

STUDENT BEHAVIOR STANDARDS

The primary purpose of the public school is education. In order for students to learn and teachers to teach, an atmosphere conducive to learning must be maintained.

Good behavior and classroom discipline are necessary if learning is to take place. The purpose of the Nashua School District's Student Behavior Standards is to ensure that a safe and orderly environment is maintained for everyone. These rules are in effect for all Nashua School students at any school function, school-sponsored event, school bus stop or bus ride.

As students grow and mature, they are expected to accept greater behavioral responsibilities. These standards are designed to guide students through the process of learning good discipline and to outline the consequences of disruptive behavior. There are situations which will warrant minor disciplinary responses at the elementary level (grades K-5), while the same situation will result in a more severe response at the middle (grades 6-8) and high school (grades 9-12) levels. Although the responses may differ, the Student Behavior Standards remain constant. *Students should be aware that, in addition to the violations listed, other infractions may be included as part of the individual school rules and regulations.* These rules and regulations will be communicated to parents and students annually, either in writing or through references to their location on the District's website.

In addition, anyone who is a student in the Nashua School District, who commits an act of vandalism involving school property outside of the normal school day, or during non-school days, shall be held accountable under this policy. Any perceived threatening act towards any employee of the Nashua School District after normal school hours and days, will fall under the Student Behavior Standards.

Goals

Discipline is a process...

- to maintain an orderly, safe and structured environment.
- through which individuals learn and demonstrate expected, appropriate behaviors.
- in which students accept responsibility for their own behaviors and respect the rights of others.

Expectations

The entire community has a vested interest in the discipline program within our schools. Successful implementation of a thoughtfully constructed discipline policy is a benefit to the entire community both for the present and for the future. Habits of self-discipline developed in the educational setting...

- will have a positive influence on building stronger family bonds;
- will enhance the opportunity for better relationships within the workplace and the community.

All staff and students have an important role to play in supporting the discipline program within our schools. This includes the responsibility for non-teaching staff to appropriately report student offenses to a teacher, supervisor or administrator. This also includes an expectation that each student will take responsibility to:

- be in charge of his/her own behavior
- comply with school rules at all times
- arrive at school and to class on time
- be prepared to learn
- honor the teacher's duty to teach and other students' right to learn
- attend school daily
- tell school staff about any discipline concerns he/she may have

Classes of Student Violations

Student violations are divided into three classes - Minor, Moderate, and Severe. They are described below.

Class III Offenses (Minor)

Class III Offenses will generally be addressed through in-class and/or in-school disciplinary actions, such as detentions and other strategies initiated by the teacher or administrator.

Teachers or principals may issue after school detentions. When an after-school detention is assigned to an elementary school student, the principal or designee will contact the parent/guardian to mutually agree upon the day and time of the detention, as well as the plan and method of returning the child home.

When an after-school detention is assigned to a middle or high school student, a 24-hour notice is required.

Class II Offenses (Moderate)

Class II Offenses will generally require more severe disciplinary actions consisting primarily of Extended Day Detentions (EDD), which are generally assigned by administrators and run for 90 minutes after school. For more serious Class II Offenses In-School Suspensions (ISS) or Out-of-School Suspensions (OSS) may be assigned. A student assigned an in-school suspension reports to an in-school suspension center at his or her school during normal school hours. A student assigned an out-of-school suspension remains under the supervision of a parent or guardian away from the school during the day(s) he or she is suspended.

Class I Offenses (Severe)

Class I Offenses are of an extremely serious nature and generally will warrant out-of-school suspensions by principals and/or expulsion by the Board of Education.

All suspensions and expulsions will be handled as outlined on Pages 6-11 of this document.

Response Actions by Class Offense

By implementing uniform student behavior standards, the Nashua School District can provide a safe, educational environment that is consistently maintained throughout all schools and enforced by all teachers and administrators.

