

Dorchester County Public Schools



DISCIPLINE PHILOSOPHY, POLICY, PROCEDURES

DORCHESTER COUNTY PUBLIC SCHOOLS **STUDENT CODE OF CONDUCT** **2015-2016**

Philosophy Regarding the Student Code of Conduct

Dorchester County Public Schools (DCPS) are committed to providing safe, disciplined, and drug free schools that afford each student the opportunity to finish his/her program of study and become college and career ready. In order to meet this commitment, it is essential that students attend schools free of bullying, threat, intimidation, defamation, harassment, or violence based on a student's race, color, creed, religion, disability, national origin, gender, or sexual orientation. Through partnerships with law enforcement, public safety, and mental health providers, Dorchester County Public Schools will strive to provide a safe and nurturing environment for everyone in school.

Staff, students, parents, and other members of the school community must work together to provide secure schools by informing school officials of any suspicious or potentially threatening activities. All suspicious activities will be investigated and, when appropriate, authorities will be notified. Persons found to commit acts that jeopardize the safety and wellness of anyone in the school community will be prosecuted to the fullest extent of the law.

We further believe that the system-wide policy of student discipline established by the Board and refined at the system and school levels by central office staff, principals, and the school community provides the necessary and appropriate guidance to achieve the vision we have established for our schools. The fundamental purpose of all of our disciplinary practices is to promote effective decision making on the part of our students. Programs such as PBIS, SEFEL, mediation, and mentoring are designed to encourage such decisions on a proactive basis. Once a student makes an inappropriate decision, the system of consequences is designed to enhance the student's ability to make better decisions in the future. These consequences are to be administered in a common-sense and progressive fashion that recognizes the developmental capacities of the student, along with the severity of the offense.

Expected Student Behaviors & General Guidelines

Each student has a right to a free public education as long as this right is exercised in concert with the policies and procedures of Dorchester County Public Schools. If a student's decisions hinder other students in their pursuit of a meaningful education, efforts will be made to enhance that student's ability to make better decisions. Students who need assistance with addressing disruptive behavior will receive an appropriate intervention and/or disciplinary consequence according to DCPS policies and procedures.

In Dorchester County Public Schools all students are expected to:

- Engage in learning activities and take school work seriously
- Be courteous
- Attend school regularly, on time, and prepared to learn
- Seek alternatives to verbal or physical conflicts
- Dress appropriately
- Cooperate with others
- Take responsibility for their own behavior.
- Respect the personal, civil, and property rights of others
- Complete assignments on time
- Speak appropriately
- Exhibit self-control
- Behave ethically

Behavior-Related Offenses and Consequences

Offenses included in the Student Code of Conduct apply to behaviors that occur on school property, at school-related activities, or when students are otherwise subject to the authority of the Dorchester County Public School System. Disciplinary action may be taken for off-campus incidents if the action could have an adverse effect on the order and general welfare of the schools. Restitution for loss or damage may be requested and law enforcement will be involved when appropriate.

Inappropriate & Disruptive Behaviors and Levels of Response					
<i>TIER 1: Classroom support and teacher led responses; student support interventions - may be appropriate when student has no prior incidents and interventions have not been put in place.</i>	<i>TIER 2: Support staff and Administrative Interventions - may be appropriate when supports have been put in place but the behavior continues.</i>	<i>TIER 3: In-School suspension, Suspension, & referral process - may be appropriate when interventions and supports are in place but the behavior is escalating or the situation warrants the response as determined by the principal/designee.</i>		<i>TIER 4: Short-Term, Long-Term, Extended Suspension, Request for Expulsion - may be appropriate when student's behavior seriously affects the safety of themselves and/or others.</i>	
Inappropriate & Disruptive Behaviors	TIER 1	TIER 2	TIER 3	TIER 4	Referred to Local Police
Academic Dishonesty (801) i.e. cheating, plagiarizing, altering records, etc.	X	X	X		
Arson/Fire (501) Attempting to set, aiding and setting, or setting fire to a building or other property. The administrative investigation determines the intent and the intent drives the consequences.		X	X	X	Must
Attendance Codes (101, 102, 103) *Class cutting - unlawful absent from class or activity *Tardiness-Late to school or class *Truancy-Unlawful absence from school or classes for a school day or portion	X	X			
Bullying - includes Cyber-bullying (407) Intentional conduct (including verbal, physical or written) or electronic communication that is threatening or serious intimidating and substantially disrupts the orderly operation of a school (Ref Policy 600-34)	X	X	X	X	Could
Classroom Disruptions (704) Behavior that interferes with the learning of others in a classroom (i.e. talking, throwing objects, and other behavior that distracts from learning).	X	X	X (Chronic Behavior)	X (Extreme Behavior)	
Dangerous Substances (201, 202, 203, 204) *Alcohol – Sale, possession, use, distribution, etc. (201) *Drugs – Sale, possession, use, distribution, etc. (203) *Inhalants – Sale, possession, use, distribution, etc. (202) *Tobacco - Possession, use, distribution, etc. (204)- MOVE TO TOBACCO-FREE		X	X	X	Must
Dress Code Violation (807)	X	X			
Explosives (503) Possession, sale, distribution, or threat of detonation of an incendiary or explosive		X	X	X	Could

