Students' Responsibilities and Rights

WCPS

Washington County
Public Schools

STUDENTS' RESPONSIBILITIES AND RIGHTS

INTRODUCTION

This summary of Students' Responsibilities and Rights has been developed by parents/legal guardians, teachers, students, and administrators in the Washington County community and is supported by Federal Constitutional Law, Maryland Statutory Law, judicial decisions, and the Public School Laws of Maryland. It is designed to assist the school community in recognizing the responsibilities and rights of students in the schools and to avoid confrontation which may be caused by misunderstanding and lack of information.

All persons involved in the educational process – students, parents/legal guardians, teachers, administrators, staff, and the elected Board of Education – have the responsibility to protect the rights and to promote the responsibilities which are guaranteed by this document.

Responsibility is inherent in the exercise of every right. Students have the responsibility to respect the rights of all persons involved in the educational process. The responsibility of implementation of the Students' Responsibilities and Rights rests with the school principal.

I. SCHOOL ATTENDANCE

RIGHTS	RESPONSIBILITIES
1. All persons who are five years old or older and under twenty-one shall have the right to attend a public school in the state of Maryland. Free and appropriate educational programs and related services for all handicapped children from birth through age twenty are provided to those found to be in need of special education services. 2. Students shall have the right to a free public education. The denial of that right may occur only for just cause and in accordance with due process of law. 3. Students have the right to be legally excused from school for the following reasons: (Reference: 13A.08.01.03 of the Public School Laws of Maryland)	1. Students have a responsibility to obey compulsory school attendance laws. Compulsory Attendance – Every child between five and eighteen years of age who resides in the state is required to attend public school regularly during the entire period of each school year unless the child is elsewhere receiving regular, thorough instruction or the superintendent or designee excuses cases of necessary absence. a) Penalty – Any person violating any provision of this section may be subject to a misdemeanor charge and may be fined and/or sentenced to ten days in jail for each offense. b) Inducing absence – Any person who induces or attempts to induce a student to be absent unlawfully from school or employs or harbors a student while school is in session shall be referred to authorities for appropriate action.

a. Death in the immediate family. The school principal/designee shall determine what relationships constitute the immediate family.

b. Illness of the student. The principal or a pupil personnel worker shall require a physician's certificate from the parent or guardian of a student reported continuously absent for illness.

c. Court summons.

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.

e. Work approved or sponsored by the school, the local school system, or the State Department of Education, accepted by the local superintendent of school or school principal, or their designees as reason for excusing the students.

f. Observation of a religious holiday.

g. State emergency.

h. Suspension.

i. Lack of authorized transportation. This does not include students denied authorized transportation for disciplinary reasons.

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.

2. Students have the responsibility to attend school daily during the prescribed school year except when lawfully absent.

II. FIRST AMENDMENT RIGHTS

The First Amendment of the United States Constitution provides that:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

