

REGULATION MONTGOMERY COUNTY PUBLIC SCHOOLS

Related Entries:	CEA-RA, 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. *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 compel some action from someone else.
- B. *Harassment and intimidation (bullying)* means conduct, including verbal, physical, or written; or an intentional electronic communication that creates a hostile educational environment by substantially interfering with a student's educational benefits, opportunities, performance, or with a student's physical or psychological well-being; and is motivated by an actual or perceived personal characteristic such as race, national origin, marital status, sex, sexual orientation, gender identity, religion, or disability; or is threatening or seriously intimidating and occurs on school property, at a school activity or event, or on a school bus; or substantially disrupts the orderly operation of a school.

- C. *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.
- D. *Parent* is a natural parent, adoptive parent, foster parent, guardian, an individual acting in place of a natural or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare.
- E. *Principal*, for the purposes of this regulation, with the exception of matters concerning search and seizure, means principal or designee.
- F. *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

The administration will:

1. Determine appropriate academic placements
2. Adhere to state law, bylaws, rules, and regulations of the State Board of Education and the Board of Education of Montgomery County regarding admission and education of students who are 5 years old or older and under 21
3. Provide a free appropriate public education for individuals with disabilities, from birth through the end of the school year in which the student turns 21 years of age, who need special education and related services

B. Student Participation

1. Classroom Activities

a) School staff and administration will:

- (1) Promote a positive learning environment that is safe and holds mutual respect as an expectation

- (2) Involve students in the learning process at levels consistent with student interest and maturity
 - (3) Inform students of the general objectives of each course and unit and of the basis upon which their performance will be evaluated
 - (4) Encourage students to offer suggestions and recommendations concerning course offerings, course content, and instructional materials to be used
 - (5) Involve students in suggesting interest areas, planning classroom activities, and evaluating courses
 - (6) Involvement of students may continue throughout the course but may not delay or interfere with the instructional program. Suggestions may be requested in writing
- b) Students are responsible for availing themselves of opportunities for participating in classroom activities and for assisting in establishing and carrying out the classroom rules and procedures which allow such activities.

2. Assembly Programs

- a) Staff members will work cooperatively with students in selecting, planning, and conducting assembly programs as appropriate.
- b) The principal will determine whether these programs are consistent with the vision, mission, and goals of the Board of Education, and whether attendance at assembly programs will be voluntary or required based on the nature and content of the programs.

3. Student-Planned Educational Programs

Students, in consultation with faculty, may hold seminars 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.

Students, in consultation with appropriate school administrators, shall have the primary responsibility for the nature, content, planning, and conducting of these programs.

These programs may be disapproved by the principal only if the activity or content is in violation of law or Board of Education policy or Montgomery County Public Schools (MCPS) regulation or poses a potential threat to the health and/or safety of students.

a) Principals will:

- (1) Encourage voluntary forums of interest to students and encourage student planned programs both during and outside the school day
- (2) Be responsible for seeing that proposed programs conform with the guidelines outlined for students in section 3b below
- (3) Support student efforts in securing faculty sponsors for school-sponsored programs
- (4) Disapprove programs only if the activity or content is in violation of law or Board of Education policies and MCPS regulations, poses a potential threat to the health and/or safety of students, or is inconsistent with the school's basic educational mission or is inappropriate for the age and maturity of the audience
- (5) Be responsible for final decisions regarding such programs

b) Students will:

- (1) Assume primary responsibility for the nature, content, and planning of programs when they are student initiated
- (2) Share with teachers or faculty sponsors and the principal the responsibility for choosing topics that are consistent with the vision, mission, and goals of the Board of Education
- (3) Assure that topics are appropriate to the level of maturity and intellectual ability of the student audience

- (4) Assure that outside speakers, if any, are qualified to present the subjects for which they are chosen
- (5) Make every effort to assure a balance of presentation of controversial topics

4. Policies, Programs, and Rules

- a) Any office, department, or committee developing or revising a major Board of Education policy affecting students will involve students in the revision or development of the policy. Such involvement may be accomplished by including student government representatives in meetings or by soliciting input at several stages of the process of policy development or revision from a widely based representative sampling of students.
- b) In the revision or development of a major local school policy, program, or rule affecting students, there must be similar involvement of students at the local schools.
- c) Before establishing policies and rules affecting students, principals will make available to students copies of such policies and rules through the media center or by posting them in locations convenient to students with sufficient time for student comment. An announcement should be made indicating the location of the policies and rules and encouraging students to examine them. Staff members are encouraged to discuss with students any major policy or rule affecting students at available opportunities and to provide information and clarification as needed.

