

STUDENT CODE OF CONDUCT

Manchester School District

Approved by the Board of School Committee: June 14, 2010

INTRODUCTION

MANCHESTER SCHOOL DISTRICT MISSION

To provide safe, healthy, nurturing and respectful environments in which all students have the opportunity to acquire knowledge and skills that will enable them to become life-long learners as well as positive and productive citizens. The success of our schools can only be achieved through collaboration and interdependence with the community. The District is committed to utilizing all resources towards this exciting challenge.

The Manchester School District Board of School Committee believes that safe school environments are necessary for students to learn and achieve and for staff to support student learning. The Board of School Committee expects student conduct to contribute to a safe and productive learning environment that is of benefit to the entire community. The Board of School Committee endorses the following principles of student conduct:

1. Respect for law and those given authority to administer it shall be expected of all students. This includes conformity to school rules as well as to general provisions of the law regarding minors.
2. Respect for the rights of others, consideration of their privileges, and cooperative citizenship shall be expected of all members of the school community.
3. Respect for real and personal property and exemplary personal standards of courtesy, decency, honesty, and wholesome attitudes shall be maintained.

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 implemented by all school employees.

SECTION A

Student Responsibilities and Rights

Safe and Orderly Educational Environment

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

Attendance

Student Responsibilities	Student Rights
To attend school each day; to be on time; to actively participate in all classes	To be informed of school board policies and school rules about absences, credit recovery and tardiness
To provide documentation of the reason for an absence	To appeal a decision about attendance
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	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

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

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

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

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

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 school-assigned books properly and, use lockers and desks to keep and maintain articles or materials

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

Extracurricular/Co-curricular Activities

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

Guidance and Student Services

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

Motor Vehicles

Student Responsibilities	Student Rights
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	To access parking for their vehicles when available at their high school

SECTION B

SUSPENSION AND EXPULSION OF STUDENTS

NH RSA 193:13 Suspension and Expulsion of Pupils

- I. (a) *The superintendent or chief administering officer, or a representative designated in writing by the superintendent, is authorized to suspend students from school for a period not to exceed 10 school days for gross misconduct or for neglect or refusal to conform to the reasonable rules of the school.*
- (b) *The school board or representative designated in writing of the school board is authorized, following a hearing, to continue the suspension of a pupil for a period in excess of 10 school days. The school board'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 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 is appealable to the school board, provided that the superintendent received such an appeal in writing within 10 days after the issuance of the decision being appealed. The school board shall hold a hearing on the appeal, but shall have discretion to hear evidence or to rely upon a 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 stays the suspension while the appeal is pending.*
- II. *Any pupil may be expelled from school by the local school board for gross misconduct, or for neglect or refusal to conform to the reasonable rules of the school, or for an act of theft, destruction, or violence as defined in RSA 193-D:1, or for possession of a pellet or BB gun, rifle, or paint ball gun, and the pupil shall not attend school until restored by the local board. Any expulsion shall be subject to review 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 to the state board of education. Any expulsion shall be valid throughout the school districts of the state.*
- III. *Any pupil who brings or possesses a firearm as defined under 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.*

I. WHY A STUDENT MAY BE SUSPENDED OR EXPELLED FROM SCHOOL

- A.** According to NH Law, RSA 193:13, a student may be suspended or expelled from school for gross misconduct or for neglecting to conform to the reasonable rules of the school or for an act of theft, destruction, or violence as defined in RSA 193-D:1, or for possession of a pellet or BB gun, rifle, or paint ball gun
- B.** Administrators shall assess each individual situation and apply educationally sound consequences for violations of rules of conduct and ensure compliance with state and federal laws: Individuals with Disabilities Education Act (IDEA), Family Educational Rights and Privacy Act (FERPA), American's with Disabilities Act, and Section 504.

- I. (a) *The superintendent or chief administering officer, or a representative designated in writing by the superintendent, is authorized to suspend students from school for a period not to exceed 10 school days for gross misconduct or for neglect or refusal to conform to the reasonable rules of the school.*

II. WHO MAY SUSPEND A STUDENT FROM SCHOOL

- A. According to NH Law RSA 193:13, school boards, superintendents or their representatives have the right to suspend students from school.
- B. Superintendents or their representatives as designated in writing may suspend students up to ten (10) school days.
- C. Superintendents may extend the suspension of students in excess of ten (10) days.
- D. Parents, guardians or students have the right to appeal suspensions in excess of ten (10) days.

