allegation and potential for out-of-school suspension may occur in writing prior to the meeting, if time permits. However, the notice may also be verbal during the meeting itself.
6. The student shall then have the opportunity to present his or her side of the story or present any alternative evidence in his/her defense.
7. Following this meeting, the Principal or designee must provide a written statement to the student and their parent/ guardian explaining the decision for any disciplinary action taken against the student.

Next Steps

If a Principal believes the conduct may justify a long-term out-of-school suspension, the Principal must immediately, within 1 school day, refer the matter to the Superintendent's office with a recommendation for long-term out-of-school suspension, if appropriate under the circumstances.

Any student that is suspended for 1-10 consecutive days by the Principal must be returned to school the day following the last day of the out-of-school suspension, and in any case no later than the 11th day following the imposition of the short-term out-of-school suspension, unless a further hearing and additional out-of-school suspension or expulsion was imposed by the Superintendent, Board, or either designee.

***Note:** Please see "Educational Assignments During Suspension" at Section III, C, 1 (below), for the District's obligation to provide assignments and/or educational services to a student while they are out of school during a period of suspension.

LONG-TERM OUT-OF-SCHOOL SUSPENSION

Minimum Requirements

The Superintendent and/or his/her designee may suspend a student, following a hearing, for up to a total of an additional 10 consecutive days for conduct outlined in Level 4, above, that is either:

1. *An act of "theft, destruction, or violence" OR*
2. *An act of Bullying when the student **both** has not responded to targeted interventions **and** the student poses an ongoing threat to the safety or welfare of another student; OR*
3. *BB/Pellet gun, Airsoft gun, paintball gun, or any other similar weapon/device that is not otherwise classified as a firearm*

A long-term out-of-school suspension may not be imposed to address repeated rule violations, unless the behavior also falls into one of the specific categories above. A long-term out-of-school suspension for a firearm is warranted even though the statute calls for a 12 month expulsion as the long-term suspension may be (but does not need to be) served prior to the start of the expulsion. When both a suspension and expulsion are imposed for the same conduct, the start date of the expulsion shall be the first day of the suspension, so that the suspension period is credited towards the total period of the student's expulsion.

If any long-term out-of-school suspension will result in the student being suspended for more than 20 cumulative days in the school year, the school must provide alternative education services as outlined in Section III, C, 1 (below).

The long-term out-of-school suspension may extend the initial short-term, 10 day out-of-school suspension by a period of up to an additional 10 days. The long-term out-of-school suspension and short-term out-of-school suspension, combined, can not exceed 20 cumulative days. If a student is recommended for expulsion, but has not had a hearing with the Board of School Committee, the student must be returned to school on the 21st day under the law.

Due Process Procedures

A long-term out-of-school suspension for alleged conduct that meets the above criteria requires the following due process procedures prior to being imposed:

1. Written communication must be issued from the Superintendent's office to the student and parent or guardian, prior to the hearing, which includes notice of the alleged conduct, an explanation of the evidence, and the date/ time of the hearing with the Superintendent or his/her designee. The student and parent/guardian shall also be notified of their right to have an advocate or attorney (at their own expense) present at the hearing.
2. The student and parent/ guardian may choose whether this hearing is a private or public hearing.
3. A hearing shall be conducted with the Superintendent or his/her designee. During the hearing, school officials shall have the opportunity to present evidence in support of the alleged conduct and make a recommendation as to disciplinary action. The Superintendent or designee may ask an administrator to attend in person, or may rely upon the record of documentation provided by the school official prior to the hearing. A copy of such written documentation shall also be provided to the parent/ guardian at the hearing for their review.
4. The student, parent/guardian, and/or advocate for the student may present evidence in the form of testimony or documentation to support their position, address the charges, or information that is relevant to determining an appropriate sanction.
5. A written decision shall be issued by the Superintendent or designee stating the legal and factual basis for the out-of-school suspension if imposed after a hearing.
6. The written decision must include information regarding the student's ability to appeal a decision on a long-term out-of-school suspension to the Board of School committee.

Next Steps

If expulsion is warranted under the circumstances (see criteria below) and is recommended by the Superintendent following the imposition of a long-term suspension, a referral shall be made to the Board via the Clerk, Chair, and vice Chair of the Board immediately, but no later than 24 hours after the imposition of the long-term suspension.

If the long-term suspension is intended to extend a previously imposed short-term suspension, the suspension must not be imposed by the same person that imposed the short-term suspension. Any student that is suspended for an additional 1-10 days by the Superintendent or designee must be returned to school on the school day following the last day of the long-term suspension, which in no case may be longer than the 21st day after the first day of the short-term suspension, unless the student has received a full hearing from the Board of School Committee and an expulsion order has been issued.

***Note:** Please see "Educational Assignments During Suspension" in Section III, C, 1 below for the District's obligation to provide assignments and/or educational services to a student while they are out of school during a period of suspension.

IX. PROCEDURES DURING AND AFTER SUSPENSION: SCHOOL DISTRICT'S OBLIGATIONS TO PROVIDE ACADEMIC AND RE-ENTRY SUPPORTS TO STUDENTS

RSA 193:13, V. School districts and chartered public schools shall make educational assignments available to the suspended pupil during periods of suspension. Except as provided in paragraphs II and IV, a school district or chartered public 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 a pupil to advance from grade to grade. 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. No pupil shall be penalized academically solely by virtue of missing class due to suspension.

The following procedures must be utilized to support a student both academically and behaviorally whenever a student is suspended from school:

A. Academic Support and Progress

1. When a student has been suspended for any period of time, the school shall provide *education assignments* to include the student's daily work and coursework from the classes they are missing.
2. When a student is suspended in excess of 20 cumulative days during any school year, the student must be provided with *alternative education services* which are designed to enable the student to progress from grade to grade while the student is out of the building. These services may include additional tutoring, academic support, alternative education programming, or any other services that are necessary to enable the student to make progress towards completing their current grade level.
3. A student cannot be penalized academically solely for missing class due to suspension from school.

B. Intervention Plan (RSA 193:13):

1. When a student is suspended for more than 10 cumulative days in a school year, the school must draft an intervention plan prior to the student's return to school.
2. This intervention plan should be specifically tailored to the student's behaviors and designed to address hypothesized or known causes of behavior by providing supports and services from school and/or community-based partners in the school, or facilitated referrals to services outside of the school
3. The District will provide the Intervention Plan template – Student Success;
4. In addition to implementing supports and services for students, the intervention plan should:
5. Target problem behaviors
6. Define specific goals including replacement behaviors and timelines

7. Describe interventions, including strategies to change negative behaviors, teach appropriate skills and outline negative consequences,
8. Have a mechanism to monitor the effectiveness of the plan.
9. The plan must be developed and approved before the student returns to school. The plan may be amended and adjusted as needed if further behaviors arise or if additional out-of-school suspension is warranted after the initial plan is put in place.

C. Re-Entry Plans:

1. Students returning after a suspension will be supported by a re-entry plan.
2. A re-entry plan shall include:
 - a. A staff member familiar with the student to be assigned as the contact person, as assigned by the building administrator.
 - b. The student shall be received by this contact upon returning to school.
 - c. The re-entry contact person shall review the suspension, discuss how the behavior led to the suspension, and how the behavior impacts fellow students, teachers, the school community, the student's parents and the student's self-esteem and education.
 - d. The re-entry contact person shall review the Code of Conduct with the student including next steps if the behavior continues.
 - e. The re-entry contact person shall outline a transition and guidance plan for reintegration into school, shall assist the student with catching up on schoolwork, and ensure the student shall not repeat the behavior.
 - f. In no event shall a student be penalized academically for the suspension.
3. Students returning from an out-of-school suspension for 10 or more days, or who have reached 10 cumulative days out-of-school suspension, shall have an intervention plan in place – utilizing the template from the District

X. DOCUMENTATION/ DATA GATHERING

Each time this Code of Conduct is utilized for suspension of a student, the administrator involved shall record, at a minimum, the student's name, offense, administrator involved, SRO involved (if any), a record of the notices sent to the student/parents, a record of the proceedings with each level of administration, and a record of the suspension imposed, if any. The reporting requirements of NH Ed. Rules 317.05 must be followed for any act of theft, destruction, or violence in accordance with RSA 193-D:4. See Section II, E above.

XI. SPECIAL EDUCATION CONSIDERATIONS

Disciplinary responses for students with educational disabilities shall occur in accordance with all federal and state laws, district policies and regulations and the New Hampshire Rules for the Education of Children with Disabilities. If a student with an educational disability has a cumulative total of suspensions in excess of ten (10) days in a school year, the principal/designee shall ensure that an Individualized Education Program (IEP) meeting is convened prior to the commencement of the 11th day or further

suspension. The IEP Team is to complete a functional behavior assessment and a positive behavior intervention plan and determine if the behavior is or is not a manifestation of the student's disability.

When a student with an educational disability is recommended for a long-term suspension, the student and the student's parent or guardian shall receive the same notice as students without disabilities. This written notice shall also advise the student and the student's parent or guardian of their rights under the Individuals with Disabilities Education Act (IDEA), including notice that a long-term suspension is a change of placement which they may disagree with and, if applicable, invoke the "stay-put" provision of IDEA.

The student's IEP Team shall meet prior to the imposition of a long-term suspension to conduct a manifestation determination review to determine the relationship between the student's disability and the behavior subject to the disciplinary action. The IEP team shall determine whether the conduct causing the disciplinary action was a manifestation of the student's educational disability. A manifestation of the student's disability occurs when the conduct in question was caused by the student's disability or, whether the conduct in question had a direct and substantial relationship to the student's disability or, if the conduct in question was the direct result of the school's failure to implement the student's IEP.

