

2020–2021

STUDENT CODE OF CONDUCT

in Montgomery County Public Schools

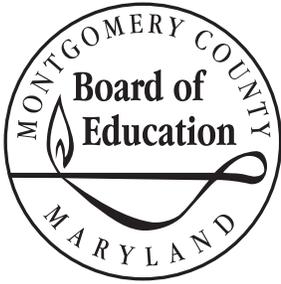
www.montgomeryschoolsmd.org

Federal and state laws, Montgomery County Board of Education policies, and Montgomery County Public Schools (MCPS) administrative regulations, and other guidelines, are subject to change and shall supersede the statements and references contained in this publication.

Student Name _____

Address _____

Phone _____



VISION

We inspire learning by providing the greatest public education to each and every student.

MISSION

Every student will have the academic, creative problem solving, and social emotional skills to be successful in college and career.

CORE PURPOSE

Prepare all students to thrive in their future.

CORE VALUES

*Learning
Relationships
Respect
Excellence
Equity*

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June 2020

Dear Students, Staff, Parents/Guardians, and Members of the Community:

At the time this handbook goes to print, our community, along with the rest of the world, is in the midst of the COVID-19 (coronavirus) pandemic. Whether the learning environment for the 2020-2021 school year will begin as the 2019-2020 school year ended is yet unknown as I write this. However, it is likely that coronavirus will continue to impact the Montgomery County Public Schools (MCPS) learning environment for the 2020-2021 school year in some manner.

These are strange and difficult times, and the MCPS approach to responding to the coronavirus crisis continues to emphasize the need to be patient, kind and flexible with one another as we work together to find solutions to situations we have never experienced before. It is possible that there may need to be adjustments and accommodations made to some of the approaches to discipline outlined in the *2020–2021 Student Code of Conduct in MCPS (Student Code of Conduct)* to fit the conditions of an altered learning and operating environment. Please trust that any adjustments will be implemented with the high expectations of fairness, equity, and safety that have guided our work during any other time.

MCPS strives to create positive school climates where students, parents/guardians, and all staff work together respectfully to maintain an orderly and safe learning environment focused on teaching and learning. The purpose of the *Student Code of Conduct* is to promote fairness and equity through clear, appropriate, and consistent expectations for positive behavior and consequences in addressing student misbehavior. We want to ensure that students learn from their mistakes and make appropriate amends when their behavior affects others. In addition, this *Student Code of Conduct* is responsive to legal requirements and expectations regarding student discipline at both the state and federal levels.

Our work continues to be informed by a growing body of educational research indicating that suspending or expelling students, except as a last resort, has little or no positive impact on improving student behavior or school safety. In addition, we know that when students lose valuable instructional time, it makes it even more difficult for them to be successful. Building on MCPS' longstanding commitment to equity, and in alignment with Maryland law, we are continuing our work to embed restorative practices and restorative justice as part of our schools' culture, climate, and expectations. We are firmly committed to our work in this area, partnering with other organizations to secure resources to expand our efforts, and to provide professional

Office of the Superintendent of Schools

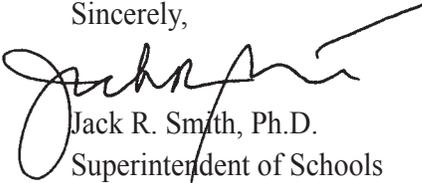
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development programming and skills development activities to both our staff and to our students, with a view to fostering improved classroom and school management. You can read more about this work in the *Student Code of Conduct*.

Our work to foster safe, positive learning environments is just one step toward creating a truly equitable school system where educational outcomes are not predictable by any student’s actual or perceived personal characteristics, such as race, ethnicity, color, ancestry, national origin, religion, immigration status, sex, gender, gender identity, gender expression, sexual orientation, family/parental status, marital status, age, physical or mental disability, poverty and socioeconomic status, language, or other legally or constitutionally protected attributes or affiliations. The work on continuously improving how we engage students in school and support their well-being is essential to improving academic performance for all students, and eliminating disparities in learning.

As the Board of Education stressed in Board Policy ACA, *Nondiscrimination, Equity, and Cultural Proficiency*, MCPS expects “the equitable administration of disciplinary consequences as one of the essential components to equitable access to educational opportunities in schools.” Throughout the 2020–2021 school year, our staff will continue to provide professional learning opportunities to ensure the safety and security of our students and the fair and equitable implementation of disciplinary policies, regulations, and protocols. This *Student Code of Conduct* is a living document, and MCPS is committed to engaging with students, parents/guardians, and our entire community in refining our disciplinary practices to reflect our core values of Learning, Relationships, Respect, Excellence, and Equity.

Sincerely,



Jack R. Smith, Ph.D.
Superintendent of Schools

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INTRODUCTION

Montgomery County Public Schools (MCPS) strives to create positive school climates where students, parents/guardians, and all staff work together respectfully to maintain an orderly and safe learning environment focused on teaching and learning. At the time this handbook goes to print, MCPS is preparing for the possibility that the coronavirus will impact the learning environment for the 2020–2021 in some manner. In order to maintain safe and orderly teaching and learning environments, it is possible that there may need to be adjustments and accommodations made to some of the approaches to discipline outlined in the 2020–2021 *Student Code of Conduct* to fit the conditions of an altered learning and operating environment.

Students have a right to a disciplinary process that is consistent, fair, and equitably applied. Please trust that any adjustments to address nontraditional learning environments necessitated by responding to the coronavirus will be implemented with the high expectations of fairness, equity, and safety that have guided our work during any other time. Our schools are the safest and the most successful when everyone—students, parents/guardians, and staff alike—collaborates, values and respects each other’s roles, and is invested in common-sense discipline practices.

■ MCPS Philosophy of Discipline

The Montgomery County Board of Education Policy JGA, *Student Discipline*, sets forth the expectation that MCPS schools will be environments that are conducive to learning. Fair, firm, and consistent application of disciplinary action is expected, and students should be made aware of the consequences of misbehavior.

In addition to a student’s home, schools are communities in which positive behavior is expected, modeled, and learned within an environment of mutual respect and dignity, necessary for effective learning. MCPS utilizes a restorative relationship-focused approach to discipline that affords students opportunities to learn from their mistakes, correct any harm that results from their behavior, and restore relationships that are disrupted by their conduct.

MCPS believes that discipline is a developmental process, and effective discipline strategies should meet students’ varied behavioral and developmental needs with tiered responses and interventions. A continuum of instructional strategies and disciplinary responses supports teaching and learning, fosters positive behaviors, and reflects a restorative discipline philosophy. Restorative practices are preventative and proactive; emphasize building strong relationships and setting clear behavior expectations that contribute to the well-being of the school community; respond to behavior that violates the clear behavioral expectations that contribute to the well-being of the school community; focus on accountability for any harm done by the problem behavior; and, address ways to repair the relationships affected by the problem behavior with the voluntary participation of an individual who was harmed.

Our school discipline practices are designed to engage students in the classroom so that students may graduate from MCPS college and career ready.

The primary purpose of any disciplinary measure should be rehabilitative, restorative, and educational.

Therefore, school discipline should be administered in a way to keep students within their regular academic program to the greatest extent practicable. MCPS shall employ a continuum of behavior interventions, including the use of appropriate de-escalation strategies and techniques designed to maintain a positive environment that is conducive to learning and supports academic achievement. Suspensions and expulsions are to be used only as a last resort.

■ Student Conduct

Students shall be provided with expectations about how they should conduct themselves at school, at school sponsored events, and on MCPS buses and other MCPS vehicles. Many teachers directly engage students in the process of developing class codes of conduct, an important opportunity for students to agree on a few clear statements of how they will treat others and, more importantly from a student’s perspective, how they would like others to treat them.

The following list is a starting point for engaging students in the process of setting positive expectations for conduct in an environment of mutual respect and dignity:

My words, actions, and attitudes demonstrate respect for myself and others at all times.

1. I demonstrate pride in myself, in my future, and in my school by arriving on time, dressed appropriately, and prepared to focus on my studies.
2. I always seek the most peaceful means of resolving conflict and obtain the assistance of teachers, administrators, or school staff when I am unable to resolve conflicts peacefully on my own.
3. I seek to correct any harm that I have caused to others in the school community.
4. I take pride in promoting a safe and clean learning environment at my school.

■ MCPS Staff Responsibilities

Caring adults in schools play an important role in building strong relationships with students, which facilitates students' connection to school and decreases their likelihood of engaging in disruptive behaviors. All school staff members will seek ways to develop meaningful relationships with students, because students who have meaningful relationships with an adult in their school are less likely to engage in disruptive behaviors in class, be absent, or drop out of school.

