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TO: Members of the State Board of Education
FROM: Lillian M. Lowery, Ed.D. *Lillian M. Lowery*
DATE: July 22, 2014
SUBJECT: Maryland Guidelines for a State Code of Discipline

PURPOSE:

To provide the members of the State Board with the Workgroup Report and recommended revisions to the Maryland Guidelines for a State Code of Discipline.

BACKGROUND/HISTORICAL PERSPECTIVE:

In the July 2012 report, *School Discipline and Academic Success: Related Parts of Maryland's Education Reform*, the Maryland State Board of Education called on the Department to convene two workgroups. One workgroup was convened to deal with best practices in school discipline and the other to continue the work on revising the Maryland Guidelines for a State Code of Conduct.

In January 2014, the Maryland State Board adopted new discipline regulations, which require local school systems to review and revise student discipline policies with the goal of maintaining an environment of order, safety, and discipline necessary for effective learning. These guidelines should be considered when reviewing and revising local policies.

EXECUTIVE SUMMARY:

The Maryland Guidelines for a State Code of Discipline Workgroup was co-chaired by Robert Murphy, Maryland State Department of Education, and Katherine Rabb, Open Society Institute-Baltimore. The charge to the Workgroup by the Maryland State board of Education was to create an inclusive, thorough, and participatory process in order to update the Guidelines for a State Code of Discipline.

The Maryland Guidelines for the State Code of Discipline were developed jointly by over 30 organizations, agencies, and associations. Maryland State Department of Education staff issued initial invitations to representatives from all 24 school systems in Maryland and numerous organizations and stakeholders including the: American Civil Liberties Union of Maryland (ACLU); Advocates for Children and Youth (ACY); Baltimore Teachers Union (BTU); Department of Juvenile Services (DJS); Johns Hopkins University (JHU); Maryland Association of Boards of Education (MABE); Maryland Association of Pupil Personnel (MAPP); Maryland Association of Secondary School Principals Association (MASPP); Maryland Coalition of Families for Children's Mental Health (MCFC); Maryland Disability Law Center (MDLC); Maryland State Education Association (MSEA); Maryland Parent Teacher Association (MPTA); National Association of the Advancement of Colored People (NAACP); and Public School Superintendent's Association of Maryland (PSSAM). Members of the State Board also were invited. During the course of the meetings, which were open to the public, additional groups were invited and additional people attended.

The Workgroup had seven meetings between November 2012 and July 2013. Workgroup meeting notes were kept by the Advancement Project. A Wiki-page for Workgroup member comments on the document was developed and monitored. As can be expected, Workgroup members did not always agree on the topics discussed so the Guidelines represent the decisions the Workgroup made that often were the result of extensive debate and eventual compromise. The Guidelines represent the Workgroup's discussions, and take into account all comments made during and in-between meetings, and after the circulation of drafts and provide a framework for creating discipline policies across the state designed to reduce disparities in discipline, primarily those based on race and disability. As such, the Guidelines create a structure that emphasizes discretion for decision-makers, and is designed to eliminate disparities in discipline and make consequences meaningful and appropriate based upon the Workgroup's productive discussions, exchange of ideas along with the integration of best practices.

ACTION:

Review and consideration of revised Maryland Guidelines for a State Code of Discipline.

Attachments:

- (1) Co-Chairs' Overview
- (2) Workgroup Report
- (3) Suggested Revisions to Workgroup Report in Response to Additional Feedback

Attachment 1

Report to the Maryland State Board of Education on the Draft Guidelines for a State Code of Discipline

Robert Murphy, M.Ed, Maryland State Department of Education

Katherine Rabb, JD, Open Society Institute – Baltimore

7/22/2014

I. Background

The State Board of Education's 2012 report titled "A Safe School, Successful Students, and A Fair and Equitable Disciplinary Process Go Hand in Hand," presented important research on inequities in discipline across the state, finding significantly disproportionate consequences for students of color and with disabilities. To ensure fair disciplinary practices in Maryland, as stated in the report, the Board determined that changes should be made not only to regulations, but also to the Guidelines for a State Code of Discipline (Guidelines). New Guidelines would provide clear behavioral definitions, and recommend appropriate consequences for misbehavior. They would present the framework for creating discipline policies across the state designed to reduce disparities in discipline, primarily those based on race and disability. As a result, the Board charged MSDE with convening a Code of Conduct Workgroup to create draft Guidelines for the Board's review.

In response to the Board's request for an inclusive, thorough, and participatory process, MSDE convened the Workgroup and appointed two co-chairs, Robert Murphy, M.Ed. of the Maryland State Department of Education, and Kate Rabb, JD, of Open Society Institute-Baltimore. MSDE staff issued initial invitations to representatives from all 24 local school systems in Maryland, and numerous organizations and stakeholders including: ACLU-MD; Advocates for Children and Youth; Baltimore Teachers Union; Department of Juvenile Services; Johns Hopkins; MD Association of Boards of Education; MD Association of Pupil Personnel; MD Association of Secondary School Principals Association; MD Coalition of Families for Children's Mental Health; MD Disability Law Center; MD State Education Association; MD Parent Teacher Association; MSDE; NAACP; and Public School Superintendent Association of Maryland. Members of the Board also were invited. Through the course of the meetings, which were open, additional groups were invited and additional people attended.

The original schedule for the Workgroup included four meetings, each lasting three hours. After the first meeting, the length became five hours to accommodate the discussion; two meetings eventually were added. As such, the Workgroup met for three hours in November 2012, and for four hours each in January, February, April, May, and July of 2013.

The meetings were held in locations that were accessible to people throughout the state. The format typically was small group discussion with opportunities to report back to the larger group. During each meeting, Murphy as co-chair, led the

discussion, and facilitators from Advancement Project took notes and presented draft sections of the Guidelines they helped compile based on Workgroup members' discussions. Rabb, also a co-chair, spoke regularly at the meetings to summarize or clarify issues. After each meeting, the Advancement Project staff incorporated Workgroup comments and discussion into the relevant sections of the Guidelines, and circulated drafts of the work done in the previous meeting. Workgroup members had the opportunity to either send their comments directly to the co-chairs or facilitators, or to comment on the Wiki page that had been developed to provide members access to all drafts, background documents, minutes, and comments. The co-chairs and Advancement Project staff then reviewed and edited the document to incorporate any additional comments, so that the resulting drafts could be presented at the next meeting. Each meeting began with an opportunity to review the comments that had been submitted since the previous meeting. Once the workgroup had written a complete draft, Murphy circulated the document to the members for review and comment. The co-chairs and facilitators then reviewed those comments, updated the document accordingly, and circulated the revised draft to the Workgroup in March 2014.

It was through this inclusive, thorough, and participatory process that the Workgroup created the attached Guidelines for a Code of Discipline. The Guidelines represent the Workgroup's discussions, and take into account all comments made during and in-between meetings, and after the circulation of drafts.

II. Guidelines for the Code of Discipline

The Guidelines align closely with the State Board of Education's discipline reform efforts, as laid out in the Board's 2012 report. They are written in accordance with Maryland Law, including §7-306 of the Education Article and 13A.08.01.10 of the Code of Maryland Regulations, as cited below.

The Annotated Code of Maryland 7-306

(b) Standards of conduct; implementation. -- The State Board of Education shall:

(1) Establish guidelines that define a State code of discipline for all public schools with standards of conduct and consequences for violations of the standards; and

(2) Assist each county board with the implementation of the guidelines.

(c) Regulations. --

(1) Subject to the provisions of subsections (a) and (b) of this section, each county board shall adopt regulations designed to create and maintain within the schools under its jurisdiction the atmosphere of order and discipline necessary for effective learning.

(2) The regulations adopted by a county board under this subsection: (i) Shall provide for educational and behavioral interventions, counseling, and student and parent conferencing; and (ii) Shall provide alternative programs, which may include in-school suspension, suspension, expulsion, or other disciplinary measures that are deemed appropriate.

Code of Maryland Regulations, 13A.08.01.10

- A. Each local board shall have a document on students' responsibilities and rights.
- B. This document shall conform to guidelines established by the State Board of Education.
- C. The local document shall be disseminated periodically to all members of the school community, including students, teachers, administrators, and parents or guardians.
- D. There shall be broad involvement of representatives of the school community in the review of the document.

The Workgroup drafted the Guidelines to serve as a model for local school systems in Maryland to use when developing their own discipline codes. As a model, the Guidelines provide suggested roles and expectations of the broadly-defined school community, and also a framework for choosing appropriate and fair consequences for students. In response to the Board's directives, the Guidelines create a structure that emphasizes discretion for decision-makers, and is designed to eliminate disparities in discipline and make consequences meaningful and appropriate.

a. Elements of the Guidelines

The following are key elements of the Guidelines:

- "Descriptions of Responses" was compiled by members of the Workgroup, and lists responses and interventions commonly used in school systems throughout the state. It is not intended to be an exhaustive list, but rather to provide ideas for and definitions of consequences that educators may use when building discipline protocols.
- "Levels of Response" is a framework for organizing consequences so that they may be easily and appropriately matched to behaviors. Behaviors that

the Workgroup determined or the Board directed should be handled in the classroom merit a response from those listed in Level 1, for example, while behaviors that require removal from school receive a Level 5 response.

- The grid matches behaviors with appropriate levels of response. The Workgroup spent significant time selecting and defining the included behaviors, and determining the corresponding levels for each. The levels present a floor and ceiling for each behavior, but do not proscribe or even suggest any specific disciplinary intervention. For example, “Disrespect” as defined, merits a Level 1 or 2 response; the Guidelines include 23 examples of responses that the Workgroup felt were appropriate for Level 1 or 2 consequences. LEAs may choose any of those suggested interventions, or invent one of their own, so long as they are designed to keep children in school. The grid states that the lowest level intervention should be used first, ensuring that discipline is progressive and that students have the opportunity to learn from their mistakes.

b. Key Points of Discussion

As can be expected, Workgroup members did not always agree on the topics discussed. The Guidelines represent the decisions the Workgroup made that often were the result of extensive debate and eventual compromise. The following are some of the most contentious topics. This section does not describe every position voiced during the discussion, but rather the rationale for the compromise positions represented in the Guidelines and the primary objections.

- Disrespect: After extensive discussion, Workgroup members determined that the behaviors “Disrespect” and “Insubordination” are indiscriminately and overly used, and that responses therefore are inconsistent. This, coupled with the fact that these behaviors give rise to significant disparities in discipline, led the Workgroup to collapse and clearly define these two categories. In these Guidelines, “being insubordinate” is a subset of Disrespect, and, in response to the Board’s clear directive, neither merits an exclusionary response. Also to reduce disproportionality, the Workgroup removed the similarly ambiguous “Refusal to Obey School Policies” from the Guidelines. The most debated issue as it relates to disrespect and insubordination was whether these behaviors should merit exclusionary consequences. Some Workgroup members felt strongly that children should be suspended for disrespectful behavior.

- Age ranges: Many Workgroup members believed that the Guidelines should take into account child development, so that young children are not punished unfairly for a behavior whose meaning and impact would be different if carried out by older students. A kindergartener who takes a friend's pencil, for example, should not be given the same exclusionary consequence as a senior who steals a classmate's iPhone. Those who preferred to remove age ranges argued that they were arbitrary, and therefore not useful for distinguishing levels of development and thus ultimate culpability.
- Intentionality: Several behaviors in the Guidelines include language of intentionality in order to distinguish among similarly categorized actions that merit distinct consequences. The Workgroup felt that a student rushing down the hall who inadvertently bumps into a teacher should not be suspended for "Attack on Adult," for example, while a student who purposefully punches a teacher likely should. Those who suggested removing this language believed that it would be difficult in some instances to determine whether a student behaved intentionally.

Appropriate Levels of Response: Various behaviors included in these Guidelines correspond to a range of levels, some of which span from 1-5. These broad ranges indicate behaviors for which there was significant disagreement among Workgroup members about the appropriate response levels for a particular action (e.g. "Being under the influence of alcohol.") As the group could not reach consensus on the appropriate levels, the compromise was to include no suggested floor or ceiling.

III. Conclusion

In conclusion, we would like to recognize the members of this Workgroup for their dedication to making Maryland's schools safe and welcoming, and for their commitment to ensuring fair and equitable discipline practices across the state. While the diversity of perspectives and backgrounds represented in this Workgroup made for often contentious discussions, they also led to the productive sharing of ideas and best practices which all are woven into the strong draft Guidelines we present to you today. We are grateful for the opportunity to facilitate and learn from these discussions, and to contribute to the Board's important discipline reform work.

Attachment 2

INTRODUCTION

The Maryland State Board of Education has challenged itself and local school districts throughout the state to create a world-class education system that prepares all of Maryland's students for college and career success in the 21st Century. To realize this challenge, we must create schools that are both welcoming and academically rigorous, so that students come to school every day and are provided the educational and social tools they need to succeed.

The Guidelines for a State Code of Conduct were revised in 2013 by a working group of district representatives and other stakeholders from across Maryland. The revision was part of a statewide effort to reform school discipline, so that all policies and practices related to student conduct foster and teach appropriate behavior, strive to create a positive school climate and safe environment, and keep students in school so that they may graduate college and career ready.

The purpose of these guidelines is to provide a framework for Maryland school districts to use in establishing local district codes of conduct and in developing new discipline-related policies. These guidelines include behavioral expectations for all members of the school community who have a direct impact on creating healthy teaching and learning environments and on promoting student success. They also provide suggested prevention, intervention, restorative, and incentive-based strategies to respond to student misconduct, detailed explanations of specific student behaviors that are not permitted, and other factors for local districts to consider in revising their policies.

These guidelines closely align with the Maryland State Board of Education's discipline reform efforts, as laid out in the Board's 2012 report entitled "School Discipline and Academic Success: Related Parts of Maryland's Education Reform." They are written in accordance with Maryland law, including § 7-306 of the Education Article, which charges the State Board of Education with establishing guidelines that define a state code of conduct, and 13A.08.01.10 of the Code of Maryland Regulations, which controls implementation of the guidelines.

