

FREDERICK COUNTY PUBLIC SCHOOLS	Reg. No. 400-8
Subject: DISCIPLINE	Issued: 5/22/78
Preparing Office: Office of the Superintendent	Amended: 8/25/14

- I. Policy 403
- II. Procedures
 - A. Philosophy

All schools will have a safe, positive, healthy, and inviting environment: one that fosters respect, responsibility, trustworthiness, fairness, caring, and good citizenship. It is the responsibility of everyone associated with the school—staff, students, parents, and members of the community—to teach, promote and model self-discipline in order to preserve the quality of our educational environment.

Frederick County Public Schools' (FCPS) discipline philosophy is based on the goals of fostering, teaching and acknowledging positive behavior. Discipline is designed to teach appropriate behavior, encourage more effective habits of conduct, and promote the development of self-discipline.

Consistent with the belief that we continuously teach by example and that training is important in the development of good citizens, the school system adopts the principles of cultural competency, fairness, equity, continuous improvement and conflict resolution. In order to maintain a positive, safe, and inviting school climate where learning and citizenship will occur, all individuals will be expected to exemplify this philosophy.

- B. Process

It is expected that prior to imposing disciplinary measures, positive behavioral interventions and supports should be considered as practicable.

Students will be subject to the established disciplinary regulations for any incident occurring on any property owned by the Frederick County Public School system, before, during, and after school hours and also while attending school-sponsored activities on or off school property. Students may also be disciplined for possessing prohibited items in vehicles located on school property

Disciplinary interventions to be used by all schools are listed in Section D of this regulation. While school principals/designees have discretion in imposing discipline based upon the facts of the investigation and the needs of the students, long term suspensions and requests for extended suspensions/expulsions should be considered as last resort options. School principals or designees may suspend students for cause for not more than 10 school days. All students must receive due process and be aware of the charges against them. A parent/guardian conference must be held in the case of an out of school suspension. Some of the violations are criminal offenses and, if so, appropriate legal authorities may be informed.

In the event of an out of school suspension, school staff are encouraged to have a re-entry conference to provide transition and school connection supports to the suspended student as he/she returns to the educational setting.

(A school principal/designee reserves the right to temporarily secure an electronic device during a student discipline investigation to ensure integrity of the fact-finding process.)

C. Documentation

All administrative imposed discipline will be documented in the student information system. All discipline that results in suspension (for 1 or more days) will be maintained as part of the individual student's permanent record. The discipline record will consist of a description of the student's behavior that resulted in disciplinary action and a copy of the correspondence sent to the parent(s) informing them of the student's suspension or expulsion.

D. Disciplinary Measures

	<u>Teacher</u>	<u>School Principal/Designee</u>
Activity suspension ¹	X	X
Behavior contract	X	X
Behavior intervention plan		X
Bus suspension		X
Check- in/check-out	X	X
Class removal	X	X
Class suspension		X
Community service		X
Conflict resolution	X	X
Detention-lunch or after school	X	X
Functional behavior assessment		X
In-school removal	X	X
In-school suspension		X
Long-term out of school suspension ²		X
Loss of privileges	X	X
Parent-administrator conference		X
Parent-teacher conference	X	
Parent-teacher-student conference	X	
Parent-teacher-administrator conference	X	X
Parent-teacher-student-administrator conference	X	X
Peer mediation	X	X
Probation		X
Recommendation for extended suspension/expulsion		X
Refer to agency		X
Refer to alternative program ³		X
Refer to counselor	X	X
Refer to law enforcement		X

	Teacher	School Principal/Designee
Removal from extracurricular activities		X
Restitution		X
Saturday school		X
Short-term out of school suspension ²		X
Student Support Team referral	X	X
Suspension pending parent conference		X
Teacher-student conference	X	
Warning	X	X

¹ By the teacher primarily responsible for the activity

² By the administrator for a period up to ten (10) days; requests for extended suspension or expulsion must be approved by the Superintendent or a designated representative.

³ In addition to the established alternative programs, the deputy superintendent or his/her designee in certain circumstances may approve the development of an alternative educational program(s) that incorporate instruction provided in the home or other community facility as a means of delivering ongoing instruction to students.

