

POLICY
RI SCHOOL FOR THE DEAF
BOARD OF TRUSTEES

STUDENT CONDUCT & DISCIPLINE

Guiding Principle

It is the responsibility of the RISD to make, maintain and enforce a student discipline code the purpose of which is to foster a positive environment that promotes learning. Each student, staff member, teacher, and administrator has a right to attend and/or work at a school which is safe and secure, and which is free from the threat, actual or implied, of physical harm by a disruptive student. The Board of Trustees, or the Director, may suspend all students found responsible for conduct which violates the Student Code of Conduct, or which otherwise threatens these basic rights of students, teachers, or administrators.

Purpose

All members of the RISD community have the right to be treated respectfully by one another and to a safe, orderly environment in which to learn, work, or entrust their children.

The right of each student to learn will not be compromised. RISD must ensure the safety of all members of its community. Maintaining school connectedness is the driving value for all disciplinary action.

RISD's Discipline Strategy:

- Maintain Clear Expectations
- Teach Expectations & Related Skills
- Model Expectations
- Provide Positive Recognition
- Consistently Deliver Consequences and Interventions

Effective discipline will be implemented through effective partnerships with students, families and the community. Expectations and consequences for student conduct will reflect a balance between the responsibilities and rights of the individual and the responsibilities and rights of the school community.

A Community of Learners

The mission of RISD is to provide every student with a free and appropriate education. In order for RISD to maximize the engagement of students in their education, it must foster the development of relationships among students, faculty, administration and support staff around the common mission of becoming a Community of Learners. This prevents disruptions to teaching and learning by creating a positive learning environment and by ensuring the safety of all members.

Language of Learners

It is the expectation of RISD that all members of the school community refrain from swearing, or

POLICY
RI SCHOOL FOR THE DEAF
BOARD OF TRUSTEES

STUDENT CONDUCT & DISCIPLINE

using language which stereotypes, generalizes or violates the confidential rights of others. Individual student needs should be discussed between school professionals only when discussion is intended to improve the educational outcomes of those students. It is expected that all members of the school community use language which promotes human dignity and respects individuality.

Policy

Expectations and Rights of Students

Students have the *responsibility* to:

- Come to school on time, prepared, and ready to learn;
- Respect self, others, and property;
- Plan for the future; and
- Ask for help when needed.

Students have the *right* to:

- Have access to and instruction in the language and communication modes that best meet their needs within the classroom and throughout the entire school community;
- Have full access to all communication within the entire school environment and community;
- A free and appropriate education;
- Examine their school records and participate in developing their academic program;
- Be free from discrimination and harassment in school;
- Be informed of, respond to, and appeal any disciplinary action taken against them.

Expectations and Rights of Families

Families have the *responsibility* to:

- Ensure their child arrives at school on time, prepared to learn;
- Respect their child's education and school professionals;

POLICY
RI SCHOOL FOR THE DEAF
BOARD OF TRUSTEES

STUDENT CONDUCT & DISCIPLINE

- Help their child plan for each day, week and year in school;
- Ask for help when unable to meet the educational needs of their child; and
- Reinforce RISD conduct expectations.

Families have the **right** to:

- Participate in planning their child's academic program and examine school records;
- The confidential maintenance of their child's records;
- Be informed of their child's academic progress and behavior;
- Visit their child's school according to school-based protocol; and
- Be informed of, respond to, and appeal any disciplinary action taken.

Parents are entitled to time off from work to attend school events:

- The Rhode Island Parental and Medical Leave Act makes it easier for parents to get time off from work to attend school functions. The law states that a parent who has been employed by the same employer for 12 consecutive months is entitled to a total of 10 hours of leave during any 12-month period to attend parent-teacher conferences or other school-related activities for a child of whom the employee is a parent, foster parent or guardian.
- The employee must provide 24-hour notice of the leave and make a reasonable effort not to unduly disrupt the operations of the employer.
- The law does not require that the leave be paid.

