

## **I. Policy Statement**

The Board of Education is committed to providing a safe and nurturing school environment that honors diversity and commonality. The Board believes providing such an environment requires that clear expectations for appropriate behavior be communicated, appropriate behavior be taught, and consequences for inappropriate behavior be established and administered.

The Board recognizes that teaching appropriate school behavior is the shared responsibility of schools and parents. The Board believes that disciplinary consequences should be designed to change inappropriate behavior, encourage responsible actions, and promote the development of self-discipline. Discipline should, therefore, be administered using a continuum model that includes conferences, detention, alternative educational settings, student reassignment, suspension and expulsion. The use of corporal punishment is prohibited.

## **II. Purpose**

The purpose of this policy is to establish disciplinary procedures and to provide guidelines for communication of these disciplinary procedures to staff, students, and the community.

## **III. Definitions**

- A. Corporal Punishment – Physical punishment or undue physical discomfort inflicted on the body of a student for the purpose of maintaining discipline or to enforce school rules.
- B. Expulsion – The removal of a student from school, whether for a specified period of time or permanently, as determined by the Superintendent/designee.
- C. Parent – Any one of the following, recognized as the adult(s) legally responsible for the student:
  - 1. Biological parent – A natural parent whose parental rights have not been terminated.
  - 2. Adoptive parent – A person who has legally adopted the student and whose parental rights have not been terminated.

3. Custodian – A person or an agency appointed by the court as the legal custodian of the student and granted parental rights and privileges.
  4. Guardian – A person who has been placed by the court in charge of the affairs of the student and granted parental rights and privileges.
  5. Caregiver – An adult resident of Howard County who exercises care, custody or control over the student, but who is neither the biological parent nor legal guardian.
  6. Foster parent – An adult approved to care for a child who has been placed in their home by a State agency or a licensed child placement as provided by section 5-507 of the Family Law Article.
- D. School Property – Any property owned or leased by the Howard County Public School System. The concept of property shall extend to school activities such as field trips, use of parks and recreation facilities, proms at hotels, etc. This means that when a facility is scheduled by the school system for student use, it will be considered an extension of school property.
- E. School-related Activity – Any school system activity, whether held on or off school property, in which a student directly participates (e.g., school field trip, athletic event, or class/graduation activity), or in which the student does not directly participate but represents the school or student body simply by being there (e.g., spectator at a school event).
- F. Student – A person who is enrolled in the Howard County Public School System.
- G. Suspension — The denial of a student’s right to attend regular classes or school for a specified period of time for cause.

#### **IV. Standards**

- A. This policy applies to all students when on school property, at a school-related activity, and/or otherwise subject to the authority of the Howard County Public School System (HCPSS). This includes, but is not necessarily limited to, school buses, bus stops, school-sponsored events, field trips, athletic functions, and any other activity where school administrators have jurisdiction over students. Disciplinary action may also be taken for off-campus incidents in accordance with Policy 9280 (Students Charged with Community or Reportable Offenses).
- B. The HCPSS will publish a Student Code of Conduct which establishes standards for student behavior and disciplinary consequences for violations of those standards.
- C. Discipline will be administered using a range of consequences.

1. Administrators are not obligated to utilize consequences in sequential order; however, when appropriate, discipline should be administered in a progressive manner as follows:
  - a. Staff/Administrative Response
  - b. Parent Involvement
  - c. Reallocation of Student's Time (such as Formal Detention and Saturday School)
  - d. Exclusion from Normal School Activities (including Suspension)
  - e. Expulsion.
  
2. When determining an appropriate consequence for a violation of the Student Code of Conduct, administrators should consider:
  - a. The severity of the incident
  - b. The student's previous violations and/or consequences for the same or related offenses
  - c. Whether the offense interfered with the rights, privileges, or property of others
  - d. Whether the offense posed a threat to the health and safety of others
  - e. Whether the student has a disability and the possible impact of that disability on the student's behavior
  - f. The relationship between the offense and the consequence
  - g. Whether the consequence is age appropriate
  - h. Any specific consequences articulated in other system policies.
  
3. As part of the range of consequences, the school system will provide alternative educational settings that include, but are not limited to, the following:
  - a. In-school Suspension – A short-term placement of a student in a setting within the school, including contract rooms, in which the student does class work for the classes that are missed and develops a plan to avoid future disciplinary action.
  - b. Saturday School – An alternative to out-of-school suspension for middle and high school students with attendance or behavior-related problems.
  - c. Homewood – A setting which provides alternative middle and high school programs for students in need of intensive academic and behavioral instruction and support. Homewood also serves students who are emotionally impaired and in need of a separate day program to meet Individualized Education Program (IEP) goals and objectives. Placement is made through the IEP team process (including the Central Admission Committee).

- d. Evening School – An interim placement providing educational opportunities for selected middle and high school students.
- 4. No employee or third party may engage in corporal punishment.
  - a. Intervention by a principal, teacher, school security guard, or other school system personnel in a fight or physical struggle that takes place in the school building, on the school grounds, or on a school-sponsored trip is specifically authorized by law and does not constitute corporal punishment.
  - b. A principal, teacher, school security guard, or other school system personnel may use the degree of force that is reasonably necessary to restore order and to protect himself/herself, the students involved in the fight or struggle, and other persons in the area.
- D. Students must be accorded due process when discipline is administered. Due process includes:
  - 1. Notifying the student of the allegations
  - 2. Providing an explanation of the evidence if the student denies the allegations
  - 3. Allowing the student an opportunity to respond to the allegations. Students should be encouraged to provide a written response
  - 4. Notifying the parent(s) promptly in writing of the violation and disciplinary consequence when the behavior warrants reallocation of the student's time (such as formal detention or Saturday School), exclusion, or suspension.
- E. Disciplinary procedures for students with disabilities who are receiving special education services shall be in accordance with current state and federal laws.
- F. Disciplinary infractions that constitute violations of criminal statutes shall be reported to the Youth Division of the Howard County Department of Police.
- G. Records of students' disciplinary infractions and the consequences for those infractions must be maintained on an ongoing basis according to approved procedures. For students with disabilities receiving special education services, federal and state laws regarding access to records must also be followed.
- H. All searches and seizures conducted on school property that result from conducting disciplinary investigations shall take place in accordance with Section 7-308 of the Annotated Code of Maryland and Policy 9260, Student Search and Seizure.

**I. Suspensions**

1. A principal/designee may suspend a student for up to ten (10) consecutive school days for each offense. Suspensions exceeding ten (10) consecutive school days must be issued by the Superintendent/designee.
2. Any student suspended from school may make up missed work for credit.
3. Any student who is suspended out of school is precluded from participation in or attendance at all after-school HCPSS school-related and extracurricular activities held during the period of the suspension.
4. When a graduating senior is suspended for 10 days or less, and the period of suspension includes the day of commencement, the student may appeal directly to the Superintendent. If a decision is to be made prior to commencement exercises, the appeal must be filed no later than two school days prior to the commencement ceremony.

J. The school system will provide training and resources to enable staff to implement this policy.

K. Students, parents, and staff members shall be informed of the provisions of this policy on an annual basis.

**V. Compliance**

- A. Students are responsible for complying with established school rules and procedures and exhibiting the expected student behaviors delineated in the Student Code of Conduct.
- B. Principals and the Superintendent/designee are responsible for determining appropriate disciplinary action based on a range of consequences.
- C. Principals are responsible for ensuring violations of criminal statutes are reported to the Youth Division of the Howard County Department of Police.
- D. Principals are responsible for ensuring disciplinary records are maintained according to school system policy and approved procedures.
- E. The Superintendent/designee will ensure staff receives training and resources necessary to implement this policy.

- F. The Superintendent/designee is responsible for notifying all school administrators annually of the provisions of this policy.
- G. Principals are responsible for ensuring students, parents, and staff members are notified of the provisions of this policy annually.

## **VI. Delegation of Authority**

The Superintendent is authorized to develop appropriate procedures for the implementation of this policy.

## **VII. References**

- A. Legal
  - The Annotated Code of Maryland, Education Article, Section 7-305 (Suspensions and Expulsions)
  - The Annotated Code of Maryland, Education Article, Section 7-306 (Corporal Punishment and Code of Conduct)
  - The Annotated Code of Maryland, Education Article, Section 7-307 (School Violence)
  - COMAR 13A.08.01.11, Disciplinary Action
  - COMAR 13A.08.01.15, Reporting Delinquent Acts
  - COMAR 13A.08.01.17, School Use of Reportable Offenses
- B. Other Board Policies
  - Policy 9020 Students' Rights and Responsibilities
  - Policy 9050 Student Records and Confidentiality
  - Policy 9260 Student Search and Seizure
  - Policy 9280 Students Charged with Community or Reportable Offenses
- C. Other
  - Student Code of Conduct

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**I. Definitions**

- A. 504 Team – A school-based team established to consider eligibility for services and review 504 plans for students whose physical or mental disabilities substantially limit their access to education.
- B. Alternative Educational Setting – A setting within or outside of the home school designed to accommodate the needs of students who have demonstrated, through the need for disciplinary action, an inability or unwillingness to function in a regular setting, or who present a serious physical threat to themselves or others.
- C. Behavior Intervention Plan (BIP) – A proactive plan designed to address problem behaviors exhibited by a student in the education setting through the use of positive behavior interventions, strategies, and supports.
- D. Central Education Placement Team (CEPT) – A team that reviews the requests from local school IEP teams for more restrictive and nonpublic placements and that can commit the resources of the HCPSS.
- E. Detention – The placement of a student in a supervised setting during the school day, before or after school, or on Saturdays.
- F. Expulsion – The removal of a student from school, either for a specified period of time or permanently, as determined by the Superintendent/designee.
- G. Functional Behavior Assessment (FBA) – The identification of the functions of problem behaviors for a student in the educational setting that contribute to or predict the occurrence, non-occurrence and maintenance of behaviors over time.
- H. Individualized Educational Program (IEP) Team – A school-based team established to consider the identification, evaluation, program, or placement for all students suspected of, or identified as, needing special education and related services.
- I. In-school Suspension – The exclusion within a school building of a student from the student’s regular education program for disciplinary reasons for a period of time not to exceed 10 consecutive school days.

- J. Interim Alternative Educational Setting – A setting within or outside the home school selected to enable a special education student to continue to progress in the general curriculum and to continue to receive special education services and modifications needed to meet the goals of the student’s IEP.
- K. Positive Behavior Intervention and Supports (PBIS) – A program which applies affirmative school-wide and individual student specific actions, instructions, and assistance to encourage education success.
- L. Restricted Access – Restriction of a student’s presence on school property to the academic school day.
- M. Serious Bodily Injury – An injury that involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.
- N. Suspension – The denial of a student’s right to attend regular classes or school for a specified period of time for cause.

**II. Intervention and Support**

- A. Staff will receive training and resources necessary to implement this policy. Training and resources will address:
  - 1. The contents and requirements of this policy.
  - 2. Prevention and intervention techniques designed to promote expected school behaviors and discourage students from engaging in behavior that interferes with the provision of a safe and nurturing school environment.
- B. When students engage in misbehavior, school administrators shall ensure that disciplinary consequences include opportunities for students to understand the nature of their behavioral infractions and to make a plan for how to avoid future violations.
- C. Behavioral intervention and support for students is available through staff working in the offices of:
  - 1. School Administration (Alternative Education Programs and Student Services)
  - 2. Special Education

- D. Training for staff members regarding the implementation of positive behavioral interventions and supports is available from the offices cited in section II.C. above.

### **III. Violations of the Student Code of Conduct – Investigation**

- A. A school administrator will investigate any alleged violation of the Student Code of Conduct in a timely manner and complete the required incident report.
- B. If, at the conclusion of the investigation, the school administrator finds that there has been a violation of the Student Code of Conduct, consequent action will be in accordance with the provisions of this policy; Policy 9020, Students’ Rights and Responsibilities; and the Student Code of Conduct.
- C. A staff member designated by the principal shall enter data from incident reports into the student records management system.
- D. Copies of incident reports describing students’ behavioral violations shall be kept in each student’s cumulative file.

### **IV. Non-exclusionary Consequences**

- A. Staff/Administrative Response and Informal Detention

For minor behavioral infractions, teachers and administrators may respond to students in a manner that does not require parental notification. These responses may include actions such as a verbal reprimand, assigning the student to a brief period of time-out, withholding privileges, requiring a teacher/administrator conference with the student, or assigning informal detention during the school day.

- B. Parent Involvement

Many behavioral infractions require parental contact. When such contact is warranted, parents should be informed of the misbehavior in a timely manner. Communication with parents may take many forms, including phone calls, written notices, email notification, and administrative conferences with the student and the parent.

- C. Reallocation of Student’s Time through Formal Detention and Saturday School

- 1. Some behavioral infractions warrant reallocation of a student’s time through such means as formal detention and Saturday School. This occurs when

student misbehavior calls for a significant response short of suspension from school.

2. A written notice of detention outside of regularly scheduled school hours will be given to the parent of a student who is being assigned a formal detention at least one day in advance of the date of detention. The staff member assigning the detention should retain a copy of the written notice.
3. The written notice of detention will contain the reason that the detention is being assigned, the date of the detention, and the times that the detention will begin and end. The staff member who assigns the detention will sign the written notice.
4. The detention notice is to be signed by the parent and returned to the staff member who assigned the detention. The staff member will file this copy of the detention notice in the school's disciplinary file.
5. The responsibility for transportation of students assigned detention outside of school hours, including Saturdays, rests with the parents of the students.
6. If students fail to complete detentions on the dates assigned and the parents have not contacted the staff members who assigned the detentions, the students may be referred to the administration and be subject to further disciplinary action.
7. Assignment to Saturday School is a more serious consequence than other forms of detention. Staff members who assign students to Saturday School should follow the procedures outlined above.

**V. Exclusion From Normal School Activities: Alternative Educational Setting**

The following provisions and procedures apply, for each offense, for all students except those receiving special education services or having 504 plans.

- A. Students may be assigned to or granted placement in an alternative educational setting by principals/designees and/or designated central office personnel.
- B. Every effort should be made to enlist parent support when assigning students to alternative settings. However, the Superintendent/designee retains the right to assign students to alternative settings when the students and/or parents do not agree to such placements.
- C. The length of placement in an alternative educational environment may be determined by the principal or designated central office personnel.

- D. Sending schools maintain responsibility for students until the students arrive at the assigned settings or until required actions (e.g., completion of assessments) are completed by the sending schools.
- E. Failure of students to complete requirements of the alternative educational environments in a satisfactory manner may result in additional disciplinary actions.

## VI. Suspensions of Up to Ten (10) Days (In-school and Out-of-school)

The following provisions and procedures apply, for each offense, for all students except those receiving special education services or having 504 plans.

### A. General Provisions

1. Students may be suspended from school for serious behavioral infractions. Principals may suspend students (in-school or out-of-school) for up to 10 consecutive days for cause. In-school suspension may be considered less serious than out-of-school suspension within the range of possible disciplinary consequences.
2. In-school suspensions should be assigned with the same considerations and expectations accorded out-of-school suspensions. This includes keeping records of in-school suspensions, reporting in-school suspensions as suspensions using currently accepted guidelines for reporting of disciplinary data, and parental notification.
3. Students serving out-of-school suspensions are prohibited from attending classes, accessing school property, and participating in school-related or extracurricular activities.

### B. General Procedures

1. The student must be informed promptly of the alleged violation and given the opportunity to explain in writing his/her explanation of the situation.
2. The student and parent must be given a conference promptly with the principal and other appropriate personnel during the period of the suspension.
3. An appeal of a suspension of 10 days or less will be considered only if it involves questions of due process.

## VII. Suspensions of Ten (10) or More Days and Expulsions

The following provisions and procedures apply, for each offense, for all students except those receiving special education services or having 504 plans.

### A. General Provisions

1. Students who are expelled are prohibited from attending classes, accessing school property, and participating in school-related or extracurricular activities.
2. Students who are expelled are not entitled to earn credit for any courses taken during the year in which the expulsion occurred.
3. Students who are expelled may request reinstatement from the Superintendent/designee, who makes all determinations in such matters.

### B. General Procedures

1. At the request of a principal, the Superintendent/designee may suspend a student for more than ten (10) school days or expel the student.
2. If a principal determines that a suspension exceeding ten (10) school days or expulsion is warranted, he/she shall issue a ten-day suspension, immediately make a written recommendation to the Superintendent/designee, and inform the student and the student's parent of the reason(s) for the suspension and recommendation to the Superintendent/designee.
3. The Superintendent/designee shall promptly make a thorough investigation of the matter.
4. If after the investigation, the Superintendent/designee finds that a suspension of more than ten (10) school days or expulsion is warranted, a conference with the student and his/her parent shall promptly be arranged within 10 days of the violation.
5. If after the conference the Superintendent/designee issues the suspension of more than ten (10) school days or expels the student, the student or his/her parent may:
  - a. Appeal to the Board of Education within ten (10) days after the determination,
  - b. Be heard before the Board of Education or its designated committee, and
  - c. Bring counsel and witnesses to the hearing.

6. Unless a public hearing is requested by the parent of the student, all student disciplinary hearings shall be held out of the presence of all individuals except those whose presence is considered necessary or desirable by the Board of Education.
7. The appeal to the Board of Education does not stay the decision of the Superintendent.
8. The decision of the Board of Education is final.
9. Students who are expelled may request educational services which, if approved, will be provided at the expense of the student.

### **VIII. Students Receiving Special Education Services or Having 504 Plans**

When a student is receiving special education services or has a 504 plan, the following procedures apply when considering disciplinary consequences which would exclude the student from normal school activities.

- A. General provisions related to suspensions
  1. In-school suspensions should be assigned with the same considerations and expectations accorded out-of-school suspensions. This includes keeping records of in-school suspensions, reporting in-school suspensions as suspensions using currently accepted guidelines for reporting of disciplinary data, and parental notification.
  2. Students serving out-of-school suspensions are prohibited from attending classes, accessing school property, and participating in school-related or extracurricular activities.
- B. Suspension for up to ten (10) school days per year

In any disciplinary case deemed to warrant suspension of up to ten (10) school days, a student with disabilities may be suspended in accordance with section VI.B. of these procedures.
- C. Suspension for more than ten (10) cumulative school days (including in-school suspensions) or expulsion
  1. Students with IEPs can only be excluded from instruction for 10 cumulative days per school year. After the 10<sup>th</sup> day, students must receive educational services to enable them to continue to participate in the general education curriculum.

2. Any disciplinary action of a student with disabilities that warrants a suspension that exceeds ten (10) school days per year or expulsion by the Superintendent/designee shall be immediately referred to the appropriate IEP team or 504 team. The IEP or 504 team meeting may be held at the school or in conjunction with the conference with the Superintendent/designee, the student, the parent, and interdisciplinary personnel. The parent shall be given notice of the IEP or 504 team meeting, which must be held as soon as possible, but not later than ten (10) school days after the offense.
3. It is the responsibility of the IEP or 504 team, including the parent, to meet and determine if the behavior that resulted in the suspension was a manifestation of the student's disability. The IEP or 504 team, including the parent, shall review all relevant information in the student's file, including the student's IEP, functional behavior assessment (FBA), behavior intervention plan (BIP), teacher observations, and any relevant information provided by the parents to determine:
  - a. Whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability.
  - b. Whether the conduct in question was the direct result of the school system's failure to implement the IEP or 504 plan.
4. If the IEP or 504 team determines that any of the above considerations are applicable, the conduct shall be determined to be a manifestation of the student's disability.
5. If the IEP or 504 team determines that the conduct which prompted the disciplinary action was a manifestation of the student's disability, the suspension or expulsion shall be discontinued and the record of the suspension or expulsion removed from the student's file. Suspension days served during this time count toward the 10-day limit for exclusion from educational services. The team members shall:
  - a. Return the student to the placement from which the student was removed, unless the parent and the IEP or 504 team agree to change the placement as part of the modification of the IEP.
  - b. Consider whether the student's special education services or 504 plan continues to be appropriate by conducting a FBA and implementing a BIP if one has not been implemented previously.
  - c. Review or modify the IEP, 504 plan, and/or BIP as appropriate.
6. Implementation of the revised IEP, 504 plan, and/or BIP shall occur as soon as possible, but not more than thirty (30) calendar days following the revision and approval by the parent.

