

STUDENT DUE PROCESS*Category: Recommended**Related Policies: JIC, JICD, JICDD, & JICK***ADOPTION NOTES –*****This text box, and all highlights within the policy should be removed prior to adoption.***

- (a) *General – As with all sample policies, NHSBA recommends that each district carefully review this sample policy prior to adoption to assure suitability with the district’s own specific circumstances, organizational structures, etc., and current policies. Highlighted language or blank, underscored spaces indicate areas which Boards must change/complete to reflect local personnel titles, policy references, duty assignments etc.*
- (b) **{**}** *indicates reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.*
- (c) *The district should maintain as part of its permanent records, copies of withdrawn policies, as well as earlier versions of revised policies.*

Students facing discipline will be afforded all due process rights given by law. The Superintendent or his/her written designee is authorized to suspend any student for ten days or less for violations of school rules or policies. Should the Superintendent desire to extend a suspension beyond 10 days, or seek expulsion of a student, such student will be afforded a hearing consistent with the provisions of RSA 193:13, I (b) and (c), N.H. Dept. of Education Rule 317.04, and Board Policy **{**}JICD. D.2.**

If a student is disabled under the Individuals with Disabilities Act (IDEA), the New Hampshire RSA 186-C, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, or any other law providing special rights to disabled students, those laws shall govern and shall supersede these local policies to the extent these local policies are inconsistent with those laws. Accordingly, any suspension or expulsion of a child with a disability as defined in Ed 1102.01(t) shall be in accordance with Ed 1124.01.

Student due process rights shall be printed in the Parent-Student Handbook and will be made available in another language or presented orally upon request.

District Policy History:*First reading:* _____*Second reading/adopted:* _____***District revision history:*****Legal References:***RSA 189:15, Regulations*

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*RSA 193:13, Suspension and Expulsion of Pupils
NH Code of Administrative Rules, Section Ed 306.04(a)(3), Policy Development, Discipline
NH Code of Administrative Rules, Section Ed. 306.04(f), Student Discipline
NH Code of Administrative Rules, Section Ed 317.04, Disciplinary Procedures*

Legal References Disclaimer: *These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

When adopting this sample or variation of the same, a district should not include the NHSBA history or NHSBA policy notes. The district should, to the extent possible, include its own adoption/revision history.

NHSBA history: Revised – July 2019, September 2008, October 2005, November 1999 and July 1998

NHSBA note, July 2019 – Sample policy JIA has been revised to better coordinate with RSA 193:13, and Ed. 317.04. Language regarding students with disabilities has also been added.

w/p-update/2019 Spring/JIA Due Process (d)

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