

## **8506: Suspension and Expulsion**

The Exeter-West Greenwich School Committee intends that all students be in school at all times. The committee is aware that suspending or expelling a student disrupts the student's education and is contrary to the school district's education mission. However, when a student's misbehavior cannot be controlled within the means available to school administrators, it may be prudent to suspend or even, depending on the egregiousness of the student's offence(s), expel the student.

### **I. Proclamation**

To protect the rights of students and parents, school administrators and the school district, the school committee herein directs the superintendent to use suspension and expulsion as last resort disciplinary actions; and when such actions cannot be avoided, there is full compliance with this policy and all federal and state laws and regulations.

### **II. Scope of Policy**

This policy covers the offenses that may lead to suspension or expulsion of a student and the required due process procedures that govern the suspension and expulsion processes; and where appropriate, state laws pertaining to the offenses and processes are cited.

### **III. Definitions**

Suspension—means an exclusion of a student from attendance at school, school property, and all school sponsored activities for disciplinary reasons for not more than ten consecutive days, provided such suspension shall not extend beyond the end of the school year in which such suspension is imposed.

Expulsion—means the exclusion of a student by the school committee from school, school property, and school sponsored activities for a definite period of time more than ten consecutive school days.

Parent—means the parent or parents of a student and includes natural parent, a guardian or another person acting as a parent or guardian including a step parent who resides with the student.

School premises—means school buildings, school grounds, school buses, and facilities away from school campus, where school sponsored events such as athletic contests occur.

Principal—means the principal or another school administrator designated by the principal to discharge certain administrative functions or to act in the absence of the principal.

### **IV. School Committee Monitoring Requirement**

The school committee is sensitive to the suspension of any student and desires to be alerted to increases or decreases in frequency of suspensions in each school or if any student has been suspended more than once. To monitor deportment in the schools and to evaluate the continued effectiveness of out-of-school suspensions, the school committee requires that the superintendent report all suspensions to the committee on a schedule and in the format developed by the superintendent in concurrence with the committee.

### **V. Student Conduct Leading to Suspension or Expulsion**

The commission of any of the offenses listed in sections VI, VII and VIII below by any student on school premises will result in disciplinary action, which may include suspension or expulsion. The school committee requires school administrators maintain zero-tolerance for the commission of any of these offenses and encourages and expects

any student who has knowledge of the occurrence of any of these offences to report such to a school administrator.

The principal shall investigate all alleged offense(s). All information accumulated during the investigation shall be treated as confidential and shared only on a need-to-know basis. The principal may determine that the accused student(s) be informed of the identity of any witnessing student. During such informing, the principal shall admonish the accused student(s) that retaliation against the witness will not be tolerated.

#### **VI. Offences That Require Immediate Involvement of Law Enforcement Officials**

In accordance with Rhode Island General Law (RGL) 11-47-60 (a)), school administrators are required to report student offenses that violate state criminal codes to parents and law enforcement officials. If the report leads to a police investigation, the principal shall ensure that any police interrogation of students on school premises is conducted in accordance with school committee policy **8516: Police Investigations on School Premises**. Offences that may require police involvement are listed below:

##### **(a) Threats or False Threats to Other Persons or School Buildings or School Property**

- Any student who verbally threatens bodily harm to another student, school teacher, school administrator, or any other school employee or school visitor shall be subject to the disciplinary provisions of this policy.
- Any student who places a bomb or other explosive device (or a fake bomb or explosive device) in or on school premises shall be subject to the disciplinary provisions of this policy and to prosecution under the provisions of RIGL 11-13-9 (a).
- Any student who posts a threat to do bodily harm to another person(s), or to bomb or incinerate a school building, any other school property, or any other place on or off school property where members of the student body and or faculty, school administrators or other school employees may be assembled for any purpose shall be subject to the disciplinary provisions of this policy and to prosecution under the provisions of RIGL 11-13-9 (b).
- For purposes of this policy, the prohibition of posting threats shall apply whether or not the offending student(s) intended to or had the means to carry out his or her threat. Prohibited posting shall include, but not be limited to: threats via telephone, electronic media, U. S. mail; written on paper, on building walls (inside or outside), on any other school property; or communicated by any other means.
- School administration shall react to all threats as seriously intended, however received or ambiguously worded. Upon receiving a threat, the principal shall immediately place in affect emergency procedures to protect all students and school employees that may be in the building, and shall notify the superintendent, parents and law enforcement officials. The superintendent or designee will take appropriate actions to protect other school buildings.
- The principal, school administrators and faculty shall fully corporate with police to apprehend the offending student(s). Any student(s) found to have posted a threat shall be subject to the disciplinary provisions of this policy and the criminal provisions of RIGL 11-13-9 (b).

