

AGENDA

SPECIAL COMMITTEE ON DRUGS, ALCOHOL AND YOUTH SERVICES

November 10, 2010
Aldermen Ouellette, O'Neil
Osborne, Craig, Arnold

5:30 PM
Aldermanic Chambers
City Hall (3rd Floor)

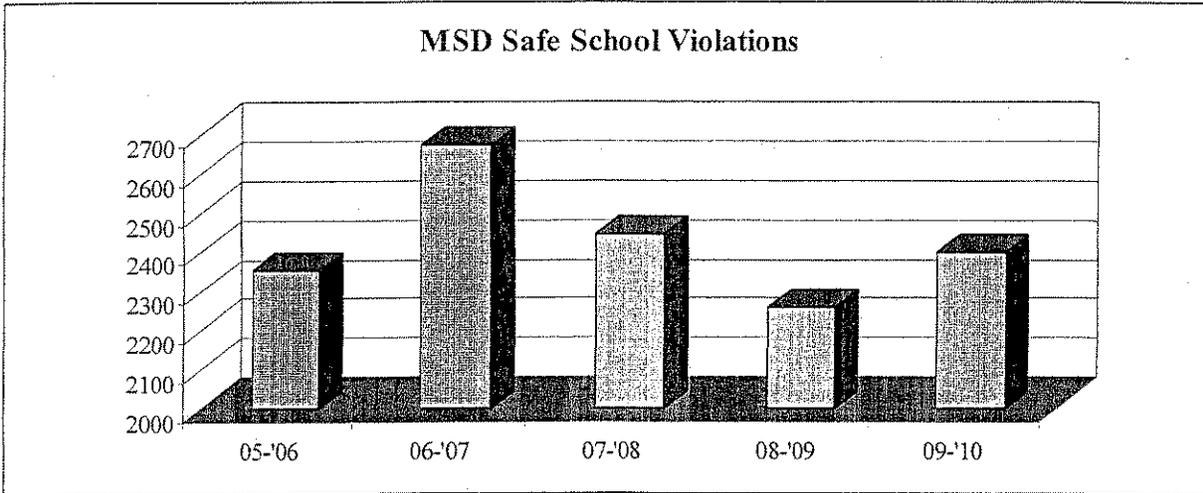
1. Chairman Ouellette calls the meeting to order.
2. The Clerk calls the roll.
3. Communication from the Office of Youth Services, Manchester School District and Manchester Police Department regarding:
 - Truancy data
 - Discipline data
 - Juvenile crime and violent crime data
 - Data related to youth alcohol and other drug use in Manchester
 - Youth employment data

(Note: Information was requested at the 06/28/2010 Committee meeting)

Ladies and Gentlemen, what is your pleasure?
4. If there is no further business, a motion is in order to adjourn.

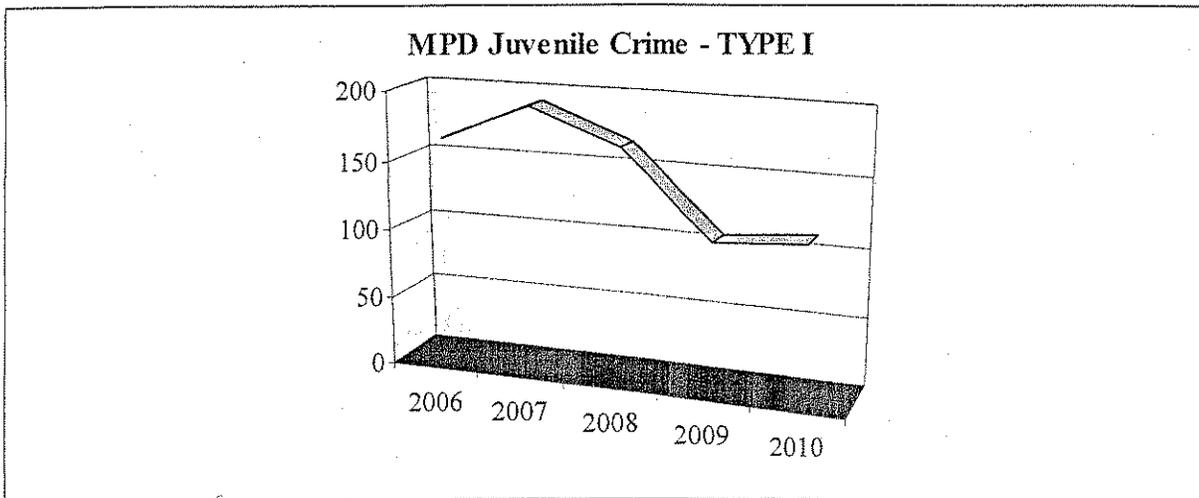
2. DISCIPLINE DATA

– The following data are aggregates of data sets collected by the Manchester School District and represent the total number of incidents between '06 & '10 for the following types of safe school violations: “Altercations with student; arson; assault on another student; assault on staff; bomb threat; bullying; dangerous behavior; fighting; gun; hazing; instigating a fight; knife; look alike weapon; physically aggressive; pushing or touching staff; pushing or touching student; threatening a student; threatening staff; throwing objects; violent; behavior; weapon.”

