



New Hampshire Compilation of School Discipline Laws and Regulations

Prepared: March 31, 2023

Introduction

This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

Discipline categories were not mutually exclusive. Laws and regulations often appeared across multiple categories. For jurisdictions with more extensive laws covering a breadth of topical areas, relevant sections were excerpted from the larger legislative text for inclusion in the appropriate discipline category. Laws, ordered by chapter and section number, appear first within each category followed by regulations. All laws and regulations listed within categories in the compilation also appear in the sources cited section of the document, which lists laws by chapter and section number and title, and where available, includes active hyperlinks to source websites supported or maintained by state legislatures. Additional links to government websites or resources are provided at the end of this document.

Notes & Disclaimers

To the best of the preparer's knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of March 2023. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the [Discipline Laws and Regulations Compendium](#) posted on the Center's website.

Prepared by:



**National Center on Safe Supportive
Learning Environments**

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New Hampshire Regulations

Board of Education

Chapter Ed 1100. Standards for the Education of Children with Disabilities

Part Ed 1113. Requirements for the Development and Operation of Programs for Children with Disabilities Administered by Local Education agencies

- Ed 1113.04. Behavioral Interventions

Chapter Ed 1300. Alternative Education and Regional Career and Technical Education

Part Ed 1303. Renovation of Existing Regional Career and Technical Education Center

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Part Ed 317. Standards and Procedures for Suspension and Expulsion of Pupils Including Procedures Assuring Due Process

- Ed 317.01. Purpose
- Ed 317.02. Definitions
- Ed 317.03. Standard for expulsion by local school board
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Chapter Ed 1200. Restraint and Seclusion for Children

Part Ed 1201. Limiting the Use of Child Restraint Practices

- Ed 1201.01. Definitions

Part Ed 1202. Restraint and Seclusion

- Ed 1202.01. Written policies required
- Ed 1202.02. Duty to report
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Part Ed 1203. Complaints and Investigation

- Ed 1203.01. Filing a complaint
- Ed 1203.02. Review of complaint filed
- Ed 1203.03. Investigative process

Codes of Conduct

Authority to Develop and Establish Codes of Conduct

LAWS

RSA 193-D:2. State board rulemaking authority; public school district policies.

I. The state board of education shall adopt rules relative to safe school zones, under RSA 541-A, for public school pupils and public school employees regarding:

- (a) Disciplinary proceedings, including procedures assuring due process.

RSA 193-F:4. Pupil safety and violence prevention.

II. The school board of each school district and the board of trustees of a chartered public school shall, no later than 6 months after the effective date of this section, adopt a written policy prohibiting bullying and cyberbullying. Such policy shall include the definitions set forth in RSA 193-F:3. [...]

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.

REGULATIONS

Ed 306.04. Policy Development.

(a) In accordance with Ed 303.01, the local school board shall adopt and implement written policies and procedures relative to:

- (3) Discipline.

Ed 317.01. Purpose.

(b) These rules also provide a standard that local school boards shall use in adopting and implementing a policy relative to pupil conduct and disciplinary procedures under RSA 193-D:2, II.

Scope

LAWS

RSA 193-F:4. Pupil safety and violence prevention.

I. Bullying or cyberbullying shall occur when an action or communication as defined in RSA 193-F:3:

- (a) Occurs on, or is delivered to, school property or a school-sponsored activity or event on or off school property; or
- (b) Occurs off of school property or outside of a school-sponsored activity or event, if the conduct interferes with a pupil's educational opportunities or substantially disrupts the orderly operations of the school or school-sponsored activity or event.

REGULATIONS

Ed 306.04. Policy Development.

(d) The policy relative to promoting school safety shall require school administrators to implement procedures which relate to safe practices:

- (1) On school buses and on the school grounds, including playgrounds;
- (2) During authorized school activities, such as field trips;
- (3) Within the school building, including classrooms and laboratories;
- (4) Off school grounds during school-sanctioned activities, including, but not limited to, work-based learning and internships;
- (5) In the use of online resources; and
- (6) In managing the behavior of children including, describing how and under what circumstances restraint shall be used pursuant to RSA 126-U.

Communication of Policy

LAWS

RSA 126-U:2. Written policies required.

Each facility and school shall have a written policy and procedures for managing the behavior of children. Such policy shall describe how and under what circumstances seclusion or restraint is used and shall be provided to the parent, guardian, or legal representative of each child at such facility or school.

RSA 193:13. Suspension and expulsion of pupils.

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

- (a) Available to parents at the beginning of each school year;
- (b) Publicly available on the district, school administrative unit, or chartered public school website and in the student handbook; and
- (c) Available to parents via a manner designed to ensure parental notification if the school district, school administrative unit, or chartered public school does not maintain a website and/or student handbook.

RSA 193-F:4. Pupil safety and violence prevention.

II. (e) A statement indicating how the policy shall be made known to school employees, regular school volunteers, pupils, parents, legal guardians, or employees of a company under contract to a school, school district, or chartered public school. Recommended methods of communication include, but are not limited to, handbooks, websites, newsletters, and workshops.

REGULATIONS

Ed 306.04. Policy Development.

(f) The policy relative to student discipline shall:

- (1) Include provisions regarding:
 - a. Student rights and responsibilities;
 - b. Rules of conduct; and
 - c. Penalties for misbehavior;

- (2) Be written in age-appropriate language;
- (3) Be disseminated to parents and guardians; and
- (4) Be available in written or oral form for students, parents, and guardians for whom English is a second language, whenever practical. [...]

(g) The local school board shall review with the superintendent or chief administering officer the conditions and methods for suspension and expulsion of students developed and implemented by the superintendent or chief administering officer and the local school board in accordance with RSA 193:13. The superintendent, chief administering officer, or designee shall keep students, parents, educators, and all other school personnel informed about school rules. Such information shall be readily available.

Ed 317.03. Standard for expulsion by local school board.

(b) School boards shall make certain that the pupil has received notice of the requirements of RSA 193-D and RSA 193:13 through announced, posted, or printed school rules.

Ed 317.04. Disciplinary procedures.

(d) Prior to the imposition of any suspension or expulsion, each school board shall adopt a policy under RSA 189:15 which prescribes the manner in which the student body shall be informed concerning the content of RSA 193:13 through announced, posted, or printed school rules.

Ed 1202.01. Written policies required.

(f) The policies shall be provided annually to the parent, guardian, or legal representative of each child enrolled in or receiving services from the school or provider pursuant to RSA 126-U:2.

In-School Discipline

Discipline Frameworks

LAWS

RSA 193:13. Suspension and expulsion of pupils.

I. (a) A superintendent or chartered public school director, or a representative designated in writing by the superintendent or chartered public school director, may suspend pupils from school for a period not to exceed 10 consecutive school days for:

- (1) Behavior that is detrimental to the health, safety, or welfare of pupils or school personnel; or
- (2) Repeated and willful disregard of the reasonable rules of the school that is not remediated through imposition of the district's graduated sanctions under paragraph X. [...]

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

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

REGULATIONS

Ed 317.04. Disciplinary procedures.

(a) There shall be the following levels of discipline available to school officials enforcing RSA 193:13 relative to the suspension and expulsion of pupils:

- (1) A short-term suspension pursuant to RSA 193:13, I(a) is for a period not to exceed 10 school days;
- (2) A long-term suspension pursuant to RSA 193:13, I(b)-(c) is for more than 10 days;
- (3) An expulsion by the local school board is for a period determined in writing by the board under RSA 193:13, II; and
- (4) An expulsion by the local school board is for a period of not less than 12 months under RSA 193:13, III.

Teacher Authority to Remove Students From Classrooms

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Alternatives to Suspension

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Conditions on Use of Certain Forms of Discipline

Corporal Punishment

LAWS

RSA 627:6. Physical force by persons with special responsibilities.

II. (a) A teacher or person otherwise entrusted with the care or supervision of a minor for special purposes is justified on the premises in using necessary force against any such minor, when the minor creates a disturbance, or refuses to leave the premises or when it is necessary for the maintenance of discipline.

REGULATIONS

No relevant regulations found.

Search and Seizure

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Restraint and Seclusion

LAWS

RSA 126-U:1. Definitions.

In this chapter:

IV. "Restraint" means bodily physical restriction, mechanical devices, or any device that immobilizes a person or restricts the freedom of movement of the torso, head, arms, or legs. It includes mechanical restraint, physical restraint, and medication restraint used to control behavior in an emergency or any involuntary medication. It is limited to actions taken by persons who are school or facility staff members, contractors, or otherwise under the control or direction of a school or facility.

- (a) "Medication restraint" occurs when a child is given medication involuntarily for the purpose of immediate control of the child's behavior.
- (b) "Mechanical restraint" occurs when a physical device or devices are used to restrict the movement of a child or the movement or normal function of a portion of his or her body.
- (c) "Physical restraint" occurs when a manual method is used to restrict a child's freedom of movement or normal access to his or her body.
- (d) Restraint shall not include:
 - (1) Brief touching or holding to calm, comfort, encourage, or guide a child, so long as limitation of freedom of movement of the child does not occur.
 - (2) The temporary holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a child to stand, if necessary, and then walk to a safe location, so long as the child is in an upright position and moving toward a safe location.

(3) Physical devices, such as orthopedically prescribed appliances, surgical dressings and bandages, and supportive body bands, or other physical holding when necessary for routine physical examinations and tests or for orthopedic, surgical, and other similar medical treatment purposes, or when used to provide support for the achievement of functional body position or proper balance or to protect a person from falling out of bed, or to permit a child to participate in activities without the risk of physical harm.

(4) The use of seat belts, safety belts, or similar passenger restraints during the transportation of a child in a motor vehicle.

(5) The use of force by a person to defend himself or herself or a third person from what the actor reasonably believes to be the imminent use of unlawful force by a child, when the actor uses a degree of such force which he or she reasonably believes to be necessary for such purpose and the actor does not immobilize a child or restrict the freedom of movement of the torso, head, arms, or legs of any child.

V-a. "Seclusion" means the involuntary placement of a child alone in a place where no other person is present and from which the particular child is unable to exit, either due to physical manipulation by a person, a lock, or other mechanical device or barrier. The term shall not include the voluntary separation of a child from a stressful environment for the purpose of allowing the child to regain self-control, when such separation is to an area which a child is able to leave. Seclusion does not include circumstances in which there is no physical barrier between the child and any other person or the child is physically able to leave the place. A circumstance may be considered seclusion even if a window or other device for visual observation is present, if the other elements of this definition are satisfied.

RSA 126-U:1-a. Limitations of Child Restraint Practices.

The department of education and the department of labor shall work cooperatively to develop consistent definitions and applications of this chapter in order to inform school administrators and employees across the state of best practices regarding restraints in schools. The department of education may utilize grant funds that are available through the department's office of student wellness for trauma-responsive training, consultation on de-escalating violent situations, and proper uses of restraint.

RSA 126-U:2. Written policies required.

Each facility and school shall have a written policy and procedures for managing the behavior of children. Such policy shall describe how and under what circumstances seclusion or restraint is used and shall be provided to the parent, guardian, or legal representative of each child at such facility or school.

RSA 126-U:3. Post admission planning in facilities.

I. As soon as possible after admission to a facility, the treatment staff of the facility, the child, and the child's parent or guardian shall develop a plan to:

- (a) Identify the child's history of physical, sexual, or emotional trauma, if any.
- (b) Identify effective responses to potential behavior or situations which will avoid the use of seclusion and restraint.
- (c) Identify health conditions which may make the child vulnerable to injury while at the facility.

II. The plan described in this section is not required if the child is expected to be at the facility for fewer than 72 hours and, after conducting a reasonable inquiry, the staff of the facility is not informed of any history of the use of seclusion or restraint of the child.

RSA 126-U:4. Prohibition of dangerous restraint techniques.

No school or facility shall use or threaten to use any of the following restraint and behavior control techniques:

- I. Any physical restraint or containment technique that:
 - (a) Obstructs a child's respiratory airway or impairs the child's breathing or respiratory capacity or restricts the movement required for normal breathing;
 - (b) Places pressure or weight on, or causes the compression of, the chest, lungs, sternum, diaphragm, back, or abdomen of a child;
 - (c) Obstructs the circulation of blood;
 - (d) Involves pushing on or into the child's mouth, nose, eyes, or any part of the face or involves covering the face or body with anything, including soft objects such as pillows, blankets, or washcloths; or
 - (e) Endangers a child's life or significantly exacerbates a child's medical condition.
- II. The intentional infliction of pain, including the use of pain inducement to obtain compliance.
- III. The intentional release of noxious, toxic, caustic, or otherwise unpleasant substances near a child for the purpose of controlling or modifying the behavior of or punishing the child.
- IV. Any technique that unnecessarily subjects the child to ridicule, humiliation, or emotional trauma.

RSA 126-U:5. Limitation of the use of restraint to emergencies only.

- I. Restraint shall only be used in a school or facility to ensure the immediate physical safety of persons when there is a substantial and imminent risk of serious bodily harm to the child or others. The determination of whether the use of restraint is justified under this section may be made with consideration of all relevant circumstances, including whether continued acts of violence by a child to inflict damage to property will create a substantial risk of serious bodily harm to the child or others. Restraint shall be used only by trained personnel using extreme caution when all other interventions have failed or have been deemed inappropriate.
- II. Restraint shall never be used explicitly or implicitly as punishment for the behavior of a child.

RSA 126-U:5-a. Limitation on the use of seclusion.

