

**STUDENT
HANDBOOK**

**RIGHTS, RESPONSIBILITIES, AND
DISCIPLINE**



Garrett County, Maryland

Summer 2014

Approved

Maryland Youth Crisis Hotline Western Maryland

For the Youth of Allegany, Frederick, Garrett & Washington Counties

<http://www.femha.org/hotline.htm>

24 hours/7 days

- Maryland Youth Crisis Hotline
1-800-422-0009
- Crisis Hotline
(301) 662-2255
- Home Alone Phone Friend for Kids
(301) 694-8255
- Parent Stress Line
(301) 622-2255

Call 2-1-1

Information and Referral Crisis Intervention

1-866-411-6803

www.211md.org

PREFACE

The purpose of this handbook is to outline the rights and responsibilities of students within the Garrett County Public School System. With these rights and responsibilities in mind, the Garrett County Board of Education has authorized consequences and disciplinary procedures. A grievance procedure has been established for students who feel that their rights have been violated in regard to a county policy.

Action taken by school authorities shall be free from bias based on race, color, sex, age, national origin, religion, or disability.

The information and procedures in this document are guidelines for all schools; however, there is a recognized distinction among students of differing ages, maturity, and disabilities. School personnel may take these developmental differences into consideration when administering this document. Each local school shall develop policies to govern the school consistent with this handbook, other Garrett County Board of Education policies, and state and federal laws.

Revisions to the 2014 -15 Student Handbook appear in bold type.

WE, THE COMMITTEE MEMBERS FOR THE REVISION OF THE STUDENT'S RIGHTS AND RESPONSIBILITIES HANDBOOK, ENCOURAGE EACH PARENT TO REVIEW THIS HANDBOOK WITH THEIR CHILD/ CHILDREN SO THAT BOTH PARENTS AND STUDENTS ARE AWARE OF THE STUDENT'S RIGHTS AND RESPONSIBILITIES AS IS REQUIRED BY THE MARYLAND STATE DEPARTMENT OF EDUCATION.

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I. ATTENDANCE

A. Philosophy and Rationale of Attendance

We believe that education is a continuum which spans an individual's life.

We believe that the major responsibility of the school is to develop each individual's intellectual capacity to its maximum.

We believe students must attend school and all classes regularly and be punctual because there is a direct relationship between regular attendance and academic achievement and completion of a school program.

We believe that regular attendance and punctuality in school:

- Fosters the universal value of education as a means of fulfilling individual and social needs.
- Facilitates the continuity of classroom instruction and participation.
- Provides students the opportunity to use their own abilities and talents.
- Helps students develop the habits of responsibility, self-discipline and good work habits.
- Helps to develop close communication and cooperation between the home, school and community.
- Helps to develop a more positive school climate.
- Enhances the students' potential to complete their high school education and become productive members of society.

We believe that each student has the responsibility to monitor his/her attendance and to be informed about the policy and the consequences of the policy.

We believe that each parent/guardian has the responsibility to monitor his/her students' attendance and to be informed about the policy and the consequences of the policy.

B. Legal Foundations

The legal foundations for this policy and its accompanying procedures are found in Maryland State Law and By-Law as follows:

- 7-103 Required school days and holidays
- 7-301 Compulsory Attendance Law
- 7-302 Report of Absences and Maladjustment
- 7-304 Special Programs for Disruptive Students
- 7-305 Suspension and Expulsion

COMAR 13A.08.01 Students—General Regulations Effective July 1, 1990

- 3-804 Jurisdiction of the Courts

C. Standards

1. Attendance

Each child who resides in this state and is 5 years old or older and under 16 shall attend a public school regularly during the entire school year unless the child is otherwise receiving regular, thorough instruction during the school year in the studies usually taught in the public schools to children of the same age or has received a one-year maturity waiver for kindergarten.

The Garrett County Public School System provides a full-day kindergarten for children who reach the age of five in conformance with the following guidelines to attend kindergarten:

2013-2014 September 2, 2007, through September 1, 2008

The Garrett County Public School System provides a Pre-Kindergarten Program at certain designated sites. A child must be four years old in conformance with the following guidelines in the year in which he/she applies for entrance into the Pre-Kindergarten program:

2013-2014 September 2, 2008, through September 1, 2009

Children who reside in the school's attendance area are given first priority. Enrollment is based on MSDE student selection criteria.

2. Days Attending/Absent

- a. A student is counted present for a full day if a student is absent no more than one hour of the school day.

Example: A student arrives at the school's designated arrival time, leaves for an appointment at 10:15, returns at 11:15 and remains in school until dismissal time.

- b. A student is counted absent for a full day if the student is present for less than two hours of the school day.

Example: A student arrives at 10:15 and leaves at 12:00 noon.

- c. A student will be credited with ½ day attendance if the student is in attendance for two hours or more of the school day and is absent for more than one hour of the school day.

Example: A student arrives at 10:15 and leaves at 12:15.

- d. Students shall be considered in attendance at school when participating in school-sponsored activities during the school day, and when that participation is approved by the local superintendent of schools or the school principal, or their designee.
- e. At the high school level, credit is awarded for individual classes. Attendance is recorded by class period as a requirement to earn credit in each class.

Example: A high school student is scheduled for a 90 minute class period. If the student attends for 45 or more minutes, he/she is counted present for the entire period. If he/she attends for 44 or less minutes, he/ she is counted absent for the entire period.

- f. A senior student who is on a modified schedule and is in attendance for half or more of a class period for their scheduled class (**es**) will be counted as present for the full day. A senior student who is on a modified schedule and is in attendance for less than half of a class period for their scheduled class(**es**) will be counted absent.

3. Tardiness/Early Dismissal

Any student who arrives at school after the appointed starting time and does not meet the definition of a half-day absence must be marked tardy. If the student is late as a result of a bus delay, the student should not be considered tardy.

A student should not be habitually removed from school before the instructional day has been concluded, and must have a bona fide excuse to be removed from school early. A student who is habitually tardy/dismissed early will be considered in violation of the Maryland compulsory school attendance law. A student shall be considered habitually tardy when he/she is late more than four (4) times per semester without a bona fide excuse as determined by the principal or his/her designee. These statements shall not be interpreted as limiting the authority of the school administration to develop and implement disciplinary measures to encourage promptness to school/class, to deter tardiness to school/class and to discourage habitual early dismissals which disrupt the student's school day.

D. Rules and Procedures

1. Lawful Excuses

- a. **Death in the Immediate Family**—The immediate family shall include parents, siblings, grandparents, great grandparents or other persons who regularly reside in the household. Sometimes, due to family and personal circumstances, the definition of “immediate family” must be modified. The principal (or designee) shall make the determination. (Code 01)
- b. **Illness**—Any illness which exceeds five (5) consecutive days will require a doctor’s certificate. (Code 02)

Illness—Any illness which results in less than or equal to five (5) days of absences may be certified by the parents/guardians. (Code 03)

Any student who sees a doctor/dentist/psychologist for an illness which results in absences of less than five (5) days should secure doctor’s certificate as precautionary measure.
- c. **Court Summons**—Certified by the court. Juvenile Justice or lawyer, or Department of Social Services/caseworker. (Code 04)
- d. **Hazardous Weather Conditions** - Hazardous weather conditions shall be interpreted to mean weather conditions which would endanger the health or safety of the student when in transit to and from school. (Code 07)
- e. **Work**—Approved or sponsored by the school, the local school system, or the State Department of Education, accepted by the local superintendent of schools or the school principal as reason for excusing students. (Code 08)
- f. **Observance of a Religious Holiday**—Must be certified by the parent. (Code 09)
- g. **State Emergency**—Certified by the Superintendent of Schools. (Code 10)
- h. **Suspension**—Certified by the principal. (Code 18)
- i. **Lack of Authorized Transportation**—This shall not include students denied authorized transportation for disciplinary reasons. (Code 19)
- j. **Other Emergency or Set of Circumstances** which, in the judgment of the superintendent or designee, constitutes a good and sufficient cause for absence from school. For circumstances which are **not** emergencies, the student must have prior approval from the principal or designee. Absences under this category shall not exceed five (5) days. (Code 13)

Students have the opportunity to make up work missed due to lawful absences and will receive credit for this work.

k. Health Exclusion (Code 17)

2. Unlawful Excuses

- a. Truancy—A truant is a student (age 5 through 21) who is absent, for a school day or portion thereof, without lawful cause or an absence for which a note has not been submitted. Truancy is not an absence which is coded Unlawful Other. (Code 20)
- b. Unlawful Other—Is an absence, including absence for any portion of the school day, for any reason, except those cited as Lawful or truancy. Any absence over the limits set in any of the lawful categories shall be considered in this category, including absences attributed to illness and for which a doctor's note has been required and is not submitted. (Code 21)

3. School approved educational activities

Students may be counted as in attendance at school when, in the judgment of the school administrator or their designee, a student is attending a school approved educational activity. Students must obtain prior approval and will have the opportunity and responsibility to make-up work missed during their absence, and to receive credit for that work.

E. Attendance Procedures

1. Each school shall record and report attendance and absence using the school-based computerized record keeping system.
 - a. Absences
 1. Notes must be submitted no more than three (3) school days after the student's return to school. The principal, in extreme emergency situations, may waive the three-day limit. The note shall state the reason for the student's absence, the date(s) of the absences, and be signed and dated by the student's parent/ guardian.
 2. It will be the student's responsibility to obtain and complete work missed due to absence regardless of code. However, work/ assignments missed as a result of unlawful absences will not be given credit.