7. If the IEP or 504 team determines that the conduct that prompted the disciplinary action was not a manifestation of the student's disability, the following procedures apply:
  - a. For a student with a 504 plan, the school system may cease education services during the periods of disciplinary removal that exceed ten (10) school days if non-disabled students in similar circumstances do not continue to receive educational services.
  - b. For a special education student, the school system must continue to provide educational services during periods of disciplinary removal that exceed ten (10) school days per year. The IEP team may consider any unique circumstance on a case-by-case basis when determining whether to recommend a change in placement for a child with a disability. If the IEP team should recommend an alternative program, the program must be able to implement the student's IEP, so as to enable the student to continue to participate in the general education curriculum.
8. The Superintendent's designee has the right to review the recommendation for placement. If the recommendation of the designee is inconsistent with that of the IEP team and is not agreeable to the parent, the parent may request a review of the Central Education Placement Team (CEPT). The CEPT would have the authority to make the final placement recommendation. During the pendency of an appeal by a special education student:
  - a. The student shall be permitted to return to his/her previous education placement not later than ten (10) school days after the suspension has begun.
  - b. The school system may seek a court order to remove the student or seek the consent of the student's parent to a change in placement if the student's presence in school poses a danger to persons or property.
  - c. The student's placement may not be changed. This does not preclude the school from using the normal procedures for dealing with students who are endangering themselves or others. Such procedures may include the use of study carrels, time-outs, detention, or restriction of privileges. When a student poses an immediate threat to the safety of others, officials may temporarily suspend him or her for up to ten (10) school days per year.
9. During the pendency of an appeal by a student with a 504 plan, the student is to be treated like a regular education student. Special education guidelines, in this situation, are not operative.

10. School administrators should consider seeking a hearing officer's consent or the court's consent to remove a dangerous student with disabilities from school when alternatives are not available.

D. Emergency Suspension

1. A student with disabilities may be suspended immediately from school if it is determined that the student's presence in school is a continuing danger to the individual, to others, or to property.
2. If the emergency suspension continues for more than five (5) school days, or will exceed ten (10) school days when combined with previous suspensions, the Superintendent/designee shall approve the suspension and the procedures stated in VIII.C.1. shall apply.
3. If the emergency suspension continues for more than ten (10) school days, the student with disabilities shall be offered an alternative educational setting or an interim instructional program for a minimum of six hours per week for not more than forty-five (45) days, unless the parent agrees, while the procedures described for suspension are pending.

E. Forty-five (45) Day Interim Alternative Educational Setting

1. School personnel may remove a student with disabilities to an appropriate interim alternative educational setting for not more than forty-five (45) school days without regard to whether the behavior is determined to be a manifestation of the student's disability, in cases when the student:
  - a. Carries or possesses a weapon at school, on school premises, or at a school function.
  - b. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of the school system.
  - c. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the school system.
2. If the principal believes that a student with disabilities should be assigned to an interim alternative setting, the principal should contact the Superintendent/designee and make the request.
3. No later than the date on which the decision to take disciplinary action is made, the school system shall notify parents of that decision, and all procedural safeguards accorded under federal law.

## IX. School Bus Transportation

The following procedures apply for all students who ride a school bus which include, but are not limited to, to and from school, field trips and sporting events/activities:

- A. Failure to comply with expected student behaviors or interference with the safe transportation of students in any way is a violation of this policy. In the absence of a teacher or school administrator, it is the responsibility of the school bus driver/assistant to report inappropriate or unsafe student behavior to a school-based administrator.

If any student is deemed to be in violation of this policy by the school bus driver/attendant, the student should be referred to the appropriate school administrator through the use of the Bus Conduct Report form.

- B. Initial disciplinary action as a result of inappropriate behavior on a school bus will be the responsibility of the designated school administrator. The Pupil Transportation Office staff will be available to assist school administrators in addressing and resolving infractions.
1. The administrator will determine if a violation has occurred.
  2. If the administrator determines that a violation has occurred, he/she, in consultation with Pupil Transportation Office staff, as necessary, will take appropriate action.
- C. Student infractions of the rules/guidelines regarding student conduct on school buses may lead to the temporary or permanent suspension of transportation privileges and/or other discipline.
- D. Inappropriate conduct by special education students will be handled in accordance with all applicable laws and regulations.

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