

Effective: January 12, 2023

---

**Policy Outline**

- I. Policy Value Statement
- II. Purpose
- III. Standards
  - A. Reportable Offense
  - B. Community Offense
  - C. General Guidelines
- IV. Responsibilities
- V. Delegation of Authority
- VI. Definitions
- VII. References
- VIII. History

**I. Policy Value Statement**

The Board of Education of Howard County (Board) is committed to providing a safe, inclusive, and nurturing school environment. The Board believes that fostering a school climate where the worth and dignity of individuals are valued and their safety and rights are protected is essential to its mission.

The presence in school of a student who has engaged in a community offense or has been arrested for a reportable offense that may compromise the safety and well-being of students or Howard County Public School System (HCPSS) employees or disrupt the educational process in the school may lead to a school system response under this policy. The Board of Education believes that the educational needs of such students must be carefully balanced with its obligation to provide a safe school environment free of disruption for students and HCPSS employees.

When the presence of a student who has been arrested for a reportable offense has a direct effect on the order and general welfare of the schools, the student may be assigned to alternative education placements and/or disciplined. Likewise, when a student has engaged in a community offense that has a direct effect on the order and general welfare of the school, the student may be assigned to alternative education placements and/or disciplined. It is expected that a school system response to a reportable or community offenses will reflect a restorative approach.

## 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 charged with reportable offenses and/or have engaged in community offenses.

## III. Standards

### A. Reportable Offense

1. Maryland law obligates law enforcement agencies to inform the Superintendents and local education agencies when a student has been arrested for a reportable offense. Upon receipt of information of an arrest of a student for such an offense, the Superintendent/designee will provide the principal of the school in which the student is enrolled with the arrest information, including the charges.
2. If a principal/designee obtains information that a student has been arrested for a reportable offense, the principal/designee will notify the Superintendent/designee to obtain official confirmation of this information.
3. Upon receipt of notification, the principal/designee will consider whether or not the student's presence in the school has a direct effect on student safety, order, and/or the general welfare of the school.
4. Upon the recommendation of the principal/designee and Community and Reportable Offense Evaluation (CARE) Team of the school attended by the student arrested for a reportable offense, the Superintendent/designee may assign the student to an alternative education placement and/or discipline the student. If the principal/designee decides to take disciplinary action in accordance with Policy 9200 Student Discipline, students will be accorded due process before discipline is administered which includes being made aware of their right to appeal.
5. If a student is removed or excluded from the student's regular school program for a reportable offense, the principal or Superintendent/designee will invite the student's attorney, if the student has an attorney, to participate in the conference between the student or the student's parent and the principal or Superintendent/designee.
6. A student who has been arrested for a reportable offense may only be disciplined if there is sufficient evidence proving the student's conduct and the student's presence in school has a direct effect on the order and general welfare of the school. The notification provided by law enforcement agencies that the student has been arrested for a reportable offense may not be used as evidence that the student engaged in the conduct.

7. The discipline of a child with a disability, including removal or exclusion from the child's regular school program for more than ten (10) consecutive school days for a reportable offense, will be conducted in conformance with the requirements of the Individuals with Disabilities Education Act (IDEA) of the United States Code, including the requirements related to a manifestation determination. The principal or Superintendent/designee will invite the student's attorney, if the student has an attorney, to participate in the manifestation determination.
8. Nothing in this policy is intended to limit the manner in which the school obtains information or uses information obtained by any lawful means other than through official notification of the arrest.
9. Except by order of a juvenile court or other court upon good cause shown, arrest information received is confidential and may not be disclosed by HCPSS employees, by subpoena or otherwise, nor may it be made part of the student record.

B. Community Offenses

1. Upon receipt of information that a student may have engaged in a community offense, the Superintendent/designee will provide the principal of the school in which the student is enrolled with information about the offense.
2. If a principal/designee obtains information that a student may have engaged in a community offense, the principal/designee will notify the Superintendent/designee of this information.
3. Upon the recommendation of the principal and CARE Team of the school attended by the student who engaged in a community offense, the Superintendent/designee may assign the student to an alternative education placement and/or discipline the student. If the principal/designee decides to take disciplinary action, in accordance with Policy 9200 Student Discipline, students will be accorded due process before discipline is administered which includes being made aware of their right to appeal.
4. A student who has engaged in a community offense may only be disciplined if there is sufficient evidence proving the student's conduct and the student's presence in school has a direct effect on the order and general welfare of the school.