E. Definitions

Check-In/Check-Out

- Selected students have an informal check-in and check-out with a designated staff member.

Community Service

- A service performed by a student for the school or the community in response to a behavioral issue.

Confer

- A discussion or dialogue by any means (telephone, electronic mail, or a face-to-face meeting) where the views of the teacher are communicated and considered.

Due Process

- Provide notification of the charges and an opportunity to respond.

Possession

- Possession includes, but is not limited to, having control over, or the right to use, even if the control or right is shared with others. Possession does not require ownership.

Constructive Possession

- Constructive possession of alcohol and drugs/drug paraphernalia is defined as failure to remove oneself as quickly and safely as possible from a person, area, or situation when the student is aware that drugs/alcohol are illegally possessed.

Restitution

- Maryland law requires restitution in the form of monetary reimbursement (up to \$2500) or school work projects performed by students or their parents when the student damages school or personal property. (See FCPS Reg. 400-75.)

Search and Seizure

- A school administrator may make a search of a student, his/her locker, automobile, or personal property when the administrator has reasonable belief that the student has in his/her possession an item, the possession of which is a criminal offense, violates civil laws, or violates school rules. (See FCPS Reg. 400-59)

Probation

- A defined period of time for a student to change undesirable behavior and still remain in the school with behavioral goals, set forth by the principal/designee.

In-School Removal

- Temporary removal of a student from class; not considered suspension as long as the student is afforded the opportunities to:
 - a. Appropriately progress in the general curriculum.
 - b. Receive the special education and related services specified on the student's IEP, if the student is a student with a disability.
 - c. Receive instruction commensurate with the program afforded to the student in the regular classroom.
 - d. Participate with peers as they would in their current education program to the extent appropriate.

In-School Suspension

- Removal by the school principal of a student from the student's current education program to another location within the school building for up to ten (10) school days in a school year for disciplinary reasons.*

Suspension Pending Parent Contact

- Temporary removal of a student from classes and/or activity by the principal until the school administrator has conferred with the parent.

Short-Term Suspension

- Removal of a student from school, by the school principal for a time period of not more than three (3) school days, for disciplinary reasons.*

Long-Term Suspension

- Removal of a student from school, by the school principal, for a time period of four (4) to ten (10) school days, for disciplinary reasons.*

Extended Suspension

- Temporary removal by the Superintendent or Superintendent's designee of a student from school for eleven (11) to forty-four (44) school days for disciplinary reasons. The school system will provide the excluded student with comparable educational services and appropriate behavioral support services to promote successful return to a regular academic program.

Expulsion

- Removal of a student from the student's regular school program, for a specified period of time of forty-five (45) days or longer, as determined by the Superintendent/designee with comparable educational services and appropriate behavioral support services to promote successful return to a regular academic program.

*(1) Each student suspended or expelled out of school who is not placed in an alternative education program shall receive daily classwork and assignments from each teacher, and if completed and returned shall be reviewed and corrected by teachers on a weekly basis and returned to the student; and

(2) Each principal shall assign a school staff person to be the liaison between the teachers and any student on out-of-school suspension or expulsion and to communicate weekly about classwork assignments and school-related issues by phone and or email with those out-of-school suspended/expelled students and their parents.; and

(3) To provide all students who receive short-term suspensions and their parents or guardians with contact information for a school employee who will be responsible for ensuring that the requirement is met.

<i>Tiers of Interventions</i>	
TIER 1	<p><i>Classroom, Support and Administrative Responses</i></p> <ul style="list-style-type: none"> *Check-in/check-out *Classroom based response (Verbal correction, written reflections, apology, etc.) *Conflict resolution *Detention *Development of behavior contract *Formal/informal school based meeting *Parent outreach *Peer mediation *Referral to mental health services *Referral to School Counselor *Re-teaching of classroom/school rules and expectations *Student Support Team referral *Teacher/Parent conference *Warning
TIER 2	<p><i>Support, Removal and Administrative Responses</i></p> <ul style="list-style-type: none"> *Bus suspension *Check-in/check-out *Class removal *Community service *Detention *Development of behavior contract *Development of Behavior Intervention Plan *Functional Behavior Assessments *In school removal *In school suspension *Loss of privileges *Parent/Administrator conference *Probation *Referral to substance abuse counseling services *Referral to community based agencies *Referral to mental health services *Removal from extracurricular activities *Restitution *Saturday school *Student Support Team Referral *Teacher/parent/administrator conference *Temporary removal from class
TIER 3	<p><i>Support, Removal, Administrative and Exclusionary Responses</i></p> <ul style="list-style-type: none"> *Suspension pending parent conference *Short term out of school suspension *Long term out of school suspension *Extended out of school suspension *Expulsion

