

MEMORANDUM

TO: Inter-Lakes School Faculty K-12
FROM: Mary A. Moriarty
Superintendent of Schools
SUBJECT: Policy Impact Input

Attached are policies which were approved for a first reading by the Inter-Lakes School Board as tentative policies, subject to public review and reaction. After reviewing the policies, please complete the Policy Impact Form and return it to the Superintendent's Office no later than Monday, January 28, 2019

Your comments and reactions will be reviewed by the Inter-Lakes School Board at its meeting on Tuesday, February 12, 2019. If no major objections are voiced, the policies will be approved as final at that meeting.

MAM/mgm

Attachments:

Policy #5148	Weapons on School Property/Gun-Free Schools Act
Policy #5149	Prohibited Conduct

January 10, 2019

Inter-Lakes School District

Policy Impact Form

Policy #5148 Weapons on School Property/Gun-Free Schools Act

January 10, 2019

Respondent (please check):

- | | |
|--|--|
| <input type="checkbox"/> Administrator | <input type="checkbox"/> Citizen |
| <input type="checkbox"/> Parent | <input type="checkbox"/> Other School Employee |
| <input type="checkbox"/> Teacher | <input type="checkbox"/> Other |

This policy impact survey is in compliance with Board Policy #8130.1. Your assistance through completion and returning of this form to the Office of the Superintendent of Schools will assist in evaluating the effect of this tentative policy, both short and long term.

➤ Please read the tentative policy attached to this form.

➤ Please answer the following questions:

1. Will this policy assist the District and have a positive short-term effect? Yes No
If you checked "No", please comment in this space:

2. Will this policy assist the District and have a positive long-term effect? Yes No
If you checked "No", please comment in this space:

3. Do you feel that there is a need for this policy? Yes No

4. Do you have any suggestions regarding changes in the tentative policy? If so, please comment:

Weapons on School Property/Gun-Free Schools Act

The federal Gun-Free School Zones Act prohibits any individual from knowingly possessing a firearm in a school zone. A “school zone” is defined as the grounds of a public school and the property within 1,000 feet of the public school. A “firearm” is (1) any weapon (including a starter gun) which will or is designed to or may be readily converted to expel a projectile by the action of an explosive; (2) the frame or receiver of any such weapon; (3) any firearm muffler or silencer; or (4) any destructive device which includes any explosive, incendiary or poison gas.

For the purposes of this policy, the term “weapons” shall include in addition to “firearms” as defined above, other dangerous weapons as defined by 18 U.S.C. § 921; and RSA 159 which includes, but is not limited to, rifles, pistols, revolvers, pellet guns, BB guns, paintball guns, knives, slingshots, metallic knuckles, firecrackers, billies, stilettos, switchblade knives, sword canes, pistol canes, blackjacks, daggers, dirk knives, electronic defense weapons (as defined in RSA 159:20), aerosol self-defense spray weapons (as defined in RSA 159:20), martial art weapons (as defined in RSA 159:24), or any other substances, object or thing which, by appearance or function, is known, thought to be, or capable of producing death or serious physical injury.

Weapons are not permitted on school property at any time. Visitors, faculty, staff and students are prohibited from bringing any weapon, whether visible or concealed, into any school building, onto school property or a school bus or to any school-sponsored event.

~~The term weapons includes, but is not limited to, firearms, or other dangerous weapons as defined by 18 U.S.C. 921 and RSA 159 which includes but is not limited to rifles, pistols, revolvers, pellet guns, BB guns, paintball guns, knives, slingshots, metallic knuckles, firecrackers, billies, stilettos, switchblade knives, sword canes, pistol canes, blackjacks, daggers, dirk knives, or any other substances, object or thing which, by appearance or function, is known, thought to or capable of producing death or bodily injury.~~

A violation of this policy by any person will result in an immediate report to the Principal who shall, in turn notify the Police and Superintendent.

