

REGULATION MONTGOMERY COUNTY PUBLIC SCHOOLS

Related Entries:	CNA-RA, ECC-RA, EGI-RA, IGT-RA, IQB-RA, IQD-RA, JEA-RA, JEC-RA, JFA, JGA, JGA-RA, JGB-RA, JOA-RA, KEA-RA
Related Sources:	<i>Annotated Code of Maryland, Education Article 7-308; Code of Maryland Regulations 13A.08.01.03</i>
Responsible Office:	Deputy Superintendent of Schools

Student Rights and Responsibilities

I. PURPOSE

To provide procedures for implementing the Student Rights and Responsibilities policy

II. BACKGROUND

Students must be provided with a clear articulation of their rights and responsibilities so that they may gain a deep appreciation of a democratic society. This deep understanding comes through opportunities for students to exercise their rights and assume their responsibilities as citizens.

III. DEFINITIONS

A. *Bullying, harassment, or intimidation* means intentional conduct, including verbal, physical, or written conduct or an intentional electronic communication that creates a hostile educational environment by substantially interfering with a student's educational benefits, opportunities, or performance, or with a student's physical or psychological well-being and is:

- Motivated by an actual or perceived personal characteristic including race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attributes, socioeconomic status, familial status, or physical or mental ability or disability; or
- Threatening or seriously intimidating; and
- Occurs on a school property, at a school activity or event, or on a school bus; or
- Substantially disrupts the orderly operation of a school.

“Electronic Communication” means a communication transmitted by means of an electronic device, including a telephone, cellular phone, computer, or pager.

Bullying may include but not be limited to physical (hitting, pushing, shoving), verbal (being teased, threatened, coerced, made fun of, called derogatory names) or relational (spreading rumors, being left out or ostracized).

- B. *Parent* is a natural parent, adoptive parent, foster parent, legal guardian, or an individual acting in place of a natural or adoptive parent.
- C. *Principal*, for the purposes of this regulation means principal or designee.
- D. *Reasonable belief* is a belief formed from specific and articulatable facts taken together with rational inferences from those facts.

IV. PROCEDURES

A. Free Public Education

1. Residents of Montgomery County who are 5 years old or older and under the age of 21 have a right to attend public schools without payment of tuition.¹
2. Montgomery County residents with disabilities have a right to a free appropriate education from birth through the end of the school year in which the student turns 21 years of age.

B. Student Participation In Learning and School Operations

1. Students shall be informed of the general objectives of each course and the basis upon which their performance will be evaluated. Students have the responsibility to involve themselves in classroom activities and abide by classroom rules, expectations, and procedures.
2. Students have a right to an environment that is free of bullying, harassment, or intimidation so that schools are safe places in which to learn. Bullying, harassment, or intimidation is disruptive to learning and can adversely affect academic achievement, emotional well-being, and school climate.

¹Children who are 4 years old and whose family is income eligible have a right to attend public preschool without payment of admission.

- a) Schools will inform students of the reporting procedures at each school, including the availability of MCPS Form 230-35: *Bullying, Harassment, or Intimidation Reporting Form*.
- b) The reporting of bullying, harassment, or intimidation incidents shall be encouraged and supported by Montgomery County Public Schools.
- c) Principals or designees will promptly investigate all reports of bullying, harassment, or intimidation and implement remedial measures and consequences as appropriate.
- d) Principals shall promptly notify parents of students involved in a bullying incident.
- e) At the conclusion of an investigation, individual and private conferences will be held with both the student who was bullied and the student who bullied to determine if the bullying, harassment, or intimidation has continued.
- f) Support services shall be made available to the student who is bullied, the student who bullies, and bystanders.

(Refer to Montgomery County Board of Education Policy JHF, *Bullying, Harassment, or Intimidation*.)

3. Student-Suggested Educational Programs

Students, in consultation with faculty, may suggest seminars, assemblies, or short courses of study on selected topics during the school day as alternatives or additions to the regular program and/or voluntary programs of interest to students outside the school day.

- a) Students will work collaboratively with principals and staff to plan programs.
- b) Programs should be consistent with the Montgomery County Board of Education's (Board) Strategic Plan and the schools' basic educational mission, be appropriate for the age and maturity of the audience, and be structured to create a balance in presentation of controversial topics.

4. Policies and Rules

- a) Student representatives shall be involved in the revision or development of any major Board policies affecting students. Such involvement may be accomplished by the responsible office, department, or committee including student representatives in meetings or by soliciting student input at any one of several stages in the process of the development or revision.
- b) Students have a right to similar involvement in the revision or development of a major local school policy or rules affecting students.
- c) Before developing or revising major local school policies or rules affecting students, copies will be available for student review by posting them in locations convenient to students with sufficient time for student comment. Staff members are encouraged to discuss with students any major local school policy or rule affecting students at available opportunities and to provide information and clarification as needed.
- d) Students who are interested in providing input in the development or revision of major policies and rules that affect students should contact their principals or the Student Affairs Office.