- I. Seclusion may not be used as a form of punishment or discipline. It may only be used when a child's behavior poses a substantial and imminent risk of physical harm to the child or to others, and may only continue until that danger has dissipated.
- II. Seclusion shall only be used by trained personnel after other approaches to the control of behavior have been attempted and been unsuccessful, or are reasonably concluded to be unlikely to succeed based on the history of actual attempts to control the behavior of a particular child.
- III. Seclusion shall not be used in a manner that that unnecessarily subjects the child to the risk of ridicule, humiliation, or emotional or physical harm.

RSA 126-U:5-b. Conditions of seclusion.

- I. When permitted by this chapter, seclusion may only be imposed in rooms which:
 - (a) Are of a size which is appropriate for the chronological and developmental age, size, and behavior of the children placed in them.
 - (b) Have a ceiling height that is comparable to the ceiling height of the other rooms in the building in which they are located.

- (c) Are equipped with heating, cooling, ventilation, and lighting systems that are comparable to the systems that are in use in the other rooms of the building in which they are located.
- (d) Are free of any object that poses a danger to the children being placed in the rooms.
- (e) Have doors which are either not equipped with locks, or are equipped with devices that automatically disengage the lock in case of an emergency. For the purposes of this subparagraph, an "emergency" includes, but is not limited to:
 - (1) The need to provide direct and immediate medical attention to a child;
 - (2) Fire;
 - (3) The need to remove a child to a safe location during a building lockdown; or
 - (4) Other critical situations that may require immediate removal of a child from seclusion to a safe location.
- (f) Are equipped with unbreakable observation windows or equivalent devices to allow the safe, direct, and uninterrupted observation of every part of the room.

II. Each use of seclusion shall be directly and continuously visually and auditorially monitored by a person trained in the safe use of seclusion.

RSA 126-U:5-c. Room confinement at the youth development center.

Notwithstanding any other provision of this chapter, the youth development center may confine children in their rooms when such confinement is part of a routine practice applicable to substantial portions of the population at the center and not imposed as a consequence in response to the behavior of one or more children. Such confinement is not subject to the notice and reporting requirements of RSA 126-U:7.

RSA 126-U:6. Schools limited to physical restraint.

Use of restraint in schools shall be limited to physical restraint as permitted by this chapter. Schools shall not use medication restraint and shall not use mechanical restraint except as otherwise permitted in the transportation of children pursuant to RSA 126-U:12.

RSA 126-U:7. Notice and record-keeping requirements.

I. Unless prohibited by court order, the facility or school shall, make reasonable efforts to verbally notify the child's parent or guardian and guardian ad litem whenever seclusion or restraint has been used on the child. Such notification shall be made as soon as practicable and in no event later than the time of the return of the child to the parent or guardian or the end of the business day, whichever is earlier. Notification shall be made in a manner calculated to give the parent or guardian actual notice of the incident at the earliest practicable time.

II. A facility employee or school employee who uses seclusion or restraint, or if the facility employee or school employee is unavailable, a supervisor of such employee, shall, within 5 business days after the occurrence, submit a written notification containing the following information to the director or his or her designee:

- (a) The date, time, and duration of the use of seclusion or restraint.
- (b) A description of the actions of the child before, during, and after the occurrence.
- (c) A description of any other relevant events preceding the use of seclusion or restraint, including the justification for initiating the use of restraint.
- (d) The names of the persons involved in the occurrence.
- (e) A description of the actions of the facility or school employees involved before, during, and after the occurrence.

- (f) A description of any interventions used prior to the use of the seclusion or restraint.
- (g) A description of the seclusion or restraint used, including any hold used and the reason the hold was necessary.
- (h) A description of any injuries sustained by, and any medical care administered to, the child, employees, or others before, during, or after the use of seclusion or restraint.
- (i) A description of any property damage associated with the occurrence.
- (j) A description of actions taken to address the emotional needs of the child during and following the incident.
- (k) A description of future actions to be taken to control the child's problem behaviors.
- (l) The name and position of the employee completing the notification.
- (m) The anticipated date of the final report.

III. Unless prohibited by court order, the director or his or her designee shall, within 2 business days of receipt of the notification required in paragraph II, send or transmit by first class mail or electronic transmission to the child's parent or guardian and the guardian ad litem the information contained in the notification. Each notification prepared under this section shall be retained by the school or facility for review in accordance with rules adopted under RSA 541-A by the state board of education and the department of health and human services.

IV. Whenever a facility or school employee has intentional physical contact with a child which is in response to a child's aggression, misconduct, or disruptive behavior, a representative of the school or facility shall make reasonable efforts to promptly notify the child's parent or guardian. Such notification shall be made no later than the time of the return of the child to the parent or guardian or the end of the business day, whichever is earlier. Notification shall be made in a manner calculated to give the parent or guardian actual notice of the incident at the earliest practicable time.

V. In any case requiring notification under paragraph IV, the school or facility shall, within 5 business days of the occurrence, prepare a written description of the incident. Such description shall include at least the following information:

- (a) The date and time of the incident.
- (b) A brief description of the actions of the child before, during, and after the occurrence.
- (c) The names of the persons involved in the occurrence.
- (d) A brief description of the actions of the facility or school employees involved before, during, and after the occurrence.
- (e) A description of any injuries sustained by, and any medical care administered to, the child, employees, or others before, during, or after the incident.

VI. The notification and record-keeping requirements of paragraphs IV and V shall not apply in the following circumstances:

- (a) When a child is escorted from an area by way of holding of the hand, wrist, arm, shoulder, or back to induce the child to walk to a safe location. However, if the child is actively combative, assaultive, or self-injurious while being escorted, the requirements of paragraphs IV and V shall apply.
- (b) When actions are taken such as separating children from each other, inducing a child to stand, or otherwise physically preparing a child to be escorted.
- (c) When the contact with the child is incidental or minor, such as for the purpose of gaining a misbehaving child's attention. However, blocking of a blow, forcible release from a grasp, or other significant and intentional physical contact with a disruptive or assaultive child shall be subject to the requirements.

(d) When an incident is subject to the requirements of paragraphs I-III.

RSA 126-U:8. Review of restraint records by Department of Education.

I. The state board of education shall adopt rules, pursuant to RSA 541-A, relative to:

(a) Periodic, regular review by the department of education of records maintained by schools relative to the use of seclusion and restraint.

(b) A process for the department of education's receipt of complaints and its conduct of investigations of improper use of seclusion and restraint in schools. The process shall provide for:

(1) Investigation of complaints regarding any violation of this chapter, regardless of whether injury results.

(2) Investigation by persons not affiliated with the school district which is the subject of the complaint.

(3) Resolution of complaints and completion of investigations within 30 days, with provision for limited extensions for good cause.

(4) Protection of children before and after completion of the investigation.

(5) Appropriate remedial measures to address physical and other injuries, protect against retaliation, and reduce the incidence of violations of this chapter.

II. Beginning November 1, 2010, and each November 1 thereafter, the state board of education shall provide an annual report to the chairpersons of the education committees of the senate and house of representatives regarding the use of seclusion and restraint in schools. The annual report shall be prepared from the periodic, regular review of such records, and shall include the number and location of reported incidents and the status of any outstanding investigations.

RSA 126-U:10. Injury or death during incidents of restraint or seclusion.

II. In cases involving serious injury or death to a child subject to restraint or seclusion in a school, the school shall, in addition to the provisions of RSA 126-U:7, notify the commissioner of the department of education, the attorney general, and the state's federally-designated protection and advocacy agency for individuals with disabilities. Such notice shall include the written notification required in RSA 126-U:7, II. The department of education shall annually notify schools of their responsibilities under this section and provide contact information for the persons to be notified.

RSA 126-U:11. Authorization and monitoring of extended restraint.

In a school or facility:

I. Restraint shall not be imposed for longer than is necessary to protect the child or others from the substantial and imminent risk of serious bodily harm.

II. Children in restraint shall be the subject of continuous direct observation by personnel trained in the safe use of restraint.

III. No period of restraint of a child may exceed 15 minutes without the approval of the director or a supervisory employee designated by the director to provide such approval.

IV. No period of restraint of a child may exceed 30 minutes unless a face-to-face assessment of the mental, emotional, and physical well-being of the child is conducted by the facility or school director or by a supervisory employee designated by the director who is trained to conduct such assessments. The assessment shall also include a determination of whether the restraint is being conducted safely and for a purpose authorized by this chapter. Such assessments shall be repeated at least every 30 minutes during the period of restraint. Each such assessment shall be documented in writing and such records shall be retained by the facility or school as part of the written notification required in RSA 126-U:7, II.

RSA 126-U:12. Restriction of the use of mechanical restraint during the transport of children.

I. A school or facility shall not use mechanical restraints during the transportation of children unless case-specific circumstances dictate that such methods are necessary.

II. Whenever a child is transported to a location outside a school or facility, the director shall ensure that all reasonable and appropriate measures consistent with public safety are made to transport or escort the child in a manner which:

- (a) Prevents physical and psychological trauma;
- (b) Respects the privacy of the child; and
- (c) Represents the least restrictive means necessary for the safety of the child.

III. Whenever a child is transported using mechanical restraints, the director shall document in writing the reasons for the use of mechanical restraints. Such documentation shall be treated as a notification of restraint under RSA 126-U:7.

RSA 126-U:14. School review following the use of restraint or seclusion.

Upon information that restraint or seclusion has been used for the first time upon a child with a disability as defined in RSA 186-C:2, I or a child who is receiving services under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. section 701, and its implementing regulations, the school shall review the individual educational program and/or Section 504 plan and make such adjustments as are indicated to eliminate or reduce the future use of restraint or seclusion. A parent or guardian of a child with a disability may request such a review at any time following an instance of restraint or seclusion and such request shall be granted if there have been multiple instances of restraint or seclusion since the last review.

REGULATIONS

Ed 306.04. Policy Development.

(d) The policy relative to promoting school safety shall require school administrators to implement procedures which relate to safe practices:

- (1) On school buses and on the school grounds, including playgrounds;
- (2) During authorized school activities, such as field trips;
- (3) Within the school building, including classrooms and laboratories;
- (4) Off school grounds during school-sanctioned activities, including, but not limited to, work-based learning and internships;
- (5) In the use of online resources; and
- (6) In managing the behavior of children including, describing how and under what circumstances restraint shall be used pursuant to RSA 126-U.

Ed 1113.04. Behavioral Interventions.

(a) Positive behavioral interventions based on the results of a behavioral assessment shall serve as the foundation of any program used to address the behavioral needs of students.

(b) An LEA, other public agency, private provider of special education or other non-LEA program shall not employ any of the following aversive behavioral interventions:

- (1) Any procedure intended to cause physical pain;
- (2) Aversive mists, noxious odors, and unpleasant tastes applied by spray or other means to cause an aversive physical sensation;
- (3) Any non-medical mechanical restraint that physically restricts a student's movement;

- (4) Contingent food or drink programs;
- (5) Electrical stimulation;
- (6) Placement of a child in an unsupervised or unobserved room from which the child cannot exit without assistance; and
- (7) Physical restraint, unless in response to a threat of imminent, serious, physical harm pursuant to RSA 126-U.

Ed 1201.01. Definitions.

- (a) "Child" means child as defined in RSA 126-U: 1, I.
- (b) "Improper restraint" and "improper seclusion" means any restraint or seclusion not allowed under RSA 126-U.
- (c) "Restraint" means restraint as defined in RSA 126-U:1, IV.
- (d) "Review of record" means a review of the record at the school, made pursuant to RSA 126-U:7.
- (e) "School" means school as defined by RSA 126-U:1, V.
- (f) "Seclusion" means seclusion as defined in RSA 126-U:1,V-a.
- (g) "Serious injury" means serious injury as defined in RSA 126-U:1,VI.

Ed 1202.01. Written policies required.

- (a) Each school shall have written policies for managing the behavior of children pursuant to RSA 126-U: 2 consistent with Ed 306.04(a)(18).
- (b) In addition to the requirements in (a) above, each nonpublic school shall have written policies for managing the behavior of children pursuant to RSA 126-U: 2 consistent with Ed 403.
- (c) In addition to the requirements of (a) above, a private provider of a special education program shall have written policies for managing the behavior of children pursuant to RSA 126-U:2 consistent with Ed 1114.
- (d) The written policies shall include a statement that, pursuant to RSA 126-U:14, the school shall review the individualized education program (IEP) or section 504 plan of a child with a disability following the first use of restraint or seclusion on the child, or upon request of the child's parent or guardian, and make adjustments to the IEP or 504 plan as indicated to reduce the future use of restraint or seclusion.
- (e) The written policies shall include a statement that a school employee has a duty to report a violation of RSA 126-U when that person has reason to believe that the action of another constituted a violation of RSA 126-U and misconduct or suspected misconduct, pursuant to Ed 510.
- (f) The policies shall be provided annually to the parent, guardian, or legal representative of each child enrolled in or receiving services from the school or provider pursuant to RSA 126-U:2.

Ed 1202.02. Duty to report.

- (a) Unless prohibited by court order, the superintendent, acting superintendent, superintendent's designee, acting superintendent's designee, or school administrator shall, as soon as possible, verbally notify the parent or guardian whenever seclusion or restraint has been used on a child.
- (b) Within 5 business days of the use of seclusion or restraint, the school employee that used seclusion or restraint shall submit a written notification to the school principal containing the following, pursuant to RSA 126:7, II:
 - (1) The date, time, and duration of the use of seclusion or restraint;
 - (2) A description of the actions of the child before, during, and after the occurrence;

- (3) A description of any other relevant events preceding the use of seclusion or restraint, including the justification for initiating the use of restraint;
- (4) The names of the persons involved in the occurrence;
- (5) A description of the actions of the facility or school employees involved before, during, and after the occurrence;
- (6) A description of any interventions used prior to the use of the seclusion or restraint;
- (7) A description of the seclusion or restraint used, including any hold used and the reason the hold was necessary;
- (8) A description of any injuries sustained by, and any medical care administered to, the child, employees, or others before, during, or after the use of seclusion or restraint;
- (9) A description of any property damage associated with the occurrence;
- (10) A description of actions taken to address the emotional needs of the child during and following the incident;
- (11) A description of future actions to be taken to control the child's problem behaviors;
- (12) The name and position of the employee completing the notification; and
- (13) The anticipated date of the final report.

