

Section 1 - Mission and Overview

OBJECTIVE

The Manual for Disciplinary Procedures serves as a reference guide to help school administrators maintain safe, orderly, and nurturing learning environments in the Baltimore County Public Schools. In addition, this manual is designed to:

- provide school administrators with necessary information and resources to be successful in administering disciplinary actions (at both the local school and Superintendent's Designee levels)
- aid school administrators in adhering to due process and legal mandates, and Board of Education Policies
- assist school administrators in analyzing and evaluating evidence and making appropriate recommendations to the Superintendent's Designee
- provide school administrators with the school system's guidelines and disciplinary procedures to assist the Superintendent's Designee in determining appropriate alternative educational programs for students who are suspended or expelled
- provide the Superintendent's Designee with appropriate documentation to make informed decisions regarding the school-based administrator's recommendations for program reviews, suspensions, expulsions, and assignments to alternative programs
- serve as resource for Superintendent's Designee when facilitating professional development for school administrators.

MESSAGE FROM THE SUPERINTENDENT

Dr. Joe A. Hairston
Superintendent of Schools

The maintenance of safe and orderly learning environments continues to be a primary goal of the Baltimore County Public Schools. To achieve this goal, school administrators are charged with the responsibility of using a variety of interventions to modify unacceptable student behavior.

Since the mid-seventies, the Baltimore County Public Schools have used the *Student Handbook* to share with students and their families the rights, responsibilities, behavior expectations, and consequences for failing to follow behavior policies. Our goal to maintain a safe and orderly learning environment in every school is an important factor in demonstrating to the community that there are fair and consistent procedures for helping students develop positive behaviors to become productive citizens.

This manual is intended to provide information to school-based administrators on the consistent implementation of Board of Education Policies and Rules. With the goal of maintaining a healthy, safe, and orderly environment for students and staff as a focus, a systematic approach to behavior modification, and appropriate alternative programs and/or preventions are provided in this manual.

School administrators are expected to continue to develop and implement school-wide positive behavior plans that support the school system's goals and to utilize existing resources to help students become successful. The total implementation of the procedures in this manual will assist administrators in creating safe and orderly learning environments that are conducive to positive learning for all students.

Interventions that support this goal are Student Support Services Teams, IEP Teams, school-wide positive behavior plans, character education, program reviews, appropriate grade level placements, suspensions, assignments to alternative programs, or expulsions which are administrative responsibilities sanctioned by state law and by policies of the Board of Education.

While other interventions must be used prior to suspension, new assignment, or expulsion, the procedures outlined in this manual must be followed to provide due process rights for students and to uphold the integrity of our administrative responsibilities.

I thank you for your support as we work to improve the learning environments in our schools.

Section I - Overview of the Discipline Process

The underlying goal in the discipline process is to continue to maintain safe, orderly, and nurturing learning environments in schools so that all students will reach expected achievement standards indicated in the School System's *Blueprint for Progress* and *Master Plan*. The focus is to prevent and/or modify unacceptable student behavior with support services and appropriate interventions. Each of the Baltimore County Public Schools is expected to develop and implement a school-wide positive behavior plan. This plan should set forth expectations of students, staff, and parents/guardians. Character Education should be an integral component in this plan. Refer to the *Positive Behavior Planning Guide* and the *How to Establish A Character Education in Your School Handbook*.

Parent conferences, suspensions, appropriate interventions, and suspensions are intended to solicit support from parents/guardians to help students behave appropriately and succeed academically.

Contact with parents/guardians is an intervention, but in most cases, ineffectual, if viewed only as punishment. The approach should be pro-active to emphasize teamwork. Working together with students and families is an integral part of problem solving. School administrators need to consider strategies to help students and families through internal as well as external resources. Internal resources may include the Student Support Team (counselors, nurses, social workers, pupil personnel workers, and psychologists). Counselors, nurses, social workers, pupil personnel workers, and school psychologists serve as resources to families, in addition to external resources such as inter-agency partners, private agencies, clinics, or mental health practitioners. School personnel, school-based teams, and families need to work collaboratively to help develop, provide, and implement action plans to promote student success.