C. Rights of Privacy

- 1. Students have a right to fulfill instructional objectives, through classroom discussion, assignments or other means, without revealing personal information about family occurrences or personal habits, relationships, preferences, traits, decisions, or problems, or comparing themselves or their families with others.
- 2. Students do not have a right or expectation of privacy in their use of school computers. Students have the responsibility to conduct themselves in accordance with the requirements of MCPS Regulation IGT-RA, *User Responsibilities for Computer Systems, Electronic Information, and Network Security* and other reasonable rules and restrictions regarding electronic communications.
- 3. Students or their parents have a right to ask a teacher to provide an alternative to an activity if the parent or student believes the activity would

invade student privacy by calling attention to the student's grades, religion, values, or physical condition.

4. Students may be subject to audio and video camera surveillance in public locations with posted notification, and any student may be disciplined based on evidence gathered through such audio or video surveillance. Under these circumstances, students should have no expectation of privacy.

D. Attendance

1. Students are required to attend school and to arrive at school and to classes on time. MCPS regulations that address student attendance include MCPS Regulation JEA-RA, *Student Attendance*, MCPS Regulation JGA-RB, *Suspension or Expulsion of an MCPS Student*, MCPS Regulation JEC-RA, *Student Withdrawals from Classes*, and MCPS Regulation IQB-RA, *Extracurricular Activities*.
2. Students have a responsibility and are expected to make up missed work, regardless of the legal status of their absence, in accordance with MCPS Regulation IKA-RA, *Grading and Reporting*, and the *MCPS Grading and Reporting Procedures Manual*. Also see MCPS Regulation IKC-RA, *Grade Point Averages (GPA) and Weighted Grade Point Averages (WGPA)*.

E. Student Government

1. Students have a right to establish and participate in a student government organization. Students have a right to have a voice in school affairs through the student government organization. Students have a responsibility to work toward creating an effective student government organization that is accountable to the students.
2. Students, through their student government, have a right to receive from the school administration a response to recommendations by the student government within five school days. The administration shall give reasons, either written or oral, if recommendations are not adopted or are modified. If the recommendations are extensive or complicated, the school administration, in consultation with representatives of the student government, shall establish a reasonable time for either an oral or written response.
3. Students have a responsibility to prepare a written constitution or amendments to the existing constitution for the student government, with

advice from school staff/advisor as needed. All constitutions must include an article recognizing the decision-making authority of the principal. Students have a right to expect the school principal to approve the student government constitution or amendments to it, unless it violates the law, policy, or would, in the judgment of the principal, substantially interfere with the effective operation of the school. Students will be notified in writing of the reasons for disapproval and must be given an opportunity to revise the constitution to address administrative concerns.

4. In accordance with MCPS Regulation IQD-RA, *Academic Eligibility for High School Students Who Participate in Extracurricular Activities* and MCPS Regulation IQD-RB, *Academic Eligibility for Middle School Students Who Participate in Extracurricular Activities*, any student legally enrolled in a school, academically eligible, and meeting any criteria set forth in the student government constitution may run for and hold office in student government.
5. Students who miss class in order to participate in student government activities approved by the administration will receive an excused absence and have the responsibility to make up missed assignments.
6. Student government may have access to school facilities as long as the use does not interfere with instruction or the orderly management of the school. Student government has a responsibility to not abuse this special privilege.
7. The executive committee, student government advisor, and principal will confer regularly regarding progress and concerns of the student government organization.
8. In the spring, the student government executive committee will meet with the principal regarding the appointment of an advisor for the following year and careful consideration will be given to the students' input before the advisor is appointed.

F. Freedom of Inquiry and—

1. Speech
 - a) Students have a right to:

- (1) Be presented with a variety of viewpoints on controversial topics within the limitations imposed by state or county curriculum documents.
 - (2) Express individual views so that they may weigh alternate ideas and form their own opinions.
 - (3) Analyze and evaluate information before forming conclusions.
- b) Students have a responsibility to:
- (1) Consider seriously the topics presented in their courses; participate in class discussions to add their views to enhance the variety of viewpoints expressed on the topics under discussion.
 - (2) Respect different opinions and the right of each person to hold and express an individual viewpoint.
 - (3) Refrain from the use of vulgar and abusive language which detracts from a positive learning and working environment, and which is inconsistent with the goal of maintaining an atmosphere of mutual respect.