(c) The superintendent, acting superintendent, superintendent's designee, acting superintendent's designee, or school administrator shall, as soon as possible, make an oral report of all incidents of restraint and seclusion within the school involving serious injury or death to a child subject to restraint or seclusion to the commissioner, the attorney general, and the state's federally-designated protection and advocacy agency for individuals with disabilities, pursuant to RSA 126-U:10, II. Within 5 business days, a written report shall be provided to the commissioner, the attorney general, and the state's federally-designated protection and advocacy agency for individuals with disabilities pursuant to RSA 126-U:7.

(d) No school nor any employee, contractor, consultant nor volunteer thereof, shall subject any individual to harassment or retaliation for filing, in good faith, a report under RSA 126-U or these rules.

(e) Schools shall document complaints that they determine do not meet the criteria for a violation of RSA 126-U. This documentation shall include the evidence relied upon. Such documentation shall be maintained and provided to the department of education when it does its review pursuant to RSA 126-U:8.

Ed 1202.03. Review of records.

(a) The department of education shall review records maintained by schools relative to the use of seclusion and restraint pursuant to RSA 126-U:8 no less than once every 3 years.

Ed 1203.01. Filing a complaint.

(a) Any individual may file a complaint with the commissioner alleging a violation of RSA 126-U.

(b) When filing a complaint the complainant shall provide the following information to the Commissioner:

- (1) The date or approximate date of the alleged incident;
- (2) The location of the alleged incident;
- (3) The name of the child or children subject to the alleged restraint or seclusion, if known;
- (4) The name of the school personnel alleged to have restrained or secluded the child, if known;
- (5) A description of the alleged restraint or seclusion;
- (6) The date of complaint; and
- (7) The name of complainant if the complainant is willing to disclose name.

- (c) Complaints may be submitted orally or in written form.
- (d) A complainant may request to keep his or her identity confidential throughout the complaint process. However, if the confidentiality of the complainant interferes with the investigation or the resolution of the complaint, the investigator shall notify the complainant that his or her request for confidentiality interferes with the investigation or resolution of the complaint and will not be maintained. The investigation shall then proceed.

Ed 1203.02. Review of complaint filed.

- (a) The commissioner or the commissioner's designee shall provide the information obtained in Ed 1203.01 to the investigator designated by the department of education. The investigator shall not be affiliated with the school or any person involved with the complaint.
- (b) If the complaint is filed by an individual other than a parent or guardian, the investigator shall notify the parent or guardian that a complaint has been filed on behalf of his or her child.
- (c) The commissioner or the commissioner's designee shall review the complaint and shall dismiss the complaint if:
 - (1) The alleged facts, if true, would not constitute a violation of RSA 126:U; or
 - (2) The alleged improper restraint or seclusion did not occur within 12 months of the date of filing of the complaint. However, such a complaint shall not be dismissed if the complainant could not have reasonably discovered the violation within 12 months of the filing of the complaint.
- (d) The department shall conduct investigations to determine if there were or were not violations of RSA 126-U.
- (e) The commissioner or the commissioner's designee will notify the complainant that the complaint has been dismissed and the basis for the dismissal.

Ed 1203.03. Investigative process.

- (a) If a complaint is not dismissed, the investigator shall:
 - (1) For cases involving serious injury, determine whether the allegations must be referred to law enforcement for investigation as mandated by RSA 161-F:51, II or 169-C:29;
 - (2) Pursuant to (1) above, make reports at any point during the investigation when he or she obtains information that he or she is required to report under RSA 161-F:51 or 169-C:29;
 - (3) Contact such persons and examine such records and other documents as are reasonably necessary to determine whether or not the allegations are true and whether any violation of 126-U occurred;
 - (4) Review findings of facts from other investigative agencies; and
 - (5) Review any and all protective measures for the child that the school has put in place before or after the complaint, and if no protective measures have been put in place, the investigator shall instruct the school to develop a procedure to protect the child.
- (b) Investigations shall not constitute a disciplinary hearing and shall not constitute an allegation of misconduct against an employee by the department of education;
- (c) Once the investigator completes the investigation, the following procedures shall apply:
 - (1) The investigator shall file a written report with the commissioner or the commissioner's designee including findings of fact specifying any of the following specific grounds listed in RSA 126-U upon which the findings are based:
 - a. Failure to implement written policy and procedures as required in RSA 126-U;
 - b. Failure to properly notify a parent, guardian, or guardian ad litem in a timely manner, in violation of RSA 126-U:7, IV;

- c. Retaliation against any individual involved in a complaint or proceeding under this chapter, pursuant to RSA 126-U:8;
- d. Repeated improper use of restraint, pursuant to RSA 126-U:8;
- e. Improper use of seclusion as punishment, pursuant to RSA 126-U:5-a, I;
- f. Restraint by personnel not trained to restrain a child, pursuant to RSA 126-U:5;
- g. Use of any restraint technique prohibited by RSA 126-U:4;
- h. Improper use of restraint when other interventions were appropriate, pursuant to RSA 126-U:5;
- i. Improper use of seclusion or restraint that unnecessarily subjects a child to a risk of ridicule, humiliation, or emotional or physical harm pursuant to RSA 126-U:4, IV and RSA 126-U:5-a;
- j. Improper seclusion under conditions that do not meet RSA 126-U:5-b;
- k. Failure to comply with the requirements for authorization and monitoring of extended restraint, pursuant to RSA 126-U:11;
- l. Failure to comply with the restriction on the use of mechanical restraint during the transport of children, pursuant to RSA 126-U:12; and
- m. Any other conduct in which a school or school personnel violate RSA 126-U, or this chapter;
- n. Written statements by any employees who are the subject of the complaint, if the employees choose to provide such statements; and
- o. A recommendation for further action, if necessary.

(d) The investigator shall file a report with the commissioner within 30 days of the filing of the complaint. The investigator may request a time extension from the commissioner for good cause shown, including, the coordination of investigations with other agencies or unavailability of a witness. If good cause is shown, the commissioner shall permit a time extension.

(e) The commissioner shall review the investigator's report and recommendation based on a review of the case in relation to the grounds listed in RSA 126-U to:

(1) Provide a written decision and recommendations which shall include, if necessary, based on the conclusions of the investigator's report:

- a. Appropriate remedial measures to address physical and other injuries;
- b. Appropriate remedial measures to address protection against retaliation; and
- c. Appropriate remedial measures to reduce the incidence of violations of RSA 126-U.

(2) Identify remedial measures necessary to remedy the problem. Such remedial measure may include but are not limited to:

- a. Training of an individual or a group of school employees;
- b. Revision of policies and procedures;
- c. Revision of notice and record keeping practices;
- d. Compliance with conditions of seclusion per 126-U:5-b; and
- e. Any other action designed to address physical and other injuries, protect against retaliation, and reduce the incidence of violations of RSA 126-U; and

(3) The commissioner's decision and recommendations shall be provided to the superintendent, the school administrator, and any employee found to have performed or accused of performing a restraint or using seclusion. The commissioner's decision shall be provided to the child's parent or guardian. Copies of the decision which are provided to the parents, guardians or employees under this subsection shall be redacted as necessary, to comply with federal and state law.

(d) If the commissioner determines that disciplinary proceedings concerning credentialing are warranted, the commissioner shall notify the director of the division of program support.

(e) Disclosure of investigatory reports shall be made in compliance with state and federal law.

(f) In addition to any disclosure required by (e), above, the investigator's report and commissioner's decision shall be disclosed as follows:

(1) The investigator's report and commissioner's decision shall be made available, upon request, to the parties in any adjudicatory proceeding arising out of the same facts as the complaint alleging violations of RSA 126-U;

(2) If disciplinary proceedings are to be conducted as a result of the investigation, the commissioner or the commissioner's designee shall provide information gathered during an investigation to:

a. A law enforcement agency when the agency is conducting a criminal investigation related to the subject matter of the investigation;

b. A certifying agency of another jurisdiction for:

1. Purposes of certification of the credential holder in another jurisdiction; or

2. An investigation in another jurisdiction, when:

(i) The person was the subject of a formal investigation under Ed 1200; or

(ii) Disciplinary action was taken against the person by the state board of education under Ed 510;

c. Board investigators or prosecutors; and

d. Expert witnesses or assistants retained by board prosecutor or investigators in the same or related disciplinary matters; and

(4) Whether or not further disciplinary proceedings are to be conducted as a result of the investigation, the board shall provide information gathered in disciplinary investigations to persons to whom the person facing disciplinary proceedings has given a release.

(f) Prior to commencement of an adjudicatory proceeding, the person being investigated shall be notified promptly of the nature of any allegations that result in an adjudicatory proceeding under these rules unless notification is prohibited by law or will interfere with a criminal investigation.

(g) If further disciplinary proceedings are to be conducted as a result of an investigation, the person shall be given the opportunity to respond, in writing, to the investigator prior to the initiation of disciplinary proceedings.

Exclusionary Discipline: Suspension, Expulsion, and Alternative Placement

Grounds for Suspension or Expulsion

LAWS

RSA 193:13. Suspension and expulsion of pupils.

I. (a) A superintendent or chartered public school director, or a representative designated in writing by the superintendent or chartered public school director, may suspend pupils from school for a period not to exceed 10 consecutive school days for:

- (1) Behavior that is detrimental to the health, safety, or welfare of pupils or school personnel; or
- (2) Repeated and willful disregard of the reasonable rules of the school that is not remediated through imposition of the district's graduated sanctions under paragraph X. [...]

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:

- (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; or
- (d) Criminal threatening pursuant to RSA 631:4, II(a). [...]

IV. Any pupil 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 superintendent or designee shall be expelled from school by the local school board for a period of not less than 12 months. Nothing in this section shall be construed to prevent the local school district or chartered public school that expelled the student from providing educational services to such student in an alternative setting.

REGULATIONS

Ed 317.02. Definitions.

(a) "Expulsion" means the permanent denial of a pupil's attendance at school for any of the reasons listed in RSA 193:13, II and III.

(b) "Firearm" means "firearm" as defined in section 921 of Title 18 of the US Code;

(c) "Dangerous weapons " means dangerous weapons listed but not limited to those in RSA 159:16.

(d) "Gross misconduct" includes, but is not limited to an act which:

- (1) Results in injury to another's person or damage to property;
- (2) Poses a direct threat to the safety of others in a safe school zone; or
- (3) Is identified in RSA 193-D:1, I.

(e) "Neglect", in the context of RSA 193:13, I and II, means the failure of a pupil to pay attention to an announced, posted, or printed school rule.

(f) "Pupil" means a student in attendance at a school during the school day or during any school sponsored function.

(g) "Refusal", in the context of RSA 193:13, I and II means the failure of a pupil to comply with an announced, posted, or printed school rule.

- (h) "Safe school zone" means "safe school zone" as defined in RSA 193-D:1, II.
- (i) "School day" means:
 - (1) For a pupil who takes the school bus, the time period beginning when a pupil boards the bus in the morning to the time when a pupil disembarks from the bus in the afternoon; and
 - (2) For a pupil who walks to school or arrives by private car, the time period beginning when the pupil arrives on the school grounds to the time when the pupil leaves the school grounds.
- (j) "Superintendent" means the school superintendent or chief administering officer, or a representative designated in writing as authorized under RSA 193:13, I.
- (k) "Suspension" means the temporary denial of a student's attendance at school for a specific period of time for gross misconduct or for neglect or refusal to conform to announced, posted, or printed school rules.

Ed 317.03. Standard for expulsion by local school board.

- (a) A school board which expels a pupil under RSA 193:13, II or III, shall state in writing its reasons, including the act leading to expulsion, and shall provide a procedure for review as allowed under RSA 193:13, II.
- (b) School boards shall make certain that the pupil has received notice of the requirements of RSA 193-D and RSA 193:13 through announced, posted, or printed school rules.
- (c) If a student is subject to expulsion and a firearm is involved, the superintendent shall contact local law enforcement officials whenever there is any doubt concerning:
 - (1) Whether a firearm is legally licensed under RSA 159; or
 - (2) Whether the firearm is lawfully possessed, as opposed to unlawfully possessed, under the legal definitions of RSA 159.
- (d) If a pupil brings or possesses a firearm in a safe school zone without written authorization from the superintendent, the following shall apply:
 - (1) The superintendent shall suspend the pupil for a period not to exceed 10 days, pending a hearing by the local board; and
 - (2) The school board shall hold a hearing within 10 days to determine whether the student was in violation of RSA 193:13, III and therefore is subject to expulsion.

Limitations or Conditions on Exclusionary Discipline

LAWS

RSA 193:13. Suspension and expulsion of pupils.

I. (b) The school board or chartered public school board of trustees, or a representative designated in writing may, following a hearing, extend the suspension of a pupil 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 pursuant to school district policy when the pupil 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 school board's or board of trustee'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 or chartered public school in which the pupil seeks to enroll. [...]

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 V.
- (f) Whether a lesser intervention would properly address the violation or behavior committed by the pupil. [...]

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

REGULATIONS

No relevant regulations found.

Due Process

LAWS

RSA 193:13. Suspension and expulsion of pupils.

