

**I. Policy Statement**

The Board of Education of Howard County is committed to providing a safe, engaging, and supportive school environment that maintains an environment of order, safety, and discipline necessary for effective learning. The Board also honors equity, diversity, and commonality. The Board believes providing such an environment requires that clear expectations for appropriate behavior be communicated, appropriate behavior be taught, and consequences for inappropriate behavior be administered.

The Board recognizes that teaching appropriate school behavior is the shared responsibility of Howard County Public Schools (HCPSS) staff and parents. The Board believes that disciplinary consequences should be designed to encourage responsible actions, promote the development of self-discipline, and change inappropriate behavior. Discipline will be administered using a continuum model that includes conferences, detention, alternative educational settings, student reassignment, suspension, and expulsion.

The Board further recognizes that student discipline regulations should reflect a rehabilitative discipline philosophy with the goals of fostering, teaching, and acknowledging positive behavior and should be designed to keep students connected to school so that they may graduate college and career ready.

**II. Purpose**

The purpose of this policy is to establish and communicate disciplinary procedures and guidelines to staff, students, parents, and the community.

**III. Definitions**

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

- A. Alternative Educational Setting – A setting outside of the home school designed to accommodate the needs of students who have demonstrated the need for significant academic or behavioral support.
- B. Behavior Intervention Plan (BIP) – The use of positive behavioral interventions, strategies, and supports designed to address problem behaviors exhibited by a student in the education setting.
- C. Corporal Punishment – Physical penalty or undue physical discomfort inflicted on the body of a student for the purpose of maintaining discipline or to enforce school rules.

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- D. Detention – The placement of a student in a non-standard, supervised setting during the school day, before or after school, or on Saturdays.
- E. 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.
- F. Free Appropriate Public Education (FAPE) – Provision of general or special education and related services designed to meet a student's individual educational needs.
- G. Imminent Threat of Serious Harm – Likely or immediate danger of negative and significant impact on physical or emotional well-being.
- H. Individualized Educational Program (IEP) Team – A school-based team established to consider the identification, evaluation, program, or placement for all students suspected of, or identified as, needing special education and related services.
- I. In-School Intervention – The opportunity afforded a student, after the student is removed to an alternate location within the school, to continue to:
1. Appropriately progress in the general curriculum.
  2. Receive the special education and related services specified on the student’s IEP if the student is a student with a disability in accordance with COMAR 13A.05.01.
  3. Receive instruction commensurate with the program afforded to the student in the regular classroom.
  4. Participate with peers as they would in their current education program to the extent appropriate.
- J. 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).
  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.
- K. School 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. 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, 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).
- M. Staff – All HCPSS school system and contracted employees.
- N. Student Support Team (SST) – A diverse group of school-based educators, that may include school counselors, psychologists, administrators, health assistants, and teachers, that meet 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.
- O. Suspension – The denial of a student’s right to attend regular classes or school for a specified period of time for cause. Suspension includes extended suspension, in-school suspension, short-term suspension, or long-term 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.

#### IV. Standards

- A. This policy applies to all students while on school property, during a school-related activity, and/or otherwise subject to the authority of the HCPSS. This includes, but is not limited to, school buses, bus stops, school-sponsored events, field trips, athletic functions, and any other activity where school administrators have jurisdiction over students. This policy also applies to off-campus incidents in accordance with Policy 9280 Students Charged with Community or Reportable Offenses.
- B. The HCPSS Student Code of Conduct will establish the standards for student behavior and disciplinary consequences for violations of those standards.
- C. Students will be accorded due process when discipline is administered. Due process includes:
  1. Notifying the student of the allegations.
  2. Presenting and/or explaining the evidence to the student.
  3. Allowing the student an opportunity to respond to the allegations. Students will be encouraged to provide a written, signed response but will be informed that they are not required to sign such statement prior to parental notification.
  4. Notifying the parents promptly, both verbally and in writing, of the violation and disciplinary consequence when the behavior warrants reallocation of the student's time, such as detention, exclusion, suspension or expulsion.
- D. Discipline will be administered using a range of consequences
  1. Administrators, except in certain circumstances, and when appropriate, will administer discipline in a progressive manner in accordance with the HCPSS Student Code of Conduct, as follows:
    - a. Non-exclusion from normal school activities, which includes:
      - i. Staff/Administrative Action.
      - ii. Parent Involvement.
      - iii. Reallocation of Student's Time, including detention.
    - b. Exclusion from Normal School Activities (including suspension).

