

## STUDENT DUE PROCESS

### I. **Graduated Age-Appropriate Responses to Misconduct**

Teachers, or the Principal, will correct minor infractions in a proportionate and age-appropriate manner. Repeated infractions, or actions of a more serious nature, will prompt a conference of the student, a parent, a teacher, and the Principal. The purpose of the conference will be to collaboratively seek a suitable and durable remedy.

Behavior that is chronic, criminal, or is otherwise egregious, may result in suspension or expulsion proceedings. The school shall afford due process and equal protection to any student involved in a proceeding that might result in suspension or expulsion. Hearsay and anonymous reports, in the absence of other evidence, will not suffice to impose suspension or expulsion. School practices regarding suspension or expulsion of students will implement RSA 193:13, as well as any other applicable state or federal laws, and will be construed in a manner consistent with RSA 186-C.

### II. **Disciplinary Actions**

#### A. **Suspension:**

The Executive Director or designee, in writing, may suspend students from the school for a period not to exceed ten (10) consecutive school days for:

1. Behavior that is detrimental to the health, safety, or welfare of students or school personnel;
2. Repeated and willful disregard of the reasonable rules of the school that is not remediated through the school's graduated age-appropriate responses to misconduct.

Regarding the duration of a suspension, the Executive Director or designee shall consider the nature and degree of disruption caused to the school environment, the threat to the health and safety of students and school personnel, and the isolated or repeated nature of incidents forming the basis of disciplinary action. The school shall make educational assignments available to the suspended student during periods of suspension, including long-term suspension. No student who puts forth reasonable effort and diligence toward academic matters shall be penalized academically solely by virtue of missing class due to suspension.

#### B. **Long-Term Suspension:**

The Board of Trustees may, following a hearing, extend the suspension of a student up to ten (10) additional consecutive school days for an act of:

1. Theft, destruction, or violence as defined in RSA 193-D;

2. Bullying pursuant to school policy when the student has not responded to targeted interventions and poses an ongoing threat to the safety or welfare of another student; or
3. Possession of a firearm, BB gun, or paintball gun.

### **C. Expulsion**

The Board of Trustees may expel any student from the school for an act that poses an ongoing threat to the safety of students or school personnel and that constitutes:

1. A repeated act of the kind justifying long-term suspension, as described in this policy;
2. Any act of physical or sexual assault that would be a felony if committed by an adult;
3. Any act of violence pursuant to RSA 651:5, XIII; or
4. Criminal threatening pursuant to RSA 631:4, II(a).

Before expelling a student under this policy the Board of Trustees shall consider each of the following factors:

1. The student's age;
2. The student's disciplinary history;
3. Disabilities, if any, of the student;
4. The seriousness of the violation or behavior committed by the student;
5. Whether the school has implemented positive behavioral interventions;
6. Whether a lesser intervention would properly address the violation or behavior committed by the student.

An expelled student will not attend school until reinstated by the Board of Trustees. If requested prior to the start of a school year, the Board of Trustees shall review the expulsion. A parent or guardian has the right to appeal an expulsion to the State Board of Education at any time while the expulsion remains in effect. The school will give effect to expulsions properly imposed by other charter schools, private schools and school districts unless the Board of Trustees approves reinstatement of the student.

### **III. Gun-Free Schools Act**

Pursuant to the federal “Gun-Free Schools Act” (20 U.S.C. Section 7961), the Board of Trustees shall expel, for a period of not less than one (1) year, a student who is determined to have brought a firearm—as defined in 18 U.S.C. Section 921(a)—to a school, or to have possessed a firearm at a school. This provision does not apply to a firearm that is lawfully stored inside a locked vehicle on school property, or if it is for activities approved and authorized by the school and the school adopts appropriate safeguards to ensure student safety.

### **IV. Additional Authorities of the Executive Director or Board of Trustees**

New Hampshire law gives the Executive Director or designee the following additional authorities:

1. The Executive Director may modify (RSA 193:13 VII) the expulsion and enrollment requirements under paragraphs IV and VI of RSA 193:13 on a case-by-case basis.
2. Notwithstanding any other provision of this policy, the Board of Trustees may reinstate (RSA 193:13 IX) a suspended or expelled student, except that expulsions of students under the Gun Free Schools Act shall not be reduced to less than one year.
3. The Board of Trustees may offer enrollment, subject to all enrollment requirements and limitations, to a student suspended (RSA 193:13 I(b)) or expelled (RSA 193:13 III-c) from another New Hampshire public school or chartered public school.

#### References:

- *RSA 189:15*
- *RSA 193:13*
- *RSA 186-C*
- *RSA 651:5, XIII*
- *RSA 631:4, II(a)*
- *Charter of Seacoast Classical school, Section VI Part L*
- *“Gun-Free Schools Act” (20 U.S.C. Section 7961)*
- *Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.)*

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