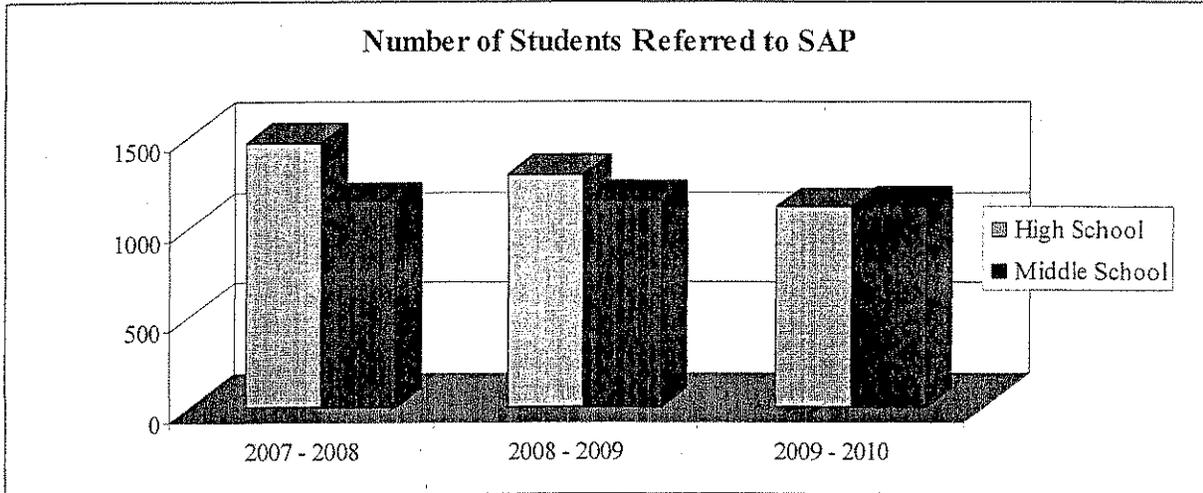


3. JUVENILE CRIME & VIOLENT CRIME DATA

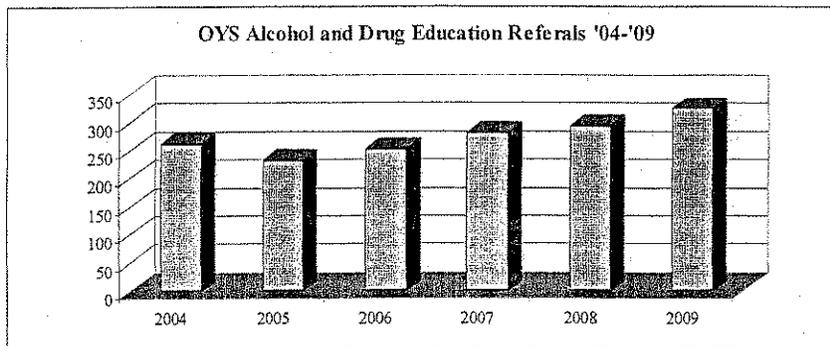
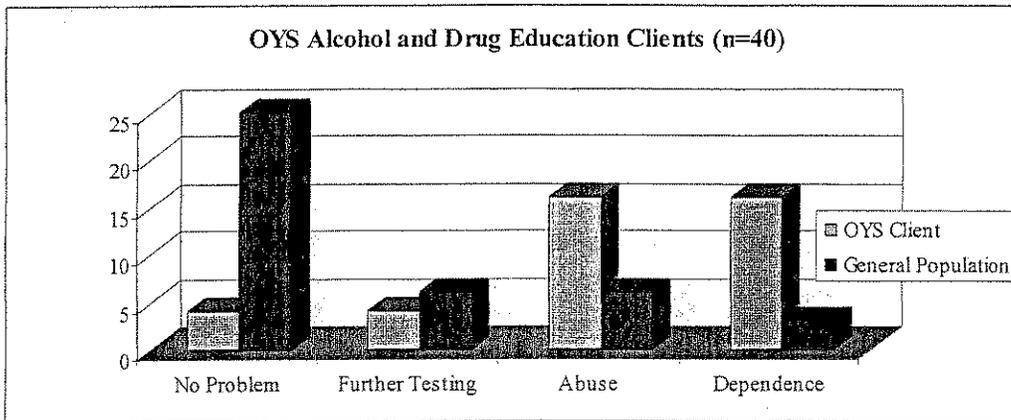
– The Manchester Police Department (MPD) collects data about two kinds of delinquencies: TYPE I & TYPE II. TYPE I delinquencies include: Criminal Homicide Forcible Rape, Robbery, Aggravated Assault, Burglary, Theft (Except MV), Motor Vehicle Theft, Arson, Involuntary Emergency Hospitalization.



- The Manchester School District has a Student Assistance Program (SAP) that is available in the middle and high schools in Manchester. Many of youth referred to these programs indicate their own substance abuse issue or live with a caretaker or family member that is impacted by Alcohol and Other Drug Abuse.



- OYS sees a variety of youth who are referred for alcohol and drug education from a variety of community partners (MPD, MSD, Parents). This data compares OYS clients' substance abuse problems against the needs in the 'general population.'



"Report to the Aldermanic Special Committee on Alcohol, Other Drugs, & Youth Services"
 Submitted on 11/10/10 by the Manchester Police Department, Manchester School District &
 The City of Manchester Office of Youth Services

APPENDIX

Manchester Police Department Police Reports Involving Juveniles

Manchester Police Department School Resource Officer Job Description

NH RSA 193-D Safe Schools Zones

Overview of NH RSA 193-F:2 Pupil Safety and Violence Prevention

NH Bullying Law RSA 193-F:2 Pupil Safety and Violence Prevention

Manchester School District Student Code of Conduct

Manchester School District Policy and Regulations on Student Attendance

Memorandum of Agreement for CLASs



SCHOOL RESOURCE OFFICER

A. SUMMARY

The School Resource Officer is a juvenile officer with the added responsibility to enforce laws and investigate crimes in and around school property. Each officer will be assigned to a high school and a junior high school. The officer will work with school administration on a daily basis to ensure the students have a healthy and safe learning environment.

B. GENERAL DUTIES AND RESPONSIBILITIES

It is the duty and responsibility of the School Resource Officer to:

1. Enforce laws and investigate crimes in and around school, which may affect the health and safety of students and faculty.
2. Follow up preliminary investigations and initiating inquiries into investigative leads to identify the suspect and associates.
3. Assist school administration, when necessary, with school investigations to ensure the safety of the student body.
4. Attend mediation meetings and counsel students to defuse volatile situations.
5. Act as a liaison between the schools and the police department. Recommend a course of action to higher authority, which will minimize any chance of conflict between the police department and the youth of the community.
6. Answer calls from parents of victims seeking assistance with juvenile problems.
7. Lecture in classes about law and issues relating to the youth of the community.
8. Perform other duties and tasks as assigned by the proper authority.

C. KNOWLEDGE, ABILITIES AND SKILLS

Thorough working knowledge of the juvenile laws and Criminal Code of the State of New Hampshire. Skilled in investigative and interviewing techniques. Ability to communicate with a wide range of people. Familiarity with and understanding of the juvenile justice system.

D. QUALIFICATIONS

Completion of two years service as a Patrol Officer within the Manchester Police Department.