RIGHTS	RESPONSIBILITIES
A. Inquiry and Expression	***A. Inquiry and Expression***
1. Freedom of Press	***1. Freedom of Press***
a. ***Student publications*** – In compliance with the First Amendment and the Code of Ethics of the American Society of Newspaper Editors, and as a learning experience, students shall be free to express themselves through student publications. The school's censorship of such publications shall deal with materials that are libelous, inflammatory, obscene, or disruptive to the educational environment.	"A person may not willfully disturb or otherwise willfully prevent the orderly conduct of the activities, administration, or classes of any institution of elementary, secondary, or higher education." (Reference: Annotated Code of Maryland, Education Article, Sub-Section 26-101)
b. ***Source of materials*** – Any member of the educational community (students, parents/legal guardians, teachers, administrators, staff members and elected Board of Education members) may submit articles and editorials to school-sponsored publications.	a. ***Student publications*** – Students shall have the responsibility to: (1) respect the rights of all persons who are involved in the educational process; (2) adhere to the orderly operation of their respective school(s); and (3) avoid the use of foul, vulgar, or obscene language and gestures.
c. ***Access to WCPS materials*** – Students shall have access to WCPS printed materials or other forms of communication available to the general public.	b. ***Source of materials*** – Distribution of partisan or political literature supporting and/or opposing political candidates and/or public issues in any general or municipal election is prohibited on school property. This does not prohibit students from wearing badges or buttons for said candidates or causes.
d. ***Non-school sponsored publications*** – Students may distribute non-school sponsored publications only if the principal or designee has determined that the material is suitable for distribution; i.e., the material is not pornographic or libelous and/or will not create disruption or violence, and is not contradictory to the Maryland Public School Law or state or local policy.	c. ***Access to Materials*** – Students have the responsibility to ensure that all printed materials are deemed appropriate and have been approved by the teacher and principal/designee.
	d. ***Non-school sponsored publications*** – Distribution of materials shall be in accordance with Washington County Public Schools Policy KHC.
2. Student Expression	***2. Student Expression***
a. ***Petition and appeal*** – Students shall have the right to petition and to present appeals to the principal or designee and to receive a reply within five school days, excluding weekends and holidays. When the principal's decision is appealed, students have the right to a response from the Superintendent or their designee.	a. ***Petition and appeal*** – Students have the responsibility to respect the rights of others while moving through the petitioning process and to utilize the appropriate steps.

b. ***Guest speakers*** – Student organizations and classes may, with approval, invite and hear any person(s) whose presentation may contribute to the overall learning experience. Students have the right to learn the reason(s) for refusal if a speaker is not permitted to speak.

c. ***Plagiarism*** – Students have the right to express their thoughts in their own words. To plagiarize is to take ideas or words of another and pass them off as one's own.

(Reference: Washington County Schools Handbook and Guide *Academic Integrity*)

b. ***Guest speakers*** – Students have the responsibility to seek the approval of the classroom instructor, or the advisor to the organization, and the principal prior to obtaining a guest speaker.

c. ***Plagiarism*** – Students have the responsibility to acknowledge the source of ideas, expressions, and facts used in their written work. Students may not submit under their name any paper or project that is written in whole or in part by someone else; this action is considered plagiarism. Plagiarism is academic dishonesty, or cheating, and is a violation of the discipline code. (Reference: Washington County Schools Handbook and Guide *Academic Integrity*)

B. Student Organizations and Extracurricular Activities

All student organizations that desire to conduct school-related activities in public school buildings and on public school grounds shall be allowed to conduct such activities only if permitted to do so by authorized school personnel, and shall thereafter be subject to the supervision of the administration and the faculty of the school.

1. Students shall be permitted to form organizations through which they can communicate their interests, talents, ideas, and suggestions to the school community. Standards for forming any new organizations shall be previously stated and published by the school administration.

2. Students have the right to seek and hold office and to vote in school elections according to the democratic process.

3. Students have the privilege to participate in all extracurricular activities and/or organizations of the school for which their interests and credentials make them eligible. Students may lose eligibility through the violation of school rules or through violation of rules applicable to the extracurricular activity. (Reference: Washington County Public Schools Policies IGDK and IGDL)

4. Students shall not be excluded from extracurricular activities and/or organizations on the basis of race, religion, ethnic background, or gender, except where specific predetermined competencies, such as a minimum level of scholastic achievement, are stated.

B. Student Organizations and Extracurricular Activities

1. Students desiring to form organizations and conduct activities must be authorized by the school administration. (Reference: Bylaw 13A.08.01.09 of the Public School Laws of Maryland)

2. Students shall not interfere with the normal and orderly operation of the school. (Reference: Annotated Code of Maryland, Education Article, Sub-Section 26-101)

3. Students shall not discriminate against others.

4. Students have the responsibility to obey the rules and regulations governing participation on athletic teams and extracurricular activities. Failure to abide by these rules will result in being suspended from participation and/or being ruled conduct ineligible.

