

### **A. Purpose**

Frederick County Public Schools' (FCPS) promotes a safe, positive, healthy, and inviting environment: one that fosters respect, responsibility, trustworthiness, fairness, caring, and good citizenship in all settings. It is the responsibility of everyone associated with the school—staff, students, parents, and members of the community—to teach, promote and model self-discipline in order to preserve the quality of our educational environment. In order to maintain this desired educational learning environment, all individuals are expected to consistently follow this regulation and the [FCPS Student Code of Conduct](#).

### **B. Background**

The FCPS discipline philosophy is based on the goals of fostering, teaching and acknowledging positive behavior. Discipline is designed to teach appropriate behavior, encourage and motivate more effective habits of conduct, and promote the development of self-discipline. Staff and administrators are expected to utilize progressive discipline (escalating consequences for patterns of inappropriate behavior which have not been successfully corrected with less intensive consequences) whenever appropriate. Unacceptable behaviors and the appropriate ranges of consequences are outlined in the [FCPS Student Code of Conduct](#). Consistent with the belief that we continuously teach by example and that training is important in the development of good citizens, the school system adopts and promotes the principles of restorative practices, cultural competency, fairness, equity, continuous improvement and conflict resolution.

The [FCPS Student Code of Conduct](#) is available at fcps.org. Printed copies are also available upon request from school administrators.

### **C. Definitions**

1. “Due Process” is defined to mean to provide notification of the charges and an opportunity to respond.
2. “In-School Intervention (ISI)” is defined to mean the temporary removal of a student from class by school administrator; not considered suspension as long as the student is afforded the opportunities to:
  - a. Appropriately progress in the general curriculum.
  - b. Receive the special education and related services specified on the student’s IEP, if the student is a student with a disability.
  - c. Receive instruction commensurate with the program afforded to the student in the regular classroom.
  - d. Participate with peers as they would in their current education program to the extent appropriate.

3. “In-School Suspension (ISS)” is defined to mean the removal by the school principal of a student from the student’s current education program to another location within the school building for up to ten (10) school days in a school year for disciplinary reasons.
4. “Short-Term Suspension” is defined to mean the removal of a student from school, by the school principal for a time period of not more than three (3) school days, for disciplinary reasons.
5. “Long-Term Suspension” is defined to mean the removal of a student from school, by the school principal, for a time period of four (4) to ten (10) school days, for disciplinary reasons.
6. “Extended Suspension” is defined to mean the temporary removal by the Superintendent or Superintendent’s designee of a student from school for eleven (11) to forty-four (44) school days for disciplinary reasons. The school system will provide the excluded student with comparable educational services and appropriate behavioral support services to promote successful return to a regular academic program.
7. “Expulsion” is defined to mean the removal of a student from the student’s regular school program, for a specified period of time of forty-five (45) days or longer, as determined by the Superintendent/designee with comparable educational services and appropriate behavioral support services to promote successful return to a regular academic program. Expulsions from school are prohibited for students enrolled in prekindergarten through grade 2, except in instances where expulsion from school is required by federal law.

#### **D. Procedures**

##### **1. Student Conduct**

- a. Students will be subject to the established disciplinary regulations for any incident occurring on any property owned by the Frederick County Public School system, before, during, and after school hours, and while attending school-sponsored activities on or off school property. Student conduct occurring outside school hours and away from school property may be subject to disciplinary action if the principal reasonably believes 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.
- b. Students may also be disciplined for possessing prohibited materials (including those contained within electronic devices or vehicles located on school property). A principal/designee reserves the right to temporarily secure an electronic device during a student discipline investigation to ensure integrity of the fact-finding process.
- c. Behavioral expectations and disciplinary interventions to be used by all schools are outlined in the [FCPS Student Code of Conduct](#) and are shared with students and parents/guardians annually. The [FCPS Student Code of Conduct](#) is also available online at [www.fcps.org](http://www.fcps.org).
- d. In addition to disciplinary consequences, positive behavioral interventions and mental health supports may be considered, as appropriate.

