

STUDENT EXPULSION (DISMISSAL)

The following procedures will be used when the school administration makes a recommendation for expulsion of a student:

1. Written notice of intent to take action will:
 - a. Be served upon the student and parent or guardian by certified mail;
 - b. Contain a complete statement of the facts alleged;
 - c. State the date, time, and place of the hearing;
 - d. Be accompanied by a copy of the pupil suspension and dismissal law (RSA 193:13);
 - e. Describe alternative educational programs accorded the student prior to commencement of the expulsion proceedings if any; and
 - f. Inform the student and parent or guardian of the right to:
 1. have legal counsel at the hearing,
 2. examine the student's records before the hearing,
 3. present evidence, and
 4. confront and cross-examine witnesses.
 - g. If a student is handicapped, state how the cause of the proposed action is unrelated to the handicapping condition.
 1. A review must be conducted of the relationship between the student's disability and the behavior subject to the disciplinary action. A manifestation determination review is to take place immediately but no later than 10 school days after the decision to suspend is made. (See Federal Registrar 3-12-99 300.523 Manifestation Review).
2. The hearing will be scheduled within 10 days of the service of the written notice unless an extension, not to exceed five days, is requested for good cause by the Board, student, parent, or guardian.
3. The hearing will be at a time and place reasonably convenient to student, parent, or guardian.
4. The hearing will be closed unless the student, parent, or guardian requests an open hearing.
5. The student and/or parent will have the right to choose a representative, who may be legal counsel.
6. The proceedings of the hearing will be recorded and preserved at the expense of the school district, pending ultimate disposition of the action. Testimony will be given under oath.

7. At a reasonable time prior to the hearing, the student, parent, or guardian, or the student's representative, will be given access to all public school records pertaining to the student, including any tests or reports upon which the proposed action may be based.
8. The student, parent, or guardian, or the student's representative, will have the right to request the attendance of any official employee or agent of the school system, and to confront and to cross-examine any witness testifying for public school system.
9. The student, parent or guardian, or the student's representative, will have the right to present evidence and testimony, including expert psychological or educational testimony.
10. The student cannot be compelled to testify in the expulsion proceedings.
11. The decision by the Board will be based solely upon the evidence presented at the hearing and will be rendered within five days after the hearing. The decision will be in writing and the controlling facts upon which the decision is made will be stated in sufficient detail to apprise the parties and the State Commissioner of Education of the reason for the decision.

Appeal Procedures:

The decision of the Board may be appealed to the State Board of Education.

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| First Reading: | July 27, 1999 |
| Second Reading: | August 10, 1999 |
| Adopted: | August 10, 1999 |