NH RSA 193:13 Suspension and Expulsion of Pupils

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(b) The school board or representative designated in writing by the school board is authorized, following a hearing, to continue the suspension of a pupil for a period in excess of 10 school days. The school board'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 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 is appealable to the school board, provided that the superintendent received such an appeal in writing within 10 days after the issuance of the decision being appealed. The school board shall hold a hearing on the appeal, but shall have discretion to hear evidence or to rely upon a 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 stays the suspension while the appeal is pending.

III. WHO MAY EXPEL A STUDENT FROM SCHOOL

- A. According to NH Law RSA 193:13 the Board of School Committee may expel a student from school.
- B. Parents, guardians, and students may appeal an expulsion by the Board of School Committee to the NH State Board of Education.
- C. Parents, guardians, and students may request a review of an expulsion prior to the start of a new school year.
- D. An expulsion shall be valid throughout the school districts in NH.

NH RSA 193:13 Suspension and Expulsion of Pupils

- II. Any pupil may be expelled from school by the local school board for gross misconduct, or for neglect or refusal to conform to the reasonable rules of the school, or for an act of theft, destruction, or violence as defined in RSA 193-D:1, or for possession of a pellet or BB gun, rifle, or paint ball gun, and the pupil shall not attend school until restored by the local board. Any expulsion shall be subject to review 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 to the state board of education. Any expulsion shall be valid throughout the school districts of the state.

- III. Any pupil who brings or possesses a firearm as defined under 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.

IV. STUDENTS SUBJECT TO DISCIPLINARY PROCEDURES ARE PROVIDED WITH DUE PROCESS

Due process in a short-term suspension (up to 10 days)

At a minimum the following shall be included:

- 1. The superintendent or designee shall inform the student of the purpose of the meeting;
- 2. Oral or written notice of the charges and an explanation of the evidence against the student;
- 3. An opportunity for the student to present his/her side of the story; and
- 4. A written statement to the student and at least one of the student's parents or guardian explaining any disciplinary action against the student.

Due process in a long-term suspension (more than 10 days)

At a minimum the following shall be included:

- 1. Written communication to the student and at least one of the student's parents or guardian, delivered in person or by mail to the student's last known address, of the charges and an explanation of the evidence against the student;
- 2. The superintendent's written or oral recommendation for student action to correct the discipline problem;
- 3. A hearing;
- 4. A written decision which includes the legal and factual basis for the conclusion that the student should be suspended;
- 5. If the hearing was conducted by the Board of School Committee's designee, the decision may be appealed to the Board of School Committee; and
- 6. If the hearing was conducted by the Board of School Committee, the decision may be appealed to the NH State Board of Education.

Due Process in an expulsion by the Board of School Committee

In an expulsion by the Board of School Committee, due process shall include the following minimal requirements:

1. A formal hearing shall be held before any expulsion;
2. Such hearing shall be held either before or after the short-term suspension has expired and pending the expulsion hearing;
3. If the hearing is held after the expiration of a short-term suspension, the student shall be entitled to return to school after the short-term suspension has expired and pending the expulsion hearing;
4. A written notice to the student and at least one of the student's parents or guardian shall be delivered in person or by mail to the student's last known address, of the date, time and place for a hearing before the Board of School Committee;
5. The written notice shall include:
 - a. A statement of the charges and the nature of the evidence against the student;
 - b. The superintendent's written recommendation for the Board of School Committee action and a description of the process used by the superintendent to reach his/her recommendation.
6. The notice shall be delivered to the student and at least one of the student's parents or guardian at least 5 days prior to the hearing;
7. The following hearing procedures shall apply:
 - a. The student, together with a parent or guardian, may waive the right to a hearing and admit to the charges made by the superintendent;
 - b. If the student is 18 years of age or older, the concurrence of a parent or guardian shall be unnecessary unless the student is subject to guardianship which would prevent the student from waiving the right to a hearing;
 - c. Formal rules of evidence shall not be applicable; however, school officials shall present evidence in support of the charge(s) and the accused student or his/her parent or guardian shall have the opportunity to present any defense or reply;
 - d. The hearing shall be either public or private and the choice shall be that of the student or his/her parent or guardian; and
 - e. During the hearing, the student, parent, guardian or counsel representing the student shall have the right to examine any and all witnesses;
8. The decision of the Board of School Committee shall be based on a dispassionate and fair consideration of substantial evidence that the accused student committed the act for which expulsion is to be imposed and that such acts are, in fact, a proper reason for expulsion;
9. The decision shall state whether the student is expelled and the length of the expulsion. If the decision is to expel the student the decision shall include the legal and factual basis for the decision; and
10. Any action the student may take to be restored by the Board; and
11. A decision shall include a statement that the student has the right to appeal the decision to the NH State Board of Education;
12. All appeals to the NH State Board of Education shall be filed within 20 calendar days of receipt of the written decision of the Board of School Committee.