F. Respect for the Personal Rights of Others

Caring, Respect, Responsibility

All of us have a responsibility to treat one another with courtesy and respect. If students become angry or upset, school personnel will educate students regarding the resources available to them in school to reach a peaceful resolution to their problems.

These resources include: classroom teachers, school counselors, student support teachers, and administrators. The purpose of discipline is to teach valuable behavior skills useful throughout one's lifetime. After exhausting positive behavior intervention and supports provided by school personnel, the following consequences will occur.

NOTE: A mandatory parent conference is required for any violation in this section. Where appropriate, the use of conflict resolution and peer mediation techniques should be used. It may also be necessary to make a law enforcement referral.

<p style="text-align: center;">KEY</p> <p>Lowest tiers of intervention should be considered first, if practicable followed by more intensive consequences.</p>	<p style="text-align: center;">TIER 1</p> <p>Classroom, Support and Administrative Responses</p>	<p style="text-align: center;">TIER 2</p> <p>Support, Removal and Administrative Responses</p>	<p style="text-align: center;">TIER 3</p> <p>Support, Removal, Administrative and Exclusionary Responses</p>
<p>Assault The unlawful attempt, coupled with a present ability, to commit a violent physical attack upon a person. This includes threatening language or gestures without actually touching another person.</p>		X	X
<p>Sexual Assault Physical sexual attack upon another person.</p>		X	X
<p>Battery Any willful and unlawful use of force or violence upon another person</p>		X	X
<p>Fighting Mutual aggression in which both parties have contributed to the situation by verbal and/or physical action.</p>	X	X	X
<p>Verbal Abuse Disrespectful and/or inappropriate language directed toward another person</p>	X	X	X
<p>Hazing Any action taken or situation created that causes or is reasonably likely to cause harassment, physical harm, serious mental or emotional harm, extreme embarrassment, ridicule, or loss of dignity to another person for purposes of initiation into a student organization or activity.</p>		X	X
<p>Bullying/Intimidation A pattern of behavior which results in a person feeling intimidated or harassed by another. Note: For purposes of this regulation, bullying may also include those offenses, which occur through electronic mechanisms (i.e. cyber bullying) when such behavior impacts the health or safety of students and/or proves disruptive to the educational environment. Cross-reference FCPS Regulation 400-48</p>		X	X
<p>Sexting Using an electronic communication device to send and/or possess text or email that includes nudity and/or sexually suggestive images. Parents of the students will be contacted. Because sexting may be deemed a form of child pornography, administrators are advised to contact law enforcement prior to investigating content on the electronic device.</p>	X	X	X
<p>Gang Activity Any group of three (3) or more persons who share an ongoing relationship and whose purposes include the commission of illegal acts or acts in violation of school system regulations. Students who are in violation will be subject to disciplinary action in addition to applicable criminal and civil penalties. Refer to regulation 400-87 for more specific information.</p>	X	X	X

Note: Special education students are disciplined in accordance with provisions of federal law.

G. Responsibility and Respect for Property

Fairness, Citizenship, Trustworthiness

All of us have the right to expect our property to be secure, and all of us have the responsibility to respect the property of others. This includes property belonging to students, staff, and the Board of Education. Should a student choose not to respect others' rights or property, the following consequences will occur.

