

I. Policy Statement

The Board of Education 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 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 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 responses 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 employees the procedures and guidelines for responding when students are charged with reportable offenses and/or have engaged in community offenses.

III. 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.

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- 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. Related Services – Any supportive intervention that is available through the school system.
- I. 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.
- J. Reportable Offense – Specific offenses defined in Section 7-303 of the Education Article of the Annotated Code of Maryland, as may be amended by the Maryland General Assembly. These include, but are not limited to:
- first or second degree assault;
 - abduction;
 - arson in the first or second degree;

- malicious burning of personal property in the first or second degree;
- kidnapping;
- manslaughter, except involuntary manslaughter;
- mayhem and maiming;
- murder;
- rape;
- robbery;
- robbery with a dangerous weapon;
- carjacking or armed carjacking;
- sexual offense in the first or second degree;
- use of a handgun in the commission of a felony or other crime of violence;
- child abuse or sexual abuse of a minor;
- an attempt to commit any of the aforesaid offenses;
- assault in the first degree;
- assault with intent to murder, rape, rob, or commit a sexual offense in the first or second degree;
- wearing, carrying or transporting a handgun on the person or in a vehicle;
- wearing or carrying any dirk knife, bowie knife, switchblade knife, star knife, sandclub, metal knuckles, razor, numchakus, or any other dangerous or deadly weapon of any kind concealed on the person;
- wearing or carrying a dangerous weapon, chemical mace, pepper mace, or tear gas device openly with the intent or purpose of injuring any person in any unlawful manner;
- carrying or possessing a firearm, knife, or deadly weapon of any kind on public school property;
- manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense a controlled dangerous substance;
- distributing or possessing with intent to distribute a noncontrolled substance that the person represents as a controlled dangerous substance;
- possessing with intent to distribute a noncontrolled substance in the reasonable belief that it is a controlled dangerous substance;
- possessing explosive material, incendiary material, or toxic material with intent to create a destructive device;
- manufacturing, possessing, or transporting a device or container intended to represent a toxic material or a destructive device with the intent to terrorize, frighten, intimidate, threaten, or harass;
- circulating a statement or rumor that the person knows to be false about the location or possible detonation of a destructive device or the location or possible release of toxic material;
- and threatening an individual, or a friend or family member of an individual, with physical violence with the intent to coerce, induce, or solicit the individual to participate in or prevent the individual from leaving a criminal gang.

K. Student Record – Records directly related to a student and maintained by the HCPSS.

- L. 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.

IV. 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 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. 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.
6. 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.
7. Except by order of a juvenile court or other court upon good cause shown, arrest information received is confidential and may not be redisclosed 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 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 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.

V. 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, school 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 arrest 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.

VI. Delegation of Authority

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

VII. References

- A. Legal
 - Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§1400 et seq.
 - The Annotated Code of Maryland, Courts and Judicial Proceedings Article, Section 3-804(3)(4)
 - The Annotated Code of Maryland, Criminal Law Article, Sections 4-101 to 104, 4-503, 5-602 to 5-609, 5-612 to 5-614, 5-617 to 5-618, 5-627 to 5-628, 9-504 to 9-505, 6-102 to 6-105, 9-801 to 9-803, and 14-101
 - The Annotated Code of Maryland, Education Article, Section 7-303 (Note: Reportable Offenses)
 - COMAR 13A.05.01, Provision of a Free Appropriate Public Education
 - COMAR 13A.08.01.17, School Use of Reportable Offenses
- B. Other Board Policies
 - Policy 1040 Safe and Supportive Schools
 - Policy 9200 Student Discipline
- C. Relevant Data Sources

- D. Other
HCPSS Student Code of Conduct

VIII. History

ADOPTED: April 3, 1990

REVIEWED:

MODIFIED:

REVISED: October 22, 1998

June 12, 2008

June 13, 2019

EFFECTIVE: July 1, 2019

I. Notification

- A. The principal will inform all students, parents, and 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 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 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 a school personnel member 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 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 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. 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 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. History

ADOPTED: April 3, 1990
REVIEWED:
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June 13, 2019
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