

<b>FREDERICK COUNTY PUBLIC SCHOOLS</b>	<b>Reg. No. 400-60</b>
<b>Subject: PLACEMENT OF STUDENTS CHARGED WITH A REPORTABLE OFFENSE OFF CAMPUS</b>	<b>Issued: 12/2/91</b>
<b>Preparing Office: OFFICE OF THE SUPERINTENDENT</b>	<b>Amended: 1/31/18</b>

I. Policy

II. Definition

“Weapon” is defined as any dangerous or deadly instrument or destructive device which can be used to inflict harm or serious injury to others, including but not limited to: pepper mace,<sup>1</sup> dirk knife, bowie knife, switchblade knife, star knife, sand club, metal knuckles, razor, nunchaku, handgun, shotgun, rifle; and any explosive, incendiary, or poison gas such as bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or similar device.

Any type of weapon by whatever name known which will, or which may be converted to, expel a projectile by the action of an explosive or other propellant.

III. Procedures

- A. Under Maryland law § 7-303, Education Article, *Annotated Code of Maryland*, if a student is arrested for a reportable offense or an offense that is related to the student’s membership in a criminal gang, the law enforcement agency making the arrest is required to notify the Superintendent or designee and school principal.
- B. In the interest of creating schools that are safe and inviting, Frederick County Public Schools (FCPS) personnel seriously consider and review cases of reportable offenses off campus when police reports are brought to the attention of school officials and/or where students have been formally charged with a reportable offense.
- C. Reportable offenses are specifically outlined in Maryland law § 7-303, Education Article, *Annotated Code of Maryland*. The assessment team may also consider other offenses for purposes of this regulation when it involves threatening or violent behavior that, through consensus, the team determines may impact the well-being of others in the school. The assessment team is comprised of a school psychologist, pupil personnel worker, supervisor of Security and Emergency Management, instructional director, and director of Special Education and Psychological Services or designee (when a student receiving special education services is involved). The executive director of School Administration and Leadership or designee may appoint additional members.

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<sup>1</sup> “Pepper mace” means an aerosol propelled combination of highly disabling irritant pepper-based products. Pepper mace is also known as oleoresin capsicum (o.c.) spray.

D. Confidentiality of Information – (*Annotated Code of Maryland*, Education Article §7-303)

Charges associated with a reportable offense are confidential and may only be transmitted to school personnel as necessary to provide appropriate educational programming and related services to maintain a safe and secure school environment for students and school personnel, and if the disposition was a conviction, adjudication of delinquency, or petition is still pending. Reportable offense information may not be made part of the student's permanent educational record.

E. Process

1. Notification

Upon notification of the reportable offense, the Superintendent or designee\* will provide information to the director of Student Services and the principal of the school where the student is enrolled. The principal shall then convene an assessment team (refer to Paragraph E.2.) to make a determination as to whether the student represents a threat to the safety of the school environment.

\* For purposes of this regulation, the director of Student Services serves as the Superintendent's designee, and will confer with the pupil personnel worker and the supervisor of Security and Emergency Management

2. Assessment Team

The assessment team will consist of a school psychologist, pupil personnel worker, supervisor of Security and Emergency Management, instructional director, and director of Special Education and Psychological Services or designee (when a student receiving special education services is involved). The executive director of School Administration and Leadership or designee may appoint additional members. The pupil personnel worker shall act as the chair. The assessment team will promptly report, in writing, to the executive director of School Administration and Leadership or designee its conclusions and recommendations regarding appropriate placement for the student.

3. Review of Charges

In making a determination, the team will consider a student's past history, the charges involved, and the likelihood of an impact upon the school community. The outcome may range from no action to a recommendation that the student be placed in an alternative setting.

4. Placement

The team will review the case and make a determination regarding placement of the student. Placement may include return to school, home teaching or an alternate placement. If an alternative setting is warranted, the assessment team's recommended placement must be implemented no later than five (5) school days after receipt of the information. The student will remain in the alternative program until the matter has been resolved, or the Superintendent or designee determines that the threat to the school community has passed. The Superintendent or designee should

review the plan and the student's status at least every thirty (30) days until the matter is resolved, and at least quarterly after it is resolved, and make adjustments as appropriate. The parent or guardian shall be informed of all such reviews as well as any adjustments to the placement. In the case of a non-alternative placement, the student's status must be reviewed quarterly or upon notification from the State's Attorney's Office regarding the disposition of the case.

5. Appeal Process

The executive director of School Administration and Leadership shall place the student in the most appropriate program and inform the parents of the decision in writing. A member of the assessment team shall notify the parents of the plan and any subsequent adjustments. The parents may appeal the decision to the Superintendent or designee within ten (10) calendar days of the decision.

F. Resolution of Charges

Upon the resolution of charges, the Assessment Team may reconvene to review the findings of the court. The Assessment Team will make a determination as to the best placement for the student.

G. Prohibition of Student to Attend the Same School or Ride the Same Bus as Victim

1. In accordance with Maryland law, the Superintendent and the school principal shall consider prohibiting a student who is arrested for a reportable offense involving rape or a sexual offense from attending the same school or riding the same school bus as the alleged victim of the reportable offense if such action is necessary or appropriate to protect the physical or psychological well-being of the alleged victim.
2. If a student is arrested for a reportable offense involving rape or a sexual offense and is convicted of or adjudicated delinquent for the rape or sexual offense, the student may not attend the same school or ride the same school bus as the victim.
3. If a student is arrested for a reportable offense involving possession or use of a weapon or destructive device in a criminal act, the student may be placed in an alternative program. If the alleged victim of the reportable offense attends the same school or rides the same bus as the student who is arrested, the Assessment Team shall consider placing the alleged offender in another setting if it is deemed in the best interest of either or both students involved.

H. Reportable offense information shall be destroyed when the student graduates or otherwise permanently leaves school or turns 22 years old, whichever occurs first.

Cross-reference FCPS Regulation 400-22 *School Individualized Education Program (IEP) Team*

Approved:

*original signed by*

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Theresa R. Alban  
Superintendent