ROLES IN DISCIPLINE PROCESS

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| Board of Education | - Develops policies for the school system. Hears appeals of suspensions and expulsions to determine a student's guilt and due process. |
| Superintendent of Schools | - Administers laws/policies. Delegates authority to appropriate personnel. Makes final decisions on all disciplinary actions. |
| Executive Director of Student Support Services | - Considers mitigation. Responsible for Student Support Services and implementation of discipline process. |
| Director of Student Support Services | - Directs the discipline process for the school system including the supervision of the Superintendent's Designees, coordinates alternative programs, and oversees the appeal process. |
| Superintendent's Designees | - Designated by the Superintendent to represent him; authorized to long-term suspend (11-45 days), expel, assign to alternative programs, reinstate, and administratively transfer students. |
| Appeals and Mitigation Officer | - Reviews, prepares, coordinates the school's and student's representations for the implementation of the appeals to the Board of Education. Reviews and advises Executive Director of Student Support Services on mitigation requests. |
| Principal | - Has the responsibility of providing a safe and orderly school learning environment and has authority to discipline and suspend students from school up to 10 days. Distributes <i>Student Handbook</i> to students and reviews or has the assistant principal review the <i>Student Handbook</i> with each student each year. |
| Assistant Principal | - Investigates when students are accused of misbehavior, charges, and implements due process procedures and follows cases through suspension/expulsion process as delegated by the principal. |
| Superintendent's Attorney | - Represents Superintendent and schools at all appeal hearings. |
| Student Advocates | - Represent the student's/family's interest at hearings (i.e. attorney, child advocates, or agency case manager). |
| Student Support Services Personnel | - Serve as support to school administrators (i.e., Pupil Personnel Workers, Social Workers, Psychologists, Nurses, Counselors). |

**ADMINISTRATIVE
DEFINITION OF KEY TERMS
IN THE STUDENT HANDBOOK**

The following list of terms and definitions is provided to help clarify issues surrounding BCPS' disciplinary policies and procedures. These definitions are based on the following sources:

- Academic Dishonesty** - Dishonesty or cheating that occurs when a person attempts to pass, as their own, work that is not theirs. Examples: Receiving help on a test including copying or receiving answers or giving help to another person, Lending or borrowing homework or classwork without the teacher's permission, copying out of books or other sources without giving credit to the authors.
- Alternative Programs** - Alternative Schools, Evening High Schools, Afternoon Group Learning Centers, Home Teaching, Summer School.
- Arson** - The intentional and wrongful burning of someone else's property. Any burning of school property or any burning of belongings on school property.
- Assignment to an Alternative Program** - An administrative transfer to an alternative program.
- Attack** - The act of physical contact with another person, which is intended to physically injure; i.e., beating, pushing, shoving, using a hand, fist, any other body part, weapon, or other object, etc. The act of battering or beating; the unlawful beating or use of force on a person.
- Behavior Intervention Plan (BIP)** - A plan developed that will assist students in controlling unacceptable behaviors: (a) Informal (b) Formal, which includes a functional behavioral assessment and a formal behavior plan.
- Chronic** - Marked by long duration or frequent recurrence; always present; constantly troubling; repeated Category I and II offenses.
- Confer** - A discussion or dialogue by any means where administrators and teachers/other staff are involved in the return of a disciplined student. Example: by telephone, electronic mail, or a face-to-face meeting where the views of the teacher are communicated and considered.
- Conspiracy** - A combination or confederacy between two or more persons formed for the purpose of committing, by their joint efforts, some unlawful or criminal act, or some act which is lawful in itself, but

becomes unlawful when done by the concerted action of the conspirators, or for the purpose of using criminal or unlawful means to the commission of an act not in itself unlawful.

Controlled Substance - A drug or substance of which the use, sale, or distribution is regulated by the federal government entity. This means a drug, substance, or immediate precursor included in Scheduled I through V.

Examples: Heroin, Morphine, Codeine, Opium, Methamphetamine, LSD, Phenobarbital, Marijuana, etc.

Cooperate - Working together toward a common end or purpose.

Deprivation - To take something away from. Taking away or confiscation.

Directive - A legitimate request by a staff member to result in safe and orderly schools

Disrupt - To throw into disorder; to interrupt the normal course.

Disruptive Behavior - A student may be considered disruptive if the behavior interferes with the normal function of the school. Disruptive behavior interferes with the academic process or violates the rights of others to utilize the services and facilities of the school. School staff is responsible for developing interventions which will alleviate the disruptions. Students who fail to improve behavior could be considered disruptive which means they have repeatedly violated Category I or II offenses.

Examples of disruptions may include, but are not limited to, disruptions that affect the learning environment for the student, class, or school.

Documented interventions should include such items as: assessing the causes of the behavior (Functional Behavioral Assessment); conferring with a variety of audiences; imposing appropriate consequences; implementing behavior management plan.

Drug paraphernalia - Anything used, intended for use, or designed for use with a controlled substance.

Due Process - Notification and the right to be heard.

Explosives - Items specifically included are: Exploding Pens, Fireworks, Gun Shells, Real Bullets, Poppers (Snap & Pops, Throwing Snappers, Party Poppers), Gas Odor Bomb, Molotov Cocktail (bottle with flammable liquid and fuse, to be ignited and thrown), Dry Ice in

Bottle (CO2 Bomb), Model Rocket Fuel, Shotgun Shell, Smoke Bomb, Stink Bomb, M-80, Cherry Bomb.