material or device including firecrackers, smoke bombs, flares, etc.					
Extortion (406) The process of obtaining property from another, with or without consent, by use of force, fear, or threat	X	X	X	X	Could
False Alarm / Bomb Threat (502) False information concerning the placement of explosives or initiating a warning of a fire. Discharging a fire extinguisher.		X	X	X	Could
Fighting (405) A physical altercation involving two or more students	X	X	X	X	Could
Harassment (703) Negative actions on the part of one or more students that cause discomfort with identity issues in regard to race, color, national origin, gender, disability, sexual orientation, religion, etc.	X	X	X	X	Could
Health Codes (001, 002) *Immunizations - failure of the parent or guardian to abide by health regulations regarding immunization schedules *Personal health - conditions that present a clear and direct health risk to others		X	X	X	
Inciting/Participating in a Disturbance (705) Causing and/or participating in behavior that is disruptive to the safe and orderly operation of a school or on a school bus	X	X	X	X	Could
Insubordination (702) Refusing to follow the directions of teachers, staff and/or administration	X	X	X (Chronic & Extreme)		
Physical Attack on Student (402) Physically pushing, hitting, or otherwise attacking another student	X	X	X	X	Could
Physical Attack on Staff (401) Physically pushing, hitting, or otherwise attacking a staff member, including striking a staff member who is intervening in a fight or other disruptive activity	X	X	X	X	Could
Portable Electronic Device Use at Unauthorized Times (802) Use of cell phones, PDAs, iPods, iPads, electronic game devices at unauthorized times	X	X			
Refusal to Obey School Rules (807) Failure to comply with school rules, regulations, policies, or procedures not otherwise defined in the code	X	X	X		
School Equipment Use Without Permission (807) Use of computers, fax machines, phones, etc. without permission from appropriate staff members	X	X	X		
Serious Bodily Injury (408) Causing substantial risk of death or causing permanent or serious disfigurement, impairment or loss of function of any part of the body		X	X	X	Must
Sex Offenses (601, 602, 603) *Sexual Attack - physical sexual attack on a staff member or student *Sexual Harassment - unwelcome sexual advances, requests for sexual favors, and/or inappropriate verbal, written, or physical conduct *Sexual Activity - inappropriate behavior of a sexual nature, including indecent exposure		X	X	X	Could
Theft(803) Taking property without permission	X	X	X	X	Could if less than \$500 Must if greater than or equal to \$500
Threat Against School Personnel - Written or Verbal (403) Threatening language, verbal or written, implicit	X	X	X	X	Could

or explicit, or physical gestures directed toward a staff member					
Threat Against Student (404) Threatening language, verbal or written, implicit or explicit, or physical gestures directed towards another student	X	X	X	X	Could
Tobacco-Free violation The sale or use of tobacco products by students in school buildings and on school grounds is prohibited at all times. All school buildings will be "tobacco-free" at all times. Use of tobacco products in any form is also prohibited in all school system vehicles and on all contracted school buses. This includes the use of e-cigarettes or some other form of replacement therapy. Tobacco - Possession, use, distribution, etc. (204)	X	X	X		Could
Trespassing (804) Being on school property without permission, including while suspended or expelled, as well as breaking and entering		X	X	X	Could
Unauthorized Sale or Distribution (805) Unauthorized or unapproved selling or distributing of goods not otherwise included in this code	X	X	X	X	
Vandalism - Property damage, including graffiti (806) Vandalism or damage to another person's or school's property. File police report for damage over \$50 but less than \$500. Refer to local police for damage over \$500.	X	X	X	X	Must for over \$500
Weapons, Firearms, & Other Guns (301, 302, 303) at school, school-sponsored activities, or when involved in incidents affecting the safety or welfare of the school community		X	X	X	Must
*Firearms (301) - possession of a firearm as defined in 18U.U.S.C.921 - handguns, rifles, shotguns and bombs		X	X	X	Must
*Other Guns (302) - possession of any type of gun other than a firearm, loaded or unloaded, operable or inoperable. This may include any object that is a look-alike or a gun (Must Look Like a Real Gun) or firearm - BB guns, pellet guns, water guns - unless they are a part of the curriculum or education program.		X	X	X	Could
*Other Weapons (303) - possession of any implement that the school administration deems could cause or is intended to cause bodily injury / harm, other than a firearm or other gun		X	X	X	Could

