



Frederick County Public Schools
Board of Education
STUDENT DISCIPLINE
Policy 403

A. Policy Purpose

1. To promote an environment of order, safety, and discipline necessary for effective learning, student engagement, student achievement, and to foster positive school cultures and climates that address student misbehavior.
2. To provide for behavior intervention that is rehabilitative, restorative, educational, without bias to convey appropriate, and consistent expectations and consequences to address student behavior that is not in line with the [Student Code of Conduct](#) in Frederick County Public Schools (FCPS) for in person or virtual instructional environments.
3. To establish clear guidelines for FCPS staff, students, and Frederick County community members about student discipline.

B. Definitions

1. “Corporal Punishment” is defined to mean physical penalty or undue physical discomfort inflicted on the body of a student. The following are not considered to be corporal punishment:
 - a. A principal, teacher, school security guard, or other school system staff is authorized by law to take reasonable action necessary to prevent violence in the school building, on the school property or on a school-sponsored trip, including intervening in a fight or physical struggle that takes place in his or her presence.
 - b. A principal, teacher, school security guard, or other school system staff member may use no more than the degree of force that is reasonably necessary to prevent violence, restore order, protect himself/herself, the students involved in the fight or struggle, and other persons in the vicinity of the confrontation.
2. “Due Process” is defined to mean to provide notification of the charges and an opportunity to respond.
3. “Expulsion” is defined as the exclusion of a student from the student’s regular school program for forty-five (45) school days or longer as determined by the Superintendent or their designee.
4. “Free Appropriate Public Education” (FAPE) is defined to mean the provision of regular, special education and related services designed to meet a student’s individual educational needs.
5. “In School Intervention” (ISI) is defined to mean the removal within the school building of a student from the student’s current education program when the student is afforded the

opportunity to continue to:

- a. Appropriately progress in the general curriculum;
 - b. Receive the special education and related services specified on the student's Individualized Education Program (IEP) in accordance with COMAR 13A.05.01;
 - c. Receive instruction commensurate with the program afforded to the student in the regular classroom;
 - d. Receive the accommodations and related services specified on the student's Section 504 Plan if the student is eligible under Section 504 of the Rehabilitative Act of 1973 (Section 504); and
 - e. Participate with peers as they would in their current education program to the extent appropriate.
6. "Progressive Discipline" is defined to mean disciplinary responses that are proportional to the severity of the unacceptable behavior and its impact on the school environment, the student's age and grade level, the student's previous discipline history, and other relevant factors, and that involve escalating consequences for patterns of inappropriate behavior despite less intensive consequences.
 7. "School Property" or "School Grounds" is defined to mean any school or other FCPS facility, including grounds owned or operated by FCPS, FCPS buses and other FCPS vehicles, chartered vehicles, and the facility and/or grounds of any FCPS-sponsored activity involving students.
 8. "School-Related Activity" or "School-Sponsored Activity" is defined to mean any school system activity, on or off school property, in which a student directly participates (e.g. school field trip, athletic event, or class/graduation activity), or an activity in which the student does not directly participate but represents the school or student body simply by being present (e.g. spectator at a school event).
 9. "Staff" is defined to mean all FCPS school system and contracted employees.
 10. "Student Code of Conduct" is defined as an FCPS framework, aligned with local, state, and federal regulations, that provides expectations for positive behaviors that support a safe learning environment for each and every student. It highlights the responsibilities of students, parents/guardians, and staff as well as interventions and supports available. It also outlines progressive discipline strategies for inappropriate behaviors.
 11. "Student With a Disability" is defined to mean a student, age three (3) years old through the end of the school year in which the student turns twenty-one (21) years old, who falls within one of the classifications set forth in the Individuals with Disabilities Education Act (IDEA) and who, because of the disability, needs special education and related services. This also includes students who qualify as a student with a disability pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), and who, because of such qualification, requires a Section 504 Plan.
 12. "Suspension" is defined as the denial of a student's right to attend regular classes or school

for a specified period of time for cause. Suspension includes “in-school suspension”, “short-term suspension”, “long-term suspension”, and “extended suspension”.

