

PROCEDURE

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| PROCEDURE TITLE: STUDENT DISCIPLINE | | |
| ADOPTION/EFFECTIVE DATE: 09/11/2014 | MOST RECENTLY AMENDED: 09-01-2017 | MOST RECENTLY REAFFIRMED: |
| POLICY/PROCEDURE MANUAL SUMMARY CATEGORY: Students | | |

I. Purpose

Purpose of this procedure is to establish definitions, criteria and process relating to the discipline of students.

II. Definitions

- A. In-school suspension means the exclusion within the school building of a student from the student's regular educational program for up to but not more than ten school days in a school year for disciplinary reasons by the school principal.
- B. Short-term suspension means the removal of a student from school for up to but not more than 3 school days for disciplinary reasons by the principal.
- C. Long-term suspension means the removal of a student from school for a time period between 4 to 10 school days for disciplinary reasons by the principal.
- D. Extended suspension means the exclusion of a student from the school for a specified period of time between 11 and 45 school days by the superintendent or his/her designee.
- E. Expulsion means the exclusion of the student from the student's regular school program for 45 school days or longer.

III. Interventions and Supports

- A. The superintendent/designee will ensure staff receives training and resources to implement this procedure.
- 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 to

understand the nature of the behavioral infractions and how to avoid future violations.

IV. Offenses

The school principal has the right and authority to discipline students including suspension* and referral to the superintendent of schools for further action for offenses including but not limited to:

- class cutting
- tardiness
- truancy
- alcohol
- inhalants
- drugs
- tobacco
- firearms
- other guns
- other weapons
- physical attack on a teacher
- verbal or physical threat to teacher, staff or other adults
- physical attack on a student
- verbal or physical threat to a student
- fighting
- causing serious bodily injury
- extortion
- sexual attack
- sexual harassment
- sexual activity
- arson/fire
- false alarms/bomb threats
- explosives
- disrespect
- insubordination
- harassment
- bullying
- classroom disruption
- inciting or participating in a disturbance
- academic dishonesty/cheating
- inappropriate use of telecommunications
- theft
- trespassing
- unauthorized sale or distribution
- vandalism/destruction of property
- refusal to obey school rules
- acts that disrupt or disturb the normal operations of the school
- acts that jeopardize the safety or security of students, employees or others
- use or possession of any inhalation device unless permitted by Board Policy, a 504 Plan or an Individualized Education Program (“IEP”) (including, but not limited to, a vaping device, hookah pipe or e-cigarettes).

* Students who commit attendance related violations are subject to school-based disciplinary consequences, but may not receive out-of-school suspension.

V. General Procedures

- A. School administrator will investigate any alleged violation of school policies or rules in a timely manner and complete the applicable incident report.
- B. If, at the conclusion of the investigation, the school administrator finds that there has been a disciplinary offense, consequent action will be in accordance with the provisions of this procedure.
- C. Disciplinary offenses committed by student that would constitute violation of criminal law if committed by an adult will be reported to appropriate law enforcement officials.
- D. All data from incident reports will be entered into the student records management system.
- E. Copies of disciplinary referrals describing a student's behavioral violation and correspondence to parents will be kept in a discipline file and maintained as part of the student's educational record
- F. Discipline will be administered using a range of consequences
 - 1. Administrators shall administer discipline in a progressive manner as appropriate by imposing, without limitations, the following consequences:
 - a. Conference with the parent, student and school administrator
 - b. Referral to the school counselor or other student services personal for appropriate intervention
 - c. Suspension of bus transportation
 - d. Behavior contracting
 - e. Detention or Saturday morning detention
 - f. Exclusion from regular school activities
 - g. Removal of privileges to participate in extracurricular activities including sports, clubs, rehearsals, performances, etc.
 - h. School intervention, in- and out-of school suspension, or expulsion.
 - 2. When determining an appropriate consequence for a violation, administrators will consider:
 - a. The nature and severity of the incident.