## 2. Levels of Disciplinary Response

- a. FCPS utilizes progressive discipline (escalating consequences for patterns of inappropriate behavior which have persisted despite less intensive consequences) whenever appropriate. 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. The [FCPS Student Code of Conduct](#) includes 5 levels of disciplinary responses based on specific behavioral infractions. They are:
  - i. Level 1: Staff Directed Response (minor incidents),
  - ii. Level 2: Administrator directed supports/responses,
  - iii. Level 3: Administrator directed supports/responses in-school removal such as In-School Intervention (ISI) and In-School Suspension (ISS),
  - iv. Level 4: Administrator directed supports/responses/out-of-school removal
  - v. Level 5: Superintendent directed supports/responses/extended out-of-school removal consequences.
- b. See [FCPS Code of Conduct](#) for more information about levels of responses.

3. **Due Process.** All students must receive due process (be informed of the allegations and evidence against them, and be provided with an opportunity to respond to said allegations). If it is determined that an out of school suspension is warranted, the student must be notified of the consequences. The parent/guardian must be notified in writing, and a parent/guardian conference should be provided. Some behavioral violations are also criminal offenses and may result in reporting the incident to law enforcement.

## 4. Suspension and Expulsion

- a. While school principals/designees have discretion in imposing discipline based upon the facts of the investigation and the needs of the students, long term suspensions and requests for extended suspensions/expulsions should be considered as last resort options in accordance with [Code of Maryland Regulations \(COMAR\) 13A.08.01.11, Disciplinary Action](#). With the exception of students enrolled in prekindergarten through grade 2, principals or designees may suspend students for cause for not more than 10 school days per behavioral incident.
- b. Students enrolled in prekindergarten through grade 2 may be suspended for up to five school days per incident if there is an imminent threat of serious harm to other students or staff that cannot be reduced or eliminated through interventions and support **(consultation with the Supervisor of Mental Health and Psychological Services or the Coordinator of Psychological Services is required)**.
- c. In the event of an out of school suspension, school staff shall provide the opportunity for a re-entry conference to provide transition and school connection support to the suspended student as he/she returns to the educational setting. Whenever possible, a parent/guardian should be included in this conference.
- d. Each student suspended or expelled out of school who is not placed in an alternative education program shall receive daily classwork and assignments from each teacher, and if completed and returned shall be reviewed and corrected by teachers on a weekly basis and returned to the student; and

- e. Each principal shall assign a school staff person to be the liaison between the teachers and any student on out-of-school suspension or expulsion and to communicate weekly about classwork assignments and school-related issues by phone and or email with those out-of-school suspended/expelled students and their parents.; and
  - f. To provide all students who receive short-term suspensions and their parents or guardians with contact information for a school employee who will be responsible for ensuring that the requirement is met.
  - g. Administrators and staff will take reasonable disciplinary action to deter acts which interrupt the educational process. In accordance with the Annotated code of Maryland §7-307, they may also take reasonable action necessary to prevent violence on school premises or on a school-sponsored trip, including intervening in a fight or physical struggle that takes place in their presence, whether the fight is among students or other individuals. The degree and force of the intervention may be as is reasonably necessary to prevent violence, restore order and to protect the safety of the combatants and surrounding individuals. The term “reasonable force” shall not encompass physical abuse from anyone in the school system. Corporal punishment shall not be inflicted on any student by any employee of the Frederick County Board of Education.
5. **Suspension and Expulsion Due Process and Appeal Process.** [FCPS Regulation 408-01](#), *Suspension and Expulsion*, outlines the due process and appeal rights of students regarding suspension and expulsion, inclusive of exceptions to disciplinary actions for prekindergarten through grade 2.
6. **Application regarding FCPS Transportation.**
- a. School bus safety is a shared responsibility that depends upon the cooperation of students, parents, drivers, and school officials. Bus transportation is an extension of the school day. FCPS will address any behavior that prevents drivers from doing their job or other students from having safe transportation. Video cameras on buses record images and sound, enabling FCPS to document behavior that infringes on others. These cameras and recordings are kept secure by authorized FCPS personnel.
  - b. Student behavioral expectations:
    - i. Follow directions from adults the first time they are given.
    - ii. Stay in your seat at all times while the bus is in motion.
    - iii. Keep hands, arms, feet, legs, and property inside the bus and to yourself, and keep your voice low.
    - iv. No eating, smoking, drinking, or vulgar/hateful language.
    - v. Do not block the aisles or exits.
    - vi. Only those large items that can be held safely on your lap, placed on the window side of the seat beside you, or placed on the floor between your feet may be brought onto the bus. Items that are sharp-edged, glass, or subject to spillage are not allowed. Animals (except approved service animals), skateboards, and scooters are not permitted.
  - a. Students may use personal electronic devices on buses, in accordance with [FCPS Regulation 434-01](#), *Technology Use, Students*.

