

## DISCIPLINARY PROCEDURES

- I. **Board of Education Policy JK states:** The Board of Education of Carroll County is committed to providing a safe and secure environment in which all individuals are free to learn. Therefore, the Board will not tolerate any inappropriate behavior. In those instances when the behavior of a student, on or off school property, is disruptive and/or detrimental to the operation of the school, or the safety of students or staff, the student may be disciplined including, but not limited to, suspension and expulsion.
- II. **Discipline Philosophy:** There is a great need in our schools to help students develop the kinds of social attitudes and values that will lead to the adoption of behaviors acceptable to the moral and legal code of our society. Schools will develop and implement prevention and intervention strategies and programs as a means of resolving and or preventing confrontations. In addition, students will be held accountable for their behaviors and will receive consequences accordingly. Carroll County Public Schools is committed to providing all students with a safe and orderly environment for the promotion of academic and social excellence.
- A. Suspensions and other disciplinary actions should follow global educational goals. The following principles should be considered in order to provide a focus for a school-wide discipline program.
1. Discipline should be a tool which teaches respect and coping skills. To foster such results, school personnel should model fairness, honesty, and integrity in all interactions with students.
  2. Discipline should reflect the goals of fostering, teaching, and acknowledging positive behavior.
  3. When appropriate, discipline should include consequences directly associated with the inappropriate behavior and allow the student to accept responsibility for those behaviors. For example, if a student destroys property, the student should make restitution and possibly repair the damage created. In addition, the student may face criminal charges.
  4. The concept of education should be valued in any disciplinary action. For example, placing a student out of school may devalue and delay the educational process. It may also send a double message to students about the importance of school attendance and education. Therefore, suspensions should be administered only after careful consideration of available options.
  5. Discipline should not be administered as a means of revenge or a release of frustration. Discipline handed out in anger or without full consideration of available options can contribute to increased inappropriate student behavior, non-cooperative parents/legal guardians, and possible legal action. However, consequences should be administered in a timely manner.
- B. **Pro-Active Approach to Discipline:** Positive behaviors are best achieved through a pro-active, school-wide approach discipline. Such an approach should establish high expectations and timely consequences in a climate of consistency, firmness, fairness, and creativity. Consequences may be positive or negative, but they must always hold students accountable. Students who follow the rules and regulations may receive privileges such as: driving to school, earning a privilege card, choice lunchroom seating, a free homework pass, congratulation notes, etc. Students who choose inappropriate behaviors should face negative consequences that have been defined well in advance of any misbehavior. Such ideas promote the concept that privileges are to be earned and must come with responsibility. A pro-active stance also includes a multi-disciplinary approach which involves consultation with parents/legal guardians, teachers, counselors, school psychologists, and pupil personnel workers. More formalized interventions may include: Student Services Teaming, Instructional Support Team (IST), individualized and group counseling, school-wide Conflict Resolution programs, Student Assistance Teams (SAT), mentoring programs, and referrals to community resources. A pro-active approach not only improves student behavior, it fosters a better school climate and positive communication between home and school.

Carroll County Public Schools promotes the use of Positive Behavior Intervention and Supports (PBIS), a system of supports that promote and enhance school wide climate and culture. PBIS links behavior and academic processes by teaching and re-teaching behavior expectations when needed. PBIS schools rely on data to review and/ or revise school practices. PBIS has resulted in decreases in discipline referrals as well as improvements in overall school wide climate and culture. To learn more about PBIS, please contact the Department of Student Services.

- C. **Progressive Discipline:** Suspensions in and of themselves should not be utilized to modify inappropriate behaviors. Instead, suspension should be used as a last option in conjunction with a larger school-wide approach in order to assure a safe and orderly school environment. The following list provides consequences that may be utilized in coordinating a comprehensive and progressive discipline plan:
1. Conferences with parent
  2. Consultation with student's counselor
  3. Participation in group counseling
  4. Utilization of peer facilitator
  5. Implementation of conflict resolution
  6. Formation of student contract with specific consequences
  7. Referral to support or time-out room
  8. Assignment to detention before school, after school, or during lunch
  9. In-school intervention
  10. Participation in Saturday School Programs that deal with:
    - Smoking
    - Attendance
    - Conflict resolution
    - Promoting reasonable choices
  11. Assignment to CLASS (Center for Learning, Accountability and Student Success)
  12. Withdraw of privileges, i.e., driving to school, extra-curricular activities
  13. Short term removal of technology privileges (including request to technology services department to block network access for portable electronic devices).
  14. Implementation of reparations for misconduct or property damage:
    - Repair of damaged property
    - Participation in school community service (summertime included)
    - Restitution through monetary payment
  15. Consultation with school psychologist or pupil personnel worker
  16. Referral to in-school or community mentor
  17. Long term removal of technology privileges (including request to technology services to block network access for portable electronic devices).
  18. Referral to mediation
  19. Attendance of parent with student to area where student displays inappropriate behavior, i.e., class, lunchroom, bus, etc.
  20. Referral to outside agencies such as Department of Juvenile Services, Carroll County Youth Services Bureau, Department of Social Services, etc.
  21. Utilization of a special placement pending parent conference
  22. Referral for enrollment in alternate programs, i.e., Gateway School, Flexible Student Support, Crossroads Middle School, PRIDE.