- i. Whether the offense posed an imminent threat of serious harm to the health and safety of oneself or others.
 - ii. Whether the offense interfered with the rights, privileges, or property of others.
 - iii. Whether the student has engaged in chronic and extreme disruption of the educational process
 - iv. Whether the violation would be considered a criminal offense if committed by an adult.
- b. The student's previous violations, consequences, and/or interventions for the same or related offenses.
 - c. The relationship between the offense and the consequence.
 - d. The age of the student.
 - e. Any specific consequences set forth in other system policies or procedures.
 - f. Any relevant information provided by the parent.
 - g. Any other relevant information.

VI. Suspension and Expulsion

- A. Under Maryland law, school principals have the authority to suspend students for improper conduct for periods of 10 school days or less. Suspensions of longer than 10 school days are within the authority of the superintendent of schools or his/her designee. Md. Code Ann., Ed., Art. 7-305 and COMAR 13A.08.01.11 set forth the procedure to follow in the event of a short term suspension, extended suspension or expulsion.
- B. The Superintendent may deny attendance to any student who is currently expelled or on extended suspension from another school system for a length of time equal to that expulsion or extended suspension. Also, information relating to the discipline of a student, including information on an expulsion of a student, will be forwarded to another school system upon request.
- C. Students enrolled in Pre-Kindergarten through Second Grade may not be suspended or expelled except as provided in paragraph D below.
- D. Students enrolled in Pre-Kindergarten through Second Grade may be suspended,
 - a. for a period not greater than five (5) school days if the school administration, in consultation with the school psychologist or other mental health professional, determines there is an imminent threat of serious harm to other students or staff that

- cannot be reduced or eliminated through intervention and supports; or
- b. if required by federal law.

VII. Behavior Which Has Taken Place Off School Property

- A. Students may be disciplined, including suspension or expulsion, for behavior which has taken place off school property and/or beyond the school day. If the behavior is determined by the principal to impact the educational environment of the school, the safety and/or welfare of other students and/or staff, and/or the maintenance of school order and discipline, the principal may suspend the student for up to ten school days. If the nature and severity of the off-school property behavior warrants it, the principal may refer the student to the office of the Superintendent of Schools with the recommendation for further disciplinary action. If the Superintendent concurs with the findings of the principal, an extended suspension/expulsion may be imposed.
- B. Behavior which has taken place off school property and/or beyond the school day for which a student may be subject to school disciplinary procedures includes, but is not limited to: committing or attempting to commit murder, rape, assault with a deadly weapon, a serious assault, robbery, threat or extortion, arson, distribution and/or sale of controlled dangerous substances or alcohol, other criminal actions, or other actions which could be subject to criminal prosecution by law enforcement or juvenile authorities whether prosecution has or does take place.

VIII. Minimum Education Services

- A. Each student suspended or expelled out-of-school who is not placed in the Alternative Education Program shall receive daily classwork and assignments from each teacher which shall be reviewed and corrected by teachers on a weekly basis and returned to the student; and
- B. Each principal shall assign a school staff person to be the liaison between the teachers and the various students on out-of-school suspension or expulsion and to communicate weekly about classroom assignments and school related-issues by phone or e-mail with those out-of-school students and their parents.

IX. Restitution

If a student is determined to have violated these discipline policies or a school regulation and in the course of that violation damaged or destroyed school property or the property of another on school property, the principal shall require the student or the student's parent to make restitution. Restitution amounts will be

pursued as permitted by law. The principal may assign the student to a school work project if the principal determines that this is an appropriate means to provide restitution for all or a part of the damage to property.

X. Offenses Subject to Referral

Students shall receive a ten day suspension and referral to the superintendent of schools with the recommendation for further disciplinary action for certain offenses including, but not limited to, the offenses listed below. Variations from these guidelines may occur after consultation with the Superintendent's designee, Director of Student Services or appropriate school executive director.

A. Drug/alcohol-related offenses (See Section XI)

1. Possession or use of a controlled dangerous substance, alcohol, an inhalant or other intoxicant, or to be in possession of paraphernalia or a substance misrepresented to be a controlled dangerous substance or alcohol.
2. Sale, distribution, or transference of a controlled dangerous substance, medicine, alcohol, an inhalant or other intoxicant, paraphernalia or substance misrepresented to be a controlled dangerous substance, medicine, alcohol, an inhalant or other intoxicant or paraphernalia.
3. Second violation of possession/use of over-the-counter medication and prescription medication.