PROCEDURES FOR STUDENT SUSPENSIONS AND EXPULSIONS

The following procedures shall be followed in student suspensions and expulsions in the Manchester School District.

I. PROCEDURES FOR SHORT-TERM SUSPENSIONS (TEN (10) DAYS OR LESS)

- To protect student rights, certain procedures are followed with regard to disciplinary actions. These procedures are developed as suggested or required by law to ensure the student is provided with due process.
- A student accused of serious misconduct, which in the opinion of the principal or designee would require suspension from school, shall be afforded the procedures below. In emergency situations, these procedures may be modified so long as reasonable efforts are made to provide substantially similar opportunities for the procedural safeguards. A student must be given an opportunity to complete assignments and take exams missed during the period of suspension.
- Administrators shall assess each individual situation and apply educationally sound consequences for violations of rules of conduct and ensure compliance with federal and state laws: Individuals with Disabilities Education Act (IDEA), Family Educational Rights and Privacy Act (FERPA), Americans with Disabilities Act, and Section 504.

Step 1: The student shall be told by the principal/designee the reason(s) for the consideration of suspension.

Step 2: The student shall be given the opportunity to present his/her version either verbally or in writing and to identify witnesses to the incident.

Step 3: The principal/designee shall make a determination as to whether or not the student is guilty of the misconduct and, if so, what disciplinary response will be imposed. Notices to impose suspension shall be in writing.

Step 4: The principal/designee shall notify the student in person as to the charges and the disposition of the case.

Step 5: The principal/designee shall report each suspension in writing to the student's parent or guardian. This report shall be mailed (or delivery initiated) within 24 hours of the start of the suspension or on the next regular workday. Reasonable efforts shall be made to contact the parent or guardian prior to the start of the suspension. If the parent or guardian cannot be reached prior to the start of the suspension, the principal/designee may determine to start the suspension without contacting the parent or guardian, but continued reasonable efforts shall be made.

Step 6: There is no appeal for suspension of ten (10) days or less. The days served during an external suspension are considered unexcused absences for attendance purposes.

Step 7: Consistent with Section IV Re-entry From Suspension Plans, re-entry plans shall be developed by school staff with the parent and student.

Students with Disabilities:

- Disciplinary responses for students with 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*. Students with disabilities may be subject to short-term suspensions consistent with the procedures afforded to students without disabilities under this section. When any suspension of a student with a disability results in a cumulative suspension during a school year of more than ten (10) days, the procedures for long-term suspension of a student with a disability are applicable.

II. PROCEDURES FOR LONG-TERM SUSPENSIONS (MORE THAN TEN (10) DAYS)

- A student accused of a violation of the Student Code of Conduct, which in the opinion of the principal/designee may require a long-term suspension or expulsion from school, shall be afforded the procedural safeguards described below.

Step 1: The procedures for a short-term suspension must be employed, as well as Steps 2 through 5 below, prior to the imposition of a long-term suspension.

Step 2: The principal/designee shall notify the student and parent or guardian that he/she is requesting the superintendent consider extending the student's suspension an additional ten (10) days.

Step 3: The superintendent's administrative assistant shall contact the student's parent or guardian to schedule a hearing within the initial 10-day suspension, or as close to it as feasible. If the parent or guardian requests a later hearing date or scheduling conflicts do not allow the hearing to take place within the initial 10-day suspension, then the superintendent/designee will determine if the offense warrants an extension of the suspension prior to agreeing to a later hearing date. The superintendent/designee will determine whether to approve the long-term suspension pending the hearing.

Step 4: The superintendent/designee shall make a written determination as to whether sufficient information was provided at the hearing to determine whether the student is guilty of the misconduct and, if so, the appropriate disciplinary response. The student and parent or guardian shall be notified immediately of the superintendent's recommendation regarding the request for extended suspension or expulsion. The written decision shall be mailed to the parent or guardian immediately following the hearing.

