

Policy Outline

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I. Policy Value Statement

The Board of Education of Howard County recognizes that the Howard County Public School System's (HCPSS) policies and procedures identify many student rights and accompanying responsibilities. The Board believes students must be provided the opportunity to excel in a safe and supportive environment that inspires and engages every student to discover and reach their full potential. To support the rights and responsibilities of our students, all HCPSS schools must create and maintain positive and productive school environments grounded in dignity, self-worth, and belonging. Schools utilize a host of practices aimed at creating such environments which include but are not limited to Positive Behavioral Interventions and Supports (PBIS), social emotional learning, restorative justice practices, and trauma informed care. The Board encourages the active pursuit of the values, opinions, beliefs and perspectives of individuals and groups of students to inform instructional approaches and enhance the school environment.

Students may exercise their rights and responsibilities as long as they do not interfere with the rights of others or a school's ability to provide a safe and supportive environment. Additionally, students are responsible for making choices that affirm a safe, nurturing and inclusive environment, conducting themselves with integrity, and assuring their actions are aligned with the HCPSS Student Code of Conduct.

II. Purpose

This policy provides a summary and overview of the legal rights and responsibilities of students enrolled in the HCPSS when on school property, when at a school-related activity, and/or when the activity is within the scope of the HCPSS or under the supervision of HCPSS employees.

III. Standards

A. Attendance

1. Students have the following rights:

- a. The State of Maryland has obligated itself to provide a system of free public schools (Maryland Constitution, Article VIII, §1-3). All Maryland residents 5 years old or older and under age 21 will be admitted free of charge to the public schools. (Education Article §7-101)
- b. Under Federal Law (the Individuals with Disabilities Education Act, [IDEA], 20, U.S.C. §1400, et seq.) HCPSS, as a recipient of federal funds that operates a public elementary or secondary education program or activity, will provide a Free Appropriate Public Education (FAPE) to each qualified student with a disability who is in HCPSS's jurisdiction.
- c. The McKinney-Vento Act protects the rights of children and youth who are homeless and eligible for enrollment in the HCPSS. (McKinney-Vento Homeless Assistance Act, Reauthorization 2015)

2. Students have the following responsibilities:

Students enrolled in the HCPSS are required to be in school or to be participating in a school activity each day school is in session. Students are required to comply with the standards, policies, and procedures adopted by the Board of Education and the school system, including, but not limited to, the standards contained in Policy 9000 Student Residency, Eligibility, Enrollment and Assignment, Policy 9010 Attendance, and Policy 9300 Homeless Children and Youth.

B. Safe and Supportive Environment

1. Students have the following rights:

Students have the right to learn in a safe and supportive environment that fosters hope, engagement, and well-being for all. Students' rights will always be considered within the broader framework of the legal rights and responsibilities retained by others. (Policy 1040 Safe and Supportive Schools)

2. Students have the following responsibilities:

- a. Students are responsible for their own learning, their personal conduct, the manner in which they exercise their rights in accordance with HCPSS policies and the HCPSS Student Code of Conduct, and are responsible for accepting the consequences of their actions.

- b. Students are responsible for making appropriate use of instructional and related services available to them.

C. Non-Discriminatory Practices

1. Students have the following rights:

- a. Students have the right to be free from discrimination, bullying, harassment, intimidation, sexual harassment, and hate/bias based on race, ethnicity, national origin, immigration status, family/parental or marital status, sex, sexual orientation, gender identity, gender expression, religion, ancestry, physical attributes, socioeconomic status, physical or mental ability, disability, or political affiliation. (Policy 1010 Anti-Discrimination)
- b. The Equal Educational Opportunities Act of 1974 prohibits discrimination in educational opportunities on the basis of race, color, gender, or national origin.

