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**I. Policy Statement**

The Board of Education recognizes the need for a school environment that is safe, secure, and nurturing. This environment must allow employees to be free from any assault and/or battery by students. Therefore, any assault and/or battery by a student directed towards an employee or service provider is strictly forbidden.

**II. Purpose**

The purpose of this policy is to help ensure a safe and secure environment for all employees by outlining the process that administrators must use if a student engages in an assault and/or battery directed towards an employee or service provider.

**III. Definitions**

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

- A. Assault – Any attempt or threat to inflict harm upon another person that gives the victim a reasonable fear of physical harm. An assault may be communicated in a behavioral, oral, written, or electronic manner.
- B. Battery means:
  - 1. The touching of another person by the aggressor or by some substance or force put in motion by the aggressor, which is not consented to by the other person and results in a reasonable feeling of apprehension or discomfort; or
  - 2. Section B.1. accompanied by circumstances which reflect the aggressor’s blatant disregard for the safety of employees or other persons evidenced by, but not limited to, the aggressor’s intentional conduct, disregard of directions, or the fact that the battery resulted in serious bodily harm.
- C. Employee – Any individual employed by the Howard County Public School System (HCPSS).
- D. Service Provider – An individual who provides services to the HCPSS, either through contract, Memorandum of Understanding (MOU), or volunteer service, when those services involve access to students and employees, such as substitute teachers, mentors,

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chaperones, bus drivers, and individuals who participate in committees, advisory groups, and partnership programs.

#### **IV. Standards**

- A. It is a violation of this policy for any student to assault and/or batter an employee or service provider at any time or any place.
- B. Upon receipt of an oral/written report on a suspected policy violation, the Administrators will promptly begin a thorough investigation to include an interview with the accused, victim, and witness(es) and a review of any video footage that may provide evidence, if applicable.
- C. Any disciplinary action taken for students as a result of a violation of this policy will be administered in accordance with the HCPSS Student Code of Conduct and Policy 9200 Student Discipline.
- D. If a student receives special education services or has a 504 plan, procedures consistent with COMAR 13A.08.01.11 and HCPSS Policy 9200 Student Discipline Implementation Procedures Sections VIII. and IX. must be followed.
- E. The policy regarding an assault and/or battery by a student on an employee or service provider will be made known to students, parents, and employees at the beginning of the school year and when deemed necessary by the principal.

#### **V. Responsibilities**

- A. The Superintendent/designee will publish information on the standards and consequences of this policy.
- B. Principals will disseminate information on the standards and consequences of this policy at their school.
- C. Administrators will investigate reports of a student assault and/or battery on employees at their school.

#### **VI. Delegation of Authority**

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

#### **VII. Reference**

- A. Legal
  - The Annotated Code of Maryland, Criminal Law Article, Section 3-202
  - The Annotated Code of Maryland, Criminal Law Article, Section 3-203
  - The Annotated Code of Maryland, Criminal Law Article, Section 3-303

The Annotated Code of Maryland, Education Article, Section 26-101  
COMAR 13A.08.01.11

- B. Other Board Policies
  - Policy 1000 Civility
  - Policy 1040 Safe and Supportive Schools
  - Policy 1060 Bullying, Cyberbullying, Harassment, or Intimidation
  - Policy 9200 Student Discipline
  - Policy 9250 Weapons
- C. Relevant Data Sources
- D. Other
  - HCPSS Student Code of Conduct

### **VIII. History**

ADOPTED: June 14, 1990  
REVIEWED:  
MODIFIED: August 14, 2014  
REVISED: September 6, 1996  
August 27, 1998  
June 10, 2010  
April 11, 2019  
EFFECTIVE: July 1, 2019

**STUDENT ASSAULT AND/OR**  
**BATTERY ON EMPLOYEES**

Effective: July 1, 2019

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**I. Definitions**

Within the context of these implementation procedures, the following definitions apply:

- A. Expulsion – The exclusion of a student from the student’s regular school program for 45 school days or longer as determined by the Superintendent/designee.
- B. Restorative Practices – Practices that build healthy relationships between students and school employees, as well as among adults within the school community; support students’ healthy social and emotional development; create safe spaces for difficult conversations, deep emotions and healing; shift the focus from intervention to prevention of disciplinary infractions; and shift the paradigm from punitive to restorative disciplinary practices.
- C. Suspension – The denial of a student’s right to attend regular classes or school for a specified period of time for cause. Suspension includes in-school suspension, short-term suspension, long-term suspension, or extended suspension.
  - 1. In-School Suspension – The removal of a student from the student's current education program, for up to but not more than 10 school days in one school year, for disciplinary reasons by the principal to another location within the school building.
  - 2. Short-Term Suspension – The removal of a student from school for up to but not more than 3 school days for disciplinary reasons as determined by the principal.
  - 3. Long-Term Suspension – The removal of a student from school for between 4–10 school days for disciplinary reasons as determined by the principal.
  - 4. Extended Suspension – The exclusion of a student from school for between 11 and 45 school days for disciplinary reasons as determined by the Superintendent/designee.