Listed below are the general responses to offenses by class. In individual instances, a principal may change the school's response to an offense to either a more serious class or a less serious class depending upon specific circumstances justifying a response which does not follow the normal prescriptive process.

Class III Offenses (Minor)

Class III Offenses usually occur in the classroom or other less structured settings under the teacher's supervision. Occasionally, the teacher will have to call on other people for assistance, but the responses at this level usually do not require the intervention of a building administrator. A response to a Class III offense will generally proceed as follows:

- A. The teacher shall discuss the matter with the student, and warn the student that the continued misbehavior will result in the loss of certain privileges.
- B. The teacher may then proceed, as appropriate, with any of the following corrective actions:
 - Separate the student within the classroom.
 - Contact parent/guardian by telephone, note or email.
 - Have the student present when calling a parent/guardian at home or work to explain misbehavior.
 - Have the student write a letter to a parent/guardian explaining his/her misbehavior; require the parent/guardian to sign the letter.
 - Develop a student behavioral contract.

- Assign an after-school detention (when transportation is available).
 - Ask the school administration to assign a one-day in-school suspension.
 - Withhold privileges (no student may be denied the right to have lunch or snack).
 - Initiate a pre-arranged alternative classroom setting for up to a class period.
 - Consult with the principal, guidance counselor, case managers, or other appropriate staff concerning future strategies.
 - Any other acceptable action as adopted by the school staff.
 - In situations where academic dishonesty is the issue, students may not be given credit for the work presented.
- C. If the student does not respond to the above attempts, the student shall be removed from the classroom for at least the remainder of the class period and/or up to the remainder of the school day, and the parent/guardian will be contacted in a timely manner.
- D. When a student is sent to the principal's office a discipline referral will be submitted to the principal by the teacher as soon as is practical, and incorporated into the student's disciplinary record. When necessary, teachers will be responsible for providing summary information of corrective actions attempted prior to referring the student to the office.
- E. At the elementary level, after any three violations there will be a teacher-initiated parent/guardian communication. At the secondary level, after a student is referred to a school administrator three times during a quarter, the school administrator will communicate with the parent/guardian. This communication may be initiated by the administrator or by the teacher/team.
- F. Student demerits may be used where applicable.
- G. Repeated Class III Offenses as reviewed by appropriate staff may be treated as Class II Offenses.

Class II Offenses (Moderate)

By their nature, these acts are considered as significant violations of the student behavior standards. Class II Offenses require that a building administrator be involved in the disciplinary action. A response to a Class II offense will generally proceed as follows:

- A. The student shall be immediately removed for the rest of the class period or for the school day if the student's presence is detrimental to the classroom or poses any danger to others.
- B. The school administrator shall make every reasonable effort to contact the parent as soon as possible after the disciplinary action. A conference will be scheduled as needed.
- C. According to the severity of the offense(s) there will be an in-school suspension of up to three (3) days, an out-of-school suspension of up to three (3) days, or an extended day detention of up to three (3) days.
- D. Depending on the severity and the nature of the offense, law enforcement authorities may be contacted and the student may be subject to prosecution.
- E. Restitution for damages to school or personal property may be required.
- F. According to the severity of the offense(s), the student may be required to engage in an educational activity.
- G. Singularly severe incidents and/or repeated Class II Offenses may be treated as Class I Offenses.

Class I Offenses (Severe)

Violence, weapons, and crime will not be tolerated on Nashua School District property or at any Nashua School District sponsored event. These acts are the most severe violations of the behavior code. Offenses at this level usually go beyond the school discipline system and almost always draw upon law enforcement authorities. All students involved in Class I Offenses will be removed from school immediately.

Discipline Responses for any Class I Offense in any Nashua School District building, "School Safety Zone,"* or at any school function shall be as follows:

- A. The parent/guardian shall be contacted by the principal or assistant principal.
- B. The student shall receive up to a ten-day (10) out-of-school suspension from the principal.
- C. The principal may request an additional ten-day (10) out-of-school suspension from the superintendent or designee or request an expulsion by the Superintendent to the Board of Education.
- D. Law enforcement authorities may be contacted depending upon the nature and the severity of infraction.
- E. The student may be subject to prosecution and restitution.
- F. The parents/guardians shall be informed throughout the process. Additionally, other forms of long-term and permanent reassignment shall be explored as required by the situation.