- c. Expulsion.
  2. When determining an appropriate consequence for a violation listed in the HCPSS Student Code of Conduct, administrators will consider:
    - a. The severity of the incident.
    - b. The student's previous violations, consequences, and/or interventions (ex. FAPE, BIP, SST, etc.) for the same or related offenses.
    - c. Whether the offense interfered with the rights, privileges, or property of others.
    - d. Whether the offense posed an imminent threat of serious harm to other students, staff, or others.
    - e. Whether the student has a disability under Section 504 or an IEP and the possible impact of that disability on the student's behavior.
    - f. The relationship between the offense and the consequence.
    - g. Whether the consequence is age appropriate.
    - h. Any specific consequences articulated in other system policies.
  3. As part of the range of consequences, the school system will provide alternatives to suspensions that include, but are not limited to, the following:
    - a. In-School Intervention
    - b. Detention
    - c. Alternative Educational Setting
- E. No employee or third party may inflict corporal punishment. The following are not considered to be corporal punishment:
1. A principal, teacher, school security guard, or other school system staff is authorized by law to take reasonable action necessary to prevent violence in the school building, on the school property or on a school-sponsored trip, including intervening in a fight or physical struggle that takes place in his or her presence.
  2. A principal, teacher, school security guard, or other school system staff member may use the degree of force that is reasonably necessary to prevent violence, restore order, protect himself/herself, the students involved in the fight or struggle, and other persons in the vicinity of the confrontation.

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- F. Disciplinary procedures for students with disabilities who are receiving special education services or services under Section 504 will be in accordance with current state and federal laws.
- G. Disciplinary infractions that constitute violations of criminal statutes will be reported to appropriate officials of the Howard County Police Department and the Maryland State Department of Education. (COMAR 13A.08.01.15-C)
- H. Records of students' disciplinary infractions and the consequences for those infractions will be maintained on an ongoing basis according to approved procedures; this includes students with disabilities receiving special education services or services under Section 504.
- I. All searches and seizures conducted on school property will take place in accordance with Section 7-308 of the Annotated Code of Maryland and Policy 9260 Student Search and Seizure.
- J. Minimum education services during short-term, long-term, or extended suspension and expulsion will be provided as follows:
1. Each principal will assign a school staff person to be the liaison between the appropriate teachers and the students on out-of-school suspension or expulsion. This liaison will communicate weekly, by phone or email, with those out-of-school suspended/expelled students and their parents regarding classwork assignments and school-related issues.
  2. Any student suspended from school for up to three days (short term suspension) will be provided the opportunity to complete the academic work they miss during the suspension period without penalty; all students who receive short-term suspensions, and their parents, will be provided with contact information for the school employee responsible for ensuring that requirements described are met.
  3. A student suspended (long-term or extended) or expelled, who is not placed in an alternative educational program will receive daily classwork and assignments from each teacher during the period of suspension. Work submitted during the period of suspension will be reviewed and corrected by teachers on a weekly basis and returned to the student.
  4. A suspended student will complete and return classwork and assignments in a time frame equivalent to the period of suspension in order to receive full credit.
  5. 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.

6. If a graduating senior is suspended for ten (10) days or fewer, and the period of suspension includes the day of commencement, the student may appeal directly to the Superintendent in order to participate in the commencement ceremony. If a decision is to be made prior to commencement exercises, the appeal must be filed no later than two school days prior to the commencement ceremony.

K. Suspension or Expulsion

1. A principal/designee may suspend a student for up to ten (10) consecutive school days for each offense. The Superintendent/Designee will issue suspensions exceeding ten (10) consecutive school days.
2. At the request of a principal, the Superintendent/Designee may suspend a student for more than ten (10) school days or expel the student for 45 days or more.
  - a. An extended suspension may occur when the Superintendent/Designee has determined that either:
    - i. The student's return to school prior to the completion of the suspension period would pose an imminent threat of serious harm to students, staff, or others; or
    - ii. The student has engaged in chronic and extreme disruption of the educational process that has created a substantial barrier to learning for other students across the school day, and other available and appropriate behavioral and disciplinary interventions have been exhausted.
  - b. 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, staff, or others.
  - c. The Superintendent/Designee will limit the duration of the exclusion to the shortest period practicable; and
  - d. The school system will provide the excluded student with comparable educational services and appropriate behavioral support services to promote successful return to the student's regular academic program.
3. Upon receipt of a written report from a principal requesting an extended suspension or expulsion, the Superintendent/Designee will promptly make a thorough investigation of the matter.
4. Any student expelled or suspended from school will remain off all HCPSS properties for the duration of the expulsion or suspension unless prior authorization has been granted by the school principal.

