

STUDENT CONDUCT, BEHAVIOR AND DISCIPLINE

PURPOSE:

The purpose of this policy is to promote desirable student conduct and establish a uniform code of student discipline governing the activities, conduct and behavior of all school students while in attendance at school, on a school bus, or at school sponsored activities, and including the provision for the enforcement of same.

PHILOSOPHY:

The North Kingstown School Committee believes that a school, like any community, must have rules by which to operate. The School Committee, with the assistance of students, parents and staff, sets forth the following guidelines and rules by which we can expect to conduct the operation of the school day and conduct all school related business efficiently and fairly in the community.

This policy is based on the following principles:

1. The maintenance of an environment that supports effective learning.
2. The responsibility of students, parents and staff to work together to maintain this environment.
3. The providing of models by the school staff to guide students in understanding, establishing, and maintaining this environment.
4. Developing communications between students, parents and staff that support an effective learning environment.
5. Providing for the safety and well-being of students and staff.
6. Nothing in this policy shall be considered to preclude a student's right to freedom of speech, providing exercise of it does not infringe upon the rights of others.

GENERAL: RIGHTS AND RESPONSIBILITIES

A modern school is a community. Like any community, it must have rules by which it operates. A complete understanding of each person's rights and responsibilities within the school community is essential.

Responsibilities refer mainly to the individual's obligation to others. In order for individuals to preserve their own rights, they must assume a sense of responsibility toward the preservation of the rights of others. Those rights terminate at the point where they begin to infringe upon the rights of others. To the extent responsibilities are fulfilled, rights become more assured. To the extent responsibilities are not carried out, one's own rights become jeopardized. Responsibilities provide the foundation upon which individual rights become meaningful and effective.

In order to insure every individual's rights, standards of acceptable behavior shall be developed, established and maintained within, and in relationship to, all schools. A reasonable effort should be made to solve disciplinary problems within the school setting and without excluding a student from school.

RESPONSIBILITIES:

1. STUDENTS:

Students have the responsibility to respect the rights of all persons involved in the learning process. Students also **should** exercise the highest degree of self-discipline in observing and adhering to rules and regulations. No student has a right to interfere with the education of fellow students. In order to fulfill these democratic ideals, a student must have respect for parents, teachers, fellow students and other adults. Most importantly, the student must have respect for self; believe in self and individual worth. Students shall be punctual and regular in attendance, observe

basic standards of cleanliness **and appropriate dress**; shall know and follow school rules, and shall maintain grades..

2. STAFF:

- a. The School Committee, through the Superintendent, holds all school personnel responsible for the proper conduct and control of students while under the legal supervision of the school, and supports all personnel acting within the framework of the district policy. The Committee expects all employees to exercise sound professional judgment in employing preventive, therapeutic, and punitive measures to promote acceptable student behavior.
- b. The Superintendent shall establish administrative regulations to carry out this policy and its expressed philosophy. The Superintendent shall hold all school personnel, students, and parents responsible for the School Committee's program and for the conduct of students in the district's schools, including any and all school-connected activities, and shall support all school personnel performing their duties within the framework of the district policy.
- c. The School Principals shall be responsible to the Superintendent for the conduct of his/her school. The principals shall be given the responsibility and authority, with such input from the faculty as he/she deems appropriate, to formulate such procedures as are necessary to enforce this policy. The principals shall give full support to teachers performing their duties within the framework of the policy. The principals shall exercise professional judgment in the disposition of behavior referrals.
- d. Teachers shall be responsible for proper and adequate control of students. Teachers shall enforce the rules and regulations of the schools and shall give support to their principals in maintaining this policy. Teachers are expected to make all reasonable attempts to resolve disciplinary matters in their classroom. In general, the area of child supervision rests with the teacher.
- e. Responsibilities of Non-teaching personnel relating to student behavior shall be limited to those specifically authorized and assigned by the Superintendent and/or Building Principals.