PHILOSOPHICAL PRINCIPLES

The Maryland State Board of Education, educators, and community members throughout the state are committed to creating school systems where teaching and learning take place every day in safe, supportive, and respectful school environments, and where students, school staff, and families are valued and have the opportunity to succeed.

Healthy and safe school climates and successful school discipline policies and practices are guided by the following philosophical principles:

1. School safety and academic success are created and strengthened when students effectively and actively are engaged in their learning, when positive relationships exist between students and school staff, and when families, communities, and school staff work collaboratively to support positive student outcomes.
2. Schools should provide behavioral expectations for all members of the school community that are fair and developmentally appropriate. Educators and other adults within the school should teach students to behave in ways that conform to those policies, and contribute to academic achievement and school success. This is achieved by fostering, teaching, and acknowledging positive behavior, focusing on preventing misbehavior before it occurs, providing necessary supports, and restoring relationships among all members of the school community when the need arises.
3. No student comes to school “perfect,” academically or behaviorally, and many face challenges in their homes and communities. All students, however, can succeed and deserve the opportunity to do so. Schools should provide the instruction and support necessary to address students’ academic and behavioral needs.
4. Students should be afforded opportunities to learn from their mistakes. To do this, school staff should use graduated consequences and interventions to teach students appropriate behavior, and to correct any harm that results from their behavior. Removing a student from school through exclusionary discipline measures should always be a last resort. Students who are removed should have the opportunity to make up work for credit, so that they may stay on pace with their classwork and on track to graduate.
5. School discipline should be administered fairly, equitably, and consistently, and in accordance with due process protections. Schools must not allow harsh or exclusionary discipline to disproportionately impact specific groups of students, including but not limited to students of color, students with disabilities, male students, and LGBTQ students. Where such disparities exist, school systems must make continuous efforts to understand the causes of and reduce such disproportionality.
6. To the extent possible, school staff should be provided access to interventions and supportive services, as well as adequate training and professional development to

administer discipline most effectively and appropriately. Partnerships with community-based, city, and local organizations and agencies will help to ensure that school staff and students have access to the supports they need.

7. Safe and positive school environments are built on trusting relationships between students and school staff. Schools should avoid the unnecessary criminalization of students, which is prompted by frequent school resource officer, police, and juvenile justice system involvement. Schools should report a student to school resource officers, other law enforcement or, to the juvenile justice system only when the immediate safety of students or school community members is threatened.
8. When students experience a system of school discipline that is administered fairly equitably and consistently, they will expect to accept responsibility for their actions and the consequences resulting from their behavior.

SECTION I: EXPECTATIONS FOR THE SCHOOL COMMUNITY

All members of the school community have a role in building schools that embody the aforementioned principles. Our schools are the safest and the most successful when everyone collaborates, values and respects each other's roles, and is invested in common-sense school discipline practices. The following are shared expectations for school staff/administrators, students, parents/guardians, and community/city/local organizations, agencies, and others. While not binding, these expectations should guide interactions and involvement with school discipline matters.

Expectations for School Staff and Administrators

School staff and administrators should:

1. Create and promote a positive, supportive, safe, and welcoming school environment that is conducive to teaching and learning.
2. Be respectful and courteous to students, parents/guardians, and other school staff.
3. Be knowledgeable about discipline policies, regulations, and rules, and inform the community about such policies as well as resources available to support students.
4. Strive to recognize and eliminate disproportionality in discipline, and administer discipline rules fairly, consistently, and equitably, regardless of race, ethnicity, culture, gender, color, national origin, ancestry, religion, age, disability, sexual orientation, and/or gender identity.
5. Reward and acknowledge positive and appropriate conduct by students. Exercise good judgment and implement a graduated consequences approach so that discipline is administered in a progressive fashion – the lowest possible response is used to address each incident of misbehavior as much as possible, and more intensive responses are used when behavior is repeated, as appropriate.
6. Make every reasonable effort to keep students in school, and unless required by law, use exclusionary discipline measures, including out-of-school suspension and referrals to law enforcement and/or school resource officers, as a last resort.
7. Strive to develop positive and productive relationships with school resource officers, police, school staff, and others, and avoid having school resource officers or police discipline students for typical student misbehavior.
8. Where appropriate and available, refer students who misbehave to community-based organizations, local agencies, and others external to the school community who may have expertise applicable to the specific situation.
9. Make reasonable efforts to communicate with and respond to parents/guardians in a timely manner and in a way that is accessible and easily understood.
10. Provide students with due process as it relates to school discipline, in accordance with applicable policy and law.
11. Expect to receive training and professional development as it relates to student discipline and classroom management.

12. Provide students who are suspended or expelled from school with make-up work, and allow them to complete that work for credit so that they do not fall behind academically.

Expectations for Students

Students should:

1. Be proactive in promoting and working toward making school a positive, supportive, safe, and welcoming place for all students and staff.
2. Be respectful and courteous to fellow students, parents/guardians, and school staff.
3. Be knowledgeable about discipline policies, regulations, and rules.
4. Follow school rules and policies, and contribute to a positive school climate by behaving appropriately, even when not specifically asked to do so.
5. Make every reasonable effort to participate actively in any conferences, activities, interventions, or programs recommended appropriately by school staff.
6. Recognize how their conduct affects other students and school staff, and make every reasonable effort to restore relationships affected by their conduct.
7. Seek access to and complete make-up work while they are out of school for disciplinary reasons, so that they do not fall behind.
8. Share ideas and strategies for improving school climate and school discipline practices.

Expectations for Parents/Guardians

Parents/guardians should:

1. Help ensure their children create and promote a positive, supportive, safe, and welcoming school environment that is conducive to teaching and learning, and talk with their child about appropriate conduct at school.
2. Be respectful and courteous to other students, fellow parents/guardians, and school staff.
3. Read and be familiar with school policies, regulations, and rules.
4. Have regular contact with school staff, and make every effort to ensure that their child maintains regular school attendance.
5. Make every reasonable effort to be involved in conferences, hearings, and other disciplinary matters concerning their child.
6. Expect to be promptly notified by the school if their child is suspended or expelled, and if there is any investigation by law enforcement or school resource officers, related to school discipline.
7. Make every reasonable effort to help their child access supportive groups or programs designed to improve his/her conduct, including but not limited to counseling, after-school programs, and mental health services within the school and the community.
8. Share any concerns or complaints with school officials in a timely manner.

9. Work with school staff and administrators to address any behavioral problems their child may experience.
10. Share ideas and strategies for improving school climate and school discipline practices.

Expectations for Community-based/City/Local Organizations & Agencies

Community-based/City/Local Organizations & Agencies should:

1. Offer assistance to schools working to create positive, safe, supportive, and welcoming environments.
2. Be respectful and courteous to students, parents/guardians, and school staff.
3. Make reasonable efforts to confer, consult, and collaborate with school staff and/or parents/guardians on student misconduct and potential responses.
4. Make reasonable efforts to collect and distribute information and data that might be useful in schools' decision-making processes overall and for individual students.
5. Be informed and serve as a resource for students and their families in understanding discipline policies, rules, and regulations.
6. Serve as a liaison for and provide support to students and their families involved in discipline-related proceedings.
7. Provide assistance to parents/guardians and families in communicating with school staff.
8. Identify individuals who can serve as mentors and role models for students both formally and informally.
9. Make every reasonable effort to provide support to school staff if and when requested or appropriate around school discipline matters.
10. Share ideas and strategies for improving school climate and school discipline practices.

SECTION II: STUDENT BEHAVIORS AND RESPONSES

DESCRIPTIONS OF RESPONSES

The following is meant to illustrate the kinds of responses and interventions that are available and commonly used by schools administrators and staff to respond to student behaviors. It is not intended to be an exhaustive list.

Behavioral Contract	Correcting inappropriate or disruptive student behavior through a formal plan designed by school staff to offer positive behavioral interventions, strategies, and supports.
Behavioral Intervention Plan & Functional Behavior Assessment	A Functional Behavior Assessment gathers information about students' 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 schools behavior.
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 or 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")
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 aged.)
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.
Expulsion	<p>Excluding a student "from the student's regular school program for 45 school days or longer, which only may occur under the following circumstances:</p> <ul style="list-style-type: none"> (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. (b) The superintendent or designated representative limits the duration of the exclusion to the greatest extent practicable. (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.”
MD. CODE REGS. 13A.08.01.11(B)(2).

In order to expel a student, a principal must first report the matter in writing to the local superintendent, who must conduct a thorough investigation of the matter and promptly arrange a conference with the student and student's guardian if she or he finds that an expulsion is warranted. MD. CODE REGS. 13A.08.01.11(C)(3)(a)-(c).

If a student has seriously endangered the health, welfare, or safety of other students or school staff, the student may be recommended for an alternative educational placement while on expulsion.

**In-School Removal /
Intervention**

Removing a student within the school building “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,” MD. CODE REGS. 13A.08.01.11(B)(4), but that is not considered an in-school suspension, because the student is “afforded 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 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.”

MD. CODE REGS. 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.

**Parent/Guardian/
Student and
Teacher Conference**

Involving students, parents, guardians, teachers, school staff, and 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 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**

Referring students to services both in and out of school, such as “MSAP,” a local health department, or a community-based service for counseling related to substance abuse.

Referral to Community-Based Organizations	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	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 / informal behavior coaching.
Referral to Student Support 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 Support Team, the Team may request a placement review for alternative placement conducted by a Central Student Support Team.
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 by 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.
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 complete a schoolwork project, or both.</p> <p>Pursuant to MD. CODE REGS. 13A.08.01.11(E), 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 guardian, and other appropriate individual. Monetary restitution is not to exceed \$2,500 or the fair market value of the property, whichever is lesser.</p>
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.
Suspension (In-School)	<p>Removing a student within the school building "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." MD. CODE REGS. 13A.08.01.11(B)(4).</p> <p>In-school suspensions also require the following:</p> <p>"(b) A student may not receive an in-school suspension unless the student has been informed of the reasons for the suspension and has been given an opportunity</p>

to respond before the suspension becomes effective.

- (c) The school principal shall provide the student's parents with written notification of the in-school suspension action taken by the school.
- (d) After 10 days of cumulative in-school suspension, the student, the student's parents or guardian, and the principal shall confer.
- (e) The student's school of current enrollment shall make provision for the student's education during the period of in-school suspension.
- (f) Local school systems shall develop policies pertaining to student's participation in extracurricular activities if the student receives an in-school suspension.
- (g) Local school systems shall develop and implement a behavioral program of positive interventions to address the causes of behavior as part of an in-school suspension."

MD. CODE REGS. 13A.08.01.11(C)(2).

**Suspension
(Short Term, Out-of-School)**

Removing a student "from school for up to but not more than 3 days for disciplinary reasons by the principal." MD. CODE REGS. 13A.08.01.11(B)(7).

A student may not be suspended solely for attendance-related issues. MD. CODE ANN., EDUC. § 7-305(b)1.

A suspension is a lawful absence, MD. CODE REGS. 13A.08.01.03, therefore suspended students must be given access to make-up coursework, MD. CODE REGS. 13A.08.01.05(5).

"For short-term suspensions, the local board of education shall inform all schools under their jurisdiction:

- (a) To provide all students who receive short-term suspensions with the opportunity to complete the academic work they miss during the suspension period without penalty; and
- (b) To 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 suspended students 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." MD. CODE REGS. 13A.08.01.11(G).

**Suspension
(Long Term, Out-of-School)**

Removing a student "from school for a time period between 4 and 10 school days for disciplinary reasons by the principal." MD. CODE REGS. 13A.08.01.11(B)(5).

A student may not be suspended solely for attendance-related issues. MD. CODE ANN., EDUC. § 7-305(b)1.

A suspension is a lawful absence, MD. CODE REGS. 13A.08.01.03, therefore suspended students must be given access to make-up coursework, MD. CODE REGS. 13A.08.01.05(5).

"[E]ach 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.”

MD. CODE REGS. 13A.08.01.11(F).

**Suspension
(Extended, Out-of-
School)**

Excluding a student “from a student’s regular program for a time period between 11 and 45 school days, which only may occur under the following circumstances:

- (a) The superintendent or designated representative has determined that:
 - (i) 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
 - (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.
- (b) The superintendent or designated representative limits the duration of the exclusion to the shortest period practicable; and
- (c) 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.”

MD. CODE REGS. 13A.08.01.11(B)(3).

In order to give a student an extended suspension, a principal must first report the matter in writing to the local superintendent, who must conduct a thorough investigation of the matter and promptly arrange a conference with the student and student’s guardian if she or he finds that an extended suspension is warranted. This process shall be completed by the 10th school day of the initial suspension. MD. CODE REGS. 13A.08.01.11(C)(3)(a)-(d).

A student may not be suspended solely for attendance-related issues. MD. CODE ANN., EDUC. § 7-305(b)1.

A suspension is a lawful absence, MD. CODE REGS. 13A.08.01.03, therefore suspended students must be given access to make-up coursework, MD. CODE REGS. 13A.08.01.05(5).

“[E]ach 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.”

MD. CODE REGS. 13A.08.01.11(F).

Student Court

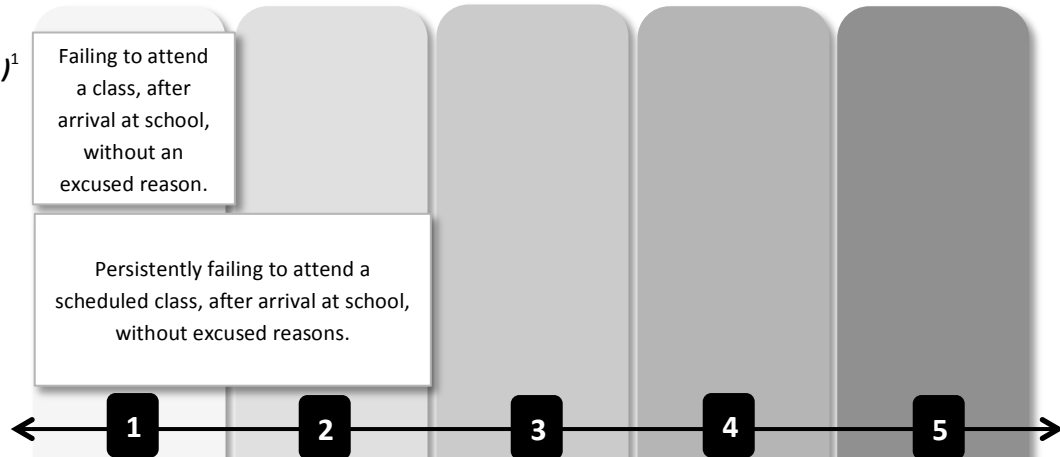
Referring students to a “court” of peer jurors to resolve conflicts.