I. (b) The school board or chartered public school board of trustees, or a representative designated in writing may, following a hearing, extend the suspension of a pupil 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 pursuant to school district policy when the pupil 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 school board's or board of trustee'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 or chartered public school 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 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. [...]

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 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 local board or 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. [...]

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

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

RSA 193-D:2. State board rulemaking authority; public school district policies.

I. The state board of education shall adopt rules relative to safe school zones, under RSA 541-A, for public school pupils and public school employees regarding:

- (a) Disciplinary proceedings, including procedures assuring due process.
- (b)(1) Standards and procedures for suspension and expulsion of pupils, including procedures assuring due process.
 - (2) Standards and procedures which shall require expulsion of a pupil for knowingly possessing a firearm in a safe school zone without written authorization from the superintendent or designee.
- (c) Procedures pertaining to discipline of pupils with special needs, including procedures assuring due process.
- (d) Procedures for reporting acts of theft, destruction, or violence under RSA 193-D:4.
- (e) Reporting acts of violence against school employees, volunteers, and visitors.
- (f) A complaint procedure for those asserting that a provision of this chapter has been violated, and possible sanctions and penalties for such violation.

II. Nothing in this chapter shall prohibit local school boards from adopting and implementing policies relative to pupil conduct and disciplinary procedures.

RSA 194-C:4. Superintendent Services.

Each school administrative unit or single school district shall provide the following superintendent services:

- II. Governance, organizational structure, and implementation of administrative services including, but not limited to:
 - (m) Pupil governance and discipline, including age-appropriate due process procedures.

REGULATIONS

Ed 317.01. Purpose.

(a) These rules provide the minimum requirements to assure due process and statewide uniformity in the enforcement of RSA 193:13 and 193-D relative to disciplinary action of a pupil for:

- (1) Gross misconduct;
- (2) Neglect or refusal to conform to the reasonable rules of the school; or
- (3) Possession of:
 - a. A pellet gun;
 - b. Paint ball gun;
 - c. B B gun;
 - d. Rifle;
 - e. A firearm as defined in 18USC 921; or
 - f. Other dangerous weapon.
- (4) An act of theft, destruction, or violence in violation of RSA 193-D:1, et seq.

(b) These rules also provide a standard that local school boards shall use in adopting and implementing a policy relative to pupil conduct and disciplinary procedures under RSA 193-D:2, II.

(c) These rules also link discipline and due process to the requirements of Ed 1109 relative to children with disabilities.

Ed 317.03. Standard for expulsion by local school board.

(a) A school board which expels a pupil under RSA 193:13, II or III, shall state in writing its reasons, including the act leading to expulsion, and shall provide a procedure for review as allowed under RSA 193:13, II.

(b) School boards shall make certain that the pupil has received notice of the requirements of RSA 193-D and RSA 193:13 through announced, posted, or printed school rules.

(c) If a student is subject to expulsion and a firearm is involved, the superintendent shall contact local law enforcement officials whenever there is any doubt concerning:

- (1) Whether a firearm is legally licensed under RSA 159; or
- (2) Whether the firearm is lawfully possessed, as opposed to unlawfully possessed, under the legal definitions of RSA 159.

(d) If a pupil brings or possesses a firearm in a safe school zone without written authorization from the superintendent, the following shall apply:

- (1) The superintendent shall suspend the pupil for a period not to exceed 10 days, pending a hearing by the local board; and
- (2) The school board shall hold a hearing within 10 days to determine whether the student was in violation of RSA 193:13, III and therefore is subject to expulsion.

Ed 317.04. Disciplinary procedures.

(a) There shall be the following levels of discipline available to school officials enforcing RSA 193:13 relative to the suspension and expulsion of pupils:

- (1) A short-term suspension pursuant to RSA 193:13, I(a) is for a period not to exceed 10 school days;
- (2) A long-term suspension pursuant to RSA 193:13, I(b)-(c) is for more than 10 days;
- (3) An expulsion by the local school board is for a period determined in writing by the board under RSA 193:13, II; and
- (4) An expulsion by the local school board is for a period of not less than 12 months under RSA 193:13, III.

(b) The superintendent or the superintendent's designee shall be authorized to impose a short term suspension.

(c) The school board or its designee shall be authorized to impose a long term suspension, after the imposition of a short-term suspension provided that the designee shall not be the same person who suspended the pupil in (a)(1).

(d) Prior to the imposition of any suspension or expulsion, each school board shall adopt a policy under RSA 189:15 which prescribes the manner in which the student body shall be informed concerning the content of RSA 193:13 through announced, posted, or printed school rules.

(e) If the school and school board have met the requirements of paragraph (d) a pupil appealing a local decision to the state board shall not be allowed to claim lack of knowledge of the state law requiring expulsion for bringing or possessing a firearm or other dangerous weapon as defined in these rules.

(f) Due process in disciplinary proceedings shall include, at a minimum, the following:

- (1) In a short-term suspension:
 - a. The superintendent or designee shall inform the pupil at the outset of the meeting of the meeting's purpose including the possibility of a short-term suspension;

- b. Oral or written notice of the charges and an explanation of the evidence against the pupil, which may be provided at or before this meeting;
- c. An opportunity for the pupil to present his/her side of the story;
- d. A written statement to the pupil and at least one of the pupil's parents or guardian explaining any disciplinary action taken against the student;

(2) In a long-term suspension of a pupil:

- a. Written communication to the pupil and at least one of the pupil's parents or guardian, delivered in person or by mail to the pupil's last known address, prior to the hearing, of the charges and an explanation of the evidence against the pupil;
- b. A hearing in accordance with (f)(3)g.;
- c. A written decision which includes the legal and factual basis for the conclusion that the pupil should be suspended;
- d. If the hearing was conducted by the school board's designee, the decision may be appealed to the local school board under RSA 193:13, I; and
- e. If the hearing was conducted by the school board, the decision may be appealed to the state board;

(3) In an expulsion by the local school board, due process shall include the following minimal requirements:

- a. A formal hearing shall be held before any expulsion;
- b. Such hearing may be held either before or after the short-term suspension has expired and pending the expulsion hearing;
- c. If the hearing is held after the expiration of a short-term suspension, the pupil shall be entitled to return to school after the short-term suspension has expired and pending the expulsion hearing, unless the student is still serving a long-term suspension;
- d. The school board shall provide written notice to the pupil and at least one of the pupil's parents or guardian, delivered in person or by mail to the pupil's last known address, of the date, time and place for a hearing before the local board;
- e. The written notice required by d. above shall include:
 - 1. A written statement of the charges and the nature of the evidence against the pupil; and
 - 2. A superintendent's written recommendation for school board action and a description of the process used by the superintendent to reach his/her recommendation;
- f. This notice shall be delivered to the pupil and at least one of the pupil's parents or guardian at least 5 days prior to the hearing;
- g. The following hearing procedures shall apply:
 - 1. The pupil, together with a parent or guardian may waive the right to a hearing and admit to the charges made by the superintendent;
 - 2. If the pupil is 18 years of age or older, the concurrence of a parent or guardian shall be unnecessary unless the pupil is subject to a guardianship which would prevent the pupil from waiving the right to a hearing;
 - 3. Formal rules of evidence shall not be applicable, however, school officials shall present evidence in support of the charge(s) and the accused pupil or his/her parent or guardian shall have an opportunity to present any defense or reply;
 - 4. The hearing shall be either public or private and the choice shall be that of the pupil or his parent or guardian; and

5. During the hearing, the pupil, parent, guardian or counsel representing the pupil, shall have the right to examine any and all witnesses;

h. The decision of the school board shall be based on a dispassionate and fair consideration of substantial evidence that the accused pupil committed the act for which expulsion is imposed and that such acts are, in fact, a proper reason for expulsion;

i. The decision shall state whether the student is expelled and the length of the expulsion;

j. If the decision is to expel the pupil the decision shall include the legal and factual basis for the decision including the specific statutory reference prohibiting that act as listed in RSA 193:13, II;

k. If the student is expelled, the decision shall state that the expulsion runs until the local school board later reviews it and restores the student's permission to attend school;

l. The decision shall also state any action the student may take to be restored by the board; and

m. The decision shall include a statement that the pupil has the right to appeal the decision to the state board of education.

(g) Notwithstanding any other deadline in Ed 200 all appeals to the state board from school board decisions under (f),(2) and (f)(3) shall be filed within 20 calendar days of receipt of the written decision of the local school board and shall be in accordance with RSA 541-A and Ed 200.

Ed 1203.03. Investigative process.

(a) If a complaint is not dismissed, the investigator shall:

(1) For cases involving serious injury, determine whether the allegations must be referred to law enforcement for investigation as mandated by RSA 161-F:51, II or 169-C:29;

(2) Pursuant to (1) above, make reports at any point during the investigation when he or she obtains information that he or she is required to report under RSA 161-F:51 or 169-C:29;

(3) Contact such persons and examine such records and other documents as are reasonably necessary to determine whether or not the allegations are true and whether any violation of 126-U occurred;

(4) Review findings of facts from other investigative agencies; and

(5) Review any and all protective measures for the child that the school has put in place before or after the complaint, and if no protective measures have been put in place, the investigator shall instruct the school to develop a procedure to protect the child.

(b) Investigations shall not constitute a disciplinary hearing and shall not constitute an allegation of misconduct against an employee by the department of education;

(c) Once the investigator completes the investigation, the following procedures shall apply:

(1) The investigator shall file a written report with the commissioner or the commissioner's designee including findings of fact specifying any of the following specific grounds listed in RSA 126-U upon which the findings are based:

a. Failure to implement written policy and procedures as required in RSA 126-U;

b. Failure to properly notify a parent, guardian, or guardian ad litem in a timely manner, in violation of RSA 126-U:7, IV;

c. Retaliation against any individual involved in a complaint or proceeding under this chapter, pursuant to RSA 126-U:8;

d. Repeated improper use of restraint, pursuant to RSA 126-U:8;

e. Improper use of seclusion as punishment, pursuant to RSA 126-U:5-a, I;

f. Restraint by personnel not trained to restrain a child, pursuant to RSA 126-U:5;

g. Use of any restraint technique prohibited by RSA 126-U:4;

- h. Improper use of restraint when other interventions were appropriate, pursuant to RSA 126-U:5;
 - i. Improper use of seclusion or restraint that unnecessarily subjects a child to a risk of ridicule, humiliation, or emotional or physical harm pursuant to RSA 126-U:4, IV and RSA 126-U:5-a;
 - j. Improper seclusion under conditions that do not meet RSA 126-U:5-b;
 - k. Failure to comply with the requirements for authorization and monitoring of extended restraint, pursuant to RSA 126-U:11;
 - l. Failure to comply with the restriction on the use of mechanical restraint during the transport of children, pursuant to RSA 126-U:12; and
 - m. Any other conduct in which a school or school personnel violate RSA 126-U, or this chapter;
 - n. Written statements by any employees who are the subject of the complaint, if the employees choose to provide such statements; and
 - o. A recommendation for further action, if necessary.
- (d) The investigator shall file a report with the commissioner within 30 days of the filing of the complaint. The investigator may request a time extension from the commissioner for good cause shown, including, the coordination of investigations with other agencies or unavailability of a witness. If good cause is shown, the commissioner shall permit a time extension.
- (e) The commissioner shall review the investigator's report and recommendation based on a review of the case in relation to the grounds listed in RSA 126-U to:
- (1) Provide a written decision and recommendations which shall include, if necessary, based on the conclusions of the investigator's report:
 - a. Appropriate remedial measures to address physical and other injuries;
 - b. Appropriate remedial measures to address protection against retaliation; and
 - c. Appropriate remedial measures to reduce the incidence of violations of RSA 126-U.
 - (2) Identify remedial measures necessary to remedy the problem. Such remedial measure may include but are not limited to:
 - a. Training of an individual or a group of school employees;
 - b. Revision of policies and procedures;
 - c. Revision of notice and record keeping practices;
 - d. Compliance with conditions of seclusion per 126-U:5-b; and
 - e. Any other action designed to address physical and other injuries, protect against retaliation, and reduce the incidence of violations of RSA 126-U; and
 - (3) The commissioner's decision and recommendations shall be provided to the superintendent, the school administrator, and any employee found to have performed or accused of performing a restraint or using seclusion. The commissioner's decision shall be provided to the child's parent or guardian. Copies of the decision which are provided to the parents, guardians or employees under this subsection shall be redacted as necessary, to comply with federal and state law.
- (d) If the commissioner determines that disciplinary proceedings concerning credentialing are warranted, the commissioner shall notify the director of the division of program support.
- (e) Disclosure of investigatory reports shall be made in compliance with state and federal law.
- (f) In addition to any disclosure required by (e), above, the investigator's report and commissioner's decision shall be disclosed as follows:

(1) The investigator's report and commissioner's decision shall be made available, upon request, to the parties in any adjudicatory proceeding arising out of the same facts as the complaint alleging violations of RSA 126-U;

(2) If disciplinary proceedings are to be conducted as a result of the investigation, the commissioner or the commissioner's designee shall provide information gathered during an investigation to:

a. A law enforcement agency when the agency is conducting a criminal investigation related to the subject matter of the investigation;

b. A certifying agency of another jurisdiction for:

1. Purposes of certification of the credential holder in another jurisdiction; or

2. An investigation in another jurisdiction, when:

(i) The person was the subject of a formal investigation under Ed 1200; or

(ii) Disciplinary action was taken against the person by the state board of education under Ed 510;

c. Board investigators or prosecutors; and

d. Expert witnesses or assistants retained by board prosecutor or investigators in the same or related disciplinary matters; and

(4) Whether or not further disciplinary proceedings are to be conducted as a result of the investigation, the board shall provide information gathered in disciplinary investigations to persons to whom the person facing disciplinary proceedings has given a release.