3. PARENTS:

The ultimate responsibility for children's behavior rests with the parents. The following are among their specific responsibilities. **Parents should:**

- a. **Be** involved with and are therefore expected to cooperate with the school authorities and participate in conferences regarding the behavior of their children.
- b. Support the schools in requiring their children to observe all school rules and regulations.
- c. Accept responsibility for their children's willful misbehavior- on their part.
- d. Send students to school with proper attention having been given to the child's health, personal cleanliness **and** neatness of clothing, .
- e. Maintain an active interest in the student's daily work. Make it possible for them to complete assigned homework, particularly by providing suitable conditions for study.
- f. Comply with the school's requests. This includes reading carefully all communications and signing and returning them as requested.

Dealing with Misconduct/Disciplinary Action

A uniform discipline code is expected to be enforced with all students enrolled in the North Kingstown school department and shall be followed and enforced in the same spirit and manner throughout the school system. Staff members shall consider all mitigating circumstances prior to disciplinary action and ensure due process for each student. Mitigating circumstances include, but are not necessarily limited to the following factors:

1. Age, health, maturity, and academic placement of the student.
2. Prior conduct.
3. Attitude of student.
4. Cooperation of parents.
5. Willingness to make restitution.
6. Seriousness of offense.
7. Willingness to enroll in a student assistance program.

SUSPENSION/EXPULSION:

Under the compulsory education statutes of the State, school attendance becomes an obligation. The district acknowledges its obligation to provide students with a free and appropriate public education and that any physical, mental, or emotional factors which thwart the fulfillment of that objective should be the subject of appropriate actions to be taken by the Building Administrator.

When other options have been attempted, after which (separation from school) suspension becomes necessary, the following due process procedures must be followed:

1. The Principal shall observe the following procedures in excluding students from the school environment.
 - a. Unless an emergency situation requiring the **student's** immediate removal exists, no student shall be suspended prior to having an informal hearing before the Principal or his or her designee, at which the student is to be informed as to the charges and given an opportunity to respond. In the event of an emergency, the informal hearing shall be held as soon after the suspension as possible.
 - b. By telephone, the Principal or his/her designee, shall make reasonable attempts to immediately notify the parent or guardian of the student about the suspension and state the cause(s) leading to the suspension. No student shall be suspended without reasonable attempts to inform the parent or guardian of the proposed action.
 - c. Whether or not a telephone contact has been made with the parent or guardian, the Principal, or his/her designee, shall forward a letter to such parent or guardian to the last address reported on school records (or to a newer address if known by the Principal, or his/her designee) within one school day of the suspension action and offering the parent or guardian an opportunity for a conference to discuss same.
 - d. Notice of the original suspension shall be transmitted by the Principal, or his/her designee, to the Superintendent of Schools by the close of the school day following the commencement of the suspension.
 - e. Following a conference with the Principal, or his/her designee, the student or his/her parent(s) or guardians) may request the Superintendent of Schools, or his/her designee, to review the Principal's decision. Such review shall be completed and a written report issued to the student and his/her parent(s) or guardians(s) within three school days of such request. In re-examining the Principal's decision to suspend, the Superintendent shall require the Principal, the person who witnessed and reported the incident that resulted in the student's suspension, and the student to give individual accounts as to the events leading to the suspension. The Superintendent shall determine whether such accounts shall be oral or written. Immediately following the receipt of such individual accounts and before issuance of his/her written report, the Superintendent may, if he/she deems it appropriate, call all involved parties together for a conference.
 - f. In the event of a student who is eighteen years of age or older, any notice required by this policy shall be given to the student.
 - g. Textbooks and homework are to be provided each **student** for the duration of the suspension

period and the student shall be allowed to complete any class work, including examinations, without penalty, which he/she missed while under suspension. Further, it is the intent of this policy that any work completed during the period of an unexcused absence shall not count for credit.

- h. The Superintendent of Schools shall report any unusually serious case of **student** suspension to the School Committee at their first meeting following such action. In the event that such a report will require School Committee discussion, notice shall have been given to the parent that such discussion will take place and that they have a right to be present during such discussion..
 - i. Cases involving suspensions of 10 days or less may be referred to the School Committee for review.
2. In cases where the student has already been suspended, or such suspension will result in the student being suspended more than ten days in a school year, , or in circumstances under which the student will be prevented from completing a normal course of study, the student shall, prior to suspension, and upon written request, be granted a formal hearing before the School Committee.