- Expulsion** - The required withdrawal from the regular day school program of a student of any age, by direction of the superintendent or the designee, upon review of the suspension from a school. All cases of expulsion are subject to review for readmission to the day school program.
- Extended Suspension** - The method used by a superintendent's designee in rare circumstances to extend a long- or short-term suspension and will have a definite termination date. It is a long-term suspension.
- Extortion** - The act or practice of obtaining something or compelling some action by illegal means, by force or coercion
- Fight** - A physical attack or confrontation or a physical confrontation involving two or more students.
- Firearm** - Any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive. Also by federal definitions includes explosive device.
- Firearm includes real handguns, rifles, and shotguns, loaded or unloaded (except JROTC rifles), and the following:
Starter Pistols - A starter pistol, like those used for sporting events, has an operating firing mechanism. It normally fires only noise making "blanks." These guns usually appear to be small revolvers of about .22 caliber and usually have a divider running down the inside length of the barrel. However, starter pistols are considered firearms because some modes can be physically altered (removal of the barrel divider) to fire projectile-type ammunition.
Bomb-Type Explosives - These are explosives intended to cause grave bodily harm. These could be military, industrial, or homemade, bona fide working explosives, including grenades, missiles, rockets, and bombs.
- Functional Behavior Assessment (FBA)** - An assessment that looks at the causes of inappropriate behaviors.
- Gambling** - A game consisting of a consideration, an element of chance and a reward. Such occurs when there is a chance of profit, if a player is skillful and lucky. It involves not only a chance, but a hope of gaining something beyond the amount played.

Examples: To bet money on the outcome of a game, contest, or other event. Playing cards for money, shooting dice for money, betting pools or lottery.

Harass

- To irritate or torment persistently with annoyances, threats, or demands.

Term is used in a variety of legal contexts to describe words, gestures, and actions which tend to annoy, alarm, and abuse (verbally) another person; the use of obscene or profane language, or language the natural consequence of which is to abuse the hearer or reader.

Examples: 1) makes a telephone call without purpose of legitimate communication; or 2) insults, taunts or challenges another in a manner likely to provide violent or disorderly response; or 3) makes resented communication anonymously or at extremely inconvenient hours, or in offensively course language; or 4) subjects another to offensive touching; or 5) engages in any other course of alarming contact serving no legitimate purpose.

Harassment

- Unwelcome behaviors which are repeated and makes the victims feel uncomfortable and/or limits a student's ability to participate in or benefit from an educational program.

Example: Nuisance phone calls to students or staff members; continued comments or passing of unofficial notes to another individual that he/she does not wish to hear or receive.

Inciting

- To provoke to action, stir-up, or urge on that causes a disruption to school activities.

Inebriation

- A state of intoxication; drunkenness.

Insubordination

- The act of deliberately ignoring or failing to respond to a reasonable request made by an administrator or staff member.

Interfere

- To involve yourself in matters connected with other people without being asked or needed.

Intimidation

- The act of discouraging or inhibiting by threats. Unlawful coercion; extortion; duress; putting in fear. Such fear must arise from the willful conduct of the accused, rather than from some mere temperamental timidity of the victim; however, the fear of the victim need not be so great as to result in terror, panic, or hysteria.

NOTE: Intimidation is making another person fearful by the use of one's words or actions

- Intoxicants** - Substances that deprive a person of the ordinary use of the senses or reason
- Juvenile Referral and/ or Custody Report (Form 117 Diversions) [i.e., JOINS, Mediation)** - A charging document issued to students in the presence of the parents by police for getting a child into appropriate diversions or adjudication (court). A community arbitration hearing will be held.
- Look-Alike Guns** - Realistically shaped, sized, and colored toy guns that USUALLY lack a blaze orange barrel plug. These toys could HONESTLY be mistaken for a functioning firearm. Water guns and cap guns that LOOK REAL would also fall into this category.
- Long-Term Suspension-** Suspension of a student for more than ten (10) school days and not more than forty five (45) days imposed by the superintendent or the designee after reviewing the school suspension. All cases of long-term suspension are subject to review for readmission to the day school program.
- Misuse of Prescription Drugs** - Distribution or use of, or under the influence of, a prescription drug.
- Non-controlled Substance** - Any over-the-counter medicine (or herbal vitamin) that does not require a prescription
- Obscene** - A word, act, or expression that is offensive, indecent, lewd. Offensive to accepted standards of decency or modesty
- Other Guns** - Guns having a working mechanism that could cause injury. These specifically include the following: Flare gun, Paint Gun, Glue Gun, BB Gun, Paint Ball Gun, Nail Gun, Pellet Gun, Spud Guns, and Stun Guns.
- Pocket Knives** - A loose description for a small knife that has a blade which folds into the handle. Baltimore County Public Schools classifies a "pocket knife" as having a blade less than 2 1/2" in length (not including a handle into which the blade folds). Small key ring knives, mini-Swiss Army knives, small folding knives might all fit into this category. Knives with serrated edges and larger blades of over 2 1/2 inches are **not** considered "pocket knives."
- Portable Telephone (Cell Phone)** - A telephone that can be moved from place to place, especially carried by hand. Any electronic communication device, including but not limited to, PDAs, cell phones, and walkie-talkies.