If the IEP Team determines that the student's conduct was not a manifestation of the student's educational disability, the disciplinary action shall proceed with the student's IEP being implemented during the period of suspension. If the IEP Team determines that the student's conduct was a manifestation of the student's educational disability, the long-term suspension shall not be imposed without educational programming to appropriately implement the student's IEP.

The student's IEP Team shall also conduct a functional behavior assessment and develop and implement a positive behavior intervention plan within ten (10) business days of the eleventh (11th) day of suspension or after causing a removal constituting a change in placement. If a behavioral intervention plan already exists, the IEP Team must review and, if appropriate, modify that existing plan.

Students with Section 504 Plans shall also have disciplinary action in excess of ten (10) days be in accordance with all federal and state laws. If a student with a disability and a Section 504 plan is recommended for a long-term suspension a manifestation meeting shall be convened. If the Section 504 Team determines that the student's conduct was not a manifestation of the student's disability, the disciplinary action shall proceed. If the Section 504 Team determines that the student's conduct was a manifestation of the student's disability, the long-term suspension shall not be imposed without an appropriate plan and placement put into place.

XII. EXPULSION HEARING PROCESS

RSA 193:13

II. Any pupil may be expelled from school by the local school board or board of trustees for an act that poses an ongoing threat to the safety of students or school personnel and that constitutes:
(a) A repeated act under subparagraph I(b);

- (b) Any act of physical or sexual assault that would be a felony if committed by an adult;*
- (c) Any act of violence pursuant to RSA 651:5, XIII; or*
- (d) Criminal threatening pursuant to RSA 631:4, II(a).*

III. A pupil who has been expelled shall not attend school until reinstated by the local board or chartered public school board of trustees.

III-a. Before expelling a pupil under this section the local school board or chartered public school board of trustees shall consider each of the following factors:

- (a) The pupil's age.*
- (b) The pupil's disciplinary history.*
- (c) Whether the pupil is a student with a disability.*
- (d) The seriousness of the violation or behavior committed by the pupil.*
- (e) Whether the school district or chartered public school has implemented positive behavioral interventions under paragraph V.*
- (f) Whether a lesser intervention would properly address the violation or behavior committed by the pupil.*

III-b. Any expulsion shall be subject to review by the pupil's school board of attendance or the board of trustees of the chartered public school's board that issued the expulsion if requested prior to the start of each school year and further, any parent or guardian has the right to appeal any such expulsion by the local board or board of trustees to the state board of education at any time while the expulsion remains in effect. All appeals of final action by the state board of education shall be in accordance with RSA 541.

III-c. Any expulsion shall be valid throughout the school districts of the state. However, upon application by the pupil, any school district or chartered public school may choose to admit an expelled pupil at the school district or chartered public school's sole discretion. The decision by a chartered public school or superintendent to accept a pupil under this paragraph shall not be binding upon any other school district or chartered public school until the pupil is reinstated by the pupil's local school board or chartered public school board of trustees.

VI. A pupil expelled from school in another state under the provisions of the Gun-Free Schools Act of 1994 shall not be eligible to enroll in a school district in New Hampshire for the period of such expulsion. If the out-of-state expulsion is for an indefinite period of time, such pupil or the pupil's parent or guardian shall have the right to petition the pupil's local school board for enrollment upon establishing residency. If the pupil is denied enrollment, the pupil's expulsion shall be subject to review pursuant to paragraph III-b.

VII. The local school board or chartered public school shall adopt a policy which allows the superintendent or charter public school director to modify the expulsion and enrollment requirements under paragraphs IV and VI on a case by case basis.

VIII. For purposes of paragraphs I, II, III, and IV school board may be either the school board or a subcommittee of the board duly authorized by the school board.

Minimum Requirements

The Board of School Committee may expel a student, following a hearing, for conduct outlined in Level 5, above, that **BOTH** poses an ongoing threat to the safety of students or personnel, **AND** that constitutes:

1. *A repeated act that would justify a long-term suspension; or*
2. *An act of physical/ sexual assault that would be a felony if committed by an adult; or*
3. *An act of violence; or*
4. *Criminal Threatening.*

A student may not be expelled unless the alleged conduct poses an ongoing threat to the safety of the students or personnel of the Manchester School District. A repeated rule violation that does not threaten the safety of others cannot be the basis for an expulsion.

SPECIAL CONSIDERATIONS FOR FIREARMS

Any student who brings a firearm to school shall be expelled for a period of twelve (12) months following a hearing by the Board of School Committee and in accordance with the same due process procedures set forth in Section IV, b below. An allegation that a student brought a firearm into a school building, onto school property, or in attendance at any school-sponsored event or activity requires a factual determination regarding the veracity of the allegation prior to imposing the mandatory 12 month expulsion.

Similar to expulsion on other grounds, the school district may provide educational services to a student who was expelled, but is not obligated to do so unless the student is identified as a special education student. The district may also choose to place the student in an alternative educational setting to receive such services, but such alternative education program is not required.

RSA 193:13

IV. Any pupil who brings or possesses a firearm as defined in section 921 of Title 18 of the United States Code in a safe school zone as defined in RSA 193-D:1 without written authorization from the superintendent or designee shall be expelled from school by the local school board for a period of not less than 12 months. Nothing in this section shall be construed to prevent the local school district or chartered public school that expelled the student from providing educational services to such student in an alternative setting.

VI. A pupil expelled from school in another state under the provisions of the Gun-Free Schools Act of 1994 shall not be eligible to enroll in a school district in New Hampshire for the period of such expulsion. If the out-of-state expulsion is for an indefinite period of time, such pupil or the pupil's parent or guardian shall have the right to petition the pupil's local school board for enrollment upon establishing residency. If the pupil is denied enrollment, the pupil's expulsion shall be subject to review pursuant to paragraph III-b.

VII. The local school board or chartered public school shall adopt a policy which allows the superintendent or charter public school director to modify the expulsion and enrollment requirements under paragraphs IV and VI on a case by case basis.

Due Process Procedures (for all pending cases recommending expulsion)

A expulsion for alleged conduct that meets the above criteria requires the following due process procedures prior to being imposed:

1. A formal expulsion hearing must be held at the Board of School Committee;
2. Written notice must be provided to the student and their parent or guardian a minimum of 5 days prior to the hearing. Such notice must include a statement of the alleged conduct, an explanation of the anticipated evidence to support the allegation, and a recommendation from the Superintendent for the Board's action, including an explanation of how the Superintendent reached that recommendation.
3. The student and their parent/ guardian may decide to waive the right to a hearing and admit to the charges by the Superintendent. The student and their parent/ guardian may also decide whether the hearing will be public or private.
4. A student who is 18 years of age or older may waive their right to have a parent or guardian present, unless the student is subject to guardianship.
5. A formal hearing shall be conducted by the Board, which includes a presentation of the evidence by the Superintendent or administration. Formal rules of evidence do not apply; however, the administration shall present evidence in support of the alleged conduct. The hearing shall also include an opportunity for the student to defend against the allegations. The student shall have the right to examine any witnesses if presented by the administration, and to address any documentary evidence or other physical evidence submitted for consideration. The student shall also have the right to present evidence in their own defense.
6. The decision of the Board shall be based on a dispassionate and fair consideration of substantial evidence that the accused student committed the act for which the expulsion is to be imposed and that such acts are, in fact, a proper reason for expulsion.
7. In determining whether to expel a student, the Board must consider the student's: (1) age; (2) disciplinary history; (3) disability (if any); (4) seriousness of the violation or behavior; (5) whether the school implemented positive behavior interventions; (6) whether a lesser intervention would properly address the behavior.
8. The Board will issue a written decision that explains the factual and legal basis underlying the Board's decision whether to expel the student from school. The notice shall also include a statement on the duration of the expulsion. The student shall also be notified of their right to petition for reinstatement at the start of each school year, the process to petition for reinstatement at the start of the school year or the end of the period of expulsion and shall be notified of their right to appeal the decision to the New Hampshire Board of Education.

Next Steps: Reinstatement and Appeals Process

Any student who has been expelled may petition the Board of School Committee to be reinstated prior to the start of each new school year. In addition, the student, or parent/ guardian of the student may appeal any expulsion imposed by the Board to the State Board of Education at any time during the period of

expulsion, while the expulsion remains in effect. These procedures do not limit the ability of the superintendent to reinstate a suspended or expelled student.

Upon receipt of a petition by the student or their parent/ guardian, the Board may admit a student who was expelled from another district or chartered public school at their discretion

Educational Assignments

The district may, but is not required to, provide education assignments to a student who is expelled. If the student is identified as a special education student, then the district may have an obligation to provide such alternative education services in accordance with that student's plan.

Documentation and Data Gathering

Each time this Code of Conduct is utilized, the administrator involved shall record, at a minimum, the student's name, offense, administrator involved, SRO involved (if any), a record of the notices sent to the student/ parents, a record of the proceedings with each level of administration, and a record of the expulsion imposed, if any, with a copy of the notice to parents from the Board of the legal and factual basis for the expulsion, if any. The reporting requirements of NH Ed. Rules 317.05 must be followed for any act of theft, destruction, or violence in accordance with RSA 193-D:4. See Section II, E above.

Special Education Considerations

If a student with an educational disability is recommended for expulsion, the student and the student's parent or guardian shall be provided the same notice as students without disabilities. This written notice shall also advise the student and the student's parent or guardian of their rights under the Individuals with Disabilities Education Act (IDEA) including their right to disagree with any change in placement and to appeal decisions of the student's IEP Team.

A student with an educational disability may only be recommended for expulsion after it has been determined that the behavior giving rise to the request for expulsion is not a manifestation of the student's disability. The IEP Team shall convene a meeting to make a determination of an appropriate forty-five (45) day interim alternative education placement to ensure that the student's IEP is implemented pending the expulsion hearing and decision by the Board of School Committee. Should the student with a disability be expelled by the Board of School Committee, the IEP Team must again be convened to propose and offer an alternative long-term placement where the student's IEP can be implemented.

