

ED COMMITTEE #2
July 27, 2015
Briefing

MEMORANDUM

July 23, 2015

TO: Education Committee

FROM: Essie McGuire, Senior Legislative Analyst *Essie McGuire*

SUBJECT: **Briefing – Montgomery County Public Schools Code of Conduct**

Today the Education Committee will receive a briefing on the Montgomery County Public Schools (MCPS) Code of Conduct. The following individuals are expected to brief the Committee:

- Lori-Christina Webb, Office of the Chief Academic Officer, MCPS
- Debra Berner, Director, Department of Student Services, MCPS

MCPS implemented a new Code of Conduct in the 2014-2015 school year, replacing the previous student disciplinary policy. The new Code of Conduct is attached at circles 9-35, and was developed in response to policy guidance from the United States Department of Education and the United States Department of Justice, and to comply with new regulations issued by the Maryland State Board of Education.

The purpose of the new Code of Conduct is to approach student discipline on a continuum that emphasizes keeping students in the classroom whenever possible and uses restorative discipline methods to maintain a safe and positive learning environment for all students. One explicit goal of the new approach is to reduce out-of-school suspensions and narrow the achievement gap. The new Code of Conduct lays out a matrix of possible interventions and responses to various types of behaviors and incidents, with an expectation that the lowest level of intervention should be considered first. The Code also states that principals can work with Associate Superintendents on a case by case basis to determine appropriate interventions if a situation presents exceptional circumstances warranting lower or higher level response.

The most recent school year was the first year of implementing the new Code of Conduct. On May 26 the Board of Education received a briefing on the first year experience, including suspension data. The materials presented to the Board are attached on circles 1-8, and will be the focus of the presentation to the Committee today.

MCPS has worked for several years to reduce suspensions. The memorandum to the Board presents comparative data on suspensions from school year 2009-2010 to school year 2014-2015 (circles 2-6). The data shows significant decreases in the percentage of students suspended at every level (elementary, middle, and high), and particularly a reduction in suspension for disrespect and insubordination. The average length of suspension declined also. Suspension rates for nearly all student groups have decreased, with the exception of rates for ESOL students. At the same time, disproportionality remains a challenge for Black or African-American, Hispanic/Latino, and special education students.

At the May 26 Board of Education meeting, much of the discussion centered on the need for training and communication about the new Code of Conduct and how to increase both understanding of and consistency in how it is being implemented. MCPS staff emphasized the work being done to provide training to all stakeholder groups in advance of the next school year, as well as the efforts to have principals share experiences and practices with one another. Board members suggested that various types of communication tools and formats would be helpful for students and parents to understand the intent of the new policy as well as to clear up continued misconceptions in the community.

SRO program: Over the past year, MCPS and the partner public safety departments and agencies have worked to revise the Memorandum of Understanding for the School Resource Officer program to better reflect the implementation of the new Code of Conduct. A new MOU was signed in June. The Education and Public Safety Committees will have an update on the SRO program in the fall which will include a more in-depth discussion of the new MOU and the interaction with the SRO program.

Office of the Superintendent of Schools
MONTGOMERY COUNTY PUBLIC SCHOOLS
Rockville, Maryland

May 26, 2015

MEMORANDUM

To: Members of the Board of Education

From: Larry A. Bowers, Interim Superintendent of Schools

Subject: Building Community, Restoring Relationships: Code of Conduct

At the beginning of the 2014–2015 school year, Montgomery County Public Schools (MCPS) introduced a new Code of Conduct (Attachment A), which delineates expectations about student behavior and how schools should handle disciplinary incidents. The Code is part of a multiyear, multifaceted effort to reduce suspensions, increase student engagement, and narrow the achievement gap, consistent with revisions to the Montgomery County Board of Education's Policy JGA, *Student Discipline*, and significant state regulatory changes and federal guidance. The Code, in many ways a codification of the work MCPS had done through the years to actively engage students in their learning and reduce suspensions, was designed to articulate a shared vision of what is required to maintain an orderly and safe learning environment. The Code of Conduct sets forth the principle that removing students from the classroom, and suspensions and expulsions in particular, should only be used as a last resort.

During the course of the 2014–2015 school year, suspensions continued to decline significantly across the student population and the county. Although disproportionality remains a vexing conundrum, the focused efforts on keeping students connected to their educational communities and instructional program have resulted in fewer suspensions and more innovative approaches to supporting students in changing their behavior. The decline in suspensions has occurred within the context of the work MCPS staff has done to create positive school climates where students, parents/guardians, and staff members work together respectfully to maintain an orderly and safe learning environment focused on teaching and learning.

Background

In an effort to reform and bring consistency to school discipline policies and practices in Maryland public schools, the Maryland State Board of Education conducted a two-year study to review and examine the issue. In February 2012, the State Board issued a draft report, *A Safe School, Successful Students, and A Fair and Equitable Disciplinary Process Go Hand in Hand*. The report incorporated several sources from educational research that concluded that there was little to no evidence that removing students for misbehaving improved student behavior or school safety. In January 2014, the State Board approved the final version of new state regulations governing

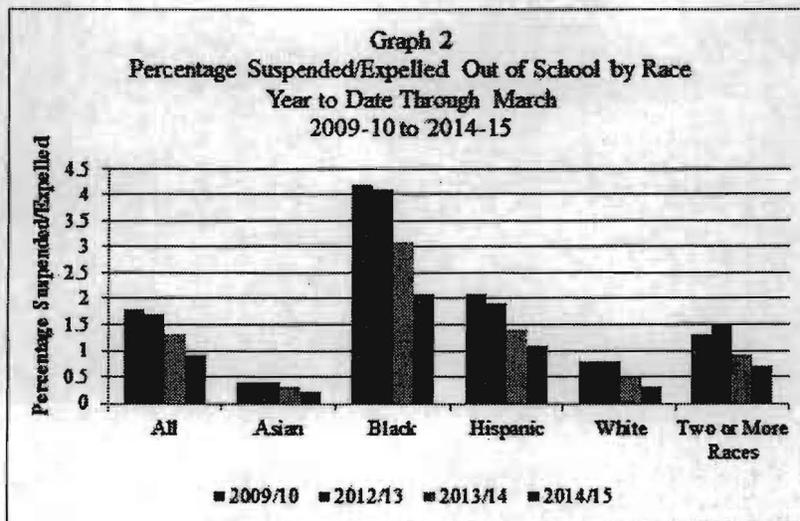
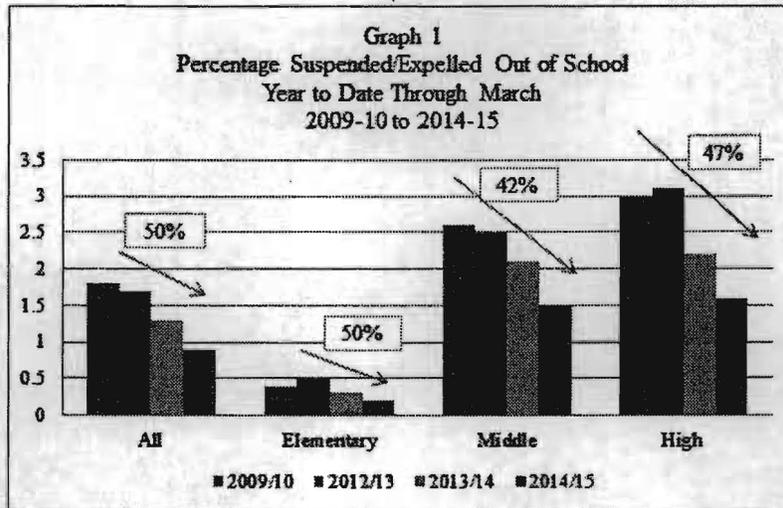
student discipline (Attachment B). At the same time, the United States Department of Justice (USDOJ) and the United States Department of Education (USDOE) jointly released guidance and a resource guide to assist states, districts, and schools in developing practices and strategies to enhance school climate, and ensure those policies and practices comply with federal law (Attachment C). Both of these documents emphasized the importance of maintaining safe learning environments without relying excessively on suspension and expulsion. The Maryland State Department of Education (MSDE) issued a draft model Code of Conduct that was used to inform the drafting of the MCPS Code of Conduct. While there is significant overlap in the documents, the MCPS Code was drafted to reflect the specific needs of our district. Subsequent to our Code being published, MSDE finalized its version.