KEY	TIER 1	TIER 2	TIER 3
Lowest tiers of intervention should be considered first, if practicable followed by more intensive consequences.	Classroom, Support and Administrative Responses	Support, Removal and Administrative Responses	Support, Removal, Administrative and Exclusionary Responses
Extortion The obtaining of property from another, with or without that person's consent, by a wrongful use of force, fear, or threat. The parent or guardian shall be liable for all damages so caused by the student.		X (With restitution as required by law)	X (With restitution as required by law)
Theft The unlawful taking of property or obtaining property by false pretense. The parent or guardian shall be liable for all damages so caused by the student.	X (With restitution as required by law)	X (With restitution as required by law)	X (With restitution as required by law)
Destruction of Property Willfully cutting, defacing, or otherwise injuring in any way any property, real or personal, belonging to the school district or another person. The parent or guardian shall be liable for all damages so caused by the student		X (With restitution as required by law)	X (With restitution as required by law)
Unauthorized Access to Computer Networks Hacking (to gain illegal or unauthorized access to a file or network) or use of another user's account. The student's computer privileges may be revoked		X	X

Note: Special education students are disciplined in accordance with provisions of federal law.

H. Responsibility for Maintaining Public Decency and Ethical Behavior

Trustworthiness, Caring, Respect

The nature of the school experience demands the highest standards of integrity on the part of all involved. Students have the responsibility to conduct themselves in a manner that demonstrates respect for themselves, each other, the school staff, and the school community. Positive values and attitudes are imperative for student success in the school community as well as in life. Students who choose not to behave in this manner face the following consequences:

KEY	TIER 1	TIER 2	TIER 3
Lowest tiers of intervention should be considered first, if practicable followed by more intensive consequences.	Classroom, Support and Administrative Responses	Support, Removal and Administrative Responses	Support, Removal, Administrative and Exclusionary Responses
Gambling The playing of a game of chance for stakes.	X	X	
Plagiarism Deliberately presenting work, words, ideas theories, etc. derived in whole or in part from a source external to the student as though they are the student's own efforts.	X	X	
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> A teacher may impose a consequence of disallowing a grade in whole or in part, and/or making an office referral. </div>			

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<p>Cheating Disseminating or receiving answers, data or other information by any means other than those permitted by the teacher as part of any academic exercise.</p>	X	X	
<p>A teacher may impose a consequence of disallowing a grade in whole or in part, and/or making an office referral.</p>			
<p>Vulgarity/Profanity Language that is inappropriate, disgusting, or repulsive to the senses.</p>	X		
<p>Sexual Activity¹ Inappropriate behavior of a sexual nature, including indecent exposure, consensual sex, and other sexual activity not identified as sexual assault or harassment.</p>		X	X
<p>Harassment/Intimidation Intentional negative actions on the part of one or more students in regard to race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attributes, socio-economic status, familial status, physical or mental ability or disability, and that interfere with a student's ability to participate in or benefit from the school's educational programs. Cross-reference FCPS Regulation 400-48.</p>	X	X	X
<p>Sexual Harassment¹ Unwelcome sexual advances, requests for sexual favors, and/or other inappropriate verbal, written, or physical conduct of a sexual nature, directed toward others.</p>		X	X

¹ Offenders will be required to participate in an educational activity. This activity, designed by the school administrator, counselor, or school team, and approved by the building principal, is intended to educate, sensitize, and instill openness, tolerance, and non-discrimination. Cross-reference FCPS Regulation 400-48.

Note: Special education students are disciplined in accordance with provisions of federal law.

I. Responsibility for Maintaining Public Health and Safety

Citizenship, Responsibility, Caring

The school community considers the health and safety of our students extremely important. Violations in this area are not only a threat to the individual, but also the school community. Therefore, in order to protect the individual student and the total school environment, health and safety violations are considered serious.

The police shall be notified when a student is in possession of a firearm or weapon or is distributing, using, or believed to be under the influence of drugs, alcohol, or inhalants as described in this section.

Any student who is involved with dangerous drugs or alcohol must schedule a substance abuse assessment with an appropriate provider or agency before returning to school.