Throughout the school year, copies of any policies or rules affecting students should be available for examination by students.

- d) Students regularly participate in the development of systemwide policies, programs, and rules through such arrangements as student membership on the Curriculum Advisory Assembly, student involvement on various MCPS committees and task forces, and input from the countywide student government organizations. An MCPS regulation outlines the procedures for the superintendent of schools to convene systemwide committees and explains that nominations of students to committees are obtained from school principals and/or the coordinator for student affairs. Students who are interested in

volunteering for such committees should notify their principals or student government representatives, in writing, of their interest, and the specific area of desired involvement.

C. Rights of Privacy

1. Classroom discussion should focus on student learning of subject content and skills as prescribed by the instructional objectives. When classroom management involves discussion of student behavior, the goals will be carefully specified and not require students to reveal information about family occurrences or personal habits, relationships, preferences, traits, decisions, or problems, nor will students be called upon to make comparisons with themselves or their families.
2. All instructional materials must follow procedures in accordance with MCPS Regulation IIB-RA: *Evaluation and Selection of Instructional Materials and Library Books*, including teacher-initiated activities and be consistent with the guidelines contained in MCPS Regulation IGT-RA: *User Responsibilities for Computer Systems, Electronic Information and Network Security*.
3. Teachers must consider all instructional materials and activities for obvious invasions of privacy and for more subtle, potential sources of embarrassment. Sensitivity of the teacher is essential. The limits on personal involvement and the requirements of privacy are matters of social norms and taste. The norms and tastes of the school community prevail, not the teacher's norms and/or tastes. Questionnaires used in the classroom must be voluntary. The use of survival games or other forced choice decision-making exercises in which participants are presented with hypothetical crises and asked to decide which members of a group should survive and which should perish are prohibited.
4. If a student's parent requests that his/her child not participate in an activity he/she believes would invade his/her privacy, the teacher should provide an alternative and equally meaningful activity in a manner that does not call attention to the student's grades, religion, values, or physical condition.
5. MCPS may use audio and video camera surveillance in public locations with posted notification. Any student may be disciplined based on evidence gathered through audio and video surveillance.

D. Attendance

1. The school administration and faculty are responsible for requiring punctual and regular school and class attendance and for providing information to parents regarding the attendance of their children.
2. MCPS Regulation JEA-RA: *Student Attendance* lists the conditions under which a student's absence from school is to be considered lawful. All absences that can be classified as lawful under the state code are considered as excused upon receipt of a written explanation of the absence. All other absences are classified under "Unlawful Absence."
3. All absences must be explained in a written note prepared by the parent or guardian or by the student if 18 or over and exercising the rights granted under the Age of Majority law. In either event, there will be a limit of three school days following the absence to submit the written note. Unless the principal or designee has granted an extension after this three-day limit, all undocumented absences are classified as unexcused.
4. At grade levels 9 through 12 where credits are applicable, excessive unexcused absences could result in the loss of credit and failure in the class. This failing grade will be computed into the student's grade point averages. Procedures are provided in MCPS Regulation IKC-RA: *Grade Point Averages (GPA) and Weighted Grade Point Averages (WGPA)*.
5. MCPS Regulations that address student attendance include *Student Attendance* (JEA-RA), *Suspension or Expulsion of an MCPS Student* (JGA-RB), *Student Withdrawals from Classes* (JEC-RA), and *Extracurricular Activities* (IQB-RA); the latter provides that the principal may refuse to permit a student to participate in an extracurricular activity if the student has an unexcused absence on the same day as the activity.
6. Students have a responsibility to make up work regardless of the reason for the absence. When the absence is an excused one, the teacher has an obligation to assist the student in making up the classwork missed. When the absence is unexcused, the teacher has no obligation to assist the student in making up work for credit; however, the student is still responsible for making up the work so that continuing effective course participation is possible.