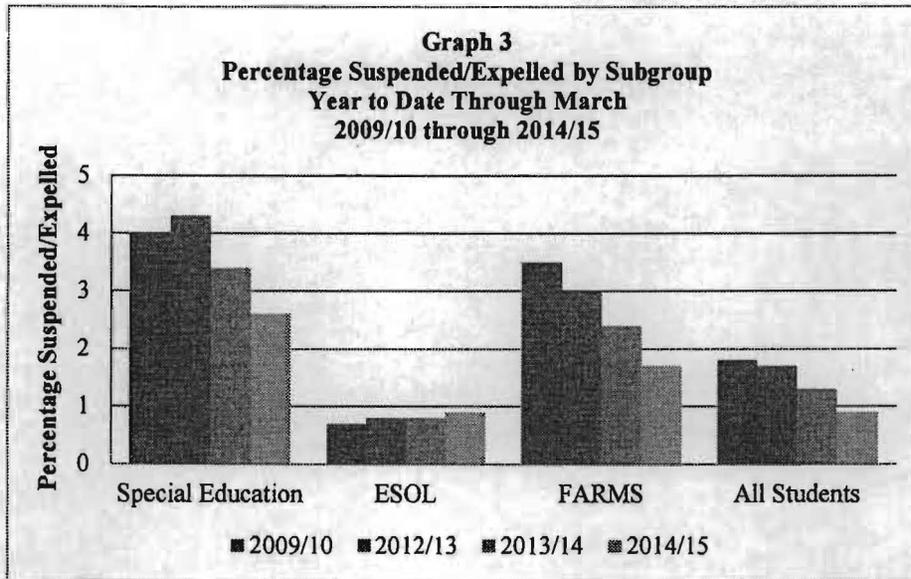
At the March 24, 2014, Montgomery County Board of Education meeting, Dr. Joshua P. Starr, former superintendent of schools, informed the Board that MCPS Regulations JGA-RB: *Suspension or Expulsion of an MCPS Student*, and JFA-RA: *Students Rights and Responsibilities*, would be revised to conform to the state regulation and the USDOE and USDOJ joint guidance. Those revisions have been completed, as well as the Board's revised Policy JGA, *Student Discipline*, which explicitly sets forth the Board's vision that appropriate behavior is learned and that discipline must be fair, equitable, and consistent. Additionally, revisions were made to MCPS Regulation JGA-RB: *Suspension or Expulsion of an MCPS Student*, and Board Policy BLB: *Rules of Procedure in Appeals and Hearing*.

This year, with these policy and regulatory pieces in place, MCPS has focused on aligning student supports to facilitate the implementation of the Code of Conduct and move toward the vision of all schools approaching discipline as a developmental process, using effective discipline strategies to meet students' varied behavioral and developmental needs with tiered responses and interventions. We also have worked to ensure that there is a continuum of instructional strategies and disciplinary responses that support teaching and learning, foster positive behaviors, and reflect a restorative discipline philosophy.

Current 2014–2015 Suspension Data

As we have implemented the Code of Conduct, we have continued to reduce suspensions at the elementary, middle, and high school levels. Comparing data from the 2009–2010 and 2014–2015 school years (from the beginning of the school year through the end of March), there was a 50 percent reduction in the percentage of students suspended at the elementary school level, 42 percent at the middle school level, and 47 percent at the high school level—the largest reductions were for our Asian, White, and Black or African American students (Graph 1). There were reductions across all racial and ethnic groups (Graph 2). There was a 50 percent reduction for our Black or African American students. Suspensions also declined in all service groups, except for English for Speakers of Other Languages, which saw a slight increase (Graph 3).





Of particular significance was the decline in the number of suspensions for disrespect and insubordination. Comparing data from the 2012–2013 and 2014–2015 school years (from the beginning of the school year through the end of March), the number of suspensions for disrespect decreased from 137 to 35 (74 percent) (Table 1); and the number of suspensions for insubordination decreased from 139 to 43 (69 percent). The Code of Conduct explicitly set the expectation that these would be presumptively non-suspendable offenses and the data reflect this significant shift in responding to students who demonstrate disrespectful or insubordinate behavior.

Table 1
Number of Suspensions by Category
Year to Date Through March and Two-Year Percentage Change
2012–2013 to 2014–2015

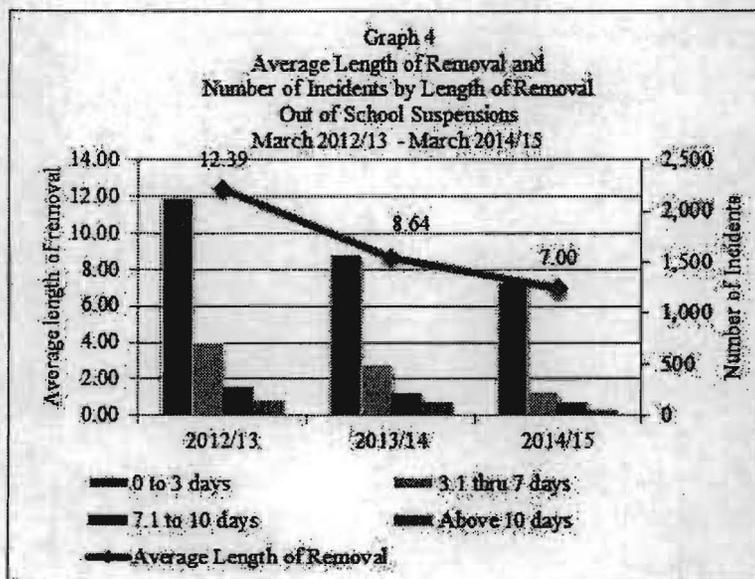
Suspension Description	2013	2014	2015	Percentage Change
Classroom Disruption	112	90	83	-26%
Disrespect	137	64	35	-74%
Insubordination	139	71	43	-69%

In addition to changes in these specifically targeted infractions there have been declines in rates of suspension in such high incident categories as fighting and physical attacks (Table 2).

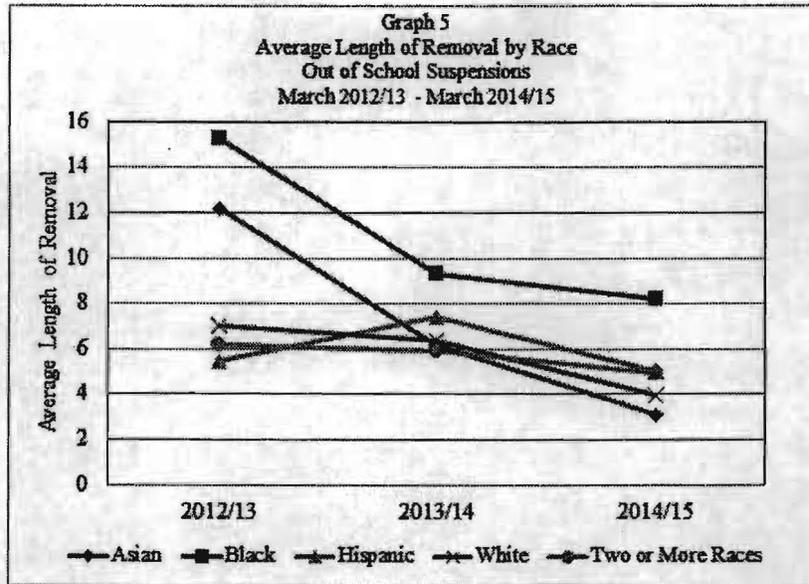
Table 2
 Number of Suspensions by Category
 Year to Date Through March and Two-Year Percentage Change
 2012–2013 to 2014–2015

Suspension Description	2013	2014	2015	Percentage Change
Fighting	943	693	548	-42%
Physical Attack - Student	532	447	346	-35%
Physical Attack - Teacher/Staff	180	153	161	-11%

Furthermore, the average length of suspensions declined for all students, and suspensions of three days or less continue to be most common (Graph 4).



Disproportionality in suspensions remains a challenge, although some progress is evident. A recent analysis by MSDE compares removal rates for White students and students of other racial/ethnic groups as a central measure of disproportionality. Using this approach, the average length of suspensions for Black or African American students compared to White students declined, but disparity persists (Graph 5). In the 2012–2013 school year, the average number of days Black or African American students were removed (15.28) was more than double that of all other racial/ethnic groups except Asians. By the 2014–2015 school year, the average length of removal was 8.18 days for Black or African American students, a reduction of 46 percent.



Despite the improvement in suspension rates, Black or African American, Hispanic/Latino, and special education students continue to experience disproportionate suspension rates. Although the total number of Black or African American, Hispanic/Latino, and special education students suspended declined, the declines for other population groups resulted in more disproportionality (Table 3).

Table 3
Out-of-School Suspensions of at Least One-Half Day
Number of Suspension Incidents (INC),
Number of Students (STU) Suspended, and
Percent (PCT) of Students Suspended for MCPS
Year to Date Through March, FY 2010 to FY 2015

Group	Number of Incidents (INC)				Number of Students (STU)				Percent of Students (PCT)			
	2010	2013	2014	2015	2010	2013	2014	2015	2010	2013	2014	2015
All Students	3,081	3,281	2,451	1,747	2,474	2,563	1,961	1,398	1.8	1.7	1.3	0.9
Asian American	89	110	74	43	81	86	60	37	0.4	0.4	0.3	0.2
Black or African American	1,602	1,671	1,286	898	1,228	1,275	995	693				
Hispanic/Latino	827	882	691	542	704	721	580	455				
White	456	480	300	197	380	375	257	164	0.8	0.8	0.5	0.3
Two or More Races	102	135	96	67	78	103	65	49	1.3	1.5	0.9	0.7
Female	788	813	634	440	658	693	528	378	1	1	0.7	0.5
Male	2,293	2,468	1,817	1,307	1,816	1,870	1,433	1,020	2.5	2.5	1.9	1.3
ESOL	133	186	172	235	117	164	146	178	0.7	0.8	0.8	0.9
FARMS	1,857	2,028	1,581	1,174	1,456	1,544	1,245	924	3.5	3	2.4	1.7
Special Education	840	949	738	571	596	638	508	406	4	4.3	3.4	2.6

Note. Percent of students in a racial/ethnic group with a suspension rate of at least twice that of the white student suspension rate are shaded red and those with a rate of 1.5 times the all suspension rate are shaded yellow. Percent of students who have a special education suspension rate of at least twice that of the all students suspension rate are shaded orange.