Expectations and Rights of Teachers

Teachers have the **responsibility** to:

- Come to school on time, prepared, and ready to teach;
- Behave professionally and treat all members of the school community with respect;

- Model and teach RISD conduct expectations;
- Create a positive learning environment;

POLICY
RI SCHOOL FOR THE DEAF
BOARD OF TRUSTEES

STUDENT CONDUCT & DISCIPLINE

- Evaluate the progress of students; and
- Communicate with parents/guardians, staff, and administrators regarding student learning and support needs.

●

Teachers have the *right* to:

- Be treated as professionals;
- Be provided with equipment, tools, and/or support necessary to perform their responsibilities;
- Collaborate with parents/guardians, administrators and support staff regarding the needs of individual students;
- Be informed by administrators regarding student discipline outcomes; and
- Be free from discrimination and harassment.

Administrator and Support Staff Expectations and Rights

Administrators and Support Staff have the *responsibility* to:

- Come to school on time, prepared to work;
- Behave professionally and treat all members of the school community with respect;
- Model and teach RISD conduct expectations;
- Create a positive learning environment;
- Support effective and efficient school operations; and
- Act as ambassador for RISD's students, families, faculty and community partners.

Administrators and Support Staff have the *right* to:

- Be treated as professionals;

POLICY
RI SCHOOL FOR THE DEAF
BOARD OF TRUSTEES

STUDENT CONDUCT & DISCIPLINE

- Be provided with equipment, tools and/or resources that will enable them to perform their responsibilities; and
- Be free from discrimination and harassment.

Scope of Discipline

It is the responsibility of all RISD personnel to maintain student discipline before, during, and after the school day in school buildings, on school premises, at other locations while attending school-sponsored activities, and while in transit to or from school.

RISD recognizes that while it is one entire school, it serves students from grades preschool through 12th grade. Therefore, every student will follow the school wide Code of Conduct.

Behaviors and Consequences

All members of the RISD community need to teach, reinforce, and model expectations. They must also respond swiftly and with authority while delivering consequences for unacceptable behaviors in order to facilitate the development of self-discipline in students. Systematic recognition of students' social and academic improvement and successes may limit incidents of misbehavior. Clear and concise expectations are essential for the understanding and support of an orderly school environment by students, families, school personnel and community partners. Consequences should match the severity of the behavior as defined in the following Code of Conduct.

Student Code of Conduct

See Inappropriate Behavior Consequence Map (Levels 1, 2, and 3) Below

Every member of the RISD is responsible for addressing student behaviors observed in the Scope of Discipline which compromise any student's right to learn or threaten the safety of the school community. This means the full complement of adults in the building at any given time before, during or after normal school hours is responsible for addressing student behaviors as described.

The responsible adults include administrators, itinerant teachers, substitute teachers, non-academic instructors, evaluation and support teams, and administrative substitutes.

Inappropriate behaviors will have consequences. Restitution is the expected foundation for building our consequence map.

Choices for Making Restitution:

POLICY
RI SCHOOL FOR THE DEAF
BOARD OF TRUSTEES

STUDENT CONDUCT & DISCIPLINE

- Sincere apology (verbal or written)
- Written apology includes the identification of inappropriate behavior, the identification of rule violated and an understanding of why this is unacceptable.
- Clean graffiti
- Return property
- Repair/replacement of damaged or stolen property
- Assisting teacher/student/custodian before or after school
- Make-up of academic assignment
- Change of seating/out of group work for a defined period of time
- Behavior contract

LEVEL 1: Student behaviors addressed by the observing adult which do not meet RISD's expectation of respect and compromise the Community of Learners - The teacher is encouraged to deal with the Level 1 behaviors but retains the right to call upon an administrator to assist in the delivery of consequences or to model strategies for managing Level 1 issues in the classroom.

Violation:

Defiance

- Out of seat
- Refusal to follow directions
- Talking back
- Dress Code violation
- Disrespectful language or gestures

Non-Compliance

- Teasing, name-calling
- Inappropriate use of personal electronics
- Calling out, yelling
- Cutting class
- Late arrival to class/no pass
- Coming unprepared to class
- Leaving class without permission

- Eating in class

Aggression

POLICY
RI SCHOOL FOR THE DEAF
BOARD OF TRUSTEES

STUDENT CONDUCT & DISCIPLINE

- Pushing, shoving
- Inciting violence
- Minor property theft
- Verbal arguments
- Throwing items
- Bullying
- Minor graffiti
- Harassment

Academic Integrity

- Cheating
- Plagiarism

Consequences to be determined in concert with administrators:

- Restitution
- Detention – before school, after school, during lunch
- Home contact
- Parental visit at school
- Loss of non-academic privileges
- School-based community service

LEVEL 2: Student behaviors requiring interaction with administration that do not meet RISD's expectation of respect and compromise the Community of Learners. All alleged criminal behaviors will automatically result in referral to the Director and Police.

