

Floor Amendment to SB 302-FN

1 Amend the bill by replacing section 1 with the following:

2
3 1 Suspension and Expulsion of Pupils. Amend RSA 193:13 to read as follows:

4 193:13 Suspension and Expulsion of Pupils.

5 I.(a) ~~[The]~~ **A** superintendent or ~~[chief administering officer]~~ **chartered public school**
6 **director**, or a representative designated in writing by the superintendent **or chartered public**
7 **school director**, ~~[is authorized to]~~ **may** suspend pupils from school for a period not to exceed 10
8 **consecutive** school days for: ~~[gross misconduct or for neglect or refusal to conform to the reasonable~~
9 ~~rules of the school and shall make educational assignments available to the suspended pupil during~~
10 ~~the period of suspension]~~

11 **(1) Behavior that is detrimental to the health, safety, or welfare of pupils or**
12 **school personnel; or**

13 **(2) Repeated and willful disregard of the reasonable rules of the school that**
14 **is not remediated through imposition of the district's graduated sanctions under**
15 **paragraph X.**

16 (b) The school board or **chartered public school board of trustees, or** a
17 representative designated in writing ~~[of the school board is authorized]~~ **may**, following a hearing, ~~[to~~
18 ~~continue]~~ **extend** the suspension of a pupil ~~[for a period in excess of]~~ **up to 10 additional**
19 **consecutive** school days **for an act that constitutes an act of theft, destruction, or violence as**
20 **defined in RSA 193-D; bullying pursuant to school district policy when the pupil has not**
21 **responded to targeted interventions and poses an ongoing threat to the safety or welfare of**
22 **another student; or possession of a firearm, BB gun, or paintball gun.** The school board's **or**
23 **board of trustees'** designee may be the superintendent or any other individual, but may not be the
24 individual who suspended the pupil for the first 10 days under subparagraph (a). Any suspension
25 shall be valid throughout the school districts of the state, subject to modification by the
26 superintendent of the school district **or chartered public school** in which the pupil seeks to enroll.

27 (c) **Extension of the suspension of a pupil up to 10 additional consecutive school**
28 **days under subparagraph (b) shall not apply to the possession of a firearm, BB gun, or**
29 **paintball gun that is lawfully stored inside a locked vehicle on school property, or that is**
30 **for an activity approved and authorized by the school board or chartered public school**
31 **board of trustees and the school board or chartered public school board of trustees adopts**
32 **appropriate safeguards to ensure student safety.**

(d) Any suspension in excess of 10 school days imposed under subparagraph (b) by any person other than the school board **or board of trustees** is appealable to the school board **or board of trustees**, provided that the superintendent, **school board, or board of trustees** received such appeal in writing within 10 days after the issuance of the decision being appealed. The school board **or board of trustees** shall hold a hearing on the appeal, but shall have discretion to hear evidence or to rely upon the record of a hearing conducted under subparagraph (b). The suspension under subparagraph (b) shall be enforced while that appeal is pending, unless the school board **or board of trustees** stays the suspension while the appeal is pending.

II. Any pupil may be expelled from school by the local school board **or board of trustees** for **an act that poses an ongoing threat to the safety of students or school personnel and that constitutes:** ~~[gross misconduct, or for neglect or refusal to conform to the reasonable rules of the school, or for an act of theft, destruction, or violence as defined in RSA 193-D:1, or for possession of a pellet or BB gun, rifle, or paint ball gun,]~~

(a) *A repeated act under subparagraph I(b);*

(b) *Any act of physical or sexual assault that would be a felony if committed by an adult;*

(c) *Any act of violence pursuant to RSA 651:5, XIII;*

(d) *Criminal threatening pursuant to RSA 631:4, II(a); or*

(e) *Possession of a firearm, provided that expulsion shall not apply to the possession of a firearm that is lawfully stored inside a locked vehicle on school property, or that is for an activity approved and authorized by the school board or chartered public school board of trustees and the school board or chartered public school board of trustees adopts appropriate safeguards to ensure student safety.*

III. *A pupil who has been expelled* ~~[and the pupil]~~ shall not attend school until ~~[restored]~~ *reinstated* by the local board **or chartered public school board of trustees**.

III-a. *Before expelling a pupil under this section the local school board or chartered public school board of trustees shall consider each of the following factors:*

(a) *The pupil's age.*

(b) *The pupil's disciplinary history.*

(c) *Whether the pupil is a student with a disability.*

(d) *The seriousness of the violation or behavior committed by the pupil.*

(e) *Whether the school district or chartered public school has implemented positive behavioral interventions under paragraph XI.*

(f) *Whether a lesser intervention would properly address the violation or behavior committed by the pupil.*

III-b. Any expulsion shall be subject to review **by the pupil's school board of attendance or the board of trustees of the chartered public school's board that issued the expulsion** if

1 requested prior to the start of each school year and further, any parent or guardian has the right to
2 appeal any such expulsion by the local board *or board of trustees* to the state board of education *at*
3 *any time while the expulsion remains in effect. All appeals of final action by the state*
4 *board of education shall be in accordance with RSA 541.*