A student violation of this policy will result in immediate confiscation of the weapon and notice to the student’s parents or guardians. The student shall also be subject to discipline which may include suspension or expulsion from school. If a student violation involves a firearm, the School Board shall expel the student from school in accordance with RSA 193:13, III, ~~and the Prohibited Conduct Policy 5149,~~ and in accordance with the federal Gun-Free School Zones Act. The expulsion shall continue for not less than one year subject to the Superintendent’s authority to modify the expulsion on a case-by-case basis. If a student violation involves the possession of a pellet or BB gun, rifle or paint ball gun or other weapon as defined in this policy, then the student shall face disciplinary action under the ~~may be expelled by the School Board pursuant to RSA 193:13, II and the~~ Prohibited Conduct Policy 5149, which may include but is not limited to suspensions and expulsions from school and/or school sponsored activities.

Pursuant to the provisions of 20 U.S.C. §7961 of the Gun-Free Schools Act, the School Board requires the Superintendent to contact local law enforcement authorities and the Division of Children and Youth Services and notify them of any student who brings a firearm or weapon on school property.

Faculty or staff who violate this Policy shall be subject to discipline, up to and including dismissal.

Members of the public who violate this policy will be reported to law enforcement authorities.

~~A violation of this policy by any person will result in an immediate report to the principal who shall in turn notify the police. A student violation of this policy will result in immediate confiscation of the weapon and notice to the student's parents or guardians. If a student violation involves a firearm, the School Board shall expel the student from school in accordance with RSA 193:13, III and the Prohibited Conduct Policy 5149. If a student violation involves the possession of a pellet or BB gun, rifle or paint ball gun then the student may be expelled by the School Board pursuant to RSA 193:13, II and the Prohibited Conduct Policy 5149.~~

The Superintendent or designee, shall have the authority pursuant to RSA 193:13, III **the Gun-Free Schools Act, and Gun-Free School Zones Act**, to grant written authorization to a student or others to possess a firearm or other weapon on school property. Any such authorization shall be requested in writing and any such request by the student shall also be signed by a parent or guardian. The **Superintendent or designee's** authorization shall be issued **in writing** in advance of the possession and shall identify the student or others, the weapon or firearm, the purpose of the possession, **the location on school grounds where the firearm or weapon shall be kept**, and time frames of the authorization.

Law enforcement personnel are exempt from the policy. **Other individuals may be exempted by the Gun-Free School Zones Act.**

Legal References:

18 U.S.C. § 921, Et seq., Firearms

20 U.S.C. § 7151, Gun-Free Schools Act

RSA 193:11, Disturbance

RSA 193-D, Safe School Zones

RSA 193:13, Suspension and Expulsion of Students

NH Code of Administrative Rules, Section Ed. 317, Standards and Procedures for Suspension and Expulsion of Pupils Including Procedures Assuring Due Process

Written: 09/94

Approved: 12/12/94

Revised: 07/11/00

Approved: 08/21/00

Reviewed: 11/00

Reviewed: 05/14/02

Reviewed: 11/12/13

PRC: 10/09/18; 11/13/18; 12/11/18

1st Rdg: 01/08/19

Inter-Lakes School District

Policy Impact Form

Policy #5149 Prohibited Conduct

January 10, 2019

Respondent (please check):

- | | |
|--|--|
| <input type="checkbox"/> Administrator | <input type="checkbox"/> Citizen |
| <input type="checkbox"/> Parent | <input type="checkbox"/> Other School Employee |
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Prohibited Conduct

Introduction

Suspension and expulsion are grave acts of lasting significance in the life of a young person. They are acts to be taken when a student's behavior is such that the student's own, or others', learning experiences are disrupted.

This Prohibited Conduct policy is adopted pursuant to RSA 189:15, RSA 193:13, RSA 193-B, RSA 193-D and Ed 317. Students will be notified of these policies and the law in accordance with the provisions of Section VII of this policy. ~~Should any portion of this policy conflict with state law or regulations issued subsequently thereto, it~~ It is the School District's intention that its policy be read in such a manner that it conforms to applicable state ~~such~~ laws or regulations.

