

POLICY

SOMERSET COUNTY
BOARD OF EDUCATION

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Subject: Fighting	Date Approved: June 19, 2001 February 21, 2006 January 09, 2007 April 21, 2009 September 21, 2010, August 26, 2011 August 19, 2014 Date Effective: July 1, 2001 February 21, 2006 February 1, 2007 April 21, 2009 September 21, 2010, August 16, 2011 August 19, 2014

1. PURPOSE

The Board of Education of Somerset County and the Somerset County Public Schools are committed to providing a safe, orderly and caring school environment for all students. Conflict that results in fighting between students is disruptive to the educational environment, especially at the high school level. Fighting is a behavior which interferes with the normal function of a school or disrupts or interferes with the academic process and constitutes a violation of the rights of others in terms of their desire to utilize the services and facilities of the staff and school. A fight is defined as an altercation where blows (physical contact) occur. Students are expected to exhibit proper behavior on school property, on school buses, and at off-site school-sponsored activities. Students enrolled in our high schools who engage in fighting behavior are subject to suspension and expulsion in accordance with the procedures outlined in this policy.

The following services and opportunities are available to students to help them resolve conflicts that may precipitate fights:

- A. Peer Mediation/Conflict Resolution Programs
- B. School Counselors and Learning Support Staff
- C. Nurses/School Psychologists
- D. Administration and Staff

When students do not avail themselves of these school services for the peaceful resolution of conflict and a fight occurs, the following policy will be applied by the building Principals and school administration.

2. GUIDELINES

Use of suspension or the expulsion process is an administrative responsibility sanctioned by State law and by policies of the Board of Education as a measure to be used in the discipline of students.

Principals have full authority to use temporary or short-term suspension in a judicious manner, i.e., where the procedure fits the offense and the offender and is not unreasonable, excessive or malicious. Complete records must be available to justify each suspension.

A. PRIMARY/ELEMENTARY SCHOOL

(1)**First Fight** - Students who participate in a fight may be suspended for a maximum of two (2) days depending upon the severity of the fight. The principal or designee may give fewer days or other consequences to the student who they determine was not the aggressor and/or was acting in self-defense. Parents or guardian must accompany their children for a re-entry conference with the principal or designee prior to returning to classes. In addition a minimum of one mandatory counseling session with the school counselor is required. Additional sessions with the school counselor may be scheduled at the counselor's discretion to develop better decision making skills.

(2)**Second Fight** - Students may be suspended a maximum of three (3) days with the same stipulations as stated in first fight. A mandatory counseling plan will be developed.

(3)**Third Fight** - Students may be suspended a maximum of five (5) days but requires Superintendent's or designee approval. Re-admission following suspension will require arrangements being made for parent and child to attend a mandatory joint counseling session with the school counselor. The principal may also require written confirmation that the student has completed additional counseling in behavior/anger management or other behavior modification program.

B. MIDDLE/HIGH SCHOOL

(1) **First Fight** - Students who participate in a fight may be suspended out of school up to a maximum of five (5) days depending upon the severity of the fight. The principal or designee may give fewer days or no days to the student who they determine was not the aggressor and/or was acting in self defense. If the principal or designee assigns more than three (3) days of suspension to the student(s), the Superintendent's or designee approval is required. Students who participate in a fight will be denied participation in all countywide extracurricular activities which includes, but it is not limited to, athletic programs, marching or participation at graduation, prom, clubs, class trips, etc. while on suspension. Additionally, there

will be five (5) days of restriction [as defined in SCPS Policy 600-17] for every day of suspension and it will begin when the student returns to school from the suspension. Upon re-entry the student will meet with a member of the student services staff and commit to weekly or more frequent meetings to develop better decision making skills. Failure to commit to these meetings will result in an extension of the restriction period until the sessions are completed.