Professional Learning

As we have worked to increase engagement and reduce suspensions, we also have continued efforts to build the capacity of staff members to create and maintain positive school climates where students, parents/guardians, and staff members work together respectfully to maintain an orderly and safe learning environment focused on teaching and learning. This includes building relationships; implementing a restorative discipline philosophy; applying fair, firm, and consistent discipline; and utilizing alternatives to suspension.

Two Central Services Meetings with Principals (CSMP) have been dedicated to building an understanding of the philosophy of restorative practices that afford students opportunities to learn from their mistakes, correct any harm that results from their behavior, and restore relationships that are disrupted by the student's conduct. Level-alike teams in the Office of School Support and Improvement regularly shared feedback and learning regarding implementation of the Code of Conduct. In addition, beginning in the summer of 2014 and continuing thereafter, school counselors have engaged in an in-depth exploration of restorative practices. In addition, trainings were held for School Resource Officers, MCPS security staff, and the Appeals/Transfer Team, among others. This work, in combination with the ongoing work of the Equity and Assurance and Compliance Unit, serves as the foundation for building staff member capacity.

Beginning in May 2015, 17 MCPS middle schools will be participating in the three-year Johns Hopkins University and National Institute of Justice Maryland Safe and Supportive Schools (MDS3) Project. This project will utilize the Positive Behavioral Interventions and Supports (PBIS) framework and allow schools to access, through trainings and ongoing coaching support, a variety of evidence-based interventions including PBIS, Restorative Practices, Coping Power, Life Skills Training Program, Check and Connect, and The Classroom Check-Up. Participation in this project includes all training and technical assistance for the interventions, a school and classroom climate coach, support in reducing disproportionality and increasing cultural competence among staff members, classroom management behavior strategies, access to the online MDS3 School Climate Survey, and fidelity and sustainability measures.

Appeals Process

A key change in the new state regulations was the imposition of stringent deadlines for school districts to provide due process hearings for extended suspensions and expulsions and for county boards of education to review and resolve appeals. Pupil Personnel Services and the Appeals/Transfer Team have collaborated to streamline our processes and address implementation challenges raised by the new regulations. The redesign of Alternative Programs and Interim Instructional Services have facilitated robust interventions for students who have been suspended.

Outreach

Throughout the school year, there have been ongoing conversations with numerous internal and external stakeholders. The outreach has been twofold. First, staff has provided clear information on what the Code of Conduct says, how it is being implemented, and how it fits into the local

and national conversation about keeping students connected to their instructional program. Second, staff has gathered feedback on how students, school-based and central office staff, and other groups are experiencing the implementation of the Code.

Principals, through multiple forums, have been engaged in an ongoing dialogue about the implementation of the Code of Conduct. These forums have included CSMP, Professional Learning Communities, the Montgomery County Association of Administrators and Principals Advisory Groups, and Level-Alike meetings. Through the Councils on Teaching and Learning, high school teachers were engaged in ongoing dialogue, and feedback from teachers at the middle school and elementary school levels was also solicited in multiple settings. Discussions have been held with community stakeholders (including the Montgomery County Council of PTAs, the National Association for the Advancement of Colored People Parents Council, and Identity, Inc.), School Resource Officers; assistant principals, principal interns, assistant school administrators, and the Montgomery County Commission on Children and Youth, among others.

Next Steps

Based on all the feedback from numerous stakeholders, we will continue to move forward with implementation of the Code of Conduct with only a few minimal revisions to enhance its effectiveness. For the 2015–2016 school year, the revised Code will be distributed to schools in time for additional professional learning opportunities in schools for staff members prior to the opening of schools. Schools will have time to plan how they want to engage students with the revised Code of Conduct. Data will continue to be gathered and monitored throughout the school year to both ensure compliance with the Code of Conduct and inform systemic decision making.

Reducing suspensions is just one step toward creating a truly equitable school system where academic outcomes are not predictable by race, ethnicity, or socioeconomic status. The work on continuously improving how we engage students in school and support their social emotional growth is essential to improving student achievement for all and eliminating the achievement gap. To that end, we will continue our work to support staff members and build their capacity to help all children succeed. We will continue to build a stronger understanding among staff about restorative practices and PBIS, particularly in the context of our equity work.

We are pleased that we have made continued progress in reducing suspensions and increasing the amount of time our students are in school available to learn. Yet, we know we have much more work to do to eliminate disproportionality and create more equitable school environments that serve each and every student well.

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Attachments



2014–2015

CODE OF CONDUCT

in Montgomery County Public Schools

www.montgomeryschoolsmd.org

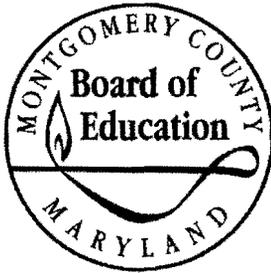


State laws, Maryland State Board of Education bylaws, Montgomery County Board of Education policies, and Montgomery County Public Schools (MCPS) administrative regulations are subject to change and shall supersede the statements and references contained in this publication.

Student Name _____

Address _____

Phone _____



VISION

We inspire learning by providing the greatest public education to each and every student.

MISSION

Every student will have the academic, creative problem solving, and social emotional skills to be successful in college and career.

CORE PURPOSE

Prepare all students to thrive in their future.

CORE VALUES

*Learning
Relationships
Respect
Excellence
Equity*

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Superintendent of Schools

Mr. Larry A. Bowers
Chief Operating Officer

Dr. Kimberly A. Statham
Deputy Superintendent of School Support and Improvement

Dr. Maria V. Navarro
Chief Academic Officer

850 Hungerford Drive
Rockville, Maryland 20850
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August 2014

Dear Students, Staff, Parents/Guardians, and Members of the Community:

I am pleased to present the 2014–2015 Montgomery County Public Schools (MCPS) Code of Conduct. This user-friendly guide is intended to help us comply with new legal requirements and to promote fairness and equity through clear, appropriate, and consistent expectations and consequences to address student misbehavior.

As we pilot this new Code of Conduct, we will carefully balance the critical imperative to maintain safe, orderly learning environments with our commitment to provide a continuum of age-appropriate disciplinary responses that support personal growth, allow students to learn from their mistakes, and align with our three core competencies—Academic Excellence, Creative Problem Solving, and Social Emotional Learning—as outlined in our Strategic Planning Framework—*Building Our Future Together, Students, Staff, and Community* (2013). Our work also is informed by a growing body of educational research that says suspending or expelling students, except as a last resort, has little or no positive impact on improving student behavior or school safety. In addition, we know that when students lose valuable instructional time it makes it even more difficult for them to be successful.

Already, our targeted efforts to reduce suspensions have been working. Districtwide, discretionary suspensions dropped by more than 35 percent over the last school year. However, significant challenges remain. Like the vast majority of school districts, MCPS continues to grapple with the issue of disproportionate discipline. For example, more than half of the students suspended are African American, although they only represent 21% of the MCPS total student population. In contrast, less than 15% of students suspended are White yet they represent 32% of the student population. This is not acceptable.

Our current work positions us well both to tackle the challenge of disproportionate discipline and to revise our policies and practices to comply with the new legal requirements. The new state regulations, issued by the Maryland State Board of Education (MSBE) in January 2014, require that, by the beginning of the 2014–2015 school year, local school systems adopt policies that will—

- reflect a discipline philosophy based on the goals of fostering, teaching, and acknowledging positive behavior;
- be designed to keep students connected to school so that they may graduate college and career ready;
- describe the conduct that may lead to in-school and out-of-school suspension or expulsion;
- allow for discretion in imposing discipline;
- address the ways in which the educational and counseling needs of suspended students will be met; and
- explain why and how long-term suspensions or expulsions are last-resort options.

Office of the Superintendent of Schools

850 Hungerford Drive ♦ Rockville, Maryland 20850

At the same time, the U.S. Department of Education and the U.S. Department of Justice jointly released guidance to assist school districts in creating school climates conducive to learning without relying excessively on suspensions, expulsion, or referrals to law enforcement.

Given the truncated timeline imposed by MSBE, the 2014–2015 MCPS Code of Conduct represents our initial effort to provide students, staff and families with guidance on the new legal requirements. In addition to enacting new regulations, MSBE engaged a statewide work group comprising multiple stakeholders to begin drafting a State Model Code of Conduct. While the state’s document was not yet complete when we went to press, MCPS used the work of that group as the foundation for our own Code of Conduct and also made adaptations to reflect current practices and input from stakeholders. Additionally, we benchmarked with best practices in other districts.

The Code of Conduct replaces certain portions of the MCPS *Guide to Students’ Rights and Responsibilities* and is consistent with Board policies and MCPS regulations that are being updated to conform with the new legal requirements. It is important to emphasize that the Code of Conduct contains suggested guidelines. Principals and other MCPS staff retain discretion to consider the totality of the circumstances as they make discipline decisions.