Possession

- The law, in general, recognizes two kinds of possession: actual possession and constructive possession. A person, who knowingly has direct physical control over an object at a given time, is in actual possession. A person who, although not in actual possession, knowingly has both the power and intention at a given time to exercise dominion or control over an object, either directly or through another person or persons, is then in constructive possession of it.

NOTE: One is responsible for knowing what is in his/her car, locker, and on his/her person. A person can be in possession of an object without ownership. More than one person can be in control of an object.

Prescription

- A doctor's written direction for the medicine that someone needs and now it is to be used, or the medicine itself.

Prescription Drug

- A drug that is available only with a prescription from a doctor or a dentist. Medicine, medication, or medicinal drug that treats, prevents, or alleviates the symptoms of disease.

Real Weapons/Look-Alike Weapons

- Examples specifically include: Knife, Pocket Knife, Stick, Brass Knuckles, Tool Knife Blade, Wooden Club, Switchblade, Hammer, Razor, Box Cutter, Exacto Knife, Swiss Army Knife, Scissors, Hypodermic Needle, Steak Knife, Awl, Metal Fingernail File, Sling Shot, Razor Blade, Screwdriver, Lock Blade Knife, Broom Handle, Metal Pole, Poison, Bowie Knife, Throwing Star, Pepper Spray, Metal Knuckles, Nunchakus, Darts, Laser Pointers, and AirSoft type weapons. A look-alike weapon should easily be mistaken for the real object.

Reckless Endangerment -

- Conduct that creates substantial risk of serious physical injury to another.

Regular Instructional School Hours

- Baltimore County Public Schools considers the instructional school hours to be any time the school is in session for delivery of instruction. This includes Evening School and after school or weekend instructional programs or discipline programs.

Responsibility

- The obligation to answer for an act done, and to repair any injury it may have caused.

Examples: owning responsibility for a specific action, being responsible for one's behavior (appropriate for one's age group)

- Robbery**
- To take property from another through fear, force, or violence. The felonious taking of money, personal property or any other article of value in the possession of another from his person or immediate presence and against his will accomplished by means of force or fear.
- It is robbery if, in the course of committing a theft, he:
- a) inflicts serious bodily injury upon another
 - b) threatens another with or purposely puts him in fear of immediate serious bodily injury.
- NOTE: Robbery is taking something that does not belong to you by the use of fear or force.
- Sexual Activity, Inappropriate**
- Any activity of a sexual nature that involves sexual body part contact including but not limited to masturbation, sexual intercourse, oral sex.
- Sexual Assault**
- The physical attack of a sexual nature that includes the threat and use of force (assault).
- Showing Evidence of Having Used a Controlled Substance**
- Evidence is shown by: increased heart rate, anxiety, panic attacks, trouble with thinking and problem solving, silliness and giggles for no reason, red bloodshot eyes, trouble walking.
 - Evidence is shown by: poor communication, lack of coordination, suspicious odor on breath and hands.
 - Admission of the student that he/she did become involved with CDS or alcohol.
- Examples: documentation from the nurse's assessment, observation of key staff/administrators, admission by the student that he/she was involved with the CDS or alcohol.
- Suspension**
- Temporary removal from a regular program of a student by the principal for a period not to exceed ten (10) school days.
- Striking**
- To physically hit with hand, feet, body part, object, or weapon.
- Telecommunications**
- The science and technology of communication – message by electronic transmission, i.e., impulses, cable, telephone, radio, television.
- Theft**
- A common name for larceny. The act of stealing. The taking of property without the owner's consent.

Theft is any of the following acts, with the intent to deprive the owner permanently of the possession, use, or benefit of his property:

- a) Obtaining or exerting unauthorized control over property; or
- b) Obtaining by deception control over property, or
- c) Obtaining by threat control over property; or
- d) Obtaining control over stolen property knowing the property has been stolen by another.

- Threat** - A verbal attack (assault). An implied or stated threat to use force on a person or property (school).
- Threat and/or Attack** - The threat to use force upon another and the carrying out of the threat by physically attacking.
- Toy Gun** - A toy gun that looks like a toy should be considered a toy. Federal requirements stipulate that toy guns must contain at LEAST a blaze orange barrel plug to designate that it is non-functioning. Many toy guns are brightly colored or fancifully shaped, like the popular "Super Soakers," or the classic brightly-colored water pistol. These are of a shape, size, and color such that they would not be reasonably mistaken for a bona fide weapon. It should be explained to the offending student that these toys are not appropriate to bring to school.
- Trespass** - To enter someone's property without permission. To be on school property during the regular school day including the beginning and dismissal times without permission from the administration or school officials.
- Under the Influence**
(Substance Intoxication) - The development of a reversible substance-specific syndrome due to recent ingestion of (or exposure to) a substance. NOTE: different substances may produce similar or identical syndromes. Clinically significant maladaptive behavioral or psychological changes that are due to the effect of the substance on the central nervous system (e.g., belligerence, mood lability, cognitive impairment, impaired judgment, impaired social or occupational functioning) and develop during or shortly after use of the substance. The symptoms are not due to a general medical condition and are not better accounted for by another medical disorder.
- Examples: unable to pass the nurse's assessment, body movements and speech indicate abnormal behavior, the inability to function properly in the normal school setting as a result of drug influence.
- Violent Behavior** - Violent behavior contains one or more of the following elements:
- uncontested battering

- significant injury requiring emergency treatment
- use of a weapon in the act of battering
- implied bodily injury, death, or mass destruction

In all cases of violent behavior charges, the following actions are required:

- a nurses examination and report of injury
- a police report describing the incident and the injuries.