Listing of Offenses and Responses

The chart below outlines student offenses and the general disciplinary responses to those offenses.

Student Offenses	Elementary Response	Middle School Response	High School Response
Academic dishonesty, cheating	Class III	Class III	Class III
An inappropriate behavior or improper act	Class III	Class III	Class III
Truant from class	Class III	Class III	Class III
Deliberately disrupting or distracting others	Class III	Class III	Class III
Continuous refusal to bring required materials to class	Class III	Class III	Class III
Inappropriate use of any electronic device, including a cell phone. The item may be confiscated and will require a parent/guardian to pick it up.	Class III	Class III	Class III
Deceiving or lying to a staff member	Class III	Class III	Class III
Leaving class without the teacher's permission	Class III	Class III	Class III
Failure to follow any staff member's reasonable request to carry out school rules	Class III	Class III	Class III
Any inappropriate display of affection	Class III	Class III	Class III
Pushing/shoving or running in hallways	Class III	Class III	Class III
Littering	Class III	Class III	Class III
Possession of tobacco products and/or vaping products either in school or on school grounds or other campus areas which are under the jurisdiction of the Nashua School District. Tobacco and/or vaping products will be confiscated.	Class II	Class II	Class II
Any other violations which the Principal considers reasonable to fall within a class III category	Class III	Class III	Class III
Stealing	Class III	Class II	Class II
Destroying, pirating (copyright infringement), altering or any other misuse of computer software and/or hardware belonging to students, the school department, or any school employee/volunteer	Class III	Class II	Class I
Repeatedly tardy to school or class	Class III	Class II	Class II

Truancy/skipping school	Class III	Class II	Class II
Use of profanity and/or obscene language or gestures	Class III	Class II	Class II
Disrespectful behavior towards others	Class III	Class II	Class II
Possession of any demeaning publication or material including, but not limited to, the following areas: race, color, ethnic origin, religion, sex, sexual orientation and disability status	Class III	Class II	Class II
Forgery	Class III	Class II	Class II
Conduct which is emotionally injurious to others; see also response to bullying	Class II	Class II	Class II
Reckless behavior/endangering others	Class II	Class II	Class II
Harassment of an ethnic, racial, sexual or religious nature, including but not limited to: conduct or comments that threaten physical violence; offensive, unsolicited remarks; unwelcome gestures or physical contact, including unsolicited propositions to engage in sexual acts; and verbal abuse or insults about, or directed at, any faculty, staff, and/or student	Class II	Class I	Class I
Defacing or vandalizing school property or the personal property of others	Class II	Class II	Class II
Leaving school grounds without permission; being in an "off limits area"; or being on school grounds at a time when it is clearly prohibited	Class II	Class II	Class II
Persistent disruptive behavior which repeatedly interrupts the educational environment	Class II	Class II	Class II
Bullying	See Policy JICK	See Policy JICK	See Policy JICK
Gambling	Class II	Class II	Class II
The threat or perceived threat by word or act to do violence to another where it is reasonably certain that the person has the intention and means to carry out the threat	Class II	Class II	Class II
Instigating, engaging in or attempting to fight another student. The investigating professional may take into consideration the actions of the student who was attacked if he/she had no reasonable alternative but to physically defend him/herself.	Class II	Class II	Class II
Sharing, distributing or having for sale any demeaning publication including, but not limited to, the following areas: race, color, ethnic origin, religion, sex, sexual orientation and disability status	Class II	Class II	Class II
Repeated Class III Offenses	Class II	Class II	Class II
Any other violation which the school Principal considers reasonable to fall within a class II category	Class II	Class II	Class II