The Office of School Support and Improvement will support schools as we transition to this new Code of Conduct. Throughout the 2014–2015 school year, staff also will provide professional development opportunities, closely monitor implementation of the new Code of Conduct, evaluate data, and gather feedback from a wide array of stakeholders. Using lessons learned throughout this year, we will make any necessary revisions to the Code of Conduct for the 2015–2016 school year.

I look forward to working together as we refine our Code of Conduct and discipline practices to reflect our core values of learning, relationships, respect, excellence and equity.

Sincerely,



Joshua P. Starr, Ed.D.
Superintendent of Schools

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INTRODUCTION

Montgomery County Public Schools (MCPS) strives to create positive school climates where students, parents, and staff work together respectfully to maintain an orderly and safe learning environment focused on teaching and learning. Students have a right to a disciplinary process that is consistent, fair, and equitably applied. Our schools are the safest and the most successful when everyone—students, parents, and staff alike—collaborates, values, and respects each other's roles, and is invested in common-sense discipline practices.

■ MCPS Philosophy of Discipline

The Montgomery County Board of Education's (Board's) Policy JGA, *Student Discipline*, sets forth the expectation that MCPS schools will be environments that are conducive to learning. In addition to a student's home, schools are communities in which positive behavior is expected, modeled, and learned within an environment of mutual respect and dignity.

MCPS believes that discipline is a developmental process, and effective discipline strategies should meet students' varied behavioral and developmental needs with tiered responses and interventions. A continuum of instructional strategies and disciplinary responses supports teaching and learning, fosters positive behaviors, and reflects a restorative discipline philosophy. Restorative practices afford students opportunities to learn from their mistakes, correct any harm that results from their behavior, and restore relationships that are disrupted by their conduct. Our school discipline practices are designed to engage students in the classroom so that students may become college and career ready.

Fair, firm, and consistent application of disciplinary action is expected, and students should be made aware of the consequences of misbehavior. However, school discipline should be administered in a way to keep students within their regular school program to the greatest extent practicable. Removing students from the classroom, and suspensions and expulsions in particular, are to be used only as a last resort.

■ Student Conduct

Students shall be provided with expectations about how they should conduct themselves at school. Many teachers directly engage students in the process of developing class codes of conduct, an important opportunity for students to agree on a few clear statements of how they will treat others and, more importantly from a student's perspective, how they would like others to treat them. Each school shall develop its own Code of Conduct that is consistent with this code, with the involvement of families, students, and staff.

The following list is a starting point for engaging students in the process of setting positive expectations for conduct in an environment of mutual respect and dignity:

1. My words, actions, and attitudes demonstrate respect for myself and others at all times.
2. I demonstrate pride in myself, in my future, and in my school by arriving on time, dressed appropriately, and prepared to focus on my studies.
3. I always seek the most peaceful means of resolving conflict and obtain the assistance of teachers, administrators, or school staff when I am unable to resolve conflicts peacefully on my own.
4. I seek to correct any harm that I have caused to others in the school community.
5. I take pride in promoting a safe and clean learning environment at my school.

■ MCPS Staff Responsibilities

Caring adults in schools play an important role in building strong relationships with students, which facilitates students' connection to school and decreases their likelihood of engaging in disruptive behaviors. School staff members will seek ways to develop meaningful relationships with students because students who have meaningful relationships with an adult in their school are less likely to engage in disruptive behaviors in class, be absent, or drop out of school.

MCPS staff members will do the following:

1. Establish clear expectations for behavior and take an instructional approach to discipline.
2. Involve families, students, staff members, and the community in the process of fostering positive behavior and student engagement.
3. Ensure that clear, developmentally appropriate, and proportional consequences are applied for misbehavior.
4. Include appropriate procedures for students with disabilities and due process for all, consistent with federal and state requirements.
5. Remove students from the classroom only as a last resort, and return students to class as soon as possible.

■ **Parent and Community Responsibilities**

Parents/guardians should talk with their children about appropriate conduct at school and help their children be active participants in creating and promoting a positive, supportive, safe, and welcoming school environment that is conducive to teaching and learning.

Community-based organizations and agencies should partner with schools working to create positive, safe, supportive, and welcoming environments.

PROCEDURAL REQUIREMENTS

■ Application of the Code of Conduct

The disciplinary consequences set forth in the Montgomery County Public Schools (MCPS) Code of Conduct apply to students at all times, while they are on MCPS property or attending an MCPS event. MCPS property means any school or other facility, including grounds owned or operated by MCPS, buses and other MCPS vehicles, and the facility and grounds of any MCPS activity involving students. Student conduct occurring outside school hours and away from school property may be subject to disciplinary action if the principal believes reasonably 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.

Whenever possible, the disciplinary action will be related to the offenses. If a student has to do academic work as part of that action, the goal is to teach something of value that is related to the class the student is taking. It cannot simply be punitive. For example, a teacher cannot assign numerous math problems as a consequence when it is clear that the student already knows how to do them. Rote work also is not allowed as a consequence. A teacher cannot make a student write a sentence over and over or copy from a dictionary. Writing a paper explaining why the student's actions were wrong is an example of an acceptable academic action.

A student can never be punished physically. However, school personnel may use reasonable force to break up a fight, prevent violence, or restrain a disruptive student on school premises or during a school-sponsored trip. Grades will never be adjusted as a form of disciplinary action. However, according to MCPS Regulation IKA-RA, *Grading and Reporting*, if a student is engaged in academic dishonesty, the teacher may assign a zero.

An entire group of students cannot be disciplined for the actions of some members of the group. For example, if one student disrupts class, the teacher cannot give everyone in the class detention. This rule applies even if the person responsible for the actions is unknown.

■ Factors Impacting Discipline Decisions

MCPS staff shall make discipline decisions using clear, developmentally appropriate criteria, ensuring that consequences applied are proportional and consistent. In evaluating the totality of the circumstances, school staff should consider the following criteria relating to the discipline of students:

1. The student's age (In Pre-K-3, suspension and expulsion generally should not be used)
2. Previous serious disciplinary infractions (including the nature of any prior misconduct, the number of prior instances of misconduct, and the progressive disciplinary measures implemented for such misconduct)
3. Cultural or linguistic factors that may provide context to understand student behavior
4. The circumstances surrounding the incident
5. Other mitigating or aggravating circumstances

■ Disciplinary Responses

MCPS uses a continuum of instructional strategies and disciplinary responses to support teaching and learning.

The pages that follow establish levels of responses to defined disciplinary infractions, as follows:

- Disciplinary Responses
- Levels of Responses
- Disciplinary Response Matrix

■ Rights to Continued Access to Instruction

Absences from class due to disciplinary action are excused absences. Maryland law requires that students who are suspended or expelled be provided the opportunity to keep on track with classroom work, as is reasonably possible, as follows:

1. 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, which shall be reviewed and corrected by teachers on a weekly basis and returned to the student.

2. Each principal shall assign a school staff person to be the liaison between the teachers and the various students on out-of-school suspension or expulsion and to communicate weekly about classwork assignments and school-related issues by phone or e-mail with those out-of-school suspended/expelled students and their parents.
3. Students who receive short-term suspensions (up to three days) will have the opportunity to complete the academic work they miss during the suspension period without penalty. Schools will provide all students who receive short-term suspensions and their parents or guardians with the contact information for a school employee who will be responsible for ensuring that this requirement is met. All other aspects of the process for a suspended student receiving missed assignments, completing missed assignments, and making up tests shall be identical with each school's established policy and practice for makeup work in the event of any other excused absence.

■ Timelines Associated with Extended Suspensions and Expulsions

Maryland law establishes timelines that must be followed when suspending or expelling students for more than 10 days. MCPS addresses these timelines in MCPS Regulation JGA-RB, *Suspension and Expulsion*, and MCPS Regulation JGA-RC, *Suspension and Expulsion of Students with Disabilities*.

■ Suspension and Expulsion of Students with Disabilities

Federal law sets forth the due process rights of students with disabilities who are recommended for suspension or expulsion. These rights are fully explained in MCPS Regulation JGA-RC, *Suspension and Expulsion of Students with Disabilities*.

For additional information, please read the specific laws, policies, and regulations referenced within this booklet. Board policies and MCPS regulations are available at www.montgomeryschoolsmd.org/departments/policy. In addition, school administrators have copies of these documents and they are available in the school's media center.