MCPS staff members will do the following:

1. Establish clear expectations for behavior and take an instructional approach to discipline.
2. Reward and acknowledge positive and appropriate conduct by students.
3. Strive to recognize and eliminate disproportionality in discipline, and administer discipline rules consistently, fairly, and equitably.
4. Involve families, students, staff members, and the community in the process of fostering positive behavior and student engagement.
5. Ensure clear, developmentally and age-appropriate, and proportional consequences are applied to misbehavior in a way that supports personal growth and learning opportunities for all students.
6. Include appropriate procedures for students with disabilities and due process for all, consistent with federal and state requirements.
7. Remove students from the classroom only as a last resort, and return students to class as soon as possible.

■ Parent/Guardian and Community Responsibilities

Parents/guardians should talk with their children about appropriate conduct at school and help their children be active participants in creating and promoting a positive, supportive, safe, and welcoming school environment that is conducive to teaching and learning.

Parents/guardians should work collaboratively with MCPS staff to address behavioral problems that their children may experience.

Parents/guardians also should work with schools to help their children access supportive groups or programs designed to improve their conduct, such as counseling, after-school programs, and mental health services within the school and community.

MCPS encourages community-based organizations and agencies to partner with schools on initiatives to create positive, safe, supportive, and welcoming environments. They are encouraged to provide supportive services, mentoring, and other resources to assist school staff in implementing restorative practices and addressing student discipline matters, consistent with the expectations in this *Student Code of Conduct*.

■ Restorative Practices, Restorative Justice, and Restorative Schools

Building on MCPS's commitment to equity and Positive Behavioral Interventions and Supports (PBIS)*, MCPS is continuing to work to embed restorative practices, restorative justice, and trauma-informed care and rehabilitation, as part of our schools' culture, climate, and expectations.

Restorative Practices are processes that proactively work to build healthy relationships and create a sense of, and a commitment to, community that helps to prevent and address conflict and wrongdoing, as follows:

- Involve and empower the affected community; however, participation is always voluntary;
- Challenge the mindsets of all involved to examine their roles, attitudes, beliefs, and behaviors specifically around wrongdoing; and
- Utilize techniques to proactively build community, such as recognizing and celebrating desirable community actions and behaviors, and establishing community expectations.

Restorative Practices do not negate the need for disciplinary consequences; rather, they enable students to examine their attitudes and behaviors in a supportive environment while working to repair harm in a way that is meaningful to those who were affected. There is a continuum of Restorative Practices that includes community circles, culturally responsive instruction, attendance circles, celebratory circles, and intentional relationship-building strategies. In alignment with Board Policy ACA, *Nondiscrimination, Equity, and Cultural Proficiency*, school safety measures should not reinforce biases against, or rely on the profiling of, students based on their actual or perceived personal characteristics. When employed with fidelity, restorative practices encourage a positive school climate that promotes and sustains leadership, teaching and learning.

Restorative Justice is a philosophy that challenges members of a school community to:

- Focus on the harm caused by wrongdoing more than the rule or law that was broken;
- Empower those who have been harmed and demonstrate equal concern for their needs within the discipline process;
- Support students who have harmed others while encouraging them to take personal responsibility for their actions and understand, accept, and fulfill their obligation to repair the harm that has occurred;
- Encourage collaboration and reintegration, rather than punishment and isolation;
- Involve individuals who have harmed others in the decision-making around consequences; and

- Anticipate and address situations that may challenge a school community, such as physical conflict or re-entry of members into the community who have been apart for disciplinary reasons.

Unlike the traditional approach to discipline, which focuses on blame, broken rules, and punishment, Restorative Justice asks three very different questions:

- Who was hurt?
- What are the needs of those affected and what needs to be done to repair the harm?
- Who has the obligation to address these needs, repair the harm, and restore the relationship?

Restorative Justice is a mindset shift that requires diligence for adoption, implementation, and adaptation. This change in mindset is essential to creating truly restorative school communities, where the focus is on relationships, collaboration, and engagement among students, staff, families, and the greater school community.

Currently through a grant received in partnership with the RAND Corporation, MCPS is working with over forty schools at the elementary and secondary levels providing training, modeling, coaching, and feedback to support the adoption of the Restorative Justice mindset and implementation of Restorative Practices. Additionally, there are over sixty schools outside of the RAND research study grant who have also adopted Restorative Justice and are implementing Restorative Practices. In 2020-2021, MCPS will continue to expand the cohort of Restorative Justice schools at the elementary and secondary levels through active training, coaching, and strategic feedback cycles.

It is our belief and research demonstrates that Restorative Justice and Restorative Practices reduce recidivism among students and provide a safe and healthy community in which staff and students thrive.

** Positive Behavioral Interventions and Supports (PBIS) is a systemic approach for creating safer and more effective schools by building a better environment through positive disciplinary practices. For more information, see www.montgomeryschoolsmd.org/departments/student-services/mental-health/*

PROCEDURAL REQUIREMENTS

■ Application of the Code of Conduct

The disciplinary consequences set forth in the Montgomery County Public Schools (MCPS) *Student Code of Conduct* apply to students at all times, while they are on MCPS property or attending a MCPS event. MCPS property includes any school or other MCPS facility, including grounds owned or operated by MCPS, MCPS buses and other MCPS vehicles, and the facility and grounds of any MCPS sponsored activity involving students. Student conduct occurring outside school hours and away from school property may be subject to disciplinary action if the principal believes reasonably that the conduct threatens the health or safety of students or staff in the school setting or if conduct causes or is reasonably expected to cause substantial disruption or material interference with school activities.

Whenever possible, the disciplinary action will be related to the offenses. If a student has to do academic work as part of that action, the goal is to teach something of value that is related to the class the student is taking. It cannot simply be punitive. For example, a teacher cannot assign numerous math problems as a consequence when it is clear that the student already knows how to do them. Rote work also is not allowed as a consequence. A teacher cannot make a student write a sentence over and over or copy from a dictionary. Writing a paper explaining why the student's actions were wrong is an example of an acceptable academic action.

A student can never be punished physically. However, under Maryland law, MCPS personnel may use reasonable force¹ to break up a fight, prevent violence, or restrain a disruptive student on school premises or during a school-sponsored trip. The use of physical restraint or seclusion is prohibited in MCPS except under limited circumstances specified in MCPS Regulation JGA-RA, *Classroom Management and Student Behavior Interventions*.

¹A more detailed description of what constitutes reasonable force is set forth in MCPS Regulation COB-RA, *Incident Reporting*.

Grades will never be adjusted as a form of disciplinary action. However, according to MCPS Regulation IKA-RA, *Grading and Reporting*, if a student is engaged in academic dishonesty, the teacher may assign a zero.

Recess may be withheld, at the discretion of the principal/designee, only when students' safety is a concern (such as equipment or facility repairs, or severe weather) and/or a child is at risk of harm to self or others. In addition, MCPS staff may not withhold food or food-related incentives as a disciplinary consequence.

An entire group of students cannot be disciplined for the actions of some members of the group. For example, if one student disrupts class, the teacher cannot give everyone in the class detention. This rule applies even if the person responsible for the actions is unknown.

■ Factors Impacting Discipline Decisions

MCPS staff shall make discipline decisions using clear, developmentally appropriate criteria, ensuring that consequences applied are proportional and consistent. In evaluating the totality of the circumstances, school staff should review the "Levels of Responses" with particular attention to the examples provided and consider the following criteria relating to the discipline of students:

1. The student's age (in Grades PreK-3, suspension and expulsion generally should not be used)*
2. Previous serious disciplinary infractions (including the nature of any 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 provide context to understand student behavior
4. The circumstances surrounding the incident
5. Other mitigating or aggravating circumstances
6. Imminent threat of serious harm

**Under state law, there are heightened restrictions on the suspension and expulsion of PreK-2 students. Principals/designees must consult with a school psychologist or other mental health professional to determine if there is an imminent threat of serious harm to other students or staff that cannot be reduced or eliminated through other interventions and supports. If the school principal/designee decides to proceed with a suspension, the principal/designee must contact the appropriate director of Learning, Achievement, and Administration in the Office of School Support and Improvement for approval. The length of suspension may not exceed five school days. Expulsions are limited to circumstances required by Federal law. See MCPS Regulation JGA-RB, *Suspension and Expulsion*.*

■ Disciplinary Responses

MCPS uses a continuum of instructional strategies and disciplinary responses to support teaching and learning.

The pages that follow establish levels of responses to defined disciplinary infractions, as follows:

1. Disciplinary Responses
2. Levels of Responses
3. Disciplinary Response Matrix

■ Rights to Continued Access to Instruction

Absences from class due to disciplinary action are excused absences. Maryland law requires that students who are suspended or expelled be provided the opportunity to keep on track with classroom work, as is reasonably possible, as follows:

1. Each student suspended or expelled out of school who is not placed in an alternative instructional program shall receive daily classwork and assignments from each teacher, which shall be reviewed and corrected by teachers on a weekly basis and returned to the student.
2. Each principal shall assign a school staff person to be the liaison between the teachers and the various students on out-of-school suspension or expulsion and to communicate weekly about classwork assignments and school-related issues by phone or e-mail with those out-of-school suspended/expelled students and their parents/guardians.
3. Students who receive short-term suspensions (up to three days) will have the opportunity to complete the academic work they miss during the suspension period without penalty. Schools will provide all students who receive short-term suspensions and their parents/guardians with the contact information for a school employee who will be responsible for ensuring that this requirement is met. All other aspects of the process for a suspended student receiving missed assignments, completing missed assignments, and making up tests shall be identical with each school's established policy and practice for make-up work in the event of any other excused absence.