Weapon

- Any item that can inflict bodily harm. Any rifle or gun (loaded or unloaded, operable or inoperable), switchblade knife, hunting knife, star knife, razors including straight or retractable razor, nunchaku, spiked glove, spiked wristband, or any mace derivative, tear gas device, or pepper spray product. EXEMPTION: The use of permanently inoperable rifles by JROTC students shall not be a violation of this policy during instructional time and at any other times when under the direct supervision of JROTC instructors.

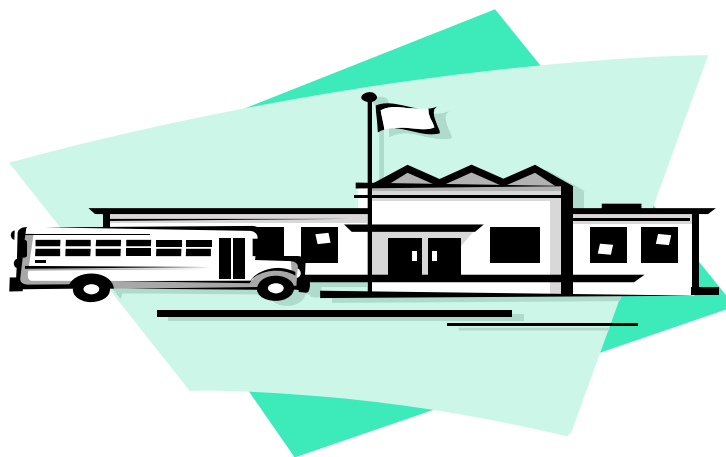
Wireless Communication

- Use of cellular communications for accessing telephone or telecommunicating.

Baltimore County Public Schools

Student Discipline - The Basics

A resource /reference guide for school administrators to use in referring disciplinary cases to the Superintendent's Designees



In the Baltimore County Public Schools we believe that students must know and understand what is acceptable and unacceptable behavior.

In the Baltimore County Public Schools we should encourage all students to take responsibility for their actions as well as respect and value the rights of others.

By supporting our behavior code: students, parents and teachers work together to promote safe and orderly learning environments for all.

Prepared by Dr. Alan F. Hill, Appeals and Mitigation Officer/Superintendent's Designee - 7/2005

A. Behavior Intervention Strategies and Resources:

This information should be utilized as a resource in handling all student disciplinary cases. School suspensions (local, PPW, Designee) are parts of the progressive discipline process, not the end result.

When a student is brought to the designee for disruptive behavior charges that are repeated and chronic, it is suggested that the school staff convene a Student Support Team meeting to discuss how the behaviors of the student are interfering with that student's ability to experience academic success in school. The reality of the *No Child Left Behind Act (NCLB)* is that the local school will need to take more responsibility for initiating and managing student behavior strategies to reduce incidences of student suspensions. In BCPS, we have in place a number of programs, resources and tools to help manage student behavior. Many of these resources are in your building and within easy reach. Additionally, BCPS has published numerous resources that are available to assist the local school staff in developing plans and intervention strategies that are designed to assist in managing disruptive student behaviors. Schools listed as Persistently Dangerous by MSDE will be subjected to other requirements to reduce the suspension rate.

The suspension/expulsion process affords only temporary relief to the school to deal with disruptive student behaviors. Likewise, placement in an alternative school only provides a temporary intervention, as the student will eventually return to his/her home school. During the time out (suspension/expulsion/program review/change in program) the local school has the responsibility and duty to develop intervention strategies and support systems that will address the student's behaviors upon his/her return. The team process should move forward even if the student is suspended or expelled. **Remember the student on suspension/ expulsion/program review will always return to his/her home school at some point.**

Therefore, it is incumbent upon the local school staff to utilize a variety of resources to plan modifications in the student's program during the "time out" period so that upon the student's return a transition plan is in place. In most cases the alternative school will submit a transition plan to the home school upon the student's return. However, unless this plan is discussed with the parent, student, administrator and teachers and is effectively implemented, the student will likely revert to his/her old behaviors. This is especially true for the student who has a 504 plan, an IEP or a Functional Behavior Plan. **Repeated suspensions/ expulsions rarely create long-term changes in the student's behaviors.**

School Resources:

These are a few of the resources that are available to assist with developing interventions to address disruptive student behaviors:

- Guidance counselors
- School psychologists
- Peer mediation team
- Pupil Personnel worker

- Student Support Services Team/PST/IEP Team
- Special Education and regular education teachers
- School Resource Officer
- School nurse
- Wellness Center (if available)
- School Social Worker (if available)
- Project Attend Contact- Matt Gruntowicz

Local resources:

These are additional resources available to your school:

- Executive Director and Director of the Department of Student Support Services
- Alternative school staff (principal, administrator, crisis intervention specialist, counselors, etc.)
- Guidance Services -Coordinator- Dr. Lynn Muller & Staff
- Pupil Personnel Worker's Office- Coordinator- & Staff
- Safe and Drug-Free Schools Office- Coordinator- Mrs. Glenda Myrick & Staff
- Captain Thomas Busch-Safe Schools Facilitator
- Psychological Services Office - Coordinator- Dr. Margaret Kidder & Staff
- Alternative school administrators and staffs, crisis intervention teachers
- Superintendent's Designees
- Special Education Office and Staff (Dr. Bev Address, cluster leaders)
- Tim Carr, White Oak, Crisis Intervention Teacher
- Bridge Center - staff and administration
- Special Education Cluster Leaders (check your area)

Print Resources:

There are numerous print resources also available. Those listed below are only a few of the important guides/documents that are available for your use. All of these should be in your school/office. Local schools need to utilize these resources to maintain safe and orderly learning environments for all students.

- *Positive Behavior Planning Guide- BCPS- 2003*
- *Functional Behavior Management Guide -2000*

- *Manual for Disciplinary Procedures: Including Program Reviews, Suspension/Expulsion - 2006*
- *Pupil Services Manual - BCPS-2006*
- *IDEA Guide-BCPS- 2005*
- *ADHD Guide - BCPS- Revised 2006*
- *Critical Response and School Emergency Safety Management Guide-2002 with Updates*

I hope that this information will be shared with your entire staff in an effort to address the school-wide issues of positive behavior planning, discipline, and the suspension and expulsion processes.

B. Suspending Students to the Superintendent's Designee:

1: The Investigation: Preparing a Suspension Case for the Designee

- Prior to suspending and charging any student with a violation of the Student Behavior Policy-#5540-#5550, the school staff must conduct a thorough and impartial investigation to determine the facts of the case.
- The school administrator should interview all witnesses reported by the victim, combatants and others. Review video tapes, if available.
- All witnesses (students and adults) should be requested to write* statements of facts. The witnesses should indicate the “who, what, why, when and where” of the incident. The school administrator should not select or edit statements by witnesses. (*use black pen or dark, soft lead)
- All witnesses should sign and date this written statement. This is part of the investigation and comes before the suspension action is taken against the student.
- The investigating administrator should preview the written statements to make certain they are legible. All statements may be used at the hearing and will be reproduced. If statements are illegible, it may help to have a secretary type them verbatim; spelling and grammar errors included. Please attach a copy of the original handwritten statements to the typed versions.
- **The school administrator should keep all originals of all documents.**
- The school administrator should black out students’ names in all statements (FERPA-privacy issues) included in the suspension packets sent to the Designee, but keep originals.
- Once the administrator determines which students may have violated the BCPS behavior policy, he/she should **read the student the charges against his/her and allow him/her the opportunity to tell his/her side of the story.** The student who is accused should write his/her statement. If he/she refuses, that is okay. You must then have a witness present to verify that the student was given a chance to write a statement but declined. You and the adult witness should sign a statement with your names and the date indicating the student refused to write a statement.
- The administrators should review and consider the contents of each student’s statement. **The students may tell the truth or may give additional information that may help in the investigation.**
- If further interviews or investigation are needed, they should be completed before formally charging/suspending the student.
- The School Resource Officer does not conduct the investigation. The school administrator does! The SRO’s report is only supplemental. Be certain that all searches are legal and

completed by a school administrator with a witness and the student present. The SRO may assist in a search at the direction of the administrator.

2. **Charging the Student:**

- After conducting a complete and thorough interview and investigation, the assistant principal should meet with the principal to discuss specific charges and violations of BCPS policy.
- Once the principal gives approval, the student should be brought to the office in private and in the presence of another adult witness to hear the charges against him.
- The assistant principal then contacts (preferably meet with in person) the student's parent/guardian read the charges to the parent/guardian. Document in writing the date and time of the phone call or meeting. The parent/guardian must be notified prior to sending the student home if he/she is suspended. Do not leave voice mail messages for the parent/guardian of a student who is suspended unless all other avenues of contact are exhausted. If you do leave a voice mail, call the parent/guardian later in the day or evening to personally speak with him/her.
- Give the student a written notice of the suspension listing the charges. You should review the charges on the suspension notice to make certain they are correct. If they are, not it could invalidate your suspension. You must also mail a copy to the parent/guardian's home.
- Be certain to include in the suspension notice information regarding the date, time and location of the hearing with the Superintendent's Designee. (see the bottom of suspension notice-fill in the information)
- In cases of Special Education students or students with 504 Plans there are numerous additional due process (and documentation) steps that must be followed. Consult your cluster leader or special department chairperson for advice. If the student is being teamed or tested or if the parent, guardian, or school staff believe the student may have a disability, the student is entitled to the same protections as students with IEPs. You must complete an A-1. Since there is no IEP or supplemental services in place, the A-1 determination will be that there is a "manifestation." The student "stays put." **(You will find more information at the end of this memo about Manifestation and FAPE- Section C/D)**
- Remember, the Superintendent conveys his authority to suspend (up to 10 days) to **only the Principal or his designee**. The status of Principal's designee is conveyed to the Area Assistant Superintendent's office both in writing and verbally in situations when the Principal is on leave, out of town (conference) or out due to illness. Assistant Principals can't suspend students. **An AP should not sign a suspension notice unless he/she is acting as an official designee of the Principal as noted above.**