Any person who knowingly fails to report any acts of theft, destruction, or violence is guilty of a violation.

Moreover, this Act allows for the sharing of information between any law enforcement officer and a school administrator as it relates to acts defined by the statute.

NH BULLYING LAW

-1 Pupil Safety and Violence Prevention; Purpose. RSA 193-F:2 is repealed and reenacted to read as follows:

193-F:2 Purpose and Intent.

I. All pupils have the right to attend public schools, including chartered public schools, that are safe, secure, and peaceful environments. One of the legislature's highest priorities is to protect our children from physical, emotional, and psychological violence by addressing the harm caused by bullying and cyberbullying in our public schools.

II. Bullying in schools has historically included actions shown to be motivated by a pupil's actual or perceived race, color, religion, national origin, ancestry or ethnicity, sexual orientation, socioeconomic status, age, physical, mental, emotional, or learning disability, gender, gender identity and expression, obesity, or other distinguishing personal characteristics, or based on association with any person identified in any of the above categories.

III. It is the intent of the legislature to protect our children from physical, emotional, and psychological violence by addressing bullying and cyberbullying of any kind in our public schools, for all of the historical reasons set forth in this section, and to prevent the creation of a hostile educational environment.

IV. The sole purpose of this chapter is to protect all children from bullying and cyberbullying, and no other legislative purpose is intended, nor should any other intent be construed from the enactment of this chapter.

-2 Pupil Safety and Violence Prevention; Definitions. RSA 193-F:3 through RSA 193-F:5 are repealed and reenacted to read as follows:

193-F:3 Definitions. In this chapter:

I.(a) "**Bullying**" means a single significant incident or a pattern of incidents involving a written, verbal, or electronic communication, or a physical act or gesture, or any combination thereof, directed at another pupil which:

(1) Physically harms a pupil or damages the pupil's property;

; (2) Causes emotional distress to a pupil;

(3) Interferes with a pupil's educational opportunities;

(4) Creates a hostile educational environment; or

(5) Substantially disrupts the orderly operation of the school.

(b) "**Bullying**" shall include actions motivated by an imbalance of power based on a pupil's actual or perceived personal characteristics, behaviors, or beliefs, or motivated by the pupil's association with another person and based on the other person's characteristics, behaviors, or beliefs.

II. "**Cyberbullying**" means conduct defined in paragraph I of this section undertaken through the use of electronic devices.

bullying or cyberbullying. The content of the notification shall comply with the Family Educational Rights and Privacy Act, 20 U.S. C. 1232g.

(i) A provision that the superintendent or designee may, within the 48-hour period, grant the school principal or designee a waiver from the notification requirement if the superintendent or designee deems such waiver to be in the best interest of the victim or perpetrator. Any such waiver granted shall be in writing. Granting of a waiver shall not negate the school's responsibility to adhere to the remainder of its approved written policy.

(j) A written procedure for investigation of reports, to be initiated within 5 school days of the reported incident, identifying either the principal or the principal's designee as the person responsible for the investigation and the manner and time period in which the results of the investigation shall be documented. The superintendent or designee may grant in writing an extension of the time period for the investigation and documentation of reports for up to an additional 7 school days, if necessary. The superintendent or superintendent's designee shall notify in writing all parties involved of the granting of an extension.

(k) A requirement that the principal or designee develop a response to remediate any substantiated incident of bullying or cyberbullying, including imposing discipline if appropriate, to reduce the risk of future incidents and, where deemed appropriate, to offer assistance to the victim or perpetrator. When indicated, the principal or designee shall recommend a strategy for protecting all pupils from retaliation of any kind.

(l) A requirement that the principal or designee report all substantiated incidents of bullying or cyberbullying to the superintendent or designee.

(m) A written procedure for communication with the parent or parents or guardian of victims and perpetrators regarding the school's remedies and assistance, within the boundaries of applicable state and federal law. This communication shall occur within 10 school days of completion of the investigation.

(n) Identification, by job title, of school officials responsible for ensuring that the policy is implemented.

III. The department of education may develop a model policy in accordance with the requirements set forth in this chapter which may be used by schools, school districts, and chartered public schools as a basis for adopting a local policy.

IV. A school board or board of trustees of a chartered public school shall, to the greatest extent practicable, involve pupils, parents, administrators, school staff, school volunteers, community representatives, and local law enforcement agencies in the process of developing the policy. The policy shall be adopted by all public schools within the school district and, to the extent possible, the policy should be integrated with the school's curriculum, discipline policies, behavior programs, and other violence prevention efforts.

193-F:5 Training and Assessment.

I. Each school district and chartered public school shall provide:

(a) Training on policies adopted pursuant to this chapter, within 9 months of the effective date of this section and annually thereafter, for school employees, regular school volunteers, or employees of a company under contract to a school, school district, or chartered public school who have significant contact with pupils for the purpose of preventing, identifying, responding to, and reporting incidents of bullying or cyberbullying; and

-4 Wiretapping and Eavesdropping; Interception and Disclosure. Amend RSA 570-A:2, II(k)(1) to read as follows:

(k)(1) The owner or operator of a school bus, as defined in RSA 259:96, to make an audio recording in conjunction with a video recording of the interior of the school bus while students are being transported to and from school or school activities, provided that the school board authorizes audio recording, the school district provides notification of such recording to the parents and students as part of the district's pupil safety and violence prevention policy required under [~~RSA 193-F:3, I(b)~~] *RSA 193-F*, and there is a sign informing the occupants of such recording prominently displayed on the school bus.

-5 New Section; Safe School Zones; Liability for Reporting. Amend RSA 193-D by inserting after section 8 the following new section:

193-D:9 Liability for Reporting. Any public or private school employee or employee of a company under contract to a school or school district who in good faith has made a report under RSA 193-D shall not be subject to liability for making the report.

-6 Effective Date. This act shall take effect July 1, 2010.

Parents are responsible to

- ❖ Be an active participant in their child(ren)'s education;
- ❖ Help their child(ren) learn about the Manchester School District's behavioral expectations and the consequences of breaking rules (Student Code of Conduct);
- ❖ Ensure that their child(ren) attend school daily;
- ❖ Encourage their child(ren) to do their best;
- ❖ Communicate the needs and concerns of their child(ren) to the school;
- ❖ Notify the school if their child(ren) will be absent;
- ❖ Be available for conferences;
- ❖ Ensure that adult supervision is provided should their child's behavior cause him or her to be suspended out of school.