Temporary Removal from Class	Removing a student within the school building from her or his regular education program for up to, but not more than one class period.
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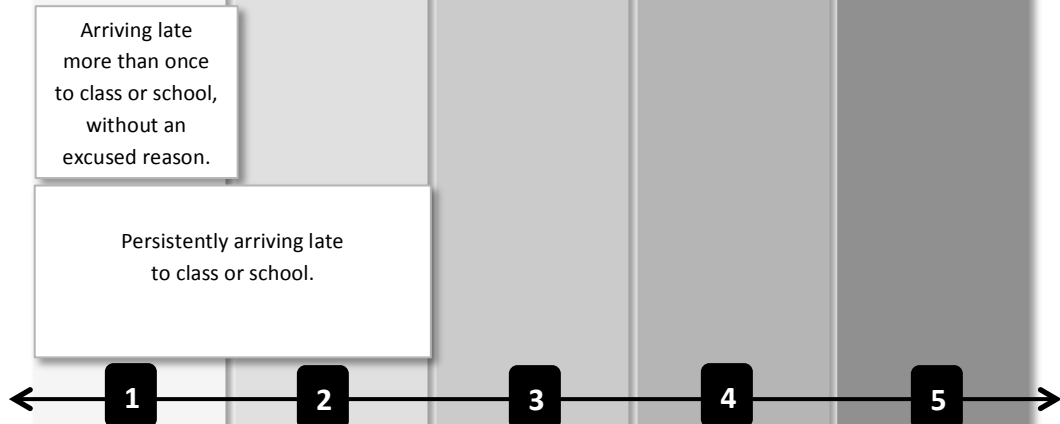
LEVELS OF RESPONSES	
LEVEL 1	<p>Examples of Classroom, Support, and Teacher-Led Responses</p> <p>These responses are designed to teach appropriate behavior, so students behave respectfully, can learn and contribute to a safe environment. Teachers are encouraged to try a variety of teaching and classroom 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 justice practices (classroom-based) Peer mediation School-based conflict resolution Community conferencing Parent outreach (contact parent via telephone, e-mail or text) Referral to appropriate substance abuse counseling / student services program Informal and/or preventative school-based mentoring Referral to health/mental health services Check-in with school counselor /resource specialists
LEVEL 2	<p>Examples of Classroom, Support, and Removal Responses</p> <p>These responses are designed to teach appropriate behavior, so students behave respectfully, 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 outreach (contact parent via telephone, e-mail or text) School-based or outside facilitated conflict resolution Student court Referral to community-based organization Community conferencing Check-in with school counselor / resource staff Detention Removal from extracurricular activities Temporary removal from class Peer mediation Parent/guardian and student conference (with teacher) Informal and/or preventative school-based mentoring Functional Behavior Assessment / Behavioral Intervention Plan Referral to appropriate substance abuse counseling services Referral to health/mental health services Referral to student support team Restorative justice practices (classroom-based or specialist-facilitated) Loss of privileges Restitution
LEVEL 3	<p>Examples of Support, Removal, and Administrative Responses</p> <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 Removal from extracurricular activities Temporary removal from class In-school suspension Community conferencing Functional Behavior Assessment / Behavioral Intervention Plan Student court School-based or outside facilitated conflict resolution Referral to appropriate substance abuse counseling services Referral to health/mental health services Restorative justice practices (classroom based or specialist-facilitated) Loss of privileges Restitution Student court

LEVEL 4	<p>Examples of Support, Removal, Administrative, and Out-of-School Exclusionary Responses</p> <p>These responses address serious behavior while keeping the student in school, or where necessary due to the nature of the behavior or potential implications for future harm, remove a student from the school environment. They 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 • Restitution • In-school suspension • Functional Behavior Assessment / Behavioral Intervention Plan • Student court • Formal mentoring program • Removal from extracurricular activities • Temporary removal from class • Short-term out-of-school suspension • Restorative justice practices (classroom based or specialist- facilitated)
LEVEL 5	<p>Examples of Long-term Administrative, Out-of-School Exclusionary, and Referral Responses (May be Administrator or District Staff-Led)</p> <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.</p> <ul style="list-style-type: none"> • Restorative justice practices (classroom-based or specialist- facilitated) • Recommend for further action • Referral to alternative education • Referral to student support team • Long-term out-of-school suspension • Extended out-of-school suspension • Expulsion

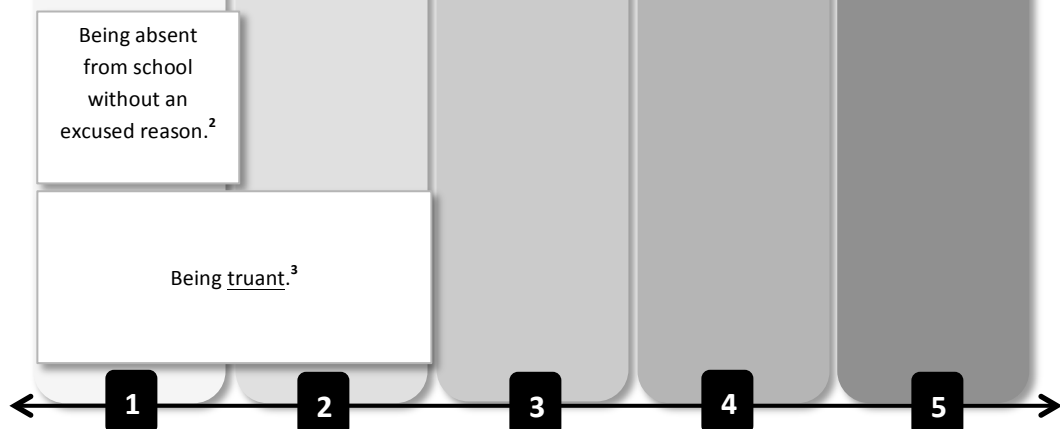
KEY	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	LEVEL 5
Lowest level intervention should be used first, followed by progressively more intensive consequences.	Classroom & Support Responses (e.g., written apology, talk with school counselor, detention)	Classroom, Support, In-School Removal Responses (e.g., community service, peer mediation, temporary removal from class)	Support, Removal, Administrative Responses (e.g., restorative practices, in-school suspension)	Support & Out-of-School Removal Responses (e.g., restorative practices, mentoring programs, short-term suspension)	Support, Out-of-School Removal, Referral Responses (e.g., long-term suspension, expulsion, refer to alternative ed.)

Class Cutting (101)¹**Tardiness (102)**

Elementary school students who are late should not be given any punitive or exclusionary consequences, but parents/guardians should be notified.

**Truancy (103)**

Elementary school students with unexcused absences should not be given any punitive or exclusionary consequences, but parents/guardians should be notified.



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

² Excused 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. [MD. CODE REGS. 13A.08.01.03](#).

³ A 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. Truant students should be referred to a "system of active intervention" for truant students, which each county board is required to develop. [MD. CODE ANN., EDUCATION § 7-355](#) (amended, effective Oct. 1, 2013).

KEY

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

LEVEL 1

Classroom & 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 & 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 intentional and harmful gestures, verbal or written comments, or symbols to others.
(e.g., verbal put-downs, cursing, talking back)

Being insubordinate: repeatedly or persistently disrespectful, in defiance of authority.

Disruption (704)

Intentionally engaging in minor behavior that distracts from the learning environment.

Intentionally and persistently engaging in minor behavior that distracts from the learning environment.
(e.g., talking out of turn, throwing small items, horseplay)

Intentionally 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)

Dress**Code (code tbd)**

Where the dress code involves wearing a uniform and the student attends school without the uniform, schools should assist student in accessing required uniform.

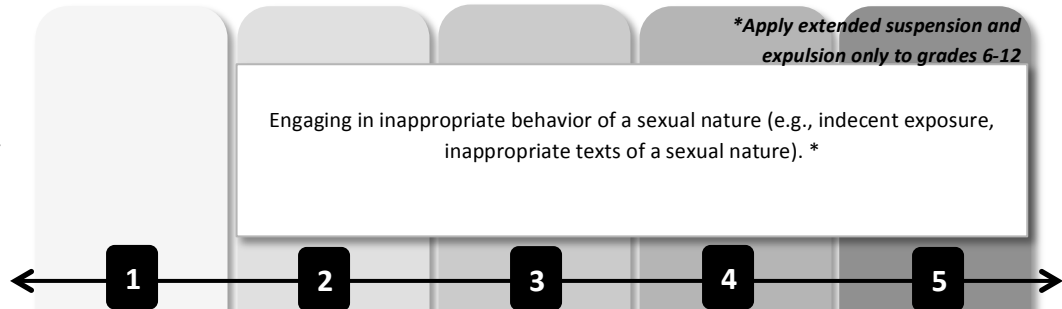
Violating dress code, after student has been warned.

Persistently violating dress code after the student has been warned.

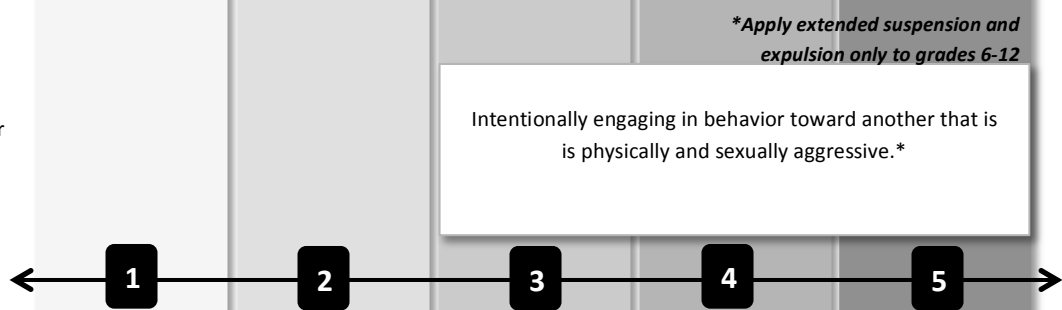
KEY	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	LEVEL 5
Lowest level intervention should be used first, followed by progressively more intensive consequences.	Classroom & Support Responses (e.g., written apology, talk with school counselor, detention)	Classroom, Support, In-School Removal Responses (e.g., community service, peer mediation, temporary removal from class)	Support, Removal, Administrative Responses (e.g., restorative practices, in-school suspension)	Support & Out-of-School Removal Responses (e.g., restorative practices, mentoring programs, short-term suspension)	Support, Out-of-School Removal, Referral Responses (e.g., long-term suspension, expulsion, refer to alternative ed.)

Sexual**Activity (603)**

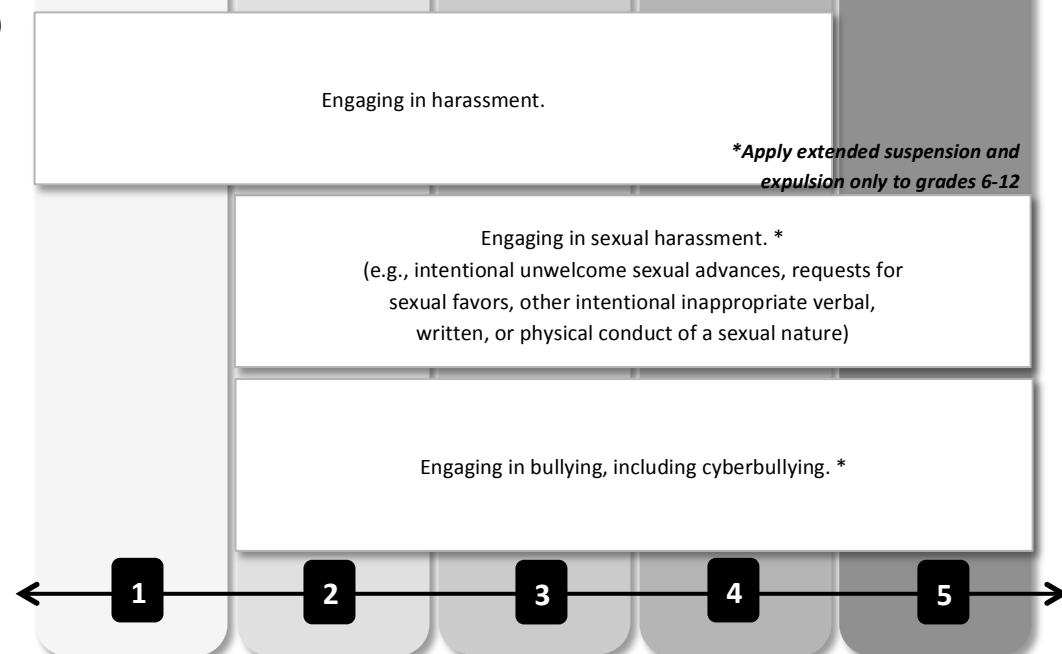
School staff should refer student to appropriate counseling.

**Sexual****Attack (601)**

School staff should refer student to appropriate counseling.

**Harassment (407)****Sexual****Harassment (602)****Bullying (code tbd)⁴**

Schools should emphasize intervention strategies over removal strategies.



⁴ 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 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 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. CODE ANN., EDUCATION §7-424](#)

KEY

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

LEVEL 1

Classroom & 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 & 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.)

Threat to Adult (403) to Student (404) Extortion (406)
Schools should conduct a threat assessment.

Expressing—orally, in writing, or by gesture—intent to do physical harm to others.

Engaging in extortion, which is using a threat (without a weapon) to get a person to turn over property.