Students with Disabilities ONLY

IDEA defines weapon and drug disciplinary offenses differently from the MSDE definition. The following codes can only be reported for students with disabilities when weapons or drugs are involved:

Selling or Soliciting Sales of Controlled Substances (891) Meaning drugs or other substances but does not include sale or solicitation of alcohol or tobacco		X	X	X	Must
Possession or Use of Illegal Drugs (892) Illegal drugs are defined as controlled substances but do not include those that are legally possessed, used under supervised health-care professional, or used under any other authority under the Controlled Substance Act. This does not include the possession or use of alcohol or tobacco.		X	X	X	Must
Bringing or possessing a firearm onto school property or activity (893) Firearm means a weapon, device, instrument, material, or substance that is used for, or is readily capable of, causing death or serious bodily injury.		X	X	X	Must

STUDENT BEHAVIORS AND RESPONSES

Description of Responses & Definitions

Tier 1 Responses	
Removal from Extracurricular Activities / Loss or Privileges	Revoking a student's right to participate in extracurricular activities, including sports and clubs, or revoking a student's right 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.
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	Prompting students 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 her/his 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 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")
Conflict Resolution	Using strategies to assist students in taking responsibility for peacefully resolving conflicts. Students, parents/guardians, teachers, school staff, and 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.
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 child's behavior and seeking their assistance in correcting inappropriate or disruptive behavior.
Parent/Guardian and Student/Teacher Conference	Involving students, parents/guardians, teachers, school staff, and principals in discussion about the student's behavior and potential solutions to address social, academic, and personal issues related to the behavior.
Referral to School Counselor	A referral made to a school counselor for intervention services
Referral to CARE Team	Referral to a school-based team for assistance with developing an intervention plan
Restorative Justice Practices	Employing interventions, responses, and practices designed to identify and address the harm caused by an incident, and to develop a plan to heal and correct the situation with the student who caused the harm.
Tier 2 Responses – Tier 2 responses include all possible responses under "Tier 1" in addition to the following:	
Recommend for Further Action	Recommending a student to building administrator(s) once classroom interventions have been shown to be ineffective.
Referral to Student Success Team	Bringing together a team of teachers, principals, social workers, nurses, 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 Success Team (SST), the Team may request a placement review for alternative placement conducted by a Central Student Support Team.
Referral to Appropriate Substance Abuse Counseling Services	Referring a student to services both in and out of school, such as "MSAP," a local health department, or community-based service for counseling related to substance abuse.

Referral to Community-Based Organization(s)	Referring a student 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	Referring a student 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/informal behavior coaching.
Referral to Truancy Court	Referring a student and/or parent to court for repeated attendance violations by the student.
Restitution	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. Pursuant to the 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's guardian, and other appropriate individuals. Monetary restitution may not to exceed \$2,500 or the fair market value of the property, whichever is lesser. The matter may be referred to the Department of Juvenile Services if it cannot be resolved at the school level.
Temporary Removal from class	The removal of a student from class on a temporary basis as requested by the classroom teacher for redirection by other staff for behavior adjustment.
Tier 3 – Tier 3 responses includes all possible responses in “Tier 1” and “Tier 2” in addition to the following:	
In-School Removal/ Intervention	Removing a student within the school building as an intervention as stated that affords the student the opportunity to continue to: (i) appropriately progress in the general curriculum; (ii) receive the special education and related services specified on the student's Individual Education Plan (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)
Suspension (In-School)	Removing a student within the school building “from the student’s education program for up to but not more than 10 days in a school year for disciplinary reasons by the school principal.” COMAR 13A.08.01.11(B)(4): In school suspensions require the following: a) “A student may not receive an in-school suspension “unless the student has been informed of the reason for the suspension and has been given an opportunity to respond before the suspension becomes effective. b) The school principal shall provide the student's parents with written notification of the in-school suspension action taken by the school. c) After 10 days of cumulative in-school suspension, the student, the student's parents or guardian, and the principal shall confer. d) The student’s school of current enrollment shall make provision for the student’s education during the period of in-school suspension. e) Policies pertaining to student’s participation in extracurricular activities if the student receives an in-school suspension are located in the Regulations and

	<p>Procedures manual for Interscholastic Athletics in the Dorchester County Public Schools on page 6.</p> <p>Note: <i>Students are not permitted on school property during the suspension period without permission from school administration, or the designee of the superintendent of schools. Any violation of this policy may result in a charge of trespassing.</i></p>
Referral to Alternative Education	A recommendation made by a building administrator(s) for placement in an alternative education school, alternative education program, or alternative education placement. This would include a short-term or long-term placement at the New Directions Learning Academy.
Suspension (Short Term, Out-of-School)	<p>The removal of a student from school for up to but no more than three days for disciplinary reasons by the principal.</p> <p><i>Students are not permitted on school property during the suspension period without permission from school administration, or the designee of the superintendent of schools. Any violation of this policy may result in a charge of trespassing.</i></p>
Tier 4 – Tier 4 responses includes all possible responses in “Tier 1”, “Tier 2”, and “Tier 3” in addition to the following:	
Long Term Suspension Out-of-School	<p>The removal of a student from school for a period of 4 days up to and including 10 days for disciplinary reasons by the principal COMAR 13A.08.01.11(B)(5). A student may not be suspended solely for attendance-related issues. MARYLAND CODE ANNOTATED, EDUC. § 7-305(b)1.</p> <p>A suspension is a lawful absence, COMAR 13A.08.01.03, therefore suspended students must be given access to coursework, COMAR 13A.08.01.05</p> <p><i>Students are not permitted on school property during the suspension period without permission from school administration, or the designee of the superintendent of schools. Any violation of this policy may result in a charge of trespassing.</i></p>
Recommendation for Extended Suspension Out-of-School	<p>A recommendation made by the school principal or designee to the superintendent’s designee for the exclusion of a student from the student’s regular school program for a period between 11 and 45 days, which may only occur under the following circumstances:</p> <p>(a) The superintendent or designated representative has determined that:</p> <p>(i) 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; or</p> <p>(ii) 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.</p> <p>(b) The superintendent or designated representative limits the duration of the exclusion to the greatest extent practicable.</p> <p>(c) The school system provides the excluded student with comparable educational and appropriate behavior support services to promote successful return to the student’s regular academic program.</p> <p><i>Students are not permitted on school property during the suspension period without permission from school administration, or the designee of the superintendent of schools. Any violation of this policy may result in a charge of trespassing.</i></p>
Recommendation for Expulsion	<p>A recommendation made by the school principal or designee to the superintendent’s designee for the exclusion of a student from the student’s regular school program for 45 school days or longer, which may occur only under the following circumstances:</p> <p>(a) The superintendent 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.</p> <p>(b) The superintendent or designated representative limits the duration of the exclusion to the greatest extent practicable.</p>

	(c) The school system provides the excluded student with comparable educational services and appropriate behavior support services to promote successful return to the student's regular academic program. Code of Maryland Regulations (COMAR) 13A.08.01.11.(B)(2)
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Procedures for Suspension/Expulsion

Suspension for Not More Than 10 Days.

- (a) In accordance with the rules and regulations of the Dorchester County Board of Education, a Principal may suspend for cause, for not more than 10 school days, any student in the school who is under the direction of the Principal.
- (b) The student or the student's parent or guardian promptly shall be given a conference with the Principal and any other appropriate personnel during the suspension period.
- (c) At or before the conference, the student shall receive oral or written notice of the charges against him or her. If the student denies the charges, the student has the right to an explanation of the evidence supporting the charges and an opportunity to present the student's side of the story.
- (d) A student whose presence in school poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process may be removed immediately from school, if the notice and conference required by this subsection is provided as soon as possible.
- (e) If the principal finds that an extended suspension or expulsion is warranted, the principal immediately shall report the matter in writing to the Superintendent of Schools.