3. **Calling in the hearing to Superintendent's Designee- Suspensions Only:**

- The administrator handling the case should call in the suspension to the Designee's secretary after the Principal has approved and signed the suspension notice.
- The Principal is responsible for the accuracy of all information given.
- If a school administrator gives this responsibility to a clerical person, he/she is still responsible for the accuracy of the information.
- The secretary will give the administrator a date and time for the hearing in the Designee's office. Please convey this information to the parent/guardian. Place at bottom of the suspension notice.
- All hearings must be heard within 10 days of the first day of suspension. Special Education/504 cases must be heard within 5 days of the first day of suspension.

- Do not call and leave this information on voice mail. You need to speak personally with the Designee’s secretary. **Call in the case once it is determined that the student is officially suspended. Don’t wait! The clock is ticking!**
4. **Preparing the Packet for the Superintendent’s Designee:**
- The school administrator must write a narrative report to the designee explaining the case in detail. The first paragraph should include the student’s name, grade, placement, services (IEP, 504) etc. The succeeding paragraphs should detail in chronological order the events by specific details including times, dates and names (refer to names and witnesses as Student A, Student B, student C... and Witness #1, Witness #2, ...) Details about where the incident occurred should also be included. Sufficient information and detail should be provided to present a clear representation of what actually happened. You should use teachers names (first, last and subject). Examples found in: Manual for Suspension/ Expulsion. Program Reviews
 - The detailed summary should include excerpts from your interviews. Student A stated that, “he hit me in the back of the head without talking to me. I turned around he kicked me in the stomach. I fell to the ground.” Witness #1 stated. “I saw student a lying on the ground curled up in a fetal position as Student B and Student C kicked him in the head.”
 - Do not editorialize or exaggerate. Tell the facts only. Ex. “This is the worse fight I have ever seen. They were killing each other.” Use the witnesses/students’ own words.
 - Include specific details. Ex. “Officer Jones escorted student A to the nurse. The nurse performed a drug assessment at my request. I observed the assessment and the student was found to be impaired.”
 - The narrative report should give the parent/guardian, student and the Designee a clear picture of what happened. Do not give opinions, give facts. Include maps, layout of floor plans etc., if needed to clarify the situation.
 - Include all information as noted in the **Designee’s Manual for Disciplinary Procedures as noted on the cover sheet of the suspension packet**. If it is a special education student case or a student with a 504 Plan, include the additional Special Education Compliance cover sheet, team notes, A-1, FBP, FAPE etc. In special education cases, follow the additional protocols as outlined in IDEA, Special education guidelines, and BCPS procedures. **Also see Special Education/504 information contained in this memorandum -Sections C/D**
 - All cover sheets the Designee Cover Sheet; Special Education/504 Compliance Cover Sheet etc., should be used and followed. Items should appear in the packet in the same order as listed on the Cover Sheet.
 - **Please number all pages in the packet consecutively in the top right corner.**
 - Deliver the (4) completed packets to the Designee no later than 24 hours before the hearing.
 - **Failure to complete a thorough investigation and prepare a complete investigative packet could result of the dismissal of the case and the reinstatement of the student to your school.**
5. **Other Suggestions:**
- **Don’t tell the student he/she is going to get expelled. He/she hasn’t been found guilty yet!**
 - **Don’t advise the student to get a drug test before the hearing. That is a medical decision for the parents/guardians, not the school.**
 - **Don’t make personal comments about the student or his/her behaviors.**

- Don't show bias, "Mr. Jones says you did. Therefore, you are guilty."
- Rather, state, "Based upon a thorough investigation and in consideration of all testimony and evidence collected, we believe that there is sufficient evidence to prove that you did violate a BCPS behavior rule...." "The hearing with the Designee will determine your innocence or guilt."

Please remember that every suspension may be appealed, even local suspensions. If you do a thorough investigation, prepare a complete packet and follow all of the policies, rules and procedures, you stand a better chance of the Board of Education upholding your case. All suspensions can end up in front of the Board of Education of the BCPS or the State Board of Education.