Step 5: As appropriate and consistent with Section IV Re-entry From Suspension Plans, re-entry plans shall be developed by school staff with the parent and student.

- If the parent/guardian disagrees with the decision of the superintendent/designee, an appeal before the Board of School Committee may be requested. This appeal must be requested within 10 days of the date of the superintendent's decision letter. The disciplinary consequence remains in effect throughout all appeals unless the Board of School Committee stays the suspension while the appeal is pending.

Students with Disabilities:

- 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. The IEP Team shall determine whether 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.

III. PROCEDURES FOR EXPULSIONS

- Pursuant to NH RSA 193:13 the Board of School Committee may expel any student "... for gross misconduct, or for neglect or refusal to conform to the reasonable rules of the school, or for an act of theft, destruction, or violence as defined by RSA 193-D:1, or for possession of a pellet or BB gun, rifle, or paint ball gun, and the pupil shall not attend school until restored by the local board."

Step 1: At the recommendation of the superintendent a hearing shall be scheduled for the student to appear before the Board of School Committee to consider the student's expulsion from the Manchester School District.

Step 2: The parent/guardian shall receive notice of the hearing that shall include the date, time and location of the hearing, a written statement of the charges and the nature of the evidence against the student, the superintendent's recommendation for the Board of School Committee action, the information provided by the principal/designee to support the charge, the student's rights and the hearing procedures.

Step 3: A formal hearing shall be held where the student shall be able to exercise the rights identified in the notice. The hearing shall be either public or private at the choice of the student or his/her parent or guardian. The student shall have the opportunity to explain the incident that brought him/her to the hearing, provide witnesses (or written witness statements) on his/her behalf, examine any and all witnesses, question the information presented by the principal and superintendent. The student's parent or guardian also has the opportunity to speak on the student's behalf. The student may be represented by counsel, at his/her expense.

Step 4: The Board of School Committee shall determine based on a dispassionate and fair consideration of substantial evidence if the student committed the act for which expulsion is to be imposed and that the acts are in fact, a proper reason for expulsion.

Step 5: The written decision of the Board of School Committee shall be provided to the parent or guardian.

Students with Disabilities:

- 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.
- If a student with an educational disability is recommended for expulsion, 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.

IV. RE-ENTRY FROM SUSPENSION AND POSITIVE BEHAVIOR INTERVENTION PLANS

- A. All students returning from suspension shall receive a re-entry plan. This plan shall be overseen by the a staff member assigned by the building administrator and will allow for the student's participation as well as the participation of any staff member involved in the incident(s) that led to suspension.
- B. A re-entry plan shall consist of the following:
- A staff member familiar with the student is to be assigned as the re-entry contact person/counselor.
 - The student shall be received by the re-entry counselor upon returning to school from suspension.

- The re-entry counselor shall review the original action and discuss how the behavior led to the suspension, how the behavior impacts his/her fellow students, teachers, the school community, the pride of his/her parents and his/her self-esteem and education.
 - The re-entry counselor shall review the Student Code of Conduct with the student.
 - The re-entry counselor shall outline a transition and guidance plan for reintegration into the school; assistance with getting caught up on classwork; and to ensure the student does not repeat the behavior that led to the suspension.
- C. Any student suspended for a Level III* or IV offense shall receive a Functional Behavior Assessment (FBA) in conjunction with their re-entry plan. The assessment shall be conducted to ascertain the cause of the behavior and appropriate interventions required to ensure that the behavior does not occur in the future. A Positive Behavior Intervention Plan (PBIP) shall be developed by appropriate school personnel, parents, the student (as appropriate) and in some cases community and district personnel. The PBIP shall:
- Target problem behaviors
 - Define specific goals including replacement behaviors and timelines
 - Describe interventions, including strategies to change negative behaviors, teach appropriate skills and outline negative consequences
 - Have a mechanism to monitor the effectiveness of the plan
- *Note: Level III offenses deemed to be “Continuation of Level II misconduct” do not require a FBA.
- D. Any student who was suspended but did not receive a FBA, and is subsequently suspended for the same target behavior, will receive a FBA using the same procedure established in Paragraph B.
- E. Once receiving a PBIP, should the student be suspended for the same target behavior again within the school year, a meeting shall be convened to conduct further functional assessment of the behavior.
- F. After further functional assessment is done, should the student be suspended for the same target behavior a third time within the school year the Principal shall refer the matter to the Superintendent for further disciplinary action, which may include referral to the Board of School Committee to consider expulsion from the Manchester School District for one year, 365 days.
- G. In a year following the original implementation of the PBIP, should the student be suspended for the same target behavior, a meeting will be convened to conduct further assessment, consistent with that which is established in Paragraph D.
- H. In a year following the original implementation of the PBIP, and after further functional assessment has been done, should the student be suspended for the behavior again (totaling a second time within that school year) the procedure established in Paragraph E will be followed.