Suspension for More than 10 Days or Expulsion.

- (a) At the request of a principal, the Superintendent of Schools or the designated representative may suspend a student for more than 10 school days or expel the student.
- (b) Upon receipt of a written report from a Principal requesting an extended suspension or expulsion, the Superintendent of Schools or designated representative promptly shall make a thorough investigation of the matter.
- (c) If after the investigation the Superintendent of Schools or designated representative finds that an extended suspension or an expulsion is warranted, the superintendent or designated representative promptly shall arrange a conference with the student and the student's parent or guardian.
- (d) The process shall be completed by the 10th school day of the initial suspension. If additional time is necessary to complete the process, either because of delays due to parent or guardian unavailability or due to the complexity of the investigation, the student shall be allowed to return to school, unless the Superintendent of Schools or designated representative determines that the student's return to school would pose an imminent threat of serious harm to other students or staff.

(e) If the student is not allowed to return to school after the 10th day, the Superintendent of Schools or designee shall notify the student and the parent or guardian within 24 hours and provide the reasons for the delay in the process and the denial of reentry and send a copy of the notice to the State Superintendent of Schools;

(f) If after the conference the Superintendent of Schools or designated representative finds that an extended suspension or an expulsion is warranted, the student or the student's parent or guardian may appeal to the local board in writing within 10 days after the determination.

Minimum Education Services.

In order to establish accountability and keep suspended or expelled students on track with classroom work, as is reasonably possible, each local board shall institute education services that at a minimum provide that:

(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; and

(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 email with those out-of-school suspended/expelled students and their parents.

Education Services During Short-Term Suspensions.

(a) All students who receive short-term suspensions shall have the opportunity to complete the academic work they miss during the suspension period without penalty; and

(b) All students who receive short-term suspensions, and their parents or guardians, shall receive the contact information for a school employee who will be responsible for ensuring that the student if provided with the missed assignments.

(c) All other aspects of the process for suspended students receiving missed assignments, completing missed assignments, and making up tests shall be consistent with each school's established policy and practice for makeup work in the event of any other excused absence.

DUE PROCESS RIGHTS FOR STUDENT AND PARENTS

Rights of Students

Procedural due process, as applied to students, requires that the following elements must be present:

1. The student must have prior knowledge of the conduct that is required of or prohibited by the student.
2. The student must be made aware of the specific charges giving rise to any proposed penalties or discipline against the student.
3. The student must have the opportunity to express or convey to the decision-making authority the student's views or rebuttals prior to an administrative decision being made. Students whose presence may pose a continuing danger to persons or property or an on-going threat of disrupting the academic process may be immediately removed from school. Determination as to whether a student's presence poses such a continuing danger shall be made by the school administration. Due process procedures will be followed as soon as practical.

Rights of Parents

1. If parent(s) disagrees with the Superintendent of School's decision to expel a student from school, the parent may appeal the decision by submitting, within **ten** [10] days, a letter in writing to the Dorchester Board of Education requesting a hearing.
 - a. An administrative conference with the Superintendent of Schools or designee is offered.
 - b. If the conference leads to a favorable resolution for the student and parent, the student may be conditionally reinstated or alternate remedies may be offered.
 - c. If the conference determines the disciplinary action to be upheld, the disciplinary action will be implemented.
2. If the parent disagrees with the outcome of the administrative conference, the hearing before the Board of Education will be scheduled.
 - a. During the pending appeal, the student is to remain out of school until a decision is final.
 - b. The Dorchester County Board of Education's decision is final.

Disciplinary Policy and Procedures for Students with Disabilities

Suspension of Children with Disabilities

Suspension of Children with Disabilities

1. Children with disabilities may be removed from school for up to ten (10) consecutive school days. In accordance with policies and procedures that apply to all students, discipline will be applied the same as it is to children without disabilities.
2. Additional removals for separate incidents of misconduct may occur, if they do not constitute a change of placement.