- 5. A student suspended or expelled from school will be allowed to return to school on the day that the terms and conditions of the suspension or expulsion are met whether or not the student or parent has filed an appeal of the suspension or expulsion.
- L. Failure to comply with expected student behaviors while on school buses or to interfere with safe transport of students is a violation of this policy.

Student infractions of this policy, while on school buses, may lead to the principal/designee suspending transportation privileges temporarily or permanently.

- M. The school system will provide training and resources to enable staff to implement this policy.
- N. Staff, students, parents, and community members will be informed of the provisions of this policy on an annual basis.

#### **V. Responsibilities**

- A. Students will comply with all school rules and procedures and will exhibit the expected student behaviors delineated in the HCPSS Student Code of Conduct.
- B. Principals and the Superintendent/Designee will determine appropriate disciplinary action for a student based on the severity of the infraction and on a range of consequences.
- C. Principals and the Superintendent/Designee will ensure that students with IEPs will receive a FAPE during extended suspensions and/or expulsions.
- D. The Superintendent/Designee will ensure staff receives training and resources necessary to implement this policy.
- E. The Superintendent/Designee will notify all school administrators annually of the provisions of this policy.
- F. The Superintendent/Designee will ensure students, parents, school security guards, and staff members are notified of the provisions of this policy annually.
- G. Principals will ensure violations of criminal statutes are reported to the appropriate officials of the Howard County Police Department and the Maryland State Department of Education.
- H. Principals will ensure disciplinary records are maintained according to school system policy and approved procedures.



**VI. Delegation of Authority**

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

**VII. References****A. Legal**

The Annotated Code of Maryland, Education Article, Section 5-507  
(Family Law Article)  
The Annotated Code of Maryland, Education Article, Section 7-101(C)  
(Informal Kinship Law)  
The Annotated Code of Maryland, Education Article, Section 7-305  
(Suspensions and Expulsions)  
The Annotated Code of Maryland, Education Article, Section 7-306  
(Corporal Punishment and Code of Conduct)  
The Annotated Code of Maryland, Education Article, Section 7-307  
(School Violence)  
The Annotated Code of Maryland, Education Article, Section 7-308  
COMAR 13A.05.01  
COMAR 13A.08.01.11, Disciplinary Action  
COMAR 13A.08.01.15, Reporting Delinquent Acts  
COMAR 13A.08.01.17, School Use of Reportable Offenses

**B. Other Board Policies**

Policy 9020 Students' Rights and Responsibilities  
Policy 9050 Student Records and Confidentiality  
Policy 9260 Student Search and Seizure  
Policy 9280 Students Charged with Community or Reportable Offenses

**C. Relevant Data Sources**

Maryland State Department of Education (MSDE) Discipline Summary Reports  
System and School Discipline Data  
Vision 2018 (HCPSS Strategic Plan)

**D. Other**

Bus Conduct Report Form  
COC Incident Report  
HCPSS Student Code of Conduct  
Instructional Intervention Team and Student Support Team Process Guide  
Parental Rights, Maryland Procedural Safeguards Notice  
School Improvement Handbook  
School Resource Officers (SRO) Agreement Between the Howard County  
Department of Police and the Howard County Public School System  
Special Education Procedural Safeguards Booklet  
Student/Parent Handbook

**VIII. History**

ADOPTED: November 21, 1989

REVIEWED:

MODIFIED:

REVISED: September 8, 1994

November 12, 1998

January 14, 1999

May 12, 2005

May 11, 2006

December 13, 2007

May 9, 2013

June 12, 2014

EFFECTIVE: July 1, 2014

**STUDENT DISCIPLINE**

Effective: July 1, 2014

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**I. Definitions**

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

- A. 504 Team – A school-based team established to consider eligibility for services and to review 504 plans for students whose physical or mental impairments substantially limit a major life activity.
- B. Central Education Placement Team (CEPT) – A team that reviews the requests from local school Individualized Educational Program (IEP) teams for more restrictive placements and that has the authority to commit Howard County Public Schools System (HCPSS) resources.
- C. Evening School – An interim disciplinary placement providing educational opportunities for selected middle and high school students that takes place after normal school hours.
- D. Functional Behavior Assessment (FBA) – The identification of the functions of problem behaviors for a student in the educational setting that contribute to or predict the occurrence, non-occurrence, and maintenance of behaviors over time.
- E. Homewood Center – A setting which provides alternative middle and high school programs for students in need of intensive academic and behavioral instruction and support. Homewood Center also serves students who are emotionally disabled and in need of a separate day program to meet IEP goals and objectives.
- F. Interim Alternative Educational Setting – A setting within or outside the home school selected to enable a student receiving special education services to continue to progress in the general curriculum and to continue to receive special education services and modifications needed to meet the goals of the student’s IEP.
- G. Positive Behavior Intervention and Supports (PBIS) – A prevention-oriented framework for school personnel to organize evidence-based practices, to improve implementation of those practices using data, and to maximize academic and social behavior outcomes for students. PBIS uses a three-tiered prevention logic that requires all students to receive supports at the universal or primary tier. If the behavior of some students is not responsive, more intensive behavioral supports,

(targeted or secondary tier) or a highly individualized plan (intensive or tertiary tier) are provided.

- H. Restricted Access – Limitation of a student’s presence on school property.
- I. School Problem Solving Team – Group established to determine intervention and supports needed for students struggling with behavior (such as Instructional Intervention Team (IIT) or School Support Team (SST)).
- J. Serious Bodily Injury – An injury that involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

## **II. Interventions and Supports for Student Behavior**

- A. Staff will receive annual training and resources necessary to ensure a safe, engaging, and supportive learning environment.
  - 1. The training and resources provided to staff will address:
    - a. The contents and requirements of this policy as well as Students’ Rights and Responsibilities.
    - b. Prevention and a continuum of intervention/support techniques designed to promote expected school behaviors and discourage students from engaging in behaviors that interfere with the provision of a safe, engaging, and supportive environment.
  - 2. Training for staff members regarding the implementation of positive behavioral interventions and supports is available from the Office of School Administration and the Department of Special Education and Student Services.
- B. Through the school improvement process schools will analyze school discipline data and develop strategies to address student needs.
- C. When students demonstrate behavioral infractions, school administrators will ensure that disciplinary consequences include opportunities for students and parents to understand the nature of the behavioral infractions and how to avoid future violations.
- D. Students demonstrating behavioral infractions may be referred to the school problem solving team to determine if there is a need for an individualized student behavior plan.

### **III. Investigation/Reports**

- A. A school administrator will investigate any alleged violation of the HCPSS Student Code of Conduct in a timely manner and complete the required incident report.
- B. If, at the conclusion of the investigation, the school administrator finds that there has been a violation of the HCPSS Student Code of Conduct, consequent action will be in accordance with the provisions of this policy, Policy 9020 Students' Rights and Responsibilities, and the HCPSS Student Code of Conduct.
- C. All data from incident reports will be entered into the student records management system.
- D. Copies of disciplinary referrals describing students' behavioral violations will be kept in each student's cumulative file.

### **IV. Non-Exclusionary Consequences**

#### **A. General Procedures**

##### **1. Staff/Administrator Response**

For minor behavioral infractions, school staff and school administrators may respond to students in a manner that does not require parental notification. These responses may include actions such as a verbal reprimand, assigning the student to a brief period of time-out, withholding privileges, requiring a conference with the student, or assigning detention during the school day.

##### **2. Parent Involvement Contact**

Many behavioral infractions require parental contact. When parental contact is warranted, parents will be informed of the misbehavior and consequence within one school day after the conclusion of the investigation. Communication with parents may take many forms, including phone calls, written notices, email notification, and administrative conferences with the student and the parent.

##### **3. Reallocation of Student's Time Through Detention**

- a. Some behavioral infractions warrant reallocation of a student's time through detention beyond the school day. This occurs when student misbehavior calls for a significant response short of suspension from school.

- b. Written notice of detention outside of regularly scheduled school hours will be given to the parent of a student who is being assigned a detention at least one day in advance of the date of detention.
  - i. The staff member assigning the detention should retain a copy of the written notice.
  - ii. The written notice of detention will contain the reason that the detention is being assigned, the date of the detention, and the times that the detention will begin and end.
  - iii. The detention notice is to be signed by the parent and returned to the staff member who assigned the detention.
- c. The responsibility for transportation of students assigned detention outside of school hours rests with the parents of the students.
- d. If a student fails to complete detentions on the dates assigned and the parents have not contacted the staff members who assigned the detentions, the student may be referred to the administration and be subject to further disciplinary action.
- e. For infractions that warrant more serious consequences than other forms of detention, all procedures outlined above, in 3.a–d. will be followed.