When the conduct of a student with an educational disability does not involve drugs or weapons, but the school determines that the student presents a potential danger to himself/herself or to others in his/her current placement, the school may request a forty-five (45) day interim alternative educational placement. No change of placement shall occur without the consent of the parent or guardian after the convening of the IEP Team or until the school obtains an order from a Hearings Officer granting permission for such placement.

XIII. Compliance with State and Federal Law

X. The provisions of this section shall be construed in a manner consistent with RSA 186-C.

At all times the behavioral intervention must comply with State and Federal law, the Individuals with Disabilities Education Act (IDEA), Family Educational Rights and Privacy Act (FERPA) and Section 504. When any behavioral action is taken with a student, whether it is the implementation of a positive behavioral action, graduated sanction, suspension, expulsion, or other consequential action, the District must consider whether the student has a disability. The specific obligations for the District for students with identified disabilities are outlined in Sections III, e and IV, g, above. If the child's behavior indicates that a disability may exist, but the district was not previously aware of this disability, then the District should engage in appropriate evaluations to determine if the child has a disability and whether the child requires additional special education services.

Revised from 8/25/25

First Reading (Policy Committee):

Second Reading & BOSC Adoption:

Existing Code of Conduct

MANCHESTER SCHOOL DISTRICT

STUDENT CODE OF CONDUCT

Approved by the Board of School Committee on _____

The Board of School Committee has approved this Code of Conduct for addressing student behavior in schools in compliance with the laws and regulations of New Hampshire including, but not limited to, RSA 193:13, New Hampshire Ed. Rules 306.04 and 317, RSA 193-F, RSA 193-D, RSA 186-C, and BOSC Students 116: Student Conduct. The Board recognizes that safe school environments are necessary for students to learn and achieve, and for staff to support learning. The Board of School Committee expects student conduct to contribute to a safe and productive learning environment that benefits the entire community. The Board directs the District's administration and staff to address disruptive student behavior proactively, with a focus on positive behavioral actions and graduated behavioral sanctions, with student removal from the school being a last resort option that is often only appropriate when the behavior impacts the health or safety of other students and personnel in the District. All students are entitled to a safe and productive learning environment, which is achieved when everyone in the school community, including students, parents/ guardians, teachers, principals, administrative and support personnel, superintendents, and the community (as represented by the Board), accepts responsibility for appropriate behavior at all times.

This policy is available at: www.mansd.org/o/msd/page/district-policies under "Code of Conduct for Students"

RSA 193:13, XII. Each school district and chartered public school shall make its policy on school discipline:

- (a) Available to parents at the beginning of each school year;*
- (b) Publicly available on the district, school administrative unit, or chartered public school website and in the student handbook; and*
- (c) Available to parents via a manner designed to ensure parental notification if the school district, school administrative unit, or chartered public school does not maintain a website and/or student handbook.*

I. DEFINITIONS

Age-Appropriate Responses

All Manchester School District Staff shall respond to student behavior in an age-appropriate manner, consistent with this policy. Age appropriate reactions means that the District staff, at every grade level, will take into account the student's age when determining an appropriate response to behavior, as well as other factors as outlined in this policy. Age is not a singular factor to consider when determining a response to student behavior, but is an important consideration.

Positive Behavior Interventions

Before implementing this Code of Conduct's graduated sanctions or disciplinary reactions to student behavior, District administrators and staff are directed pursuant to BOSC Policy Students 116 to take proactive approaches to discipline by redirecting student behavior, engaging in positive relationships with students, encouraging behavior modifications, and otherwise utilizing positive behavior approaches available prior to employing graduated sanctions. Such responses occur on a daily basis and are generally performed before the Code of Conduct is implemented and before any formal documentation is required, but may be included in the documentation once graduated sanctions are employed.

Graduated Sanctions

The set of potential interventions, remedies, remedial, and/or disciplinary actions that may be taken by school administrators in response to student conduct that violates this code of conduct, as outlined within this document (see Section II, below).

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 conduct that violates the Student Code of Conduct. 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 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 not serve detention during recess, in accordance with BOSC Policy Safety 128. Parents will be notified no later than the day prior to the detention. The length of the detention is left to the discretion of the classroom teacher, 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 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 not serve detention during recess, in accordance with BOSC Policy Safety 128. Parents will be notified no later than the day prior to the detention. The length of the detention is left to

the discretion of the administration, 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 conduct set forth in the Student Code of Conduct.

During such detentions, students will be required to report to school on their designated Saturday morning. Parents will be notified no later than the day prior to the detention. The length of the detention is 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. 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 no later than the day prior to the in-school suspension.

Short-Term Suspension

The removal of a student from the school premises and classroom setting for up to ten (10) school days.

Long-Term Suspension

The removal of a student from the school premises and classroom setting for anywhere between ten to twenty (10-20) school days (beyond the initial 10 days of a short-term suspension). The maximum length of a short-term and long-term suspension combined for the same incident is twenty (20) school days.

Expulsion

The permanent removal of a student from the school premises and classroom setting. Expulsion from any other New Hampshire District shall be enforceable in the Manchester School District at the Board of School Committee's discretion. Expulsion by the Manchester School District shall be enforceable at any other school district in New Hampshire, at the discretion of the receiving district.

Student Assistance Counselors ("SAP")

Specific counselors who are trained to address a variety of topics with students, and may assist students with addressing behavior in the schools.

Extracurricular Suspension

The removal of a student from the activity or sport that they are enrolled in for a particular duration of time, often identified as a number of school days of participation during which the student will be prohibited from participating in their chosen activity or sport, including practices and games.

Re-Entry Plans

Any student that has been suspended will require a re-entry plan. A re-entry plan must include information outlined in Section IV, C, 3 of this document (see page 22). The District will provide a checklist to administrators to complete a re-entry plan.

Behavior Intervention Plan

A Behavior Intervention Plan, as defined in BOSC Policy Students 116, must be created for any student who has been suspended more than ten (10) cumulative school days in any school year. The District will provide a Behavior Intervention Template. The intervention plan will proactively address the student's problematic behaviors. It may include goals and objectives for the student, but must also include proactive interventions by the school that will assist and support the student as well. Please see Sections IV, C, 2-3, below.

Safety Intervention Plan

A Safety Intervention Plan contains all the main components of a Behavior Intervention Plan, but also includes components to address specific Safety concerns, in addition to staff response for safety situations that may escalate.

II. STUDENT RIGHTS AND RESPONSIBILITIES

A safe and productive learning environment is achieved when students, parents/guardians, teachers, principals, administrative and support personnel, superintendents, and the community, as represented by the Board of School Committee, accept responsibility for appropriate behavior.

Everyone is responsible to:

- Behave in a manner that provides for a safe, respectful and productive educational environment;
- Learn and support the Manchester School District's Student Code of Conduct;
- Respect the rights of others and their property;
- Work cooperatively with one another;
- Be responsible for their own actions;
- Understand the importance of regular school attendance;
- Recognize that absenteeism is a classroom disruption.

Parents are responsible to:

- Be an active participant in their child(ren)'s education;
- Help their child(ren) learn about the Manchester School District's behavioral expectations and the consequences of breaking rules (Student Code of Conduct);
- Ensure that their child(ren) attend school daily;
- Encourage their child(ren) to do their best;

- Communicate the needs and concerns of their child(ren) to the school;
- Notify the school if their child(ren) will be absent;
- Be available for conferences;
- Ensure that adult supervision is provided should their child's behavior cause him or her to be suspended out of school.

Teachers are responsible to:

- Provide students with a positive and safe school environment;
- Enforce the Manchester School District's Student Code of Conduct;
- Inform students and parents of classroom rules and behavioral expectations;
- Manage classroom behaviors;
- Communicate with parents regularly;
- Encourage and model exemplary behavior and attendance.

Principals are responsible to:

- Ensure a positive and safe school environment for students and staff;
- Communicate school rules to students, staff and parents;
- Enforce the Manchester School District's Student Code of Conduct;
- Assume responsibilities for school rules being followed by his/her students;
- Communicate the discipline action taken with parents and involved staff;
- Maintain discipline and attendance files;
- Report all suspected illegal activities to police and the Superintendent's office;
- Encourage and model exemplary behavior and attendance.

The Superintendent is responsible to:

- Ensure a positive and safe school environment for all students and staff;
- Ensure that all school Principals consistently enforce the Manchester School District's Student Code of Conduct;
- Provide support and guidance to school staff;
- Maintain quarterly discipline reports (excluding students' names) of incidents requiring Principal's involvement.

The Board of School Committee is responsible to:

- Adopt a fair and consistent discipline policy;
- Ensure, through the Superintendent of Schools, that the Student Code of Conduct is consistently and equitably implemented by all school employees.