##### **(b) Possession of a Firearm**

- In accordance with RIGL 16-21-18 and 16-21-19, any student found to be in possession of a firearm; or having transported a firearm to school or to a school sponsored activity, on or of the school premise; or any student, not on school premises, who aims a firearm at a school premise, school bus, student, staff member or school visitor shall be expelled from school for a period of not less than one year.—( For definition of a firearm 16-21-18 defers to: Title 18, Section 921 of the United States Code, which defines a fire arm as any weapon (including a starter gun) that will or is designed to or may readily be converted to expel a projectile by the action of an explosive; or the frame or receiver of any weapon so described.)
- In compliance with RIGL 11-47-60.2, if a student is found in possession of a firearm or realistic replica of a firearm on a school bus, a school bus transfer station, school property or at a school sponsored activity, the school principal shall immediately confiscate the firearm, notify the student's parent, the superintendent and local police officials, and turn over the confiscated firearm to police officials.
- Minor students who are found in unlawful possession of a firearm or ammunition on school premises may also be prosecuted under the provisions of RIGL 11-47-32 or 11-47-33; students 18 or older are subject to 11-47-60.
- By virtue of this policy, a prohibited firearm is furthered defined to include: a blank gun, a BB gun, air rifle or air pistol, squirt gun or paint gun. Provided however, a student found in possession of any of these weapons shall not be subject to disciplinary action required by RIGL16-21-18.
- Any students, while at school, wearing clothing that show images of firearms or other weapons or who possess any fob, trinket, or other ornamental jewelry that depict a firearm or any other weapon shall not be subject to the prohibitions or sanctions of this policy. However, such clothing and jewelry may be in violation of the school dress code.
- School principals shall ensure that a record of all incidents relating to firearm violations is maintained in their school.

**(c) Possession of Weapons Other Than Firearms**

Any student found to be in possession of any weapon designed to cut, stab, stun or bludgeon another person, or who threatens any other person with any such weapon or is involved in an aggravated assault with any such weapon shall immediately be suspended in accordance with applicable due process provisions set forth in section X of this policy and shall be subject to criminal prosecution under the provisions of RIGL 11-47-42, 11-5-2 or 11-5-7. In compliance with RIGL 11-47-60.2, if a student is found in possession of any such weapon, the school principal shall immediately confiscate the weapon, notify the student's parent, the superintendent and local police officials, and turn over any confiscated weapon to police officials.

**(d) Possession of Explosive or Incendiary Devices or Poisonous Substances**

- Any student, found to be in possession of, uses, or attempts to use any explosive or incendiary devices (including, but not limited to matches, lighters, incendiary accelerants or firecrackers) or poisonous substances in or on school premises shall be subject to the disciplinary provisions of this policy.

- Possession of fireworks or the commission of arson are criminal offences under provisions of RIGL 11-13-1 and/or appropriate sections of 11-4—Arson and Fires; accordingly, the school principal shall immediately confiscate any fireworks or other incendiary devices in the possession of a student, notify the student’s parent, the superintendent and local police officials, and turn over the confiscated incendiary devices to police officials.

**(e) Simple Assault and Assaults on School Employees**

Any student, who willfully assaults, strikes, or causes an assault or strike on any other student or a school teacher, student teacher, school resource officer, school administrator or any other school employee while on school premises, shall be subject to the disciplinary provisions of this policy and may also be prosecuted as provided by RIGL 11-5-3 and 11-5-7.

**(f) Willfully Damaging or Defacing School Property**

- Any student, who willfully damages or defaces school property by drawing, scratching or otherwise inscribes (as in an act of graffiti) any school furniture, fixture or building wall (inside or outside), shall be subject to the disciplinary provisions of this policy. In addition, parents of students under the age of 18 or students age 18 or older shall be liable to pay all costs to replace, erase or repair all such damages, in the case that it is not practical to repair the damaged property; the school principal may levy a reasonable amount to settle the claim. The student may also be fined in accordance with RIGL 11-44-12.
- Students and parents are herein reminded that school committee policy **7604: Graduation** requires that, as a prerequisite to the student participating in the graduation ceremony, all claims against a student for school property damage must be paid in full.