D. **Time Out (T/O)**

Time out is a short-term behavioral intervention that provides a safe environment to assist a student in calming down, to reassess a situation, and to re-establish internal control in an effort to successfully return the student to the learning environment.

These guidelines should be followed:

1. Assignment to T/O will be made by the classroom instructor. T/O may not exceed the remainder of the current instructional period during which the student was assigned.
2. Accurate records are to be maintained. Each school should keep a record of students assigned T/O via the electronic discipline system.
3. At the end of the assigned instructional period, the student is eligible to return to his/her next instructional period.

4. If it is felt that the student is not available for, or prepared for, continued learning during the next instructional period, an extension of time may be requested by the student or monitoring adult. The student and/or monitoring adult will confer with appropriate school personnel to extend T/O.
5. T/O shall not exceed two (2) instructional periods.
6. If the student is unable to return to his/her educational program after two (2) instructional periods, the appropriate administrator will meet with the student and the student will be assigned appropriate consequences.

E. **Conferring with Teachers:** When a student is referred to an administrator for a disciplinary problem, prior to that student being returned to that teacher's classroom, the administrator or administrator's designee shall confer with that student's teacher and/or other appropriate school personnel. Such conferring may be in person, by phone, by e-mail, or letter, so long as the method chosen provides opportunity for the teacher to respond before the student is returned to the classroom.

F. **In-School Intervention (ISI)**

Assignment to ISI, where students are excluded from their regular classroom(s), does not constitute suspension as defined by COMAR 13A.08.01.11. In such cases, official suspension forms will not be issued.

These guidelines must be followed:

1. Assignment to ISI will be made by an administrator and/or designee.
2. Notification will be provided to parents/legal guardians.
3. In-school intervention must include the following:
  - a. a continuance of appropriate progress in the general curriculum
  - b. the provision of special education and related services on the student's Individualized Education Program (IEP) if the student has a disability.
  - c. the provision of instruction commensurate with the program afforded to the student in the regular classroom.
  - d. Participation with peers as they would in their current education program to the extent appropriate.
4. Accurate records are to be maintained. Each school should keep a record of students assigned via the electronic discipline system.
5. With regard to the use of time-out/ISI rooms for special education students, special guidelines have been written and are available in the Special Education Handbook.
6. Students that are placed in ISI shall be marked present.

Note: All above criteria for ISI must be met in order for ISI to not constitute a day of suspension.

7. After five days of cumulative ISI, the principal or his/her designee should confer with the student's parent(s)/guardian(s) and the student.
8. At ten days of cumulative ISI, the principal or his/her designee must confer with the student's parent(s)/guardian(s) and the student, during which:
  - a. a behavior contract must be developed to address the current behavioral issues.
  - b. if a behavior intervention plan is in effect, it must be modified to address the current behavioral issues.

G. **Center for Learning, Accountability and Student Success (CLASS)**

CLASS (Center for Learning, Accountability and Student Success) is an in person, alternative-to-suspension disciplinary consequence designed to support student behavior through reflection, skill-building, and continued access to academic instruction. Students assigned to CLASS engage in structured behavior reflection to examine the impact of their actions on themselves and others while receiving direct academic support delivered by a licensed educator.

These guidelines must be followed:

1. Assignment to CLASS will be made by an administrator and/or designee.
2. Notification will be provided to parents/legal guardians.