Violation (Depending on Severity)

- Chronic Level 1 Behavior
- Fighting
- Gang harassment or recruitment
- Extortion
- Assault
- Throwing items resulting in injury
- Major property theft
- Major graffiti
- Destruction of property
- Inciting physical violence

POLICY
RI SCHOOL FOR THE DEAF
BOARD OF TRUSTEES

STUDENT CONDUCT & DISCIPLINE

- Possession of weapon
- Bullying
- Immediate threat of harm to self
- Harassment
- Threats of violence
- Leaving school building or grounds without permission

Consequences applied as appropriate to the severity of the offense (In addition to all those consequences and restitutions offered in Level 1):

- In school suspension with behavior supports
- Mediation
- Referral for learning supports
- In school interventions (i.e., timeout, focus room following school protocols), behavior contracting/monitoring by teacher/teams/administrators.
- Mandatory social skills training (i.e., anger management, problem solving, aggression replacement therapy)
- Referral to Police and/or Director
- Detention with anger management workshops or other appropriate skills training program
- Out of school suspension (any out of school suspension requires an in-school plan for prevention/intervention to avert further problems)

LEVEL 3: Student behaviors requiring interaction with the administration and resulting in a referral to the Director and Police which do not meet RISD expectations of respect and compromise the Community of Learners:

Violation (Depending on Severity)

- Possession of a gun /weapon
- Possession or sale of controlled substance
- Assault

Consequences: All of the above, including:

- Student/family advisement/counseling

POLICY
RI SCHOOL FOR THE DEAF
BOARD OF TRUSTEES

STUDENT CONDUCT & DISCIPLINE

- Long-term out of school suspension
-

Definitions for Code of Conduct

- Assault: A physical act of a threatening nature which puts another person in reasonable fear of immediate bodily harm.
- Chronic: Three (3) or more instances of similar behavior defined in Levels 1, 2 and 3 for which interventions are not having observable impact.
- Community Service: Organized and structured opportunities for students to contribute to the betterment of the school community.
- Conference: A non-public one-on-one conversation between a school professional and a student and/or family member regarding observed behavior that is disrupting the learning environment. A conference should include both members describing their concerns, with responsible adult specifically describing how the observed behavior is a barrier to learning or is disrupting the learning of others. Each conference should be resolved with an agreed upon plan for improvement. Conferences must never involve public humiliation of a student.
- Fighting: a mutually agreed to or mutually spontaneous eruption of physical aggression between two or more individuals.
- Intervention: An attempt to involve the student, family, teachers, school-based support staff, community providers and/or agencies to help support improvement in behavior, teacher new behaviors, motivate and/or hold students accountable who are not upholding the expectations in the Code of Conduct.
- Major Graffiti: Writing, painting or carving on property other than one's own which is permanent, or difficult to eradicate.
- Minor Graffiti: Writing or painting on property other than one's own which can be eradicated or cleaned up without substantial effort.
- Major Theft: Any theft of valuable items or school equipment involving destruction of school property, physical harassment and/or malicious intent.
- Minor Theft: Any theft of minor items, e.g., school supplies.
- Non-Academic School Privileges: Any student privilege which is not an element of the fundamental education program. This does not include food, physical education class, art class, music class, field trips, or any program set forth in the student's Individualized Education Program.
- Weapon: A loaded or unloaded firearm of look-alike firearm or pistol, knife, razor, martial arts device, gas repellent, mace, stun gun and/or any tool or instrument which school administrative staff reasonably could conclude is capable of inflicting bodily harm.

Weapons and Aggravated Assault

POLICY
RI SCHOOL FOR THE DEAF
BOARD OF TRUSTEES

STUDENT CONDUCT & DISCIPLINE

In all cases involving weapons or aggravated assault in school or on school grounds, the student shall be referred promptly to the Director and the Police contacted.