RIGHTS	RESPONSIBILITIES
C. Assembly and Petition Students have the right to organize and assemble peacefully.	***C. Assembly and Petition*** Students have the responsibility to consult with school administration to arrange the time and place for student assembly, following the procedures developed by the school administration.
D. Religion Students shall be free to express their religious views, concepts, and/or beliefs in an orderly and respectful manner.	***D. Religion*** Students expressing their religious views may not interfere with the rights of others, or disturb the educational process.
E. Hair and Dress Students have the right to choose their manner of dress and grooming in accordance with the established school policy.	***E. Hair and Dress*** Students have the responsibility to dress and groom themselves in a manner that is safe, healthy, and non-disruptive of classroom and school procedures. (Reference: Washington County Public Schools Handbook and Guide – Dress Code)
F. Ceremonies and Oaths Schools will provide an opportunity for a flag salute and other patriotic exercises daily but shall not require participation in these exercises of any student who objects to them. (Reference: Annotated Code of Maryland, Education Article, Sub-Section 7-105)	***F. Ceremonies and Oaths*** Students who decline to participate in patriotic exercises will respect the rights of others who do participate.

III. USE OF SCHOOL FACILITIES

(Reference: Board Policy KG, Board Regulation KG-R, and the Annotated Code of Maryland, Education Article, Sub-Section 7-108, 110)

RIGHTS	RESPONSIBILITIES
1. All recognized and approved student organizations shall have the right to request the use of school facilities from the school administration. Rules and regulations concerning the use of school facilities shall be published and available through the school administration.	1. Students have the responsibility to follow guidelines, rules, and regulations. All rules in effect during the school day apply to after school activities. Violations of guidelines, rules, and regulations shall be cause for revoking permission for use. 2. Students shall have a responsibility to obey laws and school rules relative to tobacco, alcohol, and drugs. (Reference: Bylaw 13A.08.01.08 of the Public School Laws of Maryland) 3. Students and other persons requesting the use of school facilities have a responsibility for restoring the cleanliness of the facility and for all damages to the property.

IV. NON-DISCRIMINATION

RIGHTS	RESPONSIBILITIES
There shall be no discrimination on the basis of race, color, national origin, sex, religion, size, age, disability or any other protected category. The right to non-discrimination applies to school enrollment and all school related activities.	Students have the responsibility not only to refrain from discrimination on the basis of race, color, national origin, sex, religion, size, age, disability or any other protected category but also to accurately report incidents of discrimination to appropriate staff members and respond in an appropriate manner.
Bullying, Harassment, or Intimidation *Bullying, Harassment, or Intimidation Reporting Forms* may be obtained in the school's main (front) office, counselor's office, and other locations determined by the school. The forms may be submitted by a student, parent/legal guardian, close adult relative, or staff member to a school administrator. A student may request assistance from a staff member to complete the form if the student wishes. 1. Students are entitled to a safe and secure learning environment. 2. Students are entitled to a learning environment free from bullying, harassment, or intimidation on school property or at school-sponsored functions. (Reference: Washington County Public Schools Policies JFH, JFH-R, JFH-E[1])	***Bullying, Harassment, or Intimidation*** 1. Students have the responsibility to abide by school rules which aid in providing a safe and secure learning environment. 2. Students have the responsibility to report any situations and circumstances which would create an unsafe learning environment. 3. Students are prohibited from engaging in bullying, harassment, or intimidation on school property or at school-sponsored functions or through the use of electronic technology. 4. Students have the responsibility to report any situations of bullying, harassment, or intimidation using the appropriate procedures.

V. STUDENT REPRESENTATION

RIGHTS	RESPONSIBILITIES
1. Students are entitled to peer representation. For example, Student Government or other student organizations provide an avenue through which their voice will be communicated. 2. Students shall have the right to be notified reasonably in advance of implementation of rules and regulations.	1. Students have the responsibility to work through the established process for representation. 2. Students have the responsibility to become familiar with and adhere to school rules and regulations.