## **V. Suspensions of Up to Ten (10) Days (In-school and Out-of-school)**

The following provisions and procedures apply, for each offense, for all students except those receiving special education services or having 504 Plans.

### **A. General Provisions**

- 1. Students may be suspended from school for serious behavioral infractions. Principals may suspend students (in-school or out-of-school) for up to ten (10) consecutive days for cause.
- 2. In-school suspensions should be assigned with the same considerations and expectations accorded out-of-school suspensions. This includes keeping records of in-school suspensions, parental notification, and reporting in-school suspensions using currently accepted guidelines for reporting of disciplinary data.
- 3. Students serving in-school suspensions may be prohibited from attending classes and from participating in school-related or extracurricular activities.

4. Students serving out-of-school suspensions or expulsion will remain off all HCPSS properties for the duration of the suspension or expulsion unless prior authorization has been granted by the school principal.

**B. General Procedures**

1. The student must be informed promptly of the alleged violation and given the opportunity to explain in writing his/her explanation of the situation.
2. The student or the student's parent will have a conference with the principal/designee and/or any other appropriate personnel during the suspension period.
3. If a principal determines that a suspension up to ten (10) school days is warranted, he/she will inform the student and the student's parent of the reason(s) for the suspension within one school day after the conclusion of the investigation. Verbal communication is to be attempted in cases of suspension. However, other forms of notification may be utilized when verbal communication cannot be made, including the use of written notices, email, and administrative conferences with the student and the parent. If a student is suspended he/she will not be released from school during the initial day of suspension without parent notification.
4. If the suspension is ordered by the principal/designee, an appeal of a suspension of ten (10) days or less may be made to the Superintendent/Designee within ten (10) days of the date on which the suspension began.

**VI. Alternative Educational Setting**

The following provisions and procedures apply, for each offense, for all students except those receiving special education services or having 504 Plans.

- A. Students may be assigned to or granted placement in an alternative educational setting, such as Homewood Center or Evening School, by designated central office staff.
- B. Every effort will be made to enlist parent support when assigning students to alternative educational settings. However, the Superintendent/Designee retains the right to assign students to alternative settings when the students and/or parents do not agree to such placements.
- C. The length of placement in an alternative educational setting will be determined by designated central office staff.

- D. The sending school maintains responsibility for students until the student arrives at the assigned settings or until required actions (e.g., completion of assessments) are completed by the sending school.
- E. Failure of students to complete requirements of the alternative educational setting in a satisfactory manner may result in additional disciplinary actions.

## **VII. Suspensions of More Than Ten (10) Days and Expulsions**

The following provisions and procedures apply, for each offense, for all students except those receiving special education services or having 504 Plans.

### **A. General Provisions**

1. An extended suspension may occur when the Superintendent/Designee has determined that either:
  - a. The student's return to school prior to the completion of the suspension period would pose an imminent threat of serious harm to other students, staff, or others; or
  - b. The student has engaged in chronic and extreme disruption of the educational process that has created a substantial barrier to learning for other students across the school day, and other available and appropriate behavioral and disciplinary interventions have been exhausted.
2. 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, staff, or others.
3. The Superintendent/Designee will limit the duration of the exclusion to the shortest period practicable.
4. The school system will provide the excluded student with comparable educational services and appropriate behavioral support services to promote successful return to the student's regular academic program.
5. Any student suspended or expelled from school will remain off all HCPSS properties for the duration of the suspension or expulsion unless prior authorization has been granted by the school principal.
6. Students who are expelled may request reinstatement from the Superintendent/Designee, who makes all determinations in such matters.



B. General Procedures

For cases in which a principal determines that a suspension exceeding ten (10) school days or expulsion for 45 days or more is warranted, he/she will issue a ten-day suspension, make a written recommendation to the Superintendent/Designee, and inform the student and the student's parent of the reason(s) for the suspension and recommendation to the Superintendent/Designee. Verbal communication is to be attempted in cases of suspension. However, other forms of notification may be utilized when verbal communication cannot be established including the use of written notices, email, and administrative conferences with the student and the parent. If a student is suspended he/she will not be released from school during the initial day of suspension without parent notification.