Safe and Orderly Educational Environment

Student Responsibilities	Student Rights
• To only engage in behaviors which support a positive educational environment • To express needs and concerns	• To attend school in a safe, supportive, respectful, and engaging learning environment

appropriately • To understand and follow school behavior expectations and to report instances of bullying and dangerous/unsafe situations to school administrators	• To have school staff that is willing to hear the needs and concerns of students • To feel safe from crime, violence, intimidation, bullying, harassment, racism and other discrimination at school
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Attendance

Student Responsibilities • To attend school each day; to be on time; to actively participate in all classes • To provide documentation of the reason for an absence • To request make-up work for an absence and arrange to complete it upon return to school; to request counseling and home instruction when needed	Student Rights • To be informed of school board policies and school rules about absences, credit recovery and tardiness • To appeal a decision about attendance • To arrange to make up class work/tests for credit within ten (10) school days or returning from an absence and whenever possible to access counseling and home instruction during long periods of illness
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Dress and Grooming

Student Responsibilities • To dress and groom in accordance with policies to contribute to the health and safety of the individual and promote an orderly educational environment • To refrain from wearing clothing or hairstyles that can be hazardous to them in their educational activities such as shop, lab work, physical education, art or on-the-job training	Student Rights • To have school policies on dress and grooming be clear and reasonable • To have policies on dress for participation in physical education and other designated activities that do not impose a financial hardship on them or their families
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Discipline and Student Conduct

Student Responsibilities • To be aware of the Student Code of Conduct and obey all laws, school rules and regulations • To exercise their rights of due process and to pursue grievances according to the orderly process established by the Board of School Committee	Student Rights • To be informed of laws, school rules and regulations and be provided with fair, consistent and appropriate discipline • To be provided with due process in disciplinary matters, including the right of grievance, a fair hearing, and the right of appeal
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Free Speech/Expression

Student Responsibilities	Student Rights
• To respect the rights of others when they express their views • To behave respectfully during patriotic observances • To respect the religious beliefs of others and to refrain from activities that hold religious beliefs up to ridicule • To follow the rules of responsible journalism under the guidance of a teacher, advisor or administrator • To refrain from harassing conduct • To refrain from bullying, cyberbullying intimidating and threatening conduct	• To express views (in written or verbal form) without being obscene, disruptive, discriminatory, provocative or illegal • To choose to participate in patriotic observances • To have religious beliefs respected • To help develop and distribute publications as part of the educational process • To be protected from harassment • To be protected from bullying, intimidation and threats

Privacy and Property Rights

Student Responsibilities	Student Rights
• To keep prohibited items away from school and school sponsored activities on and off school grounds • To respect the personal property of others • Respect the property of the school district and use school books appropriately.	• To have personal possessions remain private unless school staff has reason to believe that a student is in possession of items prohibited by the Student Code of Conduct, and other school policy or the law • To have personal property respected • To use lockers and desks to keep and maintain articles or materials • To have personal property respected

Assembly and Petition

Student Responsibilities	Student Rights
• To follow established school procedures when participating in or conducting demonstrations or assemblies and not interfere with the normal operation of the school or classroom • To ensure that all meetings on school grounds or in the school building function only as part of the formal educational process or as authorized by school administration • To respect the rights and interests of others who wish to participate and not disrupt the	• To assemble peacefully • To organize any club or organization for any legal purpose in accordance with school policy with an advisor approved by school administration • To decline to participate in such school-sponsored patriotic exercises or ceremonies as the flag, Pledge of Allegiance, or singing of the National Anthem • To circulate and present petitions • To initiate or sign approved petitions without being subject to disciplinary actions

ceremony for other persons • To submit all petitions in writing to the principal prior to circulating them in the school • To ensure that the collection of signatures on petitions does not disrupt classroom procedures, or interfere with the educational process; not to initiate, circulate, sign or praise petitions that contain obscenities, vulgarities, or libelous statements	
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Extracurricular/Co-Curricular Activities

Student Responsibilities • To be aware of and adhere to Board of School Committee policies, school-level criteria and NHIAA rules and regulations • To be aware of all rules and regulations and follow them	Student Rights • To participate in extracurricular/co-curricular activities and athletic programs • To be provided with clearly defined rules and regulations
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Guidance and Student Services

Student Responsibilities • To utilize guidance services for educational improvement • To schedule an appointment with guidance personnel, except in emergency situations • To work cooperatively with school staff	Student Rights • To be informed about school guidance services • To have access to school counselors • To request counseling when needed
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Motor Vehicles

Student Responsibilities • To register the vehicle, immediately leave vehicle when parked, not move the vehicle during the school day without permission from the school administration, follow all school rules, courteous and preventive driving procedures, and local and state traffic laws when operating vehicles on school grounds	Student Rights • To access parking for their vehicles when available at their high school
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III. BEHAVIOR INTERVENTIONS

RSA 193:13, XI. School boards and chartered public schools shall establish policies on school discipline

that contain a system of supports and consequences designed to correct student misconduct and promote behavior within acceptable norms. Such policies shall:

*(a) Include a **graduated set of age-appropriate responses to misconduct** that may include, but are not limited to, parent conferences, counseling, peer mediation, instruction in conflict resolution and anger management, parent counseling and training, community service, rearranging class schedules, restriction from extracurricular activities, detention, in-school supports and consequences, out-of-school suspension, and expulsion.*

This Code of Conduct serves to establish certain rules that apply to student behavior at school including, but not limited to, on the school premises and at any school sporting or recreational activity or event or school-sponsored activity whether on school grounds or off school grounds. Teachers, administrators, coaches, staff and volunteers are required to maintain a safe and orderly environment by utilizing classroom management techniques and should offer access to guidance and student services as appropriate. The following behavior interventions are designed to be implemented when additional resources are needed beyond typical classroom management. At all times the behavioral intervention must comply with State and Federal law, the Individuals with Disabilities Education Act (IDEA), Family Educational Rights and Privacy Act (FERPA) and Section 504.

Discipline should be implemented both by progressive levels and by implementing graduated sanctions, starting with positive actions, and progressing to interventions, as outlined in the chart below. This approach requires a system of supports to be in place for the student for lower level offenses before progressing to more serious disciplinary action, including removal from school. See Section III, B, below for description of each response category.

Level of Offense	Personnel to Respond	Appropriate Response
Level 1 Offense	Teacher or Administrator	Positive Behavior Actions
Level 2 Offense	Administrator at School	Positive Behavior Actions Behavior Interventions
Level 3 Offense	Administrator at School or SAU	Behavior Interventions Change in Assignment Temporary Removal (Short-term Suspension) if indicated
Level 4 Offenses	Administrator at School or SAU	Temporary Removal (Long-term Suspension)
Level 5 Offenses	SAU or Board	Permanent Exclusion (Expulsion)

A. LEVELS OF OFFENSES

Level 1 Offenses: These offenses include behavior on the part of the student which impedes orderly classroom procedures or interferes with the orderly operation of the school. When these misbehaviors cannot be managed by an individual staff member, other school personnel may be required to intervene. These behaviors should be addressed through **positive behavior actions** in the first instance (for repeated behaviors see level 2 or 3). Such behaviors may include:

- Uncooperative behavior in class or study
- Tardiness
- Violation of the Dress code
- Rude or inappropriate language
- Loitering on school property
- Cutting class
- Refusal to conform to the rules of the school and/or school district policies
- Parking violations
- Public display of affection
- Use of skates, skateboard, scooter, etc during school hours
- Being in “off limits” area
- Use or display of personal technology during school hours
- Refusal to follow staff direction
- Unauthorized use of a Personal Electronic Communication Device

Level 2 Offenses: These offenses include either repeated behaviors or more serious behaviors that disrupt the learning environment in the **school**. These behaviors may require the intervention of administrative personnel due to the inability of the behavior to be controlled by positive behavior actions during the Level 1 phase. These behaviors do not present a direct threat to health or safety, and as such, would not warrant removal (see Level 3 for repeated behaviors that do impact health or safety and may warrant removal from school). These behaviors should be addressed through either **positive behavior actions** or, if such actions are not sufficient or have been unsuccessful, then through **behavior interventions**. Such behaviors may include:

- Continuation of any Level 1 Behavior
- Disruptive behavior
- Repeated refusal to follow staff direction.
- Plagiarism/ cheating
- Verbal/ symbolic harassment
- Forgery (school forms)
- Profanity, vulgar language, or gestures directed at a specific person
- Violations of internet use policy (BOSC Policy Students 129.1)
- Truancy
- Leaving school grounds without authority
- Gambling and lotteries
- Throwing solid objects
- Reckless operation of bicycle on school grounds
- Intentional failure to turn in a Personal Electronic Communication Device into Main Office at the beginning of the school day after the third offense for the unauthorized use of a Personal Electronic Communication Device.

Level 3 Offenses: These offenses are acts that are directed against particular people or that warrant immediate intervention. Such acts may be considered criminal, but more likely can be handled through the school's disciplinary process. Corrective measures which the school should undertake, however, depend on the extent of the school's resources for remediating the situation in the best interests of all students. Level 3 offenses may lead to a short-term suspension by the Principal if a student's behavior is detrimental to the health, safety, or welfare of pupils, or if a student acts with repeated and willful disregard of the reasonable rules of the school and their behavior has not been remediated through the use of graduated sanctions. Without a safety threat, documented graduated sanctions are necessary prior to the use of suspension. Any report of Bullying as defined in RSA 193-F, copied below, must be reported in accordance with BOSC Policy Students 118: Pupil Safety and Violence Prevention Policy.

Such behaviors may include:

- Repeated listed Level II behavior (3 or more infractions)
- Bullying (as defined in RSA 193-F, copied below)
- Simple Assault (RSA 631)
- Sexual Harassment (must report under Title IX)
- Defacing, destroying school property (Criminal Mischief RSA 634:2)
- Theft (RSA 631 and 637)
- Reckless operation of motor vehicle on school grounds
- Possession or use of pornographic or non-academic violent material including sexually explicit or graphically violent materials
- Gang related activities (clothing, insignia, communication, threats, coercion, solicitation, conspiracy)
- Reckless Conduct
- Possession (or use of) fireworks/ explosives)
- Hazing
- Targeted assault on a student
- Physical fighting (3 or more people)

RSA 193-F:3, (a) "Bullying" means a single significant incident or a pattern of incidents involving a written, verbal, or electronic communication, or a physical act or gesture, or any combination thereof, directed at another pupil which:

- (1) Physically harms a pupil or damages the pupil's property;
- (2) Causes emotional distress to a pupil;
- (3) Interferes with a pupil's educational opportunities;
- (4) Creates a hostile educational environment; or
- (5) Substantially disrupts the orderly operation of the school.