■ Timelines Associated with Extended Suspensions and Expulsions

Maryland law establishes timelines that must be followed when suspending or expelling students for more than 10 school days. MCPS addresses these timelines in MCPS Regulation JGA-RB, *Suspension and Expulsion*, and MCPS Regulation JGA-RC, *Suspension and Expulsion of Students with Disabilities*.

MCPS has the authority and reserves the right to reassign a student to a different school or alternative instructional program for disciplinary reasons. If a student is assigned to an alternative instructional program for disciplinary reasons, it will be considered an extended suspension or expulsion, depending on the duration, except as otherwise described in MCPS Regulation JGA-RC, *Suspension and Expulsion of Students with Disabilities*.

■ Suspension and Expulsion of Students with Disabilities

Federal law sets forth the due process rights of students with disabilities who are recommended for suspension or expulsion. These rights are fully explained in MCPS Regulation JGA-RC, *Suspension and Expulsion of Students with Disabilities*.

For additional information, please read the specific laws, policies, and regulations referenced within this booklet. Board policies and MCPS regulations are available at www.montgomeryschoolsmd.org/departments/policy. In addition, school administrators have copies of these documents, and they are available in the school's media center.

DISCIPLINARY RESPONSES

Behavioral Contract	Correcting inappropriate or disruptive student behavior through a formal plan designed by school staff to offer positive behavioral interventions, strategies, and supports.
Check-in with School Counselor/Resource Specialists	Student is prompted by school staff to have an informal check-in with a school counselor, resource teacher, school psychologist, school social worker, or coach who has a relationship with the student.
Classroom-based Responses	Prompting students to reflect on their behavior using classroom strategies such as time-out, teacher-student conference, reflection chair, redirection (e.g., role play), seat change, parent outreach, loss of classroom privilege, or apology letter.
Community Service	Allowing students to participate in an activity that serves and benefits the community (e.g., working at a soup kitchen, cleaning up public spaces, in school or elsewhere, or helping at a facility for the elderly).
Conflict Resolution	(School-based or Outside-facilitated) Using strategies to assist students in taking responsibility for resolving conflicts peacefully. Students, parents/guardians, teachers, school staff, and/or principals engage in activities that promote problem-solving skills and techniques, such as conflict and anger management, active listening, and effective communication.
Detention	Requiring a student to report to a designated classroom before school, during lunch, during a free period, after school, or on the weekend for a set period of time. Schools should strive to notify parents/guardians before students serve detention.
Expulsion	The exclusion of the student from the student's regular school program for 45 school days or longer, with notice to the parent/guardian, which may occur only under the following circumstances: <ol style="list-style-type: none">1. The superintendent of schools' designee has determined that the student's return to school prior to the completion of the expulsion period poses an imminent threat of serious harm to other students or staff;2. The superintendent of schools' designee limits the duration of the exclusion to the shortest period practicable; and3. The school system provides the excluded student with comparable educational services and appropriate behavioral support services to promote successful return to the student's regular academic program. COMAR 13A.08.01.11(B)(2)(a -c).
Functional Behavioral Assessment and Behavioral Intervention Plan	A Functional Behavioral Assessment (FBA) (MCPS Form 336-64) gathers information about a student's inappropriate or disruptive behavioral patterns and determines approaches that school staff should take to correct or manage that behavior. The information is then used to develop a Behavioral Intervention Plan (Using MCPS Form 336-65) for the student. Using a FBA, a school staff team and the student's parent/guardian, develop appropriate behavioral goals and interventions to prevent and respond to the problem behavior, and strategies to teach replacement or alternative behavior.
In-school Intervention	Removing a student within the school building from their regular education program but the student is still afforded the opportunity to continue to— <ol style="list-style-type: none">(i) appropriately progress in the general curriculum;(ii) receive the special education and related services specified in the student's IEP, if the student is a student with a disability in accordance with the law;(iii) receive instruction commensurate with the program afforded to the student in the regular classroom; and(iv) participate with peers as they would in their current education program to the extent appropriate. COMAR 13A.08.01.11(C)(2)(a).
Mentoring Program	(Informal and/or preventative school-based) Pairing students with mentors (e.g., counselor, teacher, staff member, fellow student, or community member) who help their personal, academic, and social development.
Parent Outreach	Informing parents/guardians of their children's behavior and in the context of discipline, seeking their assistance in correcting inappropriate or disruptive behavior.

DISCIPLINARY RESPONSES (CONTINUED)

Parent/Guardian and Student/Teacher Conference	Involving students, parents/guardians, teachers, school staff, and/or principals in discussion about the student's behavior and potential solutions that address social, academic, and personal issues related to the behavior.
Peer Mediation	Employing a form of conflict resolution in which trained students serve as mediators and help their peers deal with and develop solutions to conflicts.
Recommend for Further Action	Recommending a student to a school administrator(s) for long-term suspension, expulsion, referral to alternative instructional, or contact with law enforcement.
Referral to Alternative Education	Recommending a student to a school administrator(s) for placement in an alternative program, consistent with MCPS Regulation IOI-RA, <i>Placement Procedures for Alternative Programs</i> .
Referral to Appropriate Substance Abuse Counseling Services	In consultation with principal or designee, referring students to services, both in and out of school, such as a local health department or a community-based service for counseling related to substance abuse.
Referral to Community-based Organizations	In consultation with principal or designee, referring students for a variety of services, including after-school programming, individual or group counseling, leadership development, conflict resolution, and/or tutoring.
Referral to Health/Mental Health Services	In consultation with principal or designee, referring students to school-based or community-based health and mental health clinics or other social services for the purpose of providing counseling and assessments to students in need. Students are encouraged to privately share issues or concerns that lead to inappropriate or disruptive behavior or negatively affect academic success, and discuss goals and learn techniques that help them overcome personal challenges. These services may include anger-management classes and formal or informal behavior coaching.
Referral to Student Support Team	In consultation with principal or designee, bringing together a student support team that may include school counselors, pupil personnel workers, teachers, principals, social workers, health services, mental health clinicians, school psychologists, and external agency representatives under a case manager to help develop prevention and intervention techniques and alternative strategies designed to improve student outcomes. If the behavior does not improve after implementation of the plan created by the student support team, the team may request a placement review for an alternative program, consistent with MCPS Regulation IOI-RA, <i>Placement Procedures for Alternative Programs</i> .
Removal from Extracurricular Activities/Loss of Privileges	In consultation with principal or designee, revoking a student's privilege to participate in extracurricular activities, including sports and clubs, or revoking a student's privilege to participate in school events or activities, such as attending a field trip or participating in a school dance. If the behavior warrants this consequence, any monies paid by the student for the missed activity should be refunded, if possible.
Restitution	<p>Requiring a student to compensate others for any loss, damage, or injury that has resulted because of a student's behavior. Compensation may be made monetarily or by a student's assignment to a school work project, or both.</p> <p>Pursuant to COMAR 13A.08.01.11(D), if a student violates a state or local law or regulation, and during or as a result of the commission of that violation damaged, destroyed, or substantially decreased the value of school property or property of another that was on school property at the time, the principal shall require the student or the student's parent/guardian to make restitution, after a conference on the matter with the student, the student's parent/guardian, and other appropriate individuals. Monetary restitution shall not exceed \$2,500 or the fair market value of the property, whichever is less.</p>
Restorative Practices	(Classroom-based or specialist facilitated) Restorative practices are used proactively to establish and maintain a positive school climate and establish a structured approach to teaching appropriate social skills. Restorative practices employ interventions, responses, and practices designed to identify and address the harm caused by an incident, including harm to a person, and to develop a plan for the student who caused the harm to heal and correct the situation. See MCPS Regulation JGA-RB, <i>Suspension and Expulsion</i> , for more information.