7. **Application in a Remote Virtual Instructional Setting.** FCPS views remote virtual learning as an extension of the FCPS classroom. As such, all expectations of behavior, interventions, and consequences apply to the virtual learning environment. Disciplinary consequences may result in a student being restricted from sharing audio and video in the virtual classroom, mandatory parent conferences, restorative conferences, detention, or suspension, and/or loss of privileges, as appropriate.
8. **Documentation**
  - a. All administrative imposed discipline shall be documented in the student information system within three school days of the administration of the disciplinary consequence. All disciplinary incidents/offenses stemming from race, national origin, disability, religion, socioeconomic status, sexual orientation, gender identity or gender expression shall be categorized as such in the student information system.
  - b. All discipline that results in suspension will be maintained as part of the individual student's permanent record. The discipline record will consist of a description of the student's behavior that resulted in disciplinary action and a copy of the correspondence sent to the parent/guardian informing them of the student's suspension or expulsion.
  - c. Teacher led disciplinary actions as outlined in the [Student Code of Conduct](#) shall be documented in the student information system within three school days. Parent notification of disciplinary actions shall be communicated as soon as possible but within one school day.
9. **Accountability, Monitoring and Reporting for System and School Improvement**
  - a. Each school team will monitor referral and suspension data on at least a quarterly basis, and will implement strategies to address behavioral patterns, including disproportionality.
  - b. FCPS will include suspension metrics in Key Performance Indicator (KPI) reporting.

## **E. Related Information**

1. **Board Policy**
  - a. [Policy 105](#), *Appeal and Hearing Procedures*
  - b. [Policy 403](#), *Student Discipline*
  - c. [Policy 404](#), *Student Rights and Responsibilities*
  - d. [Policy 408](#), *Suspension and Expulsion*
  - e. [Policy 441](#), *Transportation of Students*
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. **Deactivated FCPS Regulations**
  - a. Regulation 400-17, *Suspension and Expulsion – Students with Disabilities*

b. Regulation 400-18, *Electronic Devices – Student Use*

**4. FCPS Regulations**

- a. [Regulation 111-01](#), *Weapon Possession on School Property*
- b. [Regulation 200-14](#), *Transportation Appeal Process*
- c. [Regulation 200-19](#), *Service Animals*
- d. [Regulation 400-04](#), *Suspension and Expulsion*
- e. [Regulation 400-20](#), *Student Records*
- f. [Regulation 400-57](#), *Bus Discipline Procedures*
- g. [Regulation 400-59](#), *Search and Seizure, Arrests and Questioning of Students*
- h. [Regulation 434-01](#), *Technology Use, Students*

**5. FCPS Resources**

- a. [Student Code of Conduct](#)

**6. 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. Regulation History** (Maintained by Legal Services)

<i>Responsible Office</i>	Student Services
Adoption Dates	05/22/78
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Revision Dates	03/16/22; 08/01/23; 08/30/24