VI. RIGHT TO PRIVACY

RIGHTS	RESPONSIBILITIES
Student Records A student's parent/legal guardian and a student at the age of majority retain the right to review his/her own official school records with appropriate personnel. (Reference: Family Educational Rights and Privacy Act, 1975)	**Student Records** Students have the responsibility to adhere to established procedures for viewing their official school records.
Police in the Schools Students have the right not to be questioned by police on school grounds 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 the investigation or endanger the lives or safety of the students or other persons. A school official should be present throughout the questioning.	**Police in the Schools** Students must recognize that questioning by police is lawful under the conditions stated in Code of Maryland Administrative Regulation 13A.08.01.13 and the Annotated Code of Maryland, Education Article, Section 7-308.
Search and Seizure Students, their personal property, and the school property assigned to them shall not be subjected to unlawful search or seizure. 	**Search and Seizure** Student must recognize as legal the search and seizure practices described in Code of Maryland Administrative Regulation 13A.08.01.14 and the Annotated Code of Maryland, Education Article, Section 7-308. a. Authority to search student 1. A school official may make a reasonable search of a student on the school premises or on a school-sponsored trip if there is reasonable belief that the student is in possession of an item, the possession of which is a criminal offense under the laws of Maryland or a violation of any other Maryland law or a Policy rule or administrative regulation of the Board of Education or WCPS. 2. The search shall be made in the presence of a third party of the same gender as the student being searched. b. Authority to search school 1. A school official may make a search of the physical plant of the school and its appurtenances including the lockers and vehicles of students. 2. The right of school officials to make searches (including lockers and vehicles) shall be published previously in school literature. c. Rules and Regulations The Maryland State Department of Education shall adopt rules and regulations relating to the searches permitted under this section.

VII. DISCIPLINE AND CONSEQUENCES

A student may be held accountable by school authorities for any behavior occurring outside school time or off school property including during school-sponsored events, including behavior which is related to an occurrence at school or which derives from an occurrence initiated at school and including students participating in extracurricular programs which may require a particular standard of conduct.

RIGHTS	RESPONSIBILITIES
1. Students have a right to learn and grow in an educational environment free from willful disruption of the classroom and the school learning environment. 2. Students have the right to discipline procedures that are administered fairly, consistently and systematically and are appropriate to the offense. 3. Students have the right to a safe, orderly and secure school environment. 4. Students have the right to be informed of the offense and have the opportunity to respond at the school level prior to any suspension or loss of extracurricular privileges. 5. Students have the right to make up missed assignments in a time frame equal to that of the suspension.	1. Students have the responsibility to respect the rights of other students and refrain from classroom and school disruption. 2. Students have the responsibility to accept and adhere to the consequences of breaking school rules. 3. Students have the responsibility to obey rules designed to protect students and create an orderly environment. 4. Students have the responsibility to be truthful in all matters.

VIII. RIGHT TO DUE PROCESS AND APPEALS

Students shall have the right to due process under the law prior to deprivation of a protected right. Students will be informed of the offense and have the opportunity to respond at the school level prior to any suspension. If disciplinary actions are necessary, written notification of the offense and resulting consequences will be provided to the student and to the parent/legal guardian.

With regards to extracurricular activities, participation in extracurricular activities is a privilege not a protected right. By way of example but not by way of limitation, extracurricular activities include sports, after-school activities, and graduation ceremonies. Students will be informed of the offense and have the opportunity to respond at the school level prior to any loss of extracurricular privilege. If disciplinary actions are necessary, written notification of the offense and resulting consequences will be provided to the student and to the parent/legal guardian.

Short-Term & Long-Term Suspensionsensions

Principals may suspend a student for up to ten (10) days for just cause. Principals or designees may use other disciplinary means to correct student behavior (detention, in-school suspension, etc.) at their discretion, in accordance with school policies and procedures.

