

## Due Process

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*See Also: JICD*

The school administration will provide due process for students in the enforcement of RSA 193:13 and 193-D as follows:

Short-term suspensions (ten days or less):

1. Upon the issuance of a short-term suspension, there shall be a meeting with the student and the Superintendent or designee, with written or oral notice to the student, of the charges and an explanation of the evidence against the student.
2. An opportunity for the student to present his/her side of the story.
3. A written statement to the student and at least one of the student's parents or guardian, explaining the disciplinary action taken against the student.

Long-term suspensions (in excess of ten days):

1. Upon the issuance of a long-term suspension, there shall be a written communication to the student and at least one of the student's parents or guardian, delivered in person or by mail, of the charges and an explanation of the evidence against the student.
2. The Superintendent's written or oral recommendation for the student action to correct the discipline problem.
3. A written decision including the legal and factual basis for the conclusion that the pupil should be suspended.
4. Notice that the decision of the School Board may be appealed to the State Board of Education.

Expulsion:

1. The Portsmouth School Board may expel a student after there has been a formal hearing with the Superintendent of Schools prior to an expulsion.
2. The hearing may be held either before or after the short-term suspension has expired and, pending the disciplinary hearing, may result in expulsion by the Portsmouth School Board.
3. Written notice to the student pupil and at least one of the student's parents or a guardian will be delivered in person or by mail, of the date, time and place for a hearing before the Portsmouth School Board.
4. A written statement of the charge and nature of the evidence against the student, the Superintendent's written recommendation for School Board action, and a description of the process will be used by the Superintendent to reach the recommendation.
5. School Board proceedings shall be in accordance with the New Hampshire Code of Administrative Rules, Section Ed. 317 (04)g.

Readmission to School:

Expelled students may petition for readmission to school in August, prior to the beginning of the school year. The petition may be made through the Office of the Superintendent of Schools who

is authorized to readmit the student unless the School Board has required a hearing before the Board in its expulsion decision. If the Superintendent does not grant the readmission petition, the student and his/her parents may appeal the decision to the School Board.

**References:**

RSA 193:13 Suspension and Expulsion of Students  
RSA 193-D Safe School Zones