I. Definitions

- a) "Bullying" means conduct which subjects a pupil to insults, taunts, or challenges, whether verbal or physical in nature, which are likely to intimidate or provoke a violent or disorderly response from the student being treated in this manner, ~~as defined in RSA 193-F:3,I.~~
 - 1.— ~~Bullying may involve gang or clique behavior, hazing, threats, and violence.~~
 - 2.— ~~Bullying behaviors extends beyond actions that target those groups protected by anti-discrimination legislation including but not limited to sex, race, creed, color, marital status, and national origin.~~
 - 3.— ~~Bullying may rise to the level of harassment if it is severe or pervasive.~~
- b) "Expulsion" means the denial of a pupil's attendance. "Hostile Environment" means establishing an atmosphere in which the victim cannot fully benefit from the educational programs.
- c) ~~"Notice" means a school has notice of bullying behavior when a school employee or contractor has witnessed such behavior or knows of such behavior from a reliable source (actual and constructive notice).~~
- d) ~~"Pupil" means a child through age 21 in attendance at a school during the school day pursuant to ED 317.02(e).~~
- e) ~~"School" as defined in RSA 193-B:1, III.~~
- f) ~~"School employee" includes but is not limited to all teachers, support staff, administrators, bus drivers, custodians, cafeteria workers, coaches, school board members, and agents of the school.~~
- g) ~~"Superintendent" means the school superintendent or chief administering officer, or a representative designated in writing as authorized under RSA 193:13, I.~~
- h) ~~"Suspension" means the temporary denial of a student's attendance at school for a specific period of time for gross misconduct or for neglect or refusal to conform to announced, posted, or printed school rules pursuant to ED 317.02(j).~~
 - 1.— ~~Any suspension or expulsion of a student with an educational disability as defined in ED 1102.31 shall be in accordance with Ed 1119.11.~~
- i) ~~"Expulsion" means the permanent denial of a pupil's attendance.~~
- jc) "Firearm or other dangerous weapon" includes, but is not limited to, firearms, or other dangerous weapons as defined by 18 U.S.C. 921; and RSA 159 which includes, but is not limited to rifles, pistols, revolvers, pellet guns, BB guns, paintball guns, knives, slingshots, metallic knuckles, firecrackers, billies, stilettos, switchblade knives, sword canes, pistol canes, blackjacks, daggers, dirk knives, or any other substances, object or thing which, by appearance or function is known, thought to be, or capable of producing death or serious physical injury. ~~means any firearm or weapon as defined in section 921 of Title 18 of the US Code, and any weapon prohibited by RSA~~