3. Assignments that were given prior to the student's absence, and due prior to or on the first day that the student returns to school, will be due on the first day that a student returns to school. Assignments that were given during the student's absence will have a time limit of a two-day make-up per day of absence, due in the sequence in which the assignments were given, in order to receive credit. Students who appear to be abusing this procedure shall be reported to the school administration for investigation.
4. Whenever possible, the student shall be permitted to complete homework in advance of planned absence (i.e.: when using "Other Emergency or Set of Circumstances" code).

b. Monitoring Procedures

1. Parents of students shall be informed on a regular basis by progress reports and/or report cards of the student absentee record. Parents may also be notified through means such as parent notes, teacher notes in student planners and telephone calls. The school administration will notify parents when a student accumulates a total of eight (8) days of absences for elementary, middle and high school year-long classes or four (4) days for high school semester classes. The school administration shall also notify the school's Pupil Personnel Worker.
2. An investigation shall be conducted by the appropriate school staff and/or referred to the Pupil Personnel Worker for any student whose total absences for illness exceed eight (8) days for elementary, middle and high school yearlong classes or four (4) days for high school semester classes. If the investigation reveals questionable absences (Code 03, 20, 21, 22), the parent will be required to subsequently furnish a doctor's certificate for absences. If this course of action becomes a requirement, any subsequent absence for illness without a doctor's certificate would be listed under the unlawful category. This procedure will remain in effect for the remainder of the school year.
3. Unlawful absences

Student absences will be specifically monitored for unlawful excuses (refer to D.2.a-c, Codes 20, 21, and 22). Parents will be notified when a student accumulates a total of three (3) unlawful absences for elementary, middle and high school yearlong classes or two (2) days of unlawful absences for high school semester classes. The school administration will also notify the School's Pupil Personnel Worker.

Students will be referred to the Pupil Services Office for investigation and case management when the student accumulates four (4) unlawful absences for elementary, middle and high school year long classes or three (3) days of unlawful absences for high school semester classes. This referral will include documentation by the school administration of parent notification and a parent conference or other face-to-face parent contact (home visit, etc.), or documented attempts of these contacts.

c. Promotion/Retention

Any student whose total numbers of absences exceeds sixteen (16) days for elementary, middle and high school yearlong classes or eight (8) days of absences for high school semester classes shall not be promoted or shall lose credit in those classes. Any student whose total number of unlawful absences exceeds eight (8) days in elementary, middle or high school yearlong classes or four (4) days in high school semester classes shall not be promoted or shall lose credit in those classes.

The affected student and his/her parent/guardian may appeal this ruling to the local school attendance committee. If the student and parent can show good and acceptable cause, the committee may override the loss of credit or retention.

The above procedures will be applied in accordance with the Promotion/Retention policy and procedure ((344.3 and 344.31).

d. Partial Year Enrollment

This attendance policy also shall apply to any student who registers after the start of the school year. The number of days mentioned shall be prorated depending upon the date enrollment takes place. A student's days shall be prorated according to the following formula:

1. Excused Absences:

(a) Yearlong:

$$\frac{180 \text{ days} - \text{Number of Days Not Belonging} \times 16}{180}$$

(b) High School Semester Classes:

$$\frac{90 \text{ days} - \text{Number of Days Not Belonging} \times 8}{90}$$

2. Unexcused Absences:

(a) Yearlong:

$$\frac{180 \text{ Days} - \text{Number of Days Not Belonging} \times 8}{180}$$

(b) High School Semester Classes:
$$\frac{90 \text{ days} - \text{Number of Days Not Belonging} \times 4}{90}$$

F. Habitual Truant

1. Following investigation, documented parent notification and case management by the Pupil Services Office, a student and his/her parents may be referred to the Department of Juvenile Services, the States Attorney's Office and/or the Department of Social Services for habitual truancy. The referral will be made through the school's Pupil Personnel Worker and approved by the Supervisor of Pupil Services when a student, under age 16, is unlawfully absent from school for a number of days or portion of days in excess of five (5) days for elementary, middle and high school yearlong classes or three (3) days for high school semester classes.
2. A student who is sixteen years or older who is unlawfully absent from school for a number of days or portion of days in excess of five (5) days for yearlong classes or three (3) days for high school semester classes may be referred contingent upon court-ordered requirements for attendance.
3. Following investigation and attendance procedures (E.1.b.2) students and their parents may be referred to the Department of Juvenile Services, the State's Attorney's office and/or the Department of Social Services for unlawful absences in excess of sixteen (16) days for which no lawful excuse has been accepted. Upon referral to the Pupil Personnel Worker, absences due to illness that are verified by a parent note will be investigated. If it is determined that these absences are questionable, the parent will be notified by the Pupil Personnel Worker that any further absences due to illness must be verified by a doctor's note. Following documented notification, parent notes for illness will no longer be accepted and any of these absences will then be coded as a truancy.

G. Information Dissemination

Information regarding the attendance policy and procedures shall be distributed at the beginning of the school year to each pre-kindergarten, kindergarten, 6th grade and 9th grade student. In addition, each student who is new to the Garrett County Public Schools shall receive a copy of the Handbook at the time of his/her registration.

Each high school and middle school shall include the attendance policy and procedure information in the school's student information packet which is given annually to each student. A class discussion concerning the attendance policy and procedural information shall occur in each classroom at the beginning of the school year.

Each elementary school shall notify parents of the attendance policy and procedural information at the beginning of each school year. This may be done through the school newsletter. A class discussion concerning the attendance policy and procedural information shall occur in each classroom at the beginning of the school year.

H. Appeals Process

A student and his/her parent/guardian may appeal the loss of credit or retention as a result of missing a total number of absences in excess of sixteen (16) lawful or eight (8) unlawful days in elementary, middle and high school yearlong classes or eight (8) lawful or four (4) unlawful days for semester classes (high school) to a local school attendance committee.

The request for an appeal of a student's loss of credit or retention due to attendance should be made within fourteen (14) calendar days of the written notification that the student has lost credit or has been retained. The parent and student will be notified of the time and date of the appeal, and have the right to attend the appeal conference. The decision of the attendance appeals committee is final unless policy or procedure is violated or misinterpreted. (Refer to Grievance Process on Page 45.) The voting members for the attendance committee will consist of certificated personnel and will involve the Pupil Personnel Worker and staff directly involved with the student, such as the CTE Case Managers, Special Education teachers, etc.

I. Reward Process

Each school shall establish a reward/motivational program to encourage regular school attendance.

II. BEHAVIOR

Constructive discipline is essential for an effective educational experience. The Board of Education, school administrators, teachers, staff members and students have the responsibility to provide an environment in which appropriate standards of behavior are maintained and county and school policies are obeyed and consistently enforced. Students have the right to enroll in a safe school, free of persistent dangers. (NCLB) An effective learning environment should provide these basic rights:

1. To fair, consistent **and equitable** treatment in the school environment **through the use of graduated responses and interventions,**
2. To a learning environment free of disruption,
3. To a learning environment free from harassment (i.e.: verbal, sexual, racial, ethnic, etc.),
4. **To be provided with instruction that fosters student engagement and encourages positive behavior and relationships.**
5. To access materials which enhance learning,
6. **To be provided with an environment which teaches and encourages positive, desired behaviors, prevents misbehavior, and provides opportunities to remediate and re-learn behavior that fails to meet the standards and expectations for the school environment.**
7. To voice opinions and to participate in the learning process,
8. To appeal using the established procedure if these rights have been violated.

The responsibilities, rights and code of conduct herein will be enforced for all school activities.

A. General Behavior

1. Rights

- a. Each student has a right to a school environment free of disruption.
- b. Each student has the right to express concern about disruptions in the school environment.
- c. Each student has a right to be accepted as an individual.
- d. Each student has a right to seek help from school personnel.
- e. Each student has a right to receive make-up work from his/her teacher.
- f. Each student has a right to be evaluated on the basis of his/her own achievements.
- g. Each student has a right to a school environment free of vulgar, profane, or abusive language.

- h. Each student has a right to a school environment free of health and safety hazards.
- i. Each student has a right to a learning environment free from harassment (i.e.: verbal, sexual, racial, ethnic, bullying, hazing, and defamation, etc.).
- j. Each student has the right to use the due process procedure to protect his/her rights.

2. Responsibilities

- a. Each student has the responsibility to respect other's rights, to fully know and understand school regulations, uphold them, and respect the leadership role of the teacher and school administration in the learning process.
- b. Each student has the responsibility to seek help, either academically or emotionally, when needed.
- c. Each student has the responsibility to obtain and complete work missed due to absence.
- d. Each student has the responsibility to aid in creating a positive learning environment.
- e. Each student has the responsibility to use appropriate language at all times.
- f. Each student has the responsibility to follow the school's designated standards on appropriate apparel.
- g. Each student has the responsibility to refrain from willfully destroying or defacing school or private property either on or off the school grounds.
- h. Each student has the responsibility to report to school and class within the allotted time limits.
- i. Each student has the responsibility to do his/her own work and maintain academic honesty.
- j. Each student has the responsibility to conduct himself/herself in a manner that does not disrupt the learning process which includes classroom, cafeteria, hallways, bathrooms, field trips, and all other school activities.
- k. Each student has the responsibility to use discretion in bringing valuable personal possessions to school and to accept the responsibility for these items.
- l. Each student has the responsibility to maintain an environment which is free of health and safety hazards.
- m. Each student has the responsibility to maintain a learning environment which is free from harassment (i.e.: verbal, sexual, racial, ethnic, bullying, hazing and defamation, etc.).
- n. Each student has the responsibility to aid school officials in enforcing the county and school codes of conduct and to adhere to local, state and federal laws.

B. Fighting

1. Rights

- a. Each student has a right to a school environment free of physical abuse.

2. Responsibilities

- a. Each student has the responsibility to find a peaceful solution to interpersonal problems. This should include notifying appropriate school personnel if the student feels he/she is being intimidated, threatened, verbally coerced or abused by another individual while on school property.
- b. Each student has the responsibility to refrain from intimidating, threatening, verbally coercing or physically abusing or sexually abusing others.

C. Use/Possession of Alcohol or Drugs

1. Rights

- a. Each student has the right to an educational environment free of the pressures of the sale, distribution, and usage of alcohol or drugs.
- b. Each student has the right to obtain professional help regarding his/her misuse, use or abuse of alcohol or drugs via the school counselor, pupil personnel worker, psychologist, or other personnel without fear of breach of confidentiality or prosecution.
- c. Each student has the right to obtain information concerning the health and related social/emotional problems regarding alcoholism and drug abuse.
- d. Each student has the right to take prescribed medication while at school or at a school activity.

2. Responsibilities

- a. Each student has the responsibility to refrain from possessing, using, or distributing alcohol, alcoholic beverages, narcotics, inhalants, hallucinogenic or other drugs and similar substances including any non-controlled substance intended for use as a controlled dangerous substance (look-alikes) while at school, at a school activity or coming to school or a school activity after having been involved with any of the above mentioned substances.
- b. Each student has the responsibility to follow school procedures when using prescribed medication while at school or a school activity. (Garrett County Procedure 472.13) One can obtain Pupil Services Form PS 3 from the school office.