**(g) Unlawful Entry—Vandalism and Theft**

- Any student who is found to have unlawfully entered a school building, vandalized or stolen school property shall be subject to the disciplinary provisions of this policy. Furthermore, if there was “breaking and entering” or there occurred damage to or loss of school property due to vandalism or theft, whether or not there was unlawful entry, the principal shall notify law enforcement officials.
- The parents of students under age 18 or students age 18 or older shall be liable for all costs related to the unlawful entry and or vandalism or theft. Such offences may also be prosecuted under provisions of RIGL 11-8-4 and 11-44-12.

**(h) Blackmail, Extortion, Harassment and Stalking**

Any student, who blackmails, harasses or stalks another student, school employee or school visitor, while on school premises shall be subject to the disciplinary provisions of this policy. In addition, these offences, when maliciously directed at other persons, are felonious criminal acts under the provisions of RIGL 11-42-2, 11-59-1 and 11-59-2. School administrators shall report all such offenses to law enforcement officials and to the offending student’s parent.

**VII. Violation of School Committee Policies**

Any student found in violation of any of the below listed school committee policies concerning student conduct at school shall be subject to the disciplinary provisions of this policy:

- 8509: Managing Controlled Substances in the School Setting (RIGL 21-28 Controlled Substances Act, Chapter 11-48 Substances Releasing Toxic Vapors, 11-9-14 Use of tobacco by minors and 23-20.9.3 and .5 Smoking in schools).

**Note:** RIGL 16-21-16 (Students suspected of narcotic addiction) grants immunity from civil liability to school employees who report student substance abuses.

- 8701: Administering Student Medication ( unauthorized possession of medication),
- 8513: Dating Violence, Sexual Violence and Hazing—Prohibited (RIGL 11-21-1 Penalty for hazing),
- 8514: Sexual Harassment—Students,
- 8515: Prohibited Behavior Between Students,
- 8518: Bullying—Prohibited (RIGL 16-21-34) and
- 7802: Honesty and Integrity in Academic Work.

### **VIII. Violations by Virtue of this Policy**

Any student found in violation of any of the below listed offences shall be subject to the disciplinary provisions of this policy:

- Gambling (RIGL 11-19-1 Forms of gambling prohibited),
- Use of obscene or profane language or gestures,
- Disruptive behavior or deliberate refusal to obey a teacher or school administrator,
- Repeated violation of school rules,
- Stealing from other student or school employees, and
- Tattooing (RIGL 11-21-3 Tattooing or permanent disfigurement). This law relates to a student(s) performing acts of tattooing or any other form of permanent bodily disfigurement on another student while on school premises.

### **IX. Common Sense Guidelines for Imposing Statute and Policy-Driven Discipline**

The school committee requires that school administrators consider all circumstances of student offenses, which may call for suspension or expulsion. “Consideration of circumstances” shall be on a case-by-case basis following the guidelines listed below. The approach taken shall be to determine if the imposed term of suspension or expulsion should be shortened; or even if such discipline is appropriate to the case. Rhode Island General Law 16-21-21.1 also requires guidelines when imposing school policy-driven discipline for student offenses relating to alcohol, drugs and weapons, other than firearms as defined in RIGL 16-21-18.

Guidelines to be followed include, but are not limited to:

#### **(a) Extenuating Circumstances—Alcohol, Drugs and Weapons**

- Any student who is a first-time violator of school committee policy **8509: Managing Controlled Substances in the School Setting**, and who cooperates with the principal’s investigation shall be eligible for discipline other than suspension. The principal shall notify law enforcement officers in all cases involving illicit drugs, other than **marijuana**. However, law enforcement officers shall be notified when a student is found in possession of marijuana with intent to sell (evidenced by possession of three or more small wrapped packages or a bulk quantity of one or more ounces of the unlawful substance).

- Any student who is a second-time violator of policy 8509 and who cooperates with the principal's investigation and who, with parent concurrence, is willing to participate in the school intervention assistance program may be eligible for discipline other than suspension.
- Any student who repeatedly violates policy 8509 and who cooperates with the principal's investigation and who is enrolled or is willing to enroll in a substance abuse treatment program other than the school program, with parent concurrence, may be eligible for a shortened term of suspension
- Any student found in possession of a tool (such as a knife), which can be defined as a weapon but which is designed primarily for use as a tool or for sport utility, may be suspended from school not more than one day; provided, that during the principal's investigation and with parent concurrence, the student establishes genuine work, hobby or sport use of the so defined weapon and the student claims that possession of the tool (weapon) tool at school was unintentional.