DISCIPLINARY RESPONSES

Behavioral Contract	Correcting inappropriate or disruptive student behavior through a formal plan designed by school staff to offer positive behavioral interventions, strategies, and supports.
Check-in with School Counselor/Resource Specialists	Student is prompted by school staff to have an informal check-in with a school counselor, resource teacher, school psychologist, school social worker, or coach who has a relationship with the student.
Classroom-based Responses	Prompting a student to reflect on his/her behavior using classroom strategies such as time-out, teacher-student conference, reflection chair, redirection (e.g., role play), seat change, call home, loss of classroom privilege, or apology letter.
Community Service	Allowing students to participate in an activity that serves and benefits the community (e.g., working at a soup kitchen, cleaning up public spaces, or helping at a facility for the elderly).
Conflict Resolution	Using strategies to assist students in taking responsibility for resolving conflicts peacefully. Students, parents, guardians, teachers, school staff, and/or principals engage in activities that promote problem-solving skills and techniques, such as conflict and anger management, active listening, and effective communication.
Detention	Requiring a student to report to a designated classroom before school, during a free period, after school, or on the weekend for a set period of time.
Expulsion	<p>The exclusion of the student from the student's regular school program for 45 school days or longer, with notice to the parent/legal guardian, which may occur only under the following circumstances:</p> <ol style="list-style-type: none"> 1. The superintendent of schools or designated representative has determined that the student's return to school prior to the completion of the expulsion period would pose an imminent threat of serious harm to other students or staff; 2. The superintendent of schools or designated representative limits the duration of the exclusion to the shortest period practicable; and 3. The school system provides the excluded student with comparable educational services and appropriate behavioral support services to promote successful return to the student's regular academic program.
Functional Behavioral Assessment and Behavioral Intervention Plan	A Functional Behavioral Assessment gathers information about a student's inappropriate or disruptive behavior and determines approaches that school staff should take to correct or manage that behavior. The information is then used to develop a Behavioral Intervention Plan for the student. A Behavioral Intervention Plan offers positive behavioral interventions, strategies, and supports designed by school staff to correct inappropriate or disruptive school behavior.
In-school Intervention	<p>Removing a student within the school building from his or her regular education program but the student is still afforded the opportunity to continue to—</p> <ol style="list-style-type: none"> (i) appropriately progress in the general curriculum; (ii) receive the special education and related services specified in the student's IEP, if the student is a student with a disability in accordance with the law; (iii) receive instruction commensurate with the program afforded to the student in the regular classroom; and (iv) participate with peers as they would in their current education program to the extent appropriate. COMAR 13A.08.01.11(C)(2)(a).
Mentoring Program	Pairing students with mentors (e.g., counselor, teacher, fellow student, or community member) who help their personal, academic, and social development.
Parent Outreach	Informing parents/guardians of their children's behavior and seeking their assistance in correcting inappropriate or disruptive behavior.

DISCIPLINARY RESPONSES (CONTINUED)

Parent/Guardian and Student/Teacher Conference	Involving students, parents, guardians, teachers, school staff, and/or principals in discussion about the student's behavior and potential solutions that address social, academic, and personal issues related to the behavior.
Peer Mediation	Employing a form of conflict resolution in which trained students serve as mediators and help their peers deal with and develop solutions to conflicts.
Recommend for Further Action	Recommending a student to building administrator(s) for long-term suspension, expulsion, referral to alternative education, or contact with law enforcement.
Referral to Alternative Education	Recommending a student to building administrator(s) for placement in an alternative education school, alternative education program, or alternative education placement.
Referral to Appropriate Substance Abuse Counseling Services	In consultation with principal or designee, referring students to services, both in and out of school, such as a local health department or a community-based service for counseling related to substance abuse.
Referral to Community-based Organizations	In consultation with principal or designee, referring students for a variety of services, including after-school programming, individual or group counseling, leadership development, conflict resolution, and/or tutoring.
Referral to Health/Mental Health Services	In consultation with principal or designee, referring students to school-based or community-based health and mental health clinics or other social services for the purpose of providing counseling and assessments to students in need. Students are encouraged to privately share issues or concerns that lead to inappropriate or disruptive behavior or negatively affect academic success, and discuss goals and learn techniques that help them overcome personal challenges. These services may include anger-management classes and formal or informal behavior coaching.
Referral to Student Support Team	In consultation with principal or designee, bringing together a student support team that may include school counselors, pupil personnel workers, teachers, principals, social workers, health services, mental health clinicians, school psychologists, and external agency representatives under a case manager to help develop prevention and intervention techniques and alternative strategies designed to improve student outcomes. If the behavior does not improve after implementation of the plan created by the student support team, the team may request a placement review for alternative placement, conducted by the local school system.
Removal from Extracurricular Activities/Loss of Privileges	Revoking a student's privilege to participate in extracurricular activities, including sports and clubs, or revoking a student's privilege to participate in school events or activities, such as attending a field trip or participating in a school dance. If the behavior warrants this consequence, any monies paid by the student for the missed activity should be refunded, if possible.
Restitution	<p>Requiring a student to compensate others for any loss, damage, or injury that has resulted because of a student's behavior. Compensation may be made monetarily or by a student's assignment to a school work project, or both.</p> <p>Pursuant to COMAR 13A.08.01.11(D), if a student violates a state or local law or regulation, and during or as a result of the commission of that violation damaged, destroyed, or substantially decreased the value of school property or property of another that was on school property at the time, the principal shall require the student or the student's parent or guardian to make restitution, after a conference on the matter with the student, the student's parent or guardian, and other appropriate individuals. Monetary restitution shall not exceed \$2,500 or the fair market value of the property, whichever is less.</p>
Restorative Practices	Restorative practices are used proactively to establish and maintain a positive school climate and establish a structured approach to teaching appropriate social skills. Employing interventions, responses, and practices designed to identify and address the harm caused by an incident, including harm to a victim, and to develop a plan for the student who caused the harm to heal and correct the situation.

DISCIPLINARY RESPONSES (CONTINUED)

School-based Conferencing	Bringing together students, school staff, and others involved in a conflict to discuss the topic, resolve issues, and propose solutions (e.g., "Daily Rap," "Morning Meetings").
Suspension (Short-term, Out-of-School)	The removal of a student from school for up to, but no more than, three school days for disciplinary reasons by the principal, with notice to the parent/legal guardian.
Suspension (Long-term, Out-of-School)	The removal of a student from school for a time period between 4 and 10 school days for disciplinary reasons by the principal, with notice to the parent/legal guardian.
Suspension (In-school)	The removal within the school building of a student from the student's current education program for up to, but not more than, 10 school days in a school year for disciplinary reasons by the school principal, with notice to the parent/legal guardian.
Suspension (Extended, Out-of-School)	<p>The exclusion of a student from a student's regular school program for a time period between 11 and 45 school days, with notice to the parent/legal guardian, which may occur only under the following circumstances:</p> <ol style="list-style-type: none"> 1. The superintendent of schools or designated representative has determined that— <ol style="list-style-type: none"> a. the student's return to school prior to the completion of the suspension period would pose an imminent threat of serious harm to other students and staff; or b. The student has engaged in chronic and extreme disruption of the educational process that has created a substantial barrier to learning for other students across the school day, and other available and appropriate behavioral and disciplinary interventions have been exhausted. 2. The superintendent of schools or designated representative limits the duration of the exclusion to the shortest period practicable. 3. The school system provides the excluded student with comparable educational services and appropriate behavioral support services to promote a successful return to the student's regular academic program.
Temporary Removal from Class	Removing a student within the school building from his/her regular education program for up to, but not more than, one class period.

LEVELS OF RESPONSES

LEVEL 1	Examples of Classroom, Support, and Teacher-led Responses	
	<p>These responses are designed to teach appropriate behavior, so students are respectful and can learn and contribute to a safe environment. Teachers are encouraged to implement a variety of teaching and classroom management strategies. When appropriate, teachers may engage the student's support system to ensure successful learning and consistency of responses, and change the conditions that contribute to the student's inappropriate or disruptive behavior. These responses should be used in a graduated fashion.</p> <ul style="list-style-type: none"> • Classroom-based responses (e.g., verbal correction, written reflection/apology, reminders/redirection, role play, daily progress sheet) • Detention • Restorative practices (classroom-based) • Peer mediation • School-based conflict resolution • Community conferencing • Parent/guardian outreach (contact parent via telephone, e-mail, or text) • Referral to appropriate substance abuse counseling services • Informal and/or preventative school-based mentoring • Referral to health/mental health services • Check-in with school counselor /resource specialists 	
LEVEL 2	Examples of Classroom, Support, and Removal Responses	
	<p>These responses are designed to teach appropriate behavior, so students are respectful and can learn and contribute to a safe environment. Many of these responses engage the student's support system and are designed to alter conditions that contribute to the student's inappropriate or disruptive behavior. These responses aim to correct behavior by stressing its severity and acknowledging potential implications for future harm, while still keeping the student in school. These responses should be used in a graduated fashion.</p> <ul style="list-style-type: none"> • Classroom-based responses (e.g., verbal correction, written reflection/apology, reminders/redirection, role play, daily progress sheet) • Behavioral contract • Community service • Parent/guardian outreach (contact parent via telephone, e-mail, or text) • School-based or outside facilitated conflict resolution • Community conferencing • Check-in with school counselor/resource staff specialists • Detention • Temporary removal from class • Peer mediation • Parent/guardian and student conference (with teacher) • Informal and/or preventative school-based mentoring • Functional Behavioral Assessment/Behavioral Intervention Plan • Referral to appropriate substance abuse counseling services • Referral to community-based organization • Referral to health/mental health services • Referral to student support team • Restorative practices (classroom-based or specialist-facilitated) • Loss of privileges/removal from extracurricular activities • Restitution 	