(b) "Bullying" shall include actions motivated by an imbalance of power based on a pupil's actual or perceived personal characteristics, behaviors, or beliefs, or motivated by the pupil's association with another person and based on the other person's characteristics, behaviors, or beliefs.

Level 4 Offenses: These offenses may require a hearing with the Assistant Superintendent to consider a

long-term suspension from school. These offenses are acts which result in violence to another person or property or which pose a direct threat to the safety of others in the school. The acts may be criminal in nature, and are so serious they always require administrative action. These offenses may result in immediate removal from school when an ongoing safety threat persists and may also require action from law enforcement as well. NH school authorities are obligated to report clearly established criminal offenses to law enforcement authorities. See Section II, E (below) for reporting requirements for acts of theft, destruction or violence, and firearms pursuant to NH Ed. Rules 317 and RSA 193-D:4.

Students may be suspended or expelled for actions not immediately connected with school activities where school officials have reasonable cause to believe that a student by virtue of actions after school hours and off school property, present a danger to him or herself, to others, or to school property.

- An act of theft, destruction, or violence prohibited by New Hampshire's Safe School Zones Act (RSA 193-D) including:
 - Such acts that threatens safety of students, faculty, staff or administration
 - Assault on teacher or staff member (RSA 631)
 - Assault on student resulting in severe bodily injury or by means of deadly weapon
 - Possession of a weapon (including gun, air rifle, pellet gun, knife other weapon – RSA 193:13; RSA 193-D)
 - Possession of look-alike weapons (Safe Schools-RSA 193-D)
 - Setting or attempting to set fires, detonation of explosives, arson (RSA 634:1)
 - Bomb threat, possession of bomb or look-alike bomb
 - Defacing or destroying school property – Criminal Mischief (RSA 634:2)
 - Extortion
 - Stalking
 - Causing a false fire alarm
 - False alarm of chemical/ biological weapon or substance or delivery of such weapon to school.
 - Burglary
- Bullying that has not been resolved through targeted interventions where the student poses an ongoing threat to the safety of the school community or an individual;
- Possession of a firearm, BB gun or paintball gun.

RSA 193-D:1

I. “Act of theft, destruction, or violence” means an act set forth in the following statutes regardless of the age of the perpetrator:

(a) Any of the offenses enumerated in RSA 189:13-a, V.

(b)

(1) Any first or second degree assault under RSA 631.

(2) Any simple assault under RSA 631:2-a.

I Criminal mischief under RSA 634:2.

(d) Unlawful possession or sale of a firearm or other dangerous weapon under RSA 159.

(e) Arson under RSA 634:1.

- (f) Burglary under RSA 635.
- (g) Robbery under RSA 636.
- (h) Theft under RSA 637.
- (i) Illegal sale or possession of a controlled drug under RSA 318-B.
- (j) Criminal threatening under RSA 631:4.
- IV. II. "Safe school zone" means an area inclusive of any school property or school buseI. "School" means any public or private elementary, secondary, or secondary vocational-technical school in New Hampshire. It shall not include home schools under RSA 193-A.
- V. IV. "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 district, school department, or school administrative unitV. "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.
- VI. "School purposes" means school-sponsored programs, including but not limited to educational or extra-curricular activities.

Level 5 Offenses: These offenses may require a hearing with the Board of School Committee's Conduct Committee for consideration of an expulsion from school. These offenses are acts which result in violence to another person or property and which pose an ongoing threat to the safety of others in the school or to the school community. The acts are criminal in nature, and are so serious they always require administrative action. These offenses may result in immediate removal from school when an ongoing safety threat persists and may result in a permanent exclusion from school (expulsion). Such acts may also require action from law enforcement as well. NH school authorities are obligated to report clearly established criminal offenses to law enforcement authorities. See Section II, E (below) for reporting requirements for acts of theft, destruction or violence, and firearms pursuant to NH Ed. Rules 317 and RSA 193-D:4.

- Behaviors that pose an ongoing safety threat to the school community, and:
 - Are a repeated act of theft, destruction, or violence pursuant to RSA 193-D (Repeated Section 4 violations);
 - Repeated act of bullying that has not responded to targeted interventions and that poses an ongoing threat to an individual or the school community;
 - Repeated possession of a firearm, BB gun or paintball gun;
 - Are an act of physical assault that would be a felony if committed by an adult;
 - Are an act of sexual assault that would be a felony if committed by an adult;
 - Acts of Violence as defined in RSA 651:5 including:
 - First degree assault
 - Aggravated felonious sexual assault or felonious sexual assault
 - Kidnapping
 - Criminal Restraint
 - Class A felony Arson
 - Robbery
 - Incest or endangering the welfare of a child by solicitation

- Felonious offenses involving child sexual abuse images
 - Felonious Criminal Threatening by use of a deadly weapon, RSA 631:4, II (a).
- Possession of a Firearm

For all Level 5 offenses, other than Possession of a Firearm, the Board's Conduct Committee must consider the student's age, disciplinary history, whether the student has a disability, the seriousness of the behavior, whether the school implemented positive behavior interventions, and whether a lesser intervention would properly address the behavior prior to determining whether expulsion is appropriate.

B. LEVELS OF INTERVENTIONS/ SANCTIONS

Responses to student behavior may include, but are not limited to, the following possible actions and interventions:

1. Positive Behavior Actions

- a. Use of school-wide classroom management protocols
- b. Re-teaching school-wide expectations 1:1 by a staff member or in a small group
- c. Positive acknowledgment for following behavior expectations
- d. Positive Behavior Plan
- e. Facilitated referral to community partner working in or outside of the school
- f. Counseling (including SAP counseling)
- g. Peer mediation
- h. Anger management instruction and/or support
- i. Parent counseling
- j. Restorative Conference
- k. Special assignments
- l. Support from outside agency
- m. Parent counseling, training and/or collaboration

2. Behavior Interventions – Level 2, Repeated Level 2, or Level 3

- n. Behavior intervention Pl-n – Combining any of the above positive behavior actions and/or interventions to address the student's problematic behavior
- o. Behavior contract
- p. Restorative Conference
- q. Small group or individualized support to re-teach behavior expectations
- r. Facilitated referral to community partner working in or outside of the school
- s. Community Service
- t. Changing class schedule, teacher(s)
- u. Change in Bus assignment (in accordance with BOSC policy Transportation 100)
- v. Restriction or removal from extra-curricular activities including sports participation – shall be done in increments of 10/20/30 day suspensions.
- w. Loss of privileges
- x. Temporary removal from classroom

- y. Detention
- z. Saturday Detention
- aa. In-School Suspension
- ab. Restitution/ Restorative action

3. Change in Assignment

- ac. School Transfer for probationary period (or for duration of school year)
- ad. Alternative school (if/ when available)

4. Removal (requires due process, as outlined below).

- ae. Suspension, Short-Term (any duration of 1-10 days)
- af. Suspension, Long-Term (10 additional days)
- ag. Expulsion (permanent, anything beyond 20 consecutive days)

5. Notification to Law Enforcement

- ah. Notification to and communication with School Resource Officers (SROs) regarding students shall be in accordance with the annual Memorandum of Understanding (MOU) developed between the District and the Manchester Police Department (MPD).
- ai. Any offense involving an act of theft, destruction, or violence, or a firearm, shall be reported to law enforcement in accordance with NH Ed. Rules 317 and New Hampshire Safe School Zones law, RSA 193-D:4. See Section II, E, below for additional reporting information.

C. DRUG/ ALCOHOL OFFENSES

Drug and Alcohol Offenses: The District expressly prohibits alcohol and other drug usage, including at all school functions, activities, and school locations in accordance with RSA 318-B and RSA 179:10. Recommended responses are outlined below; however, school administrators shall take into account the specific circumstances of the student's alleged violation of this policy, as well as the student's willingness to engage in counseling and other offered support and/or services. Administrators have mandatory reporting obligations to law enforcement pursuant to RSA 193-D for acts of theft, destruction, or violence which includes offenses that fall under Type II and Type III, below. Please see Section III, A, Level 4, above, for the definition of "acts of theft, destruction, or violence" including drug offenses. Nothing in this provision shall amend the student's rights to due process procedures for suspension or expulsion as outlined in Sections III and IV, below.

1. Type 1 Offense: Knowingly in the Presence of Drugs or Alcohol

- a. Behavior Management: Parent notified, student offered SAP counseling, contraband confiscated (if any), and re-entry plan developed (if student removed).
- a. Behavior Consequences:
 - i. First Offense:
 - 1. 10 day extracurricular suspension

2. SAP counseling (up to 10 hours) and potential 1 day suspension
 3. No counseling: potential 2 day suspension.
- ii. Second Offense:
 4. 20 day extracurricular suspension
 5. SAP counseling (up to 15 hours) and potential up to 3 day suspension
 6. No counseling: potential up to 5 day suspension.
1. **Type II Offense: Possession or use of alcohol, tobacco, drugs, or paraphernalia (including using/ having used, attempting to secure and/or purchasing the above)**
 - b. Behavior Management: Parent notified, Student offered SAP counseling, contraband confiscated (if any), SRO involvement, re-entry plan if needed.
 - c. Behavior Consequences:
 - iii. First Offense
 7. Thirty days extracurricular suspension.
 8. SAP counseling (up to 15 hours) and potential up to 3 day suspension
 9. No SAP counseling: potential up to 5-10 day suspension.
 - iv. Second Offense: Elevate to Type III Offense
2. **Type III Offense: Repeated Type II or Intending and/or Attempting to sell and/or distribute alcohol, tobacco or other drugs**
 - d. Behavior Management: Behavior Management: Parent notified, Student offered SAP counseling, contraband confiscated (if any), SRO involvement, re-entry plan if needed.
 - e. Behavior Consequences:
 - v. Sixty day extracurricular suspension
 - vi. Potential for 5-10 school day suspension
 - vii. Referral to Superintendent for potential long-term expulsion (add 10 days)
 - viii. SAP counseling up to 20 hours
3. **Assistance Available.** Counseling services are available to students who are having problems with alcohol and other drugs. Any violation of this drug use policy will result in the referral of the student to SAP counseling. The counselor will provide individual counseling to the student, small group counseling, and/or may assist with making appropriate referrals to outside agencies and community partners for further support services depending on the needs of the student and the resources available in the community. All conversations will be kept confidential.
4. All drug or alcohol offenses must be documented so that a proper determination as to first, second, or subsequent offense may be made, regardless of consequence.
5. In all cases where there has been a violation of this policy, a parent or guardian will be notified. The student will be released to the parent or guardian. If the parent or guardian cannot be reached or is unwilling to come to the school, Manchester Police Department/ SRO may be called, apprised of the facts, and requested to take protective custody of the student if necessary.