Teachers are responsible to

- ❖ Provide students with a positive and safe school environment;
- ❖ Enforce the Manchester School District's Student Code of Conduct;
- ❖ Inform students and parents of classroom rules and behavioral expectations;
- ❖ Manage classroom behaviors;
- ❖ Communicate with parents regularly;
- ❖ Encourage and model exemplary behavior and attendance.

Principals are responsible to

- ❖ Ensure a positive and safe school environment for students and staff;
- ❖ Communicate school rules to students, staff and parents;
- ❖ Enforce the Manchester School District's Student Code of Conduct;
- ❖ Assume responsibilities for school rules being followed by his/her students;
- ❖ Communicate the discipline action taken with parents and involved staff;
- ❖ Maintain discipline and attendance files;
- ❖ Report all suspected illegal activities to police and the Superintendent's office;
- ❖ Encourage and model exemplary behavior and attendance.

The Superintendent is responsible to

- ❖ Ensure a positive and safe school environment for all students and staff;
- ❖ Ensure that all school Principals consistently enforce the Manchester School District's Student Code of Conduct;
- ❖ Provide support and guidance to school staff;
- ❖ Maintain quarterly discipline reports (excluding students' names) of incidents requiring Principal's involvement.

Dress and Grooming

Student Responsibilities	Student Rights
To dress and groom in accordance with policies to contribute to the health and safety of the individual and promote an orderly educational environment	To have school policies on dress and grooming be clear and reasonable
To refrain from wearing clothing or hairstyles that can be hazardous to them in their educational activities such as shop, lab work, physical education, art or on-the-job training	To have policies on dress for participation in physical education and other designated activities that do not impose a financial hardship on them or their families

Discipline and Student Conduct

Student Responsibilities	Student Rights
To be aware of the Student Code of Conduct and obey all laws, school rules and regulations	To be informed of laws, school rules and regulations and be provided with fair, consistent and appropriate discipline
To exercise their rights of due process and to pursue grievances according to the orderly process established by the Board of School Committee	To be provided with due process in disciplinary matters, including the right of grievance, a fair hearing, and the right of appeal

Free Speech/Expression

Student Responsibilities	Student Rights
To respect the rights of others when they express their views	To express views (in written or verbal form) without being obscene, disruptive, discriminatory, provocative or illegal
To behave respectfully during patriotic observances	To choose to participate in patriotic observances
To respect the religious beliefs of others and to refrain from activities that hold religious beliefs up to ridicule	To have religious beliefs respected
To follow the rules of responsible journalism under the guidance of a teacher, advisor or administrator	To help develop and distribute publications as part of the educational process
To refrain from harassing conduct	To be protected from harassment
To refrain from bullying, cyberbullying intimidating and threatening conduct	To be protected from bullying, intimidation and threats

Extracurricular/Co-curricular Activities

Student Responsibilities	Student Rights
To be aware of and adhere to Board of School Committee policies, school-level criteria and NHIAA rules and regulations	To participate in extracurricular/co-curricular activities and athletic programs
To be aware of all rules and regulations and follow them	To be provided with clearly defined rules and regulations

Guidance and Student Services

Student Responsibilities	Student Rights
To utilize guidance services for educational improvement	To be informed about school guidance services
To schedule an appointment with guidance personnel, except in emergency situations	To have access to school counselors
To work cooperatively with school staff	To request counseling when needed

Motor Vehicles

Student Responsibilities	Student Rights
To register the vehicle, immediately leave vehicle when parked, not move the vehicle during the school day without permission from the school administration, follow all school rules, courteous and preventive driving procedures, and local and state traffic laws when operating vehicles on school grounds	To access parking for their vehicles when available at their high school

- I. (a) *The superintendent or chief administering officer, or a representative designated in writing by the superintendent, is authorized to suspend students from school for a period not to exceed 10 school days for gross misconduct or for neglect or refusal to conform to the reasonable rules of the school.*

II. WHO MAY SUSPEND A STUDENT FROM SCHOOL

- A. According to NH Law RSA 193:13, school boards, superintendents or their representatives have the right to suspend students from school.
- B. Superintendents or their representatives as designated in writing may suspend students up to ten (10) school days.
- C. Superintendents may extend the suspension of students in excess of ten (10) days.
- D. Parents, guardians or students have the right to appeal suspensions in excess of ten (10) days.

NH RSA 193:13 Suspension and Expulsion of Pupils

- I. (a) *The superintendent or chief administering officer, or a representative designated in writing by the superintendent, is authorized to suspend students from school for a period not to exceed 10 school days for gross misconduct or for neglect or refusal to conform to the reasonable rules of the school.*

(b) The school board or representative designated in writing by the school board is authorized, following a hearing, to continue the suspension of a pupil for a period in excess of 10 school days. The school board's designee may be the superintendent or any other individual, but may not be the individual who suspended the pupil for the first 10 days under subparagraph (a). Any suspension shall be valid throughout the school districts of the state, subject to modification by the superintendent of the school district in which the pupil seeks to enroll.

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

III. WHO MAY EXPEL A STUDENT FROM SCHOOL

- A. According to NH Law RSA 193:13 the Board of School Committee may expel a student from school.
- B. Parents, guardians, and students may appeal an expulsion by the Board of School Committee to the NH State Board of Education.
- C. Parents, guardians, and students may request a review of an expulsion prior to the start of a new school year.
- D. An expulsion shall be valid throughout the school districts in NH.

