



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

Effective: July 1, 2008

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**I. Policy Statement**

The Board of Education is committed to providing a safe and nurturing school environment. The Board believes that fostering a school climate where the worth and dignity of individuals are valued and their safety and rights are protected is essential to its mission.

The presence in school of a student who has been charged with a reportable offense or an offense related to membership in a criminal gang may compromise the safety and well being of students and/or staff, and may disrupt the educational process in the school. Students who are considered by school administrators to have engaged in community offenses raise similar concerns. The Board of Education believes that the educational needs of such students 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 students charged with reportable offenses or offenses related to membership in a criminal gang or involved in community offenses compromise the safety and well being of themselves or others, or their presence in schools has a direct effect on the order and the general welfare of the schools, the students will be assigned to alternative educational placements and/or disciplined. The final disposition of a student's case may impact the student's educational status in the public school system.

**II. Purpose**

The purpose of this policy is to establish and communicate to employees, students, and parents the procedures and guidelines for responding when students are charged with reportable offenses or offenses related to membership in a criminal gang and/or have committed community offenses.

**III. Definitions**

- A. Appropriate Educational Programming – A general or alternative educational program/setting that allows the student the opportunity to continue to receive education within the Howard County Public School System and, if in secondary school, the opportunity to receive credit.
- B. Alternative Education Placement – For purposes of this policy, an educational placement other than the student's current school assignment. This includes, but is

not limited to, evening school, the Homewood Center, or administrative reassignment to another Howard County school.

- C. Community Offense – Any violent act, gang-related activity, or other behavior which results in or poses risk of injury to one or more persons.
- D. Confidential – For purposes of this policy, information that is private, to be shared by the Superintendent/designee, the principal/designee, and other authorized school system personnel only as required to implement this policy.
- E. Criminal Gang – In accordance with section 9-810 of the Criminal Law Article, a group or ongoing association of three or more persons whose members individually or collectively engage in a pattern of criminal law activity; have as one or their primary objectives or activities the commission of one or more underlying crimes, including acts by juveniles that would be underlying crimes if committed by adults; and have in common an identifying sign, symbol, name, leader, or purpose.
- F. Discipline – Action taken in accordance with Policy 9200 by the Principal/designee and/or the Superintendent/designee after a determination has been made that a student is in violation of any school system policy and/or the Student Code of Conduct. Disciplinary actions can range from verbal reprimands and/or loss of privileges to expulsion.
- G. Gang – Two or more individuals who associate and/or identify with each other, and have as a primary purpose harassment or intimidation, and/or the planning, threat, attempt, or commission of criminal, delinquent, or illegal acts.
- H. Related Services – Any supportive intervention that is available through the school system. Under the Individuals with Disabilities Act (IDEA), related services means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education (Section 300.24(a)).
- I. Reportable Offense – Means those offenses defined in Section 7-303 of the Education Article of the Annotated Code of Maryland. These include, but are not limited to: abduction; arson in the first or second degree; malicious burning of personal property in the first or second degree; kidnapping; manslaughter, except involuntary manslaughter; mayhem and maiming; murder; rape; robbery; robbery with a dangerous 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; child abuse or sexual abuse of a minor; an attempt to commit any of the aforesaid offenses; assault in the first degree; 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; wearing or carrying any dirk knife, bowie knife, switchblade knife, star knife, sandclub, metal knuckles, razor, numchakus, or any other dangerous or deadly weapon of any kind concealed on the person; wearing or carrying a dangerous weapon, chemical mace, pepper mace, or tear gas device openly with the intent or purpose of injuring any person in any unlawful manner; carrying or possessing a firearm, knife, or deadly weapon of any kind on public school property; manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense a controlled dangerous substance; distributing or possessing with intent to distribute a noncontrolled substance that the person represents as a controlled dangerous substance; possessing with intent to distribute a noncontrolled substance in the reasonable belief that it is a controlled dangerous substance; possessing explosive material, incendiary material, or toxic material with intent to create a destructive device; manufacturing, possessing, or transporting a device or container intended to represent a toxic material or a destructive device with the intent to terrorize, frighten, intimidate, threaten, or harass; circulating a statement or rumor that the person knows to be false about the location or possible detonation of a destructive device or the location or possible release of toxic material; and threatening an individual, or a friend or family member of an individual, with physical violence with the intent to coerce, induce, or solicit the individual to participate in or prevent the individual from leaving a criminal gang.

