

# Providence Schools

## ***Student Code of Conduct Policy Grades PK-12***

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*Providence Public School District's Student Code of Conduct is understood to be a dynamic document that will undergo annual review by the superintendent or designee to measure and evaluate qualitative and quantitative data revealing its impact.*

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## Introduction

### **Mission**

The Providence Public School District will prepare all students to succeed in the nation's colleges and universities and in their chosen professions.

### **Vision**

The Providence Public School District will be a national leader in educating urban youth.

### **General Belief**

The Providence Public School District's mission is best supported by a positive school climate and learning environments that foster rigorous education, positive social-emotional development, and individual student success. The PPSD Student Code of Conduct provides the structure for this transformative climate development utilizing restorative practice as a key intervention. Every child needs to be supported as a unique individual. Moreover, every child can benefit from strong and positive adult mentorship and relationships, and a universal approach to development as a student and a citizen of the world. The district's goal is to nurture, support, teach, lead, and guide students so that they are able to succeed in career and life.

### **Guiding Principles**

The Providence Public School District has a set of core beliefs adopted by the school board (see Foundations and Basic Commitments Policy in the resources section for more information). These core beliefs are the principles that govern the implementation of the PPSD Student Code of Conduct, and are intended to ensure that the approaches outlined herein are implemented in a fair, equitable, and positive manner for all members of the PPSD community.

The following guiding principles are excerpted from the PPSD Foundations and Basic Commitments Policy:

- 1) Providence students can and must learn at high levels, reach their full potential, and succeed in school and in life. PPSD commits to creating the conditions for all students to learn at high levels, and to their full potential, and to closing the achievement gap.
- 2) Providence teachers and Providence schools can and must have a positive influence and a profound effect on our students' lives. PPSD commits to organizing our schools and all our resources to support the student-teacher relationship as the primary factor in student success.
- 3) Providence schools can and must be good places to teach and good places to learn. PPSD commits to creating schools that have positive cultures, housed in high-quality facilities.
- 4) PPSD can and must be a high-performing organization. We commit to organizing the Providence Public School District around its core work: teaching and learning.
- 5) Providence families and the entire Providence community can and must support our students' success. PPSD commits to partnering with families and community in shaping and supporting the education of our students.

## Purpose

The PPSD Student Code of Conduct was constructed with the purpose of communicating clearly the behavioral expectations for PPSD students in pre-kindergarten through grade 12.

Specifically, this Code of Conduct:

- 1) Establishes clear expectations for appropriate and desired behavior aligned with the CASEL standards and competencies of self-awareness, self-management, responsible decision-making, relationship skills, and social awareness. (CASEL standards are best practices related to social and emotional learning.)
- 2) Supports restorative justice so students have a chance to repair harm caused by inappropriate behaviors.
- 3) Encourages the use of intervention as the first step in dealing with inappropriate behaviors.
- 4) Outlines the rights and responsibilities of the district's constituency groups.
- 5) Defines infractions in terms of levels.
- 6) Outlines the procedures and authority of school personnel to address disciplinary infractions.
- 7) Promotes **safety, respect, equity and responsibility** for all students and staff.

## Scope

The Student Code of Conduct applies to all students enrolled in the Providence Public School District.

All students will be treated fairly and equitably with regard to all laws, rules, regulations and policies of the State of Rhode Island and the Providence School board any time that:

- 1) A student is on school district property.
- 2) A student is attending school.
- 3) A student is being transported to or from school or a school-sponsored event.
- 4) A student is in attendance at, or participating in, a school-sponsored event or activity.

## Distribution

The PPSD Student Code of Conduct will be posted on the district's website and will be updated annually with such additional sections of explanation, expansion or clarification as the superintendent or school board may deem appropriate. Every student will receive annual notification of the Student Code of Conduct, along with an acknowledgement form, which must be signed by the parent/guardian and returned to the student's school.

Printed copies of the Code of Conduct will be available at every school for students and parents/guardians upon request.

The Code of Conduct will be provided in various languages reflective of the district's population.

## Definitions

Throughout this document, the terms "parent/s," "guardian/s," and "family/families" are used interchangeably and have the intended meaning to include any individuals who have legal custody of a minor student in the district. A glossary of terms is provided at the end of this document to help explain certain phrases and words.

## Fostering a Positive School Climate

### Multi-Tiered System of Supports

PPSD uses a Multi-Tiered System of Supports (MTSS) framework to promote a safe, supportive and positive school climate that helps students develop the skills they need to be successful in school, and as members of the community. In addition, a multi-tiered system of supports allows schools to effectively identify students' unique challenges and behavioral issues and to intervene and provide support as soon as possible. PPSD believes that implementation of an MTSS process is central to meeting students' individual academic, social-emotional and language development needs.

Additionally, the MTSS framework is aligned with the expectation that our school environments model and teach **safety, respect, equity and responsibility** for every member of the school community through the CASEL competencies of self-awareness, self-management, responsible decision-making, relationship skills, and social awareness as a part of everyday core instruction.

Please refer to the resources section for information on the PPSD policy related to MTSS.

### Interventions

Interventions are specific strategies, programs, protocols and activities that allow students to reflect on their behavior, learn replacement behaviors, maneuver personal obstacles and resolve conflicts. Interventions are administered by a team of adults that includes the student's parent/guardian, and result in a written plan to support the student's growth and development. Restorative practices should be in place so students have an opportunity to repair the harm they have caused. PPSD wants students to be continually engaged in the school community to allow them to reflect upon and learn from their mistakes.

### Restorative Justice

Restorative practices in Providence schools are part of the of the school-based decision-making process and provide a proactive approach for building a school community based on cooperation, empathy, mutual understanding, and respect. Restorative practices hold students accountable for their actions and behavior, while at the same time help create a supportive school environment.

Researchers have cited punitive disciplinary practices as a key element in a "school-to-prison" pipeline, especially for students of color and those with disabilities (other key elements include academic failure and dropout). Researchers have also found alternative disciplinary programs such as Positive Behavioral Interventions, school-wide conflict resolution, and cultural responsiveness training reduce the use of suspensions. *Please refer to the resources section for information on studies and research related to this topic.*

PPSD restorative justice practices address student misbehaviors with a focus on repairing harm rather than punishing offenders. The most critical functions of restorative practices are to restore and build relationships. Providence school students, faculty, support staff and administrators meet with offenders to explore what took place, and to ensure students make necessary amends.

PPSD's approach to restorative practices includes the following:

- Creating learning environments in each school that define expectations for safe, supportive and orderly school climates.
- Responding to incidents by repairing harm that has been done.
- Bringing people together when relationships are strained.
- Bringing the community together, including those who have been negatively impacted by the behavior, to address the offending behavior collectively.
- Facilitating a common understanding of what the expected behavior is to ensure a higher level of accountability moving forward.
- Ensuring that students have the opportunity to learn self-discipline, to understand the impact of harmful behavior on others, and to be accountable for their actions.

### **School Resource Officers**

PPSD has a memorandum of understanding (MOU) with the Providence Police Department to continue the ongoing partnership among our middle and high schools and the school resource officers (SROs) who work within those assigned school communities. All Providence Police Department SROs have successfully completed the Providence Police Academy, and have received training regarding appropriate student interactions, mediations, and de-escalations.

The goal of the MOU is to foster a positive school climate by demonstrating respect for students' rights, and protecting the safety of the school environment.

The School Resource Officer (SRO) program has created lasting relationships among students, schools, parents, and Providence police. PPSD believes that SROs are effective when they are placed inside schools to facilitate issues that may arise, while also providing positive role models to students. The MOU frames the selection and training of SROs by outlining necessary skills and abilities, including cultural competency, nonviolence training, and conflict resolution. SROs should also have knowledge of the juvenile code, juvenile court procedures, school-based diversion programs, positive behavior programs, and appropriate community resources. SROs must also possess the ability and desire to collaborate with school staff in the support and execution of non-punitive dispute resolution.

## School Community Rights and Responsibilities

As students progress through school, PPSD expects that they will experience meaningful relationships with adults and with each other. Every member of the school community plays a vital role in helping our students to succeed and reach their full potential. Additionally, school and district staff, parents and guardians, and community partners act as role models to demonstrate and teach students appropriate behavioral skills, both within school and within the community.

### Students

Students are at the center of Providence schools and play an important role in creating a culture and climate made up of **safety, respect, equity and responsibility** for the entire PPSD school community.

Students have rights and responsibilities when it comes to taking full advantage of the opportunities to obtain an education within the Providence Public School District.

Students have the **right** to:

- 1) Learn in a safe and inclusive learning environment, free from discrimination or harassment by peers, teachers, and others employed by or affiliated with the district, regardless of race, religion, national origin, gender, gender identity, gender expression, sexual orientation, disability, marital status, pregnancy, economic status, and any other protected classification.
- 2) Exercise freedom of speech, unless such expression imposes upon the rights of others.
- 3) Be free from unreasonable search and seizure (*Note: Student lockers are the property of PPSD. Students are allowed to use the lockers for storage of books, jackets and personal materials. If there is reasonable suspicion that a student locker is being used for illicit activity, the administrator or his/her designee may conduct a search of the locker.*)
- 4) Confidentiality of their school records, and the ability to examine their school records.
- 5) Be informed of, respond to, and appeal any disciplinary action taken with regard to their behavior.
- 6) Be treated fairly, courteously, and respectfully.