As always, please contact your designee or other designees to discuss BCPS disciplinary policies. Dale Rauenzahn, Executive Director and Patsy Holmes, Director of Student Support Services are also available to assist you.

C. MANIFESTATION OF DISABILITY – A-1 HEARINGS

An A-1 meeting must be held for all students covered under an IEP/504 plan or for students who are suspected of having disabilities that have not yet been determined.

Any student who has not been formally identified is still protected under IDEA-2004, if the school has knowledge, before the behavior resulting in the student's disciplinary action occurs, that the parent/guardian has expressed concern about to the school staff that the student needs special education or related services; that the parent/guardian has requested an evaluation; or that the student's teacher or administrator has expressed a concern about a pattern of behaviors by the student to the department chairperson of special education or to other supervisory personnel.

If the A-1 shows a *manifestation of disability*, the student "stays put" and the team modifies the IEP/504 plan as needed to address the student's behaviors.

However, in cases where the charge is **possession, use or distribution of drugs (not alcohol)** and in cases of **possession/use of weapons**, or if the student **has inflicted serious bodily injury upon a person** on school premises or at a school function as covered under scope of authority - the Principal or his/her Assistant Principal **MAY** bring the case forward to the Superintendent's Designee without regard to whether the behavior is determined to be a manifestation of the student's disability if he/she believes that the behaviors are egregious enough to warrant the **POSSIBLE Exclusion** from school by the Designee for up to 45 calendar days.

1. The principal has the final say as to whether to have the student "stays put" or moved forward to the designee.

2. If the case moves forward it is referred to as an “Exclusion Hearing” for possible removal from school. Packets are still required as in a suspension case- the same protocols need to be followed in the investigation and preparation of the case for the Designee.
3. FAPE must be delivered if the student is removed from school beyond 10 days. Schools may be required to deliver FAPE until the hearing if at or beyond the 10 day rule.
(See below for ideas of how to deliver FAPE after 10 days)
4. The Superintendent’s Designee determines whether or not Exclusion is the best course of action if the student is found guilty of the charges

There is only one exception as to whether the Principal moves a manifestation case forward to the Superintendent’s Designee. That would be a case involving a **real gun. Possession and/or use of real guns is covered under the 1984 Federal Gun Act and requires that the case moves forward.** Otherwise, with cases involving “drugs/weapons/serious bodily injury” the Principal has the option of having the student “stay put” or moving the case forward.

If the student’s behavior is not a manifestation of the student’s disability, the student may be treated and subjected to the same disciplinary procedures as non-handicapped students, except that FAPE must be provided.

D. Delivery of Free and Appropriate Education Standards (FAPE)

Models and Alternatives to Delivering FAPE to Disruptive Students

If the school has exceeded or is about to exceed the ten-day limit for suspending a student with disabilities (IEP/504) or if there is a manifestation of disability determination, schools must still deliver FAPE to handicapped students covered under IDEA guidelines and protocols.

Some suggested models for maintaining a student who has reached the maximum ten-day limit or for the student whose behavior was a manifestation of his/her disability (or suspected disability); the school may initiate any of the options suggested below.

Modified School Program / Day:

- The school has the option of adjusting the student’s daily schedule and routine. This could mean assignment to another teacher, another classroom or another area of the school where FAPE can be delivered.
- Modify the student’s schedule to attend only the core subjects, not electives.
- Assign adult supervision by a para-professional, parent aide or trained volunteer aide to monitor the student’s behaviors and travel with the student in the school.
- Modify the number of hours the student attends school, but be certain that the minimum number of hours reflected by the IEP are provided. Further, the student will need to be in the school for a period of time reflecting completion of one day. Traditionally, if the student stays in school past the mid-point of the official school day, he/she may be counted as attending but “tardy” or “absent” in the a.m. or p.m. The student’s instructional school day is generally regarded as 6.0 hours per day.

- Seek assistance from a parent/guardian to travel with the student during the school day for a set period of time to see if the student will behave appropriately.
- Speak with another principal and arrange for a temporary transfer of that student into another school program.
- Use other creative or imaginative ideas or strategies.

E. Emotional Instability of Student:

The Principal and team need to follow the guidelines and protocols in the ***BCPS Critical Response and School Emergency Safety Guide***. This is especially true in situations involving “threats against students” covered in Section 4, Protocols 43, 44, 45 and supplemental 45A and 45B.

As part of this process and/or in situations when the student’s ability to participate in the school instructional program are in question, the school team with the leadership of the school psychologist may convene a team meeting to determine if the student is “currently unavailable for education due to significant emotional or psychological issues.” If there is a positive finding and determination made by the school psychologist, the school team chairperson may then contact the Home and Hospital Program administrator to request a program change for up to 60 calendar days. During this period the school team will follow and guidelines to revise the IEP modify the Functional Behavior Plan, complete additional assessments and make a determination of any other program modifications needed to ensure the successful transition of this student back into the home school program within the 45 calendar day limit.

Prepared by:

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