1. Investigations

- a. Upon receipt of a written report from a principal requesting an extended suspension or an expulsion, the Superintendent/Designee will promptly make a thorough investigation of the matter.
- b. If after the investigation the Superintendent/Designee finds that an extended suspension or an expulsion is warranted, the Superintendent/Designee will promptly arrange a conference to explain the outcome of the investigation with the student and the student's parent.
- c. The process described in B.1. a–b. above will be completed by the 10th school day of the initial suspension. If additional time is necessary to complete the process, either because of delays due to parent unavailability or due to the complexity of the investigation, the student will be allowed to return to school, unless the Superintendent/Designee determines that the student's return to school would pose an imminent threat of serious harm to other students, staff, or others.
- d. If the student is not allowed to return to school after the 10th day, the Superintendent/Designee will notify the student and the parent within 24 hours and provide the reasons for the delay in the process and the denial of reentry and send a copy of the notice to the State Superintendent of Schools.

2. Appeals

- a. If after the conference the Superintendent/Designee finds that an extended suspension or an expulsion is warranted, the student or the student's parent may appeal to the Board within ten (10) days after the determination.

- b. If an appeal is filed, the Board or its designated committee or hearing officer will have 45 days from the date the appeal was received to hear the appeal and issue a decision, as follows:
  - i. This timeline period may be extended if the parent or his/her representative requests additional time; and
  - ii. This timeline will also apply in the event that the Board elects to use a hearing examiner.
- c. If due to extraordinary circumstances or unusual complexity of a particular appeal, the Board determines that it will be unable to hear an appeal and issue a decision within 45 days, it may petition the State Superintendent for an extension of time.
- d. The student or the student's parent or representative:
  - i. Will be provided the school system's witness list and a copy of the documents that the school system will present at the hearing 5 days before hearing; and
  - ii. May bring counsel and witnesses to the hearing.
- e. Unless a public hearing is requested by the parent of the student, all student disciplinary hearings will be held out of the presence of all individuals except those whose presence is considered necessary or desirable by the Board.
- f. The appeal to the Board does not stay the decision of the Superintendent.
- g. The decision of the Board is final.

### **VIII. Students Receiving Special Education Services**

When a student is receiving special education services the following procedures apply when considering disciplinary consequences, which would exclude the student from normal school activities.

- A. General provisions
  - 1. In-school suspensions will be assigned with the same considerations and expectations accorded to out-of-school suspensions. This includes keeping records of in-school suspensions, contacting parents, and reporting in-school suspensions as suspensions using currently accepted guidelines for reporting of disciplinary data.

2. If a student is sent home by an administrator due to behavioral concerns, that time from school is considered a removal and counts as a suspension.
3. Students serving out-of-school suspensions are prohibited from attending classes, accessing school property, and participating in school-related or extracurricular activities.
4. Any time the disciplinary action results in the exclusion of a student who qualifies for special education disciplinary protections; the parent must be notified and provided a copy of the procedural safeguards booklet on the day the disciplinary action is assigned.

B. Suspension for up to ten (10) school days

In any disciplinary case deemed to warrant suspension of up to ten (10) school days, a student with an IEP may be suspended in accordance with section V.B. of these procedures.

C. Suspension for more than ten (10) cumulative school days (including in-school suspensions) or expulsion:

1. Students with IEPs can be excluded from instruction for a total of ten (10) cumulative days per school year. After the 10th day, students must receive educational services to enable them to progress appropriately in the general education curriculum and advance toward achieving the goals on the student's IEP.
2. Any disciplinary action of a student with an IEP that warrants a suspension that exceeds ten (10) school days per year or expulsion by the Superintendent/Designee will be immediately referred to the IEP team. The parent will be given notice of the IEP team meeting, which must be held as soon as possible, but not later than ten (10) school days after the offense.
3. It is the responsibility of the IEP team, which includes the parent, to meet and determine if the behavior that resulted in the suspension was a manifestation of the student's disability. The IEP team will review all relevant information in the student's file, including the student's IEP, functional behavior assessment (FBA), behavior intervention plan (BIP), teacher observations, and any relevant information provided by the parents to determine:
  - a. Whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability.
  - b. Whether the conduct in question was the direct result of the school system's failure to implement the IEP.