Students have the **responsibility** to:

- 1) Arrive at school on time, prepared and ready to learn.
- 2) Be courteous and respectful in all environments and situations related to the school day—on the bus, school grounds, and anywhere within the school building, as well as at before and after-school programs.
- 3) Solve problems in a peaceful way when they occur.
- 4) Respect themselves, others, and property.
- 5) Be accountable for their actions and decisions.
- 6) Follow school expectations and instructions given by teachers, principals, and other staff.
- 7) Tell school staff about bullying or any dangerous behavior that occurs.
- 8) Review the PPSD Student Code of Conduct and sign the acknowledgment of receipt.

Additional information regarding student's legal rights and responsibilities is detailed in the PPSD policy, Student Rights and Responsibilities.

### **Parents/Guardians/Families**

Parents/guardians/families are vital to the success of our students. Parents/guardians have the right to be consulted when decisions are made that affect their child. Furthermore, parents/guardians must be immediately informed of serious disciplinary actions concerning their child, and have a right to appeal suspensions and exclusions through the appeals process. Additionally, parents/guardians have the right to receive clear and timely communication in their preferred language.

### **School Staff**

Teachers and school staff members are responsible for creating and maintaining positive school culture and climate based on **safety, respect, equity and responsibility** for the entire school community, and for understanding the Code of Conduct and related policies and procedures, including restorative practice and MTSS.

### **School Administrators**

School administrators are responsible for creating, maintaining and supporting school staff in fostering a positive school culture and climate based on **safety, respect, equity and responsibility** for the entire school community, and to be knowledgeable about the Code of Conduct and related policies and procedures, including restorative practice and MTSS.

### **Community and School Support Partners**

The Providence School board and the PPSD administration expect all community members and partner organizations connected with our schools to support our students to achieve their full potential.

Community partners are expected to adhere to the protocols established by the district. Community partners complement the district's efforts to create and maintain a highly effective learning environment based on **safety, respect, equity and responsibility** for the entire school community.

## Student Attendance

Regular school attendance is a critical factor in student academic and social success. Students who attend school regularly are more successful academically, socially, and emotionally; are less likely to drop out of school; and are more likely to continue their education beyond high school.

According to state law, (Rhode Island General Law § 16-19-1) students are required to regularly attend school until the age of 18. (A parent or legal guardian of a student 16 years of age or older has the right to sign appropriate documentation releasing their child from the legal obligation to attend school.)

PPSD seeks to provide immediate support and intervention for students who are exhibiting patterns of habitual/excessive absences or tardiness. Communication with families regarding any unexcused absence is the most important intervention by schools, but ensuring regular and timely attendance requires school and family collaboration. Families have a responsibility to work with the student's school or ask for help from the school to develop a support plan to help ensure the student's attendance each school day.

## Bullying and Harassment

The entire school community—students, families, staff, and community partners—is responsible for helping to prevent bullying and harassment. A school environment free from bullying and harassment is critical for creating and maintaining a safe, secure and positive school climate and culture that supports academic achievement, increases school engagement and respects the rights of all individuals and groups. In accordance with state law (Rhode Island General Law § 16-21-33, "Safe schools act") and PPSD policy, bullying and harassment are prohibited and must be reported to the appropriate school administrator. Refer to PPSD policy, "Students and Staff Bullying and Harassment" for details on prohibited behavior and protections.

Bullying and/or harassment include, but are not limited to, acts that:

- 1) Belittle, harm and/or overpower another individual, cause physical or emotional harm, or place an individual in reasonable fear of harm.
- 2) Create an intimidating, threatening, hostile or abusive educational environment.
- 3) Infringe on the rights of a student to participate in school activities.
- 4) Materially and substantially disrupt the education process or the orderly operation of a school.
- 5) Are directed at an individual or group of individuals based on appearance, intellectual capacity, ability, opinion, race, religion, gender, country of origin, age, sexual orientation, gender identity, or disability.

## Progressive Levels of Consequences and Restorative Responses

The district's approach to student discipline is guided by the Providence School Board policy on student discipline (refer to PPSD Student Discipline policy for further information). PPSD is committed to a system of expectations, supports, and consequences that protects the rights of individuals as well as the school community. To address misconduct, PPSD uses positive behavioral interventions, a multi-tiered system of supports, and effective, sustainable partnerships with students, families, and communities.

PPSD is committed to using interventions that address the causes of student misbehavior, resolve conflicts, meet student needs, keep students in school, minimize the use of law enforcement, and collaborate with parents to identify a solution. Disciplinary practices that result in losing instructional time, removing students from school, or referring students to the criminal justice system should be used only as a last resort.

Careful evaluation of each student's individual situation (academic, social and emotional) is essential, so that the school's response to the student is (1) appropriate; (2) supports the student's individual growth; (3) maintains the student's connection to school; and (4) ensures a safe and orderly learning environment for all students and staff.

### Expected Behavior

Each school has its own unique culture and community of individuals. It is essential to the success of all students that the individuality of each school be nurtured and celebrated. At the same time, in order to support the successful engagement of families and community partners within the schools, and to promote **safety, respect, equity and responsibility** for the entire PPSD school community, district-wide expectations are necessary. Therefore, every school will follow the Student Code of Conduct and may add additional expectations that:

- 1) Are enforceable;
- 2) Aid teaching and learning;
- 3) Can be modeled by adults; and
- 4) Align to the CASEL standards and competencies of self-awareness, self-management, responsible decision-making, relationship skills, and social awareness.

### Level One Infractions – Interventions and Suspensions

Level One infractions include student behaviors that do not meet the basic expectations of respect and courtesy and that undermine a safe and orderly learning environment. Teachers are encouraged to address Level One behaviors directly, but may call upon an administrator to assist in the delivery of consequences or to model strategies for managing Level One issues in the classroom.

These infractions do not involve law enforcement, and are addressed by the principal and/or designee. ***Level One infractions must be handled at the school level and cannot be referred to the student affairs office.*** As a first response, the administrator will use tiered intervention(s) appropriate to the student's grade level to address student misconduct, and to avoid repetition of the infraction in the future.

Level One infractions are reviewed on a case-by-case basis to determine the appropriate consequences and intervention. Not all Level One offenses should result in a suspension, but should include an intervention or restorative practice as a means to model corrective behavior.

Depending on the severity of infraction, in some instances, a Level One infraction **may** result in suspension of up to five (5) school days. ***Regardless of the length or type (in-school or out-of-school), all suspensions must be documented and reported as a suspension in the PPSD student information system, known as Skyward, by the end of the school day.***

### Level One Infractions

Definitions of the Level One infractions listed below are based on Rhode Island Department of Education categories of incidents of suspension as reported in InfoWorks. The list below relates to infractions that are committed for the first time. Repeat offenses should be dealt with through communication with student, parent and administration.

- Academic Integrity–Cheating, Plagiarism  
Cheating includes any act of academic dishonesty or rule-breaking to gain academic advantage, including cheating on tests or other assignments, and appropriating another’s work as one’s own without the required citation or attribution. This includes copying or plagiarizing the work of others without required permission or acknowledgement. This infraction should include an intervention as an alternative to suspension.
- Communication/ Electrical Devices  
Students may not engage in unauthorized use or have on their person a phone or other electronic communication device that violates the Code of Conduct. Deliberate misuse of electronic devices before, during or after the school day to commit an act of violence, and misuse of social media to perpetuate the same act of violence, are prohibited.
- Disorderly Conduct  
Disorderly conduct is defined as any act that substantially disrupts the orderly conduct of a school function, or behavior that substantially disrupts the orderly learning environment or poses a threat to the health, safety, and/or welfare of students, staff or others. Disruption caused by talking, making noises, throwing objects or otherwise distracting another constitutes disorderly conduct. If a teacher is prevented from starting an activity or lesson or has to interrupt what he/she is doing in order to try to stop destructive behavior, such behavior is considered disorderly. More serious incidents may be reported at a different infraction level, as appropriate.
- False Identification  
A student will neither use another person’s identification, nor give false identification to any school official with intent to deceive school personnel, or falsely obtain money or property.
- Fighting  
No student is allowed to participate in a fight involving physical violence. Fighting includes participation in minor physical altercations and tussles but does not include

verbal confrontations. Very serious incidents will be categorized as Assault/Battery. This infraction should include an intervention/restorative practice as an alternative to suspension.