B. Verbal or Physical Threat on Staff - Verbal or physical conduct, whether intentional or unintentional, which places a school employee in reasonable fear of a physical attack as defined below whether or not such physical attack occurs.

C. Physical attack - Intentional harmful or offensive physical touching of a school employee; or touching, whether intentional or unintentional, of a school employee who is intervening in a fight or other disruptive activity.

D. Dangerous Weapons - Possession or using an object which reasonably could cause physical harm or injury to a person, or an object which is represented to be and a reasonable person would conclude was a dangerous weapon and for which there is no reasonable or legitimate cause for the student to possess or use on the property of the Harford County Public Schools, or a school sponsored activity.

Dangerous weapons shall include, but are not limited to, the following: a firearm of any kind, whether loaded or unloaded, operable or inoperable, including any object which is a look-alike of a firearm, even though

incapable of operation; knives of any kind (including, but not limited to, a switchblade knife, a star knife, a dirk knife, a hunting knife); a straight razor; a spiked glove, spiked wristband, or spiked ring; metal knuckles; nunchaku; explosive devices; chemical mace, household chemicals, tear gas, or pepper spray.

Firearm means:

1. any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive;
2. the frame or receiver of any weapon described above;
3. any firearm muffler or firearm silencer;
4. any explosive, incendiary, or poison gas, including a bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or similar device;
5. any weapon which will, or which may be readily converted to, expel a projectile by the action of a propellant, and which has any barrel with a bore of more than one-half inch in diameter;
6. any combination of parts either designed or intended for use in converting any device into any destructive device described in the two preceding examples, and from which a destructive device may be readily assembled.

Further, in compliance with the Gun-free Schools Act of 1994 and Section 7-305 of the Annotated Code of Maryland, a student who has been determined by the expelled for a minimum of 365 consecutive days. The Superintendent may specify, on a case-by-case basis a shorter period of expulsion for a student expelled under the provisions of the Gun-Free Schools act of 1994. Any student suspended for bringing a firearm onto school property shall not be permitted to enroll in the Alternative Education Program. Students served under an IEP or 504 plan may not be subject to this provision.

- E. Arson/Fire - Attempting to, aiding in, or setting fire to a building or other school property.
- F. Serious Bodily Injury - Bodily injury which involves (1) substantial risk of death; (2) extreme physical pain; (3) protracted and obvious disfigurement; or (4) protracted loss or impairment of a function of a bodily member, organ or mental faculty.
- G. Sexual Attack - Physical sexual attack on a staff member or student.

H. False Alarm/Bomb Threat - The conveyance of threats or false information concerning the placement of explosive or destructive substances. Initiating a report warning of a fire or other catastrophe without cause in person, by phone or portable communication device. Misuse of 911. Discharging a fire extinguisher.

XI. Student Possession, Use or Transference of Controlled Dangerous Substances

The Board of Education of Harford County is committed to promoting and providing a drug-free academic environment for all students and providing appropriate safeguards with respect to the administration of prescription medication and over-the-counter products, and believes that collaboration with parents and the larger committee is essential to achieving a drug-free environment. School system efforts to deter the use of alcohol and other drugs by students will include a comprehensive program designed to inform students of the negative effects of alcohol and other drug use, to provide parents referral information on evaluation and treatment services related to student use of alcohol and other drugs, as well as appropriate consequences for students who violate this policy.

A. Definitions

1. Controlled Dangerous Substance (CDS) - Controlled dangerous substances include, but are not limited to, the substances listed in Title 5 of the Criminal Law Article. In addition, substances including medicine not registered with the school nurse, which are intended, implied, or reasonably perceived to produce the same or similar effects as substances listed in Title 5 are also regarded as controlled dangerous substances.
2. Medicine - Any preparation used in treating disease or illness. This includes prescription and over-the-counter drugs.
3. Inhalant or other intoxicant - any compound or substance (such as glue and solvents) which may cause a loss of self-control or inebriation.
4. Paraphernalia – items which are commonly used for the purpose of the ingestion of drugs. Typical paraphernalia would include but are not limited to: pipes for the smoking of marijuana, manufactured paper, homemade clips or wire-formed devices used for holding marijuana "roaches," gelatin capsules, measuring spoons, scales, strainers, and other items as defined by law.
5. Substance Misrepresented - A substance which a student leads others to believe is a controlled dangerous substance, implies is a controlled dangerous substance, or will produce the effects of a controlled dangerous substance.