E. Student Government

1. School staff must support the right of students to establish and participate in a student government organization. The principal must assure that the

student government organization provides students with a voice in school affairs. The student body must work toward effective student government. The student government must be accountable to the students.

2. The school administration will respond to recommendations by the student government within five school days giving reasons either written or oral if recommendations are not adopted or are modified. If the recommendations are extensive or complicated, the school administration and student government shall establish a reasonable time for either an oral or written response.
3. The school staff/advisor should provide advice as needed to students as they prepare a written constitution or amendments to the existing constitution. All constitutions must include an article recognizing the final decision-making authority of the principal. The principal may not disapprove nor abridge the constitution or any part of it unless it violates the law, policy, or would, in the judgment of the principal, substantially interfere with the effective operation of the school. The reasons for disapproval or abridgment must be stated in writing, and the students must be given an opportunity to revise the constitution.
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 school constitution may run for and hold office in student government.
5. School staff should encourage student support of the student government. Teachers will honor as excused those absences approved by the administration for students to participate in student government activities.
6. School staff should provide access to school facilities to the student government as long as such use does not interfere with instruction or the orderly management of the school. The student government must not abuse these special privileges.
7. The executive committee, student government adviser, and principal will confer regularly regarding progress and mutual 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. The principal will give careful consideration to the students' input before the advisor is appointed.

F. Freedom of Inquiry and—

1. Speech

- a) Teachers will:

- (1) Assure the presentation of a variety of viewpoints on controversial topics within the limitations imposed by state or county curriculum documents
 - (2) Permit expression of individual views so that students may weigh alternate ideas and form their own opinions
 - (3) Encourage students to analyze and evaluate information before forming conclusions

- b) Students will:

- (1) Have the right and opportunity to examine any significant aspects of the topics presented in their courses; class discussions shall include a variety of viewpoints and must permit student expression of individual views on the topics at hand
 - (2) Permit different opinions and respect the rights 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) School administrators and students are encouraged to meet together to clarify any misunderstandings and to provide a forum for exchange of information on the topics that are the subject of the petition.

- b) School staff members will permit circulation of petitions during non-instructional time as long as the process does not disrupt school operations.
- c) The principal may halt the circulation of petitions for the same reasons outlined below for halting the distribution of publications produced without school sponsorship.
- d) School personnel presented with a student petition will respond within five school days. Responses may be posted or may be forwarded 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 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 figures¹ 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

¹ Public figures, in general terms, can be defined as those persons who by reason of the notoriety of their achievements, or the vigor and success with which they seek the public’s action, are properly classified as public figures. The term also encompasses those persons who hold governmental office. In some instances, individuals may voluntarily inject themselves or be drawn into a particular public controversy and thereby become public figures for a limited range of issues. Some individuals may receive such pervasive fame or notoriety that they become public figures for all purposes and in all contexts.

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 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 distribution².
- (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

² Distribution means dissemination of publications to students at a time and place of normal activity or immediately prior or subsequent thereto, by means of handing out free copies, selling or offering copies for sale, accepting donations for copies of the publication, or displaying the publication in areas of the school which are normally frequented by students.

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*

Political 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 cause³ 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 (2) 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 (2) school days, providing a copy to the students bringing the appeal and a copy to the Office of School Performance.

G. Freedom of Assembly

The school staff must respect the rights of students to assemble for discussions of issues of importance to them and to demonstrate peacefully.

- 1. The principal
 - a) Will explain orally or in writing if an activity is not allowed during the school day
 - b) May determine the time and place of these assemblages and may require the activity to be held outside the school day or during lunch if he/she has reason to believe that holding it during school hours would interfere with the regular school program

³ The following factors, among others, may be considered in determining whether there is a reasonable expectation of substantial disruption to school activities: the frequency, severity, and proximity in time of previous disruptions; previous incidents at the school or among students related to the same or similar subject matter; and number of reports and credibility of reports concerning possible or planned future disruptions.

