

Effective: February 9, 2023

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**Policy Outline**

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**I. Policy Value Statement**

The Board of Education of Howard County (Board) is committed to maintaining a safe and secure learning environment for all students. The Board is further committed to providing an education to students who are registered sex offenders in accordance with requirements defined by §11-722 of the Criminal Procedure Article, Annotated Code of Maryland.

The Howard County Public School System (HCPSS) is responsible for providing an education in accordance with State law for students who are registered sex offenders through other methods in a location other than public school property.

**II. Purpose**

The purpose of this policy is to establish and communicate to students, parents, and HCPSS employees the procedures and guidelines for responding when students are registered sex offenders.

**III. Standards**

- A. Communication Regarding the Provision of Educational Services
  - 1. Immediately upon becoming aware of a student who is a sex offender registrant, school level administrators will arrange a meeting with the student and parent, to advise them of the manner in which the student will be educated in accordance with State law, until such time that the student is no longer a sex offender registrant.

- a. It will be made clear that the student continues to be an enrolled student (not withdrawn or expelled) and entitled to receive an education in accordance with State law but is not allowed to enter the property of any public or nonpublic elementary or secondary school without express written consent to access the grounds pursuant to an educational placement decision.
  - b. The parent will be provided with a primary contact person within the HCPSS who will make initial contact with the family and facilitate all future communications.
2. Students who have a 504 Plan or Individualized Education Program (IEP) must continue to receive the services and instructional modifications established through the 504 Plan or the IEP.

An appropriate team meeting must be expedited to determine any required revisions to the 504 Plan or IEP are made to ensure the student's educational needs are met and the student continues to receive a Free Appropriate Public Education (FAPE).

#### B. Pathways to Meeting Graduation Requirements

##### 1. Home and Hospital Teaching Program

A student who is a sex offender registrant and who meets the criteria for Home and Hospital Teaching Program by having a physical or emotional condition that warrants placement in the Home and Hospital Teaching Program in accordance with Maryland law.

##### 2. Individual Virtual Learning

A student who is a sex offender registrant may be educated using an individual virtual learning program accessible to the student within a location other than school property. HCPSS and school leaders will ensure, if assigning this pathway to graduation, that the student has the appropriate resources to successfully access learning including appropriate resources to successfully access learning including an appropriate electronic device, reliable internet access, necessary software and learning platforms, and access to adults for instructional and technology support, as needed.

##### 3. Nonpublic Educational Program

HCPSS may refer a student who is a sex offender registrant to be educated at a nonpublic program. The receiving program has discretion within this statute to accept or deny a student entry upon receiving knowledge of the student's status as a sex offender registrant. In the instance where a student is not accepted, the HCPSS must assign another method by which the student will be educated.

- a. The student who is a sex offender registrant must notify an agent or employee of the nonpublic educational program of their requirement to register as a sex offender.
- b. The student who is a sex offender registrant is given specific written permission by an agent or employee of the nonpublic educational program to attend the program.

**C. Planning for Transition**

1. A transition plan for the return to the school environment when a student is no longer a sex offender registrant will include:
  - a. Preparing the student, involved HCPSS school-based employees, and impacted peers as appropriate for the pending return.
  - b. Determining appropriate interventions and supports to be implemented upon the student's return,
  - c. Monitoring progress and making timely adjustments to interventions and supports to ensure the student's success.
2. Designate individuals to serve on a multi-disciplinary school-based support team that will facilitate the student's successful return.
3. Plan for and implement specific actions to support the student's social reintegration with peers and school-based employees.
4. Use of restorative approaches as a means of recognizing and addressing stakeholder questions and concerns.

**IV. Responsibilities**

- A. The Superintendent/designee will ensure the policy is published in the school system's student handbook.
- B. School administrators will review this policy with employees annually.

**V. Delegation of Authority**

The Superintendent is authorized to develop procedures to implement this policy.