6. Transference - To pass to another person or to make reasonably available to another person a controlled dangerous substance or medicine or alcohol or paraphernalia or a substance misrepresented to be a controlled dangerous substance.
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- B. A student who has been found to be either in possession of or to be using a controlled dangerous substance, alcohol, an inhalant or other intoxicant, or to be in possession of paraphernalia or a substance misrepresented to be a controlled dangerous substance or alcohol may be suspended for ten school days by the principal and referred to the office of the Superintendent of Schools for further disciplinary action. If the Superintendent concurs with the findings of the principal, an extended suspension or expulsion will be imposed after considering the nature and severity of the behavior and other factors related to the student's school record. In addition, the appropriate police agency will be notified promptly.

If the parent(s) and the student agree to participate in a substance abuse evaluation at the Harford County Mental Health and Addictions/Adolescent Addiction Services and agree to follow the recommendations for treatment made as part of that evaluation, at no cost to the Harford County Public Schools, the Superintendent of Schools will reduce the length of the suspension which would otherwise be imposed. This option will not be offered for transference of a controlled dangerous substance, medicine, alcohol, an inhalant or other intoxicant or paraphernalia or substance misrepresented to be a controlled dangerous substance, medicine, alcohol, an inhalant or other intoxicant or paraphernalia.

Further, this option is contingent upon the continuing availability of funding to the Harford County Mental Health and Addictions/Adolescent Addiction Services to enable that agency to provide this service.

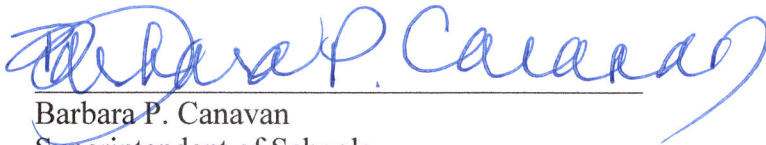
- C. Any offense for the actual transference of a controlled dangerous substance, medicine, alcohol, an inhalant or other intoxicant or paraphernalia or substance misrepresented to be a controlled dangerous substance, medicine, alcohol, an inhalant or other intoxicant or paraphernalia will result in a ten-day suspension of the student by the principal and a referral to the office of the Superintendent of Schools with the recommendation for further disciplinary action. If the Superintendent concurs with the findings of the principal, the Superintendent may extend the suspension or expel the student after considering the nature and severity of the behavior and other factors related to the student's school record. In addition, the appropriate police agency will be notified promptly.

D. Over-the-Counter and Prescription Medications

Students are not permitted to possess or use over-the-counter medication on school buses or on school property, except as permitted by Board of Education Policy 02-0047-000, Possession and Self-Administration of Medication. Violations of this policy will result in disciplinary action to the student, with a parent conference available immediately to clarify this policy.

- E. When a student is determined to be in violation of HCPS drug and alcohol policies, parent(s) and the student will be provided with information regarding available resources in the community and encouraged to seek appropriate evaluation and treatment for the student.

Approved By:



Barbara P. Canavan
Superintendent of Schools

PROCEDURE

| Procedure Action Dates | | |
|------------------------|----------|-------------|
| ACTION | DATE | ACTION DATE |
| Adopted | 9/2/14 | |
| Amended | 9/11/14 | |
| Amended | 11/17/15 | |
| Amended | 09-01-17 | |

| Responsibility for Procedure Maintenance & References | |
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| LAST EDITOR/DRAFTER NAME: Bernard Hennigan | JOB POSITION OF LAST EDITOR/DRAFTER: Director of Student Services |
| PERSON RESPONSIBLE: Patrick P. Spicer | JOB POSITION OF PERSON RESPONSIBLE: General Counsel |
| DESIGNEE NAME: | DESIGNEE POSITION: |

LEGAL REFERENCES¹

References are set forth in the Procedure.

¹ All references are to specific federal or Maryland statutes or regulations. References are provided for convenience and informational purposes only and are not to be considered as exhaustive or as precluding Harford County Public Schools from relying upon any other statutes or regulations in support of a policy.