6. **Prescription Drugs/ Medication.** These items shall be given to the school nurse immediately upon arrival to school. The student may take the medication upon leaving for the day. Exceptions will be granted in special circumstances with approval in writing from the school nurse.

7. Re-Entry Plans for Suspension due to Drugs or Alcohol

- f. Any student who is suspended for a drug/ alcohol offense must have a re-entry plan developed upon their return to school. The plan should address (but is not limited to) behavior expectations, participation in counseling/ SAP, academic expectations and any other activity which will allow for positive re-entry to school. The plan should be developed with the student, administration, guidance department (SAP), teachers, and parent(s) or guardian(s).
- g. Class officers may forfeit their leadership position when they violate this policy. They may resume activity after their extracurricular suspension; however, they may not hold office until the following school year.
- h. The graduated sanctions as outlined above are strongly recommended but may not take into account the specific circumstances of any given situation. The administration may determine that an upward or downward deviation is necessary to address the student and their particular circumstances at school.

D. UNAUTHORIZED USE OF PERSONAL ELECTRONIC DEVICES

The unauthorized use of Personal Electronic Communication Devices shall be governed by the Manchester School District's policy on student use of Personal Electronic Communication Devices- Students 166 and Students 166-R. The unauthorized use of a Personal Electronic Communication Device during the school day shall be treated as a Level 1 offense. Failure to comply with request to turn in device into the Main Office shall be treated as a refusal to follow staff direction. The intentional failure to surrender a Personal Electronic Communication Devices at the beginning of the school day after a third offense for the unauthorized use of a Personal Electronic Communication Device shall be treated as a Level 2 offense. Enforcement shall be as follows:

- 1. First Offense: Warning and confiscation of the Personal Electronic Communication Device for the remainder of the school day. A disciplinary referral will be written and entered into Aspen.
- 2. Second Offense: The Personal Electronic Communication Device will be confiscated. A disciplinary referral will be written and entered into Aspen. The student's parent/guardian must pick up the device from the principal or superintendent's office.
- 3. Third Offense: The Personal Electronic Communication Device will be confiscated. A

disciplinary referral will be written and entered into Aspen. The parent/guardian must pick up the device from the Main Office. Each school day thereafter the student must drop off the device at the Main Office upon arrival and pick up the Personal Electronic Communication Device at the end of the school day for the balance of the semester. Failure to drop off the phone at the Main Office as directed shall result in detention and/or suspension from school.

4. Audio/video recordings made without consent of another person, including the posting, sharing or dissemination thereof, particularly when such recordings violate another person's reasonable expectations of privacy, may result in referral to law enforcement and/or additional disciplinary measures including expulsion from school.

E. SPECIAL EDUCATION CONSIDERATIONS

Disciplinary responses for students with educational disabilities shall occur in accordance with all federal and state laws, district policies and regulations and the New Hampshire Rules for the Education of Children with Disabilities. See Section III, E if more serious sanctions are going to be considered for a child with a disability.

F. DOCUMENTATION/ DATA GATHERING

RSA 193-D:4

(a) Any public or private school employee who has witnessed or who has information from the victim of an act of theft, destruction, or violence in a safe school zone shall report such act in writing immediately to a supervisor. A supervisor receiving such report shall immediately forward such information to the school principal who shall file it with the local law enforcement authority. Such report shall be made by the principal to the local law enforcement authority immediately, by telephone or otherwise, and shall be followed within 48 hours by a report in writing. If the alleged victim is a student, the principal shall also immediately notify the person responsible for the victim's welfare, as defined in RSA 169-C:3, XXII, that a report was made to the local law enforcement authority.

Each time this Code of Conduct is utilized, the administrator involved shall record, at a minimum, the student's name, offense, administrator involved, SRO involved (if any), and graduated sanctions imposed. RSA 193-D:4 requires that any District staff member report acts of theft, destruction, or violence in a safe school zone to a "supervisor" which shall mean the building Principal or designee at each school in this District. The reporting requirements of NH Ed. Rules 317.05 must be followed for any act of theft, destruction, or violence in accordance with RSA 193-D:4, by filling out Ed. Form 317. Such report shall include the following information: (1) School name; (2) School address; (3) School telephone number; (4) Name of school principal; (5) Date, time, and location of incident involving an act of theft, destruction, or violence, or the possession of a firearm; (6) Alleged offense; (7) Description of incident; (8) Name of suspect; (9) Grade in school of suspect; (10) Address of suspect; (11) Gender of suspect; (12) Name of victim; (13) Grade in school of victim; (14) Address of victim; (15) Gender of victim; (16) Name of employee reporting incident; (17) Date report was completed by employee; (18) Date report was filed with local law enforcement authority by school principal. Please see Appendix A for the definition of an act of theft, destruction, or violence.

IV. SUSPENSION HEARING PROCESS

RSA 193:13, I

(a) A superintendent or chartered public school director, or a representative designated in writing by the superintendent or chartered public school director, may suspend pupils from school for a period not to exceed 10 consecutive school days for:

- (1) Behavior that is detrimental to the health, safety, or welfare of pupils or school personnel; or*
- (2) Repeated and willful disregard of the reasonable rules of the school that is not remediated through imposition of the district's graduated sanctions under paragraph X.*

(b) The school board or chartered public school board of trustees, or a representative designated in writing may, following a hearing, extend the suspension of a pupil up to 10 additional consecutive school days for an act that constitutes an act of theft, destruction, or violence as defined in RSA 193-D; bullying pursuant to school district policy when the pupil has not responded to targeted interventions and poses an ongoing threat to the safety or welfare of another student; or possession of a firearm, BB gun, or paintball gun. The school board's or board of trustee's designee may be the superintendent or any other individual, but may not be the individual who suspended the pupil for the first 10 days under subparagraph (a). Any suspension shall be valid throughout the school districts of the state, subject to modification by the superintendent of the school district or chartered public school in which the pupil seeks to enroll.

(c) Any suspension in excess of 10 school days imposed under subparagraph (b) by any person other than the school board or board of trustees is appealable to the school board or board of trustees, provided that the superintendent, school board, or board of trustees received such appeal in writing within 10 days after the issuance of the decision being appealed. The school board or board of trustees shall hold a hearing on the appeal, but shall have discretion to hear evidence or to rely upon the record of a hearing conducted under subparagraph (b). The suspension under subparagraph (b) shall be enforced while that appeal is pending, unless the school board or board of trustees stays the suspension while the appeal is pending.

IX. Nothing in this section shall prevent the superintendent of the pupil's local school district or chartered public school director from reinstating a suspended or expelled pupil.

A. SHORT-TERM SUSPENSION

a. Minimum Requirements

The Principal and/or his/her designee at each school may suspend a student for up to a total of 10 consecutive days for conduct that is either:

1. *Detrimental to the health, safety, or welfare of pupils, OR*

2. *For students who act with repeated or willful disregard of the reasonable rules of the school if the behavior is not remediated through graduated sanctions.*

Any Principal or designee that seeks to suspend a student must therefore have a concern for health/safety/ or welfare of the school's students or must have already attempted graduated sanctions prior to suspending for repeated conduct that does not threaten health/safety/welfare of the student or other students in the school. The attempted graduated sanctions must be documented prior to proceeding with suspension for repeated conduct without a health/safety/welfare concern.

b. Due Process Procedure

A short-term suspension for alleged conduct that meets the above criteria requires the following due process procedures prior to being imposed:

1. A Principal or his/her designee must hold a meeting with the student and a parent or guardian prior to implementing a short-term suspension.
2. The student must be afforded the opportunity to have a parent or guardian present.
3. The student shall be afforded with notice that they may elect to have an advocate and/or attorney present.
4. The Principal or designee shall inform the student and parent/ guardian of the nature of the alleged conduct, an explanation of the evidence supporting the allegation, and that they are considering a suspension.
5. This notice of the allegation and potential for suspension may occur in writing prior to the meeting, if time permits. However, the notice may also be verbal during the meeting itself.
6. The student shall then have the opportunity to present his or her side of the story or present any alternative evidence in his/her defense.
7. Following this meeting, the Principal or designee must provide a written statement to the student and their parent/ guardian explaining the decision for any disciplinary action taken against the student.

c. Next Steps

If a Principal believes the conduct may justify a long-term suspension, the Principal must immediately, within 1 school day, refer the matter to the Superintendent's office with a recommendation for long-term suspension, if appropriate under the circumstances.

Any student that is suspended for 1-10 consecutive days by the Principal must be returned to school the day following the last day of the suspension, and in any case no later than the 11th day following the imposition of the short-term suspension, unless a further hearing and additional suspension or expulsion was imposed by the Superintendent, Board, or either designee.

***Note:** Please see “Educational Assignments During Suspension” at Section III, C, 1 (below), for the District’s obligation to provide assignments and/or educational services to a student while they are out of school during a period of suspension.