**Apply extended suspension and expulsion only to grades 6-12*

Engaging in persistent threats or extortion.*

1**2****3****4****5**

False Alarm / Bomb Threat (502)

School should conduct a threat assessment and refer students to counseling.

Initiating a warning of a fire or other catastrophe without cause.

(e.g., pulling a fire alarm or misusing 911)

**Apply extended suspension and expulsion only to grades 6-12*

Making a bomb threat or threatening a school shooting.*

1**2****3****4****5**

Academic Dishonesty (801)

Plagiarizing, such as by taking someone else's work or ideas (for students grades 6-12); forgery, such as by faking a signature of a teacher or parent; or cheating.

1**2****3****4****5**

KEY

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

LEVEL 1

Classroom & 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 & 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 monetary value of the property
- whether student knew the property was valuable or expensive to replace
- whether student acted in the heat of the moment, as opposed to planning ahead
- the student's age
- the student's purpose in taking the property
- whether the behavior is persistent/habitual

Intentionally taking property without owner's permission, where the taker is an elementary school student.

Intentionally taking property without owner's permission.

Intentionally taking property without owner's permission, where the theft is especially serious based on the listed factors.

1**2****3****4****5****Destruction of Property (806)**

Schools should consider the following factors:

- the monetary value of the destroyed property
- whether student knew the property was valuable or expensive to replace
- whether student acted in the heat of the moment, as opposed to planning ahead
- the student's age
- the reason student destroyed the property
- whether the behavior is persistent/habitual

Causing accidental damage.

Intentionally causing damage to school/other's property.

Intentionally causing damage to school/other's property, where the act is especially serious based on the listed factors.

1**2****3****4****5**

KEY

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

LEVEL 1

Classroom & 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

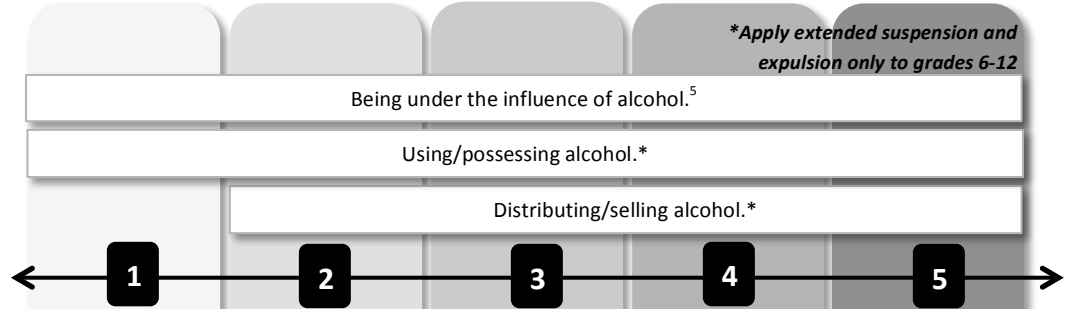
Support & Out-of-School Removal Responses
(e.g., restorative practices, mentoring programs, short-term suspension)
***NOTE: See FN 5**

LEVEL 5

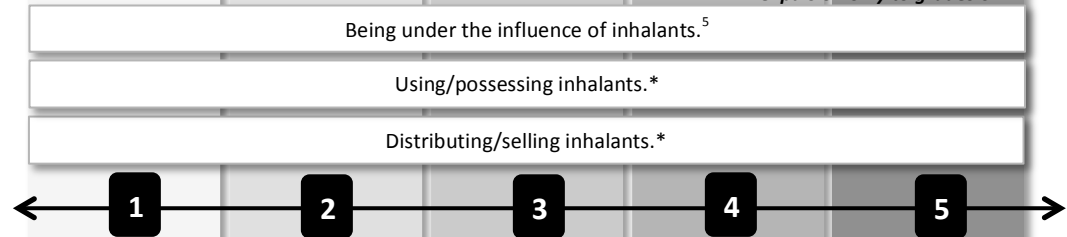
Support, Out-of-School Removal, Referral Responses
(e.g., long-term suspension, expulsion, refer to alternative ed.)

Alcohol (201)

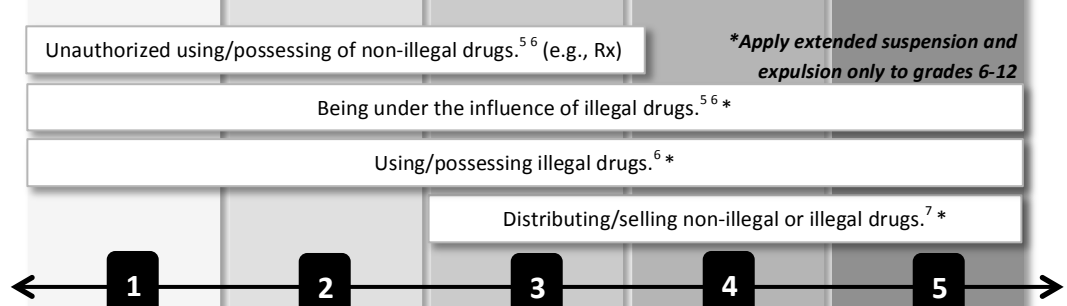
School should refer student to local health department or community group for prevention and treatment.

**Inhalants (202)**

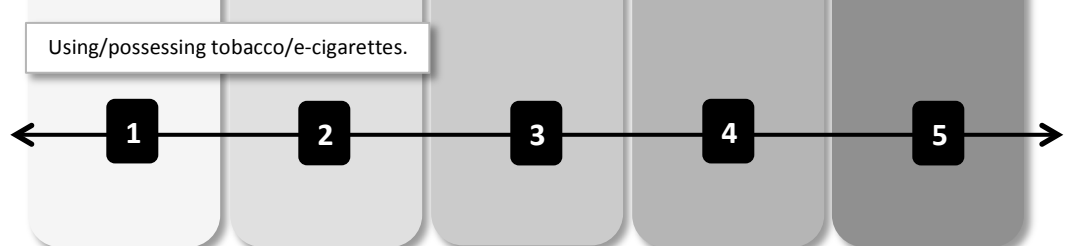
School should refer student to local health department or community group for prevention and treatment.

**Drugs/Controlled Substances (203)**

School should refer student to local health department or community group for prevention and treatment.

**Tobacco (204)**

School should refer student to local health department or community group for prevention and treatment.



⁵ **Level 3 Responses for Alcohol, Inhalants, and Drug-Related Behaviors.** Where schools feel that a student who is under the influence of or found using alcohol or substances *must* be removed from school grounds, schools should consider sending the student home on medical leave, rather than as a disciplinary infraction/out-of-school suspension. Furthermore, when sending the student home, schools should take every precaution to ensure that the student is leaving school grounds in the care of a family member or someone able to provide assistance.

⁶ For purposes of record-keeping, for students with disabilities ONLY, use code **892**. ("Illegal drugs" for students with disabilities is 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.)

⁷ 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](#).

KEY	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	LEVEL 5
Lowest level intervention should be used first, followed by progressively more intensive consequences.	Classroom & Support Responses (e.g., written apology, talk with school counselor, detention)	Classroom, Support, In-School Removal Responses (e.g., community service, peer mediation, temporary removal from class)	Support, Removal, Administrative Responses (e.g., restorative practices, in-school suspension)	Support & Out-of-School Removal Responses (e.g., restorative practices, mentoring programs, short-term suspension)	Support, Out-of-School Removal, Referral Responses (e.g., long-term suspension, expulsion, refer to alternative ed.)

Fighting (405)**Attack on Adult (401)****Attack on****Student (402)**

Schools should consider multiple factors, including:

- whether student acted in the heat of the moment, as opposed to planning ahead
- whether student was verbally provoked
- where student acted in self-defense
- whether student was intervening in fight
- the student's age
- whether the fighting is persistent/habitual

Intentionally shoving, pushing, or otherwise being physically aggressive toward another in the context of a fight.
(e.g., body check; intentionally bumping; but NOT horseplay)

Intentionally engaging in a fight, which may be small, spontaneous, and short, and/or result only in minor, cuts, scrapes, bruises.

**Apply extended suspension and expulsion only to grades 6-12*

Intentionally engaging in a fight, which may be large, pre-planned, extended, and/or resulting in major injuries like a broken limb, or is otherwise especially serious based on the listed factors. *

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Serious Bodily**Injury⁸ (408)**

Schools should consider multiple factors, See factors listed under "Fighting."

Intentionally misbehaving in a way that unintentionally causes serious bodily injury.

**Apply extended suspension and expulsion only to grades 6-12*

Intentionally causing serious bodily injury.

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Trespassing (804)

Being on school property without permission, including while on suspension or expulsion. *
(Where an older family member is on school grounds to pick up younger siblings, that person should be asked to seek school permission. School should then grant permission.)

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⁸ Injury involving (a) substantial risk of death; (b) extreme physical pain; (c) protracted and obvious disfigurement; or (d) protracted loss or impairment of a function of a bodily member, organ, or mental faculty. See [20 U.S.C. § 1415\(k\)\(7\)\(D\)](#) (referring to [18 U.S.C. § 1365\(h\)\(3\)](#)).

KEY	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	LEVEL 5
Lowest level intervention should be used first, followed by progressively more intensive consequences.	Classroom & Support Responses (e.g., written apology, talk with school counselor, detention)	Classroom, Support, In-School Removal Responses (e.g., community service, peer mediation, temporary removal from class)	Support, Removal, Administrative Responses (e.g., restorative practices, in-school suspension)	Support & Out-of-School Removal Responses (e.g., restorative practices, mentoring programs, short-term suspension)	Support, Out-of-School Removal, Referral Responses (e.g., long-term suspension, expulsion, refer to alternative ed.)

Inappropriate Use of Personal Electronics (802)

Excludes the use of a device in an emergency or preapproved situation. Cyberbullying or social media harassment is covered under other behaviors.

Having out a personal electronic device,⁹ after student has been warned.

Persistently having out a personal electronic device, in defiance of school rules.



Explosives (503)

**Apply extended suspension and expulsion only to grades 6-12*

Possessing an incendiary or explosive device or 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 threatening to detonate an incendiary or explosive device or material, including those described above.*



Firearms (301)¹⁰

Possessing a firearm, as defined in [18 U.S.C. § 921](#).
(e.g., handgun)



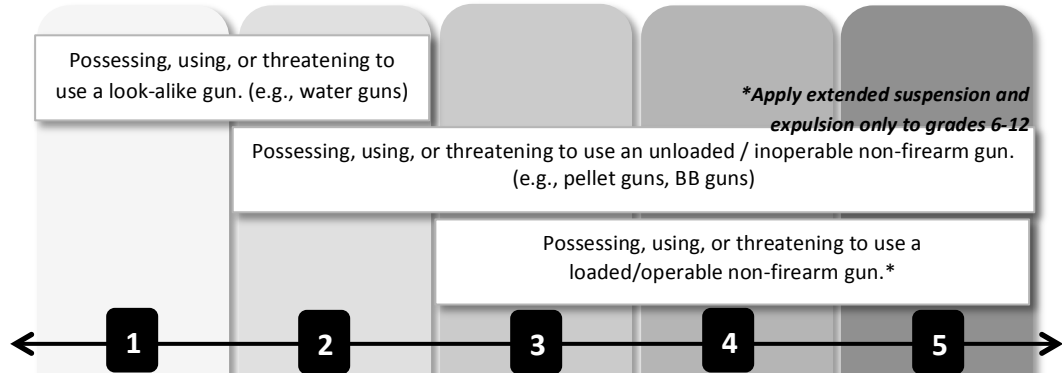
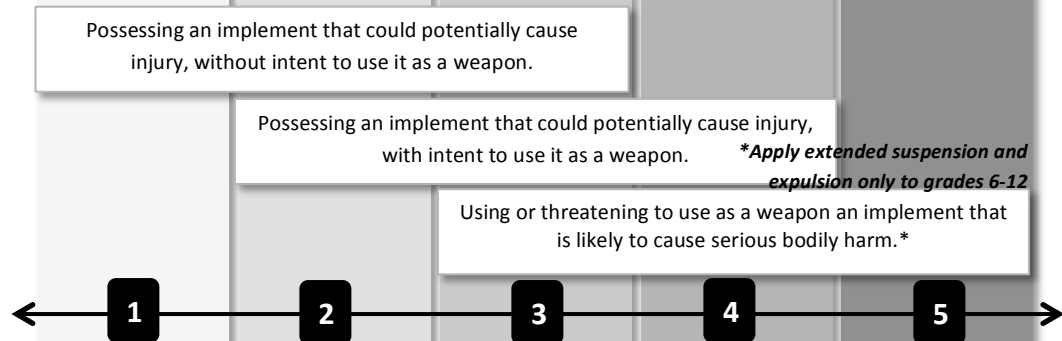
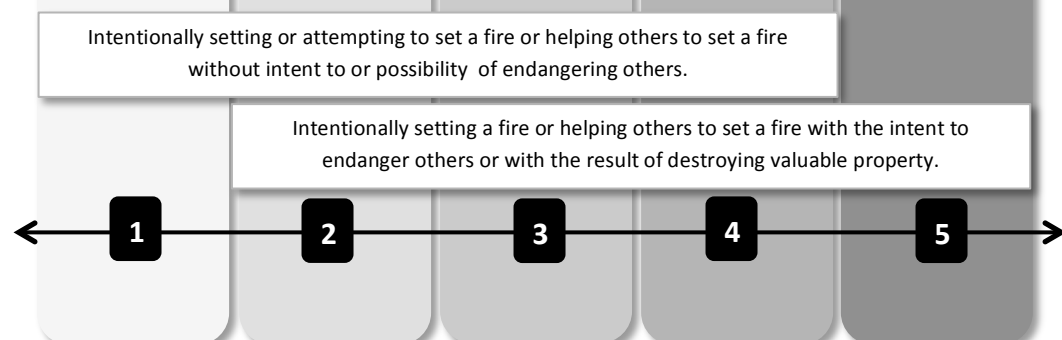
⁹ Devices include cell phones, PDAs, music players (e.g., iPods), tablets (e.g., iPads), electronic gaming devices, and other portable communication devices.