5 *III-c.* Any expulsion shall be valid throughout the school districts of the state. *However,*
6 *upon application by the pupil, any school district or chartered public school may choose to*
7 *admit an expelled pupil at the school district or chartered public school's sole discretion.*
8 *The decision by a chartered public school or superintendent to accept a pupil under this*
9 *paragraph shall not be binding upon any other school district or chartered public school*
10 *until the pupil is reinstated by the pupil's local school board or chartered public school*
11 *board of trustees.*

12 ~~[III]~~ IV. Any pupil who brings or possesses a firearm as defined in section 921 of Title 18 of
13 the United States Code in a safe school zone as defined in RSA 193-D:1 without written
14 authorization from the superintendent or designee shall be expelled from school by the local school
15 board for a period of not less than 12 months. *Nothing in this section shall be construed to*
16 *prevent the local school district or chartered public school that expelled the student from*
17 *providing educational services to such student in an alternative setting.*

18 ~~[IV]~~ V. *School districts and chartered public schools shall make educational*
19 *assignments available to the suspended pupil during periods of suspension. Except as*
20 *provided in paragraphs II and IV, a school district or chartered public school shall*
21 *provide alternative educational services to a suspended pupil whenever the pupil is*
22 *suspended in excess of 20 cumulative days within any school year. The alternative*
23 *educational services shall be designed to enable a pupil to advance from grade to grade.*
24 *Any time a pupil is suspended more than 10 school days in any school year, upon the*
25 *pupil's return to school the school district shall conduct a functional behavior assessment*
26 *and develop an intervention plan designed to address and reduce occurrences of the*
27 *pupil's problematic behaviors. No pupil shall be penalized academically solely by virtue of*
28 *missing class due to suspension.* ~~[The local school board shall adopt a policy which allows the~~
29 ~~superintendent or chief administering officer to modify the expulsion requirements set forth in~~
30 ~~paragraphs II and III on a case-by-case basis.~~

31 ~~V.~~ Any pupil expelled by a local school board under the provisions of the Gun-Free Schools
32 Act of 1994 shall not be eligible to enroll in another school district in New Hampshire for the period
33 of such expulsion. ~~Nothing in this section shall be construed to prevent the local school district that~~
34 ~~expelled the student from providing educational services to such students in an alternative setting.]~~

35 VI. A pupil expelled from school in another state under the provisions of the Gun-Free
36 Schools Act of 1994 shall not be eligible to enroll in a school district in New Hampshire for the period
37 of such expulsion. *If the out-of-state expulsion is for an indefinite period of time, such pupil*

1 *or the pupil's parent or guardian shall have the right to petition the pupil's local school*
2 *board for enrollment upon establishing residency. If the pupil is denied enrollment, the*
3 *pupil's expulsion shall be subject to review pursuant to paragraph III-b.*

4 *VII. The local school board or chartered public school shall adopt a policy which*
5 *allows the superintendent or charter public school director to modify the expulsion and*
6 *enrollment requirements under paragraphs V and VI on a case by case basis.*

7 ~~[VII]~~ *VIII.* For purposes of paragraphs I, II, ~~[and]~~ III, *and IV* school board may be either the
8 school board or a subcommittee of the board duly authorized by the school board.

9 *IX. Nothing in this section shall prevent the superintendent of the pupil's local*
10 *school district or chartered public school director from reinstating a suspended or expelled*
11 *pupil.*

12 *X. The provisions of this section shall be construed in a manner consistent with*
13 *RSA 186-C.*

14 *XI. School boards and chartered public schools shall establish policies on school*
15 *discipline that contain a system of supports and consequences designed to correct student*
16 *misconduct and promote behavior within acceptable norms. Such policies shall:*

17 *(a) Include a graduated set of age appropriate responses to misconduct that*
18 *may include, but are not limited to, parent conferences, counseling, peer mediation,*
19 *instruction in conflict resolution and anger management, parent counseling and training,*
20 *community service, rearranging class schedules, restriction from extra curricular*
21 *activities, detention, in-school supports and consequences, out-of-school suspension, and*
22 *expulsion.*

23 *(b) Set forth standards for short term suspensions up to 5 days, short term*
24 *suspensions up to 10 days, long term suspensions up to 20 days, and expulsion. Such*
25 *standards shall make reference to the nature and degree of disruption caused to the school*
26 *environment, the threat to the health and safety of pupils and school personnel, and the*
27 *isolated or repeated nature of incidents forming the basis of disciplinary action.*

28 *XII. Each school district and chartered public school shall make its policy on*
29 *school discipline:*

30 *(a) Available to parents at the beginning of each school year;*

31 *(b) Publicly available on the district, school administrative unit, or chartered*
32 *public school website and in the student handbook; and*

33 *(c) Available to parents via a manner designed to ensure parental notification*
34 *if the school district, school administrative unit, or chartered public school does not*
35 *maintain a website and/or student handbook.*

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AMENDED ANALYSIS

This bill modifies the discipline policy for pupil suspensions and expulsions from school.