Due Process in an expulsion by the Board of School Committee

In an expulsion by the Board of School Committee, due process shall include the following minimal requirements:

1. A formal hearing shall be held before any expulsion;
2. Such hearing shall be held either before or after the short-term suspension has expired and pending the expulsion hearing;
3. If the hearing is held after the expiration of a short-term suspension, the student shall be entitled to return to school after the short-term suspension has expired and pending the expulsion hearing;
4. A written notice to the student and at least one of the student's parents or guardian shall be delivered in person or by mail to the student's last known address, of the date, time and place for a hearing before the Board of School Committee;
5. The written notice shall include:
 - a. A statement of the charges and the nature of the evidence against the student;
 - b. The superintendent's written recommendation for the Board of School Committee action and a description of the process used by the superintendent to reach his/her recommendation.
6. The notice shall be delivered to the student and at least one of the student's parents or guardian at least 5 days prior to the hearing;
7. The following hearing procedures shall apply:
 - a. The student, together with a parent or guardian, may waive the right to a hearing and admit to the charges made by the superintendent;
 - b. If the student is 18 years of age or older, the concurrence of a parent or guardian shall be unnecessary unless the student is subject to guardianship which would prevent the student from waiving the right to a hearing;
 - c. Formal rules of evidence shall not be applicable; however, school officials shall present evidence in support of the charge(s) and the accused student or his/her parent or guardian shall have the opportunity to present any defense or reply;
 - d. The hearing shall be either public or private and the choice shall be that of the student or his/her parent or guardian; and
 - e. During the hearing, the student, parent, guardian or counsel representing the student shall have the right to examine any and all witnesses;
8. The decision of the Board of School Committee shall be based on a dispassionate and fair consideration of substantial evidence that the accused student committed the act for which expulsion is to be imposed and that such acts are, in fact, a proper reason for expulsion;
9. The decision shall state whether the student is expelled and the length of the expulsion. If the decision is to expel the student the decision shall include the legal and factual basis for the decision; and
10. Any action the student may take to be restored by the Board; and
11. A decision shall include a statement that the student has the right to appeal the decision to the NH State Board of Education;
12. All appeals to the NH State Board of Education shall be filed within 20 calendar days of receipt of the written decision of the Board of School Committee.

Students with Disabilities:

- Disciplinary responses for students with disabilities shall occur in accordance with all federal and state laws, district policies and regulations and the *New Hampshire Rules for the Education of Children with Disabilities*. Students with disabilities may be subject to short-term suspensions consistent with the procedures afforded to students without disabilities under this section. When any suspension of a student with a disability results in a cumulative suspension during a school year of more than ten (10) days, the procedures for long-term suspension of a student with a disability are applicable.

II. PROCEDURES FOR LONG-TERM SUSPENSIONS (MORE THAN TEN (10) DAYS)

- A student accused of a violation of the Student Code of Conduct, which in the opinion of the principal/designee may require a long-term suspension or expulsion from school, shall be afforded the procedural safeguards described below.

Step 1: The procedures for a short-term suspension must be employed, as well as Steps 2 through 5 below, prior to the imposition of a long-term suspension.

Step 2: The principal/designee shall notify the student and parent or guardian that he/she is requesting the superintendent consider extending the student's suspension an additional ten (10) days.

Step 3: The superintendent's administrative assistant shall contact the student's parent or guardian to schedule a hearing within the initial 10-day suspension, or as close to it as feasible. If the parent or guardian requests a later hearing date or scheduling conflicts do not allow the hearing to take place within the initial 10-day suspension, then the superintendent/designee will determine if the offense warrants an extension of the suspension prior to agreeing to a later hearing date. The superintendent/designee will determine whether to approve the long-term suspension pending the hearing.

Step 4: The superintendent/designee shall make a written determination as to whether sufficient information was provided at the hearing to determine whether the student is guilty of the misconduct and, if so, the appropriate disciplinary response. The student and parent or guardian shall be notified immediately of the superintendent's recommendation regarding the request for extended suspension or expulsion. The written decision shall be mailed to the parent or guardian immediately following the hearing.

Step 5: As appropriate and consistent with Section IV Re-entry From Suspension Plans, re-entry plans shall be developed by school staff with the parent and student.

- If the parent/guardian disagrees with the decision of the superintendent/designee, an appeal before the Board of School Committee may be requested. This appeal must be requested within 10 days of the date of the superintendent's decision letter. The disciplinary consequence remains in effect throughout all appeals unless the Board of School Committee stays the suspension while the appeal is pending.

Students with Disabilities:

- Disciplinary responses for students with educational disabilities shall occur in accordance with all federal and state laws, district policies and regulations and the *New Hampshire Rules for the Education of Children with Disabilities*. If a student with an educational disability has a cumulative total of suspensions in excess of ten (10) days in a school year, the principal/designee shall ensure that an Individualized Education Program (IEP) meeting is convened prior to the commencement of the 11th day or further suspension. The IEP Team is to complete a functional behavior assessment and a positive

Step 3: A formal hearing shall be held where the student shall be able to exercise the rights identified in the notice. The hearing shall be either public or private at the choice of the student or his/her parent or guardian. The student shall have the opportunity to explain the incident that brought him/her to the hearing, provide witnesses (or written witness statements) on his/her behalf, examine any and all witnesses, question the information presented by the principal and superintendent. The student's parent or guardian also has the opportunity to speak on the student's behalf. The student may be represented by counsel, at his/her expense.

Step 4: The Board of School Committee shall determine based on a dispassionate and fair consideration of substantial evidence if the student committed the act for which expulsion is to be imposed and that the acts are in fact, a proper reason for expulsion.

Step 5: The written decision of the Board of School Committee shall be provided to the parent or guardian.

Students with Disabilities:

- If a student with an educational disability is recommended for expulsion, the student and the student's parent or guardian shall be provided the same notice as students without disabilities. This written notice shall also advise the student and the student's parent or guardian of their rights under the Individuals with Disabilities Education Act (IDEA) including their right to disagree with any change in placement and to appeal decisions of the student's IEP Team.
- If a student with an educational disability is recommended for expulsion, it has been determined that the behavior giving rise to the request for expulsion is not a manifestation of the student's disability. The IEP Team shall convene a meeting to make a determination of an appropriate forty-five (45) day interim alternative education placement to ensure that the student's IEP is implemented pending the expulsion hearing and decision by the Board of School Committee.
- Should the student with a disability be expelled by the Board of School Committee, the IEP Team must again be convened to propose and offer an alternative long-term placement where the student's IEP can be implemented.
- When the conduct of a student with an educational disability does not involve drugs or weapons, but the school determines that the student presents a potential danger to himself/herself or to others in his/her current placement, the school may request a forty-five (45) day interim alternative educational placement. No change of placement shall occur without the consent of the parent or guardian after the convening of the IEP Team or until the school obtains an order from a Hearings Officer granting permission for such placement.

