



# Cumberland School Department Policy Manual

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STUDENT SUSPENSION

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## PURPOSE AND GUIDELINES

The Cumberland School Department Student Suspension Policy (“Policy”) shall apply to all schools in the Cumberland School Department. This Policy governs any and all school suspensions for all students enrolled in the Cumberland School Department and establishes the due process rights afforded to students facing suspension.

**In School Suspension:** In school suspension (ISS) is an alternative setting that removes the student from the classroom for a period of time, while still allowing him or her to attend school and complete their work. Generally, a student assigned to ISS spends the entire day in the designated location, completing work submitted in advance by the student's teachers, while being monitored by school staff.

**Out of School Suspension:** Out of School Suspension (OSS) is a consequence imposed that removes the student from the school environment for a specified number of days. While the student is on OSS, he or she may not participate in any and all school sponsored events, whether those events are held during the school day or after school hours and is not permitted on school grounds.

All schools in the Cumberland School Department, at the discretion of each school’s Building Level Administrator, or other authorized school administrator, may suspend a student for

1. Violating written school rules, including but not limited to, the Student Handbook, Student Discipline Code, the Statewide Bullying Policy, or school committee policies;
2. Conduct that interferes with or threatens the safe or orderly functioning of the school, including, but not limited to classroom, extra-curricular, and athletic activities and school-funded transportation to and from school, including drop off and pick up locations
3. Conduct that interferes with or threatens the safe or orderly function of the school includes, but is not limited to, possession, sale, or distribution of a dangerous weapon; possession, sale, or distribution of a controlled substance or illegal drug, and/or assaulting a member of the educational community on school premises or during school-related events, regardless of the location. All such incidents shall be reported to the required state and local entities under the provisions set forth under Rhode Island law.

All documentation related to any suspension, regardless of the duration, shall be maintained in the student’s discipline file.



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## **DISCIPLINE AND DUE PROCESS RIGHTS FOR SCHOOL SUSPENSIONS OF ALL STUDENTS FOR 10 CONSECUTIVE SCHOOL DAYS OR LESS**

The Cumberland School Committee recognizes that students facing temporary suspension have interests qualifying for protection of the Due Process Clause, and due process requires, in connection with a suspension of ten (10) days or less, that the student be given oral or written notice of the charges against him and, if he denies those charges, an explanation of the evidence that the authorities have and an opportunity to present his or her side of the story.

Accordingly, prior to carrying out a suspension of ten (10) consecutive school days or less of a student, the school's administration shall:

1. Conduct an investigation that is appropriate to the circumstances; and
2. Inform the student at an informal hearing/conference of the charges against him/her, at which conference the student shall be given the opportunity to respond to the charges. Such hearing/conference should ordinarily precede the student's removal from school, but if prior notice and hearing are not feasible, as where the student's presence interferes with or threatens the safe or orderly functioning of the school, thus justifying immediate removal from school, the necessary hearing/conference shall follow as soon as practicable.

If the school's administration determines that a suspension is warranted, administration, within its discretion, shall impart the appropriate and reasonable disciplinary action and shall:

1. Without delay, attempt to notify, by phone or other electronic medium that allows for immediate notification, the parent/guardian of the student prior to the first day of the suspension. Where the suspended student is an adult student (18 or over), notification is provided at the informal hearing described above. The notification to the parent or guardian and adult student shall include:
  - A) A description of the misconduct;
  - B) The specific dates on which the student shall be suspended;
  - C) The requirements that the student shall not be on school grounds during the school days of the suspension or shall not attend or be present at after school activities and/or athletic events; and
  - D) The right to appeal to the Superintendent within two (2) school days of the receipt of written notice.
2. Communicate in writing to the student's parent or guardian, by electronic mail, if available, on the day that the determination is made or within two (2) school days of the determination. Where the suspended student is an adult student, such communication will be addressed to that student and his/her parent or guardian. Such a communication shall include:



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- A) A description of the misconduct;
- B) The specific dates on which the student shall be suspended;
- C) The requirements that the student shall not be on school grounds during the school days of the suspension or shall not attend or be present at after school activities and/or athletic events; and
- D) The right to appeal to the Superintendent within two (2) school days of receipt of the written notice.

If the student or his/her parent or guardian appeals the suspension to the Superintendent, the Superintendent (or designee) shall hear the matter as soon as practicable. The Building Administrator shall present the Superintendent with any available relevant data explaining the conduct giving rise to the suspension. Likewise, the student and/or the student's parent or guardian shall have the opportunity to present his/her side of the incident as part of the appeal. The Superintendent shall communicate in writing, by electronic mail, if available, his/her decision as soon as practicable after the hearing before the Superintendent.

If the student or his/her parent or guardian appeals the Superintendent's decision to the School Committee, the School Committee shall hear the matter as soon as practicable. The School Committee shall communicate in writing, by electronic mail, if available, its decision as soon as practical after the hearing before the School Committee.

## **SOCIAL PRIVILEGE SUSPENSION**

Students receiving a social suspension will be ineligible to attend or participate in ALL extra-curricular activities. Student will receive social suspensions for failing to meet behavioral and or attendance standards. Social suspensions will last for a set number of calendar days.