D. Use/Possession of Tobacco

1. Rights

Each student has the right to a school environment free of health and safety hazards.

2. Responsibilities

Each student has the responsibility to refrain from possessing or using tobacco products:

- a. In the school building.
- b. On the school grounds.
- c. On the school bus.
- d. During school sponsored activities on or off school property.

E. Theft and Extortion

1. Rights

Each student has the right to expect that his/her personal possessions shall be safe from theft and/or extortion.

2. Responsibilities

- a. Each student has the responsibility to provide security (locks) when necessary to keep his/her possessions under his/her own personal control.
- b. Each student has the responsibility to respect the possessions of others by asking permission to borrow and by not stealing another's materials.

F. Weapons, Explosive Devices, False Alarms

1. Rights

Each student has the right to a school environment free of health and safety hazards.

2. Responsibilities

- a. Each student has the responsibility to refrain from bringing, possessing or using any weapon, instrument, or tool or any explosive device that the school administrative staff reasonably finds could cause bodily harm.

- b. Each student has the responsibility to refrain from making any false reports or alarms.

G. Pupil Transportation

1. Rights

While on the bus,

- a. Each student has a right to a bus free of disruption.
- b. Each student has the right to express concern about disruptions on the school bus.
- c. Each student has a right to seek help from the driver/school personnel.
- d. Each student has a right to a school bus free of vulgar, profane, or abusive language.
- e. Each student has a right to a bus free of health and safety hazards.
- f. Each student has a right to a bus free from harassment (i.e.: verbal, sexual, racial, ethnic, etc.).

2. Responsibilities

a. Pupils Awaiting Arrival of School Bus

- 1) Should not stand or play on a roadway.
- 2) Should not cross highway until bus arrives and has come to a complete stop. Before crossing, they should look in both directions for traffic and then pass at least ten (10) feet in front of the bus. No pupil should direct traffic.
- 3) Should remain in line at least five (5) feet from the stopped bus and should move toward the bus only after the door is opened.
- 4) Shall be at the designated bus stop five (5) minutes before scheduled arrival of the bus and should board with the least possible delay.

b. Pupils on Boarding the School Bus

- 1) Shall obey the bus driver at all times.
- 2) Shall be seated immediately and shall remain seated at all times.
- 3) Shall not extend arms or heads out of bus windows.
- 4) Shall keep aisles clear of lunch boxes, musical instruments, books, etc.
- 5) Shall not eat or drink on the bus.
- 6) Shall conduct themselves in an acceptable manner at all times. (No smoking, vulgarity, boisterous or other improper conduct will be permitted.)
- 7) Shall not deface or damage any part of the bus.

- 8) Shall assist in keeping the bus clean.
- 9) Shall obey the designated persons authorized to direct pupils during drill.
- 10) Shall use an assigned seat when so directed by the bus driver/administrator.

c. Pupils Departing from the Bus

- 1) Shall, if necessary to cross the highway, look for traffic in both directions, pass at least ten (10) feet in front of the bus.
- 2) Shall not leave the bus at any other place but at regular stop without the written consent of the principal and a written request from the pupil's parent or guardian.
- 3) Shall not stand in the roadway to direct traffic or to assist other pupils to cross the road.

III. STUDENT EXPRESSION

A. Expression

This section is enacted so that the 1st Amendment rights of the United States Constitution shall be instilled in the hearts and minds of the youth of Garrett County. It is the feeling that freedoms and responsibilities to handle them not only have to be taught, but protected and practiced in the school setting to the extent that the students can handle the responsibilities and freedoms in the United States.

1. Rights

Each student has the constitutional right to present his/her opinions verbally and nonverbally in a socially acceptable manner.

2. Responsibilities

Each student, under the guise of free expression, has the responsibility to refrain from disrupting the educational process, using obscenities, or advocating illegal acts. The student has the responsibility to ensure that his/her expressions are not libelous or detrimental to the educational process.

B. Patriotic and Religious Exercises

1. Rights

Each student has the constitutional right to participate or refrain from participation in religious exercises, including prayer, and/or patriotic exercises.

2. Responsibilities

Each student has the responsibility to respect the constitutional rights of participants and non-participants.

C. School-Sponsored Publications

1. Rights

Each student has the right to submit one's ideas and opinions to the various school publications subject to the approved editorial policies and procedures of the school and/or Board of Education.

2. Responsibilities

Each student has the responsibility to submit his/her name with any article, idea, or opinion to be considered for publications. Articles, ideas, opinions and other forms of expression may be denied if, in the judgment of the principal, they are:

- a. Disruptive of school discipline or school programs and activities,
- b. Sexually explicit, vulgar, lewd, or obscene,
- c. A violation of the rights of others,
- d. Beneath the standards of academic competence required by the school,
- e. Inappropriate in a school setting, or
- f. Slanderous, libelous, or otherwise illegal.

D. Distribution of Non-School Sponsored Publications

1. Rights

Each student has the right to distribute non-school sponsored publications on the school premises in accordance with the Materials Distribution- Policy and Procedure 960 and 960.1.

2. Responsibilities

Each student has the responsibility to obtain prior approval from the school principal for the distribution of non-school publications in accordance with the Materials Distribution-Policy and Procedure 960 and 960.1, in order to prevent disruption of or interference with school activities and to maintain a safe and orderly school environment.

E. Curriculum

1. Rights

Each student has the right to be informed by appropriate school personnel about practices and policies relative to course offerings, requirements, grading policies, etc. Certain mandated programs, such as family life and A.I.D.S. instruction, offer parents the right to request an exemption for their children.

Each student has the right to be provided with an alternative to instructional activities in lieu of actual dissection work. These alternatives may include the use of diagrams and models instead of specimens, completion of supplementary reports, or completion of other assignments, which may include video programs, computer simulations or activities from laboratory manuals.

2. Responsibilities

Each student has the responsibility to complete required course work, to enroll in programs commensurate with his/her ability and to participate effectively in each of his/her classes. In addition, it is expected that students will enroll in programs leading to career goals and the high school diploma or certificate of completion.

F. Student Government

1. Rights

Each student has the right to participate and be represented in the student government process.

2. Responsibilities

It is the responsibility of the student government to voice collectively the desires of the student body.

- a. It shall be the responsibility of the leadership of such organization to conduct the business of the organization in an atmosphere of respect and understanding of the total school community.
- b. Such student organization selected to voice the opinions of the school community shall have the right to meet during the regular school day at reasonable intervals.

G. Right of Assemblage

1. Rights

- a. Each student has the right to peaceful assembly for the purpose of expressing one's opinion with prior approval of the school administration and with adult supervision.
- b. Each student has the right to peaceful assembly with prior approval of the school administration.
- c. If the right of assemblage is granted, the students have a right to meet within a reasonable period of time, not to exceed 10 school days.

2. Responsibilities

Students have the responsibility to first use the established procedures or processes of the school before petitioning the school administration for the right to assemble.

- a. Each student has the responsibility to obtain permission from the school administration prior to any assemblage.
- b. Each student in assemblage has the responsibility to conduct himself/herself in a manner which will not disrupt the educational process of other students.

H. Co-Curricular and Extra-Curricular Activities

1. Rights

Each student has the right to participate in co-curricular and/or extra-curricular activities and clubs.

2. Responsibilities

- a. Each student who participates in co-curricular and/or extra-curricular activities has the responsibility to conduct himself/herself in a manner consistent with school policies and guidelines.
- b. Each student will expect that insofar as rules for co-curricular and extra-curricular activities are reasonable, related and necessary to the activity and unless otherwise prohibited by county or school policy, the sponsor may impose rules for the activity season. (See Policy 347.7 and Procedures 347.71)

IV. SCHOOL FACILITIES

A. Use of Facilities

1. Rights

Each student has the right to use school facilities (with school administration approval) under adult supervision within the guidelines of school regulations.

2. Responsibilities

When school facilities are in use, it is the user's responsibility not to abuse them and to insure they are left in the condition in which they are found.

All users are required to have approval of school administration and to complete the appropriate forms prior to such use.

B. Use of School Lockers

1. Rights

Use of a school locker is a privilege. In buildings where lockers are provided, a student has the right to expect a locker that is in good repair and operating condition.

2. Responsibilities

Each student has the responsibility to keep his or her locker in a clean, neat, and non-disruptive condition. Any student may lose the privilege of using a school locker.

C. Textbooks/Materials/Technology

1. Rights

Each student has a right to use the appropriate textbook/materials/technology in each subject area.

2. Responsibilities

- a. Each student has a responsibility to take good care of and use appropriately textbooks/materials/technology which have been provided to him/her.
- b. Each student and his/her parent or guardian shall be financially responsible for the cost of repair or replacement of textbooks/materials/technology equipment which have been lost, damaged, and/or destroyed. Students who fail to make restitution may be referred to the Department of Juvenile Services and/or the State Attorney's Office for possible court action.

- c. See “Acceptable Use of Computers and Telecommunications.”
(GCBOE Policy 347.45)

D. Notification of Asbestos Management Plan

1. Rights

Each student has the right to know that in October 1986, the U.S. Congress enacted the Asbestos Hazard Emergency Response Act (AHERA). Under this law, comprehensive regulations were developed to address asbestos problems in public and private elementary and secondary schools. These regulations require most schools to inspect for friable and non-friable asbestos, develop asbestos management plans that address asbestos hazards in school buildings and implement response actions in a timely manner.

These regulations assign schools many new responsibilities. Our program for fulfilling these responsibilities is outlined in our asbestos management plan. This plan contains information on our inspections, reinspections, response actions and post-response action activities, including periodic surveillance activities that are planned or are in progress.

2. Responsibilities

Each student has the responsibility to maintain an awareness of environmental hazards. You may review this plan during normal business hours without cost or restriction.

If you have any questions about reviewing our management plan, please contact: the Supervisor of Maintenance at 301-334-8906.

V. SCHOOL INVESTIGATION /REPORTS

A. Procedures for School-Law Enforcement and Related Agency Matters

School Resource Officers will follow the procedures as indicated within the Memorandum of Understanding (MOU) established between the Garrett County Board of Education and the Garrett County Sheriff's Office. The procedures outlined within the Student Handbook: Rights, Responsibilities and Discipline, and particularly section V. School Investigations/Reports additionally addresses school procedures with law enforcement and related agency matters. As noted within section B.4., student conduct traditionally treated as a matter of school discipline is addressed administratively by each school and with the student's parent or guardian.