Parents/legal guardians have the right to an informal appeal of the principal's suspension decision. The informal appeal is a paper review and all requests for appeal must be in writing. The written appeal should include the reason for requesting the appeal and contain any written documents to be considered. During the appeal process, the suspension of the student remains in effect. Through the appeal process, the consequences may be increased or decreased. The following are the steps in the appeal process:

1. Parents/legal guardians may appeal the decision for the suspension directly to the principal. Such appeals must be submitted in writing to the principal within ten (10) days of the suspension decision. The principal will review the parent's/legal guardian's request and render a written decision to the parent/legal guardian.

2. In the event the parents/legal guardians are not satisfied with the principal's decision, they may appeal that decision, in writing, to the Director of Student Services, School Counseling, and School Health within ten (10) days of the principal's ruling of the appeal. The Director of Student Services, School Counseling, and School Health will direct a PPW to make a thorough review of the matter. The Director of Student Services, School Counseling, and School Health will confer with the PPW and will render a written decision to the parent/legal guardian.
3. If parents/legal guardians are not satisfied with the decision of the Director of Student Services, School Counseling, and School Health, the parents/legal guardians may appeal that decision, in writing, within ten (10) days, to the Executive Director of Elementary Education or the Executive Director of Secondary Education. The Executive Director of Elementary or Secondary Education will review the parent's/legal guardian's request and render a written decision to the parent/legal guardian.
4. If the parents/legal guardians wish to appeal the decision of the Executive Director of Elementary Education or the Executive Director of Secondary Education, this may be made in writing within ten (10) days to the Superintendent of Schools, in accordance with WCPS policies BEE and BEE-R(1).
5. Further appeal of the decision of the Superintendent may be made in writing within ten (10) days to the Washington County Board of Education. The decision of the Washington County Board of Education is final.

A suspension of a student with a disability will be in accordance with current federal and state laws and regulations. In no case will due process rights be abridged.

Extended Suspension or Expulsion

If a principal finds that a suspension of more than 10 school days or expulsion is warranted, the principal immediately shall report the matter in writing to the Superintendent or designee. The Superintendent or designee shall direct a Pupil Personnel Worker to make a thorough review of the matter when the request for a suspension longer than ten (10) days or expulsion is received. The Superintendent or designee, after such review, determines if a longer suspension or expulsion is warranted and will notify the parents/legal guardians in writing.

The decision to suspend a student longer than ten (10) days or to expel a student may be appealed. All requests for appeal must be in writing and include the reason for the appeal. Throughout the appeal process, the decision of the Superintendent of Schools or designee remains in place. In the appeal hearings, the parents/legal guardians and student may bring counsel, witnesses, and may present evidence to support their position. Through the appeal process, the consequences may be increased or decreased. The following are the steps in the appeal process:

1. If the parents/legal guardians wish to appeal the decision of the Director of Student Services, School Counseling, and School Health, they may file an appeal, in writing, within ten (10) days of such a decision with the Executive Director of Elementary or Secondary Education who will serve as the superintendent's designee. The Executive Director of Elementary or Secondary Education will schedule a conference with the parents/legal guardians and the student to hear the appeal and will render a decision, in writing to the parents/legal guardians.
2. If the parents/legal guardians are not satisfied with the decision of the superintendent's designee, the parents/legal guardians may file an appeal, in writing, within ten (10) days of such a decision, with the Board of Education in accordance with Board of Education policies BEE and BEE-R(1). The Board of Education or its hearing officer shall have forty-five (45) days from the date the appeal was received by the Executive Director of Elementary or Secondary Education to hear the appeal and issue a decision.
3. The decision of the Board of Education is final.

IX. REVIEW AND DISTRIBUTION

1. The Students' Responsibilities and Rights will be provided to each student at the beginning of each school year.
2. This document shall be available to the professional staff in each educational facility, to students, to PTAs, to PTSAs, to school advisory committees, and to elected Board of Education members.
3. Copies shall be available in each school and the WCPS Central Office.
4. Presentation of this document shall be included in orientations for teachers.