- ~~159, including but not limited to dangerous weapons listed in RSA 159:16.~~
- ~~dk)~~ “Gross misconduct” means an act which:
1. Results in ~~injury or~~ violence to another's person or property;
 2. Poses a direct threat to the safety of others in a safe school zone; ~~or~~
 3. Is identified in RSA 193-D:1,1-; ~~or~~
 4. ~~Conduct that interferes with the orderly operation of the school.~~
- ~~el)~~ “Neglect” in the context of RSA 193:13, I and II, means the failure of a pupil to pay attention to ~~or comply with a an-announced, posted or printed~~ school rule.
- ~~f)~~ “Pupil” means a child through age 21 in attendance at a school during the school day or any school sponsored function pursuant to ED 317.02€
- ~~gm)~~ “Reasonable rules of the school” will include ~~but is not limited to~~ the discipline code, all rules of pupil conduct in the student handbook, and any announced, posted or printed school rule.
- ~~hn)~~ “Refusal” in the context of RSA 193:13, I and II mean the willful defiance of a pupil to comply with an announced, posted, or printed school rule.
- ~~ie)~~ “Safe School Zone” means any area that includes school property or school buses, as defined in RSA 193-D:1, II.
- ~~j)~~ “School” as defined in RSA 193-B:1, III.
- ~~k)~~ “School employee” includes but is not limited to all teachers, support staff, administrators, bus drivers, custodians, cafeteria workers, coaches, volunteers, school board members, and agents of the school.
- ~~l)~~ “School day” means:
1. for a pupil who takes the school bus, the time period beginning when a pupil ~~arrives atboards~~ the bus ~~stop~~ in the morning to the time when a pupil disembarks from the bus in the afternoon; and
 2. For a pupil who walks or arrives by any means other than the school bus to school or arrives by private vehicle, the time period beginning when the pupil arrives on school grounds to the time when the pupil leaves the school grounds.
- ~~mp)~~ “School property” means all real property, physical plant and equipment used for school purposes, including but not limited to school playgrounds, bus stops and buses, whether public or private.
- ~~ne)~~ “School purposes” means school-sponsored programs, including but not limited to educational or extra-curricular activities.
- ~~o)~~ “Superintendent” means the school superintendent or chief administering officers, or a representative designated in writing as authorized under RSA 193:13, I.
- ~~p)~~ “Suspension” means the temporary denial of a student’s attendance at school for a specific period of time for gross misconduct or for neglect or refusal to conform to announced, posted, or printed school rules pursuant to ED 317.02(j).
- ~~-Any suspension or expulsion of a student with an educational disability as defined in ED 1102.31 shall be in accordance with ED 1119.11.~~
- ~~qf)~~ “Unlawful possession” in RSA 193-D:1, I (e) shall include, but not be limited to:
1. having control over the object during any part of a school day or while on school property which would include school bus stops or at school sponsored activities;
 2. transporting the object to school property or school-sponsored activities;
 3. storing the object anywhere on the school premises, ~~whether in the student’s locker or any other student’s locker, or any other place on the school property; or~~
 4. ~~whether in the student's locker or any other student's locker, or any other place on the school property; or~~
 4. doing any other act which causes or contributes to causing the object to be on school property or at school-sponsored activity or which causes or contributes to causing an object to be used on school property or at a school-sponsored activity including, but not limited to knowingly being in the immediate vicinity of the object.

II. Prohibited Conduct

Conduct specifically prohibited shall include, but not be limited to: habitual truancy; arson; theft of property; improper use of motor vehicle; improper bus conduct; leaving school grounds without authorization; gambling; verbal or physical abuse toward any student or faculty or staff member; disobedience of reasonable demands of staff or faculty members; distribution, consumption, possession of controlled drugs and/or alcoholic beverages on school property or at school functions; disrupting classroom atmosphere; impeding classroom decorum; causing disturbances among other students in attendance; distracting other students so as to interfere with the educational process; disrupting the disciplinary process; any act of theft, destruction or violence on school property or on a school bus as defined by RSA 193-D; violation of other policies and rules such as drugs and alcohol policies; possession of a weapon on school grounds, in school buildings, or at school functions which includes knives or any other instruments of a dangerous nature; possession in school or incinerating devices including lighters, matches, cigarettes, firecrackers or smoke bombs, snaps, and caps; vandalism; bomb threats; and criminal threatening, sexual harassment (see policy 4152), fighting, bullying, and condoning or encouraging prohibited conduct.

III. Expulsion

a) Any pupil who engages in or commits any of the following acts may be expelled from school.