- (2) **Second Fight** - Students may be suspended from school for up to ten (10) days, however, this requires the Superintendent's or designee approval. The principal may recommend expulsion for the remainder of the year or for 45 school days if the incident occurs after May 1. Police may be called and charges may be filed against the student. While on suspension, students will not be permitted to participate in countywide extracurricular activities or school events. Additionally, there will be five (5) days of restriction [as defined in SCPS Policy 600-17] for every day of suspension and it will begin when the student returns to school from the suspension
- (3) **Serious Assault/premeditated Planned Attack** - Notwithstanding the foregoing, in any first or second fighting event that the Principal determines the assault to be of a serious nature (causing injury or significantly disrupting the school environment) or the student(s) premeditated and planned the subject attack or assault, a recommendation to the Superintendent will be made for the student to be suspended out of school for ten (10) days and placed at the Promise Academy.. In addition, students will be restricted from all countywide activities [as defined in SCPS Policy 600-17] while placed at the Promise Academy.. The Principal may also recommend to the Superintendent expulsion for the rest of the semester or for the school year, based upon the severity of the assault and the student's disciplinary file. Police will be called and criminal charges will be filed against the student.

Upon receiving a request from a Principal for the expulsion of a student who has received a ten (10) day suspension, the Superintendent, or /her designee, will make a thorough investigation of the matter and will have a conference with the student and his/her parent or guardian. If the Superintendent finds that a suspension of more than ten (10) days or expulsion is warranted, the student, or his/her parent or guardian may appeal to the county Board of Education by sending such a request in writing to the Superintendent of Schools within ten (10) school days of the decision by the Superintendent or the designee. Upon appeal, the Board or a designated committee thereof shall hear the matter promptly. Each party shall be afforded the opportunity to present witnesses and be represented by counsel. Unless a public hearing is requested by the student or parent or guardian, the hearing shall be conducted out of the presence of all persons except those whose presence is deemed necessary or desirable by the Board. The appeal to the

Board of Education shall not operate as a stay of the decision of the Superintendent, and the decision of the Board shall be final.

- (4) The function of the Board is to hold a hearing to determine whether the testimony and exhibits presented support the charges upon which the expulsion was based. The Board delegates to the Superintendent of Schools the responsibility for determining the duration of an expulsion of a long-term suspension and the consideration of readmission. The Superintendent may consider mitigating circumstances in making such decision

(C) STUDENTS WITH DISABILITIES

- (a) 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)).
- (b) 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.
- (c) 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.
- (d) Change of placement includes removal for more than 10 consecutive days or a series of removals that constitute a pattern.
- (e) 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.
- (f) If the IEP team determines that either of the above statements is applicable for the student, the conduct shall be determined to be a manifestation of the student's disability.
- (g) 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.

(D) APPLICATION

(1)The provisions of this policy apply in all situations in which students are involved in fights, including: (1) school activities on property owned by the Board of Education; (2) travel on school buses; (3) off-site school-sponsored activities; (4) on-site school-related problems which are the result or cause of disruptive behavior on school grounds; and (5) fights which occur off school property and pose a threat to the safety of students and faculty or disrupt the learning environment. (See Board Policy No. 900-1) As stated herein above, while under suspension or expulsion, students may be limited or prohibited from participating in any school activity on property owned by the Board or any off-site school-sponsored activities. Likewise, seniors who are under suspension or expulsion shall not be permitted to participate in any graduation-related activity including the commencement program.

(2)In any of the aforementioned instances where students are suspended and/or expelled pursuant to this policy and there are insufficient calendar days remaining in the school year to effectuate the application of the full period of suspension and/or expulsion provided by this policy, then, and in that event the period of suspension and/or expulsion shall apply only to those school days remaining in the subject school year in which the fight occurs. Completion of and/or participation in all required activities in B (1) - (4), however, must be verified upon the student entering school in the fall.

- (E) OTHER** - In any fighting instance, the Principal may notify the Police, Sheriff's Department, or Office of the State's Attorney that a fight/altercation has taken place. The Principal will make this decision based on the severity of the fight and previous offenses. If the Principal in his/her discretion so determines, he or she may designate a review committee to examine the case to determine if there are any extenuating circumstances that should be taken into consideration in each of the fight instances described above. Parents/Guardians will be appropriately notified of all actions taken by the school system.

(F) DEFINITIONS:

"Days" means school days or days when school is in session.

"Year" means school year.

“Students” means high school students.

“Self Defense” means taking action to protect oneself without returning blows, punches, or kicks, etc.

(G) PROCEDURAL GUIDELINES - All provisions of this policy shall be applied consistent with the provisions of Ann. Code Md., Education, §7-304(5) related to suspension and expulsion of public school students.

Annotated Code of Maryland
Education Article, §7-304(5), Suspension and Expulsion

Code of Maryland Regulations (“COMAR”)
13A.08.01.11 Disciplinary Action
13A.08.01.17 School Use of Reportable Offenses