SECTION C

RULES OF CONDUCT AND CONSEQUENCES FOR VIOLATIONS OTHER THAN ALCOHOL AND OTHER DRUG USE

Rules of conduct apply to and are to be complied with at all school sponsored activities on and off school grounds. Students who are internally or externally suspended from school are prohibited from participation in any school sponsored activities from the point of notification until their regular return to classes.

It is expected that teachers will maintain a safe and orderly environment by utilizing a variety of classroom management techniques. There are instances when these techniques may not be effective in managing escalating behaviors. Therefore, we have developed a Student Code of Conduct to assist in those instances when additional support and or staff is required. Actions that are disrespectful, constitute a refusal, are disruptive or unsafe will not be tolerated.

Principals shall assess each individual situation and apply educationally sound consequences for violations of rules of conduct and ensure compliance with federal and state laws: Individuals with Disabilities Education Act (IDEA), Family Educational Rights and Privacy Act (FERPA), and Section 504.

LEVEL I

Level I 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, the additional intervention of other school support personnel is required.

Inappropriate Actions (not limited to)	Behavior	Management	Possible Consequences/ Discipline Options
<ol style="list-style-type: none">1. Uncooperative behavior in class or study2. Tardiness3. Violation of the dress code4. Rude or inappropriate language5. Loitering on school property	<ol style="list-style-type: none">1. Refusal2. Refusal3. Refusal4. Disrespect5. Refusal	<ul style="list-style-type: none">• A discipline referral is made as a result of the child's non-compliance with the Code of Conduct• As indicated, the administrator meets with the student and/or teacher and effects the most appropriate response.• A proper accurate record of the offenses and disciplinary action is maintained by the staff member.	<ul style="list-style-type: none">• Verbal redirection• Special assignment• Behavior contract• Counseling• Withdrawal of privileges• Suspension• Detention

LEVEL II

Level II offenses include behaviors of such frequency or seriousness that the learning climate of the school is disrupted. These infractions, which usually result from the continuation of Level I behaviors, require the intervention of personnel on the administrative level because the application of Level I consequences/disciplinary options has failed to correct the situation. Also, included in this level are behaviors which do not represent a

direct threat to the health and safety of others but the educational consequences are serious enough to require corrective action on the part of administrative personnel.

Inappropriate Actions (not limited to)	Behavior	Management	Possible Consequences/ Discipline Options
<ol style="list-style-type: none"> 1. Continuation of Level I behavior (3 infractions) 2. Disruptive behavior 3. Insubordination 4. Plagiarism and/or cheating 5. Verbal or symbolic harassment that infringes on students' rights to non-threatening environment 6. Using forged notes or excuses or forging or otherwise illegally using school forms. 7. Using profanity, vulgar expressions, vulgar gestures directed at a person 8. Cutting class 9. Violations of Internet use policy 10. Refusal to conform to the rules of the school and/or school district policies 11. Truancy 12. Leaving school grounds without permission from someone in authority – principal, assistant principal, nurse 13. Parking violations 14. Public display of affection 15. Use of skates, skateboard, scooter, etc. during normal school hours 16. Gambling and lotteries 17. Being in an “off limits” area 18. Use or display of personal audio visual equipment, such as, but not limited to, MP3 player, IPOD, Game Boy, cellular phone, or like devices in school during normal school hours 	<ol style="list-style-type: none"> 1. Refusal 2. Disruptive 3. Refusal 4. Disrespect 5. Disrespect 6. Disrespect 7. Disrespect 8. Refusal 9. Refusal 10. Refusal 11. Refusal 12. Refusal Unsafe 13. Refusal 14. Refusal 15. Refusal Unsafe 16. Refusal 17. Refusal; Unsafe 18. Refusal 	<ul style="list-style-type: none"> • The student is referred to the administrator for appropriate disciplinary action. • The administrator meets with the student and/or teacher and effects the most appropriate response. • A proper and accurate record of the offense and the disciplinary action is maintained by the administrator. A discipline slip will be written by the person reporting the incident. • The student and teacher are informed of the administrator's action in accordance with applicable state and federal laws: Individuals with Disabilities Education Act (IDEA), Family Educational Rights and Privacy Act (FERPA) and Section 504. • A parent conference may be held. • After unexcused absences the home and/or truancy officer may be contacted. • If contraband is involved, it will be confiscated and disposed of. • The student will be afforded appropriate due process in all situations. 	<ul style="list-style-type: none"> • Teacher/schedule change • Modified day • Counseling • Behavior contract • Referral to outside agency • Suspension • Transfer for a probationary period for the duration of the school year • Detention • Homebound instruction • In addition to the above possible consequences, consequences in Level I may also be applied.