due to its severity			
Extorting or maliciously threatening another student in order to gain money or objects belonging to that student	Class II	Class II	Class I
Possession of a toy gun	Class II	Class I	Class I
Bringing or possessing a firearm, as defined in Section 921 of Title XVIII of the U.S. Code, on school grounds or within the "Safe School Zone" (as defined in RSA 193-D:1) without written authorization from the Superintendent	Class I As required by law	Class I As required by law	Class I As required by law
Possession of a pellet gun, BB gun, BB rifle, or paint gun on school grounds or within the "Safe School Zone" (as defined in RSA 193-D:1)	Class I	Class I	Class I
Distribution, exchange, or selling of drugs or possession of drugs with the intent to distribute, exchange or sell	Class I	Class I	Class I
Starting or attempting to start a fire on school property	Class I	Class I	Class I
Using or threatening to use any dangerous object, weapon, destructive devices, or any instrument which might be capable of inflicting bodily injury; and/or assaulting, attacking or threatening to cause physical injury with or without any dangerous object to any adult or student	Class I	Class I	Class I
Possession of alcohol, illegal drugs or drug paraphernalia or being under the influence of alcohol, illegal drugs or any substance purported to be an illegal drug	Class I	Class I	Class I
Causing a false fire alarm or a bomb scare	Class I	Class I	Class I
Any act of sexual violence	Class I	Class I	Class I
Possession of any dangerous object, weapon, fireworks, destructive devices or any other instrument which may be capable of inflicting bodily injury	Class I	Class I	Class I
Unlawful entry	Class I	Class I	Class I
Inciting others to violence and/or encouraging other students to join in a disturbance	Class I	Class I	Class I
Repeated Class III or II Offenses	Class I	Class I	Class I
Any other violations which the school principal considers reasonable to fall within this category due to its severity.	Class I	Class I	Class I

Conditions for Academic Make-up Following a Suspension

Linking academic grades to behavioral discipline is not an effective method of modifying the behaviors of suspended students. For this reason, students receiving in-school or out-of-school suspensions will be able to

complete schoolwork while serving their suspensions.

For work not completed during an out-of-school suspension, it is the student's responsibility to meet with his/her teacher during the subject teacher's after school make-up time. Failure to make and to keep this appointment with the teacher may jeopardize the make-up option. The purpose of this meeting will be to determine the extent of the schoolwork and to establish a timeline for its completion. Students will be granted a minimum of one day's time per each day of suspension to make up their schoolwork, not to exceed a maximum of ten school days from the date the assignment was provided by the teacher.

School Activities

During the time that a high school student is suspended he/she loses the privilege of participating in all school sponsored athletic, extra-curricular and co-curricular activities for that period. Students may also lose privileges during days in which the student is serving an extended day detention.

During the time that a middle school student is suspended he/she loses the privilege of participating in all school sponsored athletic, extra-curricular and co-curricular activities for that period. Students may also lose the privilege of participating in school sponsored athletic, extra-curricular and co-curricular activities, as well as field trips if they are placed on academic probation through school accountability programs.

Procedures for Student Disciplinary Action

The purpose of this policy is to ensure that all students subject to disciplinary procedures have been afforded due process, and that all disciplinary actions conform to RSA 193:13, the IDEA, Section 504 of the Rehabilitation Act, New Hampshire Rules for the Education of Children with Disabilities, policies of the Nashua Board of Education, and the Safe School Zone Act. Whenever a student is suspended or expelled, he or she may receive a copy of his/her rights.

A school administrator may suspend a student for up to ten (10) days for disciplinary reasons. The Principal may request the Superintendent or designee to suspend the student up to an additional ten (10) days. The Superintendent may request the expulsion of a student for disciplinary reasons.