C. General Guidelines

1. All costs of alternative education placements made under this policy will be borne by the school system.

2. Students assigned to an alternative education placement under this policy will suffer no academic penalty as a result of that placement.
3. The Superintendent/designee and student's parent should maintain communication with the home school and/or alternative program staff to ensure that appropriate educational programming is provided when alternative education placement has been decided and student attendance is maintained.
4. If a student arrested for a reportable offense or engaged in a community offense is a student with a disability, school officials will determine appropriate educational programming and related services in accordance with the Individuals with Disabilities Education Act (IDEA) and State special education law and regulations, including COMAR 13A.05.01.
5. Community and reportable offense information will not be made part of a student's permanent educational record.
6. The CARE Team will function to provide ongoing support to a student and his or her family involved in a community or reportable offense regardless of the administrative response taken.

#### **IV. Responsibilities**

- A. The Superintendent/designee will consider recommendations of the principal/designee and CARE Team when deciding to assign the student to an alternative education placement or to discipline the student. The principal will work with the school-based CARE Team prior to making a recommendation to the Superintendent/designee.
- B. When a student involved in a reportable or community offense is assigned to an alternative program, HCPSS school-based employees will work with parents to help ensure that their child attends the assigned alternative education program.
- C. The Superintendent/designee and the principal/designee will each ensure that reportable offense information remains confidential and is not made part of the student's record.
- D. The Superintendent/designee and the principal/designee will each afford students all rights of due process as they are outlined under this policy.

#### **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. Alternative Education Placement – A location outside of the designated home school designed to accommodate the needs of students who have demonstrated the need for significant academic or behavioral support.
- B. Appropriate Educational Programming – A general or alternative educational program/placement that allows the student the opportunity to continue to receive education within the Howard County Public School System (HCPSS) and, if in secondary school, the opportunity to receive credit.
- C. Community and Reportable Offense Evaluation (CARE) Team – A school-based team comprised of members of the Student Support Team (SST), administration, and if applicable, the school’s SRO and security assistants to support a restorative approach to dealing with students and their families involved in community or reportable offense issue.
- D. Community Offense – Any violent act, gang-related activity, or other behavior occurring in the community that results in or poses risk of injury to one or more persons.
- E. Confidential – Information that is private, to be shared by the Superintendent/designee, the principal/designee, and other authorized school system personnel only as required to implement this policy.
- F. 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.
- G. Gang – A group of three or more individuals who engage in a pattern of destructive or delinquent activity for the benefit of the group’s members and/or for furthering the reputation of the group or individual. A gang shares a common identity, and members view themselves as a cohesive group. The common gang identity may be one or more of the following:
  - 1. The gang has a name that separates the group from others
  - 2. Members share common symbols such as clothing, graffiti, and hand signs
  - 3. Members regularly come together as a group and may claim a specific geographic location inside or outside of the school.
- H. HCPSS Employee – An individual who is a permanent or temporary employee whose compensation is paid in whole or part by the Board and/or an individual who is a

student teacher, an intern, consultant, or an independent contractor for the school system.

- I. Manifestation Determination Review – An Individualized Education Program (IEP) team or 504 team consideration to determine whether a student’s behavior is due to the student’s disability when the school or district proposes disciplinary measures that will result in removal of the student for more than ten consecutive or cumulative school days in a school year.
- J. Related Services – Any supportive intervention that is available through the school system.
- K. Reportable Offense – Specific offenses that occurred off school property and did not occur at an event sponsored by the school and that are defined in Section 7-303 of the Education Article of the Annotated Code of Maryland, as may be amended by the Maryland General Assembly.
- L. Restorative Approach – A means of repairing harm caused by conflict and wrongdoing that emphasizes building relationships. It provides an opportunity for those impacted by an incident to come together in a safe space to address their feelings and needs, and reach a resolution that heals and restores.
- M. Student Record – Records directly related to a student and maintained by the HCPSS.
- N. Student Support Team (SST) – School-based team comprised of personnel from student services, administration, and related services that identifies struggling students and plans for interventions and processes of support.

## VII. References

- A. Legal
  - Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§1400 et seq.
  - Md. Ann. Code, Courts and Judicial Proceedings Article, Section 3-8A-03(d)(4)
  - Md. Ann. Code, Criminal Law Article, Sections 3-203, 4-101 to 4-102, 4-203 to 4-204, 4-503, 5-602 to 5-609, 5-612 to 5-614, 5-617 to 5-618, 5-627 to 5-628, 6-102 to 6-105, 6-202, 6-301, 7-105, 9-302 to 9-303, 9-305, 9-504 to 9-505, 9-801 to 9-803, and 14-101
  - Md. Ann. Code, Education Article, Section 7-303
  - COMAR 13A.05.01, Provision of a Free Appropriate Public Education
  - COMAR 13A.08.01.17, School Use of Reportable Offenses
- B. Board Policies
  - Policy 1040 Safe and Supportive Schools
  - Policy 9200 Student Discipline

- C. Relevant Data Sources
- D. Other
  - HCPSS Student Code of Conduct
  - Secondary Student & Parent Handbook

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

ADOPTED: April 3, 1990  
REVIEWED: December 20, 2017  
MODIFIED: January 12, 2023  
REVISED: October 22, 1998  
          June 12, 2008  
          June 13, 2019  
EFFECTIVE: July 1, 2019  
          January 12, 2023

---

<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.