B. Locker Checks

Lockers will be inspected periodically under the direction of the school administration. The principal or assistant principal at any time may conduct a search of the school, including student lockers, as is essential to the security, discipline, and sound administration of the particular school.

C. Reporting Crimes

(Code 13A.08.01.15 of Maryland State Board of Education)

1. School officials shall promptly report to the responsible law enforcement agencies all police matters coming to their attention whether occurring on or away from the school premises which involve pupils attending the particular school. The report shall be made immediately by telephone to request an investigation, as appropriate, and a report will also be made by letter, including a copy to the Department of Juvenile Services.
2. School officials shall promptly report to the responsible law enforcement agencies any student who brings/possesses/uses or attempts to use a firearm, weapon of any kind or chemical defense device on to school property or a school related activity. School officials shall also promptly report to the responsible law enforcement agencies any student who possesses/distributes tobacco products, alcohol, drugs, inhalants, and or other controlled dangerous substances as well as look alikes or drug paraphernalia on to school property or a school related activity. The report shall be made immediately by telephone to request an investigation, as appropriate, and a report will also be made by letter, including a copy to the Department of Juvenile Services.

3. School officials shall promptly report to the responsible law enforcement agencies any student who threatens a school employee. A person may not threaten with bodily harm any employee of any institution of elementary, secondary, or higher education. (Annotated Code of Maryland 7-303 - School Safety Act of 1999) The report shall be made immediately by telephone to request an investigation, as appropriate, and a report will also be made by letter, including a copy to the Department of Juvenile Services.
4. Police matters do not include conduct which has been traditionally treated as a matter of discipline to be handled administratively by the particular school, except that all conduct of a serious nature should be promptly reported to the parent or guardian concerned.

D. Reporting Suspected Child Abuse/Neglect
(Article 27, Section 35A - 5-701, 5-903, and 5-704)

The Maryland Child Abuse and Neglect Laws mandate that any person who believes or has reason to believe that a child may have been abused or neglected must immediately report the incident orally to the Department of Social Services and in writing within 48 hours. Employees of the school system are also required to report the incident to the principal of the child's school. Those reporting in good faith are immune from any civil liability or criminal penalty. (See Garrett County Board of Education Policy 474.23 and 474.231). Forms may be obtained from the school office.

The law defines child abuse as "the physical or mental injury of a child by any parent or other person who has permanent or temporary custody or responsibility for supervision of a child, or by any household or family member, under circumstances that indicate that the child's health or welfare is harmed or at a substantial risk of being harmed; or sexual abuse of a child, including molestation, whether physical injuries are sustained or not."

According to the law, "child neglect means the leaving of a child unattended or other failure to give proper care and attention to a child by any parent or other person who has permanent or temporary care or custody or responsibility for the supervision of the child under circumstances that indicate that the child's health or welfare is harmed or placed at substantial risk of harm; or mental injury to the child or a substantial risk of mental injury." Mental injury "means the observable, identifiable, and substantial impairment of a child's mental or psychological ability to function."

Department of Human Resources regulations require that the identity of the person reporting a case of suspected child abuse and/or neglect shall not be revealed. All persons are required by the law to protect the identity of the person reporting. Only a court order can allow disclosure

of the person's name who is reporting. The school cannot provide a parent with the name of who has reported suspected child abuse and/or neglect.

School officials are not required to notify parents/guardians of investigations on school premises involving suspected child neglect and suspected child abuse.

E. Questioning on School Premises

(Code 13A.08.01.12E and 13A.08.01.13 of Maryland State Board of Education)

1. "School officials may not permit questioning of a pupil under arrest on the school premises and shall request the arresting officer to remove the pupil from the premises as soon as practicable after the arrest is made."
2. "Police investigations involving the questioning of pupils may not be permitted on school premises unless in connection with a crime committed on the premises or in connection with an investigation which, if not immediately permitted, would compromise the success of that investigation or endanger the lives or safety of the pupils or other persons, provided, however, a school official should be present throughout the questioning."
3. "A local school system shall permit personnel from a local Department of Social Services or a police officer to question a pupil on school premises during the school day in an investigation involving suspected child neglect under Family Law Article, Subtitle 7, Annotated Code of Maryland, or suspected child abuse under Family Law Article, Subtitle 9, Annotated Code of Maryland. The following apply:"
 - a. The principal "shall determine, after consultation with the individual from the local Department of Social Services or the police officer, whether a school official shall be present during the questioning of a pupil pursuant to this section.
 - b. Records and reports concerning child abuse or neglect are confidential, and unauthorized disclosure is a criminal offense under Article 88A, 6(b), Annotated Code of Maryland." These records and reports will not become a part of the student's permanent record.
4. Except in the case of suspected abuse or neglect, (of which school officials are not required to notify parents or guardians of investigations), "whenever investigative questioning of pupils is permitted on the premises, the school official shall promptly advise the parent or guardian and the Superintendent's Office (through the Office of the Director of Pupil Services) of the nature of the investigation and such other details as may be required."

5. In a case of suspected child abuse or neglect, “school officials are not required to notify parents or guardians of investigations on school premises involving suspected child neglect under Family Law Article, Subtitle 7, Annotated Code of Maryland, and suspected child abuse under Family Law Article, Subtitle 9, Annotated Code of Maryland.”
6. “In the absence of an arrest, school officials may not authorize the removal of a pupil from school for the purpose of investigative questioning without the consent of the parent or guardian, except as provided below:
 - a. A pupil may be removed from school premises if that pupil is a suspected victim of child abuse or neglect and the local department of social services has guardianship of the child or a court order to remove the child.
 - b. The Superintendent or the Superintendent’s designated representative shall insure that prompt notification of a pupil’s removal from school under this section is made to the pupil’s parent or guardian.”

F. Search and Seizures

(Code 13A.08.01.14 of Maryland State Board of Education)

1. A principal, assistant principal, or school security guard of a public school may make a reasonable search of a student on the school premises or on a school-sponsored trip if that individual has a reasonable belief that the student has in his or her possession an item, the possession of which is a criminal offense, under the laws of the state or a violation of any other state law or rule or regulation of the county board. The search shall be made in the presence of a third party.
2. A principal, assistant principal or school security guard of a public school may make a search of the physical plant of the school and its appurtenances, including the lockers of students. The right of the principal, assistant principal or school security guard to search lockers of students shall be announced or published previously in the school.
3. A teacher may be authorized to make a reasonable search of a student on a school-sponsored trip if the teacher has a reasonable belief that the student has in the student’s possession an item, the possession of which is a criminal offense under the laws of this State, or a violation of any other State law, or rule or regulation of the local board. To qualify to conduct a search, the teacher must be designated in writing by the principal and receive training to conduct a search commensurate with the training received by a principal. A search must be made in the presence of a third party.
4. A school official may not conduct a search of the person of a student at the request of police officer unless a search warrant has been issued authorizing the search.

5. Every effort shall be made to conduct searches in a manner which will minimize disruption of the normal school routine and minimize embarrassment to the student(s) affected.
6. Police officers shall conduct searches of students and the school premises in accordance with their established policies and procedures.
7. School officials may request enforcement agencies to use drug detection dogs to search the school building, appurtenances, including lockers, school grounds and vehicles on the school grounds to search for controlled dangerous substances. Police officers have the right to search any vehicle on the school grounds given probable cause for a search. The Superintendent or the Superintendent's designated representative will be notified when drug detection dogs are used in a search.
8. Cameras may be used by the schools to provide additional surveillance of the school's facility and premises.

G. Arrests

(Code 13A.08.01.12 of Maryland State Board of Education)

1. When possible and appropriate, arrests by police should be made during non-school hours and away from the school premises.
2. When an arrest on school premises during the school hours is necessary, the responsible school official shall ascertain such facts from the arresting officer as will enable him to fully advise the parent or guardian and other school officials of the nature of the charge and the identity of the arresting officer.
3. When an arrest has taken place on school premises or during school hours, every effort shall be made by school officials to inform the parent or guardian immediately and thereafter promptly to advise the Superintendent's Office.
4. Arrest on school premises during school hours shall be effectuated in such a manner as to avoid both embarrassment to the pupil being arrested and jeopardizing the safety and welfare of other pupils.

H. Reportable Offenses

If a child enrolled in the public school system is arrested for a reportable offense, the law enforcement agency making the arrest shall notify the local superintendent or designee of the arrest and the charges within 24 hours of the arrest or as soon as possible. Upon receipt of information from a law enforcement agency of an arrest of a student for a reportable offense, the local superintendent or designee shall provide the principal of a school in which the student is enrolled with the arrest information, including the charges.

For a student with disabilities enrolled by the public school in a nonpublic school program, this includes providing that information to the principal of that school.

The school principal or designee with appropriate staff and invitation to parent/guardian to participate as non-voting members shall develop a plan to address appropriate educational programming and related services for the student that maintains a safe and secure school environment. If the plan results in a change to the student's educational program, the school principal or designee will schedule a conference to inform the parent and will implement the plan no later than 5 school days after the receipt of the arrest information. Appropriate educational programming and services shall be provided to an identified student with disabilities in accordance with Disabilities Educational Act and State special education law and regulations (COMAR 13A. 05.01). Minimally on a quarterly basis or immediately upon notification from the States Attorney of the disposition of the reportable offense or if the case is dismissed, found not guilty or pled to a lesser, non-reportable offense, the principal or designee shall review the plan and make adjustments as appropriate and inform the parents or guardians of any adjustments to the plan.

The local superintendent and the school principal shall consider prohibiting a student who is arrested for reportable offense involving rape or sexual offenses from attending the same school or riding the same school bus as the alleged victim of the reportable offense. The student who is convicted of or adjudicated delinquent for rape or sexual offense may not attend the same school or ride the same bus as the victim.

The local superintendent or the school principal may transmit the obtained information of the student for whom the criminal charge or delinquency petition is still pending, or for whom the disposition of the reportable offense was a conviction or adjudication of delinquency as a confidential file to the local superintendent of another public school system or non-public school in the State in which the student has enrolled or been transferred. This transmittal shall include any educational programming and related services provided to the student. Notice of the reportable offense charge alone may not be the basis for suspension or expulsion, though the school is not limited in the lawful use of the obtained information. The obtained information shall be destroyed if the case is dismissed, if the student is found not guilty, pleads to a lesser non-reportable offense, graduates or turns 22 years old.