B. LONG-TERM SUSPENSION

d. Minimum Requirements

The Superintendent and/or his/her designee may suspend a student, following a hearing, for up to a total of an additional 10 consecutive days for conduct outlined in Level 4, above, that is either:

1. *An act of “theft, destruction, or violence” OR*
2. *An act of Bullying when the student **both** has not responded to targeted interventions **and** the student poses an ongoing threat to the safety or welfare of another student; OR*
3. *Possession of a firearm, BB gun, or paintball gun.*

A long-term suspension may not be imposed to address repeated rule violations, unless the behavior also falls into one of the specific categories above. A long-term suspension for a firearm is warranted even though the statute calls for a 12 month expulsion as the long-term suspension may be (but does not need to be) served prior to the start of the expulsion. When both a suspension and expulsion are imposed for the same conduct, the start date of the expulsion shall be the first day of the suspension, so that the suspension period is credited towards the total period of the student’s expulsion.

If any long-term suspension will result in the student being suspended for more than 20 cumulative days in the school year, the school must provide alternative education services as outlined in Section III, C, 1 (below).

The long-term suspension may extend the initial short-term, 10 day suspension by a period of up to an additional 10 days. The long-term suspension and short-term suspension, combined, can not exceed 20 cumulative days. If a student is recommended for expulsion, but has not had a hearing with the Board of School Committee, the student **must** be returned to school on the 21st day under the law.

e. Due Process Procedures

A long-term suspension for alleged conduct that meets the above criteria requires the following due process procedures prior to being imposed:

1. Written communication must be issued from the Superintendent’s office to the student and parent or guardian, prior to the hearing, which includes notice of the alleged conduct, an explanation of the evidence, and the date/ time of the hearing with the Superintendent or his/her designee. The

student and parent/guardian shall also be notified of their right to have an advocate or attorney (at their own expense) present at the hearing.

2. The student and parent/ guardian may choose whether this hearing is a private or public hearing.
3. A hearing shall be conducted with the Superintendent or his/her designee. During the hearing, school officials shall have the opportunity to present evidence in support of the alleged conduct and make a recommendation as to disciplinary action. The Superintendent or designee may ask an administrator to attend in person, or may rely upon the record of documentation provided by the school official prior to the hearing. A copy of such written documentation shall also be provided to the parent/ guardian at the hearing for their review.
4. The student, parent/guardian, and/or advocate for the student may present evidence in the form of testimony or documentation to support their position, address the charges, or information that is relevant to determining an appropriate sanction.
5. A written decision shall be issued by the Superintendent or designee stating the legal and factual basis for the suspension if imposed after a hearing.
6. The written decision must include information regarding the student's ability to appeal a decision on a long-term suspension to the Board of School committee.

f. Next Steps

If expulsion is warranted under the circumstances (see criteria below) and is recommended by the Superintendent following the imposition of a long-term suspension, a referral shall be made to the Board via the Clerk, Chair, and vice Chair of the Board immediately, but no later than 24 hours after the imposition of the long-term suspension.

If the long-term suspension is intended to extend a previously imposed short-term suspension, the suspension must not be imposed by the same person that imposed the short-term suspension. Any student that is suspended for an additional 1-10 days by the Superintendent or designee must be returned to school on the school day following the last day of the long-term suspension, which in no case may be longer than the 21st day after the first day of the short-term suspension, unless the student has received a full hearing from the Board of School Committee and an expulsion order has been issued.

***Note:** Please see "Educational Assignments During Suspension" in Section III, C, 1 below for the District's obligation to provide assignments and/or educational services to a student while they are out of school during a period of suspension.

C. PROCEDURES DURING AND AFTER SUSPENSION: SCHOOL DISTRICT'S OBLIGATIONS TO PROVIDE ACADEMIC AND RE-ENTRY SUPPORTS TO STUDENTS

RSA 193:13, V. School districts and chartered public schools shall make educational assignments available to the suspended pupil during periods of suspension. Except as provided in paragraphs II and IV, a school district or chartered public 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 a pupil to advance from grade to grade. 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. No pupil shall be penalized academically solely by virtue of missing class due to suspension.

The following procedures must be utilized to support a student both academically and behaviorally whenever a student is suspended from school:

1. Academic Support and Progress

- a. When a student has been suspended for any period of time, the school shall provide **education assignments** to include the student's daily work and coursework from the classes they are missing.
- b. When a student is suspended in excess of 20 cumulative days during any school year, the student must be provided with **alternative education services** which are designed to enable the student to progress from grade to grade while this student is out of the building. These services may include additional tutoring, academic support, alternative education programming, or any other services that are necessary to enable the student to make progress towards completing their current grade level.
- c. A student cannot be penalized academically solely for missing class due to suspension from school.

2. Behavior Intervention Plan or Safety Intervention Plan

- d. When a student is suspended for more than 10 cumulative days in a school year, the school must create an intervention plan prior to the student's return to school, which is in addition to the re-entry plan outlined above.
- e. This intervention plan should be specifically tailored to the student's behaviors and designed to address hypothesized or known causes of behavior by providing supports and services from school and/or community-based partners in the school, or facilitated referrals to services outside of the school
- f. The District will provide Behavior Intervention Plan and Safety Intervention Plan templates. ;
- g. In addition to implementing supports and services for students, the intervention plan should:
 - i. Target problem behaviors
 - ii. Define specific goals including replacement behaviors and timelines
 - iii. Describe interventions, including strategies to change negative behaviors, teach appropriate skills and outline negative consequences,
 - iv. Have a mechanism to monitor the effectiveness of the plan.
- h. The plan must be developed and approved before the student returns to school. The plan may be amended and adjusted as needed if further behaviors arise or if additional suspension is warranted after the initial plan is put in place.

3. Re-Entry Plans

- i. All students returning from suspension shall receive a re-entry plan.
- j. A re-entry plan shall include:
 - v. A staff member familiar with the student to be assigned as the contact person/counselor, as assigned by the building administrator.
 - vi. The student shall be received by this contact upon returning to school.
 - vii. The re-entry counselor shall review the suspension, discuss how the behavior led to the suspension, and how the behavior impacts fellow students, teachers, the school community, the ~~pride of the~~ student's parents and the student's self-esteem and education.
 - viii. The re-entry counselor shall review the Code of Conduct with the student including next steps if the behavior continues.
 - ix. The re-entry counselor shall outline a transition and guidance plan for reintegration into school, shall assist the student with catching up on schoolwork, and ensure the student shall not repeat the behavior.
 - x. In no event shall a student be punished academically for the suspension.

D. DOCUMENTATION/ DATA GATHERING

Each time this Code of Conduct is utilized for suspension of a student, the administrator involved shall record, at a minimum, the student's name, offense, administrator involved, SRO involved (if any), a record of the notices sent to the student/ parents, a record of the proceedings with each level of administration, and a record of the suspension imposed, if any. The reporting requirements of NH Ed. Rules 317.05 must be followed for any act of theft, destruction, or violence in accordance with RSA 193-D:4. See Section II, E above.

E. SPECIAL EDUCATION CONSIDERATIONS

Disciplinary responses for students with educational disabilities shall occur in accordance with all federal and state laws, district policies and regulations and the New Hampshire Rules for the Education of Children with Disabilities. If a student with an educational disability has a cumulative total of suspensions in excess of ten (10) days in a school year, the principal/designee shall ensure that an Individualized Education Program (IEP) meeting is convened prior to the commencement of the 11th day or further suspension. The IEP Team is to complete a functional behavior assessment and a positive behavior intervention plan and determine if the behavior is or is not a manifestation of the student's disability.

When a student with an educational disability is recommended for a long-term suspension, the student and the student's parent or guardian shall receive the same notice as students without disabilities. This written notice shall also advise the student and the student's parent or guardian of their rights under the

Individuals with Disabilities Education Act (IDEA), including notice that a long-term suspension is a change of placement which they may disagree with and, if applicable, invoke the “stay-put” provision of IDEA.

The student’s IEP Team shall meet prior to the imposition of a long-term suspension to conduct a manifestation determination review to determine the relationship between the student’s disability and the behavior subject to the disciplinary action. The IEP team shall determine whether the conduct causing the disciplinary action was a manifestation of the student’s educational disability. A manifestation of the student’s disability occurs when the conduct in question was caused by the student’s disability or, whether the conduct in question had a direct and substantial relationship to the student’s disability or, if the conduct in question was the direct result of the school’s failure to implement the student’s IEP.

If the IEP Team determines that the student’s conduct was not a manifestation of the student’s educational disability, the disciplinary action shall proceed with the student’s IEP being implemented during the period of suspension. If the IEP Team determines that the student’s conduct was a manifestation of the student’s educational disability, the long-term suspension shall not be imposed without educational programming to appropriately implement the student’s IEP.

The student’s IEP Team shall also conduct a functional behavior assessment and develop and implement a positive behavior intervention plan within ten (10) business days of the eleventh (11th) day of suspension or after causing a removal constituting a change in placement. If a behavioral intervention plan already exists, the IEP Team must review and, if appropriate, modify that existing plan.

Students with Section 504 Plans shall also have disciplinary action in excess of ten (10) days be in accordance with all federal and state laws. If a student with a disability and a Section 504 plan is recommended for a long-term suspension a manifestation meeting shall be convened. If the Section 504 Team determines that the student’s conduct was not a manifestation of the student’s disability, the disciplinary action shall proceed. If the Section 504 Team determines that the student’s conduct was a manifestation of the student’s disability, the long-term suspension shall not be imposed without an appropriate plan and placement put into place.

