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, 1 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 or designee (when a student receiving special education services/504 plan accommodations is involved). The executive director of System Accountability and School Administration designee may appoint additional members.

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1 “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. Upon notification that a student enrolled in an FCPS school has been arrested and charged with a reportable offense in the community, the Security and Emergency Management Department will notify the school principal, director of Student Services and the appropriate instructional director of the charges and related circumstances. Ensure notification of the director of Special Education, Compliance and Student Support, if the student has an IEP or 504 plan.

2. The principal and the supervisor of Security and Emergency Management, or designee, will review the information provided and, if necessary, gather additional pertinent information in order for the principal to determine if there is a need to conduct a 400-60 meeting.

3. If the principal determines a 400-60 meeting is necessary, he/she will convene an assessment team, facilitated by the pupil personnel worker, as soon as possible to make a determination as to whether the in-school presence of the charged student poses a threat to other students in the school, to individuals within the school that are not students, or to disrupt the educational process. Once the meeting date has been set, the parent/guardian will be notified of the 400-60 meeting and invited to attend the educational planning portion of the meeting (at the conclusion of the assessment team deliberation).

4. The assessment team will consist of a school psychologist, pupil personnel worker, supervisor of Security and Emergency Management, or designee, and an instructional director. If the student has an IEP and/or a 504 plan, a representative from the Office of Special Education/504 compliance shall be invited to attend. The director of Student Services, or designee, may appoint additional members. The pupil personnel worker shall act as the meeting facilitator.

5. In making a determination, using the 400-60 Assessment Team Worksheet, the team will consider:
   a. The student’s past history (discipline, grades, attendance information)
   b. The charges involved
   c. Victim information
   d. The likelihood of an impact upon the school community
   e. IEP/504 status and review
   f. Additional information pertinent to determining risk
The outcome may range from no action to a decision that the student be placed in an alternative setting. Once a decision has been made, the parent/guardian will be invited to join the assessment team to provide input into the educational plan.

6. If the assessment team determines that a threat exists, a plan will be developed during the meeting. The plan should:
   
a. Allow the opportunity for parent/guardian participation. The school principal shall request that the student’s parent or guardian participate in the development of the plan and be provided an opportunity to submit information that is relevant to developing the plan.

b. Address appropriate educational programming and related services for the student and it should maintain a safe and secure school environment for all students and school personnel.

c. Invite participation by special education/504 compliance staff in the assessment team if the student has a disability to determine if the IEP/504 plan requires revision. When the recommendation of the 400-60 assessment team results in a change in placement with potential increased special education services than currently designated in the student’s IEP, an expedited IEP team meeting will be held at the recommended school with central office special education staff in attendance.

d. The plan shall be implemented not later than five (5) school days after receipt of the arrest information. If a parent/guardian and/or student attend the educational planning portion of the 400-60 meeting, the assessment team is expected to remain cognizant of the student’s presumption of innocence and ongoing right to legal counsel. The assessment team is not to question the student about the alleged offense.

7. The assessment team shall place the student in the most appropriate program. The principal and pupil personnel worker will jointly communicate the assessment team’s decision, including the educational plan in writing to the parent/guardian, copying the supervisor of Security and Emergency Management, the director of Student Services and the appropriate instructional director. For students with an IEP, the written notice will include notification that an IEP meeting will be held during the enrollment process at the receiving school.

8. The parent/guardian may appeal the decision to the director of Student Services, or designee, within ten (10) calendar days of the decision.

9. The student will follow the plan, which could include being assigned to an alternative program until the matter has been resolved, or the assessment team determines that the threat to the school community has passed. The director of Student Services, appropriate instructional director, and supervisor of Security and Emergency Management will 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/guardian shall be informed of any adjustments to the plan.
10. When disposition of the charges has been received from the State’s Attorney’s Office by the Security and Emergency Management Department, the director of Student Services and/or the principal, upon completion of a successful conference with the student, parent/guardian and school staff, the student may return to school, unless otherwise indicated via the court order.

11. All information concerning a charged student’s reportable offense shall be maintained in a confidential file in the principal’s office, shall not be filed in the student’s permanent educational record, and shall be destroyed when the student graduates, permanently leaves school, or turns 21, whichever occurs first.

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

Theresa R. Alban
Superintendent