- c) May specify the type of supervision required and assign staff members to monitor the activity

2. Students will:

- a) Work cooperatively with the staff taking reasonable steps to assure the activity is orderly
- b) Be excused from class during the activity
- c) Make up missed work

H. Patriotic Exercise

1. The principal will assure that:

- a) Appropriate opening exercises, including the salute and pledge to the flag, are conducted
- b) Patriotic exercises are conducted, when appropriate, preceding assemblies and other school programs
- c) Patriotic exercises are positive learning experiences for students
- d) Staff members involve students in the planning and production of patriotic exercises

2. No student or staff member will:

- a) Be compelled to participate in patriotic exercises, nor will any student be penalized or embarrassed for failure to participate
- b) Interfere with the rights of others to participate in patriotic exercises. Such interference constitutes grounds for disciplinary action.

I. Freedom of Religion

1. School personnel will assure that:

- a) School-sponsored religious exercises are not conducted

- b) Religious beliefs or particular religious beliefs are not advocated in school-sponsored activities such as commencements or other such assemblies
 - c) No school-sponsored activity or course is religious in nature
 - d) A student may 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. Holiday concerts may include religious music if it meets the standards of MCPS guidelines. Elective seminars on the history or comparative study of religions may be offered and aspects of religion may be discussed when appropriate in courses such as history and literature if presentations are factually objective and do not advocate particular religious viewpoints.

J. Clubs, Teams, and Student Organizations

1. School Sponsored

- a) Faculty and administration will:
 - (1) Encourage students to form and participate in clubs, teams, and student organizations
 - (2) Become familiar with appropriate Board of Education policies and MCPS regulations
- b) Principals will:
 - (1) Retain the authority to place restrictions on participation in extracurricular activities for violations of disciplinary rules and regulations
 - (2) If necessary, render decisions regarding a student's eligibility to hold a leadership position in a club, team, or student organization when a student has been involved in a situation that is contrary to ethical, legal, and appropriate conduct or does not comply with policies, regulations, and procedures on and off campus. The principal may render such decisions after considering the following:

- (a) An assessment of past student behavior that would take into account the seriousness of the incident.
 - (b) The passage of time.
 - (c) The student's conduct since the incident.
 - (d) Input from students and/or school community members, when appropriate.
- c) Clubs, teams, and student organizations that conduct activities on school grounds will:
- (1) Have the principal's authorization
 - (2) Have faculty or other adult supervision as approved by both students and the principal
 - (3) Have access to school facilities, equipment and communications resources, including the use of bulletin boards, the school public address system, and school duplication equipment, subject to reasonable limitations of time and expense and be responsible for paying for repair of damages incurred
 - (4) Become familiar with appropriate MCPS policies and regulations
- d) Students seeking election or appointment to or occupying leadership positions in clubs, teams, or student organizations will:
- (1) Exemplify ethical, legal, and appropriate conduct.
 - (2) Comply with all policies, regulations, and procedures on and off campus.
2. Non-school Sponsored

School authorities will provide a fair opportunity for students to conduct a meeting during non-instructional time provided that:

- 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
- d) No employee of the school system leads or participates in such meetings
- e) Employees of the school system are present at religious meetings only in a nonparticipatory capacity
- f) The meeting does not and cannot reasonably be predicted to materially and substantially interfere with the orderly conduct of educational activities within the school
- g) Non-school persons do not direct, conduct, control, or regularly attend group activities
- h) 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. All students and staff will conduct themselves in a manner built on mutual respect.
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, socio-economic 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

School personnel may advise students about appropriate dress and grooming for school in accordance with the community standards for dress and grooming

addressed by the local school discipline policy. School personnel may not prohibit students from or discipline students for their style of dress or grooming unless it

1. Is likely to cause a disruption to the educational environment
2. Does cause 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 Regulation JOA-RA: *Student Records*.)

N. Search and Seizure

1. The principal, assistant principal, or security assistant may conduct a reasonable search of a student on the school premises or on a school sponsored activity under the following conditions:
 - a) He/she can articulate a reason to suspect that the student is in possession of an item, the possession of which constitutes a criminal offense under the laws of Maryland or a violation of any other state law or a rule or policy of the school board
 - b) He/she conducts the search in the presence of a third party who is of majority age
 - c) A principal may designate a teacher, in writing, who may conduct a search of students on a school-sponsored trip

2. The principal, assistant principal, or security assistant must inform (verbally or in writing) the student of his/her right to appeal the legality of the search.
3. He/she must return to the student or parent confiscated material within a reasonable time unless possession of the material is illegal or that presents imminent danger to the school community.
4. The principal, assistant principal, or security assistant, may conduct a search of school premises including lockers or vehicles.
5. When a search of a student's locker or vehicle is to be conducted, the principal, assistant principal, or security assistant should make reasonable effort to inform the affected student(s) prior to the search.
6. The principal will inform parents and students, in writing, at the beginning of each school year regarding the laws and policies governing search and seizure, including specifically the right to search lockers and vehicles (see Regulation JGB-RA: *Search and Seizure*).