OUT OF SCHOOL SUSPENSION:

The Building Principal or his/her designee may suspend for a period of time not to exceed ten (10) consecutive school days. "Suspension" means an exclusion from school privileges for disciplinary reasons by an authorized member of the administrative staff for not more than ten (10) consecutive days.

It is understood that suspension from school is an extremely serious disciplinary option, and in most cases, suspension should be implemented only after other disciplinary procedures have been attempted. It is further understood that for some students out-of-school suspension is not a punitive action, and therefore, other types of corrective action should be implemented.

Although the following list of disciplinary cases is quite comprehensive, it is possible that situations might arise that are not covered. In this event, the designated School Administrator shall have the right and responsibility to exercise immediate judgment in the matter or he may seek guidance from **support** personnel, higher administrative authorities, **or the police**. The following list of disciplinary offenses is illustrative and not definitive or exclusive. Situations may arise which are not enumerated. In such instances, the designated school administrator shall have the right and responsibility to exercise his/her judgment as to whether disciplinary action should be taken. He/she shall also have the right to seek guidance from resource personnel and/or the administration. Should there not be exacerbating circumstances, the following offenses **may** give rise to a period of suspension but can also be the basis for a recommendation of expulsion. These offenses are listed as follows.

1. Matters involving the use, being under the influence of, intoxicated, possessing or the sale/distribution of illicit substances and/or paraphernalia associated with substance abuse shall be handled in compliance with Policy JICH.
2. Willfully striking or assaulting a student or member of the school staff. Any such act which constitutes the committing of an aggravated assault shall result in the recommendation for expulsion.
3. Obscenities directed at staff members.
4. Student Gang Activity/Associations.
5. Possession of a firearm or other dangerous weapon, on school property, as defined in State law, shall be prohibited and violators will be subject to suspension and/or expulsion as deemed appropriate by the Building Principal, subject to concurrence of the Superintendent. Possession/carrying/using a firearm or replica shall result in a recommendation for expulsion. See also Policy JICI for further clarification.
6. Blackmailing, extortion, inciting others, threatening, intimidating or bullying students or any member of the school staff.

7. Sexual harassment, sexual violence and/or sexual misconduct shall be dealt with in accord with Policy JBA.
8. Disruptive behavior within the time-out room, crisis room, or in-house suspension room.
9. Willful destruction of school property.
10. Arson, which may be subject to expulsion.

EXPULSION: The term expulsion means the exclusion of a **student** for more than ten (10) consecutive school days and is subject to review by the School Committee.

The School Committee may expel a **student** from school if, after a full hearing, the Committee finds that a student's conduct endangers persons or property, is seriously disruptive of the educational process, or is violative of the educational process, or is violative of a Committee policy.

The following procedures govern expulsion:

1. A Principal may request expulsion of a **student** in a case where the Principal has cause to believe the student's conduct endangers persons or property, is seriously disruptive of the educational process or is violative of a publicized Committee policy.
2. Requests for expulsion are to be directed to the School Committee through the Superintendent. In the event that the offense warrants a recommendation for expulsion, the Principal shall have the right to suspend a student up to ten (10) days while the recommendation is reviewed by the Superintendent and School Committee.
3. Upon receipt of an expulsion recommendation, the Superintendent shall conduct an inquiry within two (2) school days of the request.
4. If after the inquiry the Superintendent, or his/her designee, determines that the Principal's recommendation should be upheld, the recommendation shall be forwarded to the School Committee within five (5) school days of the request from the Principal.
5. Except in an emergency situation requiring the student's immediate removal, the School Committee shall, prior to expelling the student, conduct a hearing to be governed by the following procedures:
 - a. Notice by certified and regular mail shall have been sent to the student and his/her parents or guardians at least five (5) days prior to the date of the hearing.
 - b. The notice shall contain:
 - 1) The date, time and place of the scheduled hearing,
 - 2) The details of the grounds for the proposed expulsion, including a narrative of the events leading to the expulsion, the name of any witnesses against the student, copies of any statements or affidavits of those witnesses, a detailed summary of any other information to be used in support of expulsion including any record of past offenses or misbehavior and whether any prior warnings or suspensions have been given and the recommended penalty.
 - 3). A copy of this policy.
 - c. At the hearing, the student shall have the right to testify and produce witnesses and other evidence in his/her defense. The student shall have the right to request that any witnesses against him or her appear in person to answer his or her questions.