LEVELS OF RESPONSES, CONTINUED

LEVEL 3	Examples of Support, Removal, and Administrative Responses
	<p>These responses engage the student's support system to ensure successful learning and to alter conditions that contribute to the student's inappropriate or disruptive behavior. These responses aim to correct behavior by stressing its severity and acknowledging potential implications for future harm, while still keeping the student in school. These responses may involve the short-term removal of a student from the classroom. Such a removal should be limited as much as practicable without undermining its ability to adequately address the behavior. These responses should be used in a graduated fashion.</p> <ul style="list-style-type: none"> • Classroom-based responses (e.g., verbal correction, written reflection/apology, reminders/redirection, role play, daily progress sheet) • Behavioral contract • Community service • Parent/guardian and student conference (with administrator) • Informal/preventative/formal mentoring • Referral to community-based organization • Referral to student support team • Detention • Temporary removal from class • In-school suspension • In-school intervention • Community conferencing • Functional Behavioral Assessment/Behavioral Intervention Plan • School-based or outside facilitated conflict resolution • Referral to appropriate substance abuse counseling services • Referral to health/mental health services • Restorative practices (classroom-based or specialist-facilitated) • Loss of privileges/removal from extracurricular activities • Restitution
LEVEL 4	Examples of Support, Removal, Administrative, and Out-of-School Exclusionary Responses
	<p>These responses address serious behavior while keeping the student in a school through transfer to another school or assignment to an alternative education program. When necessary, due to the nature of the behavior or potential implications for future harm, a student may be removed from the school environment. These responses promote safety of the school community by addressing self-destructive and dangerous behavior, and should be used in a graduated fashion.</p> <ul style="list-style-type: none"> • Parent/guardian and student conference (with administrator) • Loss of privileges/removal from extracurricular activities • Restitution • In-school suspension • Functional Behavioral Assessment/Behavioral Intervention Plan • Formal mentoring program • Temporary removal from class • Short-term out-of-school suspension (1–3 days) • Restorative practices (classroom-based or specialist-facilitated)
LEVEL 5	Examples of Long-term Administrative, Out-of-School Exclusionary, and Referral Responses
	<p>These responses remove a student from the school environment for an extended period of time because of the severity of the behavior and potential implications for future harm. They may involve the placement of the student in a safe environment that provides additional structure and services. These responses promote the safety of the school community by addressing self-destructive and dangerous behavior, and should be used in a graduated fashion. These responses also may include restitution and removal from extracurricular activities.</p> <ul style="list-style-type: none"> • Restorative practices (classroom-based or specialist-facilitated) • Recommend for further action • Referral to alternative education • Referral to student support team • Out-of-school suspension <ul style="list-style-type: none"> • Long-term (4–10 days) • Extended (11–44 days) • Expulsion (exclusion from regular program for 45 days or longer)

DISCIPLINARY RESPONSE MATRIX

This Disciplinary Response Matrix is based on the work of the Maryland State Board of Education Code of Conduct, which was not yet complete when this document went to press in July 2014. Some revisions have been made to conform to the discipline philosophy and current practice of MCPS, as well as input from stakeholders, and additional review is planned as we work to incorporate feedback from stakeholders and monitor implementation over the 2014–2015 school year. The Matrix provides a suggested continuum of tiered responses to inappropriate or disruptive student behavior; school staff have discretion to make disciplinary decisions that consider the totality of the circumstances and are consistent with the discipline philosophy, Board policies, and MCPS regulations, as well as applicable federal and state laws. The Matrix contains a list of potential inappropriate or disruptive behaviors (identified by state suspension code) and the appropriate interventions or consequences. It is meant to be utilized together with the preceding glossary and chart describing five different graduated levels of support, removal, and administrative responses to students' inappropriate or disruptive behaviors.

The disciplinary levels described in the Disciplinary Response Matrix should be utilized as follows:

- In choosing one or more interventions or disciplinary responses for inappropriate or disruptive behavior, school staff should locate that behavior on the Matrix.
- On the first instance of any inappropriate or disruptive behavior, school staff shall first consider one or more interventions or disciplinary responses from the lowest level indicated on the Matrix for that behavior (or one or more interventions or disciplinary responses from a lower level).
- If the same behavior is repeated during the same school year, school staff should consider utilizing one or more interventions or disciplinary responses from the next highest level indicated on the Matrix for that behavior, or any lower level.
- Staff is encouraged to implement several lower-level interventions before proceeding to higher levels that may involve disciplinary responses that remove the student from the classroom.
- During the 2014–2015 school year, as we transition to this new Code of Conduct, if a principal determines that there are unique or exceptional circumstances that warrant an intervention or disciplinary response at a level that is above the highest level or below the lowest level indicated on the Matrix, he/she must consult with his/her associate superintendent in the Office of School Support and Improvement before taking action.

**Lowest level should be considered first,
followed by progressively more intensive consequences.**

Inappropriate or Disruptive Behavior (Identified by state suspension code)	LEVEL 1 Classroom and Support Responses (e.g., written apology, talk with school counselor, detention)	LEVEL 2 Classroom, Support, In-school Removal Responses (e.g., community service, peer mediation, temporary removal from class)	LEVEL 3 Support, Removal, Administrative Responses (e.g., restorative practices, in-school suspension)	LEVEL 4 Support and Out-of-School Removal Responses (e.g., restorative practices, mentoring programs, short-term suspension)	LEVEL 5 Support, Out-of-School Removal, Referral Responses (e.g., long-term suspension, expulsion, refer to alternative ed.)
	Class Cutting (101)	Failing to attend a class after arrival at school without an excused reason. ^{1,2}			
Persistently failing to attend a scheduled class after arrival at school without excused reasons. ^{1,2}					
Tardiness (102) Elementary school students who are late should not be given any punitive or exclusionary consequences, but parents/guardians should be notified.	Arriving late more than once to class or school without an excused reason. ^{1,2}				
	Persistently arriving late to class or school without an excused reason. ^{1,2}				
Truancy (103) Elementary school students with unexcused absences should not be given any punitive or exclusionary consequences, but parents/guardians should be notified.* <small>*See MCPS Regulation JEA-RA, Student Attendance</small>	Being absent from school without an excused reason. ^{1,2}				
	Being truant. ³				

¹A student may not be suspended out of school or expelled from school "solely for attendance-related offenses." MD. ANN. CODE, EDUCATION § 7-305. This applies to all behaviors listed on this page: class cutting, tardiness, and truancy.

²Excused reasons for absence include illness of the student, death in the student's immediate family, hazardous weather conditions, emergencies, religious holidays, and other specified circumstances. COMAR. 13A.08.01.03.

³A student is "truant" if she or he is unlawfully absent from school for more than 8 days in any quarter, 15 days in any semester, or 20 days in a school year (approximately 10%). MD. ANN.CODE, EDUCATION § 7-355 (amended, effective Oct. 1, 2013).

**Lowest level should be considered first,
followed by progressively more intensive consequences.**

Inappropriate or Disruptive Behavior (Identified by state suspension code)	LEVEL 1 Classroom and Support Responses (e.g., written apology, talk with school counselor, detention)	LEVEL 2 Classroom, Support, In-school Removal Responses (e.g., community service, peer mediation, temporary removal from class)	LEVEL 3 Support, Removal, Administrative Responses (e.g., restorative practices, in-school suspension)	LEVEL 4 Support and Out-of-School Removal Responses (e.g., restorative practices, mentoring programs, short-term suspension)	LEVEL 5 Support, Out-of-School Removal, Referral Responses (e.g., long-term suspension, expulsion, refer to alternative ed.)
	Disrespect (701)	Making inappropriate or offensive gestures, verbal or written comments, or symbols to others (e.g., verbal put-downs, cursing, talking back).			
Insubordination (702)	Repeatedly or persistently defying or refusing to follow directions of teachers, staff, or administrators.				
Disruption (704)	Engaging in minor behavior that distracts from the learning environment.				
	Persistently or habitually engaging in minor behavior that distracts from the learning environment (e.g., talking out of turn, throwing small items, horseplay).				
	Engaging in moderate to serious behavior that distracts from teaching and learning and directly affects the safety of others (e.g., throwing harmful items, sending incendiary texts/social media messages, disrupting a fire drill, interrupting an exam).				
Inappropriate Use of Personal Electronics (802) Excluding use of a device in an emergency or preapproved situation. Cyberbullying or social media harassment covered under other behaviors. <small>*See MCPS Regulation COG-RA, Portable Communication Devices</small>	Using or displaying a personal electronic device, ⁴ after student has been warned.				
	Persistently using or displaying a personal electronic device, in defiance of school rules.				

⁴Devices include cell phones, PDAs, music players (e.g., iPods), tablets (e.g., iPads), electronic gaming devices, and other portable communication devices.

Lowest level should be considered first, followed by progressively more intensive consequences.