<p align="center">KEY</p> <p>Lowest tiers of intervention should be considered first, if practicable followed by more intensive consequences.</p>	<p align="center">TIER 1</p> <p>Classroom, Support and Administrative Responses</p>	<p align="center">TIER 2</p> <p>Support, Removal and Administrative Responses</p>	<p align="center">TIER 3</p> <p>Support, Removal, Administrative and Exclusionary Responses</p>
<p>Drugs, Narcotics, Controlled Dangerous Substances, Inhalants or Alcohol ** Possession, use, being under the influence to any degree, or being party to an actual or attempted transaction of any of the substances which are or have the appearance of drugs (prescription or non-prescription used outside of their legal medical purposes); narcotics; controlled dangerous substances; drug paraphernalia; inhalants; or alcohol. Steroids are considered a drug.</p>		X	X
<p align="center">Note: Athletes/student leaders are ineligible to participate in practices and/or scheduled activities</p>			
<p>Distribution Dispensing, conspiring, or packaging to dispense, with or without the exchange of money, drugs, narcotics, controlled dangerous substances, drug paraphernalia, inhalants, alcohol, or any substance having the appearance of these items.</p>		X	X
<p>Tobacco * ** Possession or use of any type of tobacco product.</p> <p>Tobacco products include, but are not limited to, any substance containing tobacco, including cigarettes, smoking tobacco, snuff, chewing tobacco, smokeless tobacco, or any vaporizing device with liquid nicotine (e.g. electronic cigarettes, cigars, pipes)</p>	X	X	
<p>Weapon Possession ** Possession of any instrument that the school administrative staff deems could cause or is intended to cause bodily harm. This category could include but is not limited to a knife, brass knuckles, BB gun, pellet gun, or look-alike weapon.</p>	X	X	X
<p>Firearm Possession ** For purposes of definition under this regulation, a firearm is defined under Section 921(a) of Title 18 of the U.S.C.</p> <p>Possession of a firearm on school property is inclusive of vehicles parked on school property.</p>			X
<p align="center">Note: The Federal Gun Free Schools Act of 1994 and 87-305 of the Education Article-Maryland Annotated Code mandate that each local educational agency remove from school for a period of not less than one (1) year any student who is determined to have brought a firearm to school. Exceptions to the year-long rule can be made on a case-by-case basis by the Superintendent. However, special regulations and procedures for students identified under IDEA or 504 shall be followed.</p>			
<p>Serious Acts by Student Leaders Students holding leadership positions or representing the school through academics, athletics, and/or activities, such as a club or organization, who commit an offense classified as a serious unlawful act in the community or a serious suspendable offense.</p>	<p align="center">Student may be removed from the position. Arrest, conviction, or legal judgment is not required.</p>		
<p>Violent Offenses Off Campus "Violent offenses" include, but are not limited to, committing or attempting to commit murder, rape, or assault with a deadly weapon.</p> <p>Cross Reference FCPS Regulation 400-60</p>	<p>If a student is charged with committing an act of violence off of school property or during non-school hours, an assessment team will, as soon as practicable, convene to review the student's behavior and condition. The assessment team will promptly report, in writing, to the Superintendent its conclusions and recommendations regarding the student and the most appropriate educational placement or program. During this assessment period, and where appropriate, the student shall receive home teaching. Home teaching will not be provided during school closings.</p>		

Note: Special education students are disciplined in accordance with provisions of federal law.
 Student leaders are defined as students who are involved in extracurricular, co-curricular, clubs, or student representative activities.

Note: VIOLATIONS LISTED BELOW SHALL RESULT IN THE NOTIFICATION OF THE FIRE MARSHAL

KEY	TIER 1	TIER 2	TIER 3
Lowest tiers of intervention should be considered first, if practicable followed by more intensive consequences.	Classroom, Support and Administrative Responses	Support, Removal and Administrative Responses	Support, Removal, Administrative and Exclusionary Responses
Explosive Devices and Fireworks The possession or detonation of any explosive device or fireworks.	X	X	X
Bomb Threat False notification of impending explosion or presence of a bomb		X	X
Arson/Fire Attempting to set, aiding in setting, or setting fire to a building or other property.		X	X
False Fire Alarm Illegally activating a fire alarm or issuing a false fire alarm.	X	X	X
Discharging Fire Extinguishers Willfully and maliciously discharging a fire extinguisher.		X	X

J. Respect for School Administrative Procedures

Fairness, Citizenship, Responsibility

In a school, rules are established to protect the rights of everyone and to maintain a level of order that encourages academic and personal growth and success.

