

Barrington Public Schools Suspension Policy

The following policy describes the disciplinary actions that involve the removal of students from school or class. All school personnel responsible for implementing suspension procedures will be instructed in the responsibilities and rights of students and parents/guardians.

I. In-School Suspension

A student may be temporarily removed from the general classroom for disciplinary purposes and assigned to an approved alternative classroom setting within the same school. In-school suspensions may occur in a separate classroom or a separate building from the student's regular class schedule. During this time, the student is required to complete coursework. The student may receive academic instruction, intervention services, and/or counseling, as appropriate.

In-school suspension may be used in lieu of out-of-school suspension at the discretion of the principal. However, no student shall be assigned in-school suspension for more than ten (10) consecutive school days. At the discretion of the principal, a student who has been assigned to in-school suspension may be denied the right to participate in extracurricular activities.

II. Out-of-School Suspension

In accordance with law and the BPS student code of conduct, a student may be temporarily removed from school during which time the student is not allowed to attend school classes or participate in any other school activities or extracurricular activities.

Students will continue to complete coursework while serving out-of-school suspensions. Parents/guardians may pick-up the work at the school during the period of suspension, unless available through online portals. Students serving out-of-school suspensions may receive academic instruction, intervention services, and/or counseling, as appropriate.

III. Actions Leading to Out-of-School Suspension

Student actions or conduct that may result in out-of-school suspension include, but are not limited to the following:

- Violence or threatening violence against another student or staff;
- Weapons possession on school grounds
- Bullying;
- Racial or Sexual Harassment;
- Theft;
- Possession, consumption, and/or sale of drugs or alcohol on school grounds; or
- Destruction of school property.

IV. Due Process / Procedures Governing Suspension

(1) Investigation and Informal Hearing: The principal shall conduct an initial investigation into the alleged misconduct committed by the student. Prior to imposing any suspension, the student shall be given an informal hearing before the principal or designee where the allegation shall be explained to the student and the student provided with an opportunity to respond. In the event of an emergency, the informal hearing shall be held as soon as possible after the suspension is imposed.

(2) Parental Notification: The principal, or designee, shall immediately notify the student's parents/guardians by telephone, if possible, about the student's suspension and the reason(s) for the suspension.

(3) Written Notice and Conference: Whether or not telephone contact is made with the parents/guardians, the principal or designee shall send the parents/guardians written notice of the suspension and shall schedule a school conference with the student and the parents/guardians to discuss the suspension.

(4) Appeal to Superintendent: If the parents/guardians are not in agreement with the principal's recommendation to suspend the student, the parents/guardians may request review by the Superintendent or designee. In such cases, the Superintendent or designee shall obtain individual reports of the incident from the principal, the student, and if the Superintendent or designee deems necessary, any witnesses to the incident which resulted in the student's suspension. The Superintendent or designee may, if they deem it appropriate, call all involved parties together for a conference. The Superintendent or designee shall issue a written report within five (5) school days of the parents/guardians' appeal request.

(5) Appeal to School Committee: If the parents/guardians do not agree with the decision of the Superintendent or designee, then a formal appeal may be submitted to the School Committee. To initiate such an appeal, the parents/guardians must make a written request to the Office of the Superintendent. The School Committee shall schedule a date to hear the appeal within seven (7) school days of its receipt of the written appeal. Unless the student has served the suspension already, or the student presents an immediate threat and safety concern as outlined under the "zero tolerance" provision of the Weapons and Assault Policy, the student may remain in school during the appeal process. Zero tolerance is defined as any student found to be in possession of a weapon, or involved in an assault, as defined in the Weapons and Assault Policy

V. Long-Term Suspension

A Long-Term Suspension (LTS) means the removal of a student from school for more than ten (10) consecutive school days but not more than the number of days remaining in the school year during which the conduct giving rise to the suspension occurred.

The School Committee may impose an LTS after a hearing if the Committee finds that a student's conduct endangers persons or property, is seriously disruptive of the educational process, and/or is in violation of a BPS policy.

The following procedures govern the referral and suspension process for an LTS:

(1) A principal may recommend that a student be subject to an LTS in a case where the principal has cause to believe that the student's conduct endangers persons or property, is seriously disruptive of the educational process, and/or is in violation of a BPS policy.

(2) Within two (2) school days of the receipt of a recommendation for an LTS, the Superintendent or designee shall conduct an inquiry.