2. Petitions

- a) Students have a responsibility to meet with school administrators to clarify any misunderstandings and to provide a forum for exchange of information on the topics that are the subject of a petition.
- b) Students have a right to circulate petitions during non-instructional time as long as it does not disrupt school operations.
- c) Students have the responsibility of ensuring that petitions do not encourage actions that endanger the health or safety of students or others in the school community, are not libelous or lewd or otherwise cause substantial disruption to the operation of the school, and circulation of petitions may be halted by administration for failure to meet this responsibility.

- d) At the school level, students have a right to a response within five school days by posting the response or forwarding the response to the originator if the originator can be identified.

3. Publications and Productions - Print and Nonprint

a) School-sponsored Publications/Productions and Other Media

- (1) School-sponsored publications, such as newspapers, yearbooks, and literary magazines, and school-sponsored productions, such as school plays and television shows designed to be used within the school, are to be encouraged as important aspects of the learning experiences that schools can provide.

However, they may be disapproved if the content or activity:

- (a) Is in violation of law or Montgomery County Board of Education polices and/or MCPS regulations
 - (b) Poses a potential threat to the health and/or safety of students
 - (c) Might reasonably be perceived to advocate student drug, alcohol and tobacco use, violence, sex, illegal discrimination, or other illegal activities
 - (d) Contains language that is obscene, libelous, slanderous, or profane
 - (e) Causes or might reasonably be predicted to cause substantial disruption of or material interference with school activities
- (2) Students have the right to decide on the content of school-sponsored publications subject to the requirements of these guidelines. The teacher/advisor shall provide direction and guidance on grammar, format, suitability of materials, and literary taste and shall not allow the use of any material that is derogatory to any individual.

- (3) The principal will identify for each publication/production a qualified teacher/advisor who will:
 - (a) Be guided by standards for secondary schools stated by secondary school scholastic press associations and MCPS rules and regulations
 - (b) Be responsible for working with the students in order for them to gain a clear understanding of the guidelines set forth in this document that govern the content of student publications
 - (c) Make efforts to see that a variety of viewpoints are represented in school newspapers and that members of the school community have an opportunity to express their views through the newspaper

- (4) All advertisements are subject to the following criteria which shall be applied by the teacher/advisor in determining whether to permit inclusion of such advertisements in school-sponsored publications:
 - (a) Use of advertisements containing the names and pictures of persons who are not public figures or containing company trademarks must be authorized.
 - (b) Advertising must be identifiable or be labeled as an “advertisement” and must be submitted under the name(s) of the individual(s), the name of the corporation or, in the case of unincorporated associations or organizations, the names of the officers sponsoring the advertisement; and
 - (c) When practicable, as where advertisements appear in a separate section of the publication, the section shall be preceded with a statement indicating that the advertising does not reflect the viewpoint or policies of the editors, the school, or the Montgomery County Board of Education.

- (5) The decision on the application of these guidelines will be made by the teacher/advisor. Students may appeal the

teacher/advisor decisions according to the process established in the local school.

b) **Non-School-Sponsored Publications/Productions and Other Media**

The school administration and faculty will permit students to distribute publications without school sponsorship provided that the publications bear the name of the sponsoring organization or individual, and publications that are sold or otherwise distributed are published by students enrolled in MCPS.

- (1) The principal will establish the time, place, and manner of distribution.
- (2) The principal/designee will inform the students that distribution may be halted under the following conditions:
 - (a) It encourages actions that threaten the health and safety of students (such as use of alcohol or illegal drugs). This guideline will not be used, however, to prevent responsible discussion about such actions.
 - (b) It is obscene.
 - (c) It is libelous. Although libel has a specific legal definition, generally, libel is publishing anything false about someone that exposes them to public hatred or ridicule.
 - (d) It causes or is reasonably expected to cause substantial disruption of school activities. "Substantial disruption" means either interference with school or disorderly conduct by a significant number of students, including rioting, school boycotts, sit-ins, destroying property, and walkouts.
- (3) If it becomes necessary for the principal to halt distribution of a non-school-sponsored publication or to halt the performance of a non-school-sponsored production, the principal must state the reasons in writing within two school days, providing one copy to the students making the distribution or performing the production and one copy to the

appropriate community superintendent. The principal will inform students that his/her decision may be appealed through the appeals process discussed in Section P, *Appeals, Complaint Procedure, Due Process*.

4. Posters and Similar Materials

- a) Students may display materials that are not school sponsored, on designated bulletin boards, wall spaces, or other areas normally used for posting, subject to the same restrictions and procedures that govern the distribution of student publications that are not school sponsored.
- b) Students who post materials that must be removed according to the guidelines covering non-school-sponsored publications should be informed in writing of the reason that these posted materials must be removed. School administrators are encouraged to hold meetings with students following the removal of such material in order to provide clarification and information on the reasons for removing this material.
- c) Distribution of any commercial advertisements or announcements, and political campaign material, and religious material is subject to additional indicated regulations. (Also see MCPS Regulation KEA-RA, *Participation in Political Campaigns and Distribution of Campaign Materials* and MCPS Regulation CNA-RA, *Display and Distribution of Informational Materials and Announcements*.)