Short-term Suspension (a suspension of up to ten (10) days)

A school administrator shall meet with the student to discuss the student's conduct and shall:

- a. At the outset of the meeting, inform the student of the nature of the violation;
- b. inform the student of the nature of the evidence and facts upon which the administrator is making his/her decision;
- c. receive information and evidence from the student on his/her behalf; including presentation of any mitigating factors; and,

The school administrator shall make every reasonable effort to contact the parent as soon as possible after the disciplinary action. The Principal or designee shall immediately provide the student and parent/guardian a letter explaining the disciplinary action. The letter shall set forth:

- a. an explanation of the charge(s) against the student, and a brief summary of the evidence;
- b. the disciplinary action taken by the school administrator;
- c. the period of time covered by the disciplinary action;
- d. notice of the school administrator's intention to request further disciplinary action either by the Superintendent of Schools or designee, or the Nashua Board of Education; and,
- e. notice that the parent/guardian may request to meet with the school administrator to review the discipline.

The Principal or designee shall hand deliver this letter in a meeting with the parent/guardian and/or student, email the letter to the parent/guardian and student, or send it to the parent/guardian and student by U.S. mail

to the last known address.

Special education students may be subject to short-term suspensions consistent with the procedures afforded non-disabled students under this section. When any suspension of a special education student results in an accumulative suspension during a school year in excess of ten (10) days, then the procedures for long-term suspension of a special education student are applicable.

Long-term Suspension (a suspension of eleven (11) to twenty (20) days)

The Superintendent or designee, upon receiving a request from a Principal for a long-term suspension shall schedule a hearing. If practical, this hearing shall be scheduled prior to the end of the initial ten-day suspension imposed by the Principal. If the hearing is not held prior to the expiration of the initial ten-day suspension, the student shall be allowed to return to school until the hearing is held.

Prior notice of a hearing before the Superintendent or designee shall be provided to the student and the student's parent/guardian. The written notice shall include:

- a. an explanation of the charge(s) against the student and a brief summary of the evidence;
- b. the date, time, and location of the hearing;
- c. notice of the right to be represented by a parent or guardian or by legal counsel (at their expense) and to present evidence and call and examine witnesses;
- d. notice that should the student/parent/guardian fail to appear at the hearing, that the finder of fact will rely on the information/evidence presented by the school's witnesses;
- e. notice of the right of the parent or eligible student (18 years of age) to waive the right to a hearing and admit to the charge(s).

Prior written notice of the hearing before the Superintendent or designee shall be delivered in person or sent by the Superintendent or designee to the student and the student's parent/guardian by regular U.S. mail to the student's last known address.

A hearing on the request for a long-term suspension shall be conducted in accordance with the hearing procedures afforded a student during an expulsion hearing (see *Expulsion* section).

Following the hearing, the finder of fact shall promptly provide a written decision to the student and the student's parent/guardian. The notice of the decision shall include:

- a. a summary of the evidence presented;
- b. the facts and evidence relied upon in making the decision and the legal basis for the decision;
- c. if the request for the long-term suspension is granted, the period of time covered by the disciplinary action;
- d. notice of the right to appeal, in writing, this decision to the Nashua Board of Education within ten (10) days of the issuance of the written decision; and,
- e. notice that the long-term suspension will begin even if appealed unless the parent requests that the Nashua Board of Education stays the suspension and the request is granted.

The Superintendent's or designee's written notice of decision to the student and the student's parent/guardian shall be delivered in person or by U.S. mail (certified with return receipt) to the student's last known address.

If the parent/guardian appeals the decision of the Superintendent or designee, a formal hearing before the Board of Education will be scheduled as soon as practical.

The appeal hearing may be postponed at the request of the parent/guardian for good cause or if the parent/guardian needs additional time to prepare for the formal hearing.

The Superintendent or designee shall provide the student's parent/guardian prior written notice of the appeal

hearing. This notice shall include:

- a. date, time, and location of the hearing; and
- b. the right to be represented by legal counsel (at their expense) and to present evidence and to call and examine witnesses

The Superintendent or designee shall send written notice of the appeal hearing to the student and the student's parent/guardian by U.S. mail (certified with return receipt) to the last known address.