(3) If, after the inquiry, and within seven (7) school days of receipt of the recommendation, the Superintendent or designee determines that the principal's recommendation should be upheld, the recommendation shall be forwarded to the School Committee. The principal shall have the right to suspend a student up to ten (10) school days while the recommendation is reviewed by the Superintendent or designee and School Committee.

(4) In addition, the Superintendent or designee may directly recommend to the School Committee that a student be subject to an LTS.

(5) Except in an emergency situation requiring the student's immediate removal, the School Committee shall, prior to imposing an LTS on 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 their parents/guardians at least five (5) school 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 LTS, including a narrative of the events leading to the recommendation, the names of any witnesses unless safety concerns apply, copies of any statements or affidavits of those witnesses, a detailed summary of any other information to be used in support of the LTS, including any record of past offenses or misbehavior, and whether any prior warnings or suspensions have been given (i.e., the full disciplinary history of the student), 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 information in their defense. The student shall have the right to request that any witnesses against them appear in person to answer their 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 information may be presented as a written summary of the witness' testimony prepared by the absent witness. The summary shall include the reason for the witness' 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' identity has been concealed.
- d) A student may be represented by a third party of their choice, including an attorney.
- e) A student is entitled to the services of a translator, to be provided by the School Committee, whenever English is not the primary language of the student or their parents/guardians.

- f) The School Committee shall report its final decision in writing to the student, stating the reasons upon 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 of its decision, the School Committee shall notify the parents/guardians of any minor student of such action.
- h) In the event of extenuating circumstances requiring postponement of the hearing date, the hearing provided for above shall be held as soon as possible after the LTS suspension of the student.

VI. Alternative Education Placement

Whenever a student is suspended from BPS for ten (10) or more consecutive school days, the student shall be placed in an alternative education program during their suspension period. Alternative Education Placement decisions will be made by the Director of Pupil Personnel. The parents/guardians of such student have the legal right to reject such a program without being subject to the truancy law.

VII. Students with Disabilities

Students with disabilities have additional protections under the Individuals with Disabilities Education Act of 2004 (IDEA), Section 504 of the Rehabilitation Act of 1973, and the Rhode Island Board of Regulations Governing the Education of Children with Disabilities. This protection applies to students already receiving special education services, any students within the referral process, and also students who have not yet been determined to be eligible for special education services but, by violating a school rule, have engaged in behavior that may indicate a disability.

As a general matter, personnel may consider any unique circumstances on a case-by-case basis when deciding to discipline a student with a disability. School personnel may choose not to suspend a student with a disability if the unique circumstances lead personnel to decide that suspension is not appropriate for that student.

Students with Disabilities removed for more than ten (10) school days cumulative:

Within 10 days from the beginning of any disciplinary action that results in a suspension of a student with a disability that exceeds ten (10) school days (cumulative) within a school year, BPS shall comply with the following procedures:

1. Provide continued educational services so as to enable the student to participate in the general education curriculum, although in an alternative setting, and to progress toward meeting the goals set out in the student's Individualized Education Program or 504 Plan.
2. Conduct a manifestation determination as defined in the Rhode Island Regulations for Students with Disabilities (RI General Laws §16-21-27) within ten (10) school days of the decision to remove the student beyond 10 school days cumulative during the school year.
3. Conduct a functional behavioral assessment (unless BPS has already conducted a behavioral assessment prior to the behavior that resulted in the disciplinary removal for more than 10 school days cumulative).

4. Develop a behavioral intervention plan and 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 BPS may modify it, as necessary, to address the behavior).

BPS personnel may remove a student to an interim alternative educational setting for up to forty-five (45) school days without regard to whether the behavior was a manifestation of the student's disability, if the student:

1. Carries a weapon to school or has a weapon at school, on school premises, or at a school function under the jurisdiction of BPS or the Rhode Island Department of Elementary and Secondary Education. Weapons and Assault policy,
2. Knowingly has or uses illegal drugs or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of BPS or the Rhode Island Department of Elementary and Secondary Education.
3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of BPS or the Rhode Island Department of Elementary and Secondary Education.

§ 16-2-17. Right to a safe school

§ 16-2-17.1. In school suspensions

§ 16-21-18. Students prohibited from bringing or possessing firearms on school premises

§ 16-21-19 Special rules for students with disabilities bringing firearms to school

§ 16-21-21 Student discipline code

§ 16-21-21.1 Penalties for drug, alcohol or weapons offenses

§ 16-21-27 Alternative education programs

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