

POLICY

SOMERSET COUNTY
BOARD OF EDUCATION

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1. PURPOSE

To establish discipline policies and regulations that address school safety; reflect a discipline philosophy based on the goals of fostering, teaching, and acknowledging positive behavior. Designed to keep students in school so that they are college and career ready; provide for disciplinary policies based on the use of discretion; explain why and how long-term suspensions or expulsions are last resort options and how the education and counseling needs of suspended students will be met. This policy shall apply to all students at all times on all Board of Educational property, including: (1) school buildings, (2) on school grounds, (3) school buses or vehicles, and (4) at all schools, school –related or Board sponsored activities, including but not limited to fields trips and school sporting invents.

2. Definitions

- A. Short-term suspension means the removal of a student from school for up to but not more than 3 school days by the School Administrator (Principal or Vice Principal)
- B. 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, but requires the Superintendent’s or designee approval.
- C. 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 may only occur under the following circumstances:

- a. The Superintendent or designee has determined that:
 - i. The student's return to school prior to the completion of the suspension period would pose an imminent threat to of serious harm to other students and 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.
 - iii. The Superintendent or designee limits the duration of the exclusion to the shortest period practical; and
 - iv. Somerset County Public Schools, (SCPS), provides the excluded student with comparable educational services and appropriate behavioral support services to promote successful return to the student's regular academic program.
- D. Expulsion means the exclusion of the student from the student's regular school program for 45 school days or longer and can only occur under the following circumstances:
 - i. The student's return to school prior to the completion of the suspension period would pose an imminent threat to of serious harm to other students and staff;
 - ii. The Superintendent or designee limits the duration of the exclusion to the shortest period practicable; and
 - iii. 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.
- E. **Chronic disruption:** occurs over a period of time that is repetitive in nature; constitutes a pattern of behavior
Extreme disruption Substantially interrupts the classroom environment, prevents the teacher from making progress; behavior that is outside of the norm for that student
- F. **Behavioral support services:** are programs and services to promote successful return to the student's regular academic program in collaboration with parents. These services consists of an opportunity to complete original assignments facilitated through the liaison; the development of a behavior plan upon the student's return; collaboration with community agencies as appropriate; counseling support packet to help address developing appropriate behaviors and coping skills, etc. (See 600-17ap)
- G. **Comparable 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 provide that each student suspended or expelled out-of-school who is not placed at 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.
- H. **School Liaison:** 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.

- 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.
- I. Parent: Defined as the legal guardian or responsible adult for a student.
- J. Regular Program – means student having access to their regular curriculum

3. GUIDELINES

A. Philosophy

- (1) The Board of Education of Somerset County has the responsibility for providing its youth an educational program that will enhance each student's opportunity to develop his/her knowledge, skills and ideals basic to the culture of our society.
- (2) The Board of Education believes that the pursuit of an education is not merely a right, it is a privilege which carries with it the respect of the guidelines governing behavior.
- (3) Each student has a right to a free public education as long as his/her behavior does not hinder other students' progress in pursuing a meaningful educational program.
- (4) It is the Board of Education's position that a clearly defined set of established rules and regulations, governing social behavior, will be beneficial to the progress of all students who are actively pursuing a quality education in Somerset County Public Schools. The Board of Education affirms that all students enrolled in the Somerset County Public Schools are expected to practice standards of acceptable behavior.
- (5) The standards herein established to govern the social behavior of students enrolled in Somerset County Public Schools shall be applied on equal basis without regard for the student's sex, race, creed, religion, social standing, family background, economic position or political affiliation. School administrators shall develop a method to analyze discipline data to determine whether there is an unequal impact on minority students.

B. Discipline of Students with Disabilities

- (1) A student with a disability may be removed for more than 10 school days at a time for a violation of school rules, to the same extent removal is applied to students without disabilities, if the student's IEP team determines the behavior subject to the removal is not a manifestation of the student's disability. If the violation of school rules is not a manifestation of the student's disability, the student may be removed, but the student must continue to receive educational services in another setting, and receive, as appropriate, an Functional Behavioral Assessment (FBA) and a Behavioral Intervention Plan (BIP), or modifications to an existing BIP, designed to address the behavioral violation and to prevent its recurrence (COMAR 13A.08.03.03B(4) – (5)).