3. Outline of CLASS:

- a. Located on the campus of the Gateway School.
- b. Students will utilize their customary means of transportation to and from their home school and be provided transportation to and from their home school to the Gateway school.
- c. Students will engage in classwork commensurate with the program afforded to the student in the regular classroom.
- d. IEP services and IEP and 504 accommodations will be provided to students attending CLASS.
- e. Students attending CLASS will be marked present.

**III. In-School Suspension Section 7-305, COMAR13A.08.01.11**

In the above referenced COMAR regulation, “in-school suspension” is defined as the “removal within the school building of a student from the student’s current education program for up to but not more than 10 school days in a school year for disciplinary reasons by the school principal.

When assigning in-school suspension, the following guidelines must be followed:

1. The student must be informed of the reasons for the in-school suspension and given an opportunity to respond.
2. Written notification must be provided to the parent and documented in the electronic suspension system.
3. The current school of enrollment shall make provision for the student’s education during the in-school suspension period.
4. Students who are assigned in-school suspension are not eligible to participate in extra-curricular activities for the period coinciding with assignment of the in-school suspension.
5. Administrators must develop and implement appropriate behavioral programs of positive interventions to address causes of the misbehavior as part of the in-school suspension.

**IV. Suspension and Expulsion Section 7-305, COMAR13A.08.01.11 Board of Education Policy JDG**

Although suspending students from school is sometimes necessary, suspension, nonetheless, interferes with the student’s education and should only be invoked under the gravest circumstances. Therefore, overall disciplinary goals, actions, and a range of interventions should be considered.

1. In those instances when the behavior of a student is disruptive and detrimental to the operation of the school, the student may be suspended or expelled in accordance with the procedures set forth in Education Article, Section 7- 305.
2. Before any case of suspension, a student shall receive oral or written notice of the charges against him/her. If the student denies the charges, he/she shall have the right to an explanation of the evidence supporting the charges and an opportunity to present his/her side of the story. A student whose presence in school poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process may be removed immediately from school, provided that the notice and hearing required by this subsection is provided as soon as possible.

**Short-Term Suspension:** The removal of a student from school for up to but not more than 3 consecutive school days for disciplinary reasons by the principal.

**Long-Term Suspension:** The removal of a student from school for a time period between 4 and 10 consecutive school days for disciplinary reasons by the principal.

**Extended Suspension:** The exclusion of a student from a student’s regular program for a time period between 11 and 45 school days, which only may occur under the following circumstances:

(A.) The Superintendent or designated representative has determined that:

- (I) The student’s return to school prior to the completion of the suspension period would pose an imminent threat of serious harm to other students 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 behavior and disciplinary interventions have been exhausted.

(B.) The Superintendent or designated representative limits the duration of the exclusion to the shortest period practicable; and

(C.) 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.

**Expulsion:** The exclusion of a student from a student's regular school program for 45 school days or longer, which only may occur under the following circumstances:

- (A.) The Superintendent or designated representative has determined that the student's return to school prior to the completion of the expulsion period would pose an imminent threat of serious harm to other students or staff;
- (B.) The Superintendent or designated representative limits the duration of the exclusion to the shortest period practicable; and
- (C.) 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.

**Note: If the student receives Special Education or 504 services, read Section V. Discipline/Suspension of Students with Disabilities for further instructions.**