**SCHOOL USE OF COMMUNITY  
OR REPORTABLE OFFENSES**

Effective: January 12, 2023

---

**I. Notification**

- A. The principal will inform all students, parents, and Howard County Public 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. Making announcements via the public address system at the beginning of the school year.
  2. Publishing the information in school newsletters.
  3. Publishing the information in staff/student handbooks.
  4. Posting the information on a bulletin board and/or school's website.
  5. 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 & Parent Handbook and be asked to acknowledge receipt of such notification with their signature.

**II. Investigative Procedures**

- A. Upon receipt of information that a student has been arrested for a reportable offense or engaged in a community offense, the principal/designee may coordinate with the Community and Reportable Offense Evaluation (CARE) Team to conduct an investigation with assistance provided by the Superintendent/designee as needed. This investigation may include, but is not limited to, the questioning of the student, other students, and possible witnesses. When considering invoking Policy 9280, the principal/designee will schedule a conference with the student and parent to include members of the CARE Team be present where applicable. This meeting will provide due process in regards to all information received and investigative findings, discuss the allegations, gather additional information, and advise of policy and rights. The student and parent will be notified of their option to have an HCPSS school-based employee that they are comfortable with present at this meeting.



- B. Using information obtained in the investigation, the principal/designee and CARE Team, working together with the Superintendent/designee, will determine within 48 hours, or as soon as practicable, whether no action should be taken, or the student should be recommended for assignment to an alternative education placement and/or disciplined.

### **III. Administrative Response Options**

- A. No Action Taken

The principal/designee and CARE Team, working in collaboration with the Superintendent/designee, may determine that the situation does not require discipline or the assignment of the student to an alternative education placement. If it is determined by the CARE Team that no threat to the safety and well-being of students and HCPSS employees is identified, the student will remain in their current placement and a CARE plan may be put in place.

- B. Student is Assigned to an Alternative Education Placement

1. Should the information gathered in the course of the administrative investigation result in concerns for the safety and well-being of students and/or HCPSS employees, the student may be assigned to an alternative education placement pending court disposition.
2. If a decision is made to assign the student to an alternative education placement, the principal/designee and Superintendent/designee, with assistance from the CARE Team, will develop a CARE plan that addresses appropriate educational programming for the student. Students assigned to an alternative education placement are prohibited from accessing school property and attending or participating in school-related or extracurricular activities.
3. HCPSS employees working in the assigned alternative education placement will be informed about individual student information and situation as needed to ensure their personal safety and ensure the implementation of an appropriate educational program. All student information not pertaining directly to safety and academics will remain confidential.
4. If the student is to be assigned to an alternative education placement, the CARE Team will promptly inform the student's parent of this decision. Plans to place a student will be implemented no later than five (5) school days after notification of the decision to assign the student in an alternative education placement.
5. If the student is assigned to an alternative education placement following notification of a reportable offense; the Superintendent/designee and members from the CARE Team will regularly review the student's

performance and seek status related to any legal proceedings to make adjustments as appropriate.

6. Students engaged in community offenses will have their placements reviewed on a quarterly basis.
7. The student's parent will be informed of any adjustments made to the CARE plan or to the student placement.
8. The Superintendent/designee maintains the responsibility for determining the education placement of a student charged with a reportable offense or engaged in a community offense independent of the disposition of the criminal charges.

C. Student is Disciplined

1. Any decision to discipline a student for their involvement in a reportable offense or community offense will be made by the Superintendent/designee in collaboration with the principal/designee and CARE Team.
2. A student will be disciplined under this policy only when the school system has proof of the offense independent of the notice of charges, and the student's presence in school has a direct effect on the safety and well-being of students and/or HCPSS employees, and/or the order and general welfare of the school.
3. If the student is to be disciplined and/or removed from school, the principal/designee will promptly inform the student's parent of the suspension. Plans to discipline or assign a student to an alternative education placement will be implemented no later than five (5) school days after a decision following due process is made and notification to a student and parent has been provided.
4. Any disciplinary action taken against a student under this policy will be in accordance with this policy and Policy 9200 Student Discipline.

D. CARE Team

A student who has violated this policy will meet with members of the CARE Team to support a successful transition to appropriate educational programming for the student which may include the use of restorative practices.

**IV. Monitoring**

Policy 9280 implementation procedures will be overseen by the Division of Academics and the Division of School Management and Instructional Leadership.

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

ADOPTED: April 3, 1990  
REVIEWED: December 20, 2017  
MODIFIED: January 12, 2023  
REVISED: May 14, 1992  
          October 22, 1998  
          June 12, 2008  
EFFECTIVE: January 12, 2023

---

<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 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.