(f) Prior to commencement of an adjudicatory proceeding, the person being investigated shall be notified promptly of the nature of any allegations that result in an adjudicatory proceeding under these rules unless notification is prohibited by law or will interfere with a criminal investigation.

(g) If further disciplinary proceedings are to be conducted as a result of an investigation, the person shall be given the opportunity to respond, in writing, to the investigator prior to the initiation of disciplinary proceedings.

Return to School Following Removal

LAWS

RSA 193:13. Suspension and expulsion of pupils.

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

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

REGULATIONS

Ed 317.04. Disciplinary procedures.

(f) Due process in disciplinary proceedings shall include, at a minimum, the following:

(3) In an expulsion by the local school board, due process shall include the following minimal requirements:

c. If the hearing is held after the expiration of a short-term suspension, the pupil shall be entitled to return to school after the short-term suspension has expired and pending the expulsion hearing, unless the student is still serving a long-term suspension.

Alternative Placements

LAWS

RSA 193:13. Suspension and expulsion of pupils.

IV. Any pupil 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 superintendent or designee shall be expelled from school by the local school board for a period of not less than 12 months. Nothing in this section shall be construed to prevent the local school district or chartered public school that expelled the student from providing educational services to such student in an alternative setting.

V. School districts and chartered public schools shall make educational assignments available to the suspended pupil during periods of suspension. Except as provided in paragraphs II and IV, a school district or chartered public school shall provide alternative educational services to a suspended pupil whenever the pupil is suspended in excess of 20 cumulative days within any school year. The alternative educational services shall be designed to enable a pupil to advance from grade to grade. Any time a pupil is suspended more than 10 school days in any school year, upon the pupil's return to school the school district shall develop an intervention plan designed to proactively address the pupil's problematic behaviors. No pupil shall be penalized academically solely by virtue of missing class due to suspension.

REGULATIONS

Ed 306.21. Alternative Programs.

(a) "Alternative program" means the regular delivery of the majority of a student's instruction through classroom or other methods designed to address the needs of individual students or particular groups of students that might be different from the methods of instruction used by the standard schools of the district.

(b) An alternative program may be housed in the same facility as a standard school or at a different location.

(c) An alternative program shall be:

(1) Designed to address the personalized needs of students, including, but not limited to, dropout prevention; and

(2) Approved by the local school board in a plan that:

a. States the goals of the program and curriculum to be provided;

b. Specifies the procedures for assessing and implementing its program plan consistent with RSA 193-C:3, III;

c. Specifies when the program would be offered, which may be at a time other than during the regular school day;

d. Demonstrates how the alternative program will enable the participating students to achieve the same district and graduation competencies outlined for all students and consistent with RSA 193-C:3; and

e. Explicitly detail how extended learning opportunities will be incorporated as a learning option for all students.

(d) Alternative programs for students with disabilities shall meet the requirements of Ed 1119.

(e) Prior to implementing an alternative program, a school administrative unit shall submit to the department the following:

- (1) A copy of the local school board's approval, including the plan submitted;
 - (2) The location of the alternative program; and
 - (3) Copies of inspection reports from the municipal health officer and fire department if the alternative program is to be housed in a building other than an approved school.
- (f) Each student participating in an alternative program shall participate in the state assessment exam, when applicable.
- (g) Assignment of students to alternative programs shall be voluntary and shall require written approval from the parent or guardian.
- (h) Staff assigned to alternative programs shall meet the same certification requirements as staff assigned to standard schools in accordance with Ed 306.15.
- (i) Students in alternative programs shall be provided student services equivalent to those provided in standard schools including, but not limited to, food and nutrition services under Ed 306.11, health services under Ed 306.12, and guidance and counseling services under Ed 306.39.
- (j) The school year for alternative programs shall meet the requirements of Ed 306.18.
- (k) Alternative programs which result in the award of a high school diploma shall meet the requirements of Ed 306.27(q).
- (l) Alternative programs which are supervised by the principal of a standard school shall be considered part of that standard school for reporting purposes under Ed 306.23, for assessment under Ed 306.24, and for school approval under Ed 306.28.
- (m) Alternative programs which are supervised by a district level administrator shall be considered a separate school of the district for reporting purposes under Ed 306.23, for assessment under Ed 306.24, and for school approval under Ed 306.28.

Discipline Addressing Specific Code of Conduct Violations

Firearms and Other Weapons Violations

LAWS

RSA 193:13. Suspension and expulsion of pupils.

I. (b) The school board or chartered public school board of trustees, or a representative designated in writing may, following a hearing, extend the suspension of a pupil 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 pursuant to school district policy when the pupil 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 school board's or board of trustee'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 or chartered public school in which the pupil seeks to enroll. [...]

IV. Any pupil 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 superintendent or designee shall be expelled from school by the local school board for a period of not less than 12 months. Nothing in this section shall be construed to prevent the local school district or chartered public school that expelled the student from providing educational services to such student in an alternative setting.

RSA 193-D:1. Definitions.

In this chapter:

I. "Act of theft, destruction, or violence" means an act set forth in the following statutes regardless of the age of the perpetrator:

(d) Unlawful possession or sale of a firearm or other dangerous weapon under RSA 159.

RSA 193-D:2. State board rulemaking authority; public school district policies.

I. The state board of education shall adopt rules relative to safe school zones, under RSA 541-A, for public school pupils and public school employees regarding:

(b)(2) Standards and procedures which shall require expulsion of a pupil for knowingly possessing a firearm in a safe school zone without written authorization from the superintendent or designee.

REGULATIONS

Ed 317.01. Purpose.

(a) These rules provide the minimum requirements to assure due process and statewide uniformity in the enforcement of RSA 193:13 and 193-D relative to disciplinary action of a pupil for:

(1) Gross misconduct;

(2) Neglect or refusal to conform to the reasonable rules of the school; or

(3) Possession of:

a. A pellet gun;

b. Paint ball gun;

c. B B gun;

- d. Rifle;
- e. A firearm as defined in 18USC 921; or
- f. Other dangerous weapon.

(4) An act of theft, destruction, or violence in violation of RSA 193-D:1, et seq.

Ed 317.02. Definitions.

- (b) "Firearm" means "firearm" as defined in section 921 of Title 18 of the US Code;
- (c) "Dangerous weapons " means dangerous weapons listed but not limited to those in RSA 159:16.

Ed 317.03. Standard for expulsion by local school board.

(c) If a student is subject to expulsion and a firearm is involved, the superintendent shall contact local law enforcement officials whenever there is any doubt concerning:

- (1) Whether a firearm is legally licensed under RSA 159; or
- (2) Whether the firearm is lawfully possessed, as opposed to unlawfully possessed, under the legal definitions of RSA 159.

(d) If a pupil brings or possesses a firearm in a safe school zone without written authorization from the superintendent, the following shall apply:

- (1) The superintendent shall suspend the pupil for a period not to exceed 10 days, pending a hearing by the local board; and
- (2) The school board shall hold a hearing within 10 days to determine whether the student was in violation of RSA 193:13, III and therefore is subject to expulsion.

Ed 317.04. Disciplinary procedures.

(e) If the school and school board have met the requirements of paragraph (d) a pupil appealing a local decision to the state board shall not be allowed to claim lack of knowledge of the state law requiring expulsion for bringing or possessing a firearm or other dangerous weapon as defined in these rules.

Students with Chronic Disciplinary Issues

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Chronic Absenteeism and Truancy

LAWS

RSA 186:11. Duties of state board of education.

The state board of education shall, in addition to the duties assigned by RSA 21-N:11:

XV. Truant Officers. Report frequently to the chairman of the several school boards the relative efficiency of the several truant officers in the state. [...]

XVIII. School Attendance. Enforce the laws relative to school attendance and the employment of minors; and for this purpose the board and its deputies are vested with the power given by law to truant officers.

RSA 189:34. Appointment.

- I. School boards shall appoint truant officers for their districts.
- II. School board policies on truancy shall include but not be limited to:

(a) A definition of "excused absence" and a process for considering exceptions to absences not otherwise excused.

(b) A process for intervention designed to address individual cases of truancy as quickly as possible and to reduce the number of habitual truants in the school district. The process shall consider whether school record keeping practices and notification provided to parents or guardians of the child's absences have an effect on the child's attendance. The board shall provide for the participation of parents in the development of the policy. The policy shall include early parental involvement in the intervention process. The policy shall also designate an employee in each school as the person responsible for truancy issues.

RSA 189:35-a. Truancy Defined.

I. For the purposes of this subdivision, "truancy" means an unexcused absence from school or class and "unexcused absence"; is an absence which has not been excused in accordance with RSA 189:34, II(a).

II. Ten half days of unexcused absence during a school year shall constitute habitual truancy.

III. A school district shall define the term "half day of absence."

IV. Nothing in this section shall affect or limit a school district's power to adopt bylaws concerning truancy pursuant to RSA 193:16.

V. Nothing in this section shall affect or limit the duties of a parent pursuant to RSA 193:1.

VI. School district attendance records shall be presumed to be true and accurate unless evidence to the contrary is presented.

RSA 189:36. Duties.

I. Truant officers shall, when directed by the school board, enforce the laws and regulations relating to truants and children between the ages of 6 and 18 years not attending school or who are not participating in an alternative learning plan under RSA 193:1, I(h); and the laws relating to the attendance at school of children between the ages of 6 and 18 years; and shall have authority without a warrant to take and place in school any children found employed contrary to the laws relating to the employment of children, or violating the laws relating to the compulsory attendance at school of children under the age of 18 years, and the laws relating to child labor. No home school pupil nor any person between the ages of 6 and 18 who meets any of the requirements of RSA 193:1, I(c)-(h) shall be deemed a truant.

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 until all steps in the school district's intervention process under RSA 189:34, II have been followed.

RSA 193:15. Penalty for unauthorized attendance, etc.

Any pupil who, after notice, attends or visits a school which the pupil has no right to attend, or interrupts or disturbs such school, shall for the first offense be guilty of a violation, and shall for any subsequent offense be guilty of a misdemeanor.

RSA 193:16. Bylaws as to nonattendance.

Districts may make bylaws, not repugnant to law, concerning habitual truants and children between the ages of 6 and 18 years not attending school or who are not participating in an alternative learning plan under RSA 193:1, I(h), and to compel the attendance of such children at school; failure to comply with such bylaws shall constitute a violation for each offense.

REGULATIONS

Ed 306.04. Policy Development.

(a) In accordance with Ed 303.01, the local school board shall adopt and implement written policies and procedures relative to:

(1) Absenteeism and attendance. [...]

(c) The policy relative to absenteeism and attendance shall specify procedures for the accountability and supervision of students. The policy relative to absenteeism shall not penalize students who miss class or a required school event because of a school scheduling conflict. Districts shall implement a cooperative approach which places responsibility for notification when a student is tardy, absent, or dismissed on both the parents/guardians and the school.

Substance Use

LAWS

RSA 189:11-d. Drug and alcohol education.

I. Each public school in the state, as part of the school board-approved kindergarten through grade 12 health education program, shall provide age and developmentally appropriate drug and alcohol education to pupils based upon the needs of the pupils and the community. The school board may authorize the use of an evidence-based prevention program.

II. School boards shall develop policies authorizing school district personnel to provide pupils, parents, and legal guardians with information and resources relative to existing drug and alcohol counseling and treatment for pupils. Nothing in this section shall require a school district to add additional programs or services, but only to provide information about available programs and services.

RSA 193-B:1. Definitions.

In this chapter:

I. "Controlled drug or its analog" means those drugs or substances included within the definitions provided in RSA 318-B:1, VI and VI-a.

II. "Drug-free school zone" means an area inclusive of any property used for school purposes by any school, whether or not owned by such school, within 1,000 feet of any such property, and within or immediately adjacent to school buses.

III. "School" means any public or private elementary, secondary, or secondary vocational-technical school or Head Start facility in New Hampshire.

IV. "School property" means all real property, physical plant and equipment used for school purposes, including but not limited to school playgrounds and buses, whether public or private.

RSA 193-B:2. Drug-free school zones.

Except as otherwise provided by law, it shall be unlawful for any person to manufacture, sell, prescribe, administer, dispense, or possess with intent to sell, dispense, or compound any controlled drug or its analog, within a drug-free school zone at any time of the year.

RSA 193-B:3. Maps of drug-free zones; exemption.

I. Each school administrative unit within the state shall, in consultation with the local police authority having jurisdiction over drug enforcement where each drug-free zone is located, publish a map clearly indicating the boundaries of each permanent drug-free school zone in accordance with the provisions of RSA 193-B:1, II. Such map shall be posted in a prominent place in the district or municipal court of jurisdiction, the local police department, and in all schools existing in the drug-free school zone.

II. The mapping requirements under paragraph I shall not apply to Head Start facilities.

RSA 193-B:4. Rulemaking; notice; posting.

The state board of education, in consultation with the New Hampshire Police Chiefs' Association, shall adopt rules pursuant to RSA 541-A relative to:

I. Developing a procedure by which to mark drug-free zones, including the use of signs or other markings as appropriate. Such signs or other markings shall:

(a) Be posted in a prominent place:

(1) On or near each school;

(2) In each school bus; and

(3) On or near non-school-owned property serving as a temporary drug-free zone by virtue of its use for the school's instructional program, for the duration of such use;

(b) Indicate that the posted area is a drug-free zone which extends to 1,000 feet surrounding such property; and

(c) Warn that violation of this chapter shall subject the offender to severe penalties under the law.