LEVEL III

Level III offenses are acts that are directed against persons or that warrant immediate intervention. These acts might be considered criminal but more frequently can be handled by the disciplinary mechanism in the school. 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.

Inappropriate Actions (not limited to)	Behavior	Management	Possible Consequences/ Discipline Options
<ol style="list-style-type: none"> 1. Continuation of Level II behavior (3 infractions) 2. Bullying 3. Sexual harassment 4. Defacing or destroying school property; (<i>Criminal Mischief – RSA 634:2</i>) 5. Throwing solid objects 6. Theft (<i>RSA 631 & 637</i>) 7. Reckless operation of bicycles, motorcycles or cars in or around school building 8. Fighting (<i>Simple Assault – RSA 631</i>) 9. Possession or use of pornographic or violent material including sexually explicit or graphically violent materials 10. Gang or gang related activities including clothing, insignia, communication, threats, coercion, solicitation, conspiracy 11. Other violations of school rules, city ordinances and/or state laws 12. Reckless conduct 13. Possession of or using fireworks or other explosives 14. Hazing 15. Assault on student 	<ol style="list-style-type: none"> 1. Refusal 2. Unsafe 3. Disrespect 4. Unsafe 5. Refusal 6. Unsafe 7. Unsafe 8. Unsafe 9. Disrespect 10. Unsafe 11. Refusal 12. Unsafe 13. Unsafe 14. Unsafe 15. Refusal 	<ul style="list-style-type: none"> • The administrator initiates disciplinary action by investigating the infraction and conferring with staff regarding the behavior. • If contraband is involved, it will be confiscated and disposed of. • A proper and accurate record of offenses and disciplinary action is maintained by the administrator. A discipline slip is written by the person reporting the incident. • The student is afforded appropriate due process in all situations. • A re-entry plan is developed. • The administrator meets with the student to discuss the student's misconduct and the resulting disciplinary action. The administrator notifies the parent of the action. The teacher is also informed of the administrative action in accordance with applicable state and federal laws: Individuals with Disabilities Act (IDEA), Family Educational Rights and Privacy Act (FERPA) and Section 504. • The student is afforded appropriate due process in all situations. • A re-entry plan is developed. 	<ul style="list-style-type: none"> • Temporary removal from class • Counseling • Homebound instruction • Alternative program (when available) • Suspension • Transfer for a probationary period for the duration of the school year • Law enforcement officials are contacted • Restoration/restitution made by student • Detention • In addition to the above possible consequences, consequences in Level II may also be applied

NH RSA 193-F PUPIL SAFETY AND VIOLENCE PREVENTION

NH RSA 193-F:2 Purpose and Intent

The general court hereby finds that all pupils have the right to attend public schools that are safe, secure and peaceful. One of the legislature’s highest priorities must be to protect our children from violence by dealing with harassment, including “bullying”, in our public schools.

NH RSA 193-F:3II(a)

Any school employee, or employees of a company under contract with a school or school district, who has witnessed or has reliable information that a pupil has been subjected to insults, taunts or challenges, whether verbal or physical in nature, which are likely to intimidate or provoke a violent or disorderly response that violates the school bullying policy shall report such incident to the principal, or designee who shall in turn, report the incident to the superintendent and the School Board.