DISCIPLINARY RESPONSES (CONTINUED)

School-based or Community Conferencing	Bringing together students, school staff, and others involved in a conflict to discuss the topic, resolve issues, and propose solutions (e.g., “Daily Rap,” “Morning Meetings”).
Suspension (Short-term, Out-of-School)	The removal of a student from school for up to, but no more than, three school days for disciplinary reasons by the principal, with notice to the parent/guardian.
Suspension (Long-term, Out-of-School)	The removal of a student from school for a time period between 4 and 10 school days for disciplinary reasons by the principal, with notice to the parent/guardian.
Suspension (In-school)	The removal within the school building of a student from the student’s current education program for up to, but not more than, 10 school days in a school year for disciplinary reasons by the school principal, with notice to the parent/guardian.
Suspension (Extended, Out-of-School)	<p>The exclusion of a student from a student’s regular school program for an extended suspension (for a time period between 11 and 45 school days), with notice to the parent/guardian, which may occur only under the following circumstances:</p> <ol style="list-style-type: none">1. The superintendent of schools’ designee, has determined that—<ol style="list-style-type: none">a. the student’s return to school prior to the completion of the suspension period would pose an imminent threat of serious harm to other students and staff; orb. The student has engaged in chronic and extreme disruption of the educational process that has created a substantial barrier to learning for other students across the school day, and other available and appropriate behavioral and disciplinary interventions have been exhausted.2. The superintendent of schools’ designee limits the duration of the exclusion to the shortest period practicable.3. The school system provides the excluded student with comparable educational services and appropriate behavioral support services to promote a successful return to the student’s regular academic program.
Temporary Removal from Class	Removing students within the school building from their regular education program for up to, but not more than, one class period.

LEVELS OF RESPONSES

Consequences can be tailored to address individual circumstances; therefore they may be listed below in more than one level.

LEVEL 1	Examples of Classroom and Teacher-led Responses	
	<p>These responses are designed to teach appropriate behavior so that students are respectful and can learn and contribute to a safe environment. Teachers are encouraged to implement a variety of teaching and classroom management strategies. When appropriate, teachers may engage the student’s support system to ensure successful learning and consistency of responses, and change the conditions that contribute to the student’s inappropriate or disruptive behavior. These responses should be used in a graduated fashion.</p> <ul style="list-style-type: none"> • Classroom-based responses (e.g., verbal correction, written reflection/apology, reminders/redirection, role play, daily progress sheet) • Detention • Restorative practices (classroom-based) • Peer mediation • School-based conflict resolution • School-based conferencing • Parent/guardian outreach (contact parent/guardian via telephone, e-mail, or text) • Informal and/or preventative school-based mentoring • Check-in with school counselor/resource specialists 	
LEVEL 2	Examples of Teacher-led/referred and Administrative Supported Responses	
	<p>These responses are designed to teach appropriate behavior so that students are respectful and can learn and contribute to a safe environment. Many of these responses engage the student’s support system and are designed to alter conditions that contribute to the student’s inappropriate or disruptive behavior. These responses aim to correct behavior by stressing its severity and acknowledging potential implications for future harm, while still keeping the student in school. These responses should be used in a graduated fashion. A teacher referral for administrative support is required for any serious incident or other incident that may impact or implicate the health or well being of students.</p> <table style="width: 100%; border: none;"> <tr> <td style="text-align: center; width: 50%; vertical-align: top;"> <p>TEACHER-LED <i>May be implemented at classroom level</i></p> <ul style="list-style-type: none"> • Classroom-based responses (e.g., verbal correction, written reflection/apology, reminders/redirection, role play, daily progress sheet) • Behavioral contract • Parent/guardian outreach (contact parent/guardian via telephone, e-mail, or text) • Check-in with school counselor/resource specialists • Detention • Temporary removal from class • Parent/guardian and student conference (with teacher) • Informal and/or preventative school-based mentoring • Restorative practices (classroom-based or specialist-facilitated) </td> <td style="text-align: center; width: 50%; vertical-align: top;"> <p>TEACHER REFERRED <i>Implemented with administrative support</i></p> <ul style="list-style-type: none"> • Functional Behavioral Assessment/Behavioral Intervention Plan • Referral to appropriate substance abuse counseling services • Referral to community-based organization • Referral to health/mental health services • Restorative practices (classroom-based or specialist-facilitated) • Loss of privileges/removal from extracurricular activities • Restitution • Community service • School-based or outside facilitated conflict resolution • School-based or community conferencing • Peer mediation • Referral to student support team </td> </tr> </table>	<p>TEACHER-LED <i>May be implemented at classroom level</i></p> <ul style="list-style-type: none"> • Classroom-based responses (e.g., verbal correction, written reflection/apology, reminders/redirection, role play, daily progress sheet) • Behavioral contract • Parent/guardian outreach (contact parent/guardian via telephone, e-mail, or text) • Check-in with school counselor/resource specialists • Detention • Temporary removal from class • Parent/guardian and student conference (with teacher) • Informal and/or preventative school-based mentoring • Restorative practices (classroom-based or specialist-facilitated)
<p>TEACHER-LED <i>May be implemented at classroom level</i></p> <ul style="list-style-type: none"> • Classroom-based responses (e.g., verbal correction, written reflection/apology, reminders/redirection, role play, daily progress sheet) • Behavioral contract • Parent/guardian outreach (contact parent/guardian via telephone, e-mail, or text) • Check-in with school counselor/resource specialists • Detention • Temporary removal from class • Parent/guardian and student conference (with teacher) • Informal and/or preventative school-based mentoring • Restorative practices (classroom-based or specialist-facilitated) 	<p>TEACHER REFERRED <i>Implemented with administrative support</i></p> <ul style="list-style-type: none"> • Functional Behavioral Assessment/Behavioral Intervention Plan • Referral to appropriate substance abuse counseling services • Referral to community-based organization • Referral to health/mental health services • Restorative practices (classroom-based or specialist-facilitated) • Loss of privileges/removal from extracurricular activities • Restitution • Community service • School-based or outside facilitated conflict resolution • School-based or community conferencing • Peer mediation • Referral to student support team 	

LEVELS OF RESPONSES (CONTINUED)

LEVEL 3	Examples of Administrative Supported and/or Removal Responses
	<p>These responses engage the student’s support system to ensure successful learning and to alter conditions that contribute to the student’s inappropriate or disruptive behavior. These responses aim to correct behavior by stressing its severity and acknowledging potential implications for future harm, while still keeping the student in school. These responses may involve in-school suspensions or in-school interventions. Such a removal should be limited as much as practicable without undermining its ability to adequately address the behavior. These responses should be used in a graduated fashion with administrative support.</p> <ul style="list-style-type: none"> • Classroom-based responses (e.g., verbal correction, written reflection/apology, reminders/redirection, role play, daily progress sheet) • Behavioral contract • Community service • Parent/guardian and student conference (with administrator) • Informal/preventative/formal mentoring • Referral to community-based organization • Referral to student support team • Detention • Temporary removal from class • In-school suspension • In-school intervention • Community conferencing • Functional Behavioral Assessment/Behavioral Intervention Plan • School-based or outside facilitated conflict resolution • Referral to appropriate substance abuse counseling services • Referral to health/mental health services • Restorative practices (classroom-based or specialist-facilitated) • Loss of privileges/removal from extracurricular activities • Restitution
LEVEL 4	Examples of Administrative Supported, and Short-Term Out-of-School Exclusionary Responses
	<p>These responses address serious behavior while keeping the student in a school. When necessary, due to the nature of the behavior or potential implications for future harm, a student may be removed from the school environment. These responses promote safety of the school community by addressing self-destructive and dangerous behavior, and should be used in a graduated fashion with administrative support.</p> <ul style="list-style-type: none"> • Parent/guardian and student conference (with administrator) • Loss of privileges/removal from extracurricular activities • Restitution • In-school suspension • Functional Behavioral Assessment/Behavioral Intervention Plan • Formal mentoring program • Short-term out-of-school suspension (1–3 days) • Restorative practices (classroom-based or specialist-facilitated)
LEVEL 5	Examples of Long-term Administrative Supported, Out-of-School Exclusionary, and Referral Responses
	<p>These responses remove a student from the school environment for an extended period of time because of the severity of the behavior and potential implications for future harm. They may involve the placement of the student in a safe environment that provides additional structure and services. These responses promote the safety of the school community by addressing self-destructive and dangerous behavior, and should be used in a graduated fashion with administrative support.</p> <ul style="list-style-type: none"> • Restorative practices (classroom-based or specialist-facilitated) • Recommend for further action • Referral to alternative education • Referral to student support team • Restitution • Loss of privileges/removal from extracurricular activities • Out-of-school suspension <ul style="list-style-type: none"> • Long-term (4–10 days) • Extended (11–44 days) • Expulsion (exclusion from regular program for 45 days or longer)

DISCIPLINARY RESPONSE MATRIX

This Disciplinary Response Matrix is based on the work of the Maryland State Board of Education Code of Conduct. Some revisions have been made to conform to the discipline philosophy and current practice of MCPS, as well as input from stakeholders. The Matrix provides a suggested continuum of tiered responses to inappropriate or disruptive student behavior; school staff have discretion to make disciplinary decisions that consider the totality of the circumstances and are consistent with the discipline philosophy, Board policies, MCPS regulations, as well as applicable federal and state laws. The Matrix contains a list of potential inappropriate or disruptive behaviors (identified by state suspension code) and the appropriate interventions or consequences. It is meant to be utilized together with the preceding glossary and chart describing five different graduated levels of support, removal, and administrative responses to students' inappropriate or disruptive behaviors.