#### **A. Administrative Procedures for Processing a Student Suspension**

1. In those instances when the behavior of a student is disruptive to maintaining an environment of order and safety necessary for effective learning, he/she may be suspended or expelled in accordance with the procedures set forth in education article, section 7-305.
2. Before any case of suspension, a student shall receive oral or written notice of the charges against him/her. If the pupil denies the charges, he/she shall have the right to an explanation of the evidence supporting the charges and an opportunity to present his/her side of the story. A student whose presence in school poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process may be removed immediately from school, provided that the notice and hearing required by this subsection is provided as soon as possible.
3. The Principal prepare a notice of suspension.
4. The Principal must make every reasonable effort to notify the parent or guardian by telephone and/or in person of the student's suspension and of the reason for it.
5. The Notice of Suspension shall be provided to the parent or guardian explaining the suspension and the reason for it. Where telephone contact has been made to the parent, this letter may be sent home via the student on the day of suspension.
6. If the parent cannot be reached by telephone or in person on the day of suspension, the pupil personnel worker shall be notified and the suspension shall become effective at the end of that school day. In the meantime, the student may be excluded from class but must remain at school under the supervision of the principal.
7. The student and parents or guardian must be provided a conference promptly (within ten school days) with the principal and appropriate personnel after the suspension is initiated.
8. Should the parent fail to arrange or to have a conference within the specific time, Student Services should be notified so the pupil personnel worker can contact the home as soon as possible.
9. Under conditions mutually agreed upon during the conference, the student is immediately readmitted to school unless the length of suspension has been specified in advance.
10. A suspended student is not to be on school property (except to attend the parent conference mentioned in F. above) unless given prior approval of the Principal.
11. A suspended student is not eligible to participate in any extracurricular activity during the term of the suspension.
12. When a student has been suspended, the administrator or administrator's designee shall confer with the student's teachers and other appropriate school personnel prior to the student's return to his/her classroom. Such conferring may be in person, by telephone, or in writing. (This same conferring procedure shall be followed when a student is sent to the office by a teacher and a suspension is not invoked).
13. A suspended student shall be given the opportunity to complete academic work they miss during the suspension without penalty. A student suspended for 4 or more days shall be assigned a school liaison to communicate weekly about classwork assignments and school-related issues.
14. In all cases when a student is suspended, placed on extended suspension, or expelled the student or his/her parents/legal guardians will be provided a list of community resources and contact numbers.

#### **Appeal of Short and Long-Term Suspensions**

When a student is disciplined, the student will be given notice of the charge against him/her and the opportunity to explain the alleged incident. If the issue is not resolved at this level, it may then be appealed, in writing, to

the Principal within three (3) school days. The Principal shall render a decision in writing to all parties involved within five (5) school days of such an appeal. If the student is not satisfied by the Principal's decision, he/she may then appeal the decision, in writing, to the Superintendent of Schools within five (5) school days of the Principal's decision. The appeal will be processed according to the provisions of section 4- 205(c) of the Education Article. A decision shall be rendered by the Superintendent, or designee, within fifteen (15) school days of such an appeal. The decision of the Superintendent may be appealed to the Board of Education, if taken in writing within thirty (30) days after the decision of the Superintendent. The decision may be further appealed to the State Board if taken in writing within thirty (30) days after the decision of the County Board of Education or other individual or entity which issued the decision on appeal.

#### Appeals Procedure Steps

- Student Appeals to
- Principal
- Superintendent of Schools
- Board of Education of Carroll County
- Maryland State Board of Education

#### Guidelines for Processing a Request for an Extended Suspension or Expulsion from School:

- A. At the request of a Principal, a County Superintendent may suspend a student for more than 10 school days or expel him/her. If a Principal finds that a suspension of more than 10 schooldays or expulsion is warranted, he/she immediately shall report the matter in writing to the superintendent. The Superintendent or the designated representative promptly shall make a thorough investigation of the matter. If, after the investigation, the Superintendent finds that a longer suspension or expulsion is warranted, he or she or the designated representative shall promptly arrange a conference with the student and his/her parent or guardian. If after the conference, the superintendent or the designated representative finds that a suspension of more than 10 school days or expulsion is warranted, the student or his parent or guardian may appeal to the county board within 10 days after the determination; be heard before the county board or its designated committee or hearing officer; and bring counsel and witnesses to the hearing. Unless a public hearing is requested by the parent or guardian of the student, a hearing shall be held out of the presence of all individuals except those whose presence is considered necessary or desirable by the board. The appeal to the county board does not stay the decision of the county superintendent. The decision of the county board is final.
- B. Administrative procedures to be followed when an extended suspension or expulsion from school is warranted:
1. The Principal will follow the procedures for suspension. Additionally, all requests for extended suspension or expulsion shall be discussed with the appropriate School Director or Director of Student Services.
  2. The Principal shall submit appropriate documentation to the Superintendent, as outlined in the Extended Suspension Checklist at the end of this section
  3. The Superintendent of Schools or the designated representative promptly makes a thorough investigation of the matter.
  4. If, as a result of this investigation, the Superintendent or Designee decides that a longer suspension or expulsion is not educationally sound, he/she will notify the principal of the decision and arrange for a conference to have the student readmitted under certain conditions.
  5. If the investigation indicates an extended suspension (more than 10 days) or expulsion is warranted, the Superintendent or the designated representative promptly arranges a conference with the pupil and the parent or guardian.
  6. If the Superintendent or Designee decides, after the conference, that a suspension of more than 10 days or expulsion is in order, the superintendent or the designated representative will notify the Principal and the parents or guardian.
  7. (Secondary Schools Only) A regular education student placed on extended suspension shall receive daily classwork and assignments from each teacher, which will be reviewed and corrected by teachers on a weekly basis. this will be coordinated by the home school suspension liaison, who will communicate weekly by phone or email with the suspended/expelled student and/or parent. Additionally, the student will be assigned to the Extended Suspension Tutoring Center (ESTC), a Saturday School Program.
  8. (Secondary Schools Only) Students receiving Special Education Services who are placed on extended suspension will be assigned to the Special Education Suspension Center (SESC). SESC staff will coordinate with the student's home school suspension liaison to provide classwork and assignments to be completed daily at the SESC. Assignments will be graded by the SESC staff, and a summative

grade will be submitted to the home school teachers at the conclusion of the suspension. Grades, attendance, and special education case management will be maintained at the homeschool.

9. The parents or guardian will be informed that they may appeal the Superintendent's or Designee's decision to the board of education. This appeal must be made in writing within 10 days after the Superintendent's or Designee's decision. An appeal to the Board of Education shall not operate as a stay to the Superintendent's or Designee's decision; Thus, the student will remain on suspension. The appellant should be made aware that they have the right to counsel for this final appeal and may also call witnesses. Five days in advance of hearing, the appellant shall be provided the witness list and a copy of the documents that will be presented at the hearing.
10. The decision of the Board of Education will be final.

### **Appeal of Extended Suspension and Expulsion**

The parents or guardian will be informed that they may appeal the Superintendent's or Designee's decision to the Board of Education. This appeal must be made in writing within 10 days after the Superintendent's or Designee's decision. An appeal to the Board of Education shall not operate as a stay to the Superintendent's or Designee's decision; thus, the student will remain on suspension. The appellant should be made aware that they have the right to counsel for this final appeal and may also call witnesses. Five days in advance of the hearing, the appellant shall be provided a witness list and a copy of the documents that will be presented at the hearing.

### **C. Out-of-County or Out-of-State Students**

The Superintendent may deny attendance to any student who is currently expelled or on extended suspension from another school system for a length of time equal to the suspension or expulsion.

## **V. Discipline/Suspension of Students with Disabilities (Bylaw 13A.08.01.11F), IDEA04 Amendments (PL108-446)** (See flowchart at the end of this section for additional explanation.)

Students who have been identified with a disability may be suspended from school including ESY, no more than ten days in a school year. Any suspension during ESY will be attributed to the preceding school year. Upon exceeding ten cumulative days of suspension, an IEP team must determine if the behavior leading to suspension is a manifestation of a student's disability. If the behavior is not a manifestation of a student's disability, the student may be suspended like any other student, as long as educational services are provided. If the behavior is a manifestation of a student's disability, the IEP team must follow certain procedures to review the IEP. In addition, a special education student may be removed to a 45 day interim alternative educational setting when possessing drugs, a weapon, or causing serious bodily harm. Please see the following procedures/guidelines when proceeding with a suspension for a student with a disability.

### **A. Definition of a Student with a Disability:**

A student with a disability includes any student identified by IDEA or Section 504 of the Rehabilitation Act. Students who have not been determined eligible for special education and who have engaged in a behavior that violates any rule or code of conduct may assert any of the protections provided, if the school had knowledge that the student had a disability before the behavior occurred. Schools have knowledge if, before the behavior resulting in the disciplinary action occurred:

- the parents expressed concern in writing, that their child needed special education and related services, to supervisory or administrative personnel of the school, or a teacher of the student;
- the parents requested an evaluation; or
- the student's teacher or other school personnel have expressed a specific concern about a pattern of behavior demonstrated by the student, to the supervisory or administrative personnel at the school.

Schools are not considered to have knowledge of a disability if:

- the parents refused to allow the school to evaluate their student;
- the parents refused to allow the school to provide special education services; or
- the student has been evaluated and it was determined that he/she was not a student with a disability under IDEA.
- a parent has revoked consent for special education services

If the school does not have knowledge that a student has a disability prior to taking disciplinary action, the student may be subject to the same disciplinary measures as a student without disabilities who engages in comparable behaviors.

If a parent made a request for an evaluation, during the time frame in which their child is subject to disciplinary measures, the evaluation must be expedited. Pending the results, the student remains in the educational placement determined by school authorities. If, based on the school's evaluation and information provided by the parents, the student is determined to be a student with a disability, the school is to provide special education and related services. In addition, all of the procedural safeguards regarding discipline of students with disabilities shall apply.