Reportable offense is defined as a crime of violence as defined in the following

Codes and Law; Annotated Code 3-8A-03(d)(4), and Criminal Law 3-203, 4-101, 4-102, 4-203, 4-204, 4-503, 5-602 through 5-609, 5-612 through 5-614, 5-617, 5-618, 5-627, 5-628, 6-102, 6-103 through 6-105, 6-301, 7-105, 9-302, 9-303, 9-305, 9-504, 9-505, 9-802, 9-803), 14-101. (Annotated Code of Maryland 7-303, COMAR 13A.08.01.17, School Safety Act of 1999, Safe School Act of 2010)

I. Financial Obligations

Each student and their parent/guardian shall be financially responsible for repairing or replacing school property that is damaged or lost. Privileges may be revoked by the school administrator, as appropriate, pending restitution or replacement. Failure to make restitution may result in a referral to Juvenile Services and/or the State Attorney's Office for possible court action.

VI. DISCIPLINARY MEASURES

A. Level I: Classroom Procedures

A good classroom environment is developed through teaching of classroom rules to students and the student's cooperation with the teacher to prevent potential behavioral problems. Positive behavioral interventions have been established as part of a pro-active program in each school. **Students who repeatedly demonstrate misbehavior while having preventative, pro-active universal strategies provided in the classroom will be provided with behavioral response to intervention (RTI) process and strategies to identify, intervene and correct the inappropriate behavior.**

1. When the classroom rules have been posted, and clearly and positively stated and the student's behavior continues to be disruptive after the teacher has called attention to the behavior, the teacher shall use the following corrective measures when appropriate:
 - a. Student/teacher communication both verbal and/or non-verbal
 - b. Reassignment of classroom seating,
 - c. In-classroom time out
 - d. Withholding of certain privileges,
 - e. Parent contact,
 - f. Temporary removal from the classroom to another supervised area, (i.e.: time out, alternative structure classroom)
 - g. Parent/teacher conference,
 - h. Implementation of Response to Intervention (RTI) process and strategies**
 - i. Referral to office and/or counselor.
2. Among those measures a teacher will not use are:
 - a. corporal punishment,
 - b. use of unreasonable or irrelevant make-up work,
 - c. isolation of the student outside the classroom,
 - d. use of profanity or degrading remarks, or
 - e. disregard of the basic rights of the student.

B. Level II: Administrative Procedures

Code (13A.08.01.11 of Maryland State Board of Education)

The school principal has the ultimate responsibility for maintaining an effective school learning environment. As such, in matters of student discipline, the principal will exercise his/her authority in

determining the ultimate course(s) of action. The administrator shall confer with the teacher who referred the student to the administrator prior to returning the student to that teacher's classroom. (Confer is defined as a discussion or dialogue by any means where the views of the teacher are communicated and considered.) The school administrator may also institute the following steps:

1. Hold a conference with the student.
2. Discuss the problem with the parent and/or student and/or teacher(s) in an attempt to establish a more positive adjustment.
 - a. Behavioral probation/contract
 - b. Loss of privileges
 - c. Peer mediation
3. Utilize appropriate staff and ancillary personnel.
4. Revise student's educational programs when appropriate.
5. **If not previously done, initiate the Response to Intervention process to identify specific behavior and interventions to remediate the misbehavior through a tiered intervention process.**
6. **Provide for re-teaching of specific social-emotional learning skills.**
7. Make referrals to Pupil Services for psychological services, special education assessment, community resources, etc.
8. Conduct a Functional Behavior Assessment and implement a Behavior Intervention Plan.
9. Remove temporarily without academic penalty from the regular school program to the time-out center, detention center, or alternative structure classroom where student instruction will continue.
10. **Provide in-school removal/intervention by removing a student within the school building from the student's current education program for up to but not more than 10 school days in a school year for disciplinary reasons by the school principal. An in-school removal (in-school intervention) is not considered a day of suspension as long as the student is afforded the opportunity 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**

- c. **In-school suspension — means the exclusion within the school building of a student from their regular education program for up to but not more than 10 school days for disciplinary reasons by the school principal.** The student is required to complete all school assignments.
- d. **Long-term suspension means the removal of a student from school for a time period between 4 and 10 school days for disciplinary reasons by the principal.**
- e. **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 school principal.**
- f. **Out-of-School suspension — student is removed from regular school program and marked as an excused absence from school, and they are permitted to make up the work.**
- g. **Minimal Educational Services. In order to establish accountability and keep suspended or expelled students on track with classroom work, as is reasonably possible, each local board shall institute education services that at a minimum provides that:**
 - i. **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, which shall be reviewed and corrected by teachers on a weekly basis and returned to the student; and**
 - ii. **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 classwork assignments and school-related issues by phone or email with those out-of-school suspended/expelled students and their parents.**
- h. **All students who receive short-term suspensions will be provided with:**
 - i. **the opportunity to complete the academic work they miss during the suspension period without penalty; and**
 - ii. **with their parents or guardians, with the contact information for a school employee who will be responsible for ensuring that the requirement for educational services is met.**
- i. **All other aspects of the process for suspended students receiving missed assignments, completing missed assignments and making up tests shall be identical with each school’s established policy and practice for makeup work in the event of any other excused absence.**

13. Recommend attendance in a counseling/rehabilitation program.
14. Report to legal authorities.
15. Assign to an alternative learning program when appropriate.
16. Recommend expulsion. **Expulsion is the exclusion of the student from the student's regular school program for 45 days or longer, which may only occur under the following circumstances:**
 - a. **The superintendent or designated representative 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 or staff;**
 - b. **The superintendent or designated representative limits the duration of the expulsion to the shortest time period practicable; and**
 - c. **The school system provides the expelled student with comparable educational services and appropriate behavioral support services to promote successful return to the student's regular academic program. (COMAR 13A.08.01.11).**

CORPORAL PUNISHMENT MAY NOT BE USED IN THE GARRETT COUNTY PUBLIC SCHOOLS.

C. Suspensions (also see Guidelines for Suspension VI. C. 2)

Students should be aware that disciplinary offenses and consequences may impact future careers which require a security clearance.

The school administrator will be guided by Section 1415 of Title 20 U.S.C. and COMAR 13A.08.03.05 for special circumstances.

1. Offenses for which suspension may be invoked
 - a. **Required Suspension-A Suspension is required to remove the student from the school building.**
 - 1) **Level 5A Offenses- Expulsion Required**
For all **Level 5A** offenses, a report will be made to a law enforcement officer. The report shall be made immediately by telephone to the responsible law enforcement agency to request an investigation, as appropriate. A report will also be made by letter, including a copy to the Department of Juvenile Services.
 - (a) **Bringing A Firearm To School**
The principal shall invoke an out-of-school suspension of ten (10) days and a recommendation for expulsion for any student bringing a firearm to school. Examples include rifles, handguns,

shotguns, loaded or unloaded, operable or inoperable, or bombs. Further definition of a firearm is defined in the 18 U.S.C. 921.

The Superintendent shall invoke an expulsion for a minimum of one calendar year for any student who brings a firearm to school; however, the Superintendent may be allowed to modify the one year expulsion requirement on a case-by-case basis according to law. (NCLB Act of 2001, Section 4141 ESEA; COMAR 13.A.08.01.12-1)

(b) Possession Of A Firearm

The principal shall invoke an out-of-school suspension of 10 days and a recommendation for expulsion for any student in possession of a firearm.

The Superintendent shall invoke an expulsion for a minimum of one calendar year for any student who possesses a firearm in school; however, the Superintendent may be allowed to modify the one year expulsion requirement on a case-by-case basis according to law. (NCLB Act of 2001, Section 4141 ESEA; COMAR 13.A.08.01.12-1)

- b. Discretionary Suspension -Suspension may be invoked by the school administrator. Level 5 offenses may include a request of the Superintendent for an Extended Suspension or Expulsion as based on the specific circumstances of the offense relative to the requirements for the request for Extended Suspension and/or Expulsion and the school administrator’s determination of the appropriate response. The principal may suspend up to ten (10) days in-school in a school year, and/or may suspend up to ten (10) days out-of-school, and/or may assign the student to an in-school intervention program for up to (10) school days The application of an extended suspension and/or expulsion is applied in consideration of the student’s grade level.**

1) Level 5B Offenses:

For those Level 5B offenses which represent a criminal offense, a report will be made to a law enforcement officer. The report shall be made immediately by telephone to the responsible law enforcement agency to request an investigation, as appropriate. A report will also be made by letter, including a copy to the Department of Juvenile Services

- (a) **Other Guns**
Possessing, using, or threatening to use a loaded/operable or an unloaded/inoperable non-firearm gun (gun not defined as a firearm) including look-alikes.
- (b) **Other Weapons**
Possessing, using, or threatening to use an implement or weapon that could potentially cause injury or serious bodily harm. The extent of the suspension is contingent upon whether or not there was an intent to use the implement as a weapon.
- (c) **Explosives**
Possessing an incendiary or explosive device or material or any combination of combustible or explosive substances, other than a firearm, that can cause harm to people or property (e.g. firecrackers, smoke bombs, flares etc.)
- (d) **False Alarm/Bomb Threat**
Initiating a warning of a fire or other catastrophe without cause, making a bomb threat or threatening school violence (e.g. conspiring or threatening a school shooting).
- (e) **Arson/fire**
Intentionally setting, attempting to set, or helping to set a fire. The extent of the suspension is contingent upon the intent to endanger others and/or that results in the destruction of valuable property.
- (f) **Serious Bodily Injury**
Causing serious bodily injury, with the extent of the suspension contingent upon the intent to cause bodily injury.
- (g) **Attack on Adult**
Intentionally shoving, pushing, or otherwise being physically aggressive toward an adult. This would include physically attacking an employee of the school system, including striking a staff member who is intervening in a fight or other disruptive activity. **The extent of the suspension is contingent upon the attack being pre-planned and/or the extent of bodily injury.**
- (h) **Attack on Student**
Intentionally shoving, pushing, or otherwise being physically aggressive toward another student. The extent of the suspension is contingent upon the attack being pre-planned

