

I. Standards for Suspensions

A. VLACS's Chief Executive Officer ("CEO") or a representative designated in writing by the CEO, may suspend students from VLACS for a period between 1 and 10 consecutive school days, based on the severity of the conduct (at the CEO's discretion), for:

- (1) Behavior that is detrimental to the health, safety, or welfare of students or VLACS personnel; or
- (2) Repeated and willful disregard of the reasonable rules of VLACS that is not remediated through imposition of the VLACS's graduated sanctions, as discussed in this policy.

B. VLACS's Board of Trustees, or a representative of the Board of Trustees designated in writing may, following a hearing, extend the suspension of a student up to 10 additional consecutive school days for an act that constitutes an act of theft, destruction, or violence as defined in RSA 193-D; bullying when the student has not responded to targeted interventions and poses an ongoing threat to the safety or welfare of another student; or possession of a firearm, BB gun, or paintball gun. The board of trustee's designee may be the CEO or any other individual but may not be the individual who suspended the student for the first 10 days.

C. Any suspension in excess of 10 school days imposed by any person other than the Board of Trustees may be appealed to the Board of Trustees, provided that the CEO or Board of Trustees receives appeal in writing within 10 days after the issuance of the decision being appealed. The Board of Trustees will hold a hearing on the appeal but has discretion to hear evidence or to rely upon the record of a hearing conducted under paragraph (B) above. The suspension under paragraph (B) will be enforced while that appeal is pending, unless the Board of Trustees stays the suspension while the appeal is pending.

D. VLACS will make educational assignments available to the suspended student during periods of suspension. VLACS will provide alternative educational services to a suspended student whenever the student is suspended in excess of 20 cumulative days within any school year. The alternative educational services shall be designed to enable a student to advance from grade to grade. Any time a student is suspended more than 10 school days in any school year, upon the student's return to school the VLACS shall develop an intervention plan designed to proactively address the

student's problematic behaviors. No student shall be penalized academically solely by virtue of missing class due to suspension.

E. VLACS may choose to admit a student suspended by another school district, charter school, or private school at its sole discretion. See VLACS Policy JFBB, Enrollment of Expelled or Suspended Students.

F. Notwithstanding the provisions of this policy, the CEO may reinstate suspended students on a case-by-case basis.

G. VLACS reserves the right to remove students from individual VLACS courses for repeated academic integrity infractions. Such removal will not be considered to be a suspension under this policy and will not prohibit students from enrolling in other VLACS courses.

II. Standards for Expulsions

A. Any student may be expelled from VLACS by the Board of Trustees for an act that poses an ongoing threat to the safety of students or school personnel and that constitutes:

- (1) A repeated act under subparagraph I(B) above;
- (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).

B. A student who has been expelled shall not attend courses until reinstated by the Board of Trustees.

C. Before expelling a student the Board of Trustees shall consider each of the following factors:

- (1) The student's age.
- (2) The student's disciplinary history.
- (3) Whether the student is a student with a disability.
- (4) The seriousness of the violation or behavior committed by the student.
- (5) Whether the VLACS has implemented positive behavioral interventions
- (6) Whether a lesser intervention would properly address the violation or behavior committed by the student.

D. Any expulsion shall be subject to review by the Board of Trustees that issued the expulsion if requested prior to the start of each school year and further, any parent or guardian has the right to appeal any such expulsion by the Board of Trustees to the state board of education at any time while the

expulsion remains in effect. All appeals of final action by the state board of education shall be in accordance with RSA 541.

E. VLACS may choose to admit a student expelled by another school district, charter school, or private school at its sole discretion. See VLACS Policy JFBB, Enrollment of Expelled or Suspended Students.

F. Any student 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 CEO shall be expelled from VLACS for a period of not less than 12 months. The CEO may modify this expulsion requirement on a case-by-case basis.

G. A student expelled from school in another state under the provisions of the Gun-Free Schools Act of 1994 shall not be eligible to enroll in VLACS for the period of such expulsion. If the out-of-state expulsion is for an indefinite period of time, the student or the student's parent or guardian may petition VLACS for enrollment upon establishing residency in New Hampshire. If the student is denied enrollment by VLACS, the student's expulsion shall be subject to review pursuant to paragraph II-D. The CEO may modify this expulsion requirement on a case-by-case basis.

H. Notwithstanding the provisions of this policy, the CEO may reinstate expelled students on a case-by-case basis. VLACS reserves the right to remove students from individual VLACS courses and from full-time enrollment status for chronic truancy. Removal from individual courses and disenrollment from full-time status will not be considered to be an expulsion under this policy. Disenrollment of students from full-time status for truancy is governed by VLACS's Truancy Policy.

III. Consequences and Remediation for Misconduct

A. VLACS will respond to student misconduct in a manner designed to correct misconduct and promote behavior with acceptable norms.

B. Whenever a student engages in an action that is deemed misconduct by VLACS, VLACS will engage in age-appropriate responses in an attempt to remediate the misconduct. In the first instance, the student's counselor will have a discussion with the student and the student's parent/guardian to discuss the misconduct. A VLACS administrator will determine the appropriate consequences and remediation, and, if appropriate, suspension or expulsion as discussed in Section I and II. In the event that misconduct continues, an administrator will discuss the misconduct with the student and parent/guardian and will discuss and determine further appropriate consequences and remediation, and, if appropriate, suspension or expulsion as discussed in Sections I and II.

C. Appropriate consequences and remediation may include, but may not be limited to: assignment resubmissions, pausing courses, withdrawing a student from courses, prohibiting future enrollments, prohibiting students from engaging in collaborations with other students, outreach to local school or district officials, and limited use of technology. Once a consequence is established, a counselor or administrator will follow up with the student to provide/discuss, as appropriate, resources, supports, and guidance on matters related to conflict resolution, anger management, peer interactions, and responsible decision making.

Legal References:

18 U.S.C. § 921, Definition of Firearm

RSA 189:15, Regulations

RSA 193:13, Suspension & Expulsion of Pupils

RSA 651:5, XIII, Annulment of Criminal Records - Violent Crimes

RSA 631:4, II(a), Criminal Threatening

RSA Chapter 193-D, Safe School Zones

RSA Chapter 193-F, Pupil Safety and Violence Prevention

NH Code of Administrative Rules, Section Ed 306.04(a), Policy Development

NH Code of Administrative Rules, Section Ed 306.04(f), Student Discipline

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

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