- II.** All students, parents, employees, and service providers will be informed of this policy at the beginning of each school year.

- A. The principal will:
    - 1. Make at least three announcements to students at the beginning of the school year.
    - 2. Publish the information electronically.
    - 3. Make the information available to all new students.
    - 4. Publish information in the agenda book.
  - B. The Howard County Public School System (HCPSS) will:
    - 1. Publish the information in the HCPSS Student Handbook.
    - 2. Publish the information on the school system website.
- III.** An employee who believes he/she has been subjected to violation of this policy is encouraged to:
- A. Report the incident to an administrator immediately.
  - B. Provide a signed statement that reflects the facts of the incident within one school day.
- IV.** If any student is suspected of being in violation of this policy, the student must be referred to an administrator who will determine if a violation has occurred. The following steps will be taken:
- Per Policy 9200 Student Discipline Section IV.C., students will be accorded due process by an administrator before discipline is administered. Due process includes:
- A. Gathering Facts:
    - 1. Meeting with the student.
    - 2. Informing the student of the allegations in a manner that ensures the student understands the allegations (ex. language, disability, age).
    - 3. Presenting and/or explaining the evidence to the student.
    - 4. Allowing the student an opportunity to present his/her version of the incident. Students will be encouraged, but not required, to provide a written or transcribed statement.

- B. Rendering a Decision:
1. Notifying the student of the outcome of the investigation and disciplinary consequences.
  2. If the student is found to be in violation of HCPSS policy and/or the Student Code of Conduct and is subject to disciplinary consequences that warrant reallocation of the student's time, (such as before or after school detention, exclusion, suspension or expulsion) the parent must be notified of the violation and disciplinary consequence. Notification must occur:
    - a. Verbally or electronically before the end of that day.
    - b. In writing within two school days.
  3. If a suspension or expulsion is part of the decision rendered, parents and students will be made aware of their right to appeal. A parent may file an appeal using the Formal Concern Process that is outlined in the Parent/Student Handbook as well as on the HCPSS website.
- V. Disciplinary action assigned to a student as a result of an assault and/or battery on an employee or service provider will be taken in accordance with this policy and Policy 9200 Student Discipline. For any student receiving special education services or having a 504 plan, procedures in Policy 9200 Student Discipline Implementation Procedures VIII. and IX. will be followed.
- VI. Consequences for violations of this policy range from a Level 2 to a Level 5 response as outlined in the HCPSS Student Code of Conduct.

Consequences:

- A. Elementary Grades Pre-Kindergarten-2 – start with the HCPSS Student Code of Conduct Level 2 to out-of-school suspension.
- B. Elementary Grades 3-5 – will range from the HCPSS Student Code of Conduct Level 3 to out-of-school suspension.
- C. Middle School and High School – will range from the HCPSS Student Code of Conduct Level 3 to a maximum of expulsion.
- D. Expulsion may occur when the Superintendent/designee has determined that the student's return to school prior to the completion of the expulsion period would pose an imminent threat of serious harm to other students, employees, or others (imminent threat of serious harm is the likely or immediate danger of negative and significant impact on physical or emotional well-being).

- E. Any student who is expelled or suspended out-of-school is precluded from participation in or attendance at all after-school HCPSS school-related and extracurricular activities held during the period of the suspension or expulsion.
  
- VII.** A student who has violated this policy will meet with an administrator or a Student Service Team member (including but not limited to the school psychologist, school counselor, or alternative education teacher). The identified employee will work to support a successful transition for the student which may include the use of restorative practices.
  
- VIII.** The administrator will meet with the employee who was subject to violation of this policy regarding their well-being following the incident.

**IX.** History

ADOPTED: June 14, 1990  
REVIEWED:  
MODIFIED: August 14, 2014  
            June 8, 2017  
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            June 23, 1994  
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            September 5, 1996  
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