- Forgery  
A student will not sign the name of another person for the purpose of defrauding school personnel or the Providence School board. This category includes forging or tampering with school-related documents.
- Fraud  
A student may neither deceive another nor cause another to be deceived by false or misleading information in order to obtain anything of value.
- Gambling  
A student will not engage in any game of chance or contest wherein money or other items of monetary value are awarded to the winner, except for those games and contests authorized as official school functions. The definition of gambling includes unlawfully betting or wagering money or something else of value; assisting, promoting or operating a game of chance; or tampering with the outcome of a sporting event or contest to gain a gambling advantage.
- Insubordination/Disrespect  
Refusing a directive of a teacher, administrator or other staff member is considered insubordination/disrespect.
- Internet Acceptable Use  
It is unacceptable to use the network and the internet in any way to promote or engage in any activities that are deemed criminal under federal, state or local laws, including but not limited to copyright, credit card and electronic forgery laws or anything not within the scope of education use. The PPSD Internet Acceptable Use policy explains in detail the proper use of the District computer network and devices; students and parents/guardians are required to read and sign off on the policy each school year.
- Larceny/ Theft/Possession of Stolen Property (personal) under \$500  
A student will not, without permission of the owner or custodian of the property, take property or have in his/her possession property that does not belong to him/her. This category includes the unlawful taking, carrying, leading or riding away of property of another person, without threat, violence, or bodily harm.
- Obscene/Abusive Language  
The infraction includes directing obscene offensive, indecent, disgusting, abusive, harsh, injurious or insulting language or gestures, verbally or in writing, to a student, teacher, staff member, or volunteer.

- Trespassing  
Trespassing is defined as entering or remaining on a public school campus or restricted area without authorization or invitation, and with no lawful purpose for entry. The definition may include breaking in with the intent to commit a crime. Any student while under suspension or exclusion from school cannot be on the school premises. Visitors must report to the office. Failure to report to the office could result in criminal charges filed with the Providence Police Department.
- Tobacco  
Possession, use, sale or distribution of tobacco or tobacco products, including but not limited to cigarettes, cigars, pipe tobacco, or electronic cigarettes, is prohibited.
- Vandalism/Graffiti  
Vandalism is the willful and/or malicious destruction, damage or defacement of property, real or personal, without the consent of the owner or the person having custody or control of it. This category includes graffiti, such as writing, painting or carving on school textbooks or library books, desks, tables, walls, woodwork or other surfaces. This infraction should include an intervention as an alternative to suspension.

### **Level Two and Level Three Infractions –Suspensions and Interventions**

Level Two and Level Three infractions may result in suspensions up to ten (10) school days and/or a referral to the student affairs office (SAO) and/or law enforcement. These infractions are the most serious in nature because they pertain to the violation of specific laws and/or compromise the safety of others. The school administrator acts *in loco parentis* and documents until such time as the parent/guardian has been contacted and arrives to be with the student and documents the outcome. The infractions listed below may rise to the level of a violation of a specific law; however, this list is in no way exhaustive. Students referred to SAO for Level Two and Three infractions could face any of the following consequences, which will be determined by the school administrator or the hearing officer at the student affairs office:

- Intervention and/or restorative practices.
- Change in suspension (in school or out of school).
- Possible referral to Providence Police.
- Emergency placement to an off-campus alternative education program (AEP).
- Possible restriction of extracurricular activities.
- Outside referral to social service agency.

### **Level Two Infractions**

A student who commits any of the following Level Two infractions may be suspended by the principal for committing, attempting to commit, aiding or abetting the commission of, conspiring to commit, or participating in any manner—even if unaccomplished—in the commission of any of the infractions designated in this section.

Level Two Infractions are reviewed on a case-by-case basis to determine the appropriate consequences and interventions. Although Level Two offenses may result in a suspension, responses

should include an intervention or restorative practice as a means to model corrective behavior.

A Level Two infraction may result in a suspension of up to 10 school days and/or possible referral to the student affairs office. ***Regardless of the length or type (in-school or out-of-school), all suspensions must be documented and reported as a suspension in the PPSD student information system, known as Skyward, by the end of the school day.***

A student may be recommended for exclusion (removing a student from school for a period of 10-180 school days) by the director of student affairs for chronic and/or aggravated infractions of Level Two behaviors. Definitions of Level Two infractions listed below are based on Rhode Island Department of Education categories of incidents of suspension as reported in InfoWorks.

- Bullying  
Acts, gestures or expressions, whether via written, verbal or electronic communication, that cause physical or social-emotional harm and/or distress, and/or that place another in fear of social-emotional harm and/or distress, or of damage to his/her property, are considered bullying. Bullying may create an intimidating, threatening, hostile or abusive educational environment for others, and is often repetitive, intentional behavior. Examples include destruction of property, taunting, verbal harassment including name calling, graffiti, stalking, intimidation, threatening and/or humiliation. Chronic bullying can lead to stealing, physical assault, sexual harassment and/or violence.
- Destruction of School Property  
A student will not willfully cause destruction of property of the school or others. Actions that impair the use of something are considered destructive. Ruining bulletin boards, intentionally clogging the plumbing system, breaking light bulbs or fixtures and damaging school equipment or school buses, etc., to the point where repair is necessary are considered acts of property destruction.
- Extortion  
This category includes unlawfully obtaining money, property, or any other thing of value, either tangible or intangible, through the use or threat of force, misuse of authority, threat of criminal persecution, threat of destruction of reputation or social standing, or through other coercive means. A student will not make another person do any act against his/her will by force or threat of force, expressed or implied.
- Incite to Riot  
Inciting a riot is defined as causing a disruption to the learning environment in the school or otherwise preventing orderly conduct.
- Harassment—Stalking  
Stalking is defined as threatening by following or watching another person, or placing her/him in fear of receiving bodily harm, sexual assault, confinement, or restraint. This infraction includes stalking carried out through the use of technology or any electronic device.

- Harassment—Prejudice/Hate Crimes  
This definition includes actions motivated by hostility or hatred due to some characteristics or perceived characteristics of the victim. Examples include any act or attempted act to cause physical injury, emotional suffering or property damage through intimidation, harassment, racial/ethnic slurs and bigoted epithets, vandalism or force, when the act is motivated all or in part by hostility to the victim's real or perceived membership in a class (including, but not limited to, race, religion, color, gender, gender identity or expression, sexual orientation, ethnicity, ancestry, national origin, political beliefs, marital status, age, social and family background, linguistic preference or disability). This definition includes prejudice-related harassment or hate crimes carried out through the use of technology or any electronic device.
- Hazing  
Hazing is a method of initiation into any team, organization, group, club, etc., that causes or is likely to cause bodily danger, harm, personal degradation, disgrace, humiliation or mental harm.
- Robbery  
Robbery is defined as taking or attempting to take anything of value that is owned by another person or organization when the act takes place under confrontational circumstances, by force or threat of force or violence and/or by putting the victim in fear.
- Sexual Harassment  
Sexual harassment involves unwanted sexual advances, requests for sexual favors or other verbal or physical conduct or communication of a sexual nature that is offensive and objectionable to the recipient, causing discomfort or humiliation. This definition includes sexual harassment carried out through the use of technology or any electronic device. A student will not use words, pictures, objects, gestures or other actions relating to sexual activity or a person's gender as defined by federal regulations when the words, pictures, objects, gestures or other actions have the effects of (1) violating the right of a person to a safe and nurturing environment in which to learn, (2) creating discomfort or (3) producing a reluctance to participate in school activities. Sexual harassment shall be reported immediately to school officials.
- Sexual Misconduct  
This category involves any act of a sexual nature that substantially disrupts the orderly conduct of a school function and includes sexual activity, indecent exposure, and displaying pornographic imagery. Serious, non-consensual offenses will be coded as Sexual Assault/Battery.
- Technology/Unauthorized Use of Computers/Other Technology on School Property  
A student will not engage in the unauthorized or inappropriate use of technology, nor willfully cause or attempt to cause damage to technology or data. This category includes any violation of district technology policies but does not include cyberbullying. Refer to the PPSD Internet Acceptable Use policy for more information.

- Threat/Intimidation

This category includes unlawfully placing another person in fear of bodily harm through verbal threats without displaying a weapon or subjecting the person to actual physical attack. This also includes bullying and cyberbullying (bullying through the use of technology or electronic device).

### Level Three Infractions

A Level Three infraction may result in a suspension of up to 10 school days and/or possible referral to the student affairs office, with a recommendation for exclusion (removing a student from school for a period 10-180 school days). Decisions to exclude a student may only be made by the director of student affairs. ***Regardless of the length or type (in-school or out-of-school), all suspensions must be documented and reported as a suspension in the PPSD student information system, known as Skyward, by the end of the school day.***

Level Three infractions include zero tolerance infractions. Under Rhode Island State Administrative Code (Rhode Island Administrative Code 21-2-39:3.0, 3.28 Zero Tolerance) and Rhode Island General Law (RIGL 16-21-18, "Students prohibited from bringing or possessing firearms on school premises") zero tolerance infractions include possession of a weapon, possession of controlled substances, and aggravated assault. Any student found to be in possession of a weapon or involved in an aggravated assault will immediately be suspended in accordance with applicable due process provisions. During this suspension, the district will take the necessary steps to determine any additional action to be taken, which may include exclusion for a period of 10 to 180 school days.

