

## **STUDENT CONDUCT, DISCIPLINE, AND DUE PROCESS**

### Safe School Zone

Inappropriate student conduct that causes material and substantial disruption to the school environment, interferes with the rights of others, or presents a threat to the health and safety of others will not be tolerated. Students are expected to exhibit appropriate classroom behavior that allows teachers to communicate and educate effectively.

Students will conduct themselves in a manner fitting to their age level and maturity and with respect and consideration for the rights of others while on school district property or on property within the jurisdiction of the school district; while on school owned and/or operated school or chartered vehicles; while attending or engaged in school activities; and while away from school grounds if misconduct will directly affect the good order, efficient management and welfare of the school district. Consequences for the misconduct will be fair and developmentally appropriate in light of the circumstances.

Further, the Dover School Board recognizes that out-of-school conduct of students attending school within the district is not normally a concern of the School Board. However, the School Board believes that disciplinary action for conduct occurring off school property and not involving a school activity is proper if the conduct has an adverse effect upon the school.

Therefore, it is the policy of the Dover School Board that any student attending school within this district will be subject to disciplinary action including, but not limited to, suspension from school for any conduct that, in the opinion of the school administrators, has an adverse impact upon the school.

Out-of-School and off-campus student conduct that may subject a student to discipline includes, but is not limited to:

1. Damaging school property;
2. Violence at or near the school's bus stop, either before or after the school day;
3. Drinking alcohol, using tobacco products, or using illegal drugs at or near the school bus stop, either before or after the school day;
4. Damaging the private property of school staff or employees;
5. Any other activity the Board or administration determines impedes the general welfare of scholastic activities.

### Cyber-Bullying and Internet Threats

The Board also recognizes that there are growing occurrences of "cyber-bullying" and threatening language being used by students on the internet when out-of-school and off-campus. Cyber-bullying will be addressed in accordance with Policy JICK-(Bullying Policy)

Students who fail to abide by this policy and the administrative regulations supporting it may be disciplined for conduct which disrupts or interferes with the education program; conduct which disrupts the orderly and efficient operation of the school district or school activity; conduct which disrupts the rights of other students to participate in or obtain their education; conduct that is violent or destructive; or conduct which interrupts the maintenance of a disciplined atmosphere. Disciplinary measures include, but are not limited to, removal from the classroom, detention, suspension, probation, and expulsion.

Suspension means an in-school suspension, an out-of-school suspension, a restriction from activities or loss of eligibility. An in-school suspension means the student will attend school but will be temporarily isolated from one or more classes while under supervision. An in-school suspension will not exceed ten consecutive school days. An out-of-school suspension means the student is removed from the school environment, which includes school classes and activities. An out-of-school suspension will not exceed ten days. A restriction from school activities means a student will attend school and classes and practice but will not participate in school activities.

Probation means a student is given a conditional suspension of a penalty for a definite period of time in addition to being reprimanded. The conditional suspension will mean the student must meet the conditions and terms for the suspension of the penalty. Failure of the student to meet these conditions and terms will result in immediate reinstatement of the penalty.

Expulsion means an action by the board to remove a student from the school environment, which includes, but is not limited to, classes and activities, for a period of time set by the board.

Due process in accordance with all applicable laws will be afforded to any student involved in a proceeding that may result in suspension, exclusion, or expulsion. Due process will be administered by the superintendent, the superintendent's designee, and/or the Discipline Committee of the Dover School Board. The School Board Discipline Committee is comprised of three fixed members of the School Board. The Discipline Committee shall hear and adjudicate all discipline hearings in the Dover School District involving suspension of students for more than ten days or expulsion. The School Board authorizes the superintendent to impose suspensions of longer than ten days, provided that the superintendent was not the person who imposed the original ten day-suspension and provided that the suspension in excess of ten days is not imposed until after the student has been given a hearing before the superintendent. The Discipline Committee does not review appeals of student disciplinary decisions unless a right to appeal is explicitly conferred by policy or by law.

Students who receive short term suspensions (less than ten days), long-term suspensions, or expulsions are entitled to the following due process:

Short-term suspension (ten school days or less),

1. the student shall meet with the superintendent or a district official designated by the superintendent to discuss the charges and the evidence against the student. The superintendent or district official shall inform the student of the possibility of a short-term suspension.
2. The student shall be given an opportunity to present his or her side of the story at this meeting.
3. The student shall also receive a written statement directed to at least one of the student's parents/guardians explaining the disciplinary action taken against the student.

Suspensions are cumulative and will be kept on record throughout the student's career at Dover High School. Smoking, Fighting, Threatening, Hazing, Harassing, Bullying and Drug and Alcohol referral records will be kept on file during the student's entire career at Dover High School. All cases will be referred to the proper authorities.

#### Long-term suspensions (in excess of ten days):

1. Upon issuance of a long-term suspension, 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 pupil's last known address, prior to the hearing, for the charges and explanation of the evidence against the pupil.
2. The student is entitled to a hearing in which 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. The student or parent/guardian shall have the right to examine any witnesses presented by school officials. The student may, together with a parent/guardian, waive the right to a hearing and admit to the charges made by the superintendent.
3. Following the hearing, the Discipline Committee shall issue a written decision which includes the legal and factual basis for the conclusion that the student should be suspended.
4. The Discipline Committee will provide notice to the student with notice that the decision of the School Board may be appealed to the State Board of Education, or, if the hearing is held before the superintendent, an appeal may be made to the School Board within ten days of the superintendent's decision.

#### Expulsion

1. The Discipline Committee, acting on behalf of the Dover School Board, may expel a student after there has been a formal hearing with the superintendent prior to expulsion.
2. The hearing may be held either before or after the short-term suspension has expired and, pending the disciplinary hearing, may result in expulsion

by the Dover School Board.

3. The Discipline Committee will provide written notice to the student and at least one of the student's parents/ guardians, delivered in person or by mail to the student's last known address, of the date, time and place for the hearing. The notice shall contain a statement of the charges and the nature of the evidence against the student and the superintendent's recommendation for school board action and a description of the process used by the superintendent to reach his or her recommendation. The notice shall be delivered to the student and at least one of the student's parents/guardians at least five days prior to the hearing.
4. The Discipline Committee shall conduct the hearing in accordance with New Hampshire Administrative Rule Ed. 317.04(g).
5. The Discipline Committee shall issue a written decision stating whether the student is expelled and, if so, the length of the expulsion. If the decision is to expel, the decision must include the legal and factual basis for the decision including the specific statutory reference prohibiting the act for which the student is expelled. The expulsion shall run until the school board later reviews it and restores the student's permission to attend school, and the written decision shall state any action that the student may take to be restored by the Board. The decision shall also state that the student has the right to appeal the decision to the state board of education within twenty calendar days of receipt of the decision from the Board.

Students expelled from school may be reinstated by the Board under the provisions of RSA 193:13.

The Superintendent may modify expulsion requirements as provided in RSA 193:13, IV.

Discipline of students with identified or suspected disabilities will be in accordance with the Individuals with Disabilities Education Act 2004, New Hampshire Rules for the Education of Children with Disabilities, and Section 504 of the Rehabilitation Act of 1973.

**Students and parents will be notified annually of this policy.**

Legal References:

RSA 193:13, Suspension & Expulsion of Pupils  
NH Code of Administrative Rules, Section Ed. 317.04, Disciplinary  
Procedures

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

See Appendix: JICD-R