4. If the IEP team determines that either of the above considerations is applicable, the conduct will be determined to be a manifestation of the student's disability.
5. If the IEP team determines that the conduct, which prompted the disciplinary action, was a manifestation of the student's disability, the suspension or expulsion will be discontinued. Suspension days served during this time count toward the 10-day limit for exclusion from educational services. The team members will:
  - a. Return the student to the placement from which the student was removed, unless the parent and the IEP team agree to change the placement as part of the modification of the IEP or the BIP. School staff will ensure the parents are informed that the change in placement is voluntary and temporary.
  - b. Conduct a FBA and implement a BIP if one has not been implemented previously.
  - c. Review and modify the BIP, if necessary, to address the behavior.
6. Implementation of the revised BIP will occur as soon as possible, but not more than ten (10) school days following the revision and approval by the IEP team.
7. If the IEP team determines that the conduct that prompted the disciplinary action was not a manifestation of the student's disability, the following procedures apply:

HCPSS must continue to provide educational services during periods of disciplinary removal that exceed ten (10) school days per year. The IEP team determines the goals, objectives, and services needed to enable the student to progress in the general education curriculum and advance toward achieving the goals of the student's IEP. The IEP team will conduct, as appropriate, a FBA, or review and revise the student's BIP to address the behavior. The Superintendent/Designee may consider any unique circumstance on a case-by-case basis when determining whether to recommend a change in placement for a child with a disability. If the Superintendent/Designee recommends an alternative placement, the placement will be able to implement the student's IEP and the services determined by the IEP team.

8. If parents disagree with a decision regarding a manifestation determination or with any decision regarding placement for disciplinary reasons, the parents may file a due process complaint in accordance with the provisions of the Parental Rights, Maryland Procedural Safeguards Notice.

Unless the parent and Superintendent/Designee agree on an alternative placement, the student will remain in the student's current educational setting pending the outcome of the due process hearing. This does not preclude the school from using the normal procedures for dealing with students who are endangering themselves or others. Such procedures may include the use of study carrels, time-outs, detention, or restriction of privileges.

9. The school system may seek a court order to remove the student or seek the consent of the student's parent to a change in placement if the student's presence in school poses a danger to persons or property.
10. When alternatives are not available, school administrators may consider seeking a hearing officer's consent or the court's consent to remove a dangerous student with disabilities from school when alternatives are not available.

D. Interim Alternative Educational Setting

1. School staff may remove a student with an IEP to an appropriate Interim Alternative Educational setting (IAES) for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, in cases when the student:
  - a. Carries or possesses a weapon at school, on school property, or at a school related activity.
  - b. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school property, or at a school related activity.
  - c. Inflicts serious bodily injury upon another person while at school, on school property, or at a school related activity.
2. If the principal believes that a student with an IEP should be assigned to an IAES, the principal will contact the Superintendent/Designee and make the request. If the Superintendent/Designee imposes a consequence of up to 45 days of suspension, the IEP team will meet to determine the goals, objectives, services, and the location of the IAES that will enable the student to progress in the general education curriculum and advance toward achieving the goals of the student's IEP.

E. Student Suspected of Having a Disability

1. A student who has not been determined to be eligible for special education and who has engaged in behavior that violated any rule or Student Code of Conduct of HCPSS may assert any of the IDEA disciplinary protections if the HCPSS had knowledge that the student was a student with a disability before

the behavior that precipitated the disciplinary action occurred or there was a reason to believe that the student may be disabled.

2. HCPSS is deemed to have knowledge that a student is a “student with a disability” if the following conditions existed prior to the disciplinary action:
  - a. The parent of the student has expressed concern in writing to HCPSS supervisory or administrative staff or a teacher of the student, that the student is in need of special education and related services;
  - b. The parent of the student has requested an evaluation of the student; or
  - c. The teacher of the student or other personnel of the HCPSS has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the Executive Director of Special Education and Student Services of HCPSS or to other supervisory personnel of HCPSS.
3. The HCPSS would not be deemed to have knowledge that the student is a “student with a disability” if any of the following conditions exist:
  - a. The parent of the student has not allowed an evaluation of the student.
  - b. The parent has refused or revoked consent for special education and related services.
  - c. The student has been evaluated and it was determined that the student was not a student with a disability.
  - d. The IEP team determined that an evaluation was not necessary and the parent was provided written notice of the IEP team’s decision.
4. If the school system had no knowledge that the student was a student with a disability prior to the disciplinary infraction, then the student may be treated as a general education student who engaged in comparable behavior.

## **IX. Suspension of Students With 504 Plans**

When a student has a 504 Plan, the following procedures apply when considering disciplinary consequences, which would exclude the student from normal school activities.

- A. General provisions related to suspensions
  1. In-school suspensions will be assigned with the same considerations and expectations accorded out-of-school suspensions. This includes keeping records of in-school suspensions, reporting in-school suspensions as

suspensions using currently accepted guidelines for reporting of disciplinary data, and parental notification.