The disciplinary levels described in the Disciplinary Response Matrix should be utilized as follows:

- In choosing one or more interventions or disciplinary responses for inappropriate or disruptive behavior, school staff should locate that behavior on the Matrix. Possible infractions include, but are not limited to, cited examples.
- On the first instance of any inappropriate or disruptive behavior, school staff shall first consider one or more interventions or disciplinary responses from the lowest level indicated on the Matrix for that behavior (or one or more interventions or disciplinary responses from a lower level).
- If the same behavior is repeated during the same school year, school staff should consider utilizing one or more interventions or disciplinary responses from the next highest level indicated on the Matrix for that behavior, or any lower level.
- Staff is encouraged to implement several lower-level interventions before proceeding to higher levels that may involve disciplinary responses that remove the student from the classroom.
- If principals determine that there are unique or exceptional circumstances, or an imminent threat of serious harm to students or staff, that warrant an intervention or disciplinary response at a level that is above the highest level or below the lowest level indicated on the Matrix, principals must consult with their area associate superintendent in the Office of School Support and Improvement before taking action.

Lowest level should be considered first, followed by progressively more intensive consequences, based on severity, age, and repetition of behavior.

(Refer to *Disciplinary Response Matrix* guidance on page 10)

Inappropriate or Disruptive Behavior (Identified by state suspension code)	LEVEL 1 Classroom and Teacher-led Responses (e.g., written apology, talk with school counselor, detention)	LEVEL 2 Teacher-led/referred and Administrative Supported Responses (e.g., community service, peer mediation, temporary removal from class)	LEVEL 3 Administrative Supported and/or Removal Responses (e.g., restorative practices, in-school suspension, in-school intervention)	LEVEL 4 Administrative Supported and Short-Term Out-of-School Exclusionary Responses (e.g., restorative practices, mentoring programs, short-term suspension)	LEVEL 5 Long-Term Administrative Supported, Out-of-School Exclusionary, and Referral Responses (e.g., long-term suspension, expulsion)
Class Cutting (101)	Failing to attend a class after arrival at school without an excused reason. ^{1,2}				
	Persistently failing to attend a scheduled class after arrival at school without excused reasons. ^{1,2}				
Tardiness (102)	Arriving late more than once to class or school without an excused reason. ^{1,2}				
Elementary school students who are late should not be given any punitive or exclusionary consequences, but parents/guardians should be notified.	Persistently arriving late to class or school without an excused reason. ^{1,2}				
Truancy (103)	Being absent from school without an excused reason. ^{1,2}				
Elementary and middle school students with excessive absences and/or tardies, both lawful and unlawful, may be referred for appropriate intervention. At the discretion of the principal/designee, students who demonstrate a pattern of absences may be referred to appropriate staff and/or outside agencies for intensive interventions designed to increase regular attendance. Students who accumulate five or more unexcused absences may receive an attendance letter from the school.	Being truant. ³				
*See MCPS Regulation JEA-RA, <i>Student Attendance</i>					

¹A student may not be suspended out of school or expelled from school “solely for attendance-related offenses.” MD. ANN. CODE, EDUCATION § 7-305. This applies to all behaviors listed on this page: class cutting, tardiness, and truancy.

²Excused reasons for absence include illness of the student, death in the student’s immediate family, hazardous weather conditions, emergencies, religious holidays, and other specified circumstances. COMAR. 13A.08.01.03.

³A student is “truant” if unlawfully absent from school for more than 8 days in any quarter, 15 days in any semester, or 20 days in a school year (approximately 10%). MD. ANN.CODE, EDUCATION § 7-355.

Lowest level should be considered first, followed by progressively more intensive consequences, based on severity, age, and repetition of behavior.

(Refer to *Disciplinary Response Matrix* guidance on page 10)

Inappropriate or Disruptive Behavior (Identified by state suspension code)	LEVEL 1 Classroom and Teacher-led Responses (e.g., written apology, talk with school counselor, detention)	LEVEL 2 Teacher-led/referred and Administrative Supported Responses (e.g., community service, peer mediation, temporary removal from class)	LEVEL 3 Administrative Supported and/or Removal Responses (e.g., restorative practices, in-school suspension, in-school intervention)	LEVEL 4 Administrative Supported and Short-Term Out-of-School Exclusionary Responses (e.g., restorative practices, mentoring programs, short-term suspension)	LEVEL 5 Long-Term Administrative Supported, Out-of-School Exclusionary, and Referral Responses (e.g., long-term suspension, expulsion)
	Disrespect (701)	Making inappropriate or offensive gestures, verbal or written comments, or symbols to others (e.g., verbal put-downs, cursing, talking back).			
<i>*Insubordination has been incorporated into disrespect.</i>	Repeatedly or persistently defying or refusing to follow directions of teachers, staff, or administrators.				
Disruption (704)	Engaging in minor behavior that distracts from the learning environment.				
Disrespect may become disruption, if the conduct is persistent or habitual and significantly impacts the learning environment.	Persistently or habitually engaging in minor behavior that distracts from the learning environment (e.g., talking out of turn, throwing small items, horseplay).				
	Engaging in moderate to serious behavior that distracts from teaching and learning and directly affects the safety of others (e.g., throwing harmful items; sending or posting incendiary texts/social media messages; videos; disrupting a fire drill; interrupting an exam; verbal abuse of staff).				
Inappropriate Use of Personal Electronics (802)	Using or displaying a personal mobile device, ⁵ after student has been warned.				
Excluding use of a device in an emergency or preapproved situation. Cyberbullying or social media harassment is covered under other behaviors. ⁴	Persistently using or displaying a personal mobile device, in defiance of school rules, or to disseminate photos/videos of school misconduct.				
<i>*See MCPS Regulation COG-RA, Personal Mobile Devices</i>					

⁴ Information may not be communicated using a personal mobile device (PMD) if it: violates the privacy of others, jeopardizes the health or safety of students, is obscene or libelous, causes disruption of school activities, plagiarizes the work of others, or is a commercial advertisement.

⁵ A PMD refers to any non-MCPS issued device used to send or receive data via voice, video, or text. Mobile phones, e-readers, tablets, personal computers, or other devices equipped with microphones, speakers, and/or cameras are all considered PMDs

Lowest level should be considered first, followed by progressively more intensive consequences, based on severity, age, and repetition of behavior.

(Refer to *Disciplinary Response Matrix* guidance on page 10)

Inappropriate or Disruptive Behavior (Identified by state suspension code)	LEVEL 1 Classroom and Teacher-led Responses (e.g., written apology, talk with school counselor, detention)	LEVEL 2 Teacher-led/referred and Administrative Supported Responses (e.g., community service, peer mediation, temporary removal from class)	LEVEL 3 Administrative Supported and/or Removal Responses (e.g., restorative practices, in-school suspension, in-school intervention)	LEVEL 4 Administrative Supported and Short-Term Out-of-School Exclusionary Responses (e.g., restorative practices, mentoring programs, short-term suspension)	LEVEL 5 Long-Term Administrative Supported, Out-of-School Exclusionary, and Referral Responses (e.g., long-term suspension, expulsion)
Dress Code (706)	Violating dress code after student has been warned.				
<i>MCPS Regulation JFA-RA, Student Rights and Responsibilities, defines dress code expectations.</i>	Persistently violating dress code after student has been warned.				
Alcohol (201)			Being under the influence of alcohol. ^{6,8}		
As part of any disciplinary response, the school should refer to the Montgomery County Department of Health and Human Services, a community provider, or a MCPS program, for prevention and treatment.			Using or possessing alcohol. ^{6,8}		
<i>*See MCPS Regulation IGO-RA, Guidelines for Incidents of Alcohol, Tobacco, Other Drug Abuse Involving Students</i>			Distributing/selling alcohol. ⁷		
Inhalants (202)			Being under the influence of inhalants. ^{6,8}		
As part of any disciplinary response, the school should refer to the Montgomery County Department of Health and Human Services, a community provider, or a MCPS program, for prevention and treatment.			Using or possessing inhalants. ^{6,8}		
<i>*See MCPS Regulation IGO-RA, Guidelines for Incidents of Alcohol, Tobacco, Other Drug Abuse Involving Students</i>			Distributing/selling inhalants. ⁷		

⁶It may be necessary to send a student home and refer student to the Montgomery County Department of Health and Human Services or a community provider, if the student is found under the influence of alcohol, drugs, or other substances, and health services are not available at the school. Before sending a student home, a school should take every precaution to ensure that the student is leaving school grounds in the care of a family member or someone who is able to provide assistance. See also MCPS Policy IGN, *Preventing Alcohol, Tobacco, and Other Drug Abuse in Montgomery County Public Schools*.

⁷For school-based disciplinary purposes, distribution requires either a sale or intent to sell alcohol, inhalants, or drugs/controlled substances.

⁸For purposes of record keeping, for students with disabilities ONLY, use code 892. (“Illegal drugs” for students with disabilities are defined as those substances that are not legally possessed, used under the supervision of a licensed health-care professional, or used under any other authority under the Controlled Substance Act or under any other provision of federal law.)

Lowest level should be considered first, followed by progressively more intensive consequences, based on severity, age, and repetition of behavior.

(Refer to *Disciplinary Response Matrix* guidance on page 10)

Inappropriate or Disruptive Behavior (Identified by state suspension code)

LEVEL 1 Classroom and Teacher-led Responses (e.g., written apology, talk with school counselor, detention)	LEVEL 2 Teacher-led/referred and Administrative Supported Responses (e.g., community service, peer mediation, temporary removal from class)	LEVEL 3 Administrative Supported and/or Removal Responses (e.g., restorative practices, in-school suspension, in-school intervention)	LEVEL 4 Administrative Supported and Short-Term Out-of-School Exclusionary Responses (e.g., restorative practices, mentoring programs, short-term suspension)	LEVEL 5 Long-Term Administrative Supported, Out-of-School Exclusionary, and Referral Responses (e.g., long-term suspension, expulsion)
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<p>Drugs/Controlled Substances (203) As part of any disciplinary response, the school should refer to the Montgomery County Department of Health and Human Services, a community provider, or an MCPS program, for prevention and treatment. <i>*See MCPS Regulation IGO-RA, Guidelines for Incidents of Alcohol, Tobacco, Other Drug Abuse Involving Students</i></p>	<p>Unauthorized use, possession, or being under the influence of non-illegal drugs^{6,8,9} (e.g., prescription or non-prescription medication).</p>			
			<p>Using, possessing or being under the influence of illegal drugs.^{6,8,9}</p>	
			<p>Distributing or selling non-illegal or illegal drugs (including Juuls, Vapes, e-cigarettes, and Edibles).^{6,7}</p>	
<p>Tobacco (204) As part of any disciplinary response, the school should refer to the Montgomery County Department of Health and Human Services, a community provider, or an MCPS program, for prevention and treatment. <i>*See MCPS Regulation IGO-RA, Guidelines for Incidents of Alcohol, Tobacco, Other Drug Abuse Involving Students and MCPS Regulation COF-RA, Alcohol, Tobacco, and Other Drugs on MCPS Property</i></p>	<p>Using or possessing tobacco in any form (such as Juuls, Vapes, e-cigarettes, and Edibles).</p>			
<p>Academic Dishonesty (801) <i>*See MCPS Regulation IKA-RA, Grading and Reporting, for grading consequences.</i></p>	<p>Plagiarizing, such as by taking someone else’s work or ideas (for students in Grades 3–12); forgery, such as by faking a signature of a teacher or parent/guardian; or cheating. Sharing or otherwise distributing information contained on assessments or other graded work.</p>			
			<p>Tampering with, or assisting another to tamper with, the MCPS computer network or exams. Repeatedly or widely distributing information contained on assessments or other graded work.</p>	

⁹For purposes of record keeping, for students with disabilities ONLY, use code 891 for the selling of a drug or substance identified under the schedules of controlled substances in 21 U.S.C. § 812; 21 C.F.R. pt. 1308.

Lowest level should be considered first, followed by progressively more intensive consequences, based on severity, age, and repetition of behavior.

(Refer to *Disciplinary Response Matrix* guidance on page 10)

Inappropriate or Disruptive Behavior (Identified by state suspension code)	LEVEL 1 Classroom and Teacher-led Responses (e.g., written apology, talk with school counselor, detention)	LEVEL 2 Teacher-led/referred and Administrative Supported Responses (e.g., community service, peer mediation, temporary removal from class)	LEVEL 3 Administrative Supported and/or Removal Responses (e.g., restorative practices, in-school suspension, in-school intervention)	LEVEL 4 Administrative Supported and Short-Term Out-of-School Exclusionary Responses (e.g., restorative practices, mentoring programs, short-term suspension)	LEVEL 5 Long-Term Administrative Supported, Out-of-School Exclusionary, and Referral Responses (e.g., long-term suspension, expulsion)
<p>Theft (803) Schools should consider the following factors:</p> <ul style="list-style-type: none"> • The student’s age • The student’s purpose in taking the property • The monetary value of the property • Whether the student acted in the heat of the moment, as opposed to intentionally planning ahead • Whether the student knew the property was valuable or expensive to replace • Whether the property was returned or recovered 	Taking or obtaining property of another without permission and/or knowledge of the owner.				
	Persistently or habitually taking or obtaining property of another without permission and/or knowledge of the owner.				
			Taking or obtaining property of another without permission and/or knowledge of the owner, where the theft is especially serious based on the listed factors.		
<p>Destruction of Property (806) Schools should consider the following factors:</p> <ul style="list-style-type: none"> • The monetary value of the destroyed property • Whether the student knew the property was valuable or expensive to replace • The student’s age • Whether the student acted in the heat of the moment, as opposed to intentionally planning ahead • The reason the student destroyed the property 	Causing accidental damage.				
	Causing intentional damage to property of MCPS, staff, or other students, where the level of response is determined based on the listed factors.				
<p>Sexual Activity (603) As part of any disciplinary response, school staff should refer students to appropriate counseling.</p>	Inappropriate behavior of a sexual nature (e.g., indecent exposure, inappropriate texts of a sexual nature, sexual acts on school property).				

Lowest level should be considered first, followed by progressively more intensive consequences, based on severity, age, and repetition of behavior.

(Refer to *Disciplinary Response Matrix* guidance on page 10)

Inappropriate or Disruptive Behavior (Identified by state suspension code)

LEVEL 1 Classroom and Teacher-led Responses (e.g., written apology, talk with school counselor, detention)	LEVEL 2 Teacher-led/referred and Administrative Supported Responses (e.g., community service, peer mediation, temporary removal from class)	LEVEL 3 Administrative Supported and/or Removal Responses (e.g., restorative practices, in-school suspension, in-school intervention)	LEVEL 4 Administrative Supported and Short-Term Out-of-School Exclusionary Responses (e.g., restorative practices, mentoring programs, short-term suspension)	LEVEL 5 Long-Term Administrative Supported, Out-of-School Exclusionary, and Referral Responses (e.g., long-term suspension, expulsion)
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<p>Sexual Attack (601) As part of any disciplinary response, school staff should refer students to appropriate counseling.</p>		<p>Engaging in behavior toward another that is physically, sexually aggressive.</p>
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<p>Sexual Harassment (602) As part of any disciplinary response, schools should emphasize intervention strategies, and refer students to appropriate counseling. <i>*See Board Policy ACF and MCPS Regulation ACF-RA, Sexual Harassment, Board Policy JHF, Bullying, Harassment, or Intimidation, and MCPS Regulation JHF-RA, Student Bullying, Harassment, or Intimidation, and MCPS Form 230-35, Bullying, Harassment, or Intimidation Reporting Form.</i></p>		<p>Unwelcome sexual advances; requests for sexual favors; and/or other inappropriate verbal, written, or physical conduct of a sexual nature; directed toward others; inappropriate use of electronic devices/social media in such context. (Consideration would need to be given to the age, grade, developmental level, prior offenses, intentionality and circumstances in determining an appropriate course of action and consequences.)</p>
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<p>Bullying/Harassment (407) As part of any disciplinary response, schools should emphasize intervention strategies, and refer students to appropriate counseling. <i>*See Board Policy JHF, Bullying, Harassment, or Intimidation, and MCPS Regulation JHF-RA, Student Bullying, Harassment, or Intimidation, and MCPS Form 230-35, Bullying, Harassment, or Intimidation Reporting Form</i></p>		<p>In accordance with Maryland law, 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—</p> <p>(1) Either (a) motivated by an actual or a perceived personal characteristic, including race, ethnicity, color, ancestry, national origin, religion, immigration status, sex, gender, gender identity, gender expression, sexual orientation, family/parental status, marital status, age, physical or mental disability, poverty and socioeconomic status, language, or other legally or constitutionally protected attributes; (b) sexual in nature; or (c) threatening or seriously intimidating.</p> <p>and</p> <p>(2) Either (a) occurs on school property, at a school-sponsored activity or event, or on a school bus; or (b) substantially disrupts the orderly operation of a school.</p> <p>Cyberbullying is a form of bullying, harassment, and intimidation. “Cyberbullying” means a communication transmitted by means of an electronic device, and includes the use of social media sites. Cyberbullying shall include any future applications that fall under “electronic communication.” “Electronic Communication” means a communication transmitted by means of an electronic device, including a telephone, cellular phone, computer or tablet.</p>
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Lowest level should be considered first, followed by progressively more intensive consequences, based on severity, age, and repetition of behavior.