- and/or the extent of bodily injury.
- (i) **Sexual Attack**
Intentionally engaging in behavior toward another that is physically and sexually aggressive.
 - (j) **Fighting**
Intentional physical aggression toward another in the context of a fight. The extent of the suspension will be contingent upon the fight being pre-planned and/or the duration and/or the extent of bodily injury (e.g. may include bumping, shoving, pushing, body checks and other physical aggression not horseplay.)
 - (k) **Sexual Activity**
Engaging in inappropriate behavior of a sexual nature (e.g. indecent exposure, inappropriate texts of a sexual nature, etc.) This includes the offence of “sexting,” sending nude or provocative photos, pornography, vulgar language and/or other inappropriate or illegal content or material. For illegal offenses, a report will be made immediately by telephone to the responsible law enforcement agency to request an investigation, as appropriate. A report will be made by letter, including a copy to the Department of Juvenile Services.
 - (l) **Sexual Harassment**
Engaging in sexual harassment (e.g. intentional unwelcome sexual advances, requests for sexual favors, other intentional inappropriate verbal, written, or physical conduct of a sexual nature.) A report of sexual harassment is filed with the Superintendent.) (Policy 454.1),
 - (m) **Bullying**
Engaging in bullying, including cyberbullying. Intentional conduct, including verbal, physical, or written conduct, or an intentional electronic communication, that creates a hostile educational environment by substantially interfering with a student’s educational benefits, opportunities, or performance, or with a student’s physical or psychological well-being and is:
 - (1) **Motivated by an actual or a perceived personal characteristic, including race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attributes,**

socioeconomic status, familial status, or physical or mental ability or disability; or

- (2) **Threatening or seriously intimidating; and either occurs on school property , a school activity or event; or on a school bus; or substantially disrupts the orderly operation of a school. This can include harassment and stalking. (MD Code Ann., Education 7-424)**

- (n) **Threat to Adult**

Expressing orally, in writing or by gesture the intent to do physical harm to an adult.

- (o) **Threat to a Student**

Expressing orally, in writing or by gesture the intent to do physical harm to another student.

- (p) **Extortion**

Using a threat in order to get a person to turn over their property.

2.) **Level 5C**

For a **Level 5C** offense, a report will be made to a law enforcement officer. The report shall be made immediately by telephone to the responsible law enforcement agency to request an investigation, as appropriate, and a report will also be made by letter, including a copy to the Department of Juvenile Services.

Students will be referred to the MSAP team, will be required to complete an addictions assessment, and will be required to attend a drug education class and/or addictions counseling through referral by the school administrations (refer to C.2.e).

Possession, Use and/or Distribution of

- (a) Drugs,
- (b) Inhalants,
- (c) Other Controlled Substances, and/or
- (d) Alcohol

The principal **may** invoke an out-of-school suspension of up to 10 days .and may recommend **an extended suspension** or expulsion, **based on the noted criteria for each**, for any student for the possession, use, selling, buying, trading, transferring, soliciting, or distribution of alcoholic beverages, narcotics, inhalants, hallucinogenic or other dangerous drugs. This includes any non-controlled substance intended

for use as/or offered as a controlled dangerous substance (look-alike). (For example, presenting an over-the-counter medication as a narcotic, or using or providing an over-the-counter medication for an intended effect as would occur with the use of alcohol, a stimulant or a narcotic, etc.) This section shall include coming to school or an activity after having used any of the above mentioned substances.

This section shall include possession of drug paraphernalia **and the use of any device to inhale illegal substances**. Police may be requested by the school administrator who has a reasonable belief that a student has used alcohol and/or drugs (as described above) to assess the student through the use of a Breathalyzer and/or other standardized police procedures.

Possession of drugs and/or alcohol shall include both actual and constructive possession. Students who knowingly and willingly place themselves in proximity with a person who illegally possesses and/or uses drugs and/or alcohol, and/or who fail to remove themselves as quickly and safely as possible from a person, and the area or situation in which drugs and/or alcohol are illegally possessed and/or used shall be in constructive possession of drugs and/or alcohol

3) **Level 4**

For a Level 4 offense, the principal may suspend up to ten (10) days in-school in a school year, and/or may suspend up to three (3) days out-of-school, and/or may assign the student to an in-school intervention program for up to ten (10) school days.

For those Level 4 offenses which the school administrator determines to be at the level of a criminal offense, a report will be made to a law enforcement officer. The report shall be made immediately by telephone to the responsible law enforcement agency to request an investigation, as appropriate, and a report will also be made by letter, including a copy to the Department of Juvenile Services.

(a) Disruption

Intentionally engaging in behavior that distracts from the learning environment and could affect the safety of others. The extent of the suspension is contingent upon the severity of the behavior.

- (b) Harassment
Engaging in harassment
- (c) Theft
Intentionally taking property without the owner's permission. The extent of the suspension is contingent upon the seriousness of the theft.
- (d) Destruction of Property
Intentionally causing damage to the property of another.
- (e) Trespassing
Being on school property without permission, including while being on suspension or expulsion.

4) **Level 3**

For a Level 3 offense, the principal may suspend up to ten (10) days in-school in a school year, and/or may assign the student to an in-school intervention program for up to ten (10) school days.

- (a) Disrespect
Being insubordinate and persistently defiant of authority with gestures, verbal or written comments or symbols to others (e.g. verbal put-downs, profanity, talking back etc.)
- (b) Inappropriate Use of Personal **Electronics**
Persistently having out or using a personal electronic and/or communication device in defiance of school rules.
Cell phones and portable pagers shall not be used by students during the instructional day unless authorized by the principal/building administrator.

5) **Level 2**

For a Level 2 offenses the principal may use in-school (classroom) removal or other responses as appropriate.

- (a) Tobacco (**Nicotine** Products) using/possessing tobacco.

A report will be made to a law enforcement officer to request a citation, and to Juvenile Services, along with a referral to the MSAP team. Counseling or a cessation program may be used **and/or an in-school intervention program for up to ten (10) days.**

- (b) E-cigarettes -**Possession and/or use of any device, electronic or otherwise, used to deliver any substance not medically prescribed in accordance with Policy and Procedure 472.12 and 472.13.**
- (c) Class Cutting
Failing to attend a class after arriving at school without an excused reason.
- (d) Tardiness
Arriving late more than once to class or school without an excused reason.
- (e) Truancy
Being absent from school without an excused reason.
- (f) Academic dishonesty
Plagiarizing, such as by taking someone else's work or ideas, forgery, such as by faking a signature of a teacher or parent, or cheating.
- (g) Dress Code
Persistently violating the dress code.
- (h) Involvement in gang activity or similar destructive or illegal group activity on school vehicles, on school property, or at school sponsored functions, or the making of false accusations that a student is involved in gang activity. For illegal offenses, a report will be made immediately by telephone to the responsible law enforcement agency to request an investigation, as appropriate. A report will be made by letter, including a copy to the Department of Juvenile Services.

2. Guidelines for Suspension
(Code 13A.08.01.11 of Maryland State Board of Education, Annotated Code of Maryland 7-305 and 7-310)

Suspension is considered one of the most serious outcomes for **disciplinary offenses**. It should be invoked when the behavior is serious enough to warrant the removal **of the student** from **the student's regular school program, and** when the Garrett County Discipline Policy **provides for** suspension, **due to** cases in which the student **engages in chronic and extreme disruption of the educational process that has created a substantial barrier to learning for other students, across the**

school day, or when the student poses an imminent threat of serious harm to other students or staff. School administrators must consider factors such as developmental differences of age and maturity, and disability as mandated by federal regulations to modify the number of days of suspension required by these procedures.

Prior to the use of suspension, review of other interventions, including the use of behavioral RTI strategies, restorative justice practices, social-emotional skills re-teaching, functional behavior assessments and behavior intervention plans, and counseling interventions should be reviewed and implemented. School administrators may also utilize in-school intervention and the live-streaming of instruction.

In-school suspension means the removal within the school building of a student from the student's current educational program for up to but not more than 10 school days in a school year for disciplinary reason by a school principal.

An in-school removal (in-school intervention) is not considered a day of suspension as long as the student is afforded the opportunity 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, and
- 4) participate with peers as they would in their current educational program to the extent appropriate. (COMAR 08.01.11)

When appropriate, school administrators may remove a student from their regular scheduled classroom(s) and utilize in-school intervention with the use of live-streaming of instruction from the student's classroom.

A student who is suspended from school, other than one on in-school suspension, is not permitted on school grounds unless accompanied by a parent for a re-admission conference during the period of suspension.

Students who are suspended out-of-school may not participate in or attend extra-curricular activities during the date(s) of suspension.

All students who are suspended will be given a copy of the Community Resource Guide.

When suspension is deemed necessary, the following procedures shall be implemented: **41**

- a. The principal/building administrator will advise the student of the offense or allegation leveled against him/her, offer an explanation of the evidence, and permit the student to offer his/her side of the story.

A student whose presence poses a danger to self, others, or property or an ongoing threat of disrupting the academic process may be removed immediately from the school. In such case, the necessary due process shall follow as soon as practicable.