- a. “In-school Suspension” (ISS) is defined as the removal of a student within the school building from the student's current education program for up to but not more than ten (10) school days in one school year for disciplinary reasons by the principal to another location within the school building.
- b. “Short-term Suspension” is defined as the removal of a student from school for up to, but not more than, three (3) school days for disciplinary reasons by the principal.
- c. “Long-term Suspension” is defined as the removal of a student from school for a time period between four (4) and ten (10) school days for disciplinary reasons by the principal.
- d. “Extended Suspension” is defined as the exclusion of a student from a student's regular program for a time period between eleven (11) and forty-four (44) school days for disciplinary reasons as determined by the Superintendent or their designee.

C. Policy Statement

1. The Board supports a framework of behavior intervention that is rehabilitative, restorative, and educational. The Board expects the use of multi-tiered system of support for students, which includes a continuum of instructional strategies and behavior interventions to support the teaching and learning process.
2. In addition to a student’s home, schools are also communities in which positive behavior is expected, modeled, and learned within an environment of mutual respect and dignity. The Board affirms parents/guardians as essential partners in establishing and maintaining positive, respectful, orderly, and safe learning environments, and reinforcing lessons learned from disciplinary consequences.
3. The Board supports a safe, inclusive, supportive, fair, and nondiscriminatory educational environment conducive to keep-students connected to and engaged with school so that they may feel supported and can become college and career ready. The Board’s expectation is that all schools will have a safe, positive, healthy, and inviting and welcoming environment, which fosters respect, responsibility, trustworthiness, fairness, caring, and good citizenship.
4. The Board’s expectation is that student discipline practices are restorative in that they provide preventative, proactive, and responsive measures for both staff and students, and encourage and promote positive behavior, problem solving, conflict resolution, and reduce disruption.
5. The Board’s expectation is that discipline will be used fairly and without discrimination based on a student’s actual or perceived race, ethnicity, color, ancestry, national origin, nationality, religion, sex, sexual orientation, gender, gender identity, gender expression, marital status, pregnancy or parenting status, family structure, ability (cognitive, social/emotional, and physical), veteran status, genetic information, age, immigration or

citizenship status, socioeconomic status, language, or other legally or constitutionally protected attributes and/or affiliations.

6. The Board's expectation is that long-term suspension, extended suspension, and expulsion will be utilized only as a last resort option, and that disciplinary action should be administered in a way to keep students within their regular school program to the greatest extent practicable. In alignment with the [Student Code of Conduct](#), suspension and expulsion are level 4 and 5 responses of progressive discipline.
7. The Board's expectation is that students will comply with all school rules and procedures and will exhibit the expected student conduct and behaviors set forth in FCPS' [Parent/Student Handbook and Student Code of Conduct](#).

D. Implementation

1. This policy applies to all students while on school property, during a school-related activity, and/or otherwise subject to the authority of FCPS. This includes, but is not limited to, school buses, school-sponsored events, field trips, athletic functions, and any other activity where school administrators have jurisdiction over students.
2. This policy also applies to off-campus acts if such acts cause a substantial disruption to the school environment, in accordance with [Board Policy 437](#), *Bullying-Harassment-Intimidation*, and [FCPS Regulation 400-48](#), *Bullying, Harassment, Intimidation Complaint Process for Students*.
3. FCPS will maintain a systemwide code of conduct for students establishing the standards for student behavior and disciplinary consequences for violations of those standards. This [Student Code of Conduct](#) will be made available online and in print to all students and their parents/guardians/families.
4. FCPS utilizes progressive discipline (escalating consequences for patterns of inappropriate behavior which have persisted, despite less intensive consequences) as a framework to respond to and resolve student discipline matters. Progressive discipline is designed to aid students in correcting their misconduct, and it encourages students to be responsible citizens of the school community. Progressive discipline should promote positive student behavior, state unacceptable behavior, and establish clear and fair discipline responses for unacceptable behavior. Disciplinary responses are administered in proportion to the severity of the unacceptable behavior, its impact on the school environment, the student's age and grade level, the student's previous discipline history, and other relevant factors.
5. The Board establishes that student disciplinary regulations, at a minimum, must:
 - a. Reflect a discipline framework based on the goals of fostering, teaching, and acknowledging positive behavior;
 - b. Be designed to keep students connected to school so that they may graduate college and career ready;