The appeal hearing shall be conducted in accordance with the same hearing procedures afforded a student during an expulsion hearing.

If a regular education student receives a long-term suspension or a pattern of short-term suspensions for more than ten (10) days, the principal may convene a child assistance team from the student's school to review the student's cumulative file and the disciplinary action before the beginning of the tenth day of suspension in order to consider additional education services in accordance with applicable state and federal law. The team will notify the Principal of its findings.

If a special education student receives a long-term suspension or a pattern of short-term suspensions for substantially the same behaviors that exceeds ten (10) days in a school year, the administrator shall contact the special education case manager to convene an I.E.P. (Individual Education Plan) team meeting prior to the commencement of the eleventh day of suspension. A functional behavioral assessment and behavior intervention plan will be completed or updated. The team will determine if the behavior is or is not a manifestation of the student's educational disability. Disciplinary action will occur in accordance with all federal and state laws, regulations, and rules for the education of children with disabilities.

If a special education student is recommended for a long-term suspension, the student and the student's parent(s)/guardian(s) shall receive the same written notice as non-disabled students. This written notice shall also advise the student and the student's parent(s)/guardian(s) 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" provisions of the IDEA. The student's I.E.P. Team and other qualified personnel shall meet prior to the imposition of a long-term suspension to determine whether the conduct causing the disciplinary action was a manifestation of the student's educational disability. If the I.E.P. Team determines that the student's conduct was not a manifestation of the student's educational disability, the disciplinary action shall proceed. The student's I.E.P. services shall be delivered during the period of suspension. If the I.E.P. Team determines that the student's conduct was a manifestation of the student's educational disability, the long-term suspension shall not be imposed.

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

Expulsion

If the Principal or the Superintendent or designee requests that a student be expelled from school, the Superintendent shall determine prior to the end of the student's initial ten-day suspension whether to submit the request to the Nashua Board of Education. A formal hearing shall be held prior to any expulsion. Except in situations involving a student bringing or possessing a firearm in a safe school zone, an expulsion hearing may be held either before or after the expiration of the initial ten-day suspension. If the hearing is scheduled to be held after the expiration of the initial ten-day suspension, the student shall be allowed to return to school until the hearing is held. In situations involving a student bringing or possessing a firearm in a safe school zone, the Nashua Board of Education shall hold the expulsion hearing within ten days of the commencement of the student's ten-day suspension.

Upon receipt of a request for expulsion, the Nashua Board of Education or designee shall provide prior written notice to the student and the student's parent/guardian, which shall include:

- a. the date, time and location of the hearing;
- b. a statement of the charges against the student and a summary of the evidence supporting the charges;
- c. the Superintendent's written recommendation for Board of Education action and a description of the process used by the Superintendent to reach his/her decision;
- d. notice that the student together with a parent may waive the right to a hearing and admit to the charges; parental consent is not necessary if the student is 18 years or older unless the student is subject to a guardianship
- e. notice that the student has a right to be represented by counsel at his/her expense;
- f. notice that the student, parent/guardian or counsel has the right to present any defense or reply to, call and/or examine any and all witnesses; and,
- g. notice that the hearing may be either public or private and the choice shall be that of the student or the student's parent/guardian.

The written notice shall be delivered to the student and the student's parent/guardian, in person or by mail to the student's last known address, at least five days prior to the hearing.

The decision of the Nashua Board of Education to expel a student shall be based on substantial evidence that the student committed the act(s) charged and that the act(s) is, in fact, a proper ground(s) for expulsion.

The decision, which shall be reduced to writing, shall state whether the student is expelled; the legal and factual basis for the decision if the student is expelled; the length of the expulsion; any action the student may take to be restored by the Nashua Board of Education; and, notice that the student has the right to appeal the decision to the State Board of Education within twenty (20) days of receipt of the written decision.

The Superintendent of Schools may request the Board of Education to modify the mandatory 12-month expulsion from school for bringing to or possessing a firearm in a safe school zone on a case-by-case basis.