1. Any of the offenses in RSA 189:13-a, V;
- ~~1.2.~~ Homicide under RSA 630;
- ~~2. First Degree Assault under 631.1;~~
3. Any first or second degree assault under TSA 631;
4. Any simple assault under RSA 631:2-a
- 4.5. Any felonious or aggravated felonious sexual assault under RSA 632-A;
5. Criminal mischief under RSA 634:2;
6. Unlawful possession or sale of a firearm or other dangerous weapon under RSA 159;
7. Arson under RSA 634:1;
8. Burglary under RSA 635;
9. Robbery under RSA 636;
10. Theft under RSA 637;
11. Illegal sale or possession of a controlled drug under RSA 318-B;
12. Gross misconduct or neglect or refusal to conform to the reasonable rules of the school under RSA 193:13, II;
13. Possession of a pellet or BB gun or rifle under RSA 193:13, II;
14. Criminal threatening under RSA 631:4;
15. Vandalism under RSA 169-B:45;
16. Bomb threats (false reports) under RSA 158:38;
17. False alarms under RSAs 644:3, 644:3-a, or 644:3-b

b) Any pupil who brings or possesses a firearm as defined in section 921 of Title 18 of the United States Code in a safe school zone as defined in RSA 193-D:1 without written authorization from the superintendent or the superintendent's representative designated in writing shall be expelled from school by the school board for a period of not less than twelve months. Any expulsion shall be subject to review by the board if requested by a parent or guardian prior to the start of each school year and; further, any parent or guardian shall have the right to appeal any such expulsion by the board to the state board of education. (RSA 193:13, III).

It is the policy of the Sschool Bboard to allow the superintendent to modify the expulsion requirements or RSA 193:13 II and III on a case-by-case basis. ~~The superintendent shall make the initial decision on whether or not to modify the expulsion and shall notify the pupil that the pupil~~

~~has a right to appeal that decision to the local school board, in which case the superintendent's decision will be treated as a recommendation, not a decision.~~

IV. Authority to Suspend

The Superintendent is authorized to suspend students from attending school and school-sponsored activities for a specific period of time for gross misconduct or for neglect or refusal to conform to the ~~announced, posted, or printed~~ school rules.

The Inter-Lakes School Board authorizes the principals and assistant principals to suspend or to continue the suspension of a student for a period in excess of ten (10) days in accordance with RSA 193:13.

V. Levels of Discipline

- a) Short-term Suspension - A suspension of ~~less than~~ 10 school days ~~or less~~ shall be considered a short-term suspension and shall be administered by the superintendent or the superintendent's representative designated in writing; ~~ten (10) days under subparagraph (a) above;~~
- b) Long-term Suspension - A suspension for more than ten (10) school days shall be administered by the school board or its representative designated in writing, provided that the designee is not the person who initially suspended the pupil for up to ten (10) days under subparagraph (a) above;
- c) An expulsion by the school board for a period determined in writing by the board under RSA 193:13, II; and
- d) An expulsion by the school board for a period of not less than 12 months under RSA 193:13, III.

VI. Due Process Procedures

- a) In a short-term suspension of a pupil (10 days or less), due process shall include:
 1. The Superintendent or representative as designated in writing shall inform the pupil of the purpose of the meeting and provided oral or written notice of the charges and an explanation of the evidence against the pupil;
 2. The pupil must be given an opportunity to present his/her side of the story; and;
 3. ~~A W~~written statement to the pupil and at least one parent or guardian explaining any disciplinary action taken against the student;
- b) In a long-term suspension of a pupil (more than 10 days), due process shall include:
 1. Written communication to the pupil and at least one of the pupil's parents or guardian, delivered in person or by mail to the pupil's last known address, of charges and evidence against the pupil;
 2. The Superintendent's written or oral recommendation ~~to the School Board~~ for pupil action to correct the discipline problem;
 3. A full and fair hearing, including the right to be represented by counsel, the right to object and cross examine and introduce evidence, the right to have the proceedings recorded or transcribed, the statutory right of appeal, and compliance with (c)(6) below;
 4. A written decision which includes the legal and factual basis for the conclusion that the pupil should be suspended;
 5. If the hearing was conducted by the ~~S~~school ~~B~~board's designee, the decision may be appealed to the school board if a written appeal is received by the Superintendent within ~~ten (10)~~ school days after issuance of the decision being appealed;
 6. If the hearing was held by the ~~S~~school ~~B~~board, the decision may be appealed to the ~~S~~state ~~B~~board.
- c) In an expulsion by the school board, due process shall include the following minimal requirements:

1. A formal hearing shall be held before any expulsion;
2. Such hearing may be held either before or after the short-term suspension has expired for expulsions under RSA 193:13 II, but shall be held before the short-term suspension has expired for expulsions under RSA 193:13 III;
3. If the hearing is held after the expiration of a short-term suspension, the pupil shall be entitled to return to school after the short-term suspension has expired and pending the expulsion hearing;
4. The ~~s~~School ~~B~~Board shall provide written notice to the pupil and at least one of the pupil's parents or guardian, delivered in person or by mail to the pupil's last known address, of the date, time and place for a hearing before the ~~S~~School ~~B~~Board and at least five (5) days prior to the hearing;
5. The written notice required by (4) above shall include:
 - i. A written statement of the charges and the nature of the evidence against the pupil; and
 - ii. The superintendent's written recommendation for ~~S~~School ~~B~~Board action and a description of the process used by the ~~S~~Superintendent to reach ~~his/her~~the recommendation.
6. The following hearing procedures shall apply:
 - i. The pupil, together with a parent or guardian may waive the right to a hearing and admit to the charges made by the superintendent;
 - ii. If the pupil is 18 years of age or older, the concurrence of a parent or guardian shall be unnecessary unless the pupil is subject to a guardianship which would prevent the pupil from waiving the right to a hearing;
 - iii. Formal rules of evidence shall not be applicable, however, school officials shall present evidence in support of the charge(s) and the accused pupil or his/her parent or guardian shall have an opportunity to present any defense or reply;
 - iv. The expulsion hearing shall be recorded or transcribed;
 - v. The hearing shall be either public or private and the choice shall be that of the pupil or his parent or guardian; and
 - vi. During the hearing, the pupil, parent, guardian or counsel representing the pupil, shall have the right to examine any and all witnesses.
7. The decision of the school board shall be based on a dispassionate and fair consideration of substantial evidence that the accused pupil committed the act for which expulsion is to be imposed and that such acts are, in fact, a proper reason for expulsion;
 - i. The decision shall state whether the student is expelled and the length of the expulsion. If the decision is to expel the pupil, the decision shall include the legal and factual basis for the decision including the specific statutory reference prohibiting that act as listed in RSA 1923:13, II;
 - ii. A statement of the time period for which the student is expelled and any action the student may take to be restored by the ~~S~~School ~~B~~Board; and
 - iii. A decision shall include a statement that the pupil has the right to appeal the decision to the ~~S~~State ~~B~~Board of ~~E~~Education.
8. All appeals to the state board allowed under RSA 193:13 II or III shall be filed within twenty (20) calendar days of receipt of the written decision of the local school board and shall be in accordance with RSA 541-A and Ed 200.
9. In all cases, appropriate adjustments shall be made to account for the age and grade level of the pupil being disciplined.

VII. Notification of Students

In accordance with RSA 193:13 the following notification procedures will be followed:

- a) The student handbooks for all school pupils shall contain a summary of RSA 193:13 and a

summary of this policy. Copies of the statutes and this policy shall be available in the principal's office. Notice of the policy and the location of copies shall be displayed in a prominent place on each school's notice board.

- b) Copies of the statutes and school policy will be given to all teachers and other school employees.
- c) Copies of the statutes and school policy will be given to any student being disciplined pursuant to its terms.