The School penalty for bringing or possessing a weapon as defined in 18 U.S.C. § 921, a firearm or realistic replica of a firearm within school premises, premises being used for school purposes or activities, into a vehicle used for school transportation, or onto a roadway or path along which school children or teachers are walking to school shall be suspension from school for one year. This penalty will also apply when a student is not on school premises but aims a firearm or realistic replica at school premises, school vehicles or students, staff, or visitors attending school or in transit to or from school. This term of suspension may be shortened by the Director on a case-by-case basis and under guidelines developed by the Board of Trustees with broad parent, teacher, and community involvement.

Searches

Lockers

Lockers are school property and students should therefore hold no expectation of privacy in their lockers. RISD officials may search student lockers when there is reasonable suspicion that the search will turn up evidence that the student has or is violating either school rules or the law. They also have the right to search lockers without notice, including through the use of animals and equipment to assist in the search.

Personal Property

When RISD officials have reasonable suspicion that a student has or is violating school rules or the law, they have reasonable grounds for conducting a search of personal property.

RISD officials may inspect and search school property and equipment owned and controlled by the school (such as lockers, desks, and parking lots) as well as personal effects left unattended by a student without notice to or the consent of the student. Students have no reasonable expectation of privacy in these places or areas or in their personal effects left unattended. School officials may search a student and/or the student's personal effects in the student's possession (such as purses, wallets, backpacks, book bags, lunch boxes, etc.), when there is a reasonable ground for suspecting that the search will produce evidence the particular student has violated or is violating either the law or RISD student conduct rules. This also applies to student vehicles parked on school property.

Procedures Governing Suspension

Suspensions of Ten Days or Less

POLICY
RI SCHOOL FOR THE DEAF
BOARD OF TRUSTEES

STUDENT CONDUCT & DISCIPLINE

Unless an emergency situation exists requiring the student's immediate removal, no student shall be suspended prior to having an informal hearing before the Director or Assistant Director or their designee. At said hearing, the student will be informed of the charges and given an opportunity to respond. In the event of an emergency, the informal hearing shall be held as soon as practicable following the removal of the student. In addition:

1. The administrator shall make all possible attempts to notify the parent or guardian of the student about the suspension and state the cause(s) leading to the suspension.
2. A letter will be sent to the parent/guardian stating the nature of the infraction and noting the consequences. This letter will be sent to the last reported address of the parent/guardian.
3. If a student is suspended, a parent conference must take place before reinstatement.
4. Textbooks and homework may be provided for each student for the duration of the suspension period. It is the responsibility of the student and/or parent to pick up this work from the school. The student shall be allowed to complete any class work, including examinations, without penalty, which he or she missed while under suspension. All make-up work must be completed within the period of time equal to the number of days suspended, (i.e. 5 days OSS = 5 days to make up work). This period begins immediately upon returning from suspension.

Suspensions for More Than Ten Days

Suspension of more than 10 days can only be imposed by the Board of Trustees upon recommendation of the Director. Prior to suspension or expulsion of this duration, the student and/or his or her parents or guardians if the student is not 18 years of age, shall be afforded:

- (a) a clear, written statement of the reason for suspension or expulsion, including a narrative of the events leading to expulsion and any record of past offenses or misconduct, and the proposed penalty recommended by the Director;
- (b) notice of the right to a prompt public or private hearing, at the student's election, and the right to be represented by counsel at such hearing; and
- (c) if a hearing is requested, the student shall be given a prompt notice setting the time and place of such hearing, said time and place to be reasonably set so as to allow sufficient time for preparation, without undue delay.

If the student's presence endangers persons or property or threatens disruption of the academic process, however, the notice and hearing described above shall follow the suspension or expulsion as soon as practicable.

At the hearing, the student shall have the right to (a) representation and participation by counsel; and (b) cross-examine witnesses and to present witnesses in his or her behalf.

The hearing shall be recorded (through electronic or stenographic means), and preserved to send to the Commissioner in the event of an appeal.