Manifestation Determination

1. The IEP Team will meet as soon as possible, but no later than ten (10) school days after removal if:
 - a. There are more than ten (10) consecutive days of removal or its cumulative equivalent to a change in placement.
 - b. There is a 45-day placement to an interim alternative educational setting (weapons, serious bodily injury or illegal drugs).
 - c. There is a 45-day placement ordered by an impartial hearing officer for safety.
 - d. Removals amount to a change of placement.
2. The IEP Team will determine if the child's conduct was a manifestation of the disability by considering relevant information including:
 - a. Evaluations, diagnostic results, including the results or other information supplied by the parent(s) of the child.
 - b. Observations of the child.
 - c. The child's current IEP and placement.
3. To determine if the child's actions were not a manifestation, the IEP Team will consider whether:
 - a. The behavioral infraction was caused by, or had a substantial relationship to the student's disability.
 - b. The direct result of DCPS' failure to implement the student's IEP.

4. If the IEP Team determines the child's behavior was not a manifestation of the disability, the disciplinary procedures applicable to students without disabilities may be applied. The child will continue to receive a free, appropriate public education.
5. If the child's parent(s) disagree(s) with the determination that the child's behavior was not a manifestation of the disability, a hearing may be requested.

Special Education and Related Services During Period of Suspension or Expulsion Removal for More than Ten School Days

1. After a child with a disability has been removed for more than ten (10) days in the same year, services will continue to the extent necessary:
 - a. To appropriately progress in the general curriculum.
 - b. To advance toward achieving the goals set out in the child's IEP.
2. The IEP Team will meet within ten (10) business days of:
 - a. The 11th school day the child was removed during the school year.
 - b. Commencing a removal that constitutes a change of placement.
3. If no functional behavioral assessment occurred before the disciplinary action, the IEP team:
 - a. Will develop a behavioral assessment plan.
 - b. Complete the assessment and meet as soon as practicable to develop appropriate behavioral interventions.
4. If the child already has a behavioral intervention plan, the IEP team will review the plan and its implementation to determine if modifications are necessary.
5. A child with a disability may be removed to an appropriate Interim Alternative Educational Setting for the same amount of time that a child without a disability would be removed, up to 45 days, if:
 - a. The child carries a weapon to school or a school function.
 - b. The child knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.
 - c. The child inflicts serious bodily harm on another person.

Students Suspected of Having a Disability

1. A child who has not been determined to be eligible as a child with a disability may assert protection under the IDEA if the school district had knowledge that the student was a child with a disability before the behavior that precipitated the disciplinary action occurred.
2. If the school district does not have knowledge that the child is a child with a disability prior to taking disciplinary action, the child may be subject to the same disciplinary measures as children without disabilities.
3. If an evaluation is requested during the time the student is subjected to disciplinary measures, it will be conducted in an expedited manner.

4. Until the evaluation is completed, the child remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.

Student Behavior Interventions

Restraint is prohibited in Dorchester County Public Schools unless a) there is an emergency situation and physical restraint is necessary to protect a student or other person from imminent, serious physical harm after less intrusive non-physical interventions have failed or been determined inappropriate; b) a student's Behavior Intervention Plan or IEP describes the specific behaviors and circumstances in which physical restraint may be used; c) the parents of a non-disabled student have otherwise provided written consent to the use of physical restraints while a Behavior Intervention Plan is being developed; d) the type or techniques used are the least restrictive interventions that will be effective; e) using safe and appropriate techniques by trained personnel; f) discontinued at the earliest possible time. In addition, exclusion may be used by school personnel to address a student's behavior if the student's behavior a) unreasonably interferes with the student's learning or the learning of others; or b) constitutes an emergency and exclusion is necessary to protect a student or other person from imminent, serious physical harm after other less intrusive noninvasive interventions have failed or been deemed inappropriate. The use of seclusion is prohibited in public agencies and nonpublic schools unless a) there is an emergency situation and seclusion is necessary to protect a student or another person after other less intrusive interventions have failed or been determined to be inappropriate; b) the student's IEP or Behavior Intervention Plan describes the specific behaviors and circumstances in which seclusion may be used; c) the parents of a nondisabled student have otherwise provided written consent for the use of seclusion while a behavior intervention plan is being developed; d) DCPS personnel have received prior approval from the superintendent; e) the type or techniques used are the least restrictive interventions that will be effective; f) using safe and appropriate techniques by trained personnel; g) discontinued at the earliest possible time. The policy and procedures regarding Student Behavior Interventions will be reviewed on an annual basis with school personnel through professional development and made available to parents through the school district's web page and through distribution at the beginning of the school year.