VIII. **Waivers, Appeals and Review**

In accordance with RSA 193:13 the following waiver, appeal and review procedures shall be followed:

- a) In the case of short or long term suspensions, the appeal rights shall be as contained in RSA 193:13, I and ED 317.
- b) In the case of expulsion pursuant to RSA 193:13, II, III and this policy, written application ~~of for~~ readmission may be made to the board through the superintendent's office no later than one month prior to the start of each school year. The application shall contain a statement in the pupil's own words explaining why he/she should be considered for readmission. The application ~~shall~~ may be accompanied by at least one recommendation from a member of the community, such as a counselor, minister or employer who has observed the pupil's behavior during the period of expulsion. The application shall also be accompanied by the superintendent's and building administrator's recommendation to the board, which may include conditions for phased readmission.
- c) The superintendent may, upon written application of an expelled pupil and on a case-by-case basis, recommend to the board modification of an expulsion. Prior to consenting to such a modification, the pupil ~~shall~~ may be required to submit to the superintendent sufficient evidence in the form of letters, work history or other documents or testimony demonstrating that it is in the school's best interests and the pupil's best interests to allow a modification. In making such a decision due regard will be given to other pupils and staff whose safety and well being shall be of paramount importance.

IX. **Reporting Procedures**

- a) Any person who has witnessed or who has information from the victim ~~or witness~~ of an act of theft, destruction, violence, or bullying in a safe school zone shall report such an act in writing immediately to a school administrator. ~~If the alleged victim is a student, the school administrator shall also, immediately notify the person responsible for the victim's welfare as defined in RSA 169-C:3 XXII, that a report was made to the local law enforcement authority. The school administrator who shall file a Prohibited Conduct Report Form with the Superintendent and law enforcement authority, when applicable, immediately, by telephone or otherwise, and shall be followed within forty-eight (48) twenty-four (24) hours by a report in writing. The written report to law enforcement is not required if law enforcement has waived the requirement for a written report when there is a law enforcement response at the time of the incident, resulting in a written police report.~~

This provision shall not apply to any simple assault involving pupils in kindergarten through grade 12. In cases involving simple assault resulting in the discipline of students, the principal shall forward to the parents of the pupil so disciplined, notice of the incident and the discipline assigned.

- b) In accordance with RSA 193-D:4, each written report by a supervisor to the principal relating to an act of theft, destruction, or violence in a safe school zone shall be on standardized form #Ed 317.
- ~~e) In the case of unlawful possession or sale of a firearm or other dangerous weapon, the report shall state if the firearm has been licensed under RSA 159, and, if so, who legally owns it.~~

~~d) Each school principal shall notify the state board in writing whenever a written police report supersedes the report required by RSA 193-D:4 in accordance with RSA 193-D:5.~~

X. Student with an Educational Disability

- a) Any suspension or expulsion of a student with an educational disability as defined in ~~Ed 1102.34~~ED 1102.01 (t) shall be in accordance with ~~Ed 1119.11~~ED 1124.01.
- b) If, under the provisions of ED 1124.01~~Ed 1119.11(e)~~, the special education placement team determines that the behavior leading to the suspension or expulsion is not a direct result of the student's educational disability, Sections Ed 317.01 through Ed 317.05 shall apply.
- c) In the case of a student with an educational disability who is determined to have brought a firearm or other dangerous weapon into a safe school zone, the federal requirement of section of 20 U.S.C. § 1415(k) shall apply, and the student may be placed in an interim alternative educational setting for the time periods set forth in 20 U.S.C. § 1415(k) **as provided in ED 1124.01.**

Legal References:

RSA 193:13, Suspension and Expulsion of Pupils
RSA 193-D:4, Written Report Required
RSA 631:2-a, Simple Assault
NH Code of Administrative Rules, Section Ed. 306.04(f)(4), Student Discipline
NH Code of Administrative Rules, Section Ed. 306.06, Culture and Climate
NH Code of Administrative Rules, Section Ed. 317.04(b), Disciplinary Procedures

Written: 11/97
Approved: 12/08/97
Revised 07/06/00
Approved: 09/05/00
Revised: 01/10/01
Revised: 07/10/01
Approved: 11/13/01
Reviewed: 07/23/02
Revised: 09/28/10
PRC: 09/10/18; 10/09/18; 11/13/18; 12/11/18
1st Rdg: 01/08/19