A limited number of offenses constitute the basis for excluding a student. If a school administrator finds that a student has committed, attempted to commit, aided or abetted in the commission of, conspired to commit, or participated in any manner—even if unaccomplished—in the commission of any of the Level Three infractions listed below, the administrator may submit a recommendation to the director of student affairs that the student be excluded from school attendance. The administrator may notify the police when category Level Three infraction is committed and shall make all reasonable efforts to contact a parent or guardian of the student.

Definitions of the infractions listed below are based on Rhode Island Department of Education categories of incidents of suspension as reported in InfoWorks.

Level Three infractions are reviewed on a case-by-case basis to determine the appropriate consequences and interventions. Level Three offenses may result in a suspension but should include an intervention or restorative practice as a means to model corrective behavior.

- Arson

Arson is defined as unlawfully and intentionally damaging or attempting to damage any real or personal property by fire or incendiary device. A student is prohibited from willfully and by means of fire causing harm to property or any person, and from participating in the burning of property or any person.

- Controlled Substances - Sale of/Possession with Intent to Sell: The sale of--or the possession of, with the intent to sell--any controlled drug or narcotic substance or equipment and device used for preparing or taking drugs or narcotics is prohibited. This category includes over-the-counter and prescription medications. A student will not possess, use, and/or offer to buy or sell, propose to sell and/or sell, a controlled substance, dangerous drug, prescription drug, counterfeit drug, intoxicating substance, or alcohol. A student legally in possession of prescribed medication will not be in violation of this category as long as his/her use and possession of the prescribed medication is authorized at school.
- Controlled Substances - Possession or Under Influence: The unlawful use, purchase, possession, or transportation of alcohol or any controlled drug or narcotic substance, or equipment and device used for preparing or taking drugs or narcotics. Category includes over-the-counter and prescription medications if abused by the student. A student will not possess or use a controlled substance, dangerous drug, prescription drug, counterfeit drug, intoxicating substance, or alcohol, including being under the influence of alcohol or drugs on school transportation, at school-sponsored events, or at school. A student legally in possession of prescribed medication will not be in violation of this category as long as his/her use and possession of the prescribed medication is authorized at school.
- Fire Regulations Violation: False Fire Alarm/False Bomb Report or Tampering with Fire Alarm System  
This category encompasses any threat (verbal, written, or electronic) to bomb or use other substances or devices for the purpose of exploding, burning or causing damage to a school building or school property or to harm students or staff. Unless an emergency exists, a student is prohibited from willfully sounding a fire alarm or causing a fire alarm to be sounded, and from communicating or causing to be communicated information that a bomb is located in a school building or on school property. These acts are prohibited irrespective of the whereabouts of the student. A student must neither destroy, damage nor otherwise tamper with a fire alarm system in a school building. A student may not cause a false fire alarm or otherwise cause others to believe that there is a fire without reasonable belief that there actually is a fire or emergency. A student may not possess matches or lighters.
- Fireworks, Explosives  
A student shall not possess, handle, transmit, conceal or use any device or substance that can be used as an explosive.
- Physical Assault/Battery  
Physical assault/battery is defined as an actual, intentional touching or striking of a student, teacher or staff member against his or her will, including when a student physically attacks or "beats up" another student, a teacher, or a staff member, or when a student intentionally causes bodily harm to another student, a teacher, or a staff member. This category, which includes an attack with a weapon or threat with a weapon, should be used only when the attack is very serious and warrants calling the school administration, the police or security.

- Sexual Assault/Battery

This category addresses a sexual act committed on another person without their consent or ability to consent, and includes causing another person to engage in an unwanted sexual act by use of force or threat of force. Sexual Assault/Battery includes rape (oral, anal, or vaginal), fondling, forced kissing, and child molestation.

- Weapon Possession

Students are forbidden from possessing, handling, transmitting, concealing or using any weapon, device, instrument, material or substance, animate or inanimate that is used for or is readily capable of causing bodily injury to another person. This definition includes firearms, bombs and other explosive devices; knives and other sharp objects; bullets; blunt objects; and harmful chemicals, as well as realistic replicas of weapons. This prohibition is in place even if no other individuals were injured, threatened or frightened by the weapon. A student shall not use any object that is permitted in the school as a weapon or in any manner likely to cause injury to another person. PPSD may use discretion in enforcing the Zero Tolerance policy. If the instrument blade is measured with a ruler to be 3 inches or greater in length, the police must be notified.

#### Possession

In order for a student to be disciplined for possession of a prohibited object (such as a firearm, weapon, drug or other item), the following must occur:

- 1) The possession must be verified by at least one PPSD employee.
- 2) In cases where possession of a prohibited object is questioned, PPSD presumes that a student who possesses the prohibited object knows that he/she is in violation of the Zero Tolerance policy. However, a student is permitted to present information regarding the possession that can overcome the presumption.
- 3) The student had no reasonable cause to possess the object at the time. An example of acceptable cause would be a student who, in compliance with instructions from a parent or teacher, uses a parade rifle by a ROTC student during drill practice, or a sword or toy weapon in a class, a school play or school activity. However, possession of these objects outside of these circumstances would not be acceptable.

#### **Providence Juvenile Hearing Board**

Juvenile hearing boards are implemented in communities throughout Rhode Island as a best practice in juvenile justice reform. The Providence City Council established the Providence Juvenile Hearing Board in 2016 for Providence youth who are accused of minor infractions. The goal of the juvenile hearing board is to provide youth with community-based alternatives to incarceration so that youth are not referred to Rhode Island Family Court. The panel is comprised of seven members and alternates who are appointed by the Providence City Council and includes experts and advocates who are qualified to review non-violent juvenile cases and determine appropriate sanctions. Cases are forwarded to the juvenile hearing board by the Providence Police Department. Please refer to the resources section for more information.

## Suspension and Exclusion

The following are disciplinary actions involving the removal of students from school or class. All school personnel responsible for implementing suspension/exclusion procedures will be instructed in the responsibilities and rights of students and parents/guardians. Rhode Island Discipline Procedures, and detailed procedures for suspensions for principals/designees are included in the appendices.

### **In-School Suspension**

In accordance with the Student Code of Conduct and at the discretion of the principal, a student may be denied the right to attend regular classes and be assigned to an approved alternative classroom setting within the same school. A student may be temporarily removed from the regular classroom for disciplinary purposes, during which time the student remains under the direct supervision of, and in the same physical location as, school personnel.

In-school suspension may occur in a separate classroom or a separate building and, in some instances, may occur outside of regular school hours, as long as state requirements for length of the school day are met. Typically, the student is required to complete coursework during this time. The student should receive academic instruction, intervention services, and/or counseling, as appropriate. This disciplinary action will be assigned for a period of a maximum of ten (10) consecutive school days. The student will continue to do assigned work during this time. In-school suspension may be used in lieu of out-of-school suspension at the discretion of the principal and in accordance with the Code of Conduct, except in cases where the infraction leading to suspension is listed as an exclusionary infraction. 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.

### **Out-of-School Suspension**

In accordance with the Student Code of Conduct and the discretion of the school principal, a student may be denied the right to attend school classes or functions for a period **not to exceed ten (10) school days**. A student may be temporarily removed from school, during which time the student is not allowed to attend regular school lessons or participate in other school activities. The student should receive academic instruction, intervention services, and/or counseling, as appropriate. The student will continue to do assigned work during suspension. Parents/guardians can pick-up the work at the school during the period of suspension.

***Regardless of the length or type (in-school or out-of-school), all suspensions must be documented and reported as a suspension in the PPSD student information system, known as Skyward, by the end of the school day.***

In accordance with Rhode Island state law (Rhode Island General Laws, 16-2-17(d) and 16-2-17.1 ) the district shall not issue suspensions to be served out of school unless:

- 1) The student's conduct meets the standards set forth in Rhode Island General Law § 16-2-17(a), which states that a disruptive student is a person who:
  - a) Is subject to compulsory school attendance; and

- b) Exhibits persistent conduct which substantially:
    - i) impedes the ability of other students to learn, or
    - ii) otherwise substantially interferes with the right of each student, staff-member, teacher and administrator to attend and/or work at a school which is safe and secure, and which is conducive to learning, and which is free from threat, actual or implied, of physical harm by a disruptive student; and
  - c) Has failed to respond to corrective and rehabilitative measures presented by staff, teachers or administrators; or
- 2) The student represents a demonstrable threat to students, teachers or administrators (Rhode Island General Law §16-2-17.1).

### **Rights of Parents/Guardians/Advocates of Student Facing Suspension**

Parents/guardians/advocates of a child facing suspension for a Level One, Two or Three infraction have the right to:

- 1) Be contacted by phone as soon as possible to learn that their child is involved in a possible suspension or exclusion.
- 2) Receive written notice of suspension mailed to their home. The notice of suspension should be in the parent/guardians preferred language.
- 3) Request and receive a meeting with the principal to discuss the incident.
- 4) Request and receive a report of the school's investigation of the incident.
- 5) Receive appeal procedure information from the principal.