- c. Describe the conduct that may lead to in-school and out-of-school suspension or expulsion;
 - d. Allow for discretion in imposing discipline, such as considering the facts of an investigation and/or the needs of the student(s);
 - e. Address the ways the educational and counseling needs of suspended students will be met; and
 - f. Explain why and how long-term suspensions or expulsions are last resort options.
6. Corporal punishment is prohibited by law. No FCPS employee or third party may inflict corporal punishment.
7. **Due Process/Notification of Charges.** Students will be accorded due process by an administrator before discipline is administered. Due process includes:
- a. Informing the student of the reason(s) for the suspension and provide an opportunity for the student to respond before the suspension becomes effective. If the student elects not to offer a response or denies the alleged charges, the student has the right to an explanation of the evidence supporting the charges and the principal can proceed with issuing an appropriate disciplinary consequence in alignment with the [FCPS Student Code of Conduct](#).
 - b. Providing the student and the student's parents/guardians with written notification of the disciplinary action taken by the school and include the name and contact information for the designated staff liaison.
 - c. Promptly offering a conference with the student, student's parent/guardian and appropriate school personnel during the suspension period.
 - d. Providing, at or before the conference, the student with oral or written notice of the offense that the student is suspected to have committed and provide an opportunity for the student to offer a response.
8. The Superintendent is directed to:
- a. Establish a regulation(s) to implement this policy.
 - b. Ensure that disciplinary procedures for students with disabilities receiving special education services and/or services under Section 504 of the Rehabilitation Act of 1973 (Section 504) will be in accordance with current federal and state laws and state regulations.

E. Related Information

- 1. **Board Policy**
 - a. [Policy 105](#), *Appeal and Hearing Procedures*
 - b. [Policy 404](#), *Student Rights and Responsibilities*
 - c. [Policy 444](#), *Educational Equity and Excellence*
- 2. **Code of Maryland Regulations (COMAR)**
 - a. [COMAR 13A.05.01](#), *Provision of a Free Appropriate Public Education*
 - b. [COMAR 13A.08.01.11](#), *Disciplinary Action*
 - c. [COMAR 13A.08.01.15](#), *Reporting Delinquent Acts*
 - d. [COMAR 13A.08.01.17](#), *School Use of Reportable Offenses*

- e. [COMAR 13A.08.03](#), *Discipline of Students with Disabilities*

3. External Resources

- a. [US Department of Education, Office for Civil Rights, US Department of Justice, Civil Rights Division. \(May 2023\). *Resource on Confronting Racial Discrimination in Student Discipline*](#)
- b. [US Department of Education, Office for Civil Rights. \(July 2022\). *Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973*](#)
- c. [US Department of Education, Office of Elementary and Secondary Education, Office of Safe and Supportive Schools. \(2023\). *Creating and Sustaining Discipline Policies That Support Students' Social, Emotional, Behavioral, and Academic Well-Being and Success: Strategies for School and District Leaders*](#)
- d. [US Department of Education, Office of Planning, Evaluation, and Policy Development. \(March 2023\). *Guiding Principles for Creating Safe, Inclusive, Supportive, and Fair School Climates*](#)

4. FCPS Regulations

- a. [Regulation 111-01](#), *Weapon Possession on School Property*
- b. [Regulation 400-20](#), *Student Records*
- c. [Regulation 400-57](#), *Bus Discipline Procedures*
- d. [Regulation 400-59](#), *Search and Seizure, Arrests and Questioning of Students*
- e. [Regulation 403-01](#), *Student Discipline*
- f. [Regulation 403-02](#), *Suspension and Expulsion* (formerly Regulation 408-01)
- g. [Regulation 434-01](#), *Technology Use, Students*
- h. [Regulation 444-01](#), *Educational Equity and Excellence*

5. FCPS Resources

- a. [Parent/Student Handbook and Student Code of Conduct](#)

6. Federal Law

- a. Individuals with Disabilities Education Act (IDEA), 20 USC § 1400, *et seq.*
- b. Section 504 of the Rehabilitation Act of 1973, 29 USC § 794

7. Maryland Statutes

- a. [Md. Code Ann., Educ. § 7-305](#)
- b. [Md. Code Ann., Educ. § 7-305.1](#)
- c. [Md. Code Ann., Educ. § 7-306](#)
- d. [Md. Code Ann., Educ. § 7-307](#)
- e. [Md. Code Ann., Educ. § 7-308](#)

F. Policy History (Maintained by Legal Services)

<i>Responsible Office</i>	Department of School Accountability and System Administration; Office of Student Services
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Adoption Dates	03/22/06
Review Dates	
Revision Dates	05/23/18; 10/13/21; 05/04/22; 11/20/24