2. If a student is sent home by administration due to behavioral concerns, that time from school is considered a removal and counts as a suspension.
3. Students serving out-of-school suspensions are prohibited from attending classes, accessing school property, and participating in school-related or extracurricular activities.
4. Any time the disciplinary action results in the exclusion of a student who qualifies for Section 504 protections, the parent must be notified and provided a copy of the Section 504 parental rights notice on the day the disciplinary action is assigned.

B. Suspension for up to ten (10) school days per year

In any disciplinary case deemed to warrant suspension of up to ten (10) school days, a student with a 504 Plan may be suspended in accordance with section V.B. of these procedures.

C. Suspension for more than ten (10) cumulative school days (including in-school suspensions) or expulsion.

1. Any disciplinary action of a student with a 504 Plan that warrants a suspension that exceeds ten (10) school days per year or expulsion by the Superintendent/Designee will be immediately referred to the 504 team. The parent will be given notice of the 504 team meeting, which must be held as soon as possible, but not later than ten (10) school days after the offense.
2. It is the responsibility of the 504 team, which includes the parent, to meet and determine if the behavior that resulted in the suspension was a manifestation of the student's disability. The 504 team will review all relevant information in the student's file, including the student's 504 Plan, FBA, BIP, teacher observations, and any relevant information provided by the parents to determine:
  - a. Whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability.
  - b. Whether the conduct in question was the direct result of the school system's failure to implement the 504 Plan.
3. If the 504 team determines that either of the above considerations are applicable, the conduct will be determined to be a manifestation of the student's disability.

4. If the 504 team determines that the conduct, which prompted the disciplinary action, was a manifestation of the student's disability, the suspension or expulsion will be discontinued. Suspension days served during this time count toward the 10-day limit for exclusion from educational services. The team members will:
  - a. Return the student to the placement from which the student was removed.
  - b. Consider conducting an FBA and implementing a BIP.
  - c. Review and modify the BIP, if necessary, to address the behavior.
5. Implementation of the revised BIP will occur as soon as possible, but not more than ten (10) school days following the revision and approval by the 504 team.
6. If the 504 team determines that the conduct that prompted the disciplinary action was not a manifestation of the student's disability, the school system may cease education services during the periods of disciplinary removal that exceed ten (10) school days if non-disabled students in similar circumstances do not continue to receive educational services.
7. The school system may seek a court order to remove the student or seek the consent of the student's parent for a change in placement if the student's presence in school poses a danger to persons or property.
8. During the pendency of an appeal by a student with a 504 Plan, the student is to be treated like a general education student.

**D. Disciplinary action for illegal drug use or alcohol abuse**

The school system may take disciplinary action, to the same extent as disciplinary action is taken against nondisabled students, against a student with a 504 Plan who is currently engaging in the illegal use of drugs or the use of alcohol.

**X. School Bus Transportation**

The following procedures apply for all students who ride a school bus which include, but are not limited to, transportation to and from school, and all school-related activities:

- A. Failure to comply with expected student behaviors or interference with the safe transportation of students in any way is a violation of this policy. In the absence of a teacher or school administrator, it is the responsibility of the school bus driver/assistant to report inappropriate or unsafe student behavior to a school-based administrator/designee.



If any student is deemed to be in violation of this policy by the school bus driver/assistant, the student should be referred to the appropriate school administrator through the use of the Bus Conduct Report form. In serious situations, the driver/assistant will also contact the Pupil Transportation Office immediately.

- B. Initial disciplinary action as a result of inappropriate behavior on a school bus will be the responsibility of the school administrator. The Pupil Transportation Office staff will be available to assist school administrators in addressing and resolving infractions.
  - 1. The administrator will determine if a violation has occurred.
  - 2. If the administrator determines that a violation has occurred, he/she, in consultation with Pupil Transportation Office staff, as necessary, will take appropriate disciplinary action in accordance with the HCPSS Student Code of Conduct.
- C. Student infractions of the rules/guidelines regarding student conduct on school buses may lead to the temporary or permanent suspension of transportation privileges and/or other discipline.
- D. Inappropriate conduct by students receiving special education or 504 services will be handled in accordance with all applicable laws and regulations and sections VIII and IX of these Implementation Procedures.

## **XI. History**

ADOPTED: November 21, 1989

REVIEWED:

MODIFIED: October 10, 2013

REVISED: November 12, 1998

January 14, 1999

May 12, 2005

May 11, 2006

April 14, 2011

June 21, 2011

May 9, 2013

June 12, 2014

EFFECTIVE: July 1, 2014