The student and his or her parent(s) or guardians shall be furnished with a copy of the

POLICY
RI SCHOOL FOR THE DEAF
BOARD OF TRUSTEES

STUDENT CONDUCT & DISCIPLINE

proceeding, without cost, and a copy of the written decision. The student and his or her parents or guardians may appeal the matter to the Commissioner in accordance with Rhode Island law. (R.I. Gen. Laws § 16-39-2). In that event, the Board of Trustees shall send a copy the written decision and the record of the proceeding (transcript and any exhibits introduced) to the Commissioner.

Special Rules for Students With Disabilities

As students with disabilities, RISD students are entitled to particular procedural safeguards in certain disciplinary situations, in addition to those set forth above, and applicable to all students. The relevant procedural safeguards are provided by the Individuals with Disabilities Act, 20 U.S.C. § 1415, and the Rehabilitation Act of 1973, 29 U.S.C § 794, and in the Regulations of the Rhode Island Board of Regents for Elementary and Secondary Education Governing the Education of Children with Disabilities (“Regulations”).

For suspensions of fewer than ten (10) days cumulative for the entire school year, RISD is not required to treat students with disabilities differently than it treats students without disabilities. (RIDE Regulations Governing the Education of Students with Disabilities §300.530(b)(1)).

Additional procedural safeguards, however, must be provided when a student has been suspended for more than ten (10) days cumulative for the entire school year. (§300.530(b)(2)). A suspension for more than ten (10) days cumulative for the entire school year is considered a change of placement. (§§300.530(d)(4); 300.536). When a change of placement occurs, RISD immediately must notify the student’s parents of that decision and provide them with a copy of the procedural safeguards notice. (§300.530(h)). In addition, RISD must perform a manifestation determination.

Manifestation Determination:

1. Within 10 school days of the change of placement, RISD, the student’s parents, and relevant members of the student’s IEP Team must determine whether the behavior that caused the student’s suspension was a manifestation of the student’s disability. (§300.530(e)).
2. If it is determined that the student’s behavior was a manifestation of the student’s disability, then the student’s IEP Team must :
 - a. Conduct a functional behavioral assessment of the student and implement a behavioral intervention plan (unless an assessment has recently been conducted) (§300.530(f)(1)(i)); OR
 - b. Modify the already existing behavioral intervention plan to address the student’s recent behavior. (§300.530(f)(1)(ii)).
3. Last, if it is determined that the student’s behavior was a manifestation of the student’s disability, RISD must return the student to the placement from which the student was suspended, unless the student’s parents and RISD agree to a change of placement as part of the behavioral intervention plan. (§300.530(f)(2)).

POLICY
RI SCHOOL FOR THE DEAF
BOARD OF TRUSTEES

STUDENT CONDUCT & DISCIPLINE

Regardless of whether the student's conduct is determined to be a manifestation of his or her disability, whenever a change of placement occurs, RISD must continue to provide educational services to the student so that the student can continue to progress toward the goals set out in his or her IEP. (§300.530(d)(1)(i)). The student's IEP Team determines what educational services are appropriate. (§300.530(d)(5)). However, it should be noted that these educational services may be provided to the student in an alternate setting.

If the student's parents disagree with any decision regarding their child's placement or the manifestation determination, they may appeal the decision by filing a complaint pursuant to §§ 300.507 and 300.508 (a) and (b).

Legal References:

- R.I. Gen. Laws § 16-21-21 (Student Discipline Codes)
- R.I. Gen. Laws §16-21-21.1 (Drug, Alcohol & Weapons Offenses)
- R.I. Gen. Laws § § 16-21-18 & 19 (Possession of Firearm by Students & Students w/Disabilities)
- Regulations of the Rhode Island Board of Regents for Elementary and Secondary Education Governing the Education of Children with Disabilities §§300.530 through 300.536 (Discipline Procedures).
- Rhode Island Board of Regents for Elementary and Secondary Education Basic Education Program Regulations § G-14-2 (Supportive and Nurturing School Community)
- Rhode Island Board of Regents for Elementary and Secondary Education, Regulations for Governing Disciplinary Exclusions of Students from School.

HISTORY: Approved: 9/18/2010

Changes made 9/20/11 per legal advice & sub-committee recommendations