**VI. Definitions**

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

- A. 504 Plan – A written document developed for an eligible student that allows the student to receive a free and appropriate public education in the least restrictive environment.

- B. Confidential – Information that is private, not intended to be shared with others unless they have a legitimate educational interest.
- C. Discipline – Action taken in accordance with Policy 9200 by the principal/designee and/or the Superintendent/designee after a determination has been made that a student is in violation of any school system policy and/or the HCPSS Student Code of Conduct. Disciplinary actions can range from verbal reprimands and/or loss of privileges to expulsion.
- D. Free Appropriate Public Education (FAPE) – Provision of regular, special education and/or related services designed to meet a student’s individual educational needs.
- E. Home and Hospital Teaching Program – A program designed to provide instructional continuity to students who are unable to attend their regular school of enrollment due to a physical crisis, emotional crisis, pregnancy, or chronic health impairment.
- F. Individualized Education Program (IEP) – A written description of the special education and related services for a student with a disability that is developed, reviewed, and revised by the student’s IEP team.
- G. Parent – Any one 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 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 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 Services’ 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.

- H. Related Services – Any supportive intervention that is available through the school system.
- I. Sex Offender – Defined in The Sex Offender Notification Act (SORNA) Section 111(1) is a person who was “convicted” of a sex offense. Hence, whether an individual has a sex offense “conviction” determines whether he or she is within the minimum categories for which the SORNA standards require registration.
- J. Student – An individual enrolled in a public school system or non-public school in the state who is 5 years of age or older and under 22 years of age.
- K. School System Property – Any property owned or leased by the HCPSS or used by HCPSS for school-related activities. The concept of property extends to school activities such as field trips, use of parks and recreation facilities, proms at hotels, etc. School buses, bus stops, and facilities scheduled by the school system for student use are considered an extension of school property.
- L. Student Record – Document(s) directly related to a student and maintained by the HCPSS.
- M. Student Support Team (SST) – A diverse group of school-based educators, that may include school counselors, psychologists, administrators, nurses, and teachers, that meets regularly to discuss the educational and behavioral needs of students. When necessary, this group also collaboratively develops interventions to support the specific needs of students.

## VII. References

- A. Legal
  - Md. Ann. Code, Criminal Procedure Article, §11-722
  - Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq.
  - Rehabilitation Act of 1973, 29 U.S.C. §794 et seq
  - COMAR 13A.03.05.03
- B. Board Policies
  - Policy 9060 Rehabilitation act of 1973 Compliance: Section 504
  - Policy 9200 Student Discipline
- C. Relevant Data Sources
- D. Other
  - HCPSS Student Code of Conduct
  - HCPSS Student Handbook
  - Secondary Student and Parent Handbook

**VIII. History<sup>1</sup>**

ADOPTED: February 9, 2023  
REVIEWED:  
MODIFIED:  
REVISED:  
EFFECTIVE: February 9, 2023

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<sup>1</sup> 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.

**EDUCATING STUDENT SEX OFFENDERS**

Effective: February 9, 2023

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**I. Notification**

- A. The principal will inform all students, parents, and Howard County School System (HCPSS) employees of the provisions of this policy annually and at other times as appropriate. This may be done in the following ways:
1. Publishing the information in school newsletters.
  2. Publishing the information in staff/student handbooks.
  3. Posting the information on a bulletin board and/or school's website.
  4. Making the information available for new students through the registration process.
- B. Middle and high school students will be notified of the provisions of this policy through the Secondary Student and Parent Handbook and be asked to acknowledge receipt of such notification with their signature.

**II. Administrative Response**

Immediately upon becoming aware of a student who is a sex offender registrant, school level administrators should arrange a meeting with the student and parent, to advise them of the manner in which the student will be educated in accordance with State law, until such time that the student is no longer a sex offender registrant.

**III. Monitoring**

Policy 9500 implementation procedures will be overseen by the Division of Academics.

**IV. History<sup>1</sup>**

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