2. Students have the following responsibilities:

- a. Students share responsibility for the social and emotional safety and well-being of others in an environment free from discrimination, bullying, harassment, intimidation, sexual harassment, and hate/bias.
- b. Students have the responsibility to report any of the following to a school official: acts of discrimination, bullying, harassment, intimidation, sexual harassment, and hate/bias based on race, ethnicity, national origin, immigration status, family/parental or marital status, sex, sexual orientation, gender identity, gender expression, religion, ancestry, physical attributes, socioeconomic status, physical or mental ability, disability, or political affiliation. (Policy 1060 Bullying, Cyberbullying, Harassment, and Intimidation)

D. Student Expression

1. Students have the following rights:

The First Amendment of the U.S. Constitution provides protections regarding the freedom of speech and religion, the right to assemble peaceably, and the right to petition the government for a redress of grievances. The protections of the First Amendment apply to public school students, but not to the same extent that those protections apply to adults in a non-school setting. The First Amendment rights of students are subject to restrictions based on the unique circumstances of the school environment. Certain types of speech and behavior are considered so disruptive that they may be prohibited outright, as specified in The Annotated Code of Maryland, Education Article, §7-1507.

a. School-Sponsored Publications

Students have the right to written communication by students in school-sponsored publications. School-sponsored publications are subject to the restrictions of school officials as long as the official's actions are reasonably related to legitimate pedagogical concerns. (Hazelwood School District v. Kuhlmeier, 484 U.S. 260 1988, Policy 9030 School-Sponsored Publications and Productions)

b. Distribution of Literature

Students have the right to circulate literature. The right to circulate literature is subject to the responsibility to respect the orderly operation of the school. School authorities may restrict the time, place, and manner of such activities, and may require advance notice when necessary to avoid conflicts and to ensure proper protection of the school community. (Policy 10010 Distribution and Display of Materials and Announcements)

c. Assembly

Students have the right to assemble. Students have the right to freely choose the subject and form of a peaceful demonstration. Schools may set reasonable limits as to the time, place, and manner in which students and student groups may assemble, as long as those restrictions advance legitimate educational goals.

d. Symbolic Expression

Students have a right to display symbolic forms of expression as long as the display does not demean an identifiable person or group or are reasonably perceived as promoting hatred, intimidation, or harassment. (Policy 1060 Bullying, Cyberbullying, Harassment, and Intimidation)

e. Dress and Appearance

While school personnel may advise students about appropriate dress and appearance, public schools may not regulate the dress and/or the appearance of students, unless the dress and/or appearance is unsafe or interferes with the school environment. (Policy 9210 Student Dress Code)

f. Patriotic Exercises

Maryland law requires that at the beginning of each school day, all students and teachers in charge will stand and recite the Pledge of Allegiance to the flag. However, students or teachers who wish to be excused from reciting the

Pledge will be excused from doing so. (The Annotated Code of Maryland, Education Article, §7-105(d))

g. Religion

Students have the right to pray in a non-disruptive manner when not engaged in instruction or school activities and they have additional rights with respect to religious expression. (Policy 3000 Religious Observances)

2. Students have the following responsibilities:

- a. Students are responsible for controlling their conduct while exercising their rights to expression in such a way that this expression does not infringe upon the rights of others or interfere with the school environment or school procedures.
- b. Students will recognize the rights of others to have individual views which may differ from their own.

E. Student Activities and Use of School Facilities

1. Students have the following rights:

- a. High school students may participate in extracurricular activities, including interscholastic athletics, as long as they are eligible for participation and have no disciplinary infractions or policy violations which would restrict their participation. (Policy 9000 Student Residency, Eligibility, Enrollment and Assignment, Policy 9070 Academic Eligibility for High School Extracurricular Activities, Policy 9080 Interscholastic Athletic Program, and Policy 9200 Student Discipline)
- b. Students have the right to form organizations within the school through which they may communicate their interests, ideas, and suggestions to other students and to the school administration, as well as communicate with the Board of Education. In particular, students have the right to form student government associations (student governance) and provide representation on the school board. (Policy 2010 Student Representation)
- c. Students have the right to form and/or participate in both school-sponsored and non school-sponsored organizations and clubs.
- d. School-sponsored student organizations and clubs may conduct activities on school property upon the authorization of school officials and subject to the procedures and schedules established by school administrators.

- e. Non school-sponsored student organizations and clubs may, under the federal Equal Access Act, 20 U.S.C. §4071, conduct meetings on school property during non-instructional time provided that:
 - i. Such meetings are voluntary, student-initiated, and not represented or treated as school-sponsored organizations or clubs.
 - ii. There is no sponsorship or promotion of the meetings by the school or by school system employees.
 - iii. No employee of the HCPSS leads or participates in such meetings; however, a school system employee must be present during meetings to provide supervision unless such meetings are held under the guidelines of Policy 10020 Use of School Facilities.
 - iv. Employees of the school system are present at religious meetings only in a non-participatory capacity.
 - v. The meetings do not and cannot reasonably be predicted to materially or substantially interfere with the orderly conduct of educational activities within the school.
 - vi. Non-school persons (without the invitation from the student leader) do not direct, conduct, control, or regularly attend such meetings.
 - vii. No public funds are expended beyond the incidental costs of providing space for the meetings.
- f. As members of the community, students have additional rights to the use of school property for non-school purposes, including civic, educational, social, and recreational programs and meetings of political organizations and religious groups under guidelines established for such use by the school system. Organized youth programs and activities are granted certain priorities under those guidelines. (Policy 10020 Use of School Facilities)
- g. The right of student organizations to meet on school property is subject to the condition that such organizations must be open to all students qualified to fulfill the objectives of those organizations.
Any secret or exclusive organization which takes in members from among the students enrolled in the public school, and in which membership is determined by the members, rather than from the free choice of any students in the school who are qualified to fill the special aims of the organization, will be prohibited from conducting its activities in public school buildings or on public school grounds. (COMAR 13A.08.01.09)

2. Students have the following responsibilities:
 - a. Students are responsible for availing themselves of the opportunity to become involved in school affairs through student government associations.
 - b. Students have the responsibility of ensuring that their organizations' activities are open to all students.
 - c. Students participating in student organizations are responsible for appropriate care of school property and materials they use.
 - d. Students are responsible for using school facilities safely, responsibly, and in accordance with school system guidelines and procedures.
 - e. Students are responsible for notifying school officials when they observe acts of vandalism.

F. Student Education Records

1. Students have the following rights:
 - a. Students and their parents have the right to inspect and review the student's education records and for those records to be kept confidential.
 - b. Students and their parents will be notified annually of their rights regarding the inspection, review, amendment, and disclosure of student education records as well as the right to file complaints related to these rights with the U.S. Department of Education, pursuant to the Federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C., §1232g. (Policy 9050 Students Records)
 - c. Students with disabilities and their parents have additional rights with respect to the collection of information for school records, and access to and disclosure of such information as provided in FERPA and IDEA. (Policy 9050 Student Records)
2. Students have the following responsibility:

Students are responsible for accuracy, to the best of their knowledge, when providing information to HCPSS.

G. Grievances and Appeals

1. Students have the following right:

Students have the right to a response from the school-based administration regarding inquiries, concerns or complaints within two (2) school days from the date the administrator received the concern.

2. Students have the following responsibility:

Students are responsible for submitting a grievance or appeal for having their parent act on their behalf in requesting an appeal in a timely and appropriate manner, not to exceed thirty (30) calendar days from the date of the event, unless extraordinary circumstances require a longer period of time. Further appeals will be submitted pursuant to appropriate Maryland law. In the event the grievance or appeal arises under circumstances governed by a federal or state law or regulation, the process set forth therein must be followed.

H. Disciplinary Action

1. Students have the following rights:

- a. Students have the right to be provided written communication of disciplinary procedures and implementation of disciplinary actions, pursuant to Maryland law and the HCPSS Student Code of Conduct. (Policy 9200 Student Discipline)
- b. Students will be accorded due process when discipline is being considered. Due process includes:
 - i. Notifying the student of the allegations within the scope of the HCPSS Student Code of Conduct.
 - ii. Providing an explanation of all the evidence.
 - iii. Allowing the student an opportunity to respond to the allegations. (Students will be encouraged to provide a written response).
 - iv. Notifying the parent(s) verbally and in writing of the violation when the disciplinary consequence or behavior warrants reallocation of the student's time (such as formal detention or Saturday School), exclusion, or suspension. (Policy 9200 Student Discipline)
- c. In addition, when applying disciplinary actions to students with disabilities:
 - i. Procedures for determination of whether the conduct was a manifestation of the student's disability and for interim alternative educational settings consistent with federal and state laws and regulations are required. Per the law, school personnel may not increase a student's disciplinary measure and/or action because of the student's disability.
 - ii. Students with disabilities and their parents have due process safeguards that require notice to and consent of parents before decisions are made

regarding change of educational placement. (Education Article §8-413, COMAR 13A.05.01.15, COMAR 13A.08.01.11, COMAR 13A.08.04, IDEA)

- iii. Make accommodations as necessary to support students' needs and understanding during due process.

2. Students have the following responsibilities:

- a. Students are responsible for complying with established school rules and procedures, and for exhibiting the expected behaviors delineated in the HCPSS Student Code of Conduct and other appropriate policies.
- b. Students are responsible for requesting appeals or for having their parent act on their behalf in requesting appeals in a timely and appropriate manner, not to exceed thirty (30) calendar days from the day the discipline is administered.

- I. Search and Seizure

1. Students have the following rights:

- a. Students are protected against unreasonable search and seizure by school officials by the Fourth Amendment of the United States (U.S.) Constitution, but not to the same extent as adults in a non-school setting. In order to provide a safe and secure school environment, the HCPSS reserves its established rights under the U.S. Constitution and other applicable laws to use Authorized Searchers to conduct reasonable searches of students and their possessions, and has established uniform procedures for the administration of student searches which must be followed. (Policy 9260 Student Search and Seizure)
- b. Students have the right of having a third party, who is an HCPSS employee, parent, or School Resource Officer (SRO), present during any search by an Authorized Searcher.

2. Students have the following responsibilities:

- a. Students have the responsibility, while on school property, not to be in possession of any items that are prohibited under the law or HCPSS policy.
- b. Students have the responsibility to cooperate with school officials designated to conduct reasonable searches and seizures under the guidelines established by state and federal law and HCPSS policy.
- c. Students have the responsibility to cooperate with police officers engaged in lawful searches and seizures on school property and during school-related activities under the guidelines established in state and federal laws.

J. Arrests and Questioning

1. Students have the following rights:

a. Arrests for Crimes Committed Unrelated to School Activities

- i. Whenever possible and appropriate the arrest of a student will be made away from school premises and after school hours. If it is necessary to arrest a student during school hours, school officials will ascertain the facts surrounding the arrest and will make every effort to inform the student's parent immediately, to fully advise them of the nature of the charge, the identity of the arresting officer, and the location of the student. (COMAR 13A.08.01.12)
- ii. An arrest on school premises will be accomplished in a manner that minimizes embarrassment to the arrested student and avoids jeopardizing the safety and welfare of other persons. (COMAR 13A.08.01.12)

b. Questioning

During a police investigation, students will not be questioned on school premises unless the questioning concerns a crime committed on the premises or unless the failure to question the student immediately would compromise the success of the investigation or endanger the safety of students or other persons. A school official will be present during the questioning of a student on school premises and will promptly advise the student's parent of the nature of the investigation. In the absence of an arrest, a student may not be removed from school premises for questioning without the consent of the child's parent. (COMAR 13A.08.01.13)

- c. The above restrictions do not apply in investigations of suspected child abuse or neglect, as specific provisions apply in these circumstances. (Policy 1030 Child Abuse and Neglect)

2. Students have the following responsibility:

Students are responsible for cooperating with police officers engaged in lawful questioning and arrests on school property under the guidelines established in state and federal laws.

K. This policy will be formally presented and explained to all students during the first 10 days of the new school year and to all new students upon enrollment; and will be disseminated to all members of the school community, including teachers, administrators, parents, Parent Teacher Associations (PTAs), school advisory committees, and other volunteers during the first quarter of the school year. School-

based administration and staff will explicitly share these rights and responsibilities with students annually and appropriately differentiated for the age of students.

IV. Responsibilities

- A. The Superintendent/designee will disseminate this policy.
- B. The Superintendent/designee will facilitate training for all school administrators annually, within the first 60 school days, on the provisions and implementation of Policy 9260 Student Search and Seizure.
- C. Principals will ensure that the policy is formally presented and explained to students.

V. Delegation of Authority

The Superintendent is authorized to develop appropriate procedures for the implementation of this policy.

VI. Definitions

Within the context of this policy, the following definitions apply:

- A. Authorized Searcher – An HCPSS employee with the authority to search.
 - 1. Principal or assistant principal (or the person serving in the position of principal or assistant principal in the absence of the principal or assistant principal).
 - 2. Security Assistant under the direction of the principal or assistant principal.
 - 3. Teacher on a school-sponsored trip who has been so designated in writing by the principal and who has been trained in conducting searches.
- B. Confidential – Information that is private, not intended to be shared with others unless they have a legitimate educational interest.
- C. Corporal Punishment – Physical penalty or undue physical discomfort inflicted on the body of a student.
- D. Grievance – A formal expression of a complaint.
- E. Legitimate Educational Interest – The need for a school official to review the record in order to conduct his or her professional responsibilities.
- F. Parent – Any of the following, recognized as the adult(s) legally responsible for the student:
 - 1. Biological Parent – A natural parent whose parental rights have not been terminated.

2. Adoptive Parent – A person who has legally adopted the student and whose parental rights have not been terminated.
 3. Custodian – A person or an agency appointed by the court as the legal custodian of the student and granted parental rights and responsibilities.
 4. Guardian – A person who has been placed by the court in charge of the affairs of the student and granted parental rights and responsibilities.
 5. Caregiver – An adult resident of Howard County who exercises care, custody, or control over the student but who is neither the biological parent, custodian, nor legal guardian-as long as the person satisfies the requirements of the Education Article, §7-101 (c) (Informal Kinship Care) or has been issued a U.S. Department of Health and Human Service’s Office of Refugee Resettlement (ORR) Verification of Release form entering into a custodial arrangement with the federal government.
 6. Foster Parent – An adult approved to care for a child who has been placed in their home by a state agency or a licensed child placement agency as provided by the Family Law Article, §5-507.
- G. Peaceful Demonstration – A student demonstration that does not present a risk of harm to an individual, pose a threat or risk to Board property or that of an individual, or disrupt the educational or administration activities inside or outside the school building.
- H. Reasonable Search – Probable cause to believe that evidence of a crime is present.
- I. Responsibility – An expectation regarding the exercise of individual rights and the acceptance of possible responses and interventions to any inappropriate behavior.
- J. Right – Protections that are afforded and guaranteed to students during the application of rules and procedures within the HCPSS to an individual.
- K. School Official – A person employed by HCPSS; a person serving on the school board; a person or company with whom the HCPSS has contracted to serve in a legitimate educational interest or as specifically permitted under FERPA (such as an attorney, auditor, school resource officer, medical consultant, therapist or a Howard County Health Department substance abuse counselor).
- L. School Property – Any property owned or leased by the HCPSS for school-related activities. The concept of property extends to school activities such as field trips, use of recreation and parks facilities, proms at hotels, etc. Bus stops and facilities scheduled by the school system for student use are considered an extension of school property.
- M. School-Related Activity – Any school system activity, whether held on or off school property, in which a student directly participates (e.g., school field trip, athletic event, or class/graduation activity) or in which the student does not directly participate but

represents the school or student body simply by being there (e.g., spectator at a school event).

- N. School-Sponsored – Taking place with the knowledge and approval of school-based administration and including the promotion, leadership, and/or participation of school employees. The assignment of a teacher, administrator, or other school employee to a meeting for custodial purposes does not constitute sponsorship of the meeting.
- O. Student Education Record – Specific records, as defined and protected by FERPA, that are directly related to an individual student and are maintained by the HCPSS or by a party acting for the HCPSS.