### **Referral to Student Affairs Office (SAO) for a Student Disciplinary Hearing**

A general education student (a student who does not have an IEP—Individualized Education Program) facing removal from school to an alternative placement due to a Level Two or Level Three infraction must be given a hearing with appropriate due process. The student is entitled to:

- 1) Representation by the student's parent/guardian and/or another adult who can provide guidance to the student.
- 2) The opportunity to be heard and present their own evidence.
- 3) The opportunity to be represented by legal counsel.

The standard of review at such a hearing shall be by a fair preponderance of the evidence that a Level Two or Level Three offense has been committed by the referred student.

### **Exclusion**

In accordance with the Student Code of Conduct and at the discretion of the Providence School Board, a student may be removed from school and denied the right to attend school functions for a period of ten (10) to one hundred eighty (180) school days. An appeal of an exclusion may be made to the superintendent or designee, and then to the school board.

### **Student Affairs Office Referral to Alternative Education Placement**

When a student is excluded from the Providence Public School District for ten (10) or more school days, the student is placed in an alternative education program during his/her exclusion period. His/her name must remain on the sending school register from which the student was referred until

the period of exclusion has ended. Placement decisions of this type will be made by the director of student affairs in accordance with due process proceedings.

### **Due Process for Suspensions**

**Step One:** The principal will conduct an initial investigation to include the following steps:

- 1) Thoroughly investigate the allegation against the student as soon as possible.
- 2) Explain to the student the allegation and give the student an opportunity to respond through a written or recorded oral rebuttal.
- 3) Make a judgment about the need for suspension and the immediacy of that need.

Note: If the student has committed a zero tolerance infraction the principal will be expected to suspend the student. The principal, however, can modify on a case-by-case basis the recommendation for suspension or exclusion. In this case, the principal must complete a thorough investigation and consider all mitigating circumstances. Consequently, if the student is not recommended for a suspension or exclusion, the principal must explain in a detailed report the specific reasons for the modification citing all mitigating circumstances that contributed to the decision.

**Step Two:** After the initial investigation, if the principal makes a judgment that a suspension is appropriate, the principal will carry out the following:

- 1) Suspend the student immediately.
- 2) Notify the parent/guardian that a school conference with the student will be held to discuss the suspension, and when applicable, refer to the student affairs office (SAO) for a fact-finding conference.

Should the principal determine a referral to the SAO is necessary, the principal will:

- 1) Inform the parent/guardian at the school conference that the student is being referred to the student affairs office for a fact-finding conference (see 2 above)
- 2) Inform the director of student affairs of the incident and obtain a date for a fact-finding conference to take place within five (5) days of the suspension.
- 3) Confer as necessary with the director of student affairs about due process requirements.
- 4) At least one (1) day before the SAO fact-finding conference date, provide a formal referral package to the director of student affairs which includes the following:
  - a. A specific and complete report packet of incident including the reason for recommended corrective action.
  - b. Statements by all affected parties and witnesses of the incident.
  - c. Appropriate background information.
  - d. Completed referral form including evaluative tests summary and recommendations from within PPSD as well as outside agencies.
  - e. Pre-Suspension Conference Form.
  - f. Student Disciplinary Referral Form.
  - g. Weapon seizure report (if offense includes a weapon).
  - h. Photograph of weapon (if applicable).
  - i. Police report (if applicable).
  - j. Teacher reports.

- 5) At the school conference, the principal will provide the parents/guardians and student with the following information in preparation for the fact-finding conference to be held at the Student affairs office:
  - a. The date, time, and place of the fact-finding conference.
  - b. The specific charges and the acts upon which the charges are based.
  - c. A copy of the applicable disciplinary rules and procedures.
  - d. The following procedural rights:
    - The right for the student's parent/guardian to attend the conference.
    - The right to inspect or copy documents upon which the charges are based.
    - The right to present evidence, including documents provided to the director of student affairs one (1) day prior to the conference.
    - The right to be represented by an attorney or advocate.
    - The right to make a statement, in person or in writing.

**Step Three:** The student affairs office hearing will take place as follows:

- 1) The conference will be conducted at the student affairs office.
- 2) The director of student affairs may call the student for testimony.
- 3) All information will be reviewed by the hearing officer and forwarded with the findings to the student's file and all parties to the incident.
- 4) At the conclusion of the conference, the hearing officer must review all of the information submitted to the student affairs office, and will render written findings and recommendations to all parties to the incident.

If the hearing officer finds that a zero tolerance infraction occurred, but mitigating circumstances support a departure from the standard disciplinary consequence, the hearing officer must provide a detailed report explaining the reasons for the modification and describe all mitigating circumstances that contributed to the departure from the standard penalty. In addition, the hearing officer must provide the recommended penalty.

If the director of student affairs believes that referral to the superintendent (or his/her designee) is not warranted, the administrator must communicate that in writing to the principal in detail. This communication from the director of student affairs is part of the student's record at school.

After the SAO hearing, if the parent/guardian agrees with the charges and does not contest the exclusion penalty, the parent/guardian can sign a waiver to a hearing before the superintendent.

## **Appeals**

### **Level One Suspension Appeals**

A Level One suspension may be appealed to the principal. If the parent/guardian is not in agreement with the recommendation to suspend the student, the parent/guardian may appeal to the principal's zone executive director when the violation is made in the student's record in the student information system known as Skyward. The parent will receive written notice of the appeal decision, by telephone and in writing, in their preferred language within two (2) school days of the appeal.

### Superintendent Hearing

A Level Two or Three suspension that results in a student affairs office fact-finding conference may lead to a recommendation that an appeal hearing be held before the superintendent; in such cases, the following must occur:

- 1) The superintendent's office notifies all individuals involved of the hearing. The notice shall contain all of the information provided in the packet notifying parties of the fact-finding conference. The Student Code of Conduct policy must be included as an enclosure.
- 2) An audio recording must be made of the proceedings at this hearing.
- 3) At the end of the hearing, the superintendent (or his/her designee) may announce his/her decision. The decision is included in the audio recording.
- 4) The superintendent (or his/her designee) advises parties of their right to submit additional information to the school board for review and establishes both on the audio recording and in writing that the student and his or her parent/guardian understand both the penalty imposed, and the right to submit additional information.
- 5) Alternatively, the superintendent (or his/her designee) notifies the student and any parents of his/her decision, by telephone and in writing, in their preferred language within two (2) school days of the hearing.

If the student is found to have committed a zero tolerance infraction, the superintendent or his/her designee will then do the following:

- 1) The superintendent's office also will prepare a written decision.
- 2) If the superintendent or his/her designee modified the standard penalty, the superintendent's office will include in the written decision a review of the specific mitigating factors that support the modification.
- 3) The student will begin to serve the penalty on the date of decision by the superintendent.
- 4) The complete record of the hearing including the written decision will be forwarded within five (5) days of the hearing to the school board.

### School Board Hearing

If the parent/guardian does not agree to the superintendent's decision, then a formal appeal may be submitted to the school board.

- 1) The parent/ guardian must make a written request to the superintendent's office.
- 2) The school board may assign the initial review to a committee, which makes recommendations to the entire school board. The purpose of such a committee is not only to permit a rigorous review of zero tolerance infractions, but also to expedite the board's consideration of appeals to superintendent's decision is appropriate.
- 3) The school board must schedule and hear the appeal within five to seven (5-7) days of the date the form was received.
- 4) The student must remain in school until the appeal process is completed.
- 5) The school board votes separately on any disciplinary case in which its committee recommends a modification of the superintendent's decision.
- 6) The school board will notify parents/guardians of school board decision, by telephone and in writing, in their preferred language, within two (2) school days of the hearing.
- 7) If the parent/guardian is not in agreement with the final decision of the school board, an appeal may be made to the Rhode Island Department of Education ([www.ride.ri.gov](http://www.ride.ri.gov)).

The following procedures will assist in the filing and hearing of an appeal:

- 1) The parent/guardian submits a written request to the superintendent to appeal the decision.
- 2) Within five (5) school days, the superintendent's office must respond to the parent with a formal written decision.
- 3) If the parent/guardian does not agree to the superintendent's decision, then a formal appeal may be submitted to the school board.
- 4) The parent/ guardian must make a written request to the superintendent's office.
- 5) The school board must schedule and hear the appeal within five to seven (5-7) days of the date the form was received.
- 6) The student must remain in school until the appeal process is completed.
- 7) If the parent is not in agreement with the final decision of the school board, an appeal may be made to the Rhode Island Department of Education ([www.ride.ri.gov](http://www.ride.ri.gov)).
- 8) The amount of due process afforded to students increases for exclusions exceeding ten (10) consecutive school days. Under those circumstances, the student must be provided:
  - a) A clear written statement of the reason for suspension or long-term removal.
  - b) An opportunity to a more formal public or private hearing.
  - c) If a hearing is requested, the student is afforded prompt notice of the time and place of the hearing, with a reasonable time to allow for preparation.
  - d) An opportunity to be represented by legal counsel.
  - e) At the hearing, the right to cross examine witnesses and to present witnesses on their behalf.
  - f) A complete and accurate stenographic or electronic record of the hearing including all exhibits.
  - g) A written decision rendered within a reasonable time, based exclusively on the record detailing the reasons and factual basis therefore.
  - h) A copy of the decision.
  - i) A copy of the decision, together with the record must be forwarded to the commissioner of education, if there is an appeal of the decision.

## Discipline Guidelines for Students with Disabilities

### **Students with IEPs and 504 Plans**

Students with disabilities have additional protections under the Individuals with Disabilities Education Act of 2004 (IDEA) and Section 504 of the Rehabilitation Act of 1973. This includes students within special classes (self-contained classrooms) and students who receive resource services, inclusion and/or speech services. This also includes any students within the referral process, whether they have been referred to the evaluation team by parents/guardians or staff members. Additionally, this includes students who have not yet been determined to be eligible for special education but, by violating a rule or Code of Conduct, have engaged in behavior that may indicate a disability.

All students with individualized education programs (IEP) or Section 504 accommodation plans, as well as all students who are in process of being referred or evaluated for eligibility under IDEA or Section 504, are entitled to the additional procedural protections related to disciplinary actions. School personnel under this section may move a child with a disability for a Level Two or Three infraction from his or her current placement to an appropriate interim alternative educational setting or another setting; suspend for not more than 10 consecutive school days (to the extent those alternatives are applied to children without disabilities); or refer to the student affairs office (SAO).

Please refer to Rhode Island Board of Education Regulations titled, "Discipline Guidelines for Students with Disabilities under IDEA," located in the appendices of the Student Code of Conduct, for more specific information.

<b>Glossary of Terms</b>
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<b>appeal</b>	The process of transferring a case from a lower level to a higher level for a new hearing when the affected individual does not agree with the decision made at the lower level
<b>bullying</b>	See pages 9 and 14
<b>chronic</b>	Happening often; frequent, constant
<b>controlled substances</b>	See page 17
<b>defacement</b>	Ruining the appearance of something
<b>designee</b>	Representative; person chosen to take another person's place
<b>due process</b>	Steps that must be followed to make sure that individuals are treated fairly when they are accused of wrongdoing, including notice, right to be heard, and procedural protections
<b>equitable</b>	Fair treatment
<b>exclude</b>	Removed from school for a period of time (10-180 school days)
<b>extortion</b>	Obtaining something through force or threats
<b>extracurricular</b>	Happening outside the regular course of study but school related
<b>forgery</b>	See page 12
<b>fraud</b>	See page 12
<b>gambling</b>	See page 12
<b>harassment</b>	See pages 9, 14 and 15
<b>inciting to riot</b>	See page 14
<b>infraction</b>	A rule not followed
<b>intimidation</b>	See page 16 (threat, intimidation)
<b>larceny</b>	See page 12

<b>mandatory</b>	Required
<b>minor</b>	Someone who has not reached age eighteen (18)
<b>parents</b>	Parents/guardians/families are used interchangeably throughout this document and have the intended meaning to include any individuals who have legal custody of a minor student in the district.
<b>prohibited</b>	Not allowed
<b>robbery</b>	See Page 15
<b>sexual assault</b>	See page 18
<b>sexual harassment</b>	See page 15
<b>sexual misconduct</b>	See page 15
<b>suspend</b>	Temporary removal from regular classes for a period not to exceed 10 school days
<b>theft</b>	See page 12
<b>weapon</b>	See page 18
<b>zero tolerance</b>	Any student found to be in possession of a weapon or involved in an aggravated assault shall immediately be suspended in accordance with applicable due process provisions. During this suspension, the district will take the necessary steps in determining any additional action to be taken, which may include long-term suspension.

<b>History</b>	Approved by Board: June 27, 2005 Amended: June 26, 2006; October 11, 2017
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## Acknowledgment of Receipt

The Student Code of Conduct has been written for the purpose of supporting the student so that he/she may be educated in a safe and positive learning environment. Parents and students are key to helping to create a culture and climate in our schools made up of **safety, respect, equity and responsibility**.

Please sign below to acknowledge receipt of this Code of Conduct. Refusing to sign does not absolve a student from the consequences and interventions he/she may face if found in violation of the district expectations.

School \_\_\_\_\_

Grade \_\_\_\_\_

ID# \_\_\_\_\_

Student's Printed Name \_\_\_\_\_

Student's Signature \_\_\_\_\_

Date \_\_\_\_\_

Parent's/Guardian's Printed Name \_\_\_\_\_

Parent's/Guardian's Signature \_\_\_\_\_

Date \_\_\_\_\_

## Resources

### PPSD Policies

All policies approved by the Providence School board are available online at <http://pesb.ppsd.org>, under the menu "Policies & Regs." Below are specific links to policies referenced in the Code of Conduct.

[Foundations and Basic Commitments Policy](#), approved January 24, 2008.

[Multi-Tiered System of Supports Policy](#), approved January 9, 2017.

[Student Rights and Responsibilities](#), approved July 11, 2005.

[Students and Staff Bullying and Harassment Policy](#), Amended November 26, 2012

[Internet Acceptable Use Policy](#), approved June 2012

[Student Discipline Policy](#), approved December 8, 2014

### Local and State Law

[Providence Code of Ordinance, XXIV - Juvenile Hearing Board, Approved June 20, 2016](#)

[Rhode Island General Law § 16-19-1, "Compulsory Attendance"](#)

[Rhode Island General Law Rhode Island General Law § 16-21-33, "Safe schools act"](#)

[Rhode Island General Law 16-21-18, "Students prohibited from bringing or possessing firearms on school premises"](#)

[Rhode Island General Laws, 16-2-17.1 Related to Suspensions](#)

[Rhode Island General Law 16-2-17-Related to Suspensions](#)

### Policy and Practice Development

*Key Elements of policies to address disproportionality within SWPBIS: A guide for district and school teams.*

OSEP Technical Assistance Center on Positive Behavioral Interventions and Supports.

[www.pbis.org/school/equity-pbis](http://www.pbis.org/school/equity-pbis)

*Guiding Principles: A Resource Guide for Improving School Climate and Discipline (2014).* U.S. Department of Education. <https://www2.ed.gov/policy/gen/guid/school-discipline/guiding-principles.pdf>

*Restorative Justice: A Working Guide for Our Schools (2011)*. Alameda County Health Care Services Agency, School Health Services Coalition. [http://www.courts.ca.gov/documents/D2\\_Restorative-Justice-Paper\\_Alfred.pdf](http://www.courts.ca.gov/documents/D2_Restorative-Justice-Paper_Alfred.pdf)

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Bradshaw, C.P., et al., *Implementation of School-Wide Positive Behavioral Interventions and Supports (PBIS) in Elementary Schools: Observations from a Randomized Trial*. *Education and Treatment of Children*, 2008. 31(1): p. 1-26.

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## Appendices

Documents in the appendices are available at every school, as well as on the PPSD website.

## APPENDIX A: Rhode Island Discipline Procedures

**Rhode Island Discipline Procedures for ALL Students****NEW RI DISCIPLINE PROCEDURES AND REQUIREMENTS FOR ALL STUDENTS  
UNDER IDEA 2004 AND RI LEGISLATION****Removals for Less Than 10 days****General Education Students-****School Removals for less Than 10 School Days During a  
School Calendar Year for a Violation of a Code of Student Conduct**

- Options:
1. Removal to appropriate interim alternative educational setting – (continued educational services)
  2. Removal to another school setting – (continued educational services)
  3. School removal/suspension – (no educational services provided)

Best Practice Considerations:

1. Conduct a Functional Behavioral Assessment
2. Provide behavioral intervention services and modifications that are designed to address the behavioral violation so that it does not recur
3. Develop a behavioral intervention plan for student

**Removals exceeding 10 days****Students enrolled in General Education****School Removals that Exceed 10 School Days During a School Calendar Year for  
a Violation of a Code of Student Conduct**

Once a child has accumulated 10 school days of removal from school—

1. RIGL §16-21-27 Alternative education programs. —Each school district shall adopt a plan to ensure continued education of students who are removed from the classroom because of a suspension of more than ten (10) days or who are chronically truant. The plan shall be adopted by the school committee and shall be submitted to the Rhode Island Department of Elementary and Secondary Education as part of its annual strategic plan submission.

- Options:
1. Removal to another school setting – (continued educational services)

2. Removal to interim alternative educational setting – (continued educational services)
3. School removal/suspension – (with plan for continued educational services)

Best Practice Considerations:

1. Conduct a Functional Behavioral Assessment
2. Provide behavioral intervention services and modifications that are designed to address the behavioral violation so that it does not recur
3. Develop a behavioral intervention plan for student

**ADDITIONAL DUE PROCESS CONSIDERATIONS FOR DISCIPLINE REMOVALS**

**REMOVALS FOR LESS THAN 10 CONSECUTIVE SCHOOL DAYS**

School removals for less than ten (10) consecutive school days require the following minimum standards of due process to be applied:

1. School removals for disciplinary infractions of ten (10) school days or less, the student must be afforded oral or written notice of the charges against him/her;
2. If the charges are denied, the student must be afforded an explanation of the evidence the authorities have; and
3. The student must be afforded an opportunity to present their side of the story.

**NOTE:** (R.I. RULE) R.I. adds to the above that if the student has not attained the age of majority (18), the notice and reason for the discipline suspension must be provided to the student's parents in their preferred language

Generally, notice and the hearing should precede the student's removal from school, since the hearing can almost immediately follow the misconduct, but if prior notice and hearing are not feasible, they should occur as soon as practicable.

**REMOVALS FOR MORE THAN 10 CONSECUTIVE SCHOOL DAYS**

The amount of due process afforded increases for removals exceeding 10 consecutive school days.

In Rhode Island, under those circumstances, the student must be provided:

1. A clear written statement of the reason for suspension or long term removal;
2. An opportunity to a more formal public or private hearing;

3. If a hearing is requested, the student is afforded prompt notice of the time and place of the hearing, with a reasonable time to allow for preparation;
4. Opportunity to be represented by legal counsel;
5. If the student is not 18 years old, the parent(s) or guardian is afforded the procedures 1,2,3,4 above;
6. At hearing, the right to cross examine witnesses and to present witnesses on their behalf;
7. A complete and accurate stenographic or electronic record of the hearing including all exhibits;
8. A written decision rendered within a reasonable time, based exclusively on the record detailing the reasons and factual basis therefore;
9. A copy of the decision;
10. A copy of the decision, together with the record must be forwarded to the Commissioner of Education, if there is an appeal of the decision.

**NOTE:** Students with disabilities receiving special education instruction must be afforded additional rights (see section disciplining students with disabilities within).

### **Due Process and Appeals**

#### ***The Disciplinary Rights of Parents/Guardians/Advocate***

As the parent/guardian/advocate of a child who the principal finds has committed any of the offenses in levels one and two you have the right to:

- be contacted by phone as soon as possible to learn that your child is involved in a possible suspension or exclusion;
- receive written notice of suspension or exclusion mailed to your home (in the language spoken in your home);
- request and receive a meeting with the principal to discuss the incident;
- request and receive a report of the school's investigation of the incident; and
- receive appeal procedure information from the principal

#### Appeal Process

Parents may appeal a suspension decision to the school board. Even if your child has already served out a suspension, you should appeal the decision if you think it was unfair.

The following procedures will assist in the filing and hearing of an appeal

1. Parent/guardian submits a written request to the superintendent to appeal the decision.
2. Within 5 school days the superintendent's office will respond to the parent with a formal written decision.
3. If the parent/guardian does not agree to the superintendent's decision, then a formal appeal may be submitted to the school board.
4. The parent/ guardian must fill out the appeals form.
5. The school board will schedule and hear the appeal within 5-7 days of the date the form was received.
6. The student will remain in school until the appeal process is completed.
7. If the parent is not in agreement with the final decision of the school board, an appeal may be made to the Rhode Island Department of Education ([www.ride.ri.gov](http://www.ride.ri.gov)).

## APPENDIX B: Rhode Island Discipline Guidelines for Students with Disabilities

Source: Rhode Island Board of Education, Regulations Governing the Education of Children with Disabilities, Effective October 9, 2013

### Discipline Procedures

#### **Authority of school personnel; emergency removal (Section 300.530 )**

##### ***(a) Case-by-case determination.***

- (1) School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of this section, is appropriate for a child with a disability who violates a code of student conduct.
- (2) If school personnel determine that a child with a disability presents an immediate threat to him or herself or to others, the child may be removed from school for the remainder of the school day regardless of the number of days of suspension the child had already accrued during that school year.
- (3) For any emergency removal under paragraph (2) of this section the public agency must follow the requirements of this section.

##### ***(b) School Removal.***

- (1) *Removals for less than ten (10) days cumulative.* School personnel under this section may remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 consecutive school days (to the extent those alternatives are applied to children without disabilities).
  - (i) During the first ten (10) school days of removal (cumulative) during the course of a school year, a public agency may, but is not required to:
    - (A) Provide educational services to the child;
    - (B) Conduct a manifestation determination prior to the disciplinary removal;
    - (C) Perform a functional behavioral assessment of the child; or
    - (D) Develop a behavioral intervention plan to address the behavioral factors such as the length of each removal, the total amount of time the child is removed, and the proximity of the removals to one another.
- (2) *Removals for more than ten (10) days cumulative.* After a child with a disability has been removed from his or her current placement for more than ten (10) school days cumulative in the same school year, during any subsequent days of removal the public agency must provide services to the extent required under paragraph (d) of this section.

##### ***(c) Additional authority.***

For disciplinary changes in placement that would exceed 10 consecutive school days, if the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child's disability pursuant to paragraph (e) of this section, school personnel may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to children without disabilities, except as provided in paragraph (d) of this section.

**(d) Services.**

- (1) A child with a disability who is removed from the child's current placement pursuant to paragraphs (c), or (g) of this section must —
- (i) Continue to receive educational services, as provided in § 300.101(a), so as to enable the child to continue 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; and
  - (ii) Receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.
- (2) The services required by paragraph (d)(1), (d)(3), (d)(4) and (d)(5) of this section may be provided in an interim alternative educational setting.
- (3) A public agency is only required to provide services during periods of removal to a child with a disability who has been removed from his or her current placement for 10 school days or less in that school year, if it provides services to a child without disabilities who is similarly removed.
- (4) After a child with a disability has been removed from his or her current placement for ten (10) school days cumulative in the same school year, any subsequent removal constitutes a change in placement under § 300.536.
- (5) If the removal is a change of placement under § 300.536, the child's IEP Team determines appropriate services under paragraph (d)(1) of this section.

**(e) Manifestation determination.**

- (1) Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the LEA, the parent and relevant members of the child's IEP Team (as determined by the parent and the LEA) must review all relevant information in the student's file, including the child's IEP, any teacher observations and any relevant information provided by the parents to determine —
- (i) If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
  - (ii) If the conduct in question was the direct result of the LEA's failure to implement the IEP.
- (2) The conduct must be determined to be a manifestation of the child's disability if the LEA, the parent and relevant members of the child's IEP Team determine that a condition in either paragraph (e)(1)(i) or (1)(ii) of this section was met.
- (3) If the LEA, the parent and relevant members of the child's IEP Team determine the condition described in paragraph (e)(1)(ii) of this section was met, the LEA must take immediate steps to properly implement the student's IEP.

**(f) Determination that behavior was a manifestation.**

If the LEA, the parent and relevant members of the IEP Team make the determination that the conduct was a manifestation of the child's disability, the IEP Team must —

- (1) Either —
- (i) Conduct a functional behavioral assessment, unless the LEA had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred and implement a behavioral intervention plan for the child; or
  - (ii) If a behavioral intervention plan already has been developed, review the behavioral intervention plan and modify it, as necessary, to address the behavior; and
- (2) Except as provided in paragraph (g) of this section, return the child to the placement from which the child was removed, unless the parent and the LEA agree to a change of placement as part of the modification of the behavioral intervention plan.

**(g) *Special circumstances.***

The LEA may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child’s disability, if the child —

- (1) Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of an SEA or an LEA;
- (2) Knowingly possesses 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 an SEA or an LEA; or
- (3) Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of an SEA or an LEA.

**(h) *Notification.***

On the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of student conduct, the LEA must notify the parents of that decision and provide the parents the procedural safeguards notice described in § 300.504.

**(i) *Definitions.***

For purposes of this section, the following definitions apply:

- (1) *Controlled substance* means a drug or other substance identified under schedules I, II, III, IV, or V in § 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).
- (2) *Illegal drug* means a controlled substance; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.
- (3) *Serious bodily injury* has the meaning given the term “serious bodily injury” under paragraph (3) of subsection (h) of § 1365 of title 18, United States Code.
- (4) *Weapon* has the meaning given the term “dangerous weapon” under paragraph (2) of the first subsection (g) of § 930 of title 18, United States Code.

**Determination of setting (Section 300.531)**

The child's IEP Team determines the interim alternative educational setting for services under § 300.530(c), (d)(5), and (g).

**Appeal (Section 300.532)**

**(a) General.**

The parent of a child with a disability who disagrees with any decision regarding placement under §§ 300.530 and 300.531, or the manifestation determination under § 300.530(e), or an LEA that believes that maintaining the current placement of the child is substantially likely to result in injury to the child or others, may appeal the decision by requesting a hearing. The hearing is requested by filing a complaint pursuant to §§ 300.507 and 300.508(a) and (b).

**(b) Authority of hearing officer.**

(1) A hearing officer under § 300.511 hears and makes a determination regarding an appeal under paragraph (a) of this section.

(2) In making the determination under paragraph (b)(1) of this section, the hearing officer may —

- (i) Return the child with a disability to the placement from which the child was removed if the hearing officer determines that the removal was a violation of § 300.530 or that the child's behavior was a manifestation of the child's disability; or
- (ii) Order a change of placement of the child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

(3) The procedures under paragraphs (a) and (b)(1) and (2) of this section may be repeated, if the LEA believes that returning the child to the original placement is substantially likely to result in injury to the child or to others.

**(c) Expedited due process hearing.**

(1) Whenever a hearing is requested under paragraph (a) of this section, the parents or the LEA involved in the dispute must have an opportunity for an impartial due process hearing consistent with the requirements of §§ 300.507 and 300.508(a) through (c) and §§ 300.510 through 300.514, except as provided in paragraph (c)(2) through (4) of this section.

(2) RIDE shall arrange the expedited due process hearing, which must conclude within 20 school days of the date that the complaint requesting the hearing is filed. The due process hearing officer must render a decision within 10 school days of the conclusion of the hearing.

(3) Unless the parents and LEA agree in writing to waive the resolution meeting described in paragraph (c)(3)(i) of this section, or agree to use the mediation process described in § 300.506—

- (i) A resolution meeting must occur within seven days of receiving notice of the due process complaint; and
- (ii) The due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the due process complaint.

(4) The decisions on expedited due process hearings are appealable consistent with § 300.514.

**Placement during appeals (Section 300.532)**

When an appeal under § 300.532 has been made by either the parent or the LEA, the child must remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period specified in § 300.530(c) or (g), whichever occurs first, unless the parent and the SEA or LEA agree otherwise.

## APPENDIX C: Suspension Procedures for Principals and Designees

### **SUSPENSION PROCEDURES FOR PRINCIPAL & PRINCIPAL DESIGNEES**

The principal may suspend a student for duration of one (1) to five (5) school days.

#### Initial Investigation

1. The principal shall investigate the charges against the student as soon as possible.
2. The allegation shall be explained to the student and an opportunity for a written rebuttal shall be granted.
3. Following these steps, the principal shall make a judgment about the need for suspension and the immediacy of that need.
4. If the student has committed a “Zero Tolerance offense” the principal will be expected to suspend the student. The principal, however, can modify on a case-by-case basis the recommendation for exclusion or expulsion. In this case the principal must complete a thorough investigation, and consider all mitigating circumstances. Consequently if the student is not recommended to be expelled the principal must explain in a detailed report the specific reasons for the modification citing all mitigating circumstances that contributed to the decision.

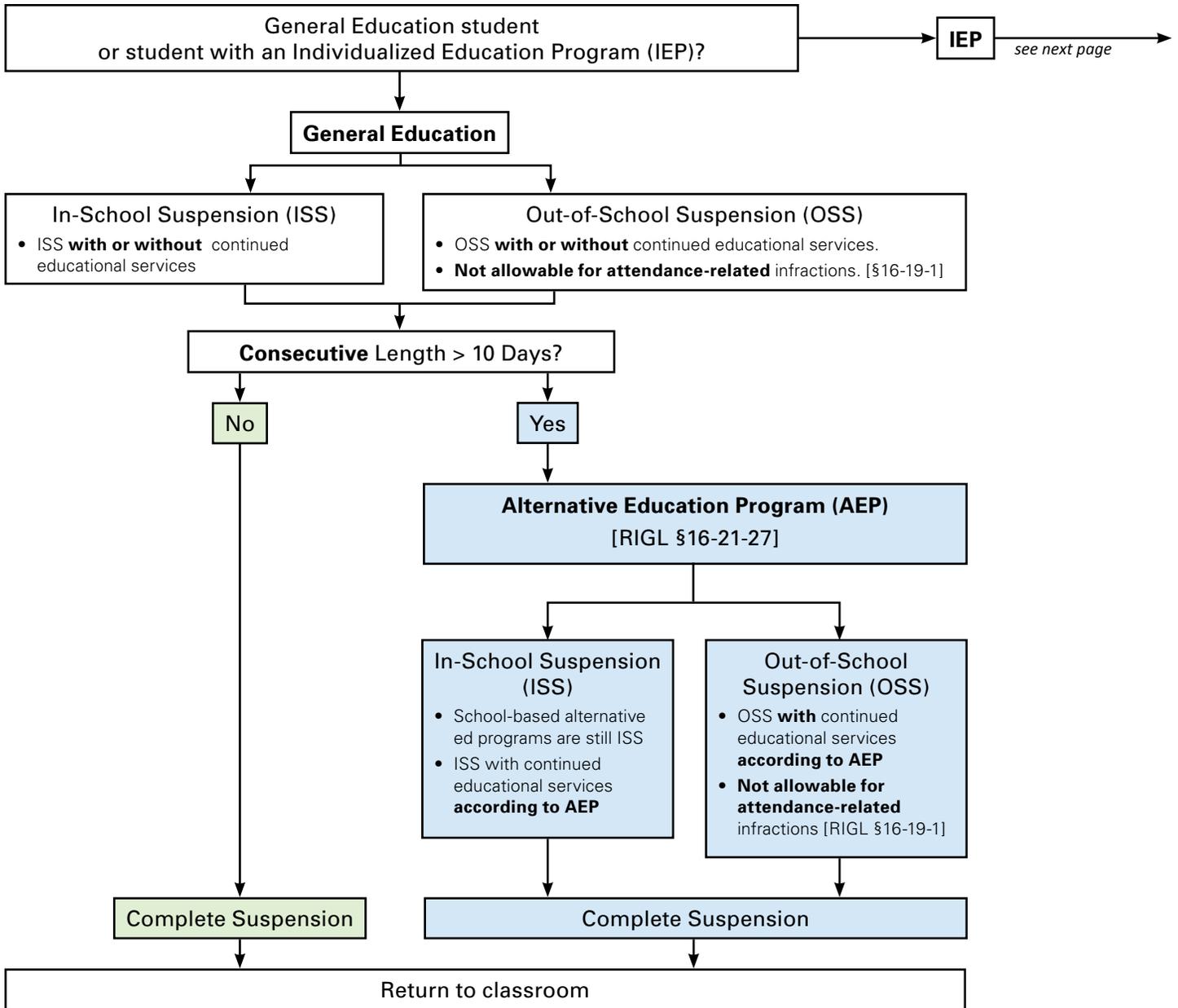
If the principal makes a judgment that suspension appears appropriate, the following must occur:

1. An expeditious notice of the suspension by telephone, if possible and in writing, in the appropriate language, is to be provided to the parent/guardian(s). The notice should include a statement of charges; the time, date and place of hearing, the hearing officer; and length of suspension. This conference should include appropriate school personnel, the parent/guardian(s) and the student.
2. The principal must sign all notices of suspension. If the school has an assistant principal, then the principal must sign all notices of suspension along with the assistant principal signature.
3. When parent/guardian(s) fail to appear at the appropriate meeting, the suspension is continued and the meeting is rescheduled with the five (5) day period. If the meeting does not occur in five (5) days, the student must be reinstated.
4. Where a parent/guardian is unable to appear at the appropriate meeting, the principal or his/her designee shall contact the home by telephone to facilitate a conference or a conversation between the teacher and the parent/guardian. In any event, at no time will a suspended student be returned to a teacher’s classroom without the teacher either having the opportunity to speak with a responsible adult from the child’s home or having received written notification of the resolution to the problem and the disciplinary action taken.

If a student placed on a school-level suspension fails to return to school at the termination of the suspension, the following procedure is to be followed:

1. When a student does not return from a suspension on the appropriate day, a telephone call is to be made that day to the student's home.
2. When the parent/guardian(s) cannot be reached by telephone, or if said telephone call does not result in the return of the student to school, the Truancy Officer or Human Relations Specialist is to be sent to the student's home.
3. If the Truancy Officer is unable to arrange for the student's return to school, a certified letter, return receipt requested, is to be sent to the parent/guardian notifying him/her to come to the school.
4. If the preceding steps are not successful in returning a student to school, a referral is to be made to the Student affairs office.

# School Removals: Procedures and Requirements



### BEST PRACTICES

Provide continued educational services, regardless of setting, with behavioral interventions designed to prevent recurrence.

<p><b>Alternatives to Suspension</b></p> <ul style="list-style-type: none"> <li>• Restorative justice/ restitution</li> <li>• Reflection/counseling</li> <li>• Behavioral contracting</li> <li>• Detention</li> <li>• Community service</li> <li>• Parent meetings</li> <li>• Loss of privileges</li> </ul>	<p><b>Prevent Recurrence</b></p> <ul style="list-style-type: none"> <li>• Mentoring</li> <li>• Instruction in social and emotional skills</li> <li>• Restorative practices</li> <li>• Parent engagement and involvement</li> <li>• Increased professional development for staff</li> </ul>
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**Abbreviations:**

**LEA:** Local Education Agency (school district)  
**IEP:** Individualized Education Program  
**ISS:** In-School Suspension  
**OSS:** Out-of-School Suspension

**AEP:** Alternative Education Program  
**IAES:** Interim Alternative Educational Setting  
**FBA:** Functional Behavioral Assessment  
**BIP:** Behavioral Intervention Plan

**Legal References**

Regulatory references, e.g. [300.530], are from the Rhode Island Board of Education Regulations Governing the Education of Children with Disabilities.  
 Statutory references, e.g. [RIGL §16-19-1], are from Rhode Island General Laws, Title 16.

**For more information: visit [WWW.RIDE.RI.GOV](http://WWW.RIDE.RI.GOV)**

