

# The Maryland Guidelines for a State Code of Discipline

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**MARTIN O'MALLEY**  
GOVERNOR

**Lillian M. Lowery, Ed.D.**  
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## 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.

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 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 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.

## 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 these 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 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 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 officers, 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.

## 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 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 interaction 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 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 the work for credit so 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 appropriate programs recommended 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 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 a reasonable effort to confer, consult, and collaborate with school staff and/or parents/guardians on student misconduct and potential responses.
4. Make a 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 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 appropriate support to school staff if and when requested 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.

<b>Behavioral Contract</b>	Correcting inappropriate or disruptive student behavior through a formal plan designed by school staff to offer positive behavioral interventions, strategies, and supports.
<b>Check-in with School Counselor/Resource Specialists</b>	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.
<b>Classroom-Based Responses</b>	Prompting a student to reflect on her/his behavior using classroom strategies such as time-out, teacher-student conference, reflection chair, redirection (e.g., role play), seat change, call home, loss of classroom privilege, or apology letter.
<b>Community Conferencing</b>	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”)
<b>Community Service</b>	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.)
<b>Conflict Resolution</b>	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.
<b>Detention</b>	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.
<b>Expulsion</b>	<p>Expulsion- The exclusion of a student from the student’s regular school program for 45 school days or longer, which may occur only under the following circumstances:</p> <p>(a) The superintendent or designated representative has determined that the student’s return to school prior to the completion of the expulsion period would pose an imminent threat of serious harm to other students or staff.</p> <p>(b) The superintendent or designated representative limits the</p>

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.

Code of Maryland Regulations (COMAR) 13A.08.01.11.(B)(2)

**Functional Behavior Assessment & Behavioral Intervention Plan**

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.

**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," COMAR 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 Individual Education Plan (IEP), if the student is a student with a disability in accordance with the law
- (iii) receive instruction commensurate with the program afforded to the student in the regular classroom; and
- (iv) participate with peers as they would in their current education program to the extent appropriate."

COMAR 13A.08.01.11(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 child's behavior and seeking their assistance in correcting inappropriate or disruptive behavior.

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

Involving students, parents/guardians, teachers, school staff, and principals in discussion about the student's behavior and potential solutions to address social, academic, and personal issues related to the behavior.

**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.

<b>Referral to Alternative Education</b>	Recommending a student to building administrator(s) for placement in an alternative education school, alternative education program, or alternative education placement.
<b>Referral to Appropriate Substance Abuse Counseling Services</b>	Referring a student to services both in and out of school, such as “MSAP,” a local health department, or community-based service for counseling related to substance abuse.
<b>Referral to Community-Based Organizations</b>	Referring a student for a variety of services, including after-school programming, individual or group counseling, leadership development, conflict resolution, and/or tutoring.
<b>Referral to Health/Mental Health Services</b>	Referring a student to school-based or community-based health and mental health clinics or other social services for the purpose of providing counseling and assessments to students in need. Students are encouraged to privately share issues or concerns that lead to inappropriate or disruptive behavior or negatively affect academic success, and discuss goals and learn techniques that help them overcome personal challenges. These services may include anger management classes and formal/informal behavior coaching.
<b>Referral to IEP Team for a Student not Currently Eligible for Special Education and Related Services</b>	Referring a student to the IEP team to determine if there is a need to conduct a special education evaluation to assess the student’s eligibility for special education and related services. This response should only be used if a student’s behavior has not responded to other interventions and the behavior adversely affects a student’s educational performance.
<b>Referral to IEP Team for a Student Currently Eligible for Special Education and Related Services.</b>	Holding an IEP meeting for a student who is already eligible for special education services to determine if the IEP and/or behavior plan needs to be revised/updated to address interfering behaviors.
<b>Referral to Student Support Team</b>	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.
<b>Referral to a Student Support Team for a Student with a 504 Plan</b>	Holding a Student Support Team meeting to review and revise a student’s 504 Plan to address behavior by considering additional behavior supports.
<b>Removal from Extracurricular Activities / Loss or Privileges</b>	Revoking a student’s right to participate in extracurricular activities, including sports and clubs, or revoking a student’s right to participate in school events or activities, such as attending a field trip or participating in a school dance. If the behavior warrants this consequence, any monies paid

by the student for the missed activity should be refunded.

**Restitution**

Requiring a student to compensate others for any loss, damage, or injury that has resulted because of a student’s behavior. Compensation may be made monetarily or by a student’s assignment to a school work project, or both.

Pursuant to the COMAR 13A.08.01.11(D), if a student violates a State or local law or regulation, and during or as a result of the commission of that violation damaged, destroyed, or substantially decreased the value of school property or property of another that was on school property at the time, the principal shall require the student or the student’s parent or guardian to make restitution, after a conference on the matter with the student, the student’s guardian, and other appropriate individuals. Monetary restitution may not to exceed \$2,500 or the fair market value of the property, whichever is lesser.

**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.” COMAR 13A.08.01.11(B)(4):

In school suspensions require the following:

- a) “A student may not receive an in-school suspension “unless the student has been informed of the reason for the suspension and has been given an opportunity to respond before the suspension becomes effective.
- b) The school principal shall provide the student's parents with written notification of the in-school suspension action taken by the school.
- c) After 10 days of cumulative in-school suspension, the student, the student's parents or guardian, and the principal shall confer.
- d) The student’s school of current enrollment shall make provision for the student’s education during the period of in-school suspension.
- e) 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.”  
COMAR 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.

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

A suspension is a lawful absence, COMAR 13A.08.01.03, therefore suspended students must be given access to make-up coursework, COMAR 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 COMAR 13A.08.01.11(B)(5).

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

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

**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 may only 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 expulsion period would pose an imminent threat of serious harm to other students or 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 greatest extent practicable.
- (c) The school system provides the excluded student with comparable educational and appropriate behavior support services to promote successful return to the student’s regular academic program.

COMAR 13A.08.01.11 (B)(3).

**Student Court**

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

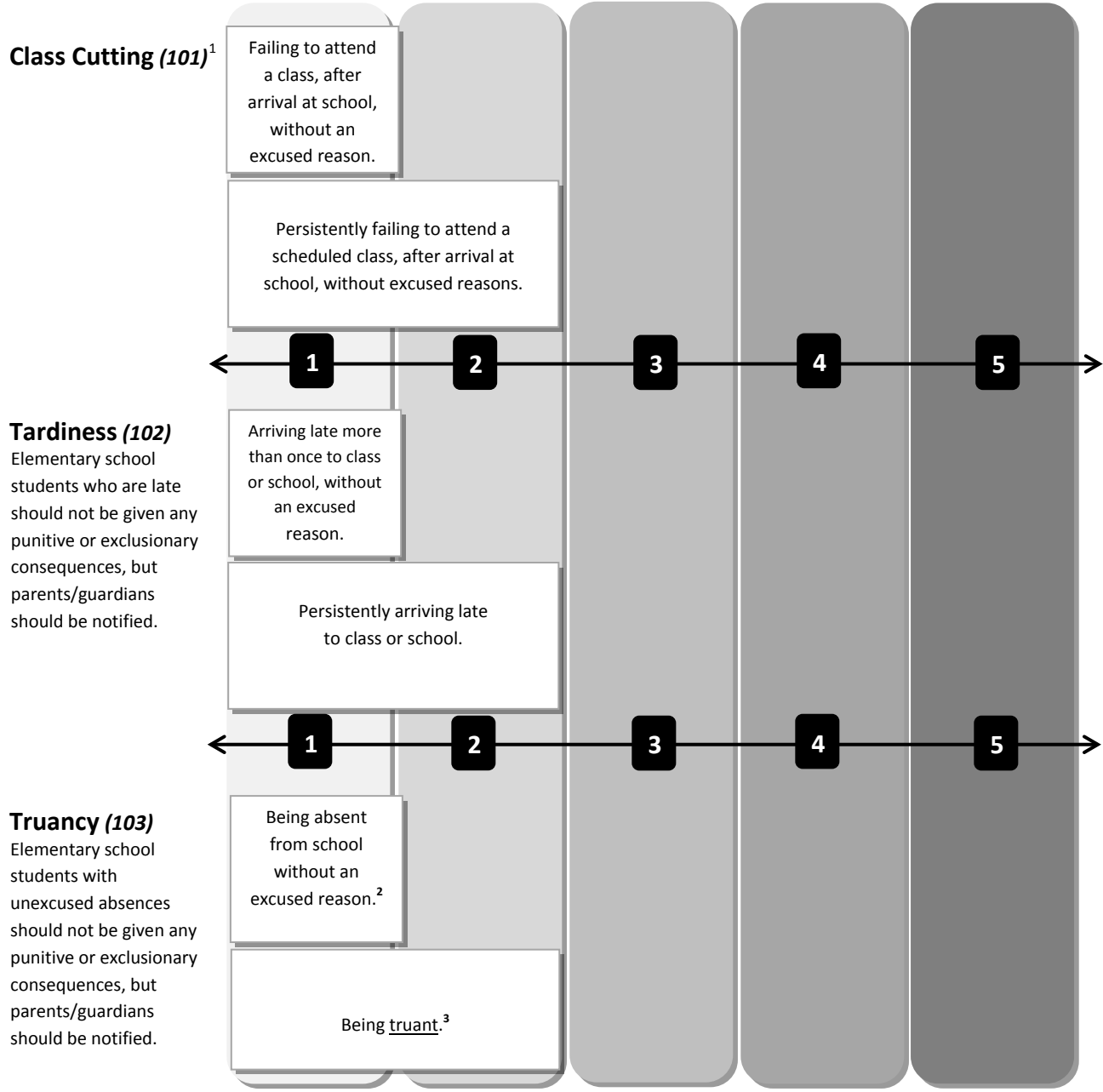
## LEVELS OF RESPONSES

<b>LEVEL 1</b>	<p><b>Examples of Classroom, Support, and Teacher-Led Responses</b></p> <p>These responses are designed to teach appropriate behavior, so students are respectful, and can learn and contribute to a safe environment. Teachers are encouraged to 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"> <li>• Classroom-based Responses (Verbal Correction, Written Reflection/Apology, Reminders/Redirection, Role Play, Daily Progress Sheet</li> <li>• Check in with School Counselor/Resource Specialist</li> <li>• Community Conferencing</li> <li>• Detention</li> <li>• Informal and/or Preventative School-Based Mentoring</li> <li>• Parent outreach (contact parent via telephone, e-mail or text)</li> