



BOARD OF EDUCATION
POLICY 9280
STUDENTS CHARGED WITH COMMUNITY
OR REPORTABLE OFFENSES

Effective: October 22, 1998

Policy Statement

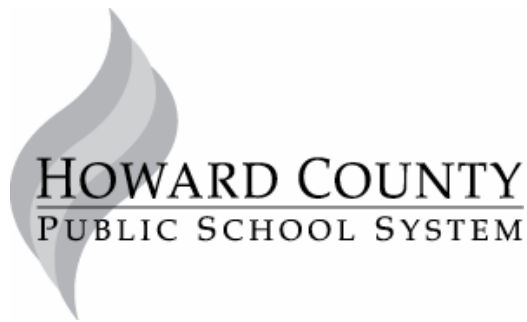
The presence in school of a student who has been charged with involvement out of school in a community offense, or a reportable offense as defined in COMAR 13a.08.01.17, may pose a serious threat to the safety and well-being of students and/or staff, and may pose a threat of disruption to the educational process in the school.

Maryland law obligates law enforcement agencies to inform the superintendents of local education agencies of charges against students for certain reportable offenses. The school system may also receive information regarding charges against students for these and other criminal offenses from a variety of other sources. The Board of Education believes that the educational needs of a student who has been charged with a community or reportable offense must be carefully balanced with its obligation to provide a safe school environment free of disruption for students and staff.

When it is determined that a student charged with a community or reportable offense represents a serious threat to others, him/herself, or whose presence in school has a direct effect on the order and the general welfare of the school, the student will be assigned to an alternative educational placement or disciplined pending the final disposition of his/her case and/or his/her educational status in the public school system.

The Superintendent is directed to develop procedures to implement this policy in accordance with COMAR 13A.08.01.17.

Original Approval: April 3, 1990
Revised: October 22, 1998



POLICY 9280-R
REGULATIONS
**STUDENTS CHARGED WITH COMMUNITY
OR REPORTABLE OFFENSES**

Effective: October 22, 1998

I. Definitions

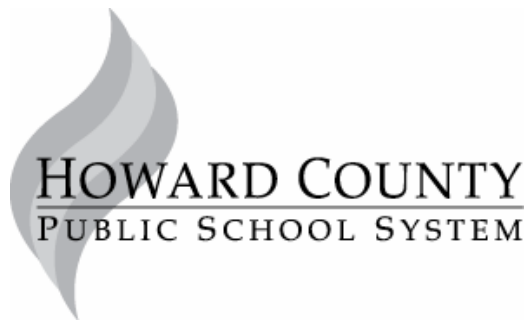
- A. Appropriate educational programming--a regular or alternative educational program that allows the student the opportunity to continue the student's education within the Howard county public school system and, if in secondary school, the opportunity to receive credit.
- B. Alternative education placement--an educational placement other than the student's current school assignment. This could include, but not be limited to, home instruction or administrative reassignment to another Howard county school.
- C. Community offense--includes, but is not limited to, any drug-related criminal offense or violent act which results in or causes significant risk of injury to one or more persons.
- D. Related services--any supportive intervention that is available through the Howard county public school system.
- E. Reportable offense--means (1) a crime of violence, as defined in article 27, §643b, annotated code of Maryland; (2) any of the offenses enumerated in Courts and Judicial Proceedings Article, §3-804(e)(4), Annotated Code of Maryland; or (3) a violation of Article 27, §36, §36a, or §36b, Annotated Code of Maryland.

These include abduction; arson in the first degree; kidnapping; manslaughter, except involuntary manslaughter; mayhem and maiming; murder; rape; robbery; robbery with a deadly weapon; carjacking or armed carjacking; sexual offense in the first or second degree; use of a handgun in the commission of a felony or other crime of violence; an attempt to commit any of the aforesaid offenses; assault in the first degree; and assault with intent to murder, rape, rob, or commit a sexual offense in the first or second degree; wearing, carrying or transporting a handgun on the person or in a vehicle; carrying any dirk, switchblade or star knife, or sandclub, metal knuckles, razor, numchakus or any other dangerous or deadly weapon of any kind, concealed on the person; and wearing or carrying a chemical mace, pepper mace or tear gas device openly with the intent or purpose of injuring any person in any unlawful manner. A minor may not carry pepper mace, either openly or concealed.

II. Regulations

- A. Upon receipt of information of an arrest of a student for a community or reportable offense, the superintendent or designee shall provide the principal of the school in which the student is enrolled with the arrest information, including the charges, or vice-versa.
- B. Upon the recommendation of the principal of the school attended by the student charged with a community or reportable offense, the superintendent or designee will assign the student to an alternative educational placement or discipline the student.
- C. All costs of alternative educational placements made under the Policy for Students Charged With Community or Reportable Offenses shall be borne by the Howard County Public School System.
- D. Students assigned an alternative educational placement under the Policy for Students Charged with Community or Reportable Offenses shall suffer no academic penalty as a result of that placement.
- E. If a student charged with a community or reportable offense is a student with disabilities, school officials determine appropriate educational programming and related services in accordance with the individuals with disabilities education act and state special education law and regulations, including COMAR 13A.05.01.
- F. Except by order of a juvenile court or other court upon good cause shown, reportable arrest information is confidential and may not be redisclosed by subpoena or otherwise and may not be made part of the student's permanent educational record.
- G. Notice of the community or reportable offense charge alone may not be the basis for suspension or expulsion of the student. However, nothing in this policy is intended to limit the manner in which the school obtains information or uses information obtained by any lawful means other than through notice of the arrest.

Original Approval: April 30, 1990
Revised: October 22, 1998



POLICY 9280-PR
IMPLEMENTATION PROCEDURES
**STUDENTS CHARGED WITH COMMUNITY
OR REPORTABLE OFFENSES**

Effective: October 22, 1998

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- I. Upon receipt of information of an arrest of a student for a community or reportable offense, the superintendent or designee shall provide the principal of the school in which the student is enrolled with the arrest information, including the charges, or vice versa.
 - II. The Superintendent or designee shall conduct an inquiry into the incident.
 - III. The school principal/designee, with appropriate staff members, shall immediately develop a plan that addresses appropriate educational programming and related services for the student and that maintains a safe and secure school environment for all students and school personnel. If home teaching is a part of the plan, the home teacher is to be involved in the development of the plan or notified of the charges as appropriate to safeguard the teacher.
 - IV. If the plan results in a change to the student's educational program, the school principal or designee shall promptly schedule a conference to inform the student's parent(s) or guardian(s) of the plan. The plan shall be implemented not later than five (5) school days after receipt of the arrest information.
 - V. The school principal or designee and appropriate staff shall review the plan and the student's status and make adjustments as appropriate:
 - A. Immediately upon notification from the state's attorney of the disposition of the reportable offense; or
 - B. Pending notification from the state's attorney, at a minimum on a quarterly basis.
 - VI. The student's parent(s)/guardian(s) shall be informed of any adjustments to the plan.
 - VII. A student may be disciplined when the school system has evidence of the offense in addition to the notice of charges and the student's presence in school has a direct effect on the order and general welfare of the school.
 - VIII. Aggrieved parties may submit an appeal to the superintendent seeking a review of decisions concerning alternative educational placements or the educational program plan. Any disciplinary action taken against a student as a result of an arrest for community or reportable offenses shall be taken in accordance with this policy and Policy 9200, Discipline.

Administrative Approval: April 3, 1990
Revised: May 14, 1992
October 22, 1998