



The Birches Academy of Academics and Art Student Discipline Policy

Categories of Offenses

Class 1 Offense: Grounds for Incident Report

- Repeatedly disrupting the learning environment
- Repeatedly refusing to do assigned work
- Threatening behavior, use of profanity directed toward another person
- Physical aggression
- Verbal abuse
- Other good cause

Class 2 Offense: Grounds for Short and/or Long Term Suspension

- Endangering the safety of an individual
- Vandalism
- Stealing
- Leaving school grounds without permission
- Repeated violations of school rules
- Seriously disruptive or inappropriate acts
- Other good cause

Class 3 Offense: Grounds for Expulsion

- Possession or distribution of a controlled, illegal or dangerous substance
- Possession of a weapon
- Assault on a person
- Violation of Sexual Harassment and Other Illegal Harassment, Discrimination and Sexual Violence Policy
- Next incident after fourth suspension
- Other good cause

Review of the disciplinary steps for Class 1 offenses

1. Verbal Warning - Copy In Student File
2. First Incident Report Copy To Parents
3. Second Incident Report Copy To Parents
4. Third Incident Report And Suspension Hearing With Possible Suspension
5. First Suspension

Review of the disciplinary steps for Class 2 and 3 depend on the severity of the offense. Repeat offenses within any class could be grounds for future disciplinary actions including suspension or expulsion.

The level of disciplinary action is subject to the discretion of the Dean of School and/or Coordinator.



Procedures for Student Suspension and Expulsion

1. Purpose

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, RSA 193-D, the IDEA, Section 504 of the Rehabilitation Act and the New Hampshire rules for the education of children with disabilities

2. Rights

Whenever a student is suspended or expelled he or she shall receive a copy of his/her rights. The Dean of School or coordinator may suspend a student for up to ten (10) days for disciplinary reasons. A coordinator may request that the Dean of School suspend the student up to an additional ten (10) days under the procedures set forth below for long-term suspension or expulsion.

3. Definitions

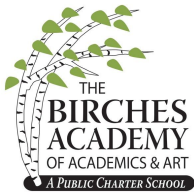
- a) Expulsion: The denial of student's attendance at school for any of the reasons listed in RSA 193:13, II, III and Ed 317.02(a)
- b) In school suspension: Removal of a student from the regular class schedule
- c) Out of school suspension: The temporary denial of a student's attendance at school for a specific period of time for neglect or refusal to conform to announced, posted, or printed school rules.
- d) Short-term suspension: One (1) to ten (10) days.
- e) Long-term suspension: Eleven (11) or more days.
- f) Coordinator: The individual so designated by the Dean of School to act on behalf of the Dean of School with respect to student discipline under the policies and procedures established herein.

4. Procedure For Short-Term Suspension

The coordinator and/or the Dean of School shall meet with the student to discuss the students conduct and shall:

- a) Inform the student of the nature of the violations
- 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
- d) Inform the student that his/her parents or guardian may request a meeting with the head of school to review the disciplinary action.

The coordinator and or the Dean of School shall make every reasonable effort to contact the parent as soon as possible after the disciplinary action. If the coordinator and/or the Dean of School cannot contact the parents then he/she shall provide the student with a



notice of suspension; the student shall sign the notice of suspension upon receiving it to acknowledge his/her responsibility for delivering it to the parent/guardian; and the student is then responsible for delivering the notice of suspension to the parent/guardian unless there are extenuating circumstances.

If a student is suspended for 10 or fewer days, the Dean of School or coordinator shall immediately send the 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 summary of the evidence supporting the charge(s)
- b) The disciplinary action taken by the school administrator
- c) The period of time covered by the disciplinary action
- d) Notice of the school administrators intention to request further disciplinary action either by the Dean of School or the board of trustees; and
- e) Notice that the parent/guardian may request to meet with the Dean of School to review the discipline.

The Dean of School or coordinator shall send this letter to the parent/guardian by regular U.S mail to the last known address.

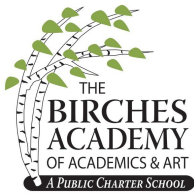
Special education students may be subject to short term suspensions consistent with the procedures afforded nondisabled students under this section. When any suspension of a special education student results in an accumulative suspension during a school year in excess of ten (10) days, then the procedures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

5. Long-term Suspension

The Dean of School shall, by his/her own initiative or upon receiving a request from a coordinator for a long-term suspension, schedule a hearing. If practical, this hearing shall be scheduled prior to the end of the initial ten-day suspension imposed by the coordinator. 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.

Notice of a hearing before the Dean of School 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 summary of the evidence;
- b) The date, time, and location of the hearing;
- c) Notice of the right to be represented 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; and,
- e) The Dean of School's recommendation for student action to correct the disciplinary problem.

Written notice of the hearing shall be delivered by the Dean of School or designee in person or sent to the student and the 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 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 Board of Trustees with ten (10) days of the issuance of the written decision; and,
- e) Notice that the long-term suspension will be effective even if appealed unless the long-term suspension is stayed by the Board of Trustees.

The Dean of School's or designee's written notice of decision shall be delivered in person or sent to the student and the parent/guardian by regular U.S. mail to the student's last known address.

If the parent/guardian wishes to appeal the decision of the Dean of School or designee, then he/she must notify the Dean of School in writing within ten (10) days from the date of the decision.