### **Behavioral Social Suspension**

Once a student has received an accumulated total of three (3) days of suspension, whether In School Suspension (ISS), Out Of School Suspension (OSS) or any combination thereof, the student shall be notified that he or she is at risk of being socially suspended.

Once a student has received an accumulated total of five (5) days of suspension, whether In School Suspension (ISS), Out Of School Suspension (OSS) or any combination thereof, the student shall receive fifteen (15) calendar days of social suspension, which shall run consecutive.

Once a student has received an accumulated total of seven (7) days of suspension, whether In School Suspension (ISS), Out Of School Suspension (OSS) or any combination thereof, the student shall receive twenty five (25) calendar days of social suspension, which shall run consecutive.



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Once a student has received an accumulated total of ten (10) days of suspension, whether In School Suspension (ISS), Out Of School Suspension (OSS) or any combination thereof, the student shall receive thirty five (35) calendar days of social suspension, which shall run consecutive.

No behavioral and/or social suspension shall carry over from the previous school year into the new school year. The number of suspension days, whether In School Suspension or Out of School Suspension, shall be set at zero (0) at the start of each school year.

## Rights Afforded at the School Committee Hearing (if requested)

If a student or his/her parents(s) or guardian(s) elect a public or private hearing before the School Committee, the following due process rights shall be afforded:

1. The right to representation by counsel of his/her choosing (at his/her own expense);
2. The right to present witnesses of his/her own;
3. The right to cross-examine witnesses offered by the school;
4. The taking and distribution of a complete and accurate written record of the hearing, including all exhibits; and
  - A) The record shall be preserved for transmission to the Commissioner of Education as soon as possible in the event of an appeal.
5. Parent/Guardian or adult student shall be provided with a copy of the record.
6. A written decision rendered to the student and/or his parent(s) or guardian(s) within five (5) business days, based exclusively on the record detailing the factual basis for the decision.

## **DISCIPLINE AND DUE PROCESS RIGHTS FOR SCHOOL SUSPENSIONS OF MORE THAN 10 CONSECUTIVE SCHOOL DAYS**

Certain infractions require more severe discipline, including suspensions of more than ten consecutive school days. In such situations, the Superintendent may recommend a suspension of more than ten days to the School Committee, but a suspension of more than ten days shall occur only after formal action by the School Committee.

In addition to the due process rights provided for the informal hearing/conference described in Section II, the school administration shall afford the following for students facing a recommendation of suspension of more than ten (10) consecutive school days:



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1. Written statement of the reason(s) for the student's suspension delivered to the student and his/her parent(s) or guardian(s), where appropriate
  - A) Notice to the parents(s) or guardian(s) if required, shall be in the parent(s)' or guardians(s)' spoken language, if feasible.
2. Notice of the right to attend the hearing at which the school committee will consider the recommendation for suspension of more than ten [10] consecutive school days;
3. Notice of the right of the student to be represented by counsel at such hearing;
4. Notice of the right to cross-examine witnesses at the hearing;
5. The taking and distribution of a complete and accurate written record of the hearing, including all exhibits. The record shall be preserved for transmission to the Commissioner of Education as soon as possible in the event of an appeal.

If attendance at the hearing is requested, prompt notice shall be provided setting the time and place of the hearing, which shall be reasonably scheduled so as to give the student sufficient time for preparation, but without undue delay.

In addition to the above, after the hearing before the School Committee, the student and/or parent(s) or guardian(s) of the student shall be provided with:

1. A copy of the record.
2. A written decision rendered to the student and/or his parent(s) or guardian(s) within five (5) business days, based exclusively on the record detailing the factual basis for the decision.

### **ACADEMIC SUPPORT FOR SCHOOL SUSPENSIONS OF MORE THAN 10 CUMULATIVE SCHOOL DAYS FOR STUDENTS WHO ARE NOT PROTECTED UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)**

For general education students who reach ten cumulative days of out of school suspension, beginning on the eleventh (11<sup>th</sup>) day and thereafter, these students, pursuant to R.I. Gen. Laws § 16-21-27, shall be provided with an opportunity to be educated after school hours, as determined by each Building Administrator, in an interim alternative educational setting on the day(s) of out of school suspension.



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## **DISCIPLINE AND DUE PROCESS RIGHTS FOR SCHOOL SUSPENSIONS OF MORE THAN 10 CUMULATIVE SCHOOL DAYS FOR STUDENTS WITH INDIVIDUALIZED EDUCATION PROGRAMS (IEP)S AND 504 PLANS.**

The Cumberland School Department complies with and enforces all applicable federal and state laws and regulations concerning the discipline of students with IEPs and 504 plans.

*Amendments Reviewed and Approved by Policy and Procedures Sub-Committee: 5/6/2014*

*1st Reading by Cumberland School Committee: 5/8/2014*

*2nd Reading and Approved by Cumberland School Committee: 5/22/2014*

*Amendments Reviewed and Approved by Policy and Procedures Sub-Committee: 9/08/2015*

*Amendments Approved by Cumberland School Committee: 9/10/2015*

*Amendments Reviewed and Approved by Policy and Procedures Sub-Committee: 07/12/2016*

*Amendments Approved by Cumberland School Committee: 7/14/2016*