The overwhelming majority of students in Frederick County attend school daily, are respectful, and are attentive to those in positions of authority and, if they make a mistake, are honest and contrite about their error and successfully take the steps necessary not to make the same mistake again.

Students who choose not to behave in this manner face the following consequences:

KEY	TIER 1	TIER 2	TIER 3
Lowest tiers of intervention should be considered first, if practicable followed by more intensive consequences.	Classroom, Support and Administrative Responses	Support, Removal and Administrative Responses	Support, Removal, Administrative and Exclusionary Responses
Defiance of Authority The willful refusal or failure to follow a legal direction/order given by a staff member or school resource officer.	X	X	
Continued Willful Disobedience Repeated refusal or failure to follow school rules and regulations.		X	X
Disruptive Behavior Actions which interfere with the effective operations of the school.	X	X	X

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<p align="center">KEY</p> <p>Lowest tiers of intervention should be considered first, if practicable followed by more intensive consequences.</p>	<p align="center">TIER 1</p> <p align="center">Classroom, Support and Administrative Responses</p>	<p align="center">TIER 2</p> <p align="center">Support, Removal and Administrative Responses</p>	<p align="center">TIER 3</p> <p align="center">Support, Removal, Administrative and Exclusionary Responses</p>
<p>False Identification Refusal to give identification or giving false identification when requested to do so by a staff member or school resource officer.</p>	X	X	
<p>Forgery The false making or the material altering of a document with the intent to defraud.</p>	X	X	
<p>Leaving Campus Leaving campus during school hours without proper clearance.</p>	X	X	
<p>Misbehavior on School Buses Bus drivers are responsible for the orderly conduct of students while they are on the school bus. Continued disorderly conduct or severe misbehavior shall be sufficient reason for the principal to deny the student transportation on a school bus.</p>	X	X	
<p>Student Attire Students shall be clean and neatly dressed in such a manner that will be decent and not hazardous to the health and safety of the student or others, and not disruptive to the educational program of the school. For health reasons, bare feet will not be allowed.</p>	X		
<p>Violation of Suspension Being present on a school campus or at a school activity while on suspension.</p>			X
<p>Trespassing Unauthorized presence on school property</p>	X	X	
<p>Refusal to Allow Search and Seizure Willful refusal to cooperate with a school administrator at any time during a search of the student's person or property.</p>		X	X
<p>Class Cutting Absence from class without permission.</p>	X	X	
<p>Truancy Absence from school without permission. Chronic offenders will be referred to a pupil personnel worker and may receive court intervention.</p>	X	X	
<p>Cell Phones and Other Portable Electronic Devices Student possession or use of portable electronic devices shall not:</p> <ul style="list-style-type: none"> a. Disrupt the learning environment or approved school activity. b. Pose a threat to academic integrity. c. Violate confidentiality or privacy rights of others during the school day as well as during after-school activities or the safe transportation of students. d. Be used to take or transfer any image or recording at any time on school premises without teacher permission. e. Create safety concerns. <p>Note: Cross reference FCPS Regulation 400-18</p>	X	X	

(* A school principal/designee reserves the right to temporarily secure an electronic device during a student discipline investigation to ensure integrity of the fact-finding process.)

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<p>Reckless Driving Driving on school property in such a manner as to endanger persons or property. Offenders may have their driving privileges revoked by the school.</p>		X	X
<p>Parking Parking in an unauthorized area on school property. The student's parking privileges may be revoked.</p>	X		
<p>Computer Usage Unauthorized use of computers or use that violates the acceptable use regulation (400-73). The student's computer privileges may be revoked.</p>	X	X	

NOTE: A coach or activity supervisor cannot establish rules more or less restrictive than those placed in policy and procedures. Coaches or supervisors may enforce other rules approved by the principal if placed in writing and signed by the student and parent.

NOTE: Special education students are disciplined in accordance with provisions of federal law.

**Parent conference at school is mandatory. **Refer to definition of Possession.*

Approved:

Original signed by

Theresa R. Alban, Superintendent