IV. RE-ENTRY FROM SUSPENSION AND POSITIVE BEHAVIOR INTERVENTION PLANS

- A. All students returning from suspension shall receive a re-entry plan. This plan shall be overseen by a staff member assigned by the building administrator and will allow for the student's participation as well as the participation of any staff member involved in the incident(s) that led to suspension.
- B. A re-entry plan shall consist of the following:
- A staff member familiar with the student is to be assigned as the re-entry contact person/counselor.
 - The student shall be received by the re-entry counselor upon returning to school from suspension.

SECTION C

RULES OF CONDUCT AND CONSEQUENCES FOR VIOLATIONS OTHER THAN ALCOHOL AND OTHER DRUG USE

Rules of conduct apply to and are to be complied with at all school sponsored activities on and off school grounds. Students who are internally or externally suspended from school are prohibited from participation in any school sponsored activities from the point of notification until their regular return to classes.

It is expected that teachers will maintain a safe and orderly environment by utilizing a variety of classroom management techniques. There are instances when these techniques may not be effective in managing escalating behaviors. Therefore, we have developed a Student Code of Conduct to assist in those instances when additional support and or staff is required. Actions that are disrespectful, constitute a refusal, are disruptive or unsafe will not be tolerated.

Principals shall assess each individual situation and apply educationally sound consequences for violations of rules of conduct and ensure compliance with federal and state laws: Individuals with Disabilities Education Act (IDEA), Family Educational Rights and Privacy Act (FERPA), and Section 504.

LEVEL I

Level I offenses include behavior on the part of the student which impedes orderly classroom procedures or interferes with the orderly operation of the school. When these misbehaviors cannot be managed by an individual, staff member, the additional intervention of other school support personnel is required.

Inappropriate Actions (not limited to)	Behavior	Management	Possible Consequences/ Discipline Options
<ol style="list-style-type: none"> 1. Uncooperative behavior in class or study 2. Tardiness 3. Violation of the dress code 4. Rude or inappropriate language 5. Loitering on school property 	<ol style="list-style-type: none"> 1. Refusal 2. Refusal 3. Refusal 4. Disrespect 5. Refusal 	<ul style="list-style-type: none"> • A discipline referral is made as a result of the child's non-compliance with the Code of Conduct • As indicated, the administrator meets with the student and/or teacher and effects the most appropriate response. • A proper accurate record of the offenses and disciplinary action is maintained by the staff member. 	<ul style="list-style-type: none"> • Verbal redirection • Special assignment • Behavior contract • Counseling • Withdrawal of privileges • Suspension • Detention

LEVEL II

Level II offenses include behaviors of such frequency or seriousness that the learning climate of the school is disrupted. These infractions, which usually result from the continuation of Level I behaviors, require the intervention of personnel on the administrative level because the application of Level I consequences/disciplinary options has failed to correct the situation. Also, included in this level are behaviors which do not represent a

LEVEL III

Level III offenses are acts that are directed against persons or that warrant immediate intervention. These acts might be considered criminal but more frequently can be handled by the disciplinary mechanism in the school. Corrective measures which the school should undertake, however, depend on the extent of the school's resources for remediating the situation in the best interests of all students.

Inappropriate Actions (not limited to)	Behavior	Management	Possible Consequences/ Discipline Options
<ol style="list-style-type: none"> 1. Continuation of Level II behavior (3 infractions) 2. Bullying 3. Sexual harassment 4. Defacing or destroying school property; (<i>Criminal Mischief – RSA 634:2</i>) 5. Throwing solid objects 6. Theft (<i>RSA 631 & 637</i>) 7. Reckless operation of bicycles, motorcycles or cars in or around school building 8. Fighting (<i>Simple Assault – RSA 631</i>) 9. Possession or use of pornographic or violent material including sexually explicit or graphically violent materials 10. Gang or gang related activities including clothing, insignia, communication, threats, coercion, solicitation, conspiracy 11. Other violations of school rules, city ordinances and/or state laws 12. Reckless conduct 13. Possession of or using fireworks or other explosives 14. Hazing 15. Assault on student 	<ol style="list-style-type: none"> 1. Refusal 2. Unsafe 3. Disrespect 4. Unsafe 5. Refusal 6. Unsafe 7. Unsafe 8. Unsafe 9. Disrespect 10. Unsafe 11. Refusal 12. Unsafe 13. Unsafe 14. Unsafe 15. Refusal 	<ul style="list-style-type: none"> • The administrator initiates disciplinary action by investigating the infraction and conferring with staff regarding the behavior. • If contraband is involved, it will be confiscated and disposed of. • A proper and accurate record of offenses and disciplinary action is maintained by the administrator. A discipline slip is written by the person reporting the incident. • The student is afforded appropriate due process in all situations. • A re-entry plan is developed. • The administrator meets with the student to discuss the student's misconduct and the resulting disciplinary action. The administrator notifies the parent of the action. The teacher is also informed of the administrative action in accordance with applicable state and federal laws: Individuals with Disabilities Act (IDEA), Family Educational Rights and Privacy Act (FERPA) and Section 504. • The student is afforded appropriate due process in all situations. • A re-entry plan is developed. 	<ul style="list-style-type: none"> • Temporary removal from class • Counseling • Homebound instruction • Alternative program (when available) • Suspension • Transfer for a probationary period for the duration of the school year • Law enforcement officials are contacted • Restoration/restitution made by student • Detention • In addition to the above possible consequences, consequences in Level II may also be applied