- J. Student Record – Records directly related to a student and maintained by the HCPSS.

#### **IV. Standards**

A. Reportable Offense

1. Maryland law obligates law enforcement agencies to inform the superintendents of local education agencies of charges against students for reportable offenses or offenses related to membership in a criminal gang. Upon receipt of information of an arrest of a student for such an offense, the Superintendent/designee shall provide the principal of the school in which the student is enrolled with the arrest information, including the charges.
2. If a principal/designee obtains information that a student is charged with a reportable offense or an offense that is related to membership in a criminal gang, the principal/designee shall notify the Superintendent/designee to obtain official confirmation of this information.
3. Upon the recommendation of the principal of the school attended by the student charged with a reportable offense or offense that is related to membership in a criminal gang, the Superintendent/designee may assign the student to an alternative education placement and/or discipline the student.

4. A student may only be disciplined for being charged with a reportable or criminal gang-related offense when there is evidence of the student's involvement in the offense beyond the initial notification provided by law enforcement agencies to the Superintendent/designee and the student's presence in school has a direct effect on the order and general welfare of the school.
5. 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 official notification of the arrest.
6. Except by order of a juvenile court or other court upon good cause shown, arrest information received under Standard IV.A.1 is confidential and may not be redisclosed by subpoena or otherwise, nor may it be made part of the student record.

B. Community Offenses

1. Upon receipt of information that a student may have committed a community offense, the Superintendent/designee shall provide the principal of the school in which the student is enrolled with information about the offense.
2. If a principal/designee obtains information that a student may have committed a community offense, the principal/designee shall notify the Superintendent/designee of this information.
3. Upon the recommendation of the principal of the school attended by the student who committed a community offense, the Superintendent/designee may assign the student to an alternative education placement and/or discipline the student.
4. A student may only be disciplined for a community offense when there is evidence of the student's involvement in the offense and the student's presence in school has a direct effect on the order and general welfare of the school.

C. General Guidelines

1. All costs of alternative educational placements made under this policy shall be borne by the school system.
2. Students assigned to an alternative educational placement under this policy shall suffer no academic penalty as a result of that placement.
3. Parents should maintain communication with the home school and/or alternative program staff to ensure that an educational program is provided.
4. If a student charged with a reportable offense, charged with an offense related to membership in a criminal gang, or involved in a community offense is a student with disabilities, school officials shall determine appropriate educational programming and related services in accordance with the

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Individuals with Disabilities Education Act and state special education law and regulations, including COMAR 13A.05.01.

**V. Compliance**

- A. The Superintendent/designee shall consider recommendations of the principal/designee when deciding to assign the student to an alternative placement or to discipline the student. The principal should consider input from employees prior to making a recommendation to the Superintendent/designee.
- B. When a student involved in a reportable or community offense or criminal gang activity is assigned to an alternative program, school employees are responsible for working with parents to help ensure that their child attends the assigned alternative educational program.
- C. The Superintendent/designee and the principal/designee are each responsible for ensuring that reportable arrest information remains confidential and is not made part of the student's record.
- D. The Superintendent/designee and the principal/designee are each responsible for affording students due process under this policy.

**VI. Delegation of Authority**

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

**VII. References**

- A. Legal
  - Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§1400 et seq.
  - The Annotated Code of Maryland, Courts and Judicial Proceedings Article, Section 3-804(3)(4)
  - The Annotated Code of Maryland, Criminal Law Article, Sections 4-101 to 104, 4-503, 5-602 to 5-609, 5-612 to 5-614, 5-617 to 5-618, 5-627 to 5-628, 9-504 to 9-505, 6-102 to 6-105, 9-801 to 9-803, and 14-101
  - The Annotated Code of Maryland, Education Article, Section 7-303 (Note: Reportable Offenses)
  - COMAR 13A.05.01, Provision of a Free Appropriate Public Education
  - COMAR 13A.08.01.17, School Use of Reportable Offenses
- B. Other Board Policies
  - Policy 1040 Safe School Environments
  - Policy 9200 Discipline