NH RSA 193-F:3IV

A school employee or employee of a company under contract with a school of school district, who has reported violations under this chapter to the principal or designee or who has intervened under conditions stated in the above paragraph, shall be immune from any cause of action which may arise from the failure to remedy the reported incident.

LEVEL IV - OFFENSES UNDER LEVEL IV MAY BE SUBJECT TO THE REPORTING REQUIREMENTS OF THE SAFE SCHOOLS ZONE ACT NH RSA 193-D SAFE SCHOOL ZONES. VIOLATIONS OF THE SAFE SCHOOL ZONE ACT CARRY A PENALTY OF A ONE (1) YEAR MINIMUM EXPULSION.

Level IV 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. These acts are clearly criminal and are so serious that they always require administrative actions which result in the immediate removal of the student from school, the intervention of law enforcement authorities, and action by the Board of School Committee. New Hampshire school authorities are obligated to report clearly established criminal offenses to law enforcement authorities.

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.

Inappropriate Actions (not limited to)	Behavior	Management	Possible Consequences/ Discipline Options
<ol style="list-style-type: none"> 1. Any criminal act that threatens the safety of students, faculty, staff or administration 2. Any other violations the principal or designees consider reasonable to fall into a Level IV category 	<ol style="list-style-type: none"> 1. Unsafe 2. Unsafe 	<ul style="list-style-type: none"> • The administrator verifies the offense, confers with staff involved and meets with the student in accordance with applicable state and federal laws: Individuals with Disabilities Education Act (IDEA), Family 	<ul style="list-style-type: none"> • Immediate suspension • Expulsion • Alternative program (if available) • Other Superintendent of Schools or Board of School Committee action which results in appropriate placement

Inappropriate Action (not limited to)	Behavior	Management	Possible Consequences/ Discipline Options
3. Assault on teacher, member of staff (<i>Assault – RSA 631</i>)	3. Unsafe	Educational Rights and Privacy Act (FERPA) and Section 504. Parents are contacted.	<ul style="list-style-type: none"> • In addition to the above possible consequences, the consequences in Level III may also be applied
4. Assault on a student that results in severe bodily injury or by means of a deadly weapon	4. Unsafe		
5. Stalking	5. Unsafe		
6. Possession of gun, knife, or other weapon (<i>Weapons possession – RSA 159</i>)	6. Unsafe		
7. Possession of look-alike weapons (<i>Safe Schools – RSA 193-13</i>)	7. Unsafe		
8. Possession of air rifle or gun, and/or pellet gun (<i>Safe Schools – RSA 193-13</i>)	8. Unsafe		
9. Setting or attempting to set fires, detonation of explosives, or arson (<i>Arson – RSA 634.1</i>)	9. Unsafe		
10. Causing a false fire alarm	10. Unsafe		
11. Defacing and/or destroying school property (major) (<i>Criminal Mischief – RSA 634:2</i>)	11. Unsafe		
12. Bomb threat and/or possession of look-alike bomb	12. Unsafe		
13. Possession of a defense weapon	13. Unsafe		
14. Extortion	14. Unsafe		
15. Calling in a false alarm concerning the presence of a biological or chemical substance	15. Unsafe		
16. Delivering or causing the delivery of a biological or chemical substance to a school with the purpose of causing bodily injury or evacuation of the school	16. Unsafe		
17. Robbery	17. Unsafe		
18. Burglary	18. Unsafe		
19. Inciting riot/chaos	19. Unsafe		

SECTION D

ALCOHOL, TOBACCO AND OTHER DRUG USE POLICY FOR THE MANCHESTER SCHOOL DISTRICT

Students enrolled in the Manchester School District are entitled to a drug free learning environment. To insure this for our students, the Manchester School District has established a zero tolerance policy for alcohol and other drug usage. This policy of zero tolerance extends beyond the boundaries of the school to all school functions at all locations. This policy emphasizes the illegality of drug and alcohol use by students RSA 318:b and RSA 179. Thus, the purpose of the policy is to offer a clear message to students, parents, and the citizens of the community that possession and use of alcohol and other drugs will not be tolerated. This policy refers to any and all substances or those represented as drugs. **SAP = Student Assistance Program**