If the School Committee determines that any of the witnesses would be subject to physical or mental harassment, the witness need not be present at the hearing, but the evidence may be presented as a written summary of his/her testimony prepared by the absent witness. The summary shall include the reason for the witness's absence and a statement verifying that the contents of the summary are true. If an imminent fear of reprisal exists, the School Committee may also present a written statement in which the witness's identity has been concealed.

- d. A student may be represented by a third party of his choice, including an attorney.
- e. A student is entitled to the services of a translator, to be provided by the School Committee, whenever the student or his parent(s) or guardians do not speak the English language.
- e. The Committee shall report its final decision in writing to the student, stating the reasons on which the decision is based, and the penalty to be imposed. Said decision shall be based solely on evidence derived at the hearing.
 - g. Within twenty-four (24) hours after its decision, the Committee shall notify the parent(s) or guardians of any minor **student**, of such action.
 - h. Whenever an emergency exists, the hearing provided for above shall be held as soon as possible after the expulsion.
- 6. Whenever the School Committee expels a student, it shall offer such student an alternative education program. The parent(s) or guardians of such student have the legal right to reject such a program without being subject to the truancy law.

PROCEDURAL GUIDE FOR STUDENTS **WITH DISABILITIES**

Students with Disabilities removed for more than 10 school days cumulative

Authority for School Personnel—R.I. Board of Regents Regs. 300.530

Case by Case Determination—School personnel may consider any unique circumstance on a case by case basis when determining where to order a change in placement for a child with a disability who violates a code of student conduct.

Required:

1. **Provide continued educational services so as to enable the child to participate in the general education Curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP>**
2. **Conduct a manifestation determination w/in 10 school days of decision to remove student beyond 10 school days cumulative during the school year.**
3. **Conduct a functional behavioral assessment (unless the LEA had conducted a BA prior to the behavior that resulted in the disciplinary removal for more than 10 school days cumulative)**
4. **Develop a behavioral intervention plan & provide behavioral intervention services and modifications that are designed to address the behavioral violation so that it does not recur (unless one had already been developed in which case modify it, as necessary, to address the behavior)**

PREVENTION AND BEHAVIORAL INTERVENTION/PHYSICAL RESTRAINT:

Procedures shall be put in place which will ensure that every student participating in North Kingstown schools is free from unreasonable and unnecessary physical restraint and that such intervention is used only in emergency situations after other less intrusive alternatives have failed or been deemed inappropriate. These procedures shall be deemed to reflect an expected policy that prohibits the use of corporal punishment. In consideration thereof, the School Committee promotes the use of positive, preventive behavioral supports that significantly limit the need for physical intervention, restrict the use of physical force, and ensure that physical restraint is administered in the least intrusive manner possible. The Administration is expected to set forth regulations in support of this policy statement which sets forth procedures that delineate appropriate practices in those instances where physical restraint is absolutely necessary to protect a student or students, staff and/or other school members from imminent, serious physical harm **(In accordance with the RI Board of Regents for**

Elementary and Secondary Education policy on Physical Restraint regulations). Please see Policy JICD-R2 for more information.

NOTIFICATION OF POLICY STIPULATIONS:

The School Committee shall, at the beginning of each school year, and at such other times as it deems appropriate, provide for an effective means of informing all students, parents and/or guardians of this policy governing suspension and expulsion.

Footnote: In the absence of specifically defined behavior and/or accompanying disciplinary action, judgment of the Principal or designee within the context of these guidelines will prevail in terms of altering any of the previously mentioned guidelines.

Amended: 9/25/02; 11/20/02, 5/22/2012