- In the case of a special education student, the principal/building administrator may immediately remove the student from the school under the condition that he/she will not exceed ten (10) days for any violation of school rules to the same extent removal is applied to students without disabilities. A student with a disability may be removed from the student's current placement for more than ten (10) school days if the removal does not constitute a change in placement. The Supervisor of Special Education and the Supervisor of Pupil Services shall be notified before any student with a disability is suspended for more than ten (10) school days. If a special education student carries a weapon, knowingly possesses or uses an illegal drug, sells or solicits the sale of a controlled substance, is thought to be a danger to self, or others, or property, the principal, in cooperation with the Office of Special Education and Department of Pupil Services, must gain permission from the parents or, as a last resort, request a due process hearing to seek removal of the student to an interim alternative educational setting for 45 days.
- b. The principal/building administrator will advise the parent/guardian and the student in writing of the reason(s) for the suspension, the length of suspension, and an appointment date for a private conference. Notification of the suspension shall be forwarded to the Department of Pupil Services.
 - c. The principal/building administrator will readmit the student to the school program upon completion of the suspension except as noted in d, below. The principal may suspend a student for no longer than ten days.
 - d. When dealing with the bringing/possession of firearms to school, the student will be asked to identify his/her source of firearms.
 - e. The principal/building administrator shall institute the following steps prior to readmission to school when dealing with use/possession and/or distribution of alcohol/drugs:

- 1) The student will be asked to identify his/her source of the alcohol/drugs.
 - 2) He/she may be asked to demonstrate via a medical certificate that he/she is free of any residual effect of the drug and that a doctor recommended that he/she be returned to school.
 - 3) He/she will be referred to the MSAP team and will be required to complete an addictions assessment at the Garrett County Health Department. Students will not be readmitted to school without confirmation of an assessment or scheduled appointment and must comply with the recommendations of that assessment. A referral form and a release of information form to provide the school with the results and recommendations of the addictions assessment will be signed by the parent at the time of the suspension conference.
 - 4) Students **will** be required to attend a drug education class and/or addictions counseling **as provided by the Garrett County Health Department. The school administrator will provide the signed release form and referral form completed during the suspension conference to the Garrett County Health Department to initiate the intervention, and provide copies of the release and referral to the student's school counselor.**
- f. If the school principal feels a suspension of longer than ten school days is necessary, he/she shall petition the Superintendent of Schools or his/her designee for an extension. (Annotated Code of Maryland 7-303).
- g. The principal **may** suspend the student for up to ten days and may request an **extended** suspension. **An extended suspension means the exclusion of a student from a student's regular program for a time period between 11 and 45 school days, which only may occur under the following circumstances when the superintendent or designated representative has determine that:**
- 1) **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 or staff; or**
 - 2) **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.**

- 3) **The superintendent or designated representative limits the duration of the exclusion to the shortest period practicable; and**
 - 4) **The school system provides the excluded student with comparable educational services and appropriate behavioral support services to promote successful return to the student's regular academic program.**
- h. The principal may assign a student to **an In-School Intervention Program** for 10 days.
 Students who are under an IEP or 504 plan must first have an IEP meeting in which the IEP team would determine that the student's needs can be met in an in-school Intervention Program.
- i. The principal will **remove the student from school, may suspend up to ten (10) days, and** recommend an expulsion to the Superintendent of Schools when **any student commits a Level 5A** offense (NCLB Act of 2001, Section 4141 ESEA; COMAR 13.A.08.01.12-1).
 The principal **may suspend up to ten (10) days and** recommend expulsion when:
- 1) **The superintendent or designated representative has determined that:**
 - (a) **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 or staff;**
 - 2) **The principal may suspend up to ten (10) days and request an extended suspension when:**
 - (a) **The superintendent or designated representative has determined that:**
 - i. **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 or staff; 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.**
- j. Special Education Students

Special Education policy requires that when a student with a disability is subject to a suspension(s) totaling more than ten (10) days and/or the removal constitutes a change in placement, the IEP Team shall meet within ten (10)

business days of the removal to develop an assessment plan to conduct a functional behavior assessment, if one has not been completed. As soon as possible after the completion of the assessments determined appropriate by the IEP Team, the team shall meet to develop appropriate behavioral interventions to address the behavior and implement the behavioral intervention plan. If the student with a disability has a behavior intervention plan, the IEP Team shall meet within ten (10) business days of the removal to review and make modifications to the plan or its implementation to address the behavior.

Special education policy also requires that when a student has been removed for more than ten (10) school days or a request for expulsion, carries a weapon at school or a school function, knowingly possesses or uses an illegal drug while at school or a school function, or sells or solicits the sale of a controlled substance while at school or a school function, the IEP Team shall meet to determine whether a student's behavior that resulted in a disciplinary removal is a manifestation of the student's disability and the services that are to be provided during the removal.

In making its determination, the IEP Team shall consider all relevant information in relation to the behavior that resulted in the disciplinary action including: diagnostic results and evaluation, observations, information supplied by the parents, the student's IEP and the student's current educational placement. To determine the behavior subject to the disciplinary action is a manifestation of the student's disability, the IEP Team and other qualified personnel must make the determination that the student's behavior was: (1) caused by or had a direct and substantial relationship to the student's disability, or (2) the direct result of the public agency's failure to implement the student's IEP. If the IEP Team determines that the student's behavior is a manifestation of the student's disability, the IEP Team shall revise the student's IEP, revise the student's behavior intervention plan and review the student's placement to determine if it continues to be appropriate. If the IEP Team determines that the behavior is not a manifestation of the student's disability, the student may be disciplined in the same manner as students without disabilities, including a period of suspension or expulsion and the IEP Team shall determine the extent to which services are necessary during the period of suspension or expulsion to enable the student to appropriately progress in the general curriculum and advance toward achieving the goals of the

student's IEP. The IEP Team will give the student's parents written notice of the IEP Team's determination and all applicable procedural safeguards. COMAR 13A.08.03.

- k. If a student not previously identified as a student with a disability is suspended for more than ten (10) school days or expelled, and the school system had knowledge that the student was a student with a disability before the student engaged in the behavior that precipitated the disciplinary action, the student immediately shall be referred to the IEP Team. The IEP Team shall initiate, within ten (10) days of the exclusion, an evaluation to determine whether the student is a student with a disability. If the student is determined to be a student with a disability, the requirements in (i) shall be met and the school shall promptly give the student's parents or guardians written notice of the IEP Team's determination and applicable procedural safeguards.

If the school system does not have knowledge that a student is a student with a disability prior to taking disciplinary action, the student may be subjected to the same disciplinary measures applied to students without disabilities who engage in comparable behaviors.

If the school system receives a written referral during the time period that the student is subject to disciplinary measures, the student shall be evaluated in an expedited manner. The student shall remain in the educational placement determined appropriate by school personnel, including suspension or expulsion without educational services, until the evaluation is completed. If as a result of the evaluation, the IEP Team determined the student is a student with a disability, the school system shall provide special education and related services.

A crime committed by a student with a disability shall be reported to appropriate law enforcement authorities. The school system shall ensure copies of the student's special education and disciplinary records are transmitted to the appropriate authorities to whom the crime was reported, to the extent permitted in accordance with COMAR 13A.08.02

- l. 504 Students

If a student is determined to be a "student with a disability" under Section 504, any action taken with respect to the

suspension or expulsion of that student shall conform to the following procedures:

- 1) When a student with a disability is subject to a suspension(s) totaling more than ten (10) days and/or the removal constitutes a change in placement, the IEP Team shall meet within ten (10) business days of the removal to develop an assessment plan to conduct a functional behavior assessment, if one has not already been completed. As soon as possible after the completion of the assessments determined appropriate by the IEP Team, the team shall meet to develop appropriate behavioral interventions to address the behavior and implement the behavior intervention plan. If the student with a disability has a behavior intervention plan, the IEP Team shall meet to review and make modifications to the plan or its implementation to address the behavior.
- 2) When a student with a disability has been removed for more than ten (10) school days or a request for expulsion, the IEP Team shall meet to determine whether a student's behavior that resulted in a disciplinary removal is a manifestation of the student's disability.
- 3) If the IEP Team determines that the student's behavior is a manifestation of the student's disability, the 504 Plan shall be revised.
- 4) If the IEP Team determines that the student's misconduct which prompted the disciplinary action was not a manifestation of the student's disability, the student may be disciplined in the same manner as similarly situated students without a disability.
- 5) Any student engaging in the illegal use of drugs or alcohol may be disciplined in the same manner as similarly situated students without disabilities for possession or use of illegal drugs or alcohol. In this situation, the special disciplinary procedures do not apply.
- 6) A student who is determined to be a student with a disability solely under Section 504 and brings a firearm to school shall be expelled for a minimum of one calendar year.

m. In-school Intervention Programs

Students may be assigned by the principal to attend an **In-School Intervention** Program.

Students who have been recommended for expulsion for a **Level 5A** offense and/or other serious and dangerous acts may not be eligible for an In-school Intervention

Program. Students who have been placed on extended suspension or expelled by the Superintendent will be provided with comparable educational services and appropriate behavioral support services. Assignments and placements will be reviewed by the IEP team to insure that the goals, objectives and services are provided in accordance with students' 504 plans, the IEP and/or related requirements.

D. Disciplinary Action - Pupil Transportation

The purpose of the rules and regulations is primarily to provide a basic framework for safe transportation of pupils to and from school and for efficient operation of the Pupil Transportation Program. Responsibilities for enforcement of these rules are shared by the school bus contractor, the bus driver, the school administrator of the school, and the Transportation Office of the Garrett County Public Schools. Riding a school bus is a privilege. "Don't Lose Your Riding Privilege!"

FOLLOW THESE RULES POSTED IN ALL BUSES

1. Observe same conduct as in the classroom.
2. Be courteous, use no profane language.
3. Do not eat or drink on the bus.
4. Keep the bus clean.
5. Cooperate with the driver.
6. Do not smoke.
7. Do not be destructive.
8. Stay in your seat.
9. Keep head, hands and feet inside the bus.
10. Bus driver is authorized to assign seats.

Failure to comply with regulations may result in a revocation of this privilege.

1. Parents are responsible for the safety of their children from the time the children leave home in the morning until they board the school bus and at the end of the day when the children exit the bus.
2. The School Bus Contractor is expected to cooperate fully by impressing upon drivers employed by him/her the driver's responsibilities for supervision of pupils riding the bus, for maintaining effective cooperation and communications with the school administrator of the school and for carrying out the instructions received from the Transportation Office.
3. The School Bus Driver is expected to enforce regulations for pupil behavior while pupils' board, ride, and alight from the bus. If the driver is unable to enforce a rule, he/she should request assistance from the school administrator.

4. The school administrator should provide appropriate assistance and guidance to the school bus driver and the pupil when the pupil's behavior is not acceptable. When a pupil is not permitted to ride a school bus, the principal must notify the parent or guardian in writing of the pupil's infraction of the applicable rule. The school administrator should solicit full cooperation from the parent or guardian with the understanding that riding a school bus is a privilege which can be revoked for the remainder of the school year. It is the responsibility of the school administrator to refer to the Director of Transportation questions concerning bus stops and routings, as well as serious disciplinary problems needing his/her assistance.
5. The Transportation Office shall review annually with bus drivers these rules and the bus driver's responsibilities or enforcement in cooperation with the school administrator of the school.
6. The Pupil, or parent or guardian, must reimburse the owner of the school bus for the cost of repairing damage to the bus willfully caused by the pupil. The pupil's riding privilege may be revoked if reimbursement is not made. Before the privilege is revoked, the parent or guardian shall be notified by the Director of Transportation in writing that the privilege may be revoked for nonpayment.
7. Cameras may be used to provide surveillance of students while on the bus.
8. Levels of Disciplinary Action:

Level I:

Drive correct student.