(Refer to *Disciplinary Response Matrix* guidance on page 10)

Inappropriate or Disruptive Behavior (Identified by state suspension code)	LEVEL 1 Classroom and Teacher-led Responses (e.g., written apology, talk with school counselor, detention)	LEVEL 2 Teacher-led/referred and Administrative Supported Responses (e.g., community service, peer mediation, temporary removal from class)	LEVEL 3 Administrative Supported and/or Removal Responses (e.g., restorative practices, in-school suspension, in-school intervention)	LEVEL 4 Administrative Supported and Short-Term Out-of-School Exclusionary Responses (e.g., restorative practices, mentoring programs, short-term suspension)	LEVEL 5 Long-Term Administrative Supported, Out-of-School Exclusionary, and Referral Responses (e.g., long-term suspension, expulsion)
Threat to Adult (403) Threat to Student (404) Schools should conduct a behavior threat assessment. <small>*See MCPS Regulation COA-RA, Behavior Threat Assessment.¹⁰</small>	Threatening language (verbal or written/electronic; implicit or explicit) or physical gestures directed toward a staff member, student, or anyone else.				
Extortion (406) Schools should conduct a behavior threat assessment. <small>*See MCPS Regulation COA-RA, Behavior Threat Assessment.¹⁰</small>		Using a threat, fear, or force (without a weapon) to get a person to turn over property.			
		Using a threat, fear, or force (with a weapon) to get a person to turn over property.			
False Alarm (502)		Initiating a warning of a fire or other catastrophe without cause, either over a phone or in person (e.g., pulling a fire alarm, misuse of 911); discharging a fire extinguisher without cause.			
Bomb Threat (502) School should conduct a behavior threat assessment. <small>*See MCPS Regulation COA-RA, Behavior Threat Assessment.¹⁰</small>		Making a bomb threat or threatening a school shooting.			
Trespassing (804)		Being on school property without permission, including while on suspension or expulsion.			
Attack on Adult (401)		Physically attacking an MCPS employee or other adult, including intentionally striking a staff member who is intervening in a fight or other disruptive activity.			

¹⁰Behavior Threat Assessments should not take the place of or limit the school's disciplinary responses.

Lowest level should be considered first, followed by progressively more intensive consequences, based on severity, age, and repetition of behavior.

(Refer to *Disciplinary Response Matrix* guidance on page 10)

Inappropriate or Disruptive Behavior (Identified by state suspension code)

LEVEL 1 Classroom and Teacher-led Responses (e.g., written apology, talk with school counselor, detention)	LEVEL 2 Teacher-led/referred and Administrative Supported Responses (e.g., community service, peer mediation, temporary removal from class)	LEVEL 3 Administrative Supported and/or Removal Responses (e.g., restorative practices, in-school suspension, in-school intervention)	LEVEL 4 Administrative Supported and Short-Term Out-of-School Exclusionary Responses (e.g., restorative practices, mentoring programs, short-term suspension)	LEVEL 5 Long-Term Administrative Supported, Out-of-School Exclusionary, and Referral Responses (e.g., long-term suspension, expulsion)
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<p>Fighting (405) Attack on Student (402) Schools should consider multiple factors, including the following:</p> <ul style="list-style-type: none"> • Whether the student acted in the heat of the moment, as opposed to planning ahead • Whether the student was verbally provoked or if the student provoked others to fight • Whether the student acted in self-defense • Whether the student was intervening in fight <p><i>*See Board Policy JHF, Bullying, Harassment, or Intimidation, and MCPS Regulation JHF-RA, Student Bullying, Harassment, or Intimidation, and MCPS Form 230-35, Bullying, Harassment, or Intimidation Reporting Form</i></p> <p><i>**MCPS Regulation JHG-RA, Gangs, Gang Activity, or Other Similar Destructive or Illegal Group Behavior Prevention, MCPS Form 230-37, Gang-Related Incident Reporting Form</i></p>	Engaging in shoving, pushing, or otherwise being physically aggressive toward another (e.g., body check, intentionally bumping, but NOT horseplay).			
	Engaging in a fight or dangerous play that is spontaneous and/or short, and results only in minor cuts, scrapes, and bruises.			
			Engaging in a fight which may be large, preplanned, extended, gang** related and/or resulting in major injuries, or otherwise especially serious based on the listed factors.	
<p>Serious Bodily Injury (408) Schools should consider multiple factors. See factors listed under "Fighting."</p>	Engaging in behavior that unintentionally causes serious bodily injury, or loss of consciousness.			
			Engaging in behavior that intentionally causes serious bodily injury, or loss of consciousness.	
<p>Arson/Fire (501)</p>	Setting or attempting to set a fire or helping others to set a fire without intent to endanger others.			
	Setting a fire or helping others to set a fire with intent to endanger others or destroy property.			

Lowest level should be considered first, followed by progressively more intensive consequences, based on severity, age, and repetition of behavior.

(Refer to *Disciplinary Response Matrix* guidance on page 10)

Inappropriate or Disruptive Behavior (Identified by state suspension code)	LEVEL 1 Classroom and Teacher-led Responses (e.g., written apology, talk with school counselor, detention)	LEVEL 2 Teacher-led/referred and Administrative Supported Responses (e.g., community service, peer mediation, temporary removal from class)	LEVEL 3 Administrative Supported and/or Removal Responses (e.g., restorative practices, in-school suspension, in-school intervention)	LEVEL 4 Administrative Supported and Short-Term Out-of-School Exclusionary Responses (e.g., restorative practices, mentoring programs, short-term suspension)	LEVEL 5 Long-Term Administrative Supported, Out-of-School Exclusionary, and Referral Responses (e.g., long-term suspension, expulsion)
Firearms (301)¹¹					Possessing a firearm, as defined in 18 U.S.C. § 921 (e.g., handgun).
Other Guns (302)	Possessing, using, and/or threatening to use firearm facsimiles, gun-like toys, and/or other similar items such as a water gun.				
		Possessing, using, or threatening to use a non-firearm gun (such as a BB, pellet, cap, or airsoft gun), or a gun-like toy modified to resemble a firearm.			
Knives and Other Weapons (303)	Possessing a knife or other implement that could cause serious bodily harm, without intent to use as a weapon.				
*See MCPS Regulation COE-RA, <i>Weapons</i>		Possessing a knife or other implement that could cause serious bodily harm, with intent to use as a weapon.			
		Using or threatening to use a knife or other implement as a weapon with intent to cause serious bodily harm.			
Explosives (503)	Possessing an incendiary or explosive device, material, or any combination of combustible or explosive substances, other than a firearm, that can cause harm to people or property (e.g., firecrackers, smoke bombs, flares; but NOT “snap pops,” which should be treated as a disruption).				
					Detonating or possessing and threatening to detonate an incendiary or explosive device or material, as described above.

¹¹Under federal and Maryland state law:

A student who has brought a firearm onto school property “shall be expelled for a minimum of 1 year,” but a county superintendent “may specify on a case-by-case basis, a shorter period of expulsion or an alternative educational setting, if alternative educational settings have been approved by the county board.” MD. ANN. CODE, EDUCATION § 7-305(f)(2)-(3); COMAR 13A.08.01.12-1. However, discipline of a student with a disability who has brought a firearm onto school property, including the suspension, expulsion, or interim alternative placement, shall be conducted in conformance with the requirements of the IDEA. MD. ANN. CODE, EDUCATION § 7-305(g); COMAR 13A.08.01.12-1(C). For purposes of record keeping, use code 893 for students with disabilities.

SCHOOL RESOURCE OFFICERS AND REFERRALS TO LAW ENFORCEMENT

The MCPS Code of Conduct is intended to provide guidance for MCPS staff in crafting appropriate school-based disciplinary responses to student behavior. These responses necessarily will be informed by, but should be separate and distinct from, any actions by the police or other law enforcement agencies. MCPS works with the Montgomery County Police Department, the Montgomery County State's Attorney Office, and other law enforcement agencies to set clear expectations for the roles and responsibilities of school resource officers (SROs) and other law enforcement personnel as important partners in supporting a positive school climate.

In January 2014, the U.S. Department of Education, along with the U.S. Department of Justice, provided important guidance about the roles that SROs should play in school environments:

First and foremost, any school or district using school-based law enforcement officers should clearly define the officers' roles and responsibilities at the school as that of important partners in school safety efforts. This role should be focused on school safety, with the responsibility for addressing and preventing serious, real, and immediate threats to the physical safety of the school and its community. By contrast, school administrators and staff should have the role of maintaining order and handling routine disciplinary matters. By focusing officers' roles on the critical issue of safety and avoiding inappropriate officer involvement in routine discipline matters, schools have found that they can reduce students' involvement in the juvenile justice system and improve academic outcomes while improving school safety. For SROs, their role on campus typically involves three parts: law enforcer, informal counselor, and educator. In their capacity as counselors and educators, SROs can, and should, support positive school-climate goals by developing positive relationships with students and staff and helping to promote a safe, inclusive, and positive learning environment.