5. All Materials of Communication and Expression

- a) Materials, including advertisements submitted for a school-sponsored publication, shall be rejected or distribution of publications by any student shall be halted by the principal if:
 - (1) The materials, as a whole or in significant part, through depiction or description, encourage actions that endanger the health or safety of students, including, but not limited to, the unlawful or excessive use of alcohol or drugs; provided, however, that this guideline shall not preclude publication or distribution of materials containing responsible debate or discussion

- (2) The material is obscene, in that it depicts or describes sexual conduct and meets all three of the following criteria:
 - (a) An average person applying contemporary community standards would find that the material, taken as a whole, appeals to the prurient interest in sex
 - (b) The material depicts or describes in a patently offensive way actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, sado-masochistic abuse, excretory functions, or lewd exhibition of the genitals
 - (c) The material, as a whole, lacks serious literary, artistic, political, or scientific value
 - (3) The material is libelous, in that it includes any unprivileged, false, and malicious material which by printing, writing, or other form of representation such as signs, or pictures tends to expose an individual to public scorn, hatred, or ridicule, done knowingly and/or recklessly and/or negligently. (A false statement about a public official, one who holds an elected or appointed public office, or a public figure, one who either seeks public attention or is well known because of his/her achievement is considered libel if published with actual malice; that is, the writer knew the statement was false or published it with reckless disregard for the truth. A false statement about a private individual is considered libel if it is published willfully or negligently in that the writer knew it was false or failed to exercise the care a reasonably prudent person would exercise to verify its truthfulness.)
 - (4) The material causes or may be reasonably expected to cause substantial disruption of school activities.
- b) If the distribution is halted, the principal shall meet with the students involved and issue his/her decision in writing within two school days stating his/her reasons. A copy shall be provided to the students making the distribution and to the Office of School Performance.

- c) If any material is rejected for publication by the teacher/advisor, an appeal may be taken immediately to the principal who shall meet with the students involved and issue a decision in writing, within two school days, providing a copy to the students bringing the appeal and a copy to the Office of School Performance.

G. Freedom of Assembly

Students have a right to assemble for discussions of issues of importance to them and to demonstrate peacefully.

- 1. Students have a responsibility to consult with the school principal to determine:
 - a) If the activity will be allowed during the school day.
 - b) The time and place of these assemblages including holding the activity outside the school day or during lunch if the principal has reason to believe that holding it during school hours would interfere with the regular school program.
 - c) The type of supervision required, if any, and which staff members may be assigned to monitor the activity.
- 2. Students also have a responsibility to:
 - a) Work cooperatively with the staff and take reasonable steps to ensure the activity is orderly.
 - b) Make up missed work.

H. Patriotic Exercise

- 1. Students have a right to:
 - a) Appropriate opening exercises that include the opportunity to salute and pledge to the flag
 - b) The inclusion of patriotic exercises, when appropriate, preceding assemblies and other school programs

- c) Be exposed to patriotic exercises as part of positive learning experiences for students
- d) Be involved in the planning and production of patriotic exercises

2. Students have a right:

- a) To not be compelled to participate in patriotic exercises, or be penalized or embarrassed for failure to participate.
- b) To not have other students interfere with their right to participate in patriotic exercises and such interference constitutes grounds for disciplinary action.

I. Freedom of Religion

1. Students have a right to:

- a) School-sponsored activities that are neutral toward religion and do not include religious exercises.
- b) An academic environment where religious beliefs are not advocated in courses or in school-sponsored activities such as commencements or assemblies.
- c) Observe his/her religious practices in school, including non-school sponsored student prayer groups, unless these violate the rights of others or disrupt school activities.

2. Students have a right to participate in or to attend holiday concerts that include religious music that meets MCPS guidelines. When available, students may attend elective seminars on the history or comparative study of religions where aspects of religion may be discussed. Presentations in these classes should be factually objective and not advocate particular religious viewpoints.

J. Clubs, Teams, and Student Organizations

1. School Sponsored

- a) Students have a right to participate in clubs, teams, and student organizations and a responsibility to become familiar with

appropriate Montgomery County Board of Education policies and MCPS regulations that affect their ability to participate.