Inappropriate Action (not limited to)	Behavior	Management	Possible Consequences/ Discipline Options
3. Assault on teacher, member of staff (<i>Assault – RSA 631</i>)	3. Unsafe	Educational Rights and Privacy Act (FERPA) and Section 504. Parents are contacted.	<ul style="list-style-type: none"> In addition to the above possible consequences, the consequences in Level III may also be applied
4. Assault on a student that results in severe bodily injury or by means of a deadly weapon	4. Unsafe		
5. Stalking	5. Unsafe		
6. Possession of gun, knife, or other weapon (<i>Weapons possession – RSA 159</i>)	6. Unsafe		
7. Possession of look-alike weapons (<i>Safe Schools – RSA 193-13</i>)	7. Unsafe		
8. Possession of air rifle or gun, and/or pellet gun (<i>Safe Schools – RSA 193-13</i>)	8. Unsafe		
9. Setting or attempting to set fires, detonation of explosives, or arson (<i>Arson – RSA 634.1</i>)	9. Unsafe		
10. Causing a false fire alarm	10. Unsafe		
11. Defacing and/or destroying school property (major) (<i>Criminal Mischief – RSA 634:2</i>)	11. Unsafe		
12. Bomb threat and/or possession of look-alike bomb	12. Unsafe		
13. Possession of a defense weapon	13. Unsafe		
14. Extortion	14. Unsafe		
15. Calling in a false alarm concerning the presence of a biological or chemical substance	15. Unsafe		
16. Delivering or causing the delivery of a biological or chemical substance to a school with the purpose of causing bodily injury or evacuation of the school	16. Unsafe		
17. Robbery	17. Unsafe		
18. Burglary	18. Unsafe		
19. Inciting riot/chaos	19. Unsafe		

Type II: Possession and or use of alcohol, tobacco or other drugs or paraphernalia; using/having used; attempting to secure and or purchase

Inappropriate Action (not limited to)	Behavior	Management	Consequences
<ol style="list-style-type: none"> 1. Possession/use of alcohol, tobacco, drugs or paraphernalia; using/having used; attempting to secure and/or purchase 2. Second offense 	<ol style="list-style-type: none"> 1. Unsafe 2. Unsafe; refusal 	<ul style="list-style-type: none"> • Parent Notified • Student offered SAP counseling • A proper and accurate record of the offense and the disciplinary action is maintained by the administrator. • If contraband is involved, it will be confiscated and disposed of. • Law enforcement notified • Re-entry plan 	<ul style="list-style-type: none"> • First offense: Thirty (30) school day extracurricular suspension • First offense student agrees to up to 15 hours of SAP counseling: 3 day external suspension • First offense student does not agree to SAP counseling: 5-10 days external suspension • Second offense: upgrade to Type III

Type III: Repeated Type II and intending and or attempting to sell and or distribute alcohol, tobacco or other drugs

Inappropriate Action (not limited to)	Behavior	Management	Consequences
<ol style="list-style-type: none"> 1. Intending/attempting to sell/distribute 	<ol style="list-style-type: none"> 1. Unsafe 	<ul style="list-style-type: none"> • Parent Notified • Student offered SAP counseling • A proper and accurate record of the offense and the disciplinary action is maintained by the administrator. • If contraband is involved, it will be confiscated and disposed of. • Law enforcement notified 	<ul style="list-style-type: none"> • Sixty (60) school day extracurricular suspension • 5-10 school day external suspension • Referral to Superintendent to consider expulsion • Possible extension of suspension by 5-10 days • Student Assistance Program (SAP) counseling for up to 20 hours

Attendance Policy

The Manchester School District takes attendance very seriously and will enforce and comply with the NH law relative to attendance *RSA 193.1 Duty of Parent: Compulsory Attendance by Pupil* and the NH law relative to truancy: *NH RSA 189 (189:34 Appointment, NH RSA 189:35 Truancy Defined and NH RSA 189:36 Duties)*.

Students are required to be in school every day that school is in session unless their attendance is exempt per NH law or their absence meets criteria to be considered an excused absence. Unexcused absences are not acceptable. The District will address habitual unexcused absences consistent with the NH laws which include the filing of truancy and educational neglect petitions with the Court.

NH Attendance Law:

193:1 Duty of Parent; Compulsory Attendance by Pupil.

1. A parent of any child at least 6 years of age and under 18 years of age shall cause such child to attend the public school to which the child is assigned in the child's resident district. Such child shall attend full time when such school is in session unless:

- (a) The child is attending a New Hampshire public school outside the district to which the child is assigned or an approved New Hampshire private school for the same time;*
- (b) The child is receiving home education pursuant to RSA 193-A and is therefore exempt from this requirement;*
- (c) The relevant school district superintendent has excused a child from attendance because the child is physically or mentally unable to attend school, or has been temporarily excused upon the request of the parent for purposes agreed upon by the school authorities and the parent. Such excused absences shall not be permitted if they cause a serious adverse effect upon the student's educational progress. Students excused for such temporary absences may be claimed as full-time pupils for purposes of calculating state aid under RSA 186-C:18 and adequate education grants under RSA 198:41;*
- (d) The child is attending a public or private school located in another state which has been approved by the state education agency of the state in which the school is located;*
- (e) The pupil has been exempted from attendance pursuant to RSA 193:5;*
- (f) The pupil has successfully completed all requirements for graduation and the school district is prepared to issue a diploma or the pupil has successfully achieved the equivalent of a high school diploma by either:
 - (1) Obtaining a GED certificate; or*
 - (2) Documenting the completion of a home school program at the high school level by submitting a certificate or letter to the department of education;**
- (g) The pupil has been accepted into an accredited postsecondary education program; or*
- (h) The pupil obtains a waiver from the superintendent, which shall only be granted upon proof that the pupil is 16 years of age or older and has an alternative learning plan for obtaining either a high school diploma or its equivalent.
 - (1) Alternative learning plans shall include age-appropriate academic rigor and the flexibility to incorporate the pupil's interests and manner of learning. These plans may include, but are not limited to, such components or combination of components of extended learning opportunities as independent study, private instruction, performing groups, internships, community service, apprenticeships, and on-line courses.**

Attendance Policy (Continued)

- II. *A truant officer or school official shall not file a petition alleging that the child is in need of services pursuant to RSA 169-D:2, II(a) until all steps in the school district's intervention process under RSA 189:34, II have been followed.*

School Approval Standard

Ed 306.18 C (6) A school half-day shall consist of at least 3 hours of instructional time, and 2 school half-days can be counted as a regular school day.

A. Unexcused Absences

Absences not defined as excused, are considered unexcused. Excessive unexcused absences shall be addressed on a case-by-case basis to determine if there is a pattern of non-attendance. Examples of unexcused absences include but are not limited to:

1. Absences as a result of incomplete immunization records;
2. Family vacations outside of established school calendar;
3. Non-medical appointments unauthorized by Administration;
4. Childcare;
5. Leaving school grounds without permission during normal school hours, and;
6. Absences determined by the Principal or his/her designee to be unexcused for any other reason not listed above.