The requirement of an expulsion hearing for other Class I offenses may be modified on a case-by-case basis by the Superintendent for circumstances including, but not limited to, the student's age. If the Superintendent in his/her discretion determines that the circumstances are such that the sanctions are inappropriately severe, he/she may impose or request the Board of Education to impose such lesser sanction(s) as he/she determines is appropriate. In all such cases, the Superintendent shall make a written report to the Board of Education detailing his/her reasons for taking or requesting such action.

Prior to the start of each semester, an expelled student may petition the Nashua Board of Education to review its decision to expel, so long as the expulsion occurred at least sixty (60) days prior to that request.

The petition shall:

- a. be submitted in writing to the Nashua Board of Education no later than three (3) weeks prior to the start of the semester;
- b. set forth the reasons for the request for readmission and any information and facts which the student believes supports the petition; and,
- c. indicate whether the student requests a hearing on the matter.

The Nashua Board of Education shall consider the petition within two (2) weeks of its receipt and provide the student written notice of its decision immediately thereafter. If a hearing is requested, the Nashua Board of Education shall schedule a hearing within three (3) weeks of receipt of the petition for review. The student may be present at said hearing along with his/her parent/guardian or other adult advocate. The student may present facts and evidence in support of his/her petition for readmission. The Nashua Board of Education

shall render a decision within one (1) week of the hearing and provide the student with written notice of its decision.

Expulsion of Special Education Students

If a special education student is recommended for expulsion, the student and the student’s parent(s)/guardian(s) shall be provided with the same written notice as non-disabled students. This written notice shall also advise the student and the student’s parent(s)/guardian(s) of their rights under the Individuals with Disabilities Education Act (IDEA), including the right to disagree with any change of placement and to appeal decisions of the student’s I.E.P. Team and the Nashua Board of Education.

In cases involving possession of or sale of drugs or the possession of a weapon, the student’s I.E.P. Team shall be convened no later than ten (10) business days after the event giving rise to the request for expulsion for the purpose of conducting a manifestation determination review, a functional behavioral assessment and to make a determination of an appropriate forty-five (45) day interim alternative educational placement. If the I.E.P. Team determines that the student’s conduct was not a manifestation of the student’s educational disability, the Team’s report shall be forwarded to the Superintendent for further disciplinary action. Should the special education student be expelled following a hearing before the Board of Education or its subcommittee, the I.E.P. Team must then propose and offer an alternative long-term placement where the student will receive a free, appropriate, public education and the student’s I.E.P. services can be delivered. The recommendation for the long-term placement must be made prior to the expiration of the forty-five (45) interim alternative educational placement. If the I.E.P. Team determines that the conduct giving rise to the request for expulsion was a manifestation of the student’s educational disability, then no discipline in excess of the initial ten-day suspension shall be imposed.

When a student’s conduct does not involve a drug or weapon violation, 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/guardian after the convening of the I.E.P. Team or, until the school obtains an order from a Hearings Officer granting permission for such a placement.

Legal References:

- RSA 189:15, Regulations*
- NH Code of Administrative Rules, Section Ed 306.04(a)(3), Student Discipline*
- NH Code of Administrative Rules, Section Ed 306.04(f), Student Discipline*
- NH Code of Administrative Rules, Section Ed 317.04(a,b), Disciplinary Procedures*

Board Approved:	10/15/96	R/Bd Approved:	03/31/03	R/Bd Approved:	02/27/17
R/Bd Approved:	07/21/97	R/Bd Approved:	04/21/03	R/Bd Approved:	10/16/19
R/Bd Approved:	03/29/99	R/Bd Approved:	07/21/03		
R/Bd Approved:	08/16/99	R/Bd Approved:	06/28/04		
R/Bd Approved:	08/19/02	R/Bd Approved:	08/31/06		
R/Bd Approved:	10/15/02	R/Bd Approved:	03/09/15		