- b) Students have a right to access school facilities as long as the use does not interfere with instruction or the orderly management of the school. Students have a responsibility to not abuse this privilege.
- c) The right of students to participate may be restricted by the principal or activity sponsor:
 - (1) For violations of disciplinary rules and regulations
 - (2) When a student's eligibility to hold a leadership position in a club, team, or student organization is withdrawn due to involvement in a situation that is contrary to ethical or legal standards, or does not comply with policies, regulations, and procedures regarding appropriate conduct on and off campus, after considering the following:
 - (a) Assessment of past student behavior.
 - (b) The passage of time.
 - (c) The student's conduct since the incident.
 - (d) Input from students and/or school community members, when appropriate.
- d) Students seeking election or appointment to or occupying leadership positions in clubs, teams, or student organizations have a responsibility to:
 - (1) Exemplify ethical, legal, and appropriate conduct.
 - (2) Comply with all policies, regulations, and procedures on and off campus.

2. Non-school Sponsored

Students have a right to conduct a meeting during non-instructional time provided they meet the following responsibilities:

- a) The meeting does not present a safety or security risk
- b) The meeting is voluntary, student initiated, and not represented or treated as a school-sponsored club
- c) There is no sponsorship or promotion of the meeting by the school or by school system employees; however, a school staff member may provide supervision for safety
- d) No employee of the school system leads or participates in such meetings
- e) The meeting does not and cannot reasonably be predicted to materially and substantially interfere with the orderly conduct of educational activities within the school
- f) Non-school persons do not direct, conduct, control, or regularly attend group activities
- g) No public funds are expended beyond the incidental costs of providing space for the meetings and access to the same means of announcing meetings as those available to school sponsored clubs and organizations

K. Nondiscrimination

- 1. Students have a responsibility to conduct themselves in a manner built on mutual respect and a right to be treated in the same manner.
- 2. All acts of hate/violence and illegal discrimination are unacceptable and intolerable and in particular those based on race, color, national origin, religion, gender, age, marital status, socioeconomic status, sexual orientation, physical characteristics, or disability.
- 3. School-sponsored student organizations have the right to equal and nondiscriminatory treatment in decisions regarding enforcement of school regulations.

L. Dress and Grooming

Students have a responsibility to be dressed and groomed for school in accordance with the community standards for dress and grooming addressed by the local school

discipline policy. Students may not be disciplined for their style of dress or grooming unless it:

1. Is likely to cause a disruption to the educational environment.
2. Causes a disruption to the educational environment.
3. Endangers health or safety.
4. Fails to meet a reasonable requirement of a course or activity.
5. Is associated with gangs.
6. Is lewd, vulgar, obscene, revealing, or of a sexual nature.
7. Promotes tobacco, alcohol, drugs, or sexual activity.

M. Student Records

Students and their parents have the right to review students cumulative school records in conference with appropriate school personnel, who shall explain and interpret their contents if requested. (Maintenance and access to student records are in accordance with MCPS Regulation JOA-RA, *Student Records*.)

N. Search and Seizure

Students, their lockers, or vehicles parked on school property or at a school-sponsored activity are subject to reasonable searches by the principal, assistant principal, security assistant, or a principal's designee following procedures set forth in MCPS Regulation JGB-RA, *Search and Seizure*.

O. Discipline

1. Students have a responsibility to:
 - a) Treat each other and school staff respectfully and to help create and maintain a safe, healthy learning environment that promotes mutual respect.
 - b) Respect the rights of others, students and staff, and to recognize the need for disciplinary action when necessary.

- c) Be familiar with Montgomery County Board of Education Policy JGA, *Student Discipline*, and the position on student discipline in Montgomery County Board of Education Policy JFA, *Student Rights and Responsibilities*.
2. Students have a right to be disciplined, in accordance with school and county disciplinary procedures. MCPS Regulation JGA-RB, *Suspension or Expulsion of an MCPS Student*, details the procedures to be followed in suspension and expulsion cases and contains an appeal procedure that may extend to the Montgomery County Board of Education. Note that state law prohibits this appeal process from acting as a stay of the penalty.
3. When a student's behavior is determined to have been disruptive and detrimental to the operation of the school, the student may be temporarily removed from class in accordance with the procedures outlined in MCPS Regulation JGA-RA, *Classroom Management and Student Behavior Interventions*.

Students have a responsibility to cooperate in the use of positive behavioral interventions, strategies, and supports designed to encourage and enforce appropriate behaviors conducive to a learning environment.

4. Absences from class due to disciplinary action are excused absences and staff members should make reasonable efforts to assist students in making up tests or other work missed.
5. Discipline for students with disabilities must be in compliance with federal and state laws.
6. Other Disciplinary Standards
 - a) Students have a right to be informed about school discipline procedures and a right to consequences that are fair and appropriate. Where possible, the consequence should be related to the offense. When appropriate, students should be assigned tasks, with adequate supervision, that involve some constructive activity as a form of disciplinary action. Students should expect a wide array of positive behavior intervention and strategies and appropriate responsive strategies concerning discipline (refer to MCPS Regulation JGA-RA, *Classroom Management and Student Behavior Interventions*).