Level II:

If the student's actions deem it necessary, a discipline form is given to the school administrator to make the decision as to the course of disciplinary action. At this time, the student will be given this form to take home to the parent. At Level II, the bus driver will refuse to transport the student until the discipline form is signed by the parent and is returned to the bus driver.

Level III:

If the student's misconduct persists and the behavior is such that the driver deems it necessary, he/she may request a meeting with the school administrator, student, and parents. The school administrator shall make the decision as to the course of disciplinary action. The school administrator may deny a student the privilege of riding the school bus for a period of time. The student or parent is responsible for furnishing transportation to school on the days this privilege is denied.

Level IV:

Conference between parents and the Director of Transportation. The Director has the authority for the final decision on handling the situation.

Level V:

Appeal to the Board of Education

- E. Student Behavior Interventions (COMAR 13A.08.04) (Refer to Policy 445.0 and Procedure 445.1)

School personnel are encouraged to use an array of positive behavior interventions, strategies, and supports to increase or decrease targeted student behaviors. School personnel shall only use exclusion, restraint or seclusion after less restrictive or alternative approaches have been considered and attempted and determined to be inappropriate. These interventions can only be utilized in a humane, safe and effective manner, without intent to harm or create undue discomfort and consistent with known medical or psychological limitations and the student's behavior intervention plan. (COMAR 13A.08.04)

In the performance of their duties, teachers, administrators, and other staff of each public school in Garrett County shall take reasonable action to control acts of destruction of property, physical abuse, and vandalism. Reasonable force may be applied by the teacher, administrator, and/or other staff in restraining a student in an attempt to prevent harm to the student, himself/herself, or others. (Annotated Code of Maryland 7-307)

When reasonable attempts to control a student are not successful, and the student presents an immediate danger of harming themselves or others, the school administrator will contact and request a law enforcement officer to intervene to provide for school safety.

“Physical restraint” means the use of physical force, without the use of any device or material, that restricts the free movement of all or a portion of a student's body. “Physical restraint” does not include: (1) Briefly holding a student to calm or comfort the student; (2) Holding a student's hand or arm to escort the student safely from one area to another; (3) Moving a disruptive student who is unwilling to leave the area if other methods such as counseling have been unsuccessful; or (4) Intervening in a fight in accordance with Education Article 7-307, Annotated Code of Maryland. (COMAR 13A.08.04)

- F. **Appeal for Extended Suspension** or Expulsion (COMAR 13A.08.01.11)

- 1. At the request of the principal, the local superintendent or the designated representative may suspend a student for more than 10 school days, or expel the student.**
- 2. Upon receipt of a written report from a principal requesting an extended suspension or expulsion, the local superintendent or designated representative promptly shall make a thorough**

investigation of the matter.

3. **If after the investigation the local superintendent or designated representative finds that an extended suspension or an expulsion is warranted, the superintendent or designated representative promptly shall arrange a conference with the student or the student's parent or guardian.**
4. **The process shall be completed by the 10th day of the initial suspension. If additional time is necessary to complete the process, either because of delays due to parent or guardian unavailability or due to the complexity of the investigation, the student shall be allowed to return to school, unless the local superintendent or designated representative determines that the student's return to school would pose an imminent threat of serious harm to other students or staff.**
 - a. **If the student is not allowed to return to school after the 10th day, the superintendent or designee shall notify the student and the parent or guardian 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.**
 - b. **If after this conference the local superintendent or designated representative finds that an extended**
 - c. **suspension of more than 10 school days or an expulsion is warranted, the student or student's parent may:**
 - i. **appeal to the local board within 10 days following the student's/parent's/guardian's receipt (as documented by certified mail) of the Superintendent's or the Superintendent's designee's written determination on the suspension or expulsion decision,**
 - ii. **be heard before the local board or it's designated committee, and**
 - iii. **bring counsel and witnesses to the hearing**
 - d. **If an appeal is filed, the local board or its designated committee or hearing officer shall have 45 days from the date that 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 guardian, or his/her representative requests additional time; and**
 - ii. **This timeline shall apply in the event that the local board elects to use a hearing examiner.**
 - iii. **If due to extraordinary circumstances or unusual complexity of a particular appeal, the local 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.

- e. **The student or student’s parent or guardian or representative**
 - i. **Shall be provided the school’s witness list and a copy of the documents that the school system will present at the hearing 5 days before the hearing; and**
 - ii. **May bring counsel and witnesses to the hearing**
- f. **The appeal to the local board does not stay the decision of the county superintendent.**
- g. **The decision of the board is final. (COMAR 13A.08.01.11, Policy 110 and Procedure 110.2).**
 - i. **Unless a public hearing is requested by the parent or guardian of the student, a hearing shall be held out of the presence of all individuals except those whose presence is considered necessary or desirable by the board.**

THE PRINCIPAL MAY, IN CASES OF EMERGENCY OR THE SERIOUSNESS OF THE SITUATION(S), ELIMINATE ANY OR ALL OF THE SUGGESTED STEPS BEFORE INVOKING A SUSPENSION AND/OR RECOMMENDATION FOR AN **EXTENDED SUSPENSION OR EXPULSION.**

G. Exclusion

The principal will exclude a student from school for failure to abide by the Health Regulations regarding immunizations, and other health related policies until compliance is met. (Absence Code 17)

VII. STUDENT RECORDS

- A. Rights (COMAR 13A.08./02.04) (20 U.S.C. 1232g. Regs 34CFAR Part 99. (FERPA) (20 U.S.C. 1232h. Regs 34CFR Part 98 (NCLB- PPRA)

Students have a right to be informed annually concerning the Garrett County Board of Education Procedure Number 474.21, Confidentiality of Student Records Procedure.

1. Students have a right to have access to all their records in accordance with Garrett County Board of Education Procedure Number 474.21, Confidentiality of Student Records Procedure.
2. Students have a right to enjoy confidentiality and privacy in regard to the disclosure of information contained in those records.
3. Students have a right to a copy of the mini-guide to the Garrett County Board of Education Procedure Number 474.21, Confidentiality of Student Records Procedure.
4. Students have a right to have amended or removed from their records any information about the student which is determined, under conditions outlined in Garrett County Procedure 474.21, to be inaccurate or misleading.
5. Students should know that non-custodial parents will be given access to or copies of "school related information," unless otherwise restricted by court order.
6. Students should be aware that school officials with legitimate educational interests have access to a student's educational record. These school officials include contractors, consultants, volunteers, and other outside service providers with legitimate educational interests used by the school district to perform institutional services and functions. These persons must be under the direct control of the disclosing institution and are subject to the same conditions on use and redisclosure of educational records as govern other school officials.

B. Responsibilities

Students have the responsibility of familiarizing themselves with the Garrett County Board of Education Procedure Number 474.21, Confidentiality of Student Records Procedure. This policy, or any other, may be read/obtained in the school's main office or media center upon request.

VIII. PROTECTION OF PUPIL RIGHTS

(20 U.S.C. 1232g. Regs 34CFR Part 99 (FERPA)

(20 U.S.C. 1232h. Regs 34CFR Part 98)

(NCLB - PPRA)

No student shall be required, as part of any applicable program, to submit to a survey, analysis, or evaluation that reveals information concerning:

1. political affiliations;
2. mental and psychological problems potentially embarrassing to the student or his family;
3. sex behavior and attitudes;
4. illegal, anti-social, self-incriminating and demeaning behavior;
5. critical appraisals of other individuals with whom respondents have close family relationships;
6. legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; or
7. Religious practices, affiliations, or beliefs of the student or student's parent.
8. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program, without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an emancipated minor, without the prior written consent of the parent.)

IX. GRIEVANCE PROCESS

Each school shall develop a grievance process to deal with issues which are deemed to be a violation or misinterpretation of a local school policy or procedure. In cases whereby a student feels there has been a decision made or an action taken that has been a violation or a misinterpretation of any county policy or procedure, the student may seek redress of the decision. This grievance process does not include a decision made by school personnel unless it is a violation or misinterpretation of county policy. Students and parents who seek satisfactory resolution of their grievance must use the following steps:

Level I: A student with a grievance will discuss the problem directly with the person responsible for the decision which is in question. This discussion will take place within seven calendar days of the decision. Both parties have a responsibility to seek the counsel and advice of any and all resources that are available.

Level II: If the student is not satisfied with the decision at Level I, he/she may request that a conference be arranged between the students himself/herself, his/her parents, and the person responsible. This conference must be held within fourteen calendar days of the Level I discussion. Level I and Level II may encompass 21 calendar days unless time lines are adjusted. In some cases Level I and Level II may not be appropriate and the grievance process may start at Level III.

Level III: In cases whereby a satisfactory resolution to the grievance has not been rendered, the student and his/her parents may continue the grievance procedure. They must request a conference with the principal or his/her designee and the person responsible for the decision and must file with the principal a written grievance within seven calendar days of the Level II conference. The written grievance shall include the resolution that the aggrieved person desires. The principal shall within seven calendar days of the Level III conference render a decision in writing.

Level IV: In case the aggrieved person is dissatisfied with the principal's decision, the written Level II grievance will be filed with the Superintendent of Schools within seven calendar days of the principal's formal reply. The Superintendent shall submit his/her recommendation in writing to the principal and the aggrieved person within fourteen calendar days.

Level V: In such cases whereby there has not been a satisfactory resolution to the decision, the aggrieved person may petition the Board of Education **as outlined in Procedure BEEA (formerly 110.1)**.

Timelines may be adjusted as needed.

Student's Name: _____

School: _____

I confirm that on the date note below, the *Student Handbook: Rights and Responsibilities and Discipline* was reviewed with me and that a copy was received by me.

Student Signature _____

Date _____

**Garrett County
Board of Education
2014**

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Garrett County Public Schools does not discriminate on the basis of race, color, gender, age, national origin, religion, disability, **genetic information, sexual orientation, or gender identity** in matters affecting employment or in providing access to programs.

**Office of Pupil Services
Garrett County Public Schools
40 S. Second Street
Oakland, Maryland 21550**

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