II. Assisting each school administrative unit in providing for the posting required in this section.

RSA 193-B:5. Toll-free hotline; rulemaking; local hotlines; notice.

I. There is hereby established a toll-free statewide hotline for the purpose of reporting anonymous information on drug activity to local law enforcement agencies. The department of safety shall coordinate and adopt rules pursuant to RSA 541-A for the establishment and operation of the hotline.

II. The toll-free statewide telephone number established under paragraph I shall be displayed in the drug-free zone signs developed and posted pursuant to RSA 193-B:4, I. If a local police hotline telephone exists in a community, such telephone number shall be posted on relevant signs in lieu of the toll-free statewide telephone number.

RSA 193-B:6. Penalties.

I. It shall be a violation for any person to cover, remove, deface, alter or destroy any sign or other marking identifying a drug-free zone as provided in RSA 193-B:4, I.

II. Lack of knowledge that the prohibited act as defined in RSA 193-B:2 occurred on or within 1,000 feet of school property shall not be a defense.

III. A violation of RSA 193-B:2 shall not include an act which occurs entirely within a private residence wherein no person 17 years of age or under is present.

RSA 193-B:7. Penalty assessment.

In addition to the penalties imposed under RSA 193-B:6, I and RSA 318-B:26, V, every court shall levy a penalty assessment of \$100 for an offense in violation of RSA 193-B:2. The clerk of each court shall collect all penalty assessments and, notwithstanding RSA 6:11, shall transmit the amount collected to the general fund.

RSA 193-D:1. Definitions.

In this chapter:

I. "Act of theft, destruction, or violence" means an act set forth in the following statutes regardless of the age of the perpetrator:

- (i) Illegal sale or possession of a controlled drug under RSA 318-B.

REGULATIONS

No relevant regulations found.

Gang-related Activity

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Bullying, Harassment, or Hazing

LAWS

RSA 193:13. Suspension and expulsion of pupils.

I. (b) The school board or chartered public school board of trustees, or a representative designated in writing may, following a hearing, extend the suspension of a pupil 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 pursuant to school district policy when the pupil 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 school board's or board of trustee'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 or chartered public school in which the pupil seeks to enroll.

RSA 193-F:1. Title.

This chapter shall be known, and may be cited as the "Pupil Safety and Violence Prevention Act of 2000."

RSA 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.

RSA 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.

III. "Electronic devices" include, but are not limited to, telephones, cellular phones, computers, pagers, electronic mail, instant messaging, text messaging, and websites.

IV. "Perpetrator" means a pupil who engages in bullying or cyberbullying.

V. "School property" means all real property and all physical plant and equipment used for school purposes, including public or private school buses or vans.

VI. "Victim" means a pupil against whom bullying or cyberbullying has been perpetrated.

RSA 193-F:4. Pupil safety and violence prevention.

I. Bullying or cyberbullying shall occur when an action or communication as defined in RSA 193-F:3:

- (a) Occurs on, or is delivered to, school property or a school-sponsored activity or event on or off school property; or
- (b) Occurs off of school property or outside of a school-sponsored activity or event, if the conduct interferes with a pupil's educational opportunities or substantially disrupts the orderly operations of the school or school-sponsored activity or event.

II. The school board of each school district and the board of trustees of a chartered public school shall, no later than 6 months after the effective date of this section, adopt a written policy prohibiting bullying and cyberbullying. Such policy shall include the definitions set forth in RSA 193-F:3. The policy shall contain, at a minimum, the following components:

- (a) A statement prohibiting bullying or cyberbullying of a pupil.
- (b) A statement prohibiting retaliation or false accusations against a victim, witness, or anyone else who in good faith provides information about an act of bullying or cyberbullying and, at the time a report is made, a process for developing, as needed, a plan to protect pupils from retaliation.
- (c) A requirement that all pupils are protected regardless of their status under the law.
- (d) A statement that there shall be disciplinary consequences or interventions, or both, for a pupil who commits an act of bullying or cyberbullying, or falsely accuses another of the same as a means of retaliation or reprisal.
- (e) A statement indicating how the policy shall be made known to school employees, regular school volunteers, pupils, parents, legal guardians, or employees of a company under contract to a school, school district, or chartered public school. Recommended methods of communication include, but are not limited to, handbooks, websites, newsletters, and workshops.
- (f) A procedure for reporting bullying or cyberbullying that identifies all persons to whom a pupil or another person may report bullying or cyberbullying.
- (g) A procedure outlining the internal reporting requirements within the school or school district or chartered public school.
- (h) A procedure for notification, within 48 hours of the incident report, to the parent or parents or guardian of a victim of bullying or cyberbullying and the parent or parents or guardian of the perpetrator of the 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.

RSA 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

(b) Educational programs for pupils and parents in preventing, identifying, responding to, and reporting incidents of bullying or cyberbullying. Any such program for pupils shall be written and presented in age appropriate language.

II. The department of education shall provide evidence-based educational programs to support training as required under paragraph I.

III. Nothing in this chapter shall require the inclusion of any specific curriculum, textbook, or other material designed to prevent bullying or cyberbullying in any program or activity conducted by an educational institution. The omission of such subject matter from any curriculum, textbook, or other material in any program or activity conducted by an educational institution shall not constitute a violation of this chapter.

RSA 193-F:6. Reporting.

I. Each school district and chartered public school shall annually report substantiated incidents of bullying or cyberbullying to the department of education. Pursuant to the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, such reports shall not contain any personally identifiable information pertaining to any pupil. The department shall develop a form to facilitate the reporting by school districts and chartered public schools. The department shall maintain records of such reports.

II. The department of education shall prepare an annual report of substantiated incidents of bullying or cyberbullying in the schools. The report shall include the number and types of such incidents in the schools and shall be submitted to the president of the senate, the speaker of the house of representatives, and the chairpersons of the house and senate education committees. The department of education shall assist school districts with recommendations for appropriate actions to address identified problems with pupil safety and violence prevention.

RSA 193-F:7. Immunity.

A school administrative unit employee, school employee, chartered public school employee, regular school volunteer, pupil, parent, legal guardian, or employee of a company under contract to a school, school district, school administrative unit, or chartered public school, shall be immune from civil liability for good faith conduct arising from or pertaining to the reporting, investigation, findings, recommended response, or implementation of a recommended response under this chapter. The department of

education shall be immune from civil liability for its good faith conduct in making recommendations under this chapter.

RSA 193-F:8. School district discrimination or harassment policies.

A school district or chartered public school may establish separate discrimination or harassment policies that include categories of pupils, and nothing in this chapter shall prevent a school district or chartered public school from remediating any discrimination or harassment based on a person's membership in a legally protected category under local, state, or federal law.

RSA 193-F:9. Private right of action not permitted.

Nothing in this chapter shall supersede or replace existing rights or remedies under any other general or special law, including criminal law, nor shall this chapter create a private right of action for enforcement of this chapter against any school district or chartered public school, or the state.

RSA 193-F:10. Public academies.

The provisions of this chapter shall apply to public academies as defined in RSA 194:23.

RSA 631:7. Student hazing.

I. For the purposes of this section:

- (a) "Educational institution" means any public or private high school, college, university, or other secondary or postsecondary educational establishment.
- (b) "Organization" means a fraternity, sorority, association, corporation, order, society, corps, athletic group, cooperative, club, or service, social or similar group, whose members are or include students, operating at or in conjunction with an educational institution.
- (c) "Student" means any person regularly enrolled on a full-time or part-time basis as a student in an educational institution.
- (d) "Student hazing" means any act directed toward a student, or any coercion or intimidation of a student to act or to participate in or submit to any act, when:
 - (1) Such act is likely or would be perceived by a reasonable person as likely to cause physical or psychological injury to any person; and
 - (2) Such act is a condition of initiation into, admission into, continued membership in or association with any organization.

II.(a) A natural person is guilty of a class B misdemeanor if such person:

- (1) Knowingly participates as actor in any student hazing; or
- (2) Being a student, knowingly submits to hazing and fails to report such hazing to law enforcement or educational institution authorities; or
- (3) Is present at or otherwise has direct knowledge of any student hazing and fails to report such hazing to law enforcement or educational institution authorities.

(b) An educational institution or an organization operating at or in conjunction with an educational institution is guilty of a misdemeanor if it:

- (1) Knowingly permits or condones student hazing; or
- (2) Knowingly or negligently fails to take reasonable measures within the scope of its authority to prevent student hazing; or
- (3) Fails to report to law enforcement authorities any hazing reported to it by others or of which it otherwise has knowledge.

III. The implied or express consent of any person toward whom an act of hazing is directed shall not be a defense in any action brought under this section.

REGULATIONS

Ed 306.04. Policy Development.

(a) In accordance with Ed 303.01, the local school board shall adopt and implement written policies and procedures relative to:

- (7) Student hazing;
- (8) Student harassment, including bullying, as required by RSA 193-F;
- (9) Sexual harassment, as detailed in Ed 303.01(j) and (k).

Dating and relationship violence

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Prevention, Behavioral Intervention, and Supports

State Model Policies and Implementation Support

LAWS

RSA 135-F:5. Duties of Commissioner of the Department of Education.

The commissioner of the department of education shall:

I. To the extent possible within existing statutory and budgetary constraints, support the system of care established under this chapter through:

- (a) The development of a multi-tiered system of supports for New Hampshire schools and support for school districts implementing MTSS-B through technical assistance and professional development, including the use of external consultation training and coaching services.
- (b) Alignment of federal funding to support local school districts implementing a multi-tiered system of support.
- (c) Technical assistance to local school districts regarding the use of federal funds to implement and maintain MTSS-B.
- (d) Technical assistance to local school districts on the use of research- and data-driven decision-making, organized and shared leadership, support for personnel through embedded professional development, and purposefully planned implementation cycles with continuous evaluation for improvement of outcomes.

II. Develop a plan for full support and participation of the department of education in the establishment and maintenance of a system of care. Such plan shall be reviewed and amended annually. It shall include sufficient detail to allow compliance with the reporting requirements of RSA 135-F:6, and shall address at least the following elements:

- (a) Development of a multi-tiered system of supports in all New Hampshire schools.
- (b) System capacity, including workforce sufficiency.
- (c) Applicable federal funding participation, shall include but not be limited to state set-aside funds received from the federal government under the Individuals with Disabilities Education Act (IDEA) and Titles I, II, IV-A, and IV-B under the Elementary and Secondary Education Act (ESEA).
- (d) Changes to statutes, administrative rules, and structure of appropriations, and department policy, practice, and structure.
- (e) Projections of cost savings from increased service effectiveness and reductions in costly forms of care and use of such savings to close existing gaps in children's behavioral health services.
- (f) Coordination with the commissioner of the department of health and human services to implement the system of care.

RSA 186:11. Duties of state board of education.

The state board of education shall, in addition to the duties assigned by RSA 21-N:11:

XXXVI. Pupil Safety and Violence Prevention. Develop and distribute to school districts a technical assistance advisory for the purpose of providing guidance to school districts on the implementation of pupil safety and violence prevention policies as required under RSA 193-F.

RSA 193-F:4. Pupil safety and violence prevention.

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.

RSA 193-F:5. Training and assessment.

II. The department of education shall provide evidence-based educational programs to support training as required under paragraph I.

RSA 193-F:6. Reporting.

I. Each school district and chartered public school shall annually report substantiated incidents of bullying or cyberbullying to the department of education. Pursuant to the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, such reports shall not contain any personally identifiable information pertaining to any pupil. The department shall develop a form to facilitate the reporting by school districts and chartered public schools. The department shall maintain records of such reports.

II. The department of education shall prepare an annual report of substantiated incidents of bullying or cyberbullying in the schools. The report shall include the number and types of such incidents in the schools and shall be submitted to the president of the senate, the speaker of the house of representatives, and the chairpersons of the house and senate education committees. The department of education shall assist school districts with recommendations for appropriate actions to address identified problems with pupil safety and violence prevention.

REGULATIONS

No relevant regulations found.

Multi-tiered Frameworks and Systems of Support

LAWS

RSA 135-F:3. Definition; System of Care.

III. The system of care shall have the following characteristics:

(I) Statewide use of the multi-tiered system of supports for behavioral health and wellness, or MTSS-B, in New Hampshire schools to address New Hampshire students' social, emotional, and behavioral health needs in order to improve students' educational outcomes and keep students in their home schools and communities. For the purposes of this chapter, a "multi-tiered system of supports for behavioral health and wellness" or "MTSS-B" shall include:

- (1) A school wide system of evidence-based behavioral practices for all students;
- (2) A targeted system of practices for youth who need additional support; and
- (3) A tertiary system of intensive and individualized interventions for students with the greatest behavioral needs.

RSA 135-F:5. Duties of Commissioner of the Department of Education.

The commissioner of the department of education shall:

- I. To the extent possible within existing statutory and budgetary constraints, support the system of care established under this chapter through:

(a) The development of a multi-tiered system of supports for New Hampshire schools and support for school districts implementing MTSS-B through technical assistance and professional development, including the use of external consultation training and coaching services.

(b) Alignment of federal funding to support local school districts implementing a multi-tiered system of support.

(c) Technical assistance to local school districts regarding the use of federal funds to implement and maintain MTSS-B.

(d) Technical assistance to local school districts on the use of research- and data-driven decision-making, organized and shared leadership, support for personnel through embedded professional development, and purposefully planned implementation cycles with continuous evaluation for improvement of outcomes.

II. Develop a plan for full support and participation of the department of education in the establishment and maintenance of a system of care. Such plan shall be reviewed and amended annually. It shall include sufficient detail to allow compliance with the reporting requirements of RSA 135-F:6, and shall address at least the following elements:

(a) Development of a multi-tiered system of supports in all New Hampshire schools.