If the parent/guardian appeals the decision, a formal hearing before the Board of Trustees 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 Dean of School or designee shall provide the student's parent/guardian written notice of the appeal hearing. This notice shall include:

- Date, time, and location of the hearing
- The right to be represented and to present evidence and to call and examine witnesses;



Notice that should the student/parent/guardian fail to appear at the hearing, that the appeal will be dismissed.

The Dean of School or designee shall send written notice of the appeal hearing to the student and the parent/guardian by regular U.S. mail to the student's last known address.

The Board of Trustees shall hold a hearing on the appeal, but it shall have the discretion to hear evidence or to rely upon the record of the hearing conducted by the Dean of School or designee. If the Board of Trustees elects to hear evidence, the appeal hearing will be conducted in accordance with the same hearing procedures afforded a student during an expulsion hearing.

If a regular education student is suspended for more than ten (10) days, then a disciplinary review team (DRT) shall review the student's cumulative file and the disciplinary action before the beginning of the tenth day of suspension in order to consider additional educational services in accordance with applicable state and federal law. The team will notify the Dean of School of its findings.

If a special education student's cumulative total days of suspension equals or exceeds ten (10) days in a school year, the administrator shall contact the special education case manager to convene an IEP team meeting prior to the commencement of the eleventh day of the suspension. A functional behavioral assessment and behavior intervention plan will be completed. 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 students with disabilities.

If a special education student is recommended for a long-term suspension, the student and the student's parent/guardian shall receive the same written notice as non-disabled students. This written notice shall also advise the student and the student's parent/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" provisions of the IDEA. The student's IEP 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.

- a) 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. The student's IEP shall be delivered during the period of suspension.
- b) 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. The student's IEP Team shall also conduct a functional behavioral assessment and develop and implement a behavioral intervention plan within ten (10) days of



the eleventh (11th) day of the suspension or after causing a removal constituting a change of placement. If a behavioral intervention plan already exists, the IEP Team must review and, if appropriate, modify the existing plan.

6. Expulsion

If a coordinator requests that a student be expelled for school, the Dean of School shall determine prior to the end of the student's initial ten (10) day suspension whether to submit the request to the Board of Trustees.

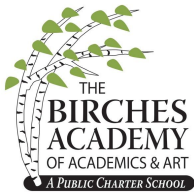
A formal hearing shall be held prior to the expulsion. Except in situations involving a student bringing or possessing a firearm in a safe school zone, an expulsion hearing may be held either before or after the expiration of the initial ten (10) day suspension. If the hearing is scheduled to be held after the expiration of the initial ten (10) 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 the safe school zone, the Board of Trustees shall hold the expulsion hearing with ten (10) days of the commencement of the student's ten (10) day suspension.

Upon receipt of a request for expulsion, the Board of Trustees or designee shall provide a 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 Head of School's written recommendation for Board of Trustee action and a description of the process used by the Dean of School to reach his/her decision;
- d) Notice that the student together with a parent/guardian may waive the right to a hearing and admit to the charges;
- e) Notice that the student has a right to be represented by counsel;
- f) Notice that the student, parent/guardian, or counsel has the right to present any defense or reply and to call and examine witnesses;
- 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 Board of Trustees to expel a student shall be based on substantial evidence that he student committed the act(s) charged and the act(s) is 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 Board of Trustees; 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 notice.

The mandatory 12-month expulsion from school for bringing or possessing a firearm in a safe school zone (pursuant to RSA 193:13) may be modified on a case-by-case basis at the sole discretion of the Board of Trustees.

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

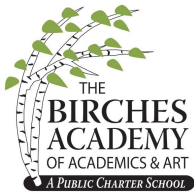
- a) Be submitted in writing to the Board of Trustees no later than three (3) weeks prior to the start of the semester
- b) Set forth the reasons for the request for readmission and any information and facts which the student believes supports the petition; and,
- c) Indicate whether the student requests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

The Board of Trustees shall consider the petition within two (2) weeks of its receipt and provide the student written notice of the decision immediately thereafter. If a hearing is requested, the Board of Trustees 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 Board of Trustees shall render a decision within one (1) week of the hearing and provide the student with written notice of its decision.

If a special education student is recommended for expulsion, the student and the student's parent/guardian 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/guardian 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 IEP Team and Board of Trustees.

If a special education student is recommended for expulsion by the Head of School, the student's IEP Team shall be convened no later than ten (10) 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 educational placement.

- a) If the IEP 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



- b) Head of School for further disciplinary action. Should the special education student be expelled following a hearing before the Board of Trustees, the IEP Team must then propose and offer a long-term placement where the student's IEP can be delivered. The recommendation for the long-term placement must be made prior to the expiration of the forty-five (45) day interim educational placement.
- c) If the IEP Team determined 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 (10) day suspension shall be imposed.

7. Reporting Procedures:

- a) Any school employee who has witnessed or who has information from the victim of an act of theft, destruction, or violence in a safe school zone shall report such act in writing immediately to the Dean of School or coordinator. A coordinator receiving such report shall immediately forward such information to the Dean of School who shall file it with the local law enforcement authority. Such report shall be made to the local law enforcement authority immediately, by telephone or otherwise, and shall be followed within 48 hours by a report in writing. If the alleged victim is a student, the Dean of School or coordinator shall also immediately notify the person responsible for the victim's welfare
- b) The provisions of subparagraph (a) shall not apply to any simple assault, as defined in RSA 631:2-a, involving students in kindergarten through grade 12. In cases involving simple assault resulting in the discipline of students, the Dean of School or coordinator shall forward to the parents of the student so disciplined notice of the incident and discipline assigned.