B. Excused Absences

Students must be in school unless the absence has been permitted or excused for one of the reasons listed below which may require documentation. Excessive excused absences shall be addressed on a case-by-case basis to determine if there is a pattern of non-attendance. Examples of excused absences include but are not limited to:

1. School-sponsored activities with administrative approval;
2. Classes missed due to Individualized Education Plan or Section 504 Plan;
3. Extreme weather conditions as determined by the Administration;
4. Illness of student or illness of an immediate family member;
5. Death in the family;
6. Religious holidays of the student's own faith;
7. Required court appearance or subpoena;
8. Scheduled medical/dental appointments if such cannot be scheduled outside of normal school hours;
9. College visitations as approved by Administration;
10. Chronic illness registered with the school nurse and verified by a physician's note;
11. Students suspended externally; these students are entitled to make-up work, and;
12. The Principal or his/her designee shall determine if an absence is excused for any other reason not listed above.

Attendance Policy
(Continued)

Meetings to develop Attendance Plans shall be convened by the administrator or his/her designee with the parent, student and appropriate youth serving agencies immediately following a student's third (3rd) full-day unexcused absence from school.

Revised from: 4/96

First Reading Coordination: 8/23/10
Second Reading and Adoption by BOSC: 8/23/10

Attendance Policy Regulations (Continued)

D. The Role of the Administration

- The Administration shall enforce and uphold the NH Compulsory Education Law which may include a referral to juvenile court for excessive absenteeism
- The Administration shall notify students and parents/guardians of school board policies and school rules regarding attendance through student handbooks and the Manchester School District website
- The Administration shall identify students with attendance issues and work cooperatively with parents/guardians, students, school guidance counselors and teachers to improve attendance; parents/guardians shall participate in the development of the Attendance Plan and Interventions to assist their child in improving school attendance
- The Administration shall maintain an earnest and persistent effort to improve student attendance through complete implementation of each student's Attendance Plan
- The Administration shall encourage and model exemplary behavior and attendance

Attendance Plan

The Manchester School District shall implement Attendance Plans that ensure communication between students, parents/guardians, representatives from social service agencies and the school staff. It is highly desirable to establish this communication prior to disciplinary measures or withdrawal/suspension actions by the school. Attendance Plans shall allow for proactive interventions that will benefit students.

The school staff shall contact parents/guardians if a student develops a pattern of absences. Administration or designee shall place a phone call or write a letter to the parents/guardians and arrange conferences to address the absences and create an Attendance Plan for the student.

Administration shall convene a meeting to develop the Attendance Plan with the parent, student and the appropriate youth serving agencies (e.g. Department of Health and Human Services) immediately following the student's third (3rd) full-day unexcused absence from school.

Interventions

The Attendance Plan shall include components which monitor, mentor and tutor the student. In order to facilitate a successful Attendance Plan for a student who is regularly absent, the pursuit of interventions is required. These interventions may be one of the following or any other intervention acceptable to administration and parties involved:

- Alternative Education Plan
- Modification of student schedule
- Saturday School from 9 to 12 noon to make up missed work
- Counseling services within the purview and ability of the guidance department
- Referral to outside agencies
- The filing of a truancy or educational neglect petition with the Court

MEMORANDUM OF AGREEMENT

Between

City of Manchester School Department
School Attendance Division

And

The Manchester, NH Police Department

This is a statement of agreement between the City of Manchester School Department, School Attendance Office and the Manchester, NH Police Department defining the general arrangements for implementation of a CLASs (Collaboration to Locate Absent Students) program throughout the City of Manchester hereby commencing April 1, 2002 – September 30, 2002.

Section I

Basic Premises and Purposes:

The parties to this Memorandum of Agreement agree upon the following basic premises and purposes:

- Education is of utmost importance for youth within our community.
- Attendance at school is not only mandated by statute but of utmost importance to youth education.
- Prevention of juvenile delinquency and status offenses as well as violence by youth not attending school requires a comprehensive strategy of prevention, intervention and enforcement.
- Interagency cooperation and coordination are key elements of a comprehensive strategy.
- The manner in which juvenile status offenders are apprehended and supervised and the effectiveness of the strategies that are adopted to control them carries enormous implications for public safety and the quality of community life.
- Collaborative supervision strategies and police-school attendance officer partnerships are especially valuable in identifying and locating truants, imposing greater leverage and accountability with students and parents.
- Timely responses, along with a continuum of interventions and sanctions are necessary to maintain community safety and to hold students and parents accountable for unacceptable behaviors.
- Working with and within the community reduces chronic truancy and increases public safety as well as public confidence in the school and the justice system.
- Safety—of the community, its residents, its business proprietors, and its government officials—is paramount.

- The sole responsibility for any decision to legally arrest, enter a residence, conduct a search or take other police actions are that of the law enforcement officer.
- The law enforcement officer is responsible for the safety and security of the School Attendance Officer while in the police vehicle.
- The law enforcement officer has no supervisory authority over the School Attendance Officer.

Section IV

Duties and Responsibilities of School Attendance Officer Member:

- The School Attendance Officer shall accompany the law enforcement officer as a passenger in a police vehicle during truant checks by the team.
- During truancy checks, the School Attendance Officer shall determine underlying issues related to non-attendance.
- The School Attendance Officer is responsible for notifying the juvenile's parents or guardian of any violations.
- The School Attendance Officer is responsible for notifying the court, including the preparation and filing of written documents and reports, of chronic absentees and/or for any parents/guardians perpetuating the absenteeism.
- The School Attendance Officer has no supervisory authority over the law enforcement officer.

Section V

Duties and Responsibilities of Law Enforcement and School Attendance Supervisors:

- The School Attendance Supervisor and the Law Enforcement Supervisor will monitor the daily activities of the team, ensure the efficiency of the team and provide recommendations for improvement or necessary changes.

Section VI

The terms of this agreement shall commence on April 1, 2002, and shall continue until September 30, 2002, or until terminated by written notice of one party to the other, whichever shall first occur.

Manchester, NH, Police Department


Chief of Police

Date

5/29/02.

Manchester, NH School District


Normand A. Tanguay, Superintendent

Date

5-31-02