Inappropriate or Disruptive Behavior (Identified by state suspension code)	LEVEL 1 Classroom and Support Responses (e.g., written apology, talk with school counselor, detention)	LEVEL 2 Classroom, Support, In-school Removal Responses (e.g., community service, peer mediation, temporary removal from class)	LEVEL 3 Support, Removal, Administrative Responses (e.g., restorative practices, in-school suspension)	LEVEL 4 Support and Out-of-School Removal Responses (e.g., restorative practices, mentoring programs, short-term suspension)	LEVEL 5 Support, Out-of-School Removal, Referral Responses (e.g., long-term suspension, expulsion, refer to alternative ed.)
Alcohol (201) As part of any disciplinary response, the school should refer to the Montgomery County Department of Health and Human Services, a community provider, or an MCPS program, for prevention and treatment. <i>*See MCPS Regulation IGO-RA, Guidelines for Incidents of Alcohol, Tobacco, Other Drug Abuse Involving Students</i>		Being under the influence of alcohol. ⁵			
		Using or possessing alcohol.			
		Distributing/selling alcohol. ⁶			
Inhalants (202) As part of any disciplinary response, the school should refer to the Montgomery County Department of Health and Human Services, a community provider, or an MCPS program, for prevention and treatment. <i>*See MCPS Regulation IGO-RA, Guidelines for Incidents of Alcohol, Tobacco, Other Drug Abuse Involving Students</i>		Being under the influence of inhalants. ^{5,7}			
		Using or possessing inhalants.			
		Distributing/selling inhalants. ⁶			

⁵It may be necessary to send a student home and refer him/her to the Montgomery County Department of Health or a community provider, if the student is found under the influence of alcohol, drugs, or other substances and health services are not available at the school. Before sending a student home, a school should take every precaution to ensure that the student is leaving school grounds in the care of a family member or someone who is able to provide assistance. See also MCPS Policy IGN, *Preventing Alcohol, Tobacco, and Other Drug Abuse in Montgomery County Public Schools*.

⁶For school-based disciplinary purposes, distribution requires either a sale or intent to sell alcohol, inhalants, or drugs/controlled substances.

⁷For purposes of record-keeping, for students with disabilities ONLY, use code 892. ("Illegal drugs" for students with disabilities are defined as those substances that are not legally possessed, used under the supervision of a licensed health-care professional, or used under any other authority under the Controlled Substance Act or under any other provision of federal law.)

Lowest level should be considered first, followed by progressively more intensive consequences.

Inappropriate or Disruptive Behavior (Identified by state suspension code)	LEVEL 1 Classroom and Support Responses (e.g., written apology, talk with school counselor, detention)	LEVEL 2 Classroom, Support, In-school Removal Responses (e.g., community service, peer mediation, temporary removal from class)	LEVEL 3 Support, Removal, Administrative Responses (e.g., restorative practices, in-school suspension)	LEVEL 4 Support and Out-of-School Removal Responses (e.g., restorative practices, mentoring programs, short-term suspension)	LEVEL 5 Support, Out-of-School Removal, Referral Responses (e.g., long-term suspension, expulsion, refer to alternative ed.)
<p>Drugs/Controlled Substances (203) As part of any disciplinary response, the school should refer to the Montgomery County Department of Health and Human Services, a community provider, or an MCPS program, for prevention and treatment.* <i>*See MCPS Regulation IGO-RA, Guidelines for Incidents of Alcohol, Tobacco, Other Drug Abuse Involving Students</i></p>		<p>Unauthorized use or possession or being under the influence of non-illegal drugs^{5,7,8} (e.g., prescription medication)</p>			
		<p>Using, possessing or being under the influence of illegal drugs.^{5,7,8}</p>			
			<p>Distributing or selling non-illegal or illegal drugs.⁶</p>		
<p>Tobacco (204) As part of any disciplinary response, the school should refer to the Montgomery County Department of Health and Human Services, a community provider, or an MCPS program, for prevention and treatment.* <i>*See MCPS Regulation IGO-RA, Guidelines for Incidents of Alcohol, Tobacco, Other Drug Abuse Involving Students and MCPS Regulation COF-RA, Alcohol, Tobacco and Other Drugs on MCPS Property</i></p>		<p>Using or possessing tobacco/ e-cigarettes.</p>			
<p>Academic Dishonesty (801)* <i>*See MCPS Regulation IKA-RA, Grading and Reporting, for grading consequences.</i></p>		<p>Plagiarizing, such as by taking someone else's work or ideas (for students in Grades 6–12); forgery, such as by faking a signature of a teacher or parent/guardian; or cheating.</p>			
			<p>Tampering with, or assisting another to tamper with, the MCPS computer network or exams.</p>		

*For purposes of record keeping, for students with disabilities ONLY, use code 891 for the selling of a drug or substance identified under the schedules of controlled substances in 21 U.S.C. § 812; 21 C.F.R. pt. 1308.



Lowest level should be considered first, followed by progressively more intensive consequences.

Inappropriate or Disruptive Behavior (Identified by state suspension code)

LEVEL 1
Classroom and Support Responses (e.g., written apology, talk with school counselor, detention)

LEVEL 2
Classroom, Support, In-school Removal Responses (e.g., community service, peer mediation, temporary removal from class)

LEVEL 3
Support, Removal, Administrative Responses (e.g., restorative practices, in-school suspension)

LEVEL 4
Support and Out-of-School Removal Responses (e.g., restorative practices, mentoring programs, short-term suspension)

LEVEL 5
Support, Out-of-School Removal, Referral Responses (e.g., long-term suspension, expulsion, refer to alternative ed.)

Theft (803)

- Schools should consider the following factors:
- The student's age
 - The student's purpose in taking the property
 - The monetary value of the property
 - Whether the student acted in the heat of the moment, as opposed to intentionally planning ahead
 - Whether the student knew the property was valuable or expensive to replace
 - Whether the property was returned or recovered

Taking or obtaining property of another without permission and/or knowledge of the owner.

Persistently or habitually taking or obtaining property of another without permission and/or knowledge of the owner.

Taking or obtaining property of another without permission and/or knowledge of the owner, where the theft is especially serious based on the listed factors.

Destruction of Property (806)

- Schools should consider the following factors:
- The monetary value of the destroyed property
 - Whether the student knew the property was valuable or expensive to replace
 - The student's age
 - Whether the student acted in the heat of the moment, as opposed to intentionally planning ahead.
 - The reason the student destroyed the property

Causing accidental damage.

Causing intentional damage to property of MCPS, staff, or other students, where the level of response is determined based on the listed factors.

**Lowest level should be considered first,
followed by progressively more intensive consequences.**

Inappropriate or Disruptive Behavior (Identified by state suspension code)	LEVEL 1 Classroom and Support Responses (e.g., written apology, talk with school counselor, detention)	LEVEL 2 Classroom, Support, In-school Removal Responses (e.g., community service, peer mediation, temporary removal from class)	LEVEL 3 Support, Removal, Administrative Responses (e.g., restorative practices, in-school suspension)	LEVEL 4 Support and Out-of-School Removal Responses (e.g., restorative practices, mentoring programs, short-term suspension)	LEVEL 5 Support, Out-of-School Removal, Referral Responses (e.g., long-term suspension, expulsion, refer to alternative ed.)
Sexual Activity (603) As part of any disciplinary response, school staff should refer students to appropriate counseling.	Engaging in inappropriate behavior of a sexual nature (e.g., indecent exposure, inappropriate texts of a sexual nature).				
Sexual Attack (601) As part of any disciplinary response, school staff should refer students to appropriate counseling.	Engaging in behavior towards another that is physically, sexually aggressive.				
Harassment (703) As part of any disciplinary response, schools should emphasize intervention strategies, such as restorative practices.* <i>*See MCPS Policy JHF and Regulation JHF-RA, Bullying, Harassment or Intimidation</i>	Intentional negative actions on the part of one or more students that cause discomfort with identity issues with regarding to race, color, national origin, gender, disability, sexual orientation, religion, or other identifying characteristics, and that interfere with a student's ability to participate in or benefit from the school's educational programs.				
Sexual Harassment (602) As part of any disciplinary response, schools should emphasize intervention strategies, such as restorative practices. <i>*See Board Policy ACF and MCPS Regulation ACF-RA, Sexual Harassment</i>	Unwelcome sexual advances; requests for sexual favors; and/or other inappropriate verbal, written, or physical conduct of a sexual nature; directed toward others. (Consideration would need to be given to the age, grade, developmental level, prior offenses, intentionality and circumstances in determining an appropriate course of action and consequences.)				



Lowest level should be considered first,
followed by progressively more intensive consequences.

Inappropriate or Disruptive Behavior (Identified by state suspension code)	LEVEL 1 Classroom and Support Responses (e.g., written apology, talk with school counselor, detention)	LEVEL 2 Classroom, Support, In-school Removal Responses (e.g., community service, peer mediation, temporary removal from class)	LEVEL 3 Support, Removal, Administrative Responses (e.g., restorative practices, in-school suspension)	LEVEL 4 Support and Out-of-School Removal Responses (e.g., restorative practices, mentoring programs, short-term suspension)	LEVEL 5 Support, Out-of-School Removal, Referral Responses (e.g., long-term suspension, expulsion, refer to alternative ed.)
Bullying (407)⁹ As part of any disciplinary response, schools should emphasize intervention strategies, such as restorative practices.* <small>*See Board Policy JHF and MCPS Regulation JHF-RA, <i>Bullying, Harassment, or Intimidation</i></small>		Intentional conduct, including verbal, physical, or written conduct or an intentional electronic communication that creates a hostile educational environment by substantially interfering with a student's educational benefits, opportunities, or performance, or with a student's physical or psychological well-being.			
Threat Adult (403) Threat Student (404)	Threatening language (verbal or written/electronic; implicit or explicit) or physical gestures directed toward a staff member, student, or anyone else.				
Extortion (406) Schools should conduct a threat assessment.	Using a threat, fear, or force (without a weapon) to get a person to turn over property. Using a threat, fear, or force (with a weapon) to get a person to turn over property.				
False Alarm (502)	Initiating a warning of a fire or other catastrophe without cause, either over a phone or in person (e.g., pulling a fire alarm, misuse of 911); discharging a fire extinguisher without cause.				
Bomb Threat (502) School should conduct a threat assessment and refer students to counseling.	Making a bomb threat or threatening a school shooting.				
Trespassing (804)	Being on school property without permission, including while on suspension or expulsion.				