VII. References

- A. Legal
 - United States Constitution as Amended
 - Equal Access Act, 20 U.S.C. §4071
 - Equal Educational Opportunities Act of 1974
 - Federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C., §1232g
 - Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §1400
 - Maryland Constitution, Article VIII, Education
 - McKinney-Vento Homeless Assistance Act, Reauthorization 2015
 - Md. Ann. Code, Education Article §7-101 (Admission of Students)
 - Md. Ann. Code, Education Article §7-101(c) (Informal Kinship Care)
 - Md. Ann. Code, Education Article §7-105(c-d) (Patriotic Exercises)
 - Md. Ann. Code, Education Article §7-1507
 - Md. Ann. Code, Education Article §7-306 (Corporal Punishment)
 - Md. Ann. Code, Education Article §8-413 (Children with Disabilities Due Process)
 - Md. Ann. Code, Education Article §10-304 (Hate Crimes)
 - COMAR 13A.01.04.03, School Safety
 - COMAR 13A.05.01.15, Procedural Safeguards
 - COMAR 13A.08.04, Discipline of Students with Disabilities
 - COMAR 13A.08.01.09, Student Organization
 - COMAR 13A.08.01.10, Guidelines For Students' Responsibilities & Rights
 - COMAR 13A.08.01.11, Disciplinary Action
 - COMAR 13A.08.01.12, Arrests on School Premises
 - COMAR 13A.08.01.13, Questioning on School Premises
- B. Board Policies
 - Policy 1010 Anti-Discrimination
 - Policy 1020 Sexual Discrimination, Sexual Harassment, and Sexual Misconduct
 - Policy 1025 Title IX Sexual Harassment
 - Policy 1030 Child Abuse and Neglect
 - Policy 1040 Safe and Supportive Schools
 - Policy 1050 Alcohol, Drug, and Tobacco-Free Environment
 - Policy 1060 Bullying, Cyberbullying, Harassment, and Intimidation

Policy 1070 Protections and Supports for Foreign-Born Students and Families
Policy 1080 Educational Equity
Policy 2010 Student Representation
Policy 2020 Policy Development and Adoption
Policy 2030 Ombudsman
Policy 2040 Public Participation in Meetings of the Board
Policy 2070 Ethics
Policy 3000 Religious Observances
Policy 3020 Trespassing or Willful Disturbance
Policy 3030 Research in the Howard County Public School System
Policy 5100 Health Services
Policy 5120 Communicable Diseases – Prevention and Control
Policy 5200 Student Transportation
Policy 6010 School Attendance Areas
Policy 8010 Grading and Reporting: PreKindergarten Through Grade 5
Policy 8020 Grading and Reporting: Middle and High School
Policy 8030 Graduation Requirements
Policy 8040 Selection of Instructional Materials
Policy 8050 Teaching of Controversial Issues
Policy 8070 Religion and Religious Materials
Policy 8080 Responsible Use of Technology, Digital Tools, and Social Media
Policy 8090 Non-School Hour Curricular Programs
Policy 8100 Field Trips
Policy 8120 Testing: State and Local Responsibilities and Protocols
Policy 9000 Student Residency, Eligibility, Enrollment and Assignment
Policy 9010 Attendance
Policy 9030 School-Sponsored Publications and Productions
Policy 9050 Student Records
Policy 9060 Rehabilitation Act of 1973 Compliance: Section 504
Policy 9070 Academic Eligibility for High School Extracurricular Activities
Policy 9090 Wellness Through Nutrition and Physical Activity
Policy 9100 Educational Programs for Pregnant and Parenting Students
Policy 9200 Student Discipline
Policy 9210 Student Dress Code
Policy 9250 Weapons
Policy 9260 Student Search and Seizure
Policy 9270 Student Assault and/or Battery on Employees
Policy 9280 School Use of Community or Reportable Offenses
Policy 9300 Homeless Children and Youth
Policy 9400 Student Behavior Intervention
Policy 10000 Student, Parent, Family and Community Involvement
Policy 10010 Distribution and Display of Materials and Announcements
Policy 10020 Use of School Facilities
Policy 10030 Contests Sponsored by Outside Organizations

C. Relevant Data Sources

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- D. Other
HCPSS Student Code of Conduct
Formal Concern Form

VIII. History¹

ADOPTED: March 11, 1975
REVIEWED: December 19, 2019
MODIFIED: December 13, 2007
January 10, 2008
REVISED: May 22, 1979
June 25, 1987
May 11, 1995
June 8, 2006
February 20, 2014
May 12, 2022
EFFECTIVE: July 1, 2022

¹ Key: *Adopted*-Original date the Board took action to approve a policy; *Reviewed*-The date the status of a policy was assessed by the Superintendent's Standing Policy Group; *Modified*-The date the Board took action to alter a policy that based on the recommendation of the Superintendent/designee did not require a comprehensive examination; *Revised*-The date the Board took action on a policy that based on the recommendation of the Superintendent/designee needed a comprehensive examination; *Effective*-The date a policy is implemented throughout the HCPSS, typically July 1 following Board action.

STUDENTS' RIGHTS AND RESPONSIBILITIES

Effective: July 1, 2022

I. Announcement/Dissemination of Information

- A. Administrators/designees will provide annual written notice of the general provisions of this policy. This notice will be provided to students, parents, employees, and service providers in their school/offices at the beginning of each school year, to new hires under their supervision throughout the year, and to new students and their parents upon registration. This notice can be provided electronically.
- B. Administrators/designees will provide additional notification by:
 - 1. Providing an overview of the policy within the first 10 school days of the school year and as new hires and students join the school community.
 - 2. Publishing a link to the policy in school newsletters; on the school website; and in student/employee handbooks.
 - 3. Providing this policy in hard copy to any student, employee, parent, or service provider upon request.

II. Procedures for Students to Exercise Their Rights

- A. The school administrators will maintain a school culture, in which all students are welcomed to exercise their rights.
- B. The administrator/designee will ensure students know the school process for exercising their rights outlined in Section I.B. of these implementation procedures.
- C. If a student wishes to discuss their rights, the principal will make staff available in a practical, private, and age-appropriate way of doing so.
- D. Although students may exercise their rights in the school setting, they may be subject to restrictions based on the unique circumstances of the school environment. Parents and students may make requests to exercise rights by writing to their school administrator. The administrator will maintain a running record of all student rights requests. The administrator will respond within three (3) school days after the recorded receipt date. A student may exercise grievance over school administration decisions using the processes described in Section III. of these implementation procedures.

III. Grievances and Appeals

The school system provides school-level informal and formal mechanisms and processes to address school-related concerns.

- A. The Formal Concern Form (<https://www.hcpss.org/formal-concern/>) outlines a standard process through which student and parent concerns may be addressed.
- B. Procedures for the appeal of suspensions and expulsions are defined in the Implementation Procedures of Policy 9200 Student Discipline.
- C. The Office of the Ombudsman is an advocate for meaningful and fair administration of existing problem resolution mechanisms and assists individuals in accessing appropriate processes. (Policy 2030 Ombudsman)

IV. Disciplinary Action

Student's inability to adhere to their responsibilities outlined in the policy may result in disciplinary action. Local boards of education are required to adopt a set of regulations designed to maintain an environment of order and discipline necessary for effective learning; these regulations should provide for counseling and standards for appropriate disciplinary measures and may permit suspension or expulsion. (COMAR 13A.08.01.11)

- A. A student may be suspended or expelled for behavior that is disruptive and detrimental to the operation of the school. However, detailed procedures are to be followed in the event of a suspension or expulsion to ensure that the student's due process rights are protected. (Policy 9200 Student Discipline)
- B. A suspension is viewed in Maryland as a "lawful absence" for which students have the right to make up school work/performance missed during the absence and receive credit. (Policy 9010 Attendance)
- C. The use of corporal punishment is prohibited in the disciplining of any student. (Maryland Annotated Code, Education Article, §7-306. Policy 9200 Student Discipline)
- D. The use of mechanical restraint and seclusion is prohibited. (Policy 9400 Student Behavior Intervention)
- E. Students are entitled to due process rights in all disciplinary matters as well as in the process for determining educational placement.