¹⁰ Under 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. CODE ANN., EDUCATION §7-305\(f\)\(2\)-\(3\)](#); [MD. CODE REGS. 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. CODE ANN., EDUCATION §7-305\(g\)](#); [MD. CODE REGS. 13A.08.01.12-1\(C\)](#). For purposes of record-keeping, use code **893** for students with disabilities.

KEY	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	LEVEL 5
Lowest level intervention should be used first, followed by progressively more intensive consequences.	Classroom & Support Responses (e.g., written apology, talk with school counselor, detention)	Classroom, Support, In-School Removal Responses (e.g., community service, peer mediation, temporary removal from class)	Support, Removal, Administrative Responses (e.g., restorative practices, in-school suspension)	Support & Out-of-School Removal Responses (e.g., restorative practices, mentoring programs, short-term suspension)	Support, Out-of-School Removal, Referral Responses (e.g., long-term suspension, expulsion, refer to alternative ed.)

Other Guns (302)**Other Weapons (303)****Arson / Fire (501)**

SECTION III: RECOMMENDATIONS FOR IMPLEMENTATION

Under Maryland law, “each local board of education shall have a document on students’ responsibilities and rights” and “[t]his document shall conform to guidelines established by the State Board of Education.” Code of Maryland Regulations 13A.08.01.11. The following is intended to provide the twenty-four local school systems with suggestions for developing and implementing their own local codes of conduct based on the guidelines provided herein.

I. Engaging the Entire School Community in Drafting and Implementation

Meaningful parent, student, and community involvement in the creation and application of school and district policy is essential for building effective schools with positive and inclusive learning environments. School districts should consider convening a committee of administrators, parent/guardians, students, teachers, pupil service providers, local government representatives and community members to develop their local codes of conduct.

In drafting their local codes of conduct, school districts and their committees should make every effort to ensure that the code is written in accessible language, is translated into other languages that are predominant in the community, and considers the needs of students with disabilities.

Once a local code of conduct has been drafted, school districts should ensure that all students, their families, and members of the school community have a copy of the code in a language they can understand.

Where possible, districts should provide explanation, trainings, and workshops in order to familiarize students and families with the code of conduct, explain the expectations of various members of the school community, and describe the various preventative and positive interventions and behavioral consequences that schools may use.

II. Effective Training for School Building Staff and District Administrators

Many teachers and administrators do not have the resources and training they need and deserve on non-exclusionary disciplinary interventions and measures. School districts and the Maryland State Department of Education have a responsibility to work together to provide staff with in-service training, technical assistance, and professional development on prevention and intervention programs.

School districts should ensure that there is an annual allocation of their professional development time for classroom management, conflict resolution, and restorative, therapeutic, and non-punitive approaches to discipline.

In addition, community-based organizations, local agencies, and other programs and support resources are not always abundantly available in all communities, particularly in rural or small school districts. School districts, local communities, and the Maryland State Department of Education have a responsibility to work together to make resources and outside supports available to educators and to students.

III. Monitoring and Ongoing Review

School districts should evaluate and monitor the effectiveness of their codes of conduct annually based on their school discipline data. Districts should consider reviewing the following data:

- Prevention and intervention strategies in use;
- Total number of in-school suspensions, short-term, long-term, and extended out-of-school suspensions, expulsions, referrals to alternative schools, arrests, and referrals to law enforcements, categorized by type of student behavior that resulted in the disciplinary response, and disaggregated by age, grade, gender, race/ethnicity, English Language Learner status, and disability, and further broken down by school and teacher;
- Disproportionality ratios for the same categories among students by age, grade, gender, race/ethnicity, English language learner status, and disability;
- Differences among schools in both rates of suspension, expulsion, and referrals and also disproportionality ratios.

Based on this review, school districts should identify areas of concern and provide additional supports, services, and professional development to those schools and school staff accordingly.

Both the data and any findings from its analysis should be shared with students, families, and the community.

Recommended Revisions to the Maryland Guidelines for a State Code of Discipline

Report to the Maryland State Board of Education on the
Draft Guidelines for a State Code of Discipline
Robert Murphy, M.Ed, Maryland State Department of Education

Presented July 22, 2014

Comment [KK1]: Cover page, presentation date, and footer (starting on first page) added as a result of feedback.

INTRODUCTION

The Maryland State Board of Education has challenged itself and local school systems throughout the state to create a world class education system that prepares all of Maryland's students for college and career success in the 21st Century. To realize this challenge, we must create schools that are both welcoming and academically rigorous, so that students come to school every day and are provided the educational and social tools they need to succeed.

Comment [KK2]: The words "School District" throughout the document were changed to use the MSDE standard language of "School System"

The Guidelines for a State Code of Conduct were revised in 2013 by a working group of district representatives and other stakeholders from across Maryland. The revision was part of a statewide effort to reform school discipline, so that all policies and practices related to student conduct foster and teaches appropriate behavior, strive to create a positive school climate and safe environment, and keep students in school so that they may graduate college and career ready.

The purpose of these guidelines is to provide a framework for Maryland local school systems to use in establishing local codes of conduct and in developing new discipline-related policies. These guidelines include behavioral expectations for all members of the school community who have a direct impact on creating healthy teaching and learning environments and on promoting student success. They also provide suggested prevention, intervention, restorative, and incentive-based strategies to respond to student misconduct, detailed explanations of specific student behaviors that are not permitted, and other factors for local districts to consider in revising their policies.

These guidelines closely align with the Maryland State Board of Education's discipline reform efforts, as laid out in the Board's 2012 report entitled "School Discipline and Academic Success: Related Parts of Maryland's Education Reform." They are written in accordance with Maryland law, including § 7-306 of the Education Article, which directs the Maryland State Board of Education to establish "guidelines defining a state code of discipline for all public schools with standards of conduct and consequences for violation of the standards." The Maryland Annotated Code 7-306. The State Board has updated these guidelines in the past and now intends to do the same.

Comment [r3]: In response to feedback, the last paragraph was edited to add a direct quote from Education Article 7-306 to clarify the charge.

PHILOSOPHICAL PRINCIPLES

The Maryland State Board of Education, educators, and community members throughout the state are committed to creating school systems where teaching and learning take place every day in safe, supportive, and respectful school environments, and where students, school staff, and families are valued and have the opportunity to succeed.

Healthy and safe school climates and successful school discipline policies and practices are guided by the following philosophical principles:

1. School safety and academic success are created and strengthened when students effectively and actively are engaged in their learning, when positive relationships exist between students and school staff, and when families, communities, and school staff work collaboratively to support positive student outcomes.
2. Schools should provide behavioral expectations for all members of the school community that are fair and developmentally appropriate. Educators and other adults within the school should teach students to behave in ways that conform to those policies, and contribute to academic achievement and school success. This is achieved by fostering, teaching, and acknowledging positive behavior, focusing on preventing misbehavior before it occurs, providing necessary supports, and restoring relationships among all members of the school community when the need arises.
3. No student comes to school “perfect,” academically or behaviorally, and many face challenges in their homes and communities. All students, however, can succeed and deserve the opportunity to do so. Schools should provide the instruction and support necessary to address students’ academic and behavioral needs.
4. Students should be afforded opportunities to learn from their mistakes. To do this, school staff should use graduated consequences and interventions to teach students appropriate behavior, and to correct any harm that results from their behavior. Removing a student from school through exclusionary discipline measures should always be a last resort. Students who are removed should have the opportunity to make up work for credit, so that they may stay on pace with their classwork and on track to graduate.
5. School discipline should be administered fairly, equitably, and consistently, and in accordance with due process protections. Schools must not allow harsh or exclusionary discipline to disproportionately impact specific groups of students, including but not limited to students of color, students with disabilities, male students, and LGBTQ students. Where such disparities exist, school systems must make continuous efforts to understand the causes of and reduce such disproportionality.
6. To the extent possible, school staff should be provided access to interventions and supportive services, as well as adequate training and professional development to administer discipline most effectively and appropriately. Partnerships with community-based, city, and local organizations and agencies will help to ensure that school staff and students have access to the supports they need.

7. Safe and positive school environments are built on trusting relationships between students and school staff. When the immediate safety of a student or a school community is threatened, schools should report a student to school resource officers, other law enforcement, and, as a last resort, to the juvenile justice system. Schools should avoid the unnecessary criminalization of students, which is prompted by frequent school resource officer, police, and juvenile justice system involvement.
8. When students experience a system of school discipline that is administered fairly, equitably, and consistently they will accept responsibility for their actions and the consequences resulting from their behavior.

Comment [r4]: Based on feedback, this paragraph was reorganized.

DRAFT

SECTION I: EXPECTATIONS FOR THE SCHOOL COMMUNITY

All members of the school community have a role in building schools that embody the aforementioned principles. Our schools are the safest and the most successful when everyone collaborates, values and respects each other's roles, and is invested in common-sense school discipline practices. The following are shared expectations for school staff/administrators, students, parents/guardians, and community/city/local organizations, agencies, and others. These expectations should guide interactions and involvement with school discipline matters.

Comment [r5]: This sentence was edited to remove the word "binding" so as to clarify that these are guidelines.

Expectations for School Staff and Administrators

School staff and administrators should:

1. Create and promote a positive, supportive, safe, and welcoming school environment that is conducive to teaching and learning.
2. Be respectful and courteous to students, parents/guardians, and other school staff.
3. Be knowledgeable about discipline policies, regulations, and rules, and inform the community about such policies as well as resources available to support students.
4. Strive to recognize and eliminate disproportionality in discipline, and administer discipline rules fairly, consistently, and equitably, regardless of race, ethnicity, culture, gender, color, national origin, ancestry, religion, age, disability, sexual orientation, and/or gender identity.
5. Reward and acknowledge positive and appropriate conduct by students. Exercise good judgment and implement a graduated consequences approach so that discipline is administered in a progressive fashion – the lowest possible response is used to address each incident of misbehavior as much as possible, and more intensive responses are used when behavior is repeated, as appropriate.
6. Make every reasonable effort to keep students in school, and, unless required by law, use exclusionary discipline measures, including out-of-school suspension and referrals to law enforcement and/or school resource officers, as a last resort.
7. Strive to develop positive and productive relationships with school resource officers, police, school staff, and others, and avoid having school resource officers or police respond to typical student misbehavior.
8. Where appropriate and available, refer students who misbehave to community-based organizations, local agencies, and others external to the school community who may have expertise applicable to the specific situation.
9. Make every reasonable effort to communicate with and respond to parents/guardians in a timely manner and in a way that is accessible and easily understood.
10. Provide students with due process as it relates to school discipline, in accordance with applicable policy and law.
11. Expect to receive training and professional development as it relates to student discipline and classroom management.
12. Provide students who are suspended or expelled from school with make-up work, and allow them to complete that work for credit so that they do not fall behind academically.

Expectations for Students

Students should:

1. Be proactive in promoting and working toward making school a positive, supportive, safe, and welcoming place for all students and staff.
2. Be respectful and courteous to fellow students, parents/guardians, and school staff.
3. Be knowledgeable about discipline policies, regulations, and rules.
4. Follow school rules and policies, and contribute to a positive school climate by behaving appropriately, even when not specifically asked to do so.
5. Make every reasonable effort to participate actively in any conferences, activities, interventions, or programs recommended appropriately by school staff.
6. Recognize how their conduct affects other students and school staff, and make every reasonable effort to restore relationships affected by their conduct.
7. Seek access to and complete make-up work while they are out of school for disciplinary reasons, so that they do not fall behind.
8. Share ideas and strategies for improving school climate and school discipline practices.

Expectations for Parents/Guardians

Parents/guardians should:

1. Help ensure their children create and promote a positive, supportive, safe, and welcoming school environment that is conducive to teaching and learning, and talk with their child about appropriate conduct at school.
2. Be respectful and courteous to other students, fellow parents/guardians, and school staff.
3. Read and be familiar with school policies, regulations, and rules.
4. Have regular contact with school staff and make every effort to ensure that their child maintains regular school attendance.
5. Make every reasonable effort to be involved in conferences, hearings, and other disciplinary matters concerning their child.
6. Expect to be promptly notified by the school if their child is suspended or expelled, and if there is any investigation by law enforcement or school resource officers, related to school discipline.
7. Make every reasonable effort to help their child access supportive groups or programs designed to improve his/her conduct, including but not limited to counseling, after-school programs, and mental health services within the school and the community.
8. Share any concerns or complaints with school officials in a timely manner.
9. Work with school staff and administrators to address any behavioral problems their child may experience.
10. Share ideas and strategies for improving school climate and school discipline practices.

Expectations for Community-based/City/Local Organizations & Agencies

Community-based/City/Local Organizations & Agencies should:

1. Offer assistance to schools working to create positive, safe, supportive, and welcoming environments.
2. Be respectful and courteous to students, parents/guardians, and school staff.
3. Make reasonable effort to confer, consult, and collaborate with school staff and/or parents/guardians on student misconduct and potential responses.
4. Make reasonable effort to collect and distribute information and data that might be useful in schools' decision-making processes overall and for individual students.
5. Be informed and serve as a resource for students and their families in understanding discipline policies, rules, and regulations.
6. Serve as a liaison for and provide support to students and their families involved in discipline-related proceedings.
7. Provide assistance to parents/guardians and families in communicating with school staff.
8. Identify individuals who can serve as mentors and role models for students both formally and informally.
9. Make every reasonable effort to provide support to school staff if and when requested or appropriate around school discipline matters.
10. Share ideas and strategies for improving school climate and school discipline practices.

SECTION II: STUDENT BEHAVIORS AND RESPONSES

DESCRIPTIONS OF RESPONSES

The following is meant to illustrate the kinds of responses and interventions that are available and commonly used by school administrators and staff to respond to student behaviors. It is not intended to be an exhaustive list.

Comment [KK6]: Schools changed to school

Behavioral Contract	Correcting inappropriate or disruptive student behavior through a formal plan designed by school staff to offer positive behavioral interventions, strategies, and supports.
Behavioral Intervention Plan & Functional Behavior Assessment	A Functional Behavior Assessment gathers information about students' 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 schools behavior.
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 or 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")
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 aged.)
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.