- b) Students may not be assigned academic tasks solely for punishment purposes. Academic tasks assigned in cases of detention must have instructional value for students and be related to the ongoing instructional program. Analyzing a mode of behavior in a paper is an acceptable assignment in instances of detention or punishment, whereas assigning additional problems in mathematics in an area where the student has already demonstrated mastery is not acceptable. Rote kinds of academic tasks such as copying pages from the dictionary or writing a statement a given number of times are not considered instructionally defensible. Grades may not be used as a punitive or disciplinary action.
- c) Any MCPS student-athlete with verified use, or possession of alcohol, tobacco, illegal drugs, and/or controlled substances on school property or at a school sanctioned event, can expect to receive a minimum 10 consecutive school-day suspension from all athletic activities (including any non-school days during the suspension). Resumption of athletic activities will not occur until completion of the suspension from all athletic activities (*High School Athletic Handbook*, MCPS).
- d) The use of corporal punishment is prohibited in MCPS.
- e) The use of mechanical restraint is prohibited in MCPS (see MCPS Regulation JGA-RA, *Classroom Management and Student Behavior Interventions*).
- f) A principal, teacher, security guard, or other school system personnel may take reasonable action necessary to prevent violence on school premises or on a school-sponsored trip, including intervening in a fight or physical struggle that takes place in his/her presence, whether the fight is among students or other individuals.
- g) Group punishment, including detention for actions of known or unknown persons, is forbidden.
- h) Student conduct occurring outside of school hours and away from school or school-sponsored activities is subject to disciplinary action if the principal reasonably believes that the conduct threatens the health or safety of students or staff in the school setting or if the conduct causes or is reasonably expected to cause substantial disruption of or material interference with school activities.

7. Guidelines for Systemwide and Local School Implementation of the Discipline Policy
 - a) Students have the right to firm, fair, and consistent application of discipline that requires decision makers to ensure that they are implementing disciplinary action in an objective and consistent manner based on the consideration of relevant factors
 - b) In determining appropriate disciplinary actions, decision makers should consider the infraction and the following factors:
 - (1) A student's age
 - (2) Previous serious disciplinary infractions (including the nature of the prior misconduct, the number of prior instances of misconduct, and the progressive disciplinary measures implemented for such misconduct)
 - (3) Cultural or linguistic factors that may have played a role in the misconduct
 - (4) The circumstances surrounding the incident
 - (5) Other mitigating or aggravating circumstances
 - c) Major Infractions and Countywide Disciplinary Standards
 - (1) Students have a right to consistent action from all schools for disciplinary infractions. The consequences may be modified, as appropriate, for special education students in accordance with federal and state law.
 - (2) Principals have the authority and the discretion to implement consequences ranging from a conference to a recommendation for expulsion and a police referral as deemed appropriate by the circumstance of the event and the factors listed in the IV.0.7.(b) above. There are certain infractions that require a mandatory recommendation for expulsion. Certain infractions also require a mandatory police referral.

I. <ul style="list-style-type: none"> • Mandatory Recommendation for Expulsion • Mandatory Police Referral 	Regulation/Reference
Evidence of intent to distribute or distribution of controlled dangerous substances	MCPS Regulation COF-RA, <i>Intoxicants on MCPS Property</i>
Possession of bombs, or facsimile, or bomb threat	MCPS Regulation EKC-RA, <i>Bomb Threats/Explosive Devices</i>
Possession of Firearms, including starter guns	MCPS Regulation COE-RA, <i>Weapons</i>
Violent physical attack on a student or staff member ²	
Weapons used to cause bodily harm/injury	MCPS Regulation COE-RA, <i>Weapons</i>
II. <ul style="list-style-type: none"> • Discretionary School-Based Consequences • Mandatory Police Referral 	Regulation/Reference
Firesetting	MCPS Regulation ECC-RA, <i>Loss of MCPS Property</i>
Gang-related incident	
Possession or use of intoxicants	MCPS Regulation COF-RA, <i>Intoxicants on MCPS Property</i>
Sexual offenses ³	MCPS Regulation ACF-RA, <i>Sexual Harassment</i>
Theft, if over \$500 for a single incident	
Hate violence ⁴	Reference hate/violence guidelines (Contact Human Relations Compliance Officer for copy)
III. <ul style="list-style-type: none"> • Discretionary School-Based Consequences • Discretionary Police Referral 	Regulation/Reference
Academic dishonesty or plagiarism ⁵	

² Violent physical attack on another that requires medical attention outside of the school health room.

³ In accordance with the *Safe Schools Act of 2010*, the superintendent of schools shall consider prohibiting a student who is arrested for a reportable sexual offense from attending the same school or riding on the same school bus as the alleged victim of the reportable offense if such action is necessary or appropriate to protect the physical or psychological well-being of the alleged victim. If a student is convicted of or adjudicated delinquent for the rape or sexual offense, the student may not attend the same school or ride on the same school bus as the victim.