V. EXPULSION HEARING PROCESS

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II. Any pupil may be expelled from school by the local school board or board of trustees for an act that poses an ongoing threat to the safety of students or school personnel and that constitutes:

- (a) A repeated act under subparagraph I(b);*
- (b) Any act of physical or sexual assault that would be a felony if committed by an adult;*
- (c) Any act of violence pursuant to RSA 651:5, XIII; or*
- (d) Criminal threatening pursuant to RSA 631:4, II(a).*

III. A pupil who has been expelled shall not attend school until reinstated by the local board or chartered public school board of trustees.

III-a. Before expelling a pupil under this section the local school board or chartered public school board of trustees shall consider each of the following factors:

- (a) The pupil's age.*
- (b) The pupil's disciplinary history.*
- (c) Whether the pupil is a student with a disability.*
- (d) The seriousness of the violation or behavior committed by the pupil.*
- (e) Whether the school district or chartered public school has implemented positive behavioral interventions under paragraph V.*
- (f) Whether a lesser intervention would properly address the violation or behavior committed by the pupil.*

III-b. Any expulsion shall be subject to review by the pupil's school board of attendance or the board of trustees of the chartered public school's board that issued the expulsion if requested prior to the start of each school year and further, any parent or guardian has the right to appeal any such expulsion by the local board or board of trustees to the state board of education at any time while the expulsion remains in effect. All appeals of final action by the state board of education shall be in accordance with RSA 541.

III-c. Any expulsion shall be valid throughout the school districts of the state. However, upon application by the pupil, any school district or chartered public school may choose to admit an expelled pupil at the school district or chartered public school's sole discretion. The decision by a chartered public school or superintendent to accept a pupil under this paragraph shall not be binding upon any other school district or chartered public school until the pupil is reinstated by the pupil's local school board or chartered public school board of trustees.

VI. A pupil expelled from school in another state under the provisions of the Gun-Free Schools Act of 1994 shall not be eligible to enroll in a school district in New Hampshire for the period of such expulsion. If the out-of-state expulsion is for an indefinite period of time, such pupil or the pupil's parent or guardian shall have the right to petition the pupil's local school board for enrollment upon establishing residency. If the pupil is denied enrollment, the pupil's expulsion shall be subject to review pursuant to paragraph III-b.

VII. The local school board or chartered public school shall adopt a policy which allows the superintendent or charter public school director to modify the expulsion and enrollment requirements under paragraphs IV and VI on a case by case basis.

VIII. For purposes of paragraphs I, II, III, and IV school board may be either the school board or a subcommittee of the board duly authorized by the school board.

a. Minimum Requirements

The Board of School Committee may expel a student, following a hearing, for conduct outlined in Level 5, above, that **BOTH** poses an ongoing threat to the safety of students or personnel, **AND** that constitutes:

- 1. A repeated act that would justify a long-term suspension; or*
- 2. An act of physical/ sexual assault that would be a felony if committed by an adult; or*

3. *An act of violence; or*

4. *Criminal Threatening.*

A student may not be expelled unless the alleged conduct poses an ongoing threat to the safety of the students or personnel of the Manchester School District. A repeated rule violation that does not threaten the safety of others cannot be the basis for an expulsion.

b. SPECIAL CONSIDERATIONS FOR FIREARMS

Any student who brings a firearm to school shall be expelled for a period of twelve (12) months following a hearing by the Board of School Committee and in accordance with the same due process procedures set forth in Section IV, b below. An allegation that a student brought a firearm into a school building, onto school property, or in attendance at any school-sponsored event or activity requires a factual determination regarding the veracity of the allegation prior to imposing the mandatory 12 month expulsion.

Similar to expulsion on other grounds, the school district may provide educational services to a student who was expelled, but is not obligated to do so unless the student is identified as a special education student. The district may also choose to place the student in an alternative educational setting to receive such services, but such alternative education program is not required.

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IV. Any pupil who brings or possesses a firearm as defined in section 921 of Title 18 of the United States Code in a safe school zone as defined in RSA 193-D:1 without written authorization from the superintendent or designee shall be expelled from school by the local school board for a period of not less than 12 months. Nothing in this section shall be construed to prevent the local school district or chartered public school that expelled the student from providing educational services to such student in an alternative setting.

VI. A pupil expelled from school in another state under the provisions of the Gun-Free Schools Act of 1994 shall not be eligible to enroll in a school district in New Hampshire for the period of such expulsion. If the out-of-state expulsion is for an indefinite period of time, such pupil or the pupil's parent or guardian shall have the right to petition the pupil's local school board for enrollment upon establishing residency. If the pupil is denied enrollment, the pupil's expulsion shall be subject to review pursuant to paragraph III-b.

VII. The local school board or chartered public school shall adopt a policy which allows the superintendent or charter public school director to modify the expulsion and enrollment requirements under paragraphs IV and VI on a case by case basis.

c. Due Process Procedures (for all pending cases recommending expulsion)

A expulsion for alleged conduct that meets the above criteria requires the following due process procedures prior to being imposed:

1. A formal expulsion hearing must be held at the Board of School Committee;
2. Written notice must be provided to the student and their parent or guardian a minimum of 5 days prior to the hearing. Such notice must include a statement of the alleged conduct, an explanation of the anticipated evidence to support the allegation, and a recommendation from the Superintendent for the Board's action, including an explanation of how the Superintendent reached that recommendation.
3. The student and their parent/ guardian may decide to waive the right to a hearing and admit to the charges by the Superintendent. The student and their parent/ guardian may also decide whether the hearing will be public or private.
4. A student who is 18 years of age or older may waive their right to have a parent or guardian present, unless the student is subject to guardianship.
5. A formal hearing shall be conducted by the Board, which includes a presentation of the evidence by the Superintendent or administration. Formal rules of evidence do not apply; however, the administration shall present evidence in support of the alleged conduct. The hearing shall also include an opportunity for the student to defend against the allegations. The student shall have the right to examine any witnesses if presented by the administration, and to address any documentary evidence or other physical evidence submitted for consideration. The student shall also have the right to present evidence in their own defense.
6. The decision of the Board shall be based on a dispassionate and fair consideration of substantial evidence that the accused student committed the act for which the expulsion is to be imposed and that such acts are, in fact, a proper reason for expulsion.
7. In determining whether to expel a student, the Board must consider the the student's: (1) age; (2) disciplinary history; (3) disability (if any); (4) seriousness of the violation or behavior; (5) whether the school implemented positive behavior interventions; (6) whether a lesser intervention would properly address the behavior.
8. The Board will issue a written decision that explains the factual and legal basis underlying the Board's decision whether to expel the student from school. The notice shall also include a statement on the duration of the expulsion. The student shall also be notified of their right to petition for reinstatement at the start of each school year, the process to petition for reinstatement at the start of the school year or the end of the period of expulsion, and shall be notified of their right to appeal the decision to the New Hampshire Board of Education.

d. Next Steps: Reinstatement and Appeals Process

Any student who has been expelled may petition the Board of School Committee to be reinstated prior to the start of each new school year. In addition, the student, or parent/ guardian of the student may appeal

any expulsion imposed by the Board to the State Board of Education at any time during the period of expulsion, while the expulsion remains in effect. These procedures do not limit the ability of the superintendent to reinstate a suspended or expelled student.

Upon receipt of a petition by the student or their parent/ guardian, the Board may admit a student who was expelled from another district or chartered public school at their discretion

e. Educational Assignments

The district may, but is not required to, provide education assignments to a student who is expelled. If the student is identified as a special education student, then the district may have an obligation to provide such alternative education services in accordance with that student's plan.

f. Documentation and Data Gathering

Each time this Code of Conduct is utilized, the administrator involved shall record, at a minimum, the student's name, offense, administrator involved, SRO involved (if any), a record of the notices sent to the student/ parents, a record of the proceedings with each level of administration, and a record of the expulsion imposed, if any, with a copy of the notice to parents from the Board of the legal and factual basis for the expulsion, if any. The reporting requirements of NH Ed. Rules 317.05 must be followed for any act of theft, destruction, or violence in accordance with RSA 193-D:4. See Section II, E above.

g. Special Education Considerations

If a student with an educational disability is recommended for expulsion, the student and the student's parent or guardian shall be provided the same notice as students without disabilities. This written notice shall also advise the student and the student's parent or guardian of their rights under the Individuals with Disabilities Education Act (IDEA) including their right to disagree with any change in placement and to appeal decisions of the student's IEP Team.

A student with an educational disability may only be recommended for expulsion after it has been determined that the behavior giving rise to the request for expulsion is not a manifestation of the student's disability. The IEP Team shall convene a meeting to make a determination of an appropriate forty-five (45) day interim alternative education placement to ensure that the student's IEP is implemented pending the expulsion hearing and decision by the Board of School Committee. Should the student with a disability be expelled by the Board of School Committee, the IEP Team must again be convened to propose and offer an alternative long-term placement where the student's IEP can be implemented.

When the conduct of a student with an educational disability does not involve drugs or weapons, but the school determines that the student presents a potential danger to himself/herself or to others in his/her current placement, the school may request a forty-five (45) day interim alternative educational placement.

No change of placement shall occur without the consent of the parent or guardian after the convening of the IEP Team or until the school obtains an order from a Hearings Officer granting permission for such placement.

VI. Compliance with State and Federal Law

X. The provisions of this section shall be construed in a manner consistent with RSA 186-C.

At all times the behavioral intervention must comply with State and Federal law, the Individuals with Disabilities Education Act (IDEA), Family Educational Rights and Privacy Act (FERPA) and Section 504. When any behavioral action is taken with a student, whether it is the implementation of a positive behavioral action, graduated sanction, suspension, expulsion, or other consequential action, the District must consider whether the student has a disability. The specific obligations for the District for students with identified disabilities are outlined in Sections III, e and IV, g, above. If the child's behavior indicates that a disability may exist, but the district was not previously aware of this disability, then the District should engage in appropriate evaluations to determine if the child has a disability and whether the child requires additional special education services.