V. Arrests and Questioning of Students

Specific legal guidelines govern the conditions under which students may be questioned and/or arrested on school property, and the rights to which they are entitled during those processes.

VI. Search of a Student

Specific guidelines governing the conditions under which students or their possessions may be searched, along with the procedures that must be followed to document these actions are outlined in Policy 9260 Student Search and Seizure.

An Authorized Searcher may make a reasonable search of a student or the student's possessions if the Authorized Searcher has reasonable belief the student possesses an item, the possession of which is a criminal offense or a violation of any state law, HCPSS policy, or the HCPSS Student Code of Conduct.

- A. Prior to conducting a search of a student or a student's possessions, the principal or principal's designee will attempt to contact the student's parent prior to the start of the search by the Authorized Searcher. The purpose of the contact is to inform the parent of the administrative search, and not a request for consent to search.
- B. The Authorized Searcher will begin a search by informing the student that he/she has reasonable belief that the student is in possession of (the Authorized Searcher will then state the object of the search to the student) and explain the anticipated scope of the search.
- C. A search of a student and/or a student's possessions will be made in the presence of a third party, who is an HCPSS employee, parent, or SRO. If the Authorized Searcher is in fear of imminent bodily injury to self or others, a search may be made before the additional HCPSS employee, parent, or SRO arrives.
- D. Whenever reasonably possible, a student self-search should be the default search option. A student may be required to empty the student's pockets, purse, wallet, backpack, etc. The Authorized Searcher is permitted to conduct a search subsequent to any student self-search.
- E. Students will be asked to identify which available Authorized Searcher they would prefer when a pat down needs to be conducted unless there is a need for an immediate search that would be jeopardized by a delay. The pat down of a student must avoid breasts, buttocks, and the pelvic/groin area.
- F. Strip searches by Authorized Searchers are prohibited.

VII. Items That May Be the Object of Seizure

The purpose of seizing student property must be for an item, the possession or use of which is suspected to be a violation of any law, HCPSS policy or the HCPSS Student Code of Conduct. Such items include but are not limited to weapons, including look-alike and non-deadly weapons, controlled dangerous substances, medications or over-the-counter medications, drug paraphernalia, alcoholic beverages, explosive devices, fireworks, stolen items, tobacco products and personal technology devices that are used in violation of HCPSS policy or the HCPSS Student Code of Conduct.

All items that are the object of a search and unlawful items found during the search will be seized and will be secured by an administrator. Items may be retained by the Authorized Searcher, turned over to law enforcement, or where appropriate, returned to the parents of the student.

VIII. Refusal to Allow Search and Seizure

A student's refusal to cooperate with an Authorized Searcher at any time during a search of the student or of possessions deemed to be detrimental to the security, discipline, or sound administration of the school is in violation of the Student Code of Conduct and may result in disciplinary action.

IX. Definitions

Within the context of these implementation procedures, the following definition applies:

Reasonable Belief – The standard used for authorized school personnel to conduct a search of a student. Searches must be based on a belief that the student possesses an item, the possession of which is a criminal offense under the laws of Maryland or a violation of any other law or HCPSS policy or the HCPSS Student Code of Conduct.

X. Monitoring

Policy 9020 implementation procedures will be overseen by the Division of School Management and Instructional Leadership.

XI. History¹

ADOPTED: May 11, 1995
REVIEWED: December 19, 2019
MODIFIED: January 10, 2008
REVISED: June 8, 2006
December 13, 2007
February 20, 2014
May 12, 2022
EFFECTIVE: July 1, 2022

¹ Key: *Adopted*-Original date the Board took action to approve a policy; *Reviewed*-The date the status of a policy was assessed by the Superintendent's Standing Policy Group; *Modified*-The date the Board took action to alter a policy that based on the recommendation of the Superintendent/designee did not require a comprehensive examination; *Revised*-The date the Board took action on a that policy based on the recommendation of the Superintendent/designee needed a comprehensive examination; *Effective*-The date a policy is implemented throughout the HCPSS, typically July 1 following Board action.