Expulsion	<p>Expulsion The exclusion of a student from the student’s regular school program for 45 school days or longer, which only may occur 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> <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.</p> <p>MD. CODE REGS 13A.08.01.11.(B)(2)</p>
In-School Removal/ Intervention	<p>Removing a student within the school building “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,” MD. CODE REGS. 13A.08.01.11(B)(4), but that is not considered an in-school suspension, because the student is “afforded the opportunity to continue to:</p> <p>(i) appropriately progress in the general curriculum;</p> <p>(ii) receive the special education and related services specified on the student’s IEP, if the student is a student with a disability in accordance with the law</p> <p>(iii) receive instruction commensurate with the program afforded to the student in the regular classroom; and</p> <p>(iv) participate with peers as they would in their current education program to the extent appropriate.”</p> <p>MD. CODE REGS 13A.08.01.11(C)(2)(a).</p>
Mentoring Program	<p>Pairing students with mentors (e.g., counselor, teacher, fellow student, or community member) who help their personal, academic, and social development.</p>
Parent Outreach	<p>Informing parents / guardians of their children’s behavior and seeking their assistance in correcting inappropriate or disruptive behavior.</p>
Parent/Guardian and Student/Teacher Conference	<p>Involving students, parents, guardians, teachers, school staff, and principals in discussion about the student’s behavior and potential solutions that address social, academic, and personal issues related to the behavior.</p>
Peer Mediation	<p>Employing a form of conflict resolution in which students serve as mediators and help their peers deal with and develop solutions to conflicts.</p>
Recommend for Further Action	<p>Recommending a student to building administrator(s) for long-term suspension, expulsion, referral to alternative education, or contact with law</p>

Comment [r7]: Additional citations to COMAR were removed so that only the definition of expulsion would be included.

	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	Referring students to services both in and out of school, such as “MSAP,” a local health department, or a community-based service for counseling related to substance abuse.
Referral to Community-Based Organizations	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	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 / informal behavior coaching.
Referral to Student Support 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 Support Team, the Team may request a placement review for alternative placement conducted by a Central Student Support Team.
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 by 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.
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 the Code of Maryland Regulations 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 guardian, and other appropriate individual. Monetary restitution may not to exceed \$2,500 or the fair</p>

Comment [r8]: This citation was corrected.

market value of the property, whichever is lesser.

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.

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.” MD. CODE REGS 13A.08.01.11(B)(4):

In school suspensions also require the following:

- a) “A student may not receive an in-school suspension “unless the student has been informed of the reasons 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) Local school systems shall develop policies pertaining to student’s participation in extracurricular activities if the student receives an in-school suspension.
 - f) Local school systems shall develop and implement a behavioral program of positive interventions to address the causes of behavior as part of an in-school suspension.”
- MD. Code Regs. 13A.08.01.11(C)(2).

Suspension (Short Term, Out-of-School) Removing a student from the school building for a specified period of time that is 10 school days or less, according to current state law.

Comment [KK9]: Additional citations to COMAR were removed to clarify the definition.

A student may not be suspended solely for attendance-related issues. MD. CODE ANN., EDUC. § 7-305(b)1.

A suspension is a lawful absence, MD. CODE REGS 13A.08.01.03, therefore suspended students must be given access to make-up coursework, MD. CODE REGS 13A.08.01.05(5).

Students should be given full credit for course work in accordance with school policies that control completion of work for credit following other excused absences.

Suspension (Long Term, Out-of-School) The removal of a student from school for a time period between 4-10 school days for disciplinary reasons by the principal MD. CODE REGS 13A.08.01.11(B)(5).

Comment [r10]: Additional citations to COMAR were removed to clarify the definition.

A student may not be suspended solely for attendance-related issues.

MD. CODE ANN., EDUC. § 7-305(b)1.

A suspension is a lawful absence, MD. CODE REGS 13A.08.01.03, therefore suspended students must be given access to coursework, MD. CODE REGS 13A.08.01.05

Suspension (Extended, Out-of-School)

Extended suspension -The exclusion of a student from the student's regular school program for a period between 11 and 45 days, which only may occur under the following circumstances:

Comment [r11]: Additional citations to COMAR were removed to clarify the definition.

(a) The superintendent or designated representative has determined that:

- (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
- (ii) the students 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.

(b) The superintendent or designated representative limits the duration of the exclusion to the greatest extent practicable.

(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.

MD. CODE REGS 13A.08.01.11 (B)(3).

Comment [rm12]: Additional citations to COMAR were removed so that only the definition of extended suspension would be included.

Student Court

Referring students to a "court" of peer jurors to resolve conflicts.

Temporary Removal from Class

~~Removing a student within the school building from her or his regular education program for up to, but not more than 30 minutes.~~

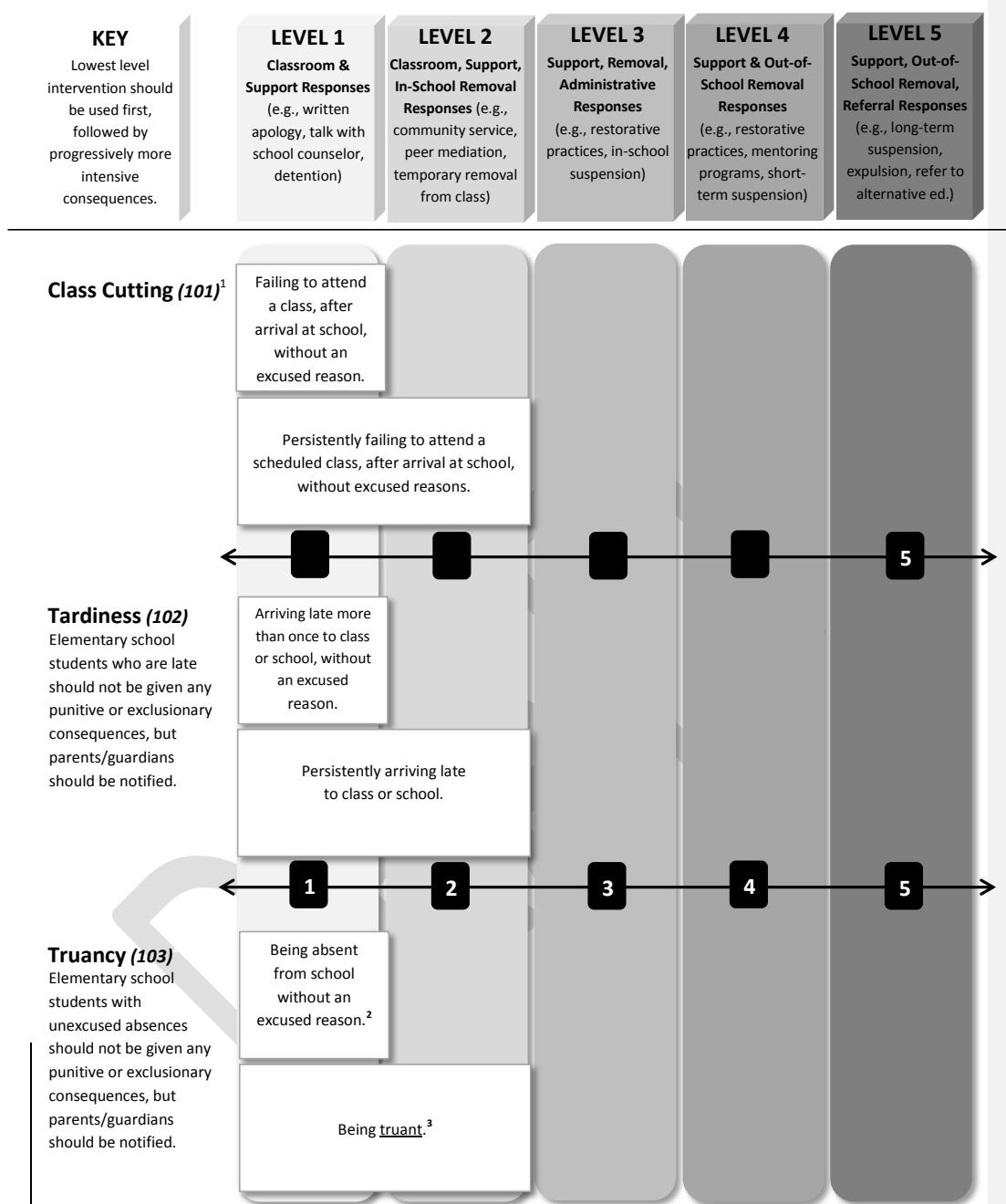
Comment [r13]: "Temporary Removal from Class" was deleted as it is duplicative of In-School Intervention



LEVELS OF RESPONSES	
LEVEL 1	Examples of Classroom, Support, and Teacher-Led Responses 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 try 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.
	<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 justice practices (classroom-based) Peer mediation School-based conflict resolution Community conferencing Parent 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 These responses are designed to teach appropriate behavior, so students behave respectfully, 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.
	<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 outreach (contact parent via telephone, e-mail or text) School-based or outside facilitated conflict resolution Student court Referral to community-based organization Community conferencing Check-in with school counselor / resource staff Detention Removal from extracurricular activities Temporary removal from class Peer mediation Parent/guardian and student conference (with teacher) Informal and/or preventative school-based mentoring Functional Behavior Assessment / Behavioral Intervention Plan Referral to appropriate substance abuse counseling services Referral to health/mental health services Referral to student support team Restorative justice practices (classroom-based or specialist-facilitated) Loss of privileges Restitution
LEVEL 3	Examples of Support, Removal, and Administrative Responses 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.
	<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 Removal from extracurricular activities Temporary removal from class In-school suspension Community conferencing Functional Behavior Assessment / Behavioral Intervention Plan Student court School-based or outside facilitated conflict resolution Referral to appropriate substance abuse counseling services Referral to health/mental health services Restorative justice practices (classroom based or specialist-facilitated) Loss of privileges Restitution Student court

Comment [r14]: Student court is currently listed in level three administrative support twice. This repeated wording was removed.

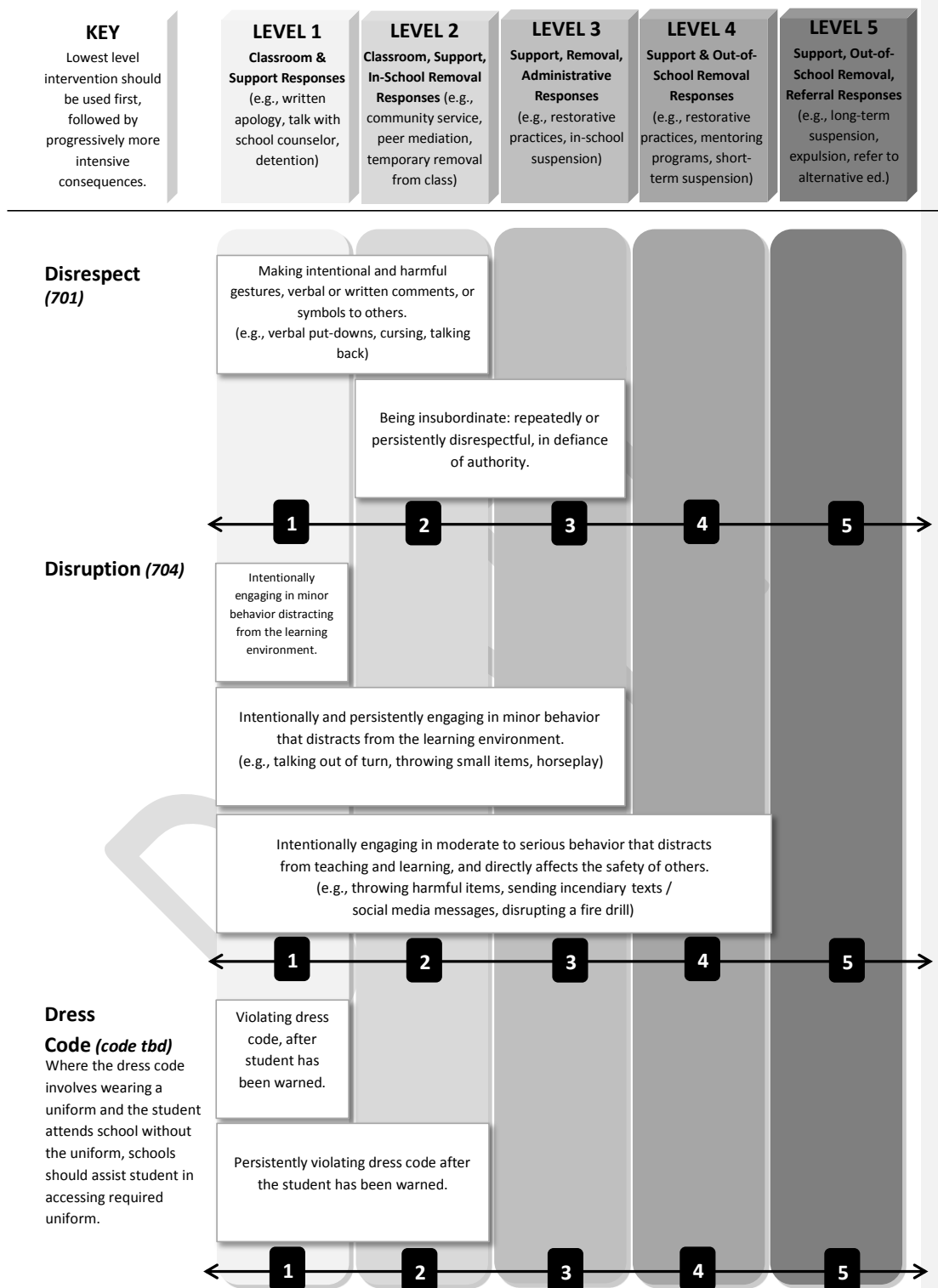
LEVEL 4	<p>Examples of Support, Removal, Administrative, and Out-of-School Exclusionary Responses</p> <p>These responses address serious behavior while keeping the student in school, or where necessary due to the nature of the behavior or potential implications for future harm, remove a student from the school environment. They 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 • Restitution • In-school suspension • Functional Behavior Assessment / Behavioral Intervention Plan • Student court • Formal mentoring program • Removal from extracurricular activities • Temporary removal from class • Short-term out-of-school suspension • Restorative justice practices (classroom based or specialist- facilitated)
LEVEL 5	<p>Examples of Long-term Administrative, Out-of-School Exclusionary, and Referral Responses (May be Administrator or District Staff-Led)</p> <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.</p> <ul style="list-style-type: none"> • Restorative justice practices (classroom-based or specialist-facilitated) • Recommend for further action • Referral to alternative education • Referral to student support team • Long-term out-of-school suspension • Extended-term out-of-school suspension • Expulsion