REGULATIONS

Ed 306.04. Policy Development.

(a) In accordance with Ed 303.01, the local school board shall adopt and implement written policies and procedures relative to:

(18) Behavior management and intervention for students.

Ed 306.25. Comprehensive School Psychological Services.

(c) The school psychologist shall provide comprehensive psychological services throughout various learning environments to help children and youth develop academic, social, behavioral, and emotional competence through:

(6) Preventative and responsive services employing theories and research related to resilience, risk factors, and multi-tiered prevention, to support evidence based strategies for effective counseling, crisis response, and behavioral intervention.

Prevention

LAWS

RSA 186:11. Duties of state board of education.

The state board of education shall, in addition to the duties assigned by RSA 21-N:11:

XXXVI. Pupil Safety and Violence Prevention. Develop and distribute to school districts a technical assistance advisory for the purpose of providing guidance to school districts on the implementation of pupil safety and violence prevention policies as required under RSA 193-F.

RSA 193-F:4. Pupil safety and violence prevention.

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.

RSA 193-F:6. Reporting.

II. The department of education shall prepare an annual report of substantiated incidents of bullying or cyberbullying in the schools. The report shall include the number and types of such incidents in the schools and shall be submitted to the president of the senate, the speaker of the house of representatives, and the chairpersons of the house and senate education committees. The department of education shall assist school districts with recommendations for appropriate actions to address identified problems with pupil safety and violence prevention.

REGULATIONS

Ed 318.15. Policy development.

The school shall develop policies in accordance with the following:

- (b) Promoting school safety including:
 - (3) RSA 193-F, pupil safety and violence prevention.

Social-emotional Learning (SEL)

LAWS

No relevant laws found.

REGULATIONS

Ed 306.04. Policy Development.

(a) In accordance with Ed 303.01, the local school board shall adopt and implement written policies and procedures relative to:

- (5) Character and citizenship. [...]

(i) The policy relative to character and citizenship development shall:

(1) Include those elements of character and citizenship to be incorporated in courses of study or instilled, by example, in a caring educational environment, including but not limited to:

- a. Self-discipline, self-respect, and self-control;
- b. Pursuant to Part 2, Article 83 of the New Hampshire Constitution, humanity, benevolence, and truth and honesty with self and others;
- c. Fairness, integrity, and justice;
- d. Respect, courtesy, and human worth;
- e. Responsibility to oneself and others;
- f. Community service; and
- g. Pursuant to RSA 186:13, the rights and responsibilities of citizenship; and

(2) Be developed in consultation with school staff, administration, parents, and other representatives of the community.

Ed 306.26. Kindergarten. Grade 8 school curriculum.

(e) If a co-curricular program is offered, it shall consist of those activities that are designed to supplement and enrich regular academic instruction, provide opportunities for social development, and encourage participation in clubs, athletics, performing groups, and service to school and community.

Ed 306.27. High school curriculum, credits, graduation requirements, and cocurricular program.

(b) The required curriculum content shall comply with the following:

(6) A co-curricular program shall be offered that provides opportunities for all students to participate in activities designed to meet their needs and interests, including, but not limited to:

a. Any other activities that:

2. Provide opportunities for social development.

Trauma-informed Practices

LAWS

RSA 126-U:1-a. Limitations of Child Restraint Practices.

The department of education and the department of labor shall work cooperatively to develop consistent definitions and applications of this chapter in order to inform school administrators and employees across the state of best practices regarding restraints in schools. The department of education may utilize grant funds that are available through the department's office of student wellness for trauma-responsive training, consultation on de-escalating violent situations, and proper uses of restraint.

RSA 135-F:3. Definition; System of Care.

III. The system of care shall have the following characteristics:

(e) Services that are family-driven, youth-guided, community-based, trauma-informed, and culturally and linguistically competent.

REGULATIONS

No relevant regulations found.

Mental Health Literacy Training

LAWS

RSA 135-F:3. Definition; System of Care.

III. The system of care shall have the following characteristics:

(j) Comprehensive children and youth behavioral health training for agency and system staff and interested parents and guardians.

REGULATIONS

No relevant regulations found.

School-based Behavioral Health Programs

LAWS

No relevant laws found.

REGULATIONS

Ed 306.25. Comprehensive School Psychological Services.

(c) The school psychologist shall provide comprehensive psychological services throughout various learning environments to help children and youth develop academic, social, behavioral, and emotional competence through:

(4) Interventions and mental health services to develop social and life skills in collaboration with others, using assessment and data collection methods to implement and evaluate developmentally appropriate services that support socialization, learning, and mental health.

Monitoring and Accountability

Formal Incident Reporting of Conduct Violations

LAWS

RSA 126-U:7. Notice and record-keeping requirements.

II. A facility employee or school employee who uses seclusion or restraint, or if the facility employee or school employee is unavailable, a supervisor of such employee, shall, within 5 business days after the occurrence, submit a written notification containing the following information to the director or his or her designee:

- (a) The date, time, and duration of the use of seclusion or restraint.
- (b) A description of the actions of the child before, during, and after the occurrence.
- (c) A description of any other relevant events preceding the use of seclusion or restraint, including the justification for initiating the use of restraint.
- (d) The names of the persons involved in the occurrence.
- (e) A description of the actions of the facility or school employees involved before, during, and after the occurrence.
- (f) A description of any interventions used prior to the use of the seclusion or restraint.
- (g) A description of the seclusion or restraint used, including any hold used and the reason the hold was necessary.
- (h) A description of any injuries sustained by, and any medical care administered to, the child, employees, or others before, during, or after the use of seclusion or restraint.
- (i) A description of any property damage associated with the occurrence.
- (j) A description of actions taken to address the emotional needs of the child during and following the incident.
- (k) A description of future actions to be taken to control the child's problem behaviors.
- (l) The name and position of the employee completing the notification.
- (m) The anticipated date of the final report. [...]

V. In any case requiring notification under paragraph IV, the school or facility shall, within 5 business days of the occurrence, prepare a written description of the incident. Such description shall include at least the following information:

- (a) The date and time of the incident.
- (b) A brief description of the actions of the child before, during, and after the occurrence.
- (c) The names of the persons involved in the occurrence.
- (d) A brief description of the actions of the facility or school employees involved before, during, and after the occurrence.
- (e) A description of any injuries sustained by, and any medical care administered to, the child, employees, or others before, during, or after the incident.

VI. The notification and record-keeping requirements of paragraphs IV and V shall not apply in the following circumstances:

(a) When a child is escorted from an area by way of holding of the hand, wrist, arm, shoulder, or back to induce the child to walk to a safe location. However, if the child is actively combative, assaultive, or self-injurious while being escorted, the requirements of paragraphs IV and V shall apply.

(b) When actions are taken such as separating children from each other, inducing a child to stand, or otherwise physically preparing a child to be escorted.

(c) When the contact with the child is incidental or minor, such as for the purpose of gaining a misbehaving child's attention. However, blocking of a blow, forcible release from a grasp, or other significant and intentional physical contact with a disruptive or assaultive child shall be subject to the requirements.

(d) When an incident is subject to the requirements of paragraphs I-III.

RSA 193-D:2. State board rulemaking authority; public school district policies.

I. The state board of education shall adopt rules relative to safe school zones, under RSA 541-A, for public school pupils and public school employees regarding:

(d) Procedures for reporting acts of theft, destruction, or violence under RSA 193-D:4.

RSA 193-D:4. Written report required.

I. (a) Any public or private school employee who has witnessed or who has information from the victim of an act of theft, destruction, or violence in a safe school zone shall report such act in writing immediately to a supervisor. A supervisor receiving such report shall immediately forward such information to the school principal who shall file it with the local law enforcement authority. Such report shall be made by the principal to the local law enforcement authority immediately, by telephone or otherwise, and shall be followed within 48 hours by a report in writing. If the alleged victim is a student, the principal shall also immediately notify the person responsible for the victim's welfare, as defined in RSA 169-C:3, XXII, that a report was made to the local law enforcement authority.

RSA 193-F:4. Pupil safety and violence prevention.

II. (f) A procedure for reporting bullying or cyberbullying that identifies all persons to whom a pupil or another person may report bullying or cyberbullying.

(g) A procedure outlining the internal reporting requirements within the school or school district or chartered public school.

REGULATIONS

Ed 317.05. Reporting procedures.

(a) In accordance with RSA 193-D:4, each written report by a supervisor to the principal relating to an act of theft, destruction, or violence in a safe school zone shall be on standardized form #Ed 317.

(b) The report by a supervisor to a principal on Form #Ed 317 shall contain all the statutory information required by RSA 193-D:4.

(c) Form #Ed 317 shall be completed and filed with the local law enforcement authority within 48 hours of such incident.

(d) Form #Ed 317 shall contain the following information:

(1) School name;

(2) School address;

(3) School telephone number;

(4) Name of school principal;

- (5) Date of incident involving an act of theft, destruction, or violence, or the possession of a firearm;
- (6) Time of incident in (5) above;
- (7) Location of incident in (5) above;
- (8) Alleged offense;
- (9) Description of incident;
- (10) Name of suspect;
- (11) Grade in school of suspect;
- (12) Address of suspect;
- (13) Gender of suspect;
- (14) Name of victim;
- (15) Grade in school of victim;
- (16) Address of victim;
- (17) Gender of victim;
- (18) Name of employee reporting incident;
- (19) Date report was completed by employee;
- (20) Date report was filed with local law enforcement authority by school principal.

(e) A school district reporting a crime committed by a child with a disability shall ensure that copies of the relevant portions of the special education and disciplinary records of the child are made available in a manner that protects the privacy of student records for consideration by the appropriate authorities to whom it reports the crime.

(f) A school district shall complete and file Form Ed 317-Fed, Report on Students Disciplined Under the Gun Free School Act of 1994, with the commissioner on or before June 30 of each year.

(g) Form Ed 317-Fed shall contain the following information:

- (1) Name of school district;
- (2) School name;
- (3) Pupil's grade in school;
- (4) Type of firearm:
 - a. Handgun;
 - b. Rifle/shotgun; or
 - c. Other firearm;
- (5) Number of expulsions modified to less than 12 months;
- (6) Number of modifications for students who are not students with educational disabilities;
- (7) Number of expulsions which resulted in a referral to an alternative school or program;
- (8) Name of Reporting official; and
- (9) Signature and date.

Ed 1202.02. Duty to report.

(b) Within 5 business days of the use of seclusion or restraint, the school employee that used seclusion or restraint shall submit a written notification to the school principal containing the following, pursuant to RSA 126:7, II:

- (1) The date, time, and duration of the use of seclusion or restraint;

- (2) A description of the actions of the child before, during, and after the occurrence;
- (3) A description of any other relevant events preceding the use of seclusion or restraint, including the justification for initiating the use of restraint;
- (4) The names of the persons involved in the occurrence;
- (5) A description of the actions of the facility or school employees involved before, during, and after the occurrence;
- (6) A description of any interventions used prior to the use of the seclusion or restraint;
- (7) A description of the seclusion or restraint used, including any hold used and the reason the hold was necessary;
- (8) A description of any injuries sustained by, and any medical care administered to, the child, employees, or others before, during, or after the use of seclusion or restraint;
- (9) A description of any property damage associated with the occurrence;
- (10) A description of actions taken to address the emotional needs of the child during and following the incident;
- (11) A description of future actions to be taken to control the child's problem behaviors;
- (12) The name and position of the employee completing the notification; and
- (13) The anticipated date of the final report.

(c) The superintendent, acting superintendent, superintendent's designee, acting superintendent's designee, or school administrator shall, as soon as possible, make an oral report of all incidents of restraint and seclusion within the school involving serious injury or death to a child subject to restraint or seclusion to the commissioner, the attorney general, and the state's federally-designated protection and advocacy agency for individuals with disabilities, pursuant to RSA 126-U:10, II. Within 5 business days, a written report shall be provided to the commissioner, the attorney general, and the state's federally-designated protection and advocacy agency for individuals with disabilities pursuant to RSA 126-U:7.

Parental Notification

LAWS

RSA 126-U:7. Notice and record-keeping requirements.

I. Unless prohibited by court order, the facility or school shall, make reasonable efforts to verbally notify the child's parent or guardian and guardian ad litem whenever seclusion or restraint has been used on the child. Such notification shall be made as soon as practicable and in no event later than the time of the return of the child to the parent or guardian or the end of the business day, whichever is earlier.

Notification shall be made in a manner calculated to give the parent or guardian actual notice of the incident at the earliest practicable time. [...]

III. Unless prohibited by court order, the director or his or her designee shall, within 2 business days of receipt of the notification required in paragraph II, send or transmit by first class mail or electronic transmission to the child's parent or guardian and the guardian ad litem the information contained in the notification. Each notification prepared under this section shall be retained by the school or facility for review in accordance with rules adopted under RSA 541-A by the state board of education and the department of health and human services.

IV. Whenever a facility or school employee has intentional physical contact with a child which is in response to a child's aggression, misconduct, or disruptive behavior, a representative of the school or facility shall make reasonable efforts to promptly notify the child's parent or guardian. Such notification

shall be made no later than the time of the return of the child to the parent or guardian or the end of the business day, whichever is earlier. Notification shall be made in a manner calculated to give the parent or guardian actual notice of the incident at the earliest practicable time.

RSA 189:34. Appointment.

- I. School boards shall appoint truant officers for their districts.
- II. School board policies on truancy shall include but not be limited to:
 - (a) A definition of "excused absence" and a process for considering exceptions to absences not otherwise excused.
 - (b) A process for intervention designed to address individual cases of truancy as quickly as possible and to reduce the number of habitual truants in the school district. The process shall consider whether school record keeping practices and notification provided to parents or guardians of the child's absences have an effect on the child's attendance. The board shall provide for the participation of parents in the development of the policy. The policy shall include early parental involvement in the intervention process. The policy shall also designate an employee in each school as the person responsible for truancy issues.

RSA 193-D:4. Written report required.

- I. (a) Any public or private school employee who has witnessed or who has information from the victim of an act of theft, destruction, or violence in a safe school zone shall report such act in writing immediately to a supervisor. A supervisor receiving such report shall immediately forward such information to the school principal who shall file it with the local law enforcement authority. Such report shall be made by the principal to the local law enforcement authority immediately, by telephone or otherwise, and shall be followed within 48 hours by a report in writing. If the alleged victim is a student, the principal shall also immediately notify the person responsible for the victim's welfare, as defined in RSA 169-C:3, XXII, that a report was made to the local law enforcement authority.

RSA 193-F:4. Pupil safety and violence prevention.

- II. (h) A procedure for notification, within 48 hours of the incident report, to the parent or parents or guardian of a victim of bullying or cyberbullying and the parent or parents or guardian of the perpetrator of the bullying or cyberbullying. The content of the notification shall comply with the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g.

REGULATIONS

Ed 306.04. Policy Development.

- (c) The policy relative to absenteeism and attendance shall specify procedures for the accountability and supervision of students. The policy relative to absenteeism shall not penalize students who miss class or a required school event because of a school scheduling conflict. Districts shall implement a cooperative approach which places responsibility for notification when a student is tardy, absent, or dismissed on both the parents/guardians and the school.

Ed 317.04. Disciplinary procedures.

- (f) Due process in disciplinary proceedings shall include, at a minimum, the following:
 - (1) In a short-term suspension:
 - d. A written statement to the pupil and at least one of the pupil's parents or guardian explaining any disciplinary action taken against the student. [...]

(2) In a long-term suspension of a pupil:

a. Written communication to the pupil and at least one of the pupil's parents or guardian, delivered in person or by mail to the pupil's last known address, prior to the hearing, of the charges and an explanation of the evidence against the pupil. [...]

(3) In an expulsion by the local school board, due process shall include the following minimal requirements:

d. The school board shall provide written notice to the pupil and at least one of the pupil's parents or guardian, delivered in person or by mail to the pupil's last known address, of the date, time and place for a hearing before the local board.

Ed 1202.02. Duty to report.

(a) Unless prohibited by court order, the superintendent, acting superintendent, superintendent's designee, acting superintendent's designee, or school administrator shall, as soon as possible, verbally notify the parent or guardian whenever seclusion or restraint has been used on a child.

Ed 1203.02. Review of complaint filed.

(b) If the complaint is filed by an individual other than a parent or guardian, the investigator shall notify the parent or guardian that a complaint has been filed on behalf of his or her child.

Data Collection, Review, and Reporting of Discipline Policies and Actions

LAWS

RSA 126-U:8. Review of restraint records by Department of Education.

II. Beginning November 1, 2010, and each November 1 thereafter, the state board of education shall provide an annual report to the chairpersons of the education committees of the senate and house of representatives regarding the use of seclusion and restraint in schools. The annual report shall be prepared from the periodic, regular review of such records, and shall include the number and location of reported incidents and the status of any outstanding investigations.

RSA 193-D:4. Written report required.

I. (e) All public schools shall provide an annual incident report to their local school boards. The report shall include all incidents of violence involving students, employees, volunteers, or visitors.

RSA 193-E:3. Delivery of an adequate education.

I. Annually, each school district shall report data to the department of education at the school and district levels on the indicators set forth in this paragraph. The report shall not contain personally identifiable information including but not limited to name, gender, or social security number. The department of education shall develop a reasonable schedule to collect the reporting of data required by state and federal law. The requirements for data keeping and the form of the report shall be established in accordance with rules adopted by the state board of education. Indicators shall include the following areas:

(a) Attendance rates. [...]

(m) Expulsion and suspension rates, including in-school and out-of-school suspensions including data identifying the percentage of out-of-school suspensions of more than 10 days for each school year. This indicator shall be categorized by district, school, and grade level with each category disaggregated and broken down by gender, race, IEP, and eligibility for free and reduced-price meal programs.

RSA 193-F:6. Reporting.

I. Each school district and chartered public school shall annually report substantiated incidents of bullying or cyberbullying to the department of education. Pursuant to the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, such reports shall not contain any personally identifiable information pertaining to any pupil. The department shall develop a form to facilitate the reporting by school districts and chartered public schools. The department shall maintain records of such reports.

II. The department of education shall prepare an annual report of substantiated incidents of bullying or cyberbullying in the schools. The report shall include the number and types of such incidents in the schools and shall be submitted to the president of the senate, the speaker of the house of representatives, and the chairpersons of the house and senate education committees. The department of education shall assist school districts with recommendations for appropriate actions to address identified problems with pupil safety and violence prevention.

REGULATIONS

Ed 317.05. Reporting procedures.

(f) A school district shall complete and file Form Ed 317-Fed, Report on Students Disciplined Under the Gun Free School Act of 1994, with the commissioner on or before June 30 of each year.

(g) Form Ed 317-Fed shall contain the following information:

- (1) Name of school district;
- (2) School name;
- (3) Pupil's grade in school;
- (4) Type of firearm:
 - a. Handgun;
 - b. Rifle/shotgun; or
 - c. Other firearm;
- (5) Number of expulsions modified to less than 12 months;
- (6) Number of modifications for students who are not students with educational disabilities;
- (7) Number of expulsions which resulted in a referral to an alternative school or program;
- (8) Name of Reporting official; and
- (9) Signature and date.

Ed 1202.02. Duty to report.

(c) The superintendent, acting superintendent, superintendent's designee, acting superintendent's designee, or school administrator shall, as soon as possible, make an oral report of all incidents of restraint and seclusion within the school involving serious injury or death to a child subject to restraint or seclusion to the commissioner, the attorney general, and the state's federally-designated protection and advocacy agency for individuals with disabilities, pursuant to RSA 126-U:10, II. Within 5 business days, a written report shall be provided to the commissioner, the attorney general, and the state's federally-designated protection and advocacy agency for individuals with disabilities pursuant to RSA 126-U:7.

Ed 1202.03. Review of records.

(a) The department of education shall review records maintained by schools relative to the use of seclusion and restraint pursuant to RSA 126-U:8 no less than once every 3 years.

(b) When the commissioner decides that a complaint is founded or the commissioner decides that the complaint is unfounded and there are 3 or more previous unfounded complaints, the department of education shall review the records of that school upon the completion of the investigation and annually for a period of 2 years following the most recent complaint.

(c) Pursuant to RSA 126-U:7, II, schools shall maintain the following records:

- (1) The date, time, and duration of the use of seclusion or restraint;
- (2) A description of the actions of the child before, during, and after the occurrence;
- (3) A description of any other relevant events preceding the use of seclusion or restraint, including the justification for initiating the use of restraint;
- (4) The names of the persons involved in the occurrence;
- (5) A description of the actions of the facility or school employees involved before, during, and after the occurrence;
- (6) A description of any interventions used prior to the use of the seclusion or restraint;
- (7) A description of the seclusion or restraint used, including any hold used and the reason the hold was necessary;
- (8) A description of any injuries sustained by, and any medical care administered to, the child, employees, or others before, during, or after the use of seclusion or restraint;
- (9) A description of any property damage associated with the occurrence;
- (10) A description of actions taken to address the emotional needs of the child during and following the incident;
- (11) A description of future actions to be taken to control the child's problem behaviors;
- (12) The name and position of the employee completing the notification; and
- (13) The anticipated date of the final report.

Ed 1203.03. Investigative process.

(d) The investigator shall file a report with the commissioner within 30 days of the filing of the complaint. The investigator may request a time extension from the commissioner for good cause shown, including, the coordination of investigations with other agencies or unavailability of a witness. If good cause is shown, the commissioner shall permit a time extension.

(e) The commissioner shall review the investigator's report and recommendation based on a review of the case in relation to the grounds listed in RSA 126-U to:

- (1) Provide a written decision and recommendations which shall include, if necessary, based on the conclusions of the investigator's report:
 - a. Appropriate remedial measures to address physical and other injuries;
 - b. Appropriate remedial measures to address protection against retaliation; and
 - c. Appropriate remedial measures to reduce the incidence of violations of RSA 126-U.
- (2) Identify remedial measures necessary to remedy the problem. Such remedial measure may include but are not limited to:
 - a. Training of an individual or a group of school employees;
 - b. Revision of policies and procedures;
 - c. Revision of notice and record keeping practices;
 - d. Compliance with conditions of seclusion per 126-U:5-b; and
 - e. Any other action designed to address physical and other injuries, protect against retaliation, and reduce the incidence of violations of RSA 126-U.

Partnerships between Schools and Law Enforcement

Referrals to Law Enforcement

LAWS

RSA 193-B:5. Toll-free hotline; rulemaking; local hotlines; notice.

I. There is hereby established a toll-free statewide hotline for the purpose of reporting anonymous information on drug activity to local law enforcement agencies. The department of safety shall coordinate and adopt rules pursuant to RSA 541-A for the establishment and operation of the hotline.

II. The toll-free statewide telephone number established under paragraph I shall be displayed in the drug-free zone signs developed and posted pursuant to RSA 193-B:4, I. If a local police hotline telephone exists in a community, such telephone number shall be posted on relevant signs in lieu of the toll-free statewide telephone number.

RSA 193-D:4. Written report required.

I. (a) Any public or private school employee who has witnessed or who has information from the victim of an act of theft, destruction, or violence in a safe school zone shall report such act in writing immediately to a supervisor. A supervisor receiving such report shall immediately forward such information to the school principal who shall file it with the local law enforcement authority. Such report shall be made by the principal to the local law enforcement authority immediately, by telephone or otherwise, and shall be followed within 48 hours by a report in writing. If the alleged victim is a student, the principal shall also immediately notify the person responsible for the victim's welfare, as defined in RSA 169-C:3, XXII, that a report was made to the local law enforcement authority.

REGULATIONS

Ed 317.03. Standard for expulsion by local school board.

(c) If a student is subject to expulsion and a firearm is involved, the superintendent shall contact local law enforcement officials whenever there is any doubt concerning:

- (1) Whether a firearm is legally licensed under RSA 159; or
- (2) Whether the firearm is lawfully possessed, as opposed to unlawfully possessed, under the legal definitions of RSA 159.

Ed 317.05. Reporting procedures.

(c) Form #Ed 317 shall be completed and filed with the local law enforcement authority within 48 hours of such incident.

School Resource Officer (SRO) or School Security Officer (SSO) Training or Certification

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Authorizations, Memoranda of Understanding (MOUs), and/or Funding

LAWS

RSA 186:11. Duties of state board of education.

The state board of education shall, in addition to the duties assigned by RSA 21-N:11:

XXXVII. School Resource Officers. Require each school district in the state to which a school resource officer is assigned to develop and implement a policy which shall include, at a minimum, a requirement for a signed memorandum of understanding between the school district and the law enforcement agency from which the school resource officer is deployed.

RSA 193-D:4. Written report required.

I. (c) Each school district, in conjunction with the local law enforcement authority, shall establish a memorandum of understanding for administering the provisions of RSA 193-D:4, I(a)-(c).

REGULATIONS

No relevant regulations found.

Threat Assessment Protocols

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by New Hampshire provide additional context to state policy and regulations and, in some cases, may support the readers' efforts to provide a positive disciplinary school climate.

Title	Description	Website address (if applicable)
Website		
Bullying and Cyber Bullying, New Hampshire Department of Education (NHDOE)	Provides links to Bullying and Cyberbullying resources, including bullying reports, analysis of state bullying laws and other related resources.	https://www.education.nh.gov/who-we-are/division-of-learner-support/bureau-of-student-wellness/bullying-cyber-bullying
NH's Multi-Tiered System of Support for Behavioral Health and Wellness Model (MTSS-B), NHDOE	Provides an overview of NH's MTSS-B model that includes values, core features, MTSS-B strategies, and an introductory video.	https://www.education.nh.gov/who-we-are/division-of-learner-support/bureau-of-student-wellness/office-of-social-and-emotional-wellness/mtssb
School Discipline, NHDOE	Provides links to resources to support educators in implementing positive approaches to school discipline.	https://www.education.nh.gov/who-we-are/division-of-learner-support/bureau-of-student-wellness/school-discipline
School Safety, NHDOE	Provides information on New Hampshire School Safety Preparedness Task Force and related topics such as bullying. Contact information to report a bullying incident, abuse or misconduct is provided as well.	https://www.education.nh.gov/parents-and-students/school-safety
Documents		
Bullying Policy Checklist	A checklist for schools and districts to use when reviewing their policies for inclusion of all elements required by the New Hampshire statute, RSA 193-F, Pupil Safety and Violence Prevention as amended in July, 2010.	https://www.education.nh.gov/sites/g/files/ehbemt326/files/inline-documents/sonh/doe-bullying-policy-checklist_1.docx
Other Resources		
School and District Profiles, NHDOE	New Hampshire school and district profiles with links to state reports on dropouts and enrollments.	http://my.doe.nh.gov/profiles/
School Safety Data Collection, NHDOE	Reports includes data concerning restraints and seclusions, harassment, bullying, student discipline, school safety and truancy.	https://www.education.nh.gov/who-we-are/division-of-educator-and-analytic-resources/bureau-of-education-statistics/school-safety-data-collection