See www2.ed.gov/policy/gen/guid/school-discipline/guiding-principles.pdf

For more information, please consult the Memorandum of Understanding (MOU) between MCPS, the Montgomery County Police Department, the Montgomery County State's Attorney Office, and other law enforcement agencies, regarding the MCPS SRO program and other law enforcement responses to school-based incidents. The MOU, which was revised in 2017, is available at www.montgomeryschoolsmd.org/departments/security/.

In the MOU, the parties express their common recognition that:

- The vast majority of student misconduct is best addressed through classroom and in-school strategies that maintain a positive learning environment and afford students opportunities to learn from their mistakes, correct any harm that results from their behavior, and restore relationships that are disrupted by their conduct.
- The parties will work together to promote safe, inclusive, and positive learning environments and exercise discretion and judgment in responding to MCPS school-based incidents.

The role of SROs in MCPS schools is to assist school staff in enhancing safety within their assigned schools and serve as a liaison between their agency and MCPS officials for school and police-related concerns and incidents. While on MCPS property, the SROs have full authority as sworn officers, but they are not to be used to enforce Board policies, MCPS regulations and rules, and/or procedures. Absent an immediate public safety need to stop an illegal activity, effect an arrest, and/or seize evidence, SROs and other law enforcement officers will collaborate with the principal/designee prior to a law enforcement action to assess the totality of the circumstances and applicable legal guidelines, and address the matter in a manner that is in the best interest of the student and the welfare of the school community.

In addition, the SRO MOU and Maryland state regulations address topics such as arrests on school premises (COMAR 13A.08.01.12) and police investigations involving questioning students on school premises (COMAR 13A.08.01.13). Under state law, law enforcement questioning of students is prohibited on school premises "unless in connection with a crime committed on the premises or in connection with an investigation which, if not immediately permitted, would compromise the success of that investigation or endanger the lives or safety of the students or other persons, provided, however, that a school official should be present throughout that questioning." Whenever investigative questioning of students occurs on school premises, school staff are required to promptly notify the student's parent/guardian. There is an exception for questioning by child protective services or law enforcement as part of an investigation of suspected child abuse, which is permitted on school property without parent/guardian notification. In addition, the SRO MOU states that the principal or designee shall be present during any interview conducted by the law enforcement agency on school property and may interview the individual after the officer has concluded his/her interview. In addition, student should be questioned by the appropriate law enforcement agency, when necessary, in a manner and at a time that is age-appropriate, minimizes disruption to the school day and classroom instruction, and is consistent with all applicable laws and regulations.

BOARD OF EDUCATION POLICIES AND MCPS REGULATIONS REGARDING STUDENT DISCIPLINE

Policy ACA, *Nondiscrimination, Equity, and Cultural Proficiency*
Policy ACF, *Sexual Harassment*
Policy COA, *Student Well-being and School Safety*
Policy EEA, *Student Transportation*
Policy IGN, *Preventing Alcohol, Tobacco, and Other Drug Abuse in Montgomery County Public Schools*
Policy JFA, *Student Rights and Responsibilities*
Policy JGA, *Student Discipline*
Policy JHF, *Bullying, Harassment, or Intimidation*
Regulation ACA-RA, *Human Relations*
Regulation ACF-RA, *Sexual Harassment*
Regulation ACG-RB, *Reasonable Accommodations and Modifications for Students Eligible Under Section 504 of the Rehabilitation Act of 1973*
Regulation COA-RA, *Behavior Threat Assessment*
Regulation COC-RA, *Trespassing or Willful Disturbance on MCPS Property*
Regulation COE-RA, *Weapons*
Regulation COF-RA, *Alcohol, Tobacco, and Other Drugs on Montgomery County Public Schools Property*
Regulation COG-RA, *Personal Mobile Devices*
Regulation ECC-RA, *Loss of or Damage to Montgomery County Public Schools Property*
Regulation EEA-RA, *Student Transportation*
Regulation EEB-RA, *Operation of Care of MCPS Buses*
Regulation IGO-RA, *Guidelines for Incidents of Alcohol, Tobacco, and Other Drug Abuse Involving Students*
Regulation IGT-RA, *User Responsibilities for Computer Systems, Electronic Information, and Network Security*
Regulation IOI-RA, *Placement Procedures for Alternative Programs*
Regulation JEA-RA, *Student Attendance*
Regulation JEE-RA, *Student Transfers and Administrative Placements*
Regulation JFA-RA, *Student Rights and Responsibilities*
Regulation JGA-RA, *Classroom Management and Student Behavior Interventions*
Regulation JGA-RB, *Suspension and Expulsion*
Regulation JGA-RC, *Suspension and Expulsion of Students with Disabilities*
Regulation JGB-RA, *Search and Seizure*
Regulation JHF-RA, *Student Bullying, Harassment, or Intimidation*
Regulation JHG-RA, *Gangs, Gang Activity, or Other Similar Destructive or Illegal Group Behavior Prevention*
Regulation JNA-RB, *Collection of Student Financial Obligations*

This Student Code of Conduct in
Montgomery County Public Schools is available in
Spanish, French, Chinese, Korean, Vietnamese, and Amharic
on the MCPS web at: www.montgomeryschoolsmd.org/students/rights/

Código de Conducta de los Estudiantes (español)

學生行為守則 (中文)

Code de Conduite **de l'Élève** (Français)

학생의 행동 규범 (한국어)

Quy Tắc Hạnh Kiểm Học Sinh (tiếng Việt)

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MCPS NONDISCRIMINATION STATEMENT

Montgomery County Public Schools (MCPS) prohibits illegal discrimination based on race, ethnicity, color, ancestry, national origin, religion, immigration status, sex, gender, gender identity, gender expression, sexual orientation, family/parental status, marital status, age, physical or mental disability, poverty and socioeconomic status, language, or other legally or constitutionally protected attributes or affiliations. Discrimination undermines our community's long-standing efforts to create, foster, and promote equity, inclusion, and acceptance for all. Some examples of discrimination include acts of hate, violence, insensitivity, harassment, bullying, disrespect, or retaliation. For more information, please review Montgomery County Board of Education Policy ACA, *Nondiscrimination, Equity, and Cultural Proficiency*. This Policy affirms the Board's belief that each and every student matters, and in particular, that educational outcomes should never be predictable by any individual's actual or perceived personal characteristics. The Policy also recognizes that equity requires proactive steps to identify and redress implicit biases, practices that have an unjustified disparate impact, and structural and institutional barriers that impede equality of educational or employment opportunities.

For inquiries or complaints about discrimination against MCPS staff *	For inquiries or complaints about discrimination against MCPS students *
Office of Employee Engagement and Labor Relations Department of Compliance and Investigations 850 Hungerford Drive, Room 55, Rockville, MD 20850 240-740-2888 OEELR-EmployeeEngagement@mcpsmd.org	Office of the Chief of Staff Student Welfare and Compliance 850 Hungerford Drive, Room 162, Rockville, MD 20850 240-740-3215 COS-StudentWelfare@mcpsmd.org
For inquiries or complaints about sex discrimination under Title IX, including sexual harassment, against students or staff*	
Title IX Coordinator Office of the Chief of Staff Student Welfare and Compliance 850 Hungerford Drive, Room 162, Rockville, MD 20850 240-740-3215 COS-TitleIX@mcpsmd.org	

**Inquiries, complaints, or requests for accommodations for students with disabilities also may be directed to the supervisor of the Office of Special Education, Resolution and Compliance Unit, at 240-740-3230. Inquiries regarding accommodations or modifications for staff may be directed to the Office of Employee Engagement and Labor Relations, Department of Compliance and Investigations, at 240-740-2888. In addition, discrimination complaints may be filed with other agencies, such as: the U.S. Equal Employment Opportunity Commission, Baltimore Field Office, City Crescent Bldg., 10 S. Howard Street, Third Floor, Baltimore, MD 21201, 1-800-669-4000, 1-800-669-6820 (TTY); or U.S. Department of Education, Office for Civil Rights, Lyndon Baines Johnson Dept. of Education Bldg., 400 Maryland Avenue, SW, Washington, DC 20202-1100, 1-800-421-3481, 1-800-877-8339 (TDD), OCR@ed.gov, or www2.ed.gov/about/offices/list/ocr/complaintintro.html.*

This document is available, upon request, in languages other than English and in an alternate format under the *Americans with Disabilities Act*, by contacting the MCPS Office of Communications at 240-740-2837, 1-800-735-2258 (Maryland Relay), or PIO@mcpsmd.org. Individuals who need sign language interpretation or cued speech transliteration may contact the MCPS Office of Interpreting Services at 240-740-1800, 301-637-2958 (VP) or MCPSInterpretingServices@mcpsmd.org. MCPS also provides equal access to the Boy/Girl Scouts and other designated youth groups.

Maryland's Largest School District

MONTGOMERY COUNTY PUBLIC SCHOOLS

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