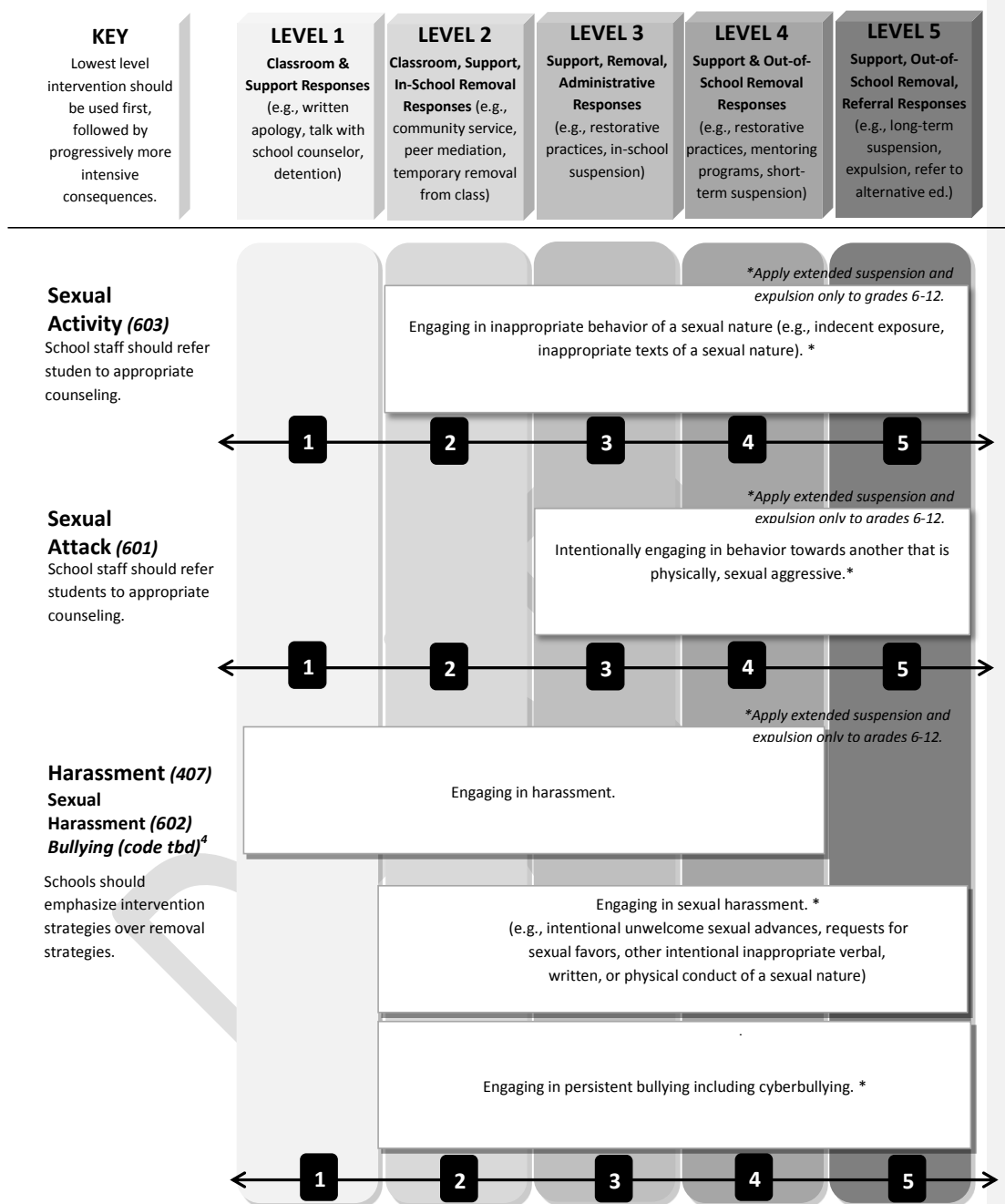


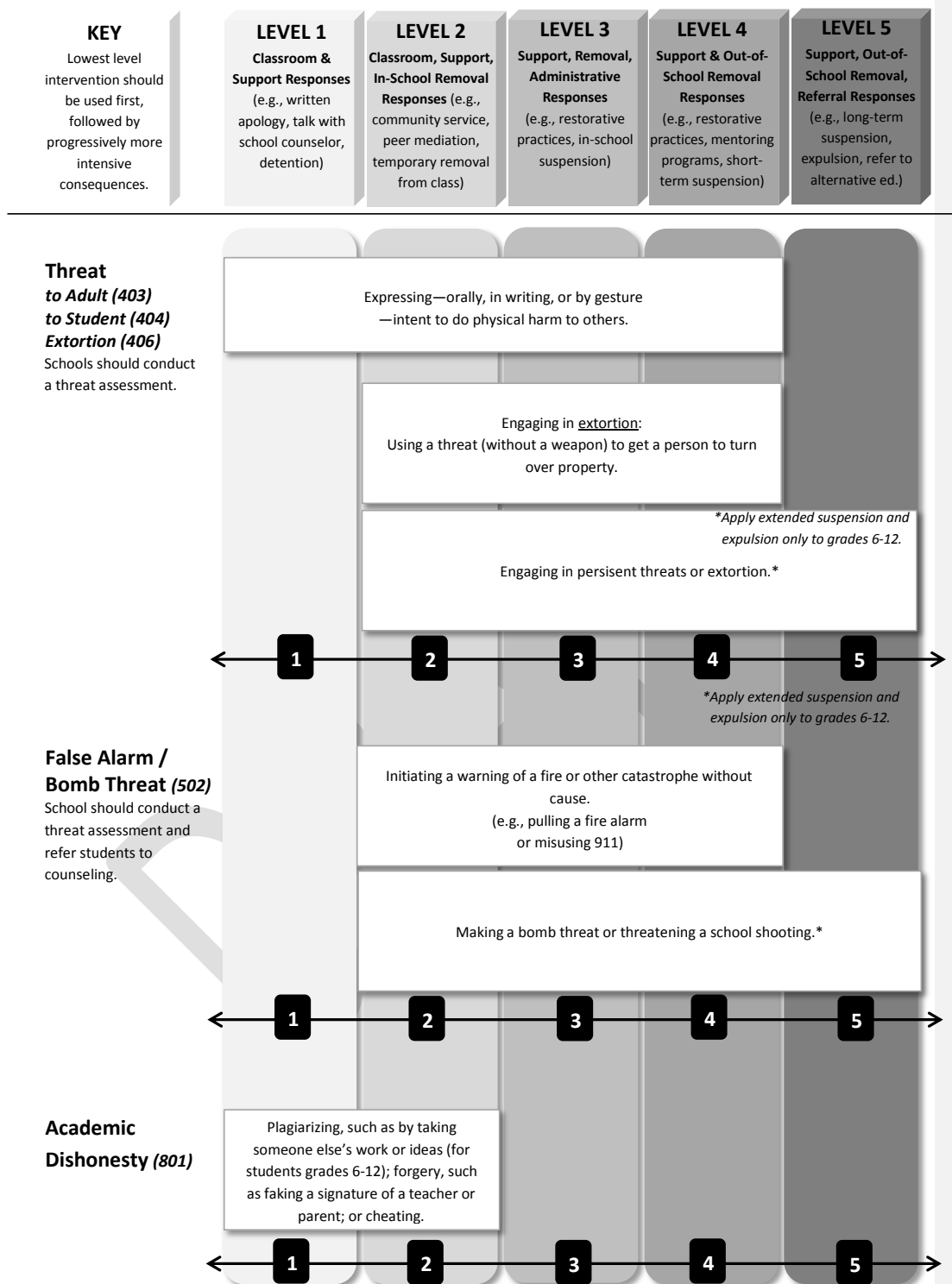
¹ A student may not be suspended out-of-school or expelled from school “solely for attendance-related offenses.” [MD. CODE ANN., EDUCATION § 7-305](#). This applies to all behaviors listed on this page: class cutting, tardiness, and truancy.

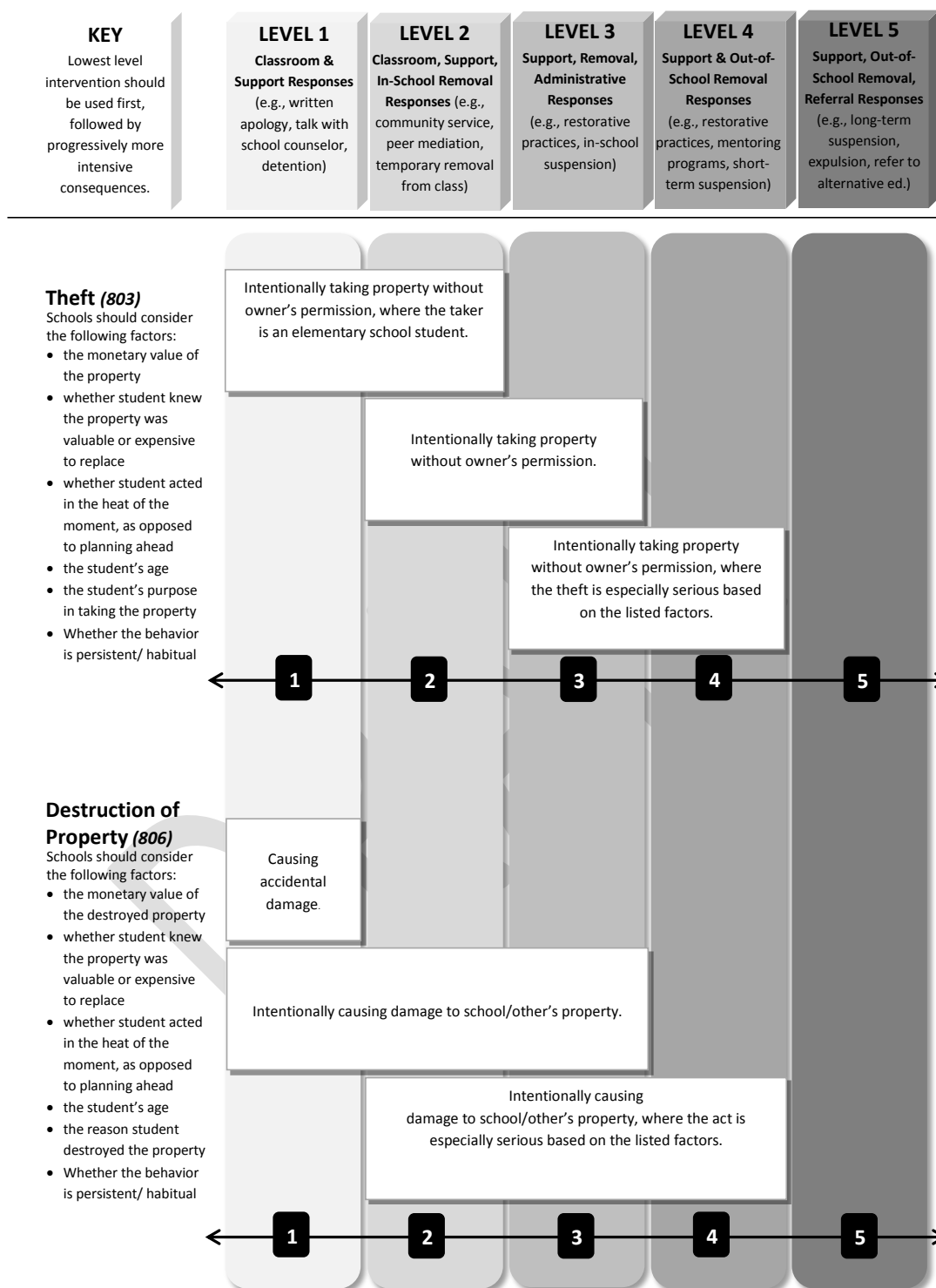
² Excused reasons for absence include illness of the student, death in the student’s immediate family, hazardous weather conditions, emergencies, religious holidays, and other specified circumstances. [MD. CODE REGS. 13A.08.01.03](#).

³ A 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%). Truant students should be referred to the “system of active intervention,” which each county board is required to develop. [MD. CODE ANN., EDUCATION § 7-355](#) (amended, effective Oct. 1, 2013).





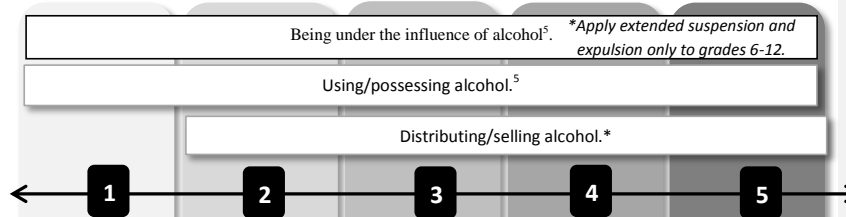




KEY	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	LEVEL 5
Lowest level intervention should be used first, followed by progressively more intensive consequences.	Classroom & Support Responses (e.g., written apology, talk with school counselor, detention)	Classroom, Support, In-School Removal Responses (e.g., community service, peer mediation, temporary removal from class)	Support, Removal, Administrative Responses (e.g., restorative practices, in-school suspension) <i>*NOTE: See FN 5</i>	Support & Out-of-School Removal Responses (e.g., restorative practices, mentoring programs, short-term suspension)	Support, Out-of-School Removal, Referral Responses (e.g., long-term suspension, expulsion, refer to alternative ed.)

Alcohol (201)

School should refer student to local health department or community group for prevention and treatment.