#### **B. Authority of School Personnel:**

School personnel may remove a student with a disability who violates the code of conduct from the current educational placement for not more than 10 school days at a time in accordance with the discipline policy used for all students, unless it is determined that the removal constitutes a change in placement from the current educational placement to:

- an interim alternative educational setting (IAES);
- another educational setting or
- a suspension of 10 days or more

When removals (10 days or less at one time) accumulate to more than 10 days in a school year, the student's IEP team shall determine the extent of services needed to enable the student to participate in the general curriculum and toward his/her IEP goals. A disciplinary removal during ESY counts towards the total days of removal during the previous school year.

#### **Change in Placement:**

Change of placement includes removal for more than 10 consecutive days or a series of removals that accumulate to more than 10 days in a school year. School Personnel may consider unique circumstances on a case-by-case basis whether a change in placement is appropriate for a student with a disability who violates the code of conduct. Upon a change in placement (a removal for more than ten consecutive school days or for more than ten days in a school year, including ESY), a manifestation meeting must be held. (See below for details). When a student is removed for more than 10 days, that results in a change in placement, whether or not the behavior is a manifestation of the disability, or when a student is removed to an interim alternative educational setting, (IAES) for drugs, weapons, or serious bodily injury, the student continues to receive services to enable him/her to continue to participate in the general education curriculum although in another setting to progress toward meeting the goals set out in his/her IEP. The student must also receive, as appropriate, a Functional Behavioral Assessment (FBA) and behavior intervention services and modifications designed to address the behavior violation so that it does not reoccur. The IEP team determine appropriate services and the location in which the services will be provided.

#### **Note: Bus Suspensions**

If a special education student, who has bus transportation written in his/her IEP, is suspended from the bus and does not attend school that counts as a day of removal/suspension from school. If the student does not have bus transportation written in his/her IEP, the bus suspension does not count as a removal/suspension from school.

C. **Manifestation Determination:**

Within 10 school days of any disciplinary action that results in a change of placement because of a violation of the code of conduct, the student's IEP team must review all relevant information in the student's file, including his/her IEP, any teacher observations and any relevant information provided by the parent, to determine if the conduct in question was:

- Caused by or had a direct and substantial relationship to the student's disability; or was,
- The direct result of the school's failure to implement the student's IEP.

If the IEP team determines that either of the above statements is applicable, the conduct shall be determined **to be a manifestation** of the student's disability. If the conduct was a manifestation of the student's disability, the IEP team must:

- Conduct a functional behavioral assessment and implement a behavioral intervention plan for the student, if the school had not previously done so,
- Review the student's behavior intervention plan if he/she already has such a plan and modify it, as necessary to address the behavior; and
- Return the student to the placement from which he/she was removed, unless the parents and school agree to a change of placement as part of modifying the student's behavioral intervention plan, except when the student has been removed to an interim alternative educational setting for drugs, weapons, or serious bodily injury.

If the behavior is not a manifestation of the student's disability, school personnel may discipline the student in the same manner as other students, except appropriate educational services must continue.

D. **Change of Placement to an Interim Alternative Educational Setting (IAES):**

School personnel may remove a student to an interim alternative educational setting for up to 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, in cases where the student:

- Carries a weapon to or possesses a weapon at school, on school premises, or at a school function under the jurisdiction of a State or Local Education Agency. (Weapon has the meaning given the term "dangerous weapon" under paragraph (2) of the first subsection (g) of section 930 of title 18, United States Code).
- Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a State or Local Education Agency. (Controlled substance means a drug or other substance identified under schedules I, II, III, IV, or V in section 202 (c) of the Controlled Substances Act (21 U.S.C. 812 (c)). Illegal drug means a controlled substance, but does not include a substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the IDEA or under any other provision of federal law).
- Has inflicted serious bodily injury upon another person while at a school, on school premises, or at a school function under the jurisdiction of a State or local education agency.