ADOPTED: April 3, 1990  
AMENDED: October 22, 1998  
          June 12, 2008  
EFFECTIVE: July 1, 2008

## **I. Notification**

- A. The principal will inform all students, parents, and staff of the provisions of this policy annually and at other times as appropriate. This may be done in the following ways:
1. Making announcements via the public address system at the beginning of the school year.
  2. Publishing the information in school newsletters.
  3. Publishing the information in staff/student handbooks.
  4. Posting the information on a bulletin board and/or school's website.
  5. Making the information available for new students through the registration process.
- B. Middle and high school students will be notified of the provisions of this policy through the Secondary Student Handbook and be asked to acknowledge receipt of such notification with their signature.

## **II. Investigative Procedures**

- A. Upon receipt of information of an arrest of a student for a reportable offense, involvement in criminal gang activity, or involvement in a community offense, the principal/designee shall conduct an investigation with assistance provided by the Superintendent/designee as needed. This investigation may include, but is not limited to, the questioning of the student, other students, and possible witnesses. The principal/designee shall schedule a conference with the student and parent(s) to provide due process, discuss the allegations, and gather additional information.
- B. Using information obtained in the investigation, the principal/designee working together with the Superintendent/designee shall determine within 48 hours or as soon as practicable whether no action should be taken, or the student should be recommended for removal to an alternative educational placement and/or disciplined.

### III. Administrative Response Options

#### A. No Action Taken

The principal/designee working in collaboration with the Superintendent/designee may determine that the situation does not require discipline or removing the student to an alternative educational placement. If no threat to the safety and well being of students and staff is identified, no further action is necessary.

#### B. Student is Removed to An Alternative Educational Placement

1. Should the information gathered in the course of the administrative investigation result in concerns for the safety and well being of students and/or staff, the student may be removed to an alternative educational placement pending adjudication.
2. If a decision is made to remove the student to an alternative educational placement, the principal/designee and Superintendent/designee, with assistance from school staff members as needed, shall 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. Students under such a plan may not participate in extracurricular and school-related activities of the school of origin during the period of the alternative educational placement.
3. Staff members working in the assigned alternative educational placement should be informed about the situation on a need to know basis so as to ensure their personal safety and ensure the implementation of an appropriate educational program.
4. If the student is to be removed to an alternative educational placement, the principal/designee shall promptly inform the student's parent(s) of this decision. Plans to remove a student shall be implemented not later than five (5) school days after receipt of the arrest information.
5. If the student is assigned to an alternative placement following notification of a reportable offense and/or offense related to criminal gang activity, the principal/designee, Superintendent/designee, and appropriate staff shall review the student's performance and the student's status related to any legal proceedings and make adjustments as appropriate:
  - a. Immediately upon notification from the state's attorney of the disposition of the offense; or
  - b. Pending notification from the state's attorney, at a minimum on a quarterly basis.
6. Students involved in community offenses should have their placements reviewed on a quarterly basis.



7. The student's parent(s) shall be informed of any adjustments to the plan.
8. The Superintendent/designee maintains the responsibility for determining the educational placement of a student charged with a reportable offense, an offense related to membership in a criminal gang, or community offense independent of the disposition of the criminal charges.

C. Student is Disciplined

1. Any decision to discipline a student for their involvement in a reportable offense, offense related to involvement in a criminal gang, or community offense shall be made by the principal/designee in collaboration with the Superintendent/designee.
2. A student may be disciplined under this policy 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 safety and well being of students and/or staff, and/or the order and general welfare of the school.
3. If the student is to be disciplined and suspended from school, the principal/designee shall promptly inform the student's parent(s) of the suspension. Plans to discipline a student shall be implemented not later than five (5) school days after receipt of the initial reportable or community offense notification.
4. Any disciplinary action taken against a student under this policy shall be in accordance with this policy and Policy 9200, Discipline.

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