Inhalants (202)

School should refer student to local health department or community group for prevention and treatment.

Drugs/Controlled Substances (203)

School should refer student to local health department or community group for prevention and treatment.

Tobacco (204)

School should refer student to local health department or community group for prevention and treatment.

⁴ **Level 3 Responses for Alcohol, Inhalants, and Drug-Related Behaviors.** Where schools feel that a student who is under the influence of or found using alcohol or substances *must* be removed from school grounds, schools should consider sending the student home on medical leave, rather than as a disciplinary infraction/out-of-school suspension. Furthermore, when sending the student home, schools should take every precaution to ensure that the student is leaving school grounds in the care of a family member or someone able to provide assistance.

⁵ For purposes of record-keeping, for students with disabilities ONLY, use code **892**. ("Illegal drugs" for students with disabilities is 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.)

⁶ 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](#).

KEY	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	LEVEL 5
Lowest level intervention should be used first, followed by progressively more intensive consequences.	Classroom & Support Responses (e.g., written apology, talk with school counselor, detention)	Classroom, Support, In-School Removal Responses (e.g., community service, peer mediation, temporary removal from class)	Support, Removal, Administrative Responses (e.g., restorative practices, in-school suspension)	Support & Out-of-School Removal Responses (e.g., restorative practices, mentoring programs, short-term suspension)	Support, Out-of-School Removal, Referral Responses (e.g., long-term suspension, expulsion, refer to alternative ed.)

Fighting (405)

Attack on Adult (401)

Attack on

Student (402)

Schools should consider multiple factors, including:

- whether student acted in the heat of the moment, as opposed to planning ahead
- whether student was verbally provoked
- where student acted in self-defense
- whether student was intervening in fight
- the student's age
- whether fighting is persistent or habitual

Intentionally shoving, pushing, or otherwise being physically aggressive toward another in the context of a fight.
(e.g., body check; intentionally bumping; but NOT horseplay)

**Apply extended suspension and expulsion only to grades 6-12.*

Intentionally engaging in a fight
(which may be small, spontaneous, and short, and/or result only in minor, cuts, scrapes, bruises).

Intentionally engaging in a fight, which may be large, pre-planned, extended, and/or resulting in major injuries like a broken limb or otherwise especially serious based on the listed factors.*

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2

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Serious Bodily

Injury⁷ (408)

Schools should consider multiple factors.

See factors listed under "Fighting."

Intentionally misbehaving in a way that unintentionally causes serious bodily injury.

Intentionally causing serious bodily injury.

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Trespassing (804)

Being on school property without permission, including while on suspension or expulsion.*
(Where an older family member is on school grounds to pick up younger siblings, that person should be asked to seek school permission. School should then grant permission.)

1

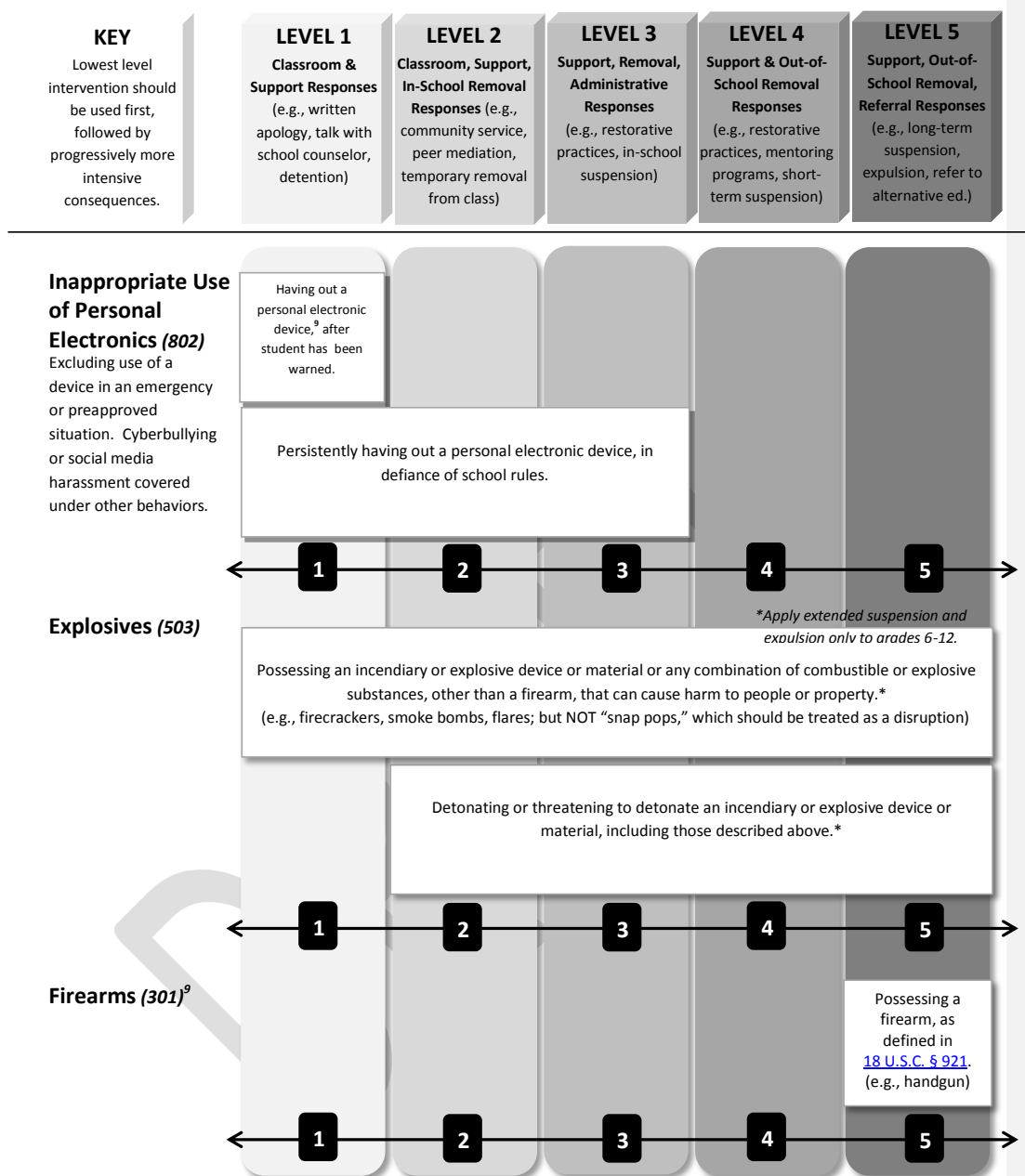
2

3

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⁷ Injury involving (a) substantial risk of death; (b) extreme physical pain; (c) protracted and obvious disfigurement; or (d) protracted loss or impairment of a function of a bodily member, organ, or mental faculty. [20 U.S.C. § 1415\(k\)\(7\)\(D\)](#) (referring to [18 U.S.C. § 1365\(h\)\(3\)](#)).

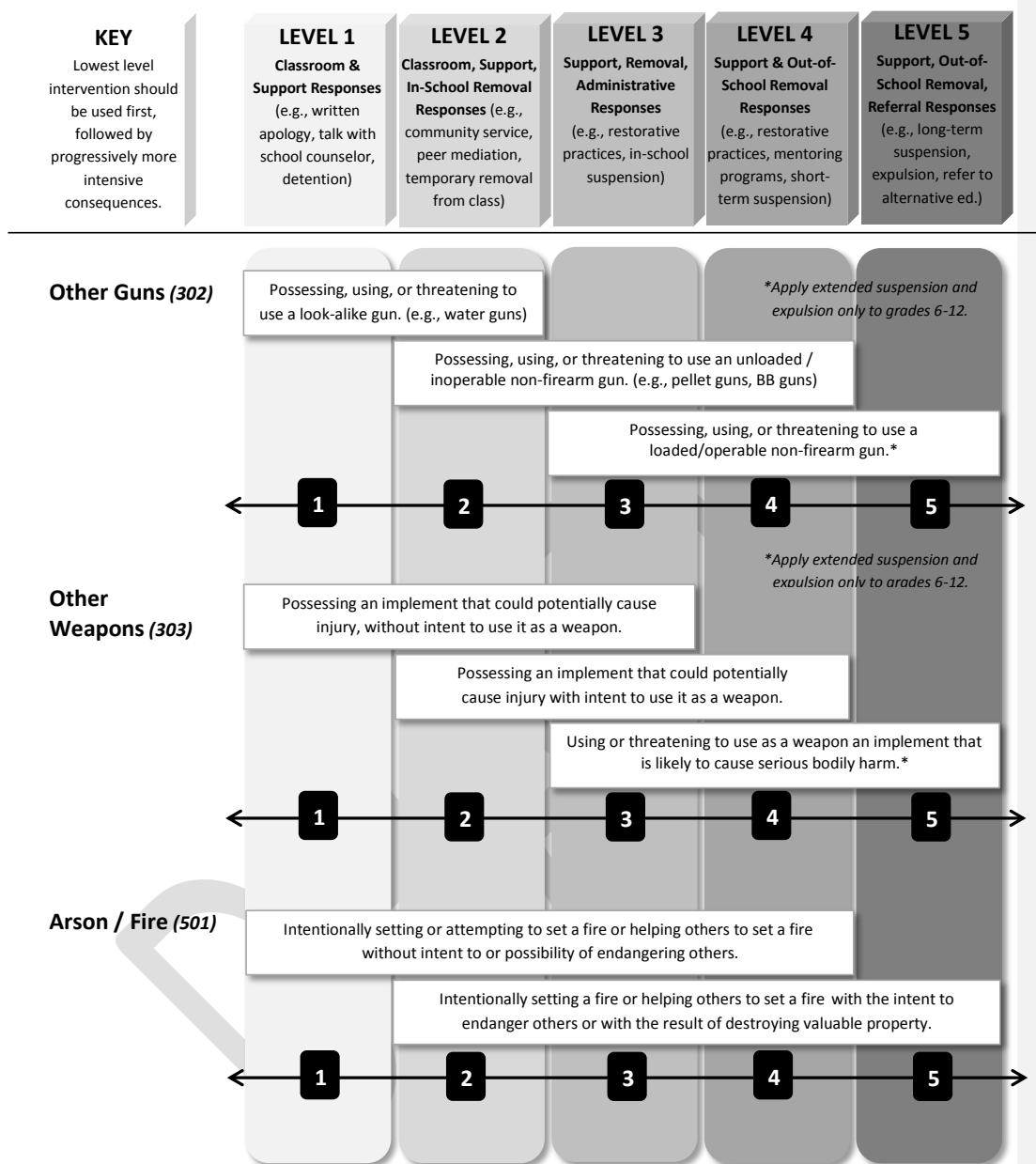


⁸ Devices include cell phones, PDAs, music players (e.g., iPods), tablets (e.g., iPads), electronic gaming devices, and other portable communication devices.

⁹ Under 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. CODE ANN., EDUCATION §7-305\(f\)\(2\)-\(3\)](#); [Md. CODE REGS. 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. CODE ANN., EDUCATION §7-305\(g\)](#); [Md. CODE REGS. 13A.08.01.12-1\(C\)](#). For purposes of record-keeping, use code **893** for students with disabilities.



SECTION III: RECOMMENDATIONS FOR IMPLEMENTATION

Under Maryland law, “each local board of education shall have a document on students’ responsibilities and rights” and “[t]his document shall conform to guidelines established by the State Board of Education.” Code of Maryland Regulations 13A.08.01.11. The following is intended to provide the twenty-four local school systems with suggestions for developing and implementing their own local codes of conduct based on the guidelines provided herein.

I. Engaging the Entire School Community in Drafting and Implementation

Meaningful parent, student, and community involvement in the creation and application of school and district policy is essential for building effective schools with positive and inclusive learning environments. Local school system should consider convening a committee of administrators, parent/guardians, students, teachers, pupil service providers, local government representatives and community members to develop their local codes of conduct.

Comment [r15]: The words “School District” throughout the document were changed to use the MSDE standard language of “School System”

In drafting their local codes of conduct, local school systems and their committees should make every effort to ensure that the code is written in accessible language, is translated into other languages that are predominant in the community, and considers the needs of students with disabilities.

Once a local code of conduct has been drafted, local school systems should ensure that all students, their families, and members of the school community have a copy of the code in a language they can understand.

Where possible, local school systems should provide explanations, trainings, and workshops in order to familiarize students and families with the code of conduct, explain the expectations of various members of the school community, and describe the various preventative and positive interventions and behavioral consequences that schools may use.

II. Effective Training for School Building Staff and District Administrators

Many teachers and administrators do not have the resources and training they need and deserve on non-exclusionary disciplinary interventions and measures. Local school systems and the Maryland State Department of Education have a responsibility to work together to provide staff with in-service training, technical assistance, and professional development on prevention and intervention programs.

Local school systems should ensure that there is an annual allocation of their professional development time for classroom management, conflict resolution, and restorative, therapeutic, and non-punitive approaches to discipline.

In addition, community based organizations, local agencies, and other programs and support resources are not always abundantly available in all communities, particularly in rural or small school systems. Local school systems, communities, and the Maryland State Department of Education have a responsibility to work together to make resources and outside supports available to educators and students.

III. Monitoring and Ongoing Review

Local school systems should evaluate and monitor the effectiveness of their codes of conduct annually based on their school discipline data. Districts should consider reviewing the following data:

- Prevention and intervention strategies in use;
- Total number of in-school suspensions, short-term, long-term, and extended out-of-school suspensions, expulsions, referrals to alternative schools, arrests, and referrals to law enforcements, categorized by type of student behavior that resulted in the disciplinary response, and disaggregated by age, grade, gender, race/ethnicity, English Language Learner status, and disability, and further broken down by school and teacher;
- Disproportionality ratios for the same categories among students by age, grade, gender, race/ethnicity, English language learner status, and disability;
- Differences among schools in both rates of suspension, expulsion, and referrals and also disproportionality ratios.

Based on this review, school districts should identify areas of concern and provide additional supports, services, and professional development to those schools and school staff accordingly.

Both the data and any findings from its analysis should be shared with students, families, and the community.