Reporting Delinquent Acts

1. School officials will report crimes committed by children with disabilities to appropriate law enforcement authorities to the same extent as they do for children without disabilities.
2. Copies of special education and disciplinary records are transmitted to law enforcement officials to the extent permitted by FERPA.

Smoking - Prohibited on School Premises

The Dorchester County Board of Education recognizes that the maintenance of a safe and healthy environment is essential to ensure students' success and protect the health of staff, visitors, and parents. It is, therefore, the intention of the Board of Education to establish a tobacco-free school environment in Dorchester County.

Definitions

“School buildings” means all buildings and facilities owned, leased, or operated by the Dorchester County Public Schools.

“School grounds” means all owned or leased land that surrounds school buildings.

“Tobacco” means products derived from the tobacco plant that are smoked, chewed, sniffed, or otherwise consumed.

Tobacco Use

The use of tobacco products by students in school buildings and on school grounds is prohibited at all times in accordance with the “Discipline Policy and Procedures” as contained in the Calendar /Handbook.

All school buildings will be “tobacco-free” at all times. The sale or use of tobacco in any form is prohibited inside school buildings 24 hours a day, every day.

The sale or use of tobacco in any form is prohibited on school grounds during the official school day. Use of tobacco products in any form is also prohibited in all school system vehicles at all times and on all contracted school buses when students are present. Each school shall post notification to students, staff, and the general public that school buildings and grounds are tobacco-free.

Replacement Therapy

Any form of replacement therapy is not permitted on school grounds.

Drug Search

The Dorchester County Board of Education authorizes the use of drug-detecting dogs in the schools and on school grounds, such as parking lots as a means of deterring students from using, possessing or transferring illegal, controlled or dangerous substances on school property or at school-sponsored activities. The Attorney General has determined that use of drug-detecting dogs does not offend either an individual's rights under the Fourth Amendment to the United States Constitution or the Bylaws of the Maryland State Board of Education.

The following procedures will be used:

1. Prior to the first search during the school year, the principal will inform all students that drug-detecting dogs will be used by the law enforcement agencies to search the school building for controlled dangerous substances.
2. The first search in a school year will be when the students are not in attendance.
3. The principal will accompany the law enforcement officer when a search is made.
4. Under no circumstances will a drug-detecting dog be used to sniff any person.
5. When a drug-detecting dog suspects the presence of a controlled dangerous substance in a school locker, the principal may ask the student to open the locker. If the student refuses, the principal, in the presence of a witness other than the student, will open the locker to inspect its contents.

6. The police officer may not open or search a locker without a proper search warrant specifying the locker to be searched. Any such search must be in the presence of a school administrator.
7. Any illegal substance will be placed in an envelope. The envelope will be marked with the time, date, locker identification and student name. The principal will turn the envelope over to the appropriate law enforcement agency for analysis.
8. The principal will follow procedures for suspension/expulsion of the student/students involved.

Dress Code

Students are expected to be neatly and appropriately dressed and groomed at all times. Students should wear clothes that do not create a distraction or disturb the learning environment and are appropriate for a school setting. Clothing that tends to be offensive to others will be considered unacceptable and therefore not permitted.

Each school has the right and responsibility to develop dress code regulations appropriate for their population. Examples below are of unacceptable items, but parents must check with their individual children's school for specific dress code regulations.

- Hats, caps, etc. worn within the building
- Clothing that does not cover the torso
- Drawstrings hanging from clothing or items dangling from bookbags that can become tangled in gym equipment, school buses, etc.
- Shorts that are not an appropriate length, that do not adequately cover body area, that do not fit properly - too loose or too tight, that are designed to be worn for physical education activities or for a particular sport or exercise program.
- Shoes that do not properly fit or may cause injury to one's self.
- Any clothing or item that depicts profanity, obscenity and violence; that promotes the use of tobacco, drugs or alcohol, or contains sexually explicit suggestive messages. This includes pictures/drawings and/or words. Clothing or items that degrade persons based on race, color, sex, age, national origin, religion, disability, or sexual orientation will not be tolerated in the school environment.

The school principal has the responsibility of making the final decision regarding the appropriateness of attire. Failure to comply with policy governing attire may result in suspension and/or a recommendation for expulsion from the school by the principal or his/her designee.

For safety and security reasons, student bookbags, backpacks, and gym bags are to be left in student lockers or appropriate areas designated by the school administration.

Coats are to be placed and left in student lockers or appropriate area designated by the school administration.