**(b) Hard Cases**

- Any student who violates policy 8509 and fails to cooperate with the principal's investigation by falsely denying the violation shall be subject to suspension.
- Any student who peddles, sells or in any way entices another student(s) to accept illicit drugs, unauthorized legal drugs or drug-related paraphernalia or attempts such violations of policy 8509 shall be expelled from school.
- Any student found in possession of a firearm, as defined by virtue of this policy and not defined in RIGL 16-21-18, or any other weapon designed specifically to harm another person(s) shall be subject to suspension. And any student who uses any such weapon to threaten or to harm another person(s) while on school premises shall be expelled from school.

**(c) Extenuating Circumstances—Firearms**

In accordance with RIGL 16-21-18 the superintendent, on a case-by-case basis, may shorten the one-year term of expulsion required by 16-21-18 for a student possessing a firearm in school under guidelines developed by the school committee with broad parent, teacher and community involvement.

**X. Procedural Due Process for Suspension**

The principal shall ensure that the rights of students who are suspended are protected by the sequential due process procedure listed below.

1. When there is suspension of a student, the principal shall immediately telephone the student's parent about the suspension and state the cause(s) leading to the suspension.
2. The principal shall also immediately notify the superintendent of the suspension.
3. Unless there is an emergency situation, which threatens the health and or safety of students, school employees or school property requiring the offending student's immediate removal, the principal shall not suspend the student prior to conducting an informal hearing at which the student shall be informed as to the charges and given an opportunity to respond. If there is an emergency situation, the principal shall schedule the informal hearing as soon after the suspension as practical.
4. The principal shall, within one school day, forward a letter to the student's parent stating the circumstances of the suspension. The letter shall also contain notice that

the student and parent will be required to meet with the principal before the student will be allowed to return to school.

5. If the student and parent are dissatisfied with the results of the meeting with the principal, they may appeal the suspension to the superintendent. The superintendent shall conduct a review of the suspension. In the course of the review, the superintendent may individually or collectively interview the principal, the student with his or her parent, and any witness(s) to the offense(s), which led to the suspension.
6. The superintendent shall complete the review and issue a written report to the student and parent within five school days from receipt of the request from the student and parent. If the superintendent's report upholds the suspension, the student and parent may bring the appeal to the school committee; and if not satisfied with the school committee's decision, they may refer the appeal to the Commissioner of Elementary and Secondary Education, R.I. Department of Education.
7. If a student is eighteen years of age or older, any notice required by this policy shall be given to the student and the parent.
8. The principal shall ensure that textbooks and homework are provided to the suspended student for the duration of the suspension period. Upon returning to school, the principal shall ensure that the student shall be allowed to complete any class work, including examinations, without penalty, which he or she missed while under suspension.

**Note:** In addition to the due process afforded by this policy, school committee policy **8507: Procedures to be Followed in Considering Disciplinary Suspension of Students with Disabilities** shall also apply when considering suspension of students who receive educational services under the provisions of the IDEA.

#### **XI. Procedural Due Process for Expulsion**

To protect the rights of students and the school district, the expulsion process requires that the principal's request for expulsion, the superintendent's recommendation to the school committee and the school committee's execution of the expulsion process shall be in strict compliance with the due process procedure listed below.

1. The principal may request expulsion of a student where the principal has sufficient cause to believe that the student's conduct has endangered persons or property, has seriously disrupted the educational process or has committed any of the offenses listed in section V, VI and VII of this policy.
2. The principal shall direct requests for expulsion to the school committee through the superintendent.
3. Upon receipt of an expulsion request, the superintendent shall conduct an inquiry into the circumstances of the request to be completed within two school days of the request.
4. If, as a result of the inquiry, the superintendent determines that a student should be expelled, the superintendent shall schedule an expulsion hearing with the school committee within ten days of the student's suspension.