## Procedures for Removing a student to an Interim Alternative Educational Setting (IAES) for up to 45 school days

1. The School Principal/Designee determines that the behavior warrants a suspension under an IAES.
  2. The Principal submits an Extended Suspension Checklist and packet to the Superintendent.
  3. Within 10 days of the initial suspension, the Superintendent or Designee must conduct an investigation and hold a hearing with the student and their parent/legal guardian to determine whether the student's return to school would pose an imminent threat of serious harm to other student's or staff and determine the length of the removal for up to 45 school days.
    - a. If an imminent threat of serious harm is determined, the student will be removed to an IAES for up to 45 school days as determined by the Superintendent or Designee. The Principal shall instruct the IEP team to immediately convene an IEP meeting. At this meeting the IEP team will conduct a manifestation determination and determine the IAES placement, including the services and supports to be received at the IAES placement. Upon the decision, the Special Education Supervisor will notify the School Principal of the IAES placement determined by the IEP team. The student shall be immediately enrolled in the identified placement.
- NOTE: If the behavior is determined to be a manifestation of the student's disability, the student may still be placed in the IAES placement determined by the IEP team for up to 45 school days
- b. If the Superintendent or Designee determines the student does NOT present an imminent threat of serious harm, the student may NOT be placed in the 45-school day IAES. The student shall be returned to school after serving any remaining days of the initial suspension. If the student exceeded 10 days of suspension during this process, a manifestation meeting must be held. The IEP team should convene to review the IEP and, as appropriate, revise the IEP to address the behavior which led to the initial IAES request.
4. Prior to the end of the 45-school day IAES, the home school IEP team shall convene to determine a transition plan for the student to return to the home school on the forty-sixth (46<sup>th</sup>) school day or request an IEP meeting to determine a placement in the least restrictive environment prior to the 46<sup>th</sup> day.

### **Appeal of Disciplinary Action:**

If parents disagree with a decision regarding a manifestation determination or with any decision regarding placement for disciplinary reasons, the parents may file a due process complaint with the Office of Administrative Hearings (OAH) and Carroll County Public Schools (CCPS). If CCPS believes that maintaining the current placement of the student is substantially likely to result in injury to the student or others, CCPS may file a due process complaint with OAH and the parents.

An Administrative Law Judge (ALJ) following the procedures described in Resolving Disagreements in the Special Education Manual, with the following exception, conducts the due process hearing. The hearing 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.

In making a determination in a disciplinary appeal, the ALJ may:

- Return the student to the placement from which he/she was removed; or
- Order a change of placement of the student to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of the student is substantially likely to result in injury to the student or others.

When a due process complaint is requested by either the parents or school, the student remains in the interim alternative educational setting pending the decision of the ALJ or until the expiration of the time period provided (no more than 45 school days), whichever comes first, unless the parents and school agree otherwise.

**Referral to and Action by Law Enforcement and Judicial Authorities:**

IDEA does not prohibit public agencies from reporting a crime to appropriate authorities and law enforcement. Judicial authorities may exercise their responsibilities in applying federal and state law to crimes committed by a student with a disability. Any agency reporting a crime shall supply copies of the student's special education and disciplinary records to the appropriate authorities to the extent allowed by COMAR 13A.08.02, Student Records, with parental consent, or in accordance with exceptions to parent consent specified in the policy.

**VI. Student Discipline Records:** Discipline records will be maintained in separate file from the cumulative record.

**A. Records maintained for disciplinary purposes fall into two (2) categories:**

1. Suspension Notices (Called Discipline Records by MSDE) - includes information which supports or verifies the in-school suspension or out of school suspension (for 1 or more days) or expulsion of a student; at a minimum this information must include a description of the student's behavior that resulted in disciplinary action, and a copy of the correspondence sent to the parents/legal guardians informing them of the student's suspension or expulsion. (Note: "reportable offenses" are specifically excluded from being part of the student record.) Discipline information must include suspension and extended suspension and expulsion information.
  - a. Suspension notices shall be maintained in the student's cumulative folder.
  - b. Suspension notices must be maintained through the age of 21.
2. Other Disciplinary Information - includes information regarding actions other than suspension or expulsion taken to correct the student's behavior, and information describing the student's behavior that resulted in disciplinary action. This information may include: office referrals, exclusion from the classroom, detentions, etc.
3. Transfer – Suspension Notices–current year
  - a. Electronic Discipline Records shall be maintained through the age of 21.
  - b. Hardcopies/files shall be maintained for two years beyond the current school year.

**B. Drug/Alcohol and violence offenses are disciplinary records and are cumulative over a student's school career, beginning with the age of responsibility (seven years of age).**

Suspension notices must be sent to other schools or other school systems when a student transfers. In addition, the student's current discipline report in the electronic discipline system and the previous year's report should be sent to the receiving school.