Type I: Knowingly in the presence of alcohol, tobacco and other drugs

Inappropriate Action (not limited to)	Behavior	Management	Consequences
<ol style="list-style-type: none"> 1. Knowingly in presence 2. Second offense knowingly in presence 	<ol style="list-style-type: none"> 1. Unsafe 2. Unsafe; refusal 	<ul style="list-style-type: none"> • Parent Notified • Student offered SAP counseling • A proper and accurate record of the offense and the disciplinary action is maintained by the administrator. • If contraband is involved, it will be confiscated and disposed of. • Re-entry plan 	<ul style="list-style-type: none"> • First offense ten (10) school day extracurricular suspension • First offense student agrees to SAP counseling: 1 school day external suspension, up to 10 hours with SAP • First offense student does not agree to SAP counseling: 2 school days external suspension • Second offense twenty (20) school day extracurricular suspension • Second offense student agrees to SAP counseling: 3 day external suspension, up to 15 hours with SAP • Second offense student does not agree to SAP: 5 days external suspension

Type II: Possession and or use of alcohol, tobacco or other drugs or paraphernalia; using/having used; attempting to secure and or purchase

Inappropriate Action (not limited to)	Behavior	Management	Consequences
<ol style="list-style-type: none"> Possession/use of alcohol, tobacco, drugs or paraphernalia; using/having used; attempting to secure and/or purchase Second offense 	<ol style="list-style-type: none"> Unsafe Unsafe; refusal 	<ul style="list-style-type: none"> Parent Notified Student offered SAP counseling A proper and accurate record of the offense and the disciplinary action is maintained by the administrator. If contraband is involved, it will be confiscated and disposed of. Law enforcement notified Re-entry plan 	<ul style="list-style-type: none"> First offense: Thirty (30) school day extracurricular suspension First offense student agrees to up to 15 hours of SAP counseling; 3 day external suspension First offense student does not agree to SAP counseling: 5-10 days external suspension Second offense: upgrade to Type III

Type III: Repeated Type II and intending and or attempting to sell and or distribute alcohol, tobacco or other drugs

Inappropriate Action (not limited to)	Behavior	Management	Consequences
<ol style="list-style-type: none"> Intending/attempting to sell/distribute 	<ol style="list-style-type: none"> Unsafe 	<ul style="list-style-type: none"> Parent Notified Student offered SAP counseling A proper and accurate record of the offense and the disciplinary action is maintained by the administrator. If contraband is involved, it will be confiscated and disposed of. Law enforcement notified 	<ul style="list-style-type: none"> Sixty (60) school day extracurricular suspension 5-10 school day external suspension Referral to Superintendent to consider expulsion Possible extension of suspension by 5-10 days Student Assistance Program (SAP) counseling for up to 20 hours

RE-ENTRY PLAN FOR SUSPENSIONS

Any student who is suspended for a drug or alcohol violation must have a re-entry plan developed upon his/her return to school. The plan must address, but not be 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 must involve the student, administration, guidance (SAP), teachers, when appropriate, and parent(s) or guardians.

In addition to suspensions, students who violate the Alcohol, Tobacco and Other Drug Use Policy will lose the privilege to participate in and/or attend all extracurricular activities for 10, 30 or 60 school days depending on the infraction. Athletes should refer to the Interscholastic Athletic Code.

Class officers, Student Council officers, and officers of other organizations automatically forfeit their positions when they violate the Alcohol, Tobacco and Other Drug Use Policy. They can resume involvement in the activities of these organizations after 10, 30 or 60 school days, depending on the infraction; however, they cannot hold office until the next school year.

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

Administrative action will include intervention, interview and determination of consequences. All students will be referred to the school Student Assistance Program (SAP) Counselor for counseling.

Failure of the student to work with the Student Assistance Program Counselor for the contracted time will result in referral of the matter back to school officials for additional disciplinary action.

PRESCRIPTION DRUG/OTHER MEDICATION

Any student who is required to carry a prescription drug or other medication during school hours shall deposit the drug with the school nurse immediately upon entering the school. The student will secure the drug before leaving school for the day. Exceptions to this requirement will be granted only under particular circumstances, with approval in writing, from the school nurse.

ASSISTANCE AVAILABLE

Counseling services are available to students who are having problems with alcohol and other drugs. Also, when a student violates the Alcohol, Tobacco and Other Drug Use Policy, the student will be referred to a Student Assistance Program Counselor. The counselor will either provide the counseling on an individual basis or in small groups and/or assist in making appropriate referrals to outside agencies such as the Greater Manchester Mental Health Center or the Office of Youth Services. Conversations will be kept confidential.