5. To avoid nullification of any expulsion, the superintendent shall post the school committee hearing and the school committee shall conduct the hearing in strict compliance with chapter 42-46 of the RI open meeting laws.
6. The superintendent shall provide written notice to the student and parent of the scheduled hearing with the school committee not less than seventy-two hours prior to the hearings. The notice to the student and parent shall contain:
  - (i) The date, time and place of the scheduled hearing;
  - (ii) The details of the grounds for the proposed expulsion, including a narrative of the events leading to the expulsion;
  - (iii) A statement of the student's rights as enumerated in this policy; and
  - (iv) A statement that the student has the right to have the hearing in open meeting. (This is a requirement of RIGL 42-46-5 (a) (8).)
7. The school committee shall conduct the scheduled expulsion hearing in accordance with the following procedure:
  - (i) The committee chairperson, or designee, shall inquire of the student and parent if they received the superintendent's written notice of the hearing. (If not, the chairperson may continue the hearing provided that a written compliance with 42-46-5 (a) (8) is given to the student and parent before any testimony is taken)
  - (ii) The committee chair shall explain the process to be followed at the hearing and shall also re-enumerate the student's rights regarding the hearing process.
  - (iii) At the hearing, the student shall have the right to testify and produce witnesses and other evidence in his or her defense. The student shall have the right to question any witnesses against him or her.
  - (iv) The student shall have the right to be represented by a third party of his choice, including an attorney.
  - (v) The student shall be entitled to the services of a translator, to be provided by the school committee, upon request whenever either the student or the parent does not speak the English Language.
  - (vi) The school committee shall keep a verbatim record of the hearing, and the student or student's parent shall be entitled to a copy of that record upon request and at his or her own expense.
  - (vii) The school committee's decision to whether or not to expel the student shall be based solely on evidence derived at the hearing.
  - (viii) The school committee may report its decision to the student and parent at the conclusion of the hearing. The school committee shall report its final decision in writing to the parent (and the student if of age 18 or more), through the superintendent, within twenty-four hours after its decision.
  - (ix) If the school committee's decision is to expel the student, the report shall notify the parent of the student (and the student if of age 18 or more), of such decision and the penalty to be imposed.
  - (x) The superintendent shall mail a copy of the expulsion decision to the RI Department of Education within five days of the effective date of the expulsion.
8. Whenever the School Committee expels a student under the age of 16, it shall offer the student an alternative education program.



## **XII. Appeal Process**

The school committee's decision to expel a student may be appealed by the parent of the student (or by the student if of age 18 or older) to the Commissioner of Elementary and Secondary Education RI Department of Education.

## **XIII. Applicable Rhode Island General Laws**

16-21-21 Student discipline codes  
11-13-9 Threats, false report of or placing bombs in buildings (a) and (b)  
16-21.5 Student interrogation  
16-21-18 Students prohibited from bringing or possessing firearms on school property  
Title 18-Crimes and Criminal Procedure; Part 1-Crimes; Chapter 44-Firearms; Section 921 Definition, of the United States codes deferred to by RIGL 16-21-18)  
16-21-19 Special rules for students with disabilities bringing firearms to school  
11-47-60.2 Possession of weapons on school grounds—Notification  
11-47-42 Weapons other than firearms prohibited  
11-47-33 Possession of firearm by minors  
11-47-32 Possession of ammunition by minors  
11-47-60 Possession of firearms on school grounds  
11-5-2 Felony assault  
11-5-7 Assault of school teachers, school officials or other school department employees  
11-13-1 Sale, use or possession of fireworks  
Chapter 11-4—Arson and Fires (appropriate sections)  
11-42-2 Extortion and blackmail  
11-59-1 Definitions (1) “Courses of conduct” and (2) “Harasses”  
11-59-2 Stalking prohibited  
11-5-3 Simple assault or battery  
11-44-12 Injury to public property  
11-8-4 Breaking and entering business place, public building, or ship with felonious intent  
21-28 Uniform Controlled Substances Act  
Chapter 11-48 Substances Releasing Toxic Vapors, 11-48-2 Sale, possession and use  
16-21-16 Students suspected of narcotic addiction  
11-9-14 Use of tobacco by minors  
11-21-1 Penalty for hazing  
11-19-1 Forms of gambling  
11-21-3 Tattooing or permanent disfigurement  
16-21-21.1 Penalties for drugs, alcohol or weapons offenses  
42-46 Open Meetings  
42-46-5(a), (8) Purposes for which meeting may be closed..

## **XIV. Dissemination**

This policy shall be disseminated to all policy book holders and appropriate excerpts shall be contained in the student handbooks promulgated annually from the principal's offices of Metcalf, Junior High School and Senior High School.

## **XV. Effective Date**

This policy shall become effective on the date that it is the adopted.

<b>First Reading:</b>	<b>June 26,</b>
<b>Second Reading:</b>	<b>July 17, 2007</b>
<b>Adopted:</b>	<b>August 21, 2007</b>
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