⁹Creates a hostile educational environment by substantially interfering with a student's educational benefits, opportunities, or performance, or with a student's physical or psychological well-being and is—

- (1) motivated by an actual or a perceived personal characteristic, including race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attributes, socioeconomic status, familial status, or physical or mental ability or disability; or
- (2) threatening or seriously intimidating; and either occurs on school property or at a school activity or event, or on a school bus, or substantially disrupts the orderly operation of a school. This can include harassment and stalking. MD. ANN.CODE, EDUCATION § 7-424.

**Lowest level should be considered first,
followed by progressively more intensive consequences.**

**Inappropriate or Disruptive Behavior
(Identified by state suspension code)**

LEVEL 1 Classroom and Support Responses (e.g., written apology, talk with school counselor, detention)	LEVEL 2 Classroom, Support, In-school Removal Responses (e.g., community service, peer mediation, temporary removal from class)	LEVEL 3 Support, Removal, Administrative Responses (e.g., restorative practices, in-school suspension)	LEVEL 4 Support and Out-of-School Removal Responses (e.g., restorative practices, mentoring programs, short-term suspension)	LEVEL 5 Support, Out-of-School Removal, Referral Responses (e.g., long-term suspension, expulsion, refer to alternative ed.)
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<p>Fighting (405) Attack on Adult (401) Attack on Student (402)</p> <p>Schools should consider multiple factors, including the following:</p> <ul style="list-style-type: none"> • Whether the student acted in the heat of the moment, as opposed to planning ahead • Whether the student was verbally provoked • Whether the student acted in self-defense • Whether the student was intervening in fight • The student's age 	Physically attacking an employee of the school system or other adult, including intentionally striking a staff member who is intervening in a fight or other disruptive activity.			
	Engaging in shoving, pushing, or otherwise being physically aggressive toward another (e.g., body check, intentionally bumping, but NOT horseplay).			
	Engaging in a fight that is spontaneous, short, and/or results only in minor cuts, scrapes, and bruises.			
	Engaging in a fight that is large, preplanned, extended, and/or results in major injuries like a broken limb.			
<p>Serious Bodily Injury (408)</p> <p>Schools should consider multiple factors. See factors listed under "Fighting."</p>	Engaging in behavior that unintentionally causes serious bodily injury.			
			Engaging in behavior that intentionally causes serious bodily injury.	

**Lowest level should be considered first,
followed by progressively more intensive consequences.**

Inappropriate or Disruptive Behavior (Identified by state suspension code)	LEVEL 1 Classroom and Support Responses (e.g., written apology, talk with school counselor, detention)	LEVEL 2 Classroom, Support, In-school Removal Responses (e.g., community service, peer mediation, temporary removal from class)	LEVEL 3 Support, Removal, Administrative Responses (e.g., restorative practices, in-school suspension)	LEVEL 4 Support and Out-of-School Removal Responses (e.g., restorative practices, mentoring programs, short-term suspension)	LEVEL 5 Support, Out-of-School Removal, Referral Responses (e.g., long-term suspension, expulsion, refer to alternative ed.)
	Arson/Fire (501)	Setting or attempting to set a fire or helping others to set a fire without intent to endanger others.			
		Setting a fire or helping others to set a fire with intent to endanger others or destroy property.			
Firearms (301)¹⁰					Possessing a firearm, as defined in 18 U.S.C. § 921 (e.g., handgun).
Other Guns (302)	Possessing, using, or threatening to use a look-alike gun or facsimile (e.g., water gun).				
		Possessing, using, or threatening to use non-firearm gun (e.g., pellet gun, BB gun).			
Knives and Other Weapons (303)* <small>*See MCPS Regulation COE-RA, Weapons</small>	Possessing a knife or other implement that could cause serious bodily harm, without intent to use as a weapon.				
		Possessing a knife or other implement that could cause serious bodily harm, with intent to use as a weapon.			
		Using or threatening to use, a knife or other implement as a weapon with intent to cause serious bodily harm.			
Explosives (503)	Possessing an incendiary or explosive device, material, or any combination of combustible or explosive substances, other than a firearm, that can cause harm to people or property (e.g., firecrackers, smoke bombs, flares; but NOT "snap pops," which should be treated as a disruption).				
		Detonating or possessing and threatening to detonate an incendiary or explosive device or material, as described above.			

¹⁰Under federal and Maryland state law:

A student who has brought a firearm onto school property "shall be expelled for a minimum of 1 year," but a county superintendent "may specify on a case-by-case basis, a shorter period of expulsion or an alternative educational setting, if alternative educational settings have been approved by the county board." MD. ANN. CODE, EDUCATION § 7-305(f)(2)-(3); COMAR 13A.08.01.12-1.

However, discipline of a student with a disability who has brought a firearm onto school property, including the suspension, expulsion, or interim alternative placement, shall be conducted in conformance with the requirements of the IDEA. MD. ANN. CODE, EDUCATION § 7-305(g); COMAR 13A.08.01.12-1(C). For purposes of record keeping, use code 893 for students with disabilities.

SCHOOL RESOURCE OFFICERS AND REFERRALS TO LAW ENFORCEMENT

The MCPS Code of Conduct is intended to provide guidance for MCPS staff in crafting appropriate school-based disciplinary responses to student behavior. These responses necessarily will be informed by, but should be separate and distinct from, any actions by the police or other law enforcement agencies. MCPS works with the Montgomery County Department of Police, the Montgomery County State's Attorney Office, and other law enforcement agencies to set clear expectations for the roles and responsibilities of school resource officers (SROs) and other law enforcement personnel as important partners in supporting a positive school climate.

In January 2014, the U.S. Department of Education, along with the U.S. Department of Justice, provided important guidance about the roles that SROs should play in school environments:

First and foremost, any school or district using school-based law enforcement officers should clearly define the officers' roles and responsibilities at the school as that of important partners in school safety efforts. This role should be focused on school safety, with the responsibility for addressing and preventing serious, real, and immediate threats to the physical safety of the school and its community. By contrast, school administrators and staff should have the role of maintaining order and handling routine disciplinary matters. By focusing officers' roles on the critical issue of safety and avoiding inappropriate officer involvement in routine discipline matters, schools have found that they can reduce students' involvement in

the juvenile justice system and improve academic outcomes while improving school safety. For school resource officers, their role on campus typically involves three parts: law enforcer, informal counselor, and educator. In their capacity as counselors and educators, SROs can, and should, support positive school-climate goals by developing positive relationships with students and staff and helping to promote a safe, inclusive, and positive learning environment.

See www2.ed.gov/policy/gen/guid/school-discipline/guiding-principles.pdf

For more information, please consult the Memorandum of Understanding between MCPS, the Montgomery County Department of Police, the Montgomery County State's Attorney Office, and other law enforcement agencies, available at www.montgomeryschoolsmd.org/departments/security/

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MCPS POLICIES AND REGULATIONS REGARDING STUDENT DISCIPLINE

Policy ACE, *Sexual Harassment*

Policy IGN, *Preventing Alcohol, Tobacco, and Other Drug Abuse in Montgomery County Public Schools.*

Policy JGA, *Student Discipline*

Policy JHF, *Bullying, Harassment, or Intimidation*

Regulation ACF-RA, *Sexual Harassment*

Regulation ACG-RB, *Reasonable Accommodations and Modifications for Students Eligible Under Section 504 of the Rehabilitation Act of 1973*

Regulation COC-RA, *Trespassing or Willful Disturbances on MCPS Property*

Regulation COE-RA, *Weapons*

Regulation COF-RA, *Alcohol, Tobacco, and Other Drugs on Montgomery County Public Schools Property*

Regulation COG-RA, *Portable Communication Devices*

Regulation ECC-RA, *Loss of or Damage to Montgomery County Public Schools Property*

Regulation IGO-RA, *Guidelines for Incidents of Alcohol, Tobacco, or Other Drug Abuse Involving Students*

Regulation IGT-RA, *User Responsibilities for Computer Systems, Electronic Information, and Network Security*

Regulation JEA-RA, *Student Attendance*

Regulation JGA-RA, *Classroom Management and Student Behavior Interventions*

Regulation JGA-RB, *Suspension and Expulsion of an MCPS Student*

Regulation JGA-RC, *Suspension and Expulsion of Students with Disabilities*

Regulation JGB-RA, *Search and Seizure*

Regulation JHF-RA, *Bullying, Harassment, or Intimidation*

Regulation JHG-RA, *Gangs, Gang Activity, or Other Similar Destructive or Illegal Group Behavior Prevention*

Regulation JNA-RB, *Collection of Student Financial Obligations*