- (2) When these removals (10 days or less at one time) accumulate to more than 10 days in a school year, school personnel determine the extent of services needed to enable the student to progress in a general curriculum towards the IEP goals.
- (3) On the date a student with a disability is removed from the student's current placement for a violation of a code of student conduct, for more than 10 consecutive days or a change of placement, school personnel shall notify the parents of the decision and provide the parents with the procedural safeguards notice.
- (4) Change of placement includes removal for more than 10 consecutive days or a series of removals that constitute a pattern.
- (5) Within 10 school days of any decision to change the placement, the IEP team must review all relevant information in the students' file, any teacher observation and any relevant information provided by the parents to determine:
 - If the conduct was caused by or had a direct and substantial relationship to the student's disability or;
 - If the conduct in question was the direct result of the public agency's failure to implement the IEP.
- (6) If the IEP team determines that either of the above statements in (5) is applicable for the student, the conduct shall be determined to be a manifestation of the student's disability.
- (7) If the conduct was a manifestation of the student's disability, the IEP team must:
 - Conduct a functional behavioral assessment and a behavioral intervention plan for the student, if the school had not previously done so;
 - In the situation where a behavior intervention plan has been developed, review the behavior intervention plan and modify it, as necessary to address the behavior; and
 - Return the student to the placement from which the student was removed, unless the parent and the school agree to a change of placement as part of the modification of the behavior intervention plan, except when the student has been removed to an interim alternative education setting for up to 45 days for drugs, weapon, or serious bodily injury.
- (8) Under certain circumstances, the principal shall automatically recommend expulsion to the Superintendent of Schools. Any student expelled for reasons listed below shall be readmitted only with the approval of the Superintendent or designee. Reasons for a ten day suspension and mandatory recommendation for expulsion are:
 1. Use of a weapon or any dangerous object against another person
 2. Sale or distribution of alcohol or illegal drugs
 3. Bringing a firearm on school premises
 4. Serious assault or premeditated assault

- (9) All mandatory recommendations for expulsion shall be handled in the same manner as those that result from an automatic recommendation of expulsion and in accordance with the Public School Laws of Maryland (Annotated Code of Maryland, Education Article, Section 7-304).

PROVISO: Notwithstanding any of the foregoing provisions of this policy, a breach of the standards of behavior detailed herein may also result in referral of the matter to appropriate criminal and civil authorities and agencies including but not limited to the State's Attorney for Somerset County, Maryland.

4. Prevention and Intervention Services:

The Superintendent or designee in collaboration with Principals will promote student academic success by:

- Providing all staff ongoing professional development regarding available support resources
- Ensuring preventive services have been implemented to the fullest extent possible
- Ensuring support services have been maximized for each student

DUE PROCESS

1. General Due Process

- A. Before a student has been suspended, the school administrator must have a conference with the student to hear his/her interpretation of the situation and base the decision on facts presented. The Administrator must notify the parent(s) or guardian(s) in writing the reason for the suspension.
- B. A decision by the Somerset County Superintendent of Schools or his/her designee may be appealed to the Somerset County Board of Education in writing within 10 days of the decision of the county superintendent. If an appeal is filed, the local Board or its designated committee or hearing officer shall have 45 days from the date the appeal was received to hear the appeal and issue a decision, as follows: (1) The timeline period may be extended if the parent, guardian, or his/her representative request additional time; and (2) This timeline shall also apply in the event that the local board elects to use a hearing examiner. The decision may be further appealed to the State Board in writing within 10 days after decision of the county board. (For due process regarding suspensions and expulsions, please refer to the following sections.)

2. Due Process of Students with Disabilities

Somerset County Public Schools decisions or the provision of a free appropriate public education concerning the identification, evaluation, and educational placement of children with disabilities are subject to comprehensive procedural requirements. (COMAR 13A.05.01.08 and 13A.08.01.11(F)). If parents disagree with a decision regarding manifestation determination or with any decision regarding placement for disciplinary reasons, the parents or guardians may file a due process complaint with the Office of Administrative Hearings (OAH) or a state complaint with MSDE and the public agency. A hearing with an Administrative Low Judge (ALJ) shall occur within 20 school days of the date of the hearing request and shall result in a determination in 10 school days after the hearing. MSDE must resolve a State complaint within a 60 calendar day timeline.

3. Suspensions and Expulsions

Students' rights to public education is of such significance that the student is entitled, under the Constitution, to due process safeguards if that student is suspended or expelled. Goss v. Lopez 419 U.S. 565 (1975). Under Maryland statute, the extent of a student's due process protections is governed largely by the length of the suspension.