⁴ Harassing a person or damaging property of a person because of his/her race, color, religious beliefs, sexual orientation or national origin.

⁵ Examples of academic dishonesty include, but are not limited to the following: the willful giving or receiving of an unauthorized, unfair, dishonest or unscrupulous advantage in academic work over other students, using fraud, duress, deception, theft, trickery, talking, signs, gestures, copying, or any other methodology including the use of photographs without the permission of the photographer.

Bullying ⁶	MCPS Regulation JHF-RA, <i>Bullying, Harassment, or Intimidation</i>
Burglary (breaking and entering of a building or occupied structure with the intent to commit a crime therein)	
Computer or network abuse	MCPS Regulation IGT-RA, <i>User Responsibilities for Computer Systems, Electronic Information, and Network Security</i>
Destruction of public property (Vandalism)	MCPS Regulation ECC-RA, <i>Loss of MCPS Property</i>
Excessive absences	
Extortion ⁷	
Hazing ⁸	
Possession of a knife ⁹	
Possessing other weapons (including, but not limited to, firearm facsimiles, BB guns, pellet guns, paintball guns, and other firearm “look-alike” weapons)	MCPS Regulation COE-RA, <i>Weapons</i>
Physical attack on a student	
Physical attack on staff member	
Sexual Harassment	MCPS Regulation ACF-RA, <i>Sexual Harassment</i>
Sexual Activity (consensual)	MCPS Regulation ACF-RA, <i>Sexual Harassment</i>
Theft	
Threat (verbal, electronic ¹⁰ , or written)	
Verbal abuse	

⁶ Bullying—refer to definition on page 1.

⁷ Extortion is the use, or the express or implicit threat of the use, of violence or other criminal means to cause harm to a person, reputation, or property as a means to obtain something of value or to complete some action from someone else.

⁸ Hazing is an act which recklessly or intentionally subjects a student to mental or physical discomfort, embarrassment, harassment, or ridicule for the purpose of initiation into an organization.

⁹ Intentional possession of a knife requires police referral.

¹⁰ Examples of electronic threats include, but are not limited to the following: instant messaging; blogs; social sites; videos; or photographs.

d) Local School Discipline Plan

In accordance with Montgomery County Board of Education Policy JGA, *Student Discipline*, Montgomery County Board of Education Policy JFA, *Student Rights and Responsibilities*, and MCPS Regulation JGA-RA, *Classroom Management and Student Behavior Interventions*, student representatives have the right to work collaboratively with parents and school staff to develop, implement, review, and enforce a local school disciplinary plan. The local plan would be used in conjunction with this regulation and would not generally require repetition of these materials. The plan should include a procedure for handling student grievances and appeals. These local school discipline plans may include zero tolerance policies that restrict participation in extracurricular or other school-related activities or events for a reasonable length of time. Exclusion from commencement ceremonies may not be included in local school zero tolerance policies. Students may be excluded from participating in commencement ceremonies for cause on a case-by-case basis. By October 1, the chief school performance officer is responsible for reviewing each local school discipline plan. The following guidelines relate to this local school plan:

(1) General Considerations

Students have a right to expect that school staff will develop and utilize a continuum of strategies to maintain effective learning conditions. Academic honesty, not receiving or attempting to receive an unfair advantage in academic work, is an essential component of an effective learning environment. Therefore, the local school discipline plan should reflect the critical role academic honesty plays in creating and maintaining an effective learning environment. It should be clearly understood that suspensions and expulsions are penalties of last resort, which should be imposed only after alternate measures have been attempted and have proven unsuccessful in resolving a given problem, or have been considered and rejected or inappropriate to address the seriousness of the behavior.

(2) Structure of Local School Plan

(a) Statement of Philosophy

The statement of philosophy should be compatible with MCPS philosophy and also may reflect local school community characteristics.

(b) Inclusion of County Regulations

A local school plan should contain abstracts of relevant MCPS regulations.

(c) Specific Disciplinary Infractions

In addition to the major infractions listed in this regulation, each school should specify, as much as possible, infractions and consequences as part of its local school discipline plan. These infractions must clearly be defined and shall include, but are not limited to, the following:

- Class cutting
- Disruptive behavior
- Excessive absences, and/or tardies (MCPS Regulation JEA-RA, *Student Attendance*)
- False Fire Alarm
- Fighting
- Graffiti
- Insubordination/Disrespect
- Misuse of Portable Communication Devices (MCPS Regulation COG-RA, *Portable Communication Devices*)
- Off school grounds without permission
- Possession/sale/use of tobacco (COMAR Section 13A.02.04-.07)
- Profanity, obscenity
- Refusal to identify oneself
- Stealing
- Truancy

The above listing is not intended to be exhaustive and may need to be expanded depending on local school considerations consistent with county policy.

(d) Corrective Action

Following the countywide model, each school should provide a continuum of possible approaches to remediate problem situations; e.g., conference, peer mediation, detention, restrictions on participation in extracurricular activities, temporary or permanent removal from elected or appointed leadership positions, alternative programs, suspension, etc.

(e) Development

Students have a right to an explanation of the process used to develop the local discipline plan.

(3) Dissemination of Local School Plan

The local school discipline plan must be made available to all students, and an opportunity must be provided for discussion and questions at the beginning of the school year. Students enrolling after the beginning of school should be provided with the information at the time of registration. Local school discipline codes should be published and made available to parents, students, and staff members. Each school will have a standing discipline committee composed of parents, students, and staff that will meet at least twice each year or as needed to determine the effectiveness of the plan.

P. Appeals, Complaint Procedure, Due Process

Students have a right to fair treatment for each student involved in a discipline action, grievance proceeding, or discrimination complaint. In order to ensure such treatment, school rules must be consonant with the vision, mission and goals of the Montgomery County Board of Education and published existing laws and regulations.

1. School-level Decision

- a) If a student has a problem or complaint, including complaints of discrimination¹¹, the student has a right to:
 - (1) Meet with the principal¹² or designee to seek an informal resolution, or
 - (2) Request, in writing, that the principal formally review the complaint.

If the student chose a) (1) and is not satisfied with the informal process or the proposed resolution, or if no resolution is reached within 15 days of the presentation of the complaint, the student may file a written request for formal review of the complaint by the principal.

- b) When the principal formally reviews a student's complaint, the student has a right to present witnesses and evidence in support of the complaint.¹³ The principal shall render a decision in writing, with a copy to the complainant, within 10 school days of receipt of the written complaint from the student.

2. Appeal of the Decision of the Principal

- a) Submitting an Appeal

If the student is not satisfied with the decision rendered, the student has the right to appeal the decision to the superintendent of schools or designee, if made in writing within 10 school days of the principal's written decision. The appeal statement should include:

¹¹ MCPS prohibits discrimination based on race, color, national origin, gender, including sexual harassment, religion, age, marital status, economic status, sexual orientation, physical characteristics, or disability. Students pursuing a complaint of discrimination may contact Dr. Frank H. Stetson, chief school performance officer, Office of School Performance, 850 Hungerford Drive, Room 100, Rockville, MD 20850 (301) 517-8258 or the Student Affairs Office (301) 670-1419 for advice and assistance.

¹² If the complaint of sexual harassment is against the principal, the complaints should be filed with Mrs. Carole C. Goodman, associate superintendent, Office of Human Resources and Development, 7361 Calhoun Place, Rockville, MD 20855 (301) 279-3270.

¹³ During any investigation of a sexual harassment complaint, the complainant is not to be required to attend a face-to-face meeting with or confront in any way, the alleged harasser.

- (1) A request for a review of the complaint and the decision of the principal
 - (2) All pertinent factual information
 - (3) The remedy requested
- b) Review of an Appeal
- (1) The superintendent of schools/designee reviews the issue and related information.
 - (2) Within 10 school days of receipt of the appeal, the superintendent of schools or designee renders a decision and notifies the student and principal in writing.
3. Appeal of the Decision of the Superintendent of Schools

The student has the right to appeal the decision of the superintendent of schools. The decision may be appealed by contacting the Office of the Montgomery County Board of Education.

Q. *Distribution of A Student's Guide to Rights and Responsibilities in Montgomery County Public Schools*

The student has a right to a copy of “A Student’s Guide to Rights and Responsibilities.” Among other things, MCPS regulations that involve discipline or discipline-related actions are referenced in this guide. The principal is responsible for distributing the student guide within the school and making it available to parents in the school community. Secondary principals should distribute the guide to all students, faculty, and staff in the school at the start of the school year. Elementary principals must distribute the guide to all faculty, staff, and parents, and should make the guide available to students as determined by each principal to be appropriate to the needs of the school each year. (Back to School Nights and/or the Parent Teacher Association/Parent Teacher Student Association are possible vehicles for establishing this availability, but principals are not limited to these two methods.) All principals should arrange with teachers to discuss the content of the guide and the local school plan in appropriate classes and should make the guide available to parents through a procedure appropriate to the local school community setting. It is the principal's responsibility to see that students and faculty members are made aware of any changes in the guide as a result of the scheduled reviews and to see that counseling is available to students to assist them in understanding and meeting their

rights and responsibilities. Copies of the guide should be available in the principal's office, the guidance department, and the school media center.

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