O. Discipline

Local school staff, in collaboration with students and parents, must develop, implement, and enforce disciplinary standards and procedures. 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 participation in commencement ceremonies for cause on a case by case basis.

1. Students and staff will:
 - a) Be responsible for treating each other fairly and for creating and maintaining a safe, healthy learning environment that promotes mutual respect
 - b) Respect each other's rights while recognizing the need for taking disciplinary action when necessary
 - c) Be familiar with Policy JGA, *Student Discipline*, and the section on student discipline in Policy JFA, *Student Rights and Responsibilities*

2. Staff will follow the school and county disciplinary procedures in the treatment of any disruptive student behavior.
3. MCPS Regulation JGA-RB: *Suspension or Expulsion of an MCPS Student* details the procedures to be followed in suspension and should be adhered to with the utmost care by involved MCPS personnel. This regulation provides for an appeal procedure that may extend to the Board of Education. State law prohibits this appeal process from acting as a stay of the penalty.
4. There are times when a student's behavior seriously disrupts the instructional program, and in such circumstances, a student may be temporarily removed from class in accordance with Regulation JGA-RA: *Classroom Management and Student Behavior Interventions*.

School staff are expected to use a continuum of positive behavioral interventions, strategies, and supports to encourage and enforce appropriate behaviors conducive to a learning environment.

5. 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.
6. Discipline for students with disabilities must be in compliance with federal and state laws.
7. Other Disciplinary Standards

MCPS regulations that involve discipline or discipline-related actions are outlined in *A Student's Guide to Rights and Responsibilities in the Montgomery County Public Schools*.

- a) School discipline procedures will include consequences of misbehavior that are fair and appropriate. Where possible, the consequence should be related to the offense. School staff are encouraged to assign tasks that involve the student in some constructive activity as a form of disciplinary action and to provide adequate supervision of students who are assigned such tasks.
- b) 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 are not to 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, shall receive a minimum ten 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) Staff shall only use exclusion, physical restraint, or seclusion:
 - (1) After a continuum of positive, less restrictive or alternative approaches has been considered, attempted, and determined to be ineffective for the maintenance of a safe, positive learning environment
 - (2) In a humane, safe, and effective manner
 - (3) Without intent to harm or create undue discomfort
 - (4) Consistent with known medical or psychological constraints and limitations and the student's behavioral intervention plan or Individualized Education Program (IEP)
- e) The use of corporal punishment is prohibited in MCPS
- f) The use of mechanical restraint is prohibited in MCPS (see Regulation JGA-RA: *Classroom Management and Student Behavior Interventions*).
- g) 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.

- h) Activities unrelated to school that are carried on by students outside school hours and away from school will not be subject to discipline by school authorities unless there is reasonable belief by the principal that the health and safety of others will be compromised in the school setting.
- i) There may be instances when students' behavior outside of school is related to the school, e.g., the harassing of a school staff member. In such cases, the school may confer with the parent on this behavior or take other appropriate action.
- j) Group punishment, including detention for actions of known or unknown persons, is forbidden. It will not be considered group punishment when the safe operation of a school bus requires modification of scheduled bus stops.
- k) Academic tasks imposed for the sole purpose of punishment are forbidden.
- l) School community involvement in the development of the local school discipline plan is required by Board of Education policy and MCPS regulations. The *Student Discipline* policy (JGA) outlines some of the factors which should be included in these local procedures. Such community involvement is essential in developing a base of school support for disciplinary procedures.
- m) The Safe Schools Reporting Act, July 1, 2005, requires all Maryland school systems to investigate and report incidents of bullying, harassment, or intimidation against students attending public schools. Bullying, harassment, or intimidation means intentional verbal, physical, or written (including electronic) conduct that creates a hostile environment and substantially interferes with educational benefits, opportunities, or performance, or with a student's physical or psychological well-being. The law provides for any student, parent or guardian, close adult relative of a student, and school staff members to report an incident of bullying, harassment, or intimidation that occurs on school property, on a school bus, at a school-sponsored activity, or substantially disrupts the orderly operation of a school. Reports are made by completing MCPS Form 230-35: *Harassment or Intimidation (Bullying) Reporting form*.

8. Staff members are encouraged to seek ways to provide effective constructive disciplinary action and to work with the school administration in revising the discipline procedures as needed. It is the responsibility of every staff member, student, and parent to be informed of the school disciplinary procedures and to work cooperatively with the school administration to see that these procedures are followed.
9. Guidelines for Systemwide and Local School Implementation of the Discipline Policy
 - a) The firm, fair, and consistent application of discipline requires that decision-makers ensure that they are implementing disciplinary action in an objective and consistent manner based on the consideration of relevant factors
 - (1) Certain infractions result in required disciplinary action throughout the system
 - (2) Each local school and its community develop and implement a local plan for handling student grievances and discipline as a flexible supplement to the systemwide standards
 - (3) In determining appropriate disciplinary actions, decision makers should consider the infraction and the following factors:
 - (a) A student's age
 - (b) 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)
 - (c) Cultural or linguistic factors that may have played a role in the misconduct
 - (d) The circumstances surrounding the incident
 - (e) Other mitigating or aggravating circumstances

- (4) Members of the school community be aware of the MCPS policies and regulations that involve disciplinary standards

b) Major Infractions and Countywide Disciplinary Standards

The nature of the following infractions requires consistent action from and direction for all schools. The consequences may be modified, as appropriate, for special education students in accordance with federal and state law.

COUNTYWIDE DISCIPLINARY INFRACTIONS

INFRACTION	REQUIRED ACTION	ADDITIONAL REFERENCE
Nondiscretionary Expellable Offenses		
Bomb/Facsimile Possession or Bomb Threats	Police referral Recommendation for Expulsion	Regulation EKC-RA: <i>Bomb Threats/Explosive Devices</i>
Evidence of intent to distribute or Distribution of Intoxicants	Police referral Recommendation for Expulsion	Regulation COF-RA: <i>Intoxicants on MCPS Property</i>
Possession of Firearms, including starter guns	Police referral Recommendation for Expulsion	Regulation COE-RA: <i>Weapons</i>
Violent Physical Attack on a Student or Staff Member ⁴	Police referral Recommendation for Expulsion	
Weapons Used to Cause Bodily Harm/Injury	Police Referral Recommendation For Expulsion	Regulation COE-RA: <i>Weapons</i>

⁴ Violent physical attack on another that requires medical attention outside of the school health room.

INFRACTION	MINIMUM	MAXIMUM	ADDITIONAL REFERENCE
Offenses with a Range of Consequences			
Academic Dishonesty or Plagiarism ⁵	Conference	Recommendation for Expulsion	
Bullying ⁶	Conference	Recommendation for Expulsion	
Computer Abuse	Loss of computer privileges Restitution	Recommendation for Expulsion Restitution Police Referral	Regulation IGT-RA: <i>User Responsibilities for Computer Systems, Electronic Information, and Network Security</i>
Destruction of Public Property (Vandalism)	Police referral Suspension Restitution	Police Referral Recommendation for Expulsion, Restitution	Regulation ECC-RA: <i>Loss of MCPS Property</i>
Extortion	Suspension	Recommendation for Expulsion	

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.

⁶ Bullying—refer to definition on page 2.

INFRACTION	MINIMUM	MAXIMUM	ADDITIONAL REFERENCE
Firesetting	Police Referral Suspension Restitution	Recommendation for Expulsion	Regulation ECC-RA: <i>Loss of MCPS Property</i>
Hazing ⁷	Conference	Recommendation for Expulsion	
Possession of a knife ⁸	Conference	Police Referral, Recommendation for Expulsion	
Possessing Other Weapons (including, but not limited to, firearm facsimiles, BB guns, pellet guns, paintball guns, and other firearm “look-alike” weapons)	Conference	Police Referral Recommendation for Expulsion	Regulation COE-RA: <i>Weapons</i>
Physical Attack on a Student	Conference	Recommendation for Expulsion	
Physical Attack on a Staff Member	Conference	Recommendation for Expulsion	
Possession or Use of Intoxicants	Police Referral Suspension	Police Referral Recommendation for Expulsion	Regulation COF-RA: <i>Intoxicants on MCPS Property</i>
Sexual Harassment	Conference	Recommendation for Expulsion	Regulation ACF-RA: <i>Sexual Harassment</i>
Sexual Offenses	Police Referral Suspension	Police Referral Recommendation for Expulsion	Regulation ACF-RA: <i>Sexual Harassment</i>
Sexual Activity (consensual)	Conference	Suspension	Regulation ACF-RA: <i>Sexual Harassment</i>

⁷ 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.

⁸ Intentional possession of a knife requires police referral.

INFRACTION	MINIMUM	MAXIMUM	ADDITIONAL REFERENCE
Theft (taking of property without the owner's consent)	Suspension	Police Referral Recommendation for Expulsion	
Theft, if over \$500 for a single incident	Police Referral Conference	Recommendation for Expulsion	
Burglary (breaking and entering of a building or occupied structure with the intent to commit a crime therein)	Suspension	Police Referral Recommendation for Expulsion	
Threat (verbal, electronic, or written)	Conference	Police Referral Recommendation for Expulsion	
Verbal Abuse	Conference	Police Referral Recommendation for Expulsion	
Hate/Violence	Police Referral Conference	Police Referral Recommendation for Expulsion	Reference hate/violence guidelines (Contact Human Relations Compliance Officer for copy)
Gang-related Incident	Police Referral Conference	Police Referral Recommendation for Expulsion	

c) Local School Discipline Plan

Policy JGA, *Student Discipline*, Policy JFA, *Student Rights and Responsibilities*, and Regulation JGA-RA: *Classroom Management and Student Behavior Interventions* require that each school adopt a local disciplinary plan that should include a procedure for handling student grievances and appeals. The local plan would be used in

conjunction with this regulation and would not generally require repetition of these materials. The school staff, students, and parents should be involved in the development and subsequent review of the local plan. The following guidelines relate to this local school plan:

(1) General Considerations

Teachers and administrators 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 may also 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 be

clearly defined and shall include, but are not limited to, the following:

- Fighting
- Stealing
- Off school grounds without permission
- Class cutting
- Truancy
- Intimidation
- Tardiness
- Refusal to identify oneself
- Insubordination/Disrespect
- Look-alike weapons
- Disruptive behavior
- Profanity, obscenity
- Graffiti
- False Fire Alarm
- Use of tobacco
- Misuse of Portable Communication Devices

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 county 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

Schools should include 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.

By October 1, the chief school performance officer or, in the case of special schools and programs, the associate superintendent for special education and student services or their designees, is responsible for reviewing each local school discipline plan.

d) Countywide Regulations

County regulations related to discipline should be available to the school staff, students, and parents.

P. Appeals, Complaint Procedure, Due Process

This section is designed to provide 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 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 discrimination⁹, the student may:

⁹ MCPS prohibits discrimination based on race, color, national origin, gender, including sexual harassment, religion, age, marital status, socioeconomic status, sexual orientation, physical characteristics, or disability. Students pursuing a complaint of discrimination may contact Mr. Stephen Bedford, 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.

- (1) Meet with the principal¹⁰ 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 principal or designee shall provide the student with the opportunity to present witnesses and evidence in support of the complaint.¹¹ The principal shall render a decision in writing, with a copy to the complainant, within ten (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 may appeal the decision to the superintendent or designee, if made in writing within ten (10) school days of the principal's written decision. The appeal statement should include:

- (1) A request for a review of the complaint and the decision of the principal
- (2) All pertinent factual information
- (3) The remedy requested

¹⁰ If the complaint of sexual harassment is against the principal, the complaint should be filed with Ms. Susan Marks, associate superintendent, Office of Human Resources, 7361 Calhoun Place Rockville, MD 20855 (301) 279-3270.

¹¹ 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.

b) Review of an Appeal

- (1) The superintendent of schools/designee reviews the issue and related information.
- (2) Within ten (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 decision of the superintendent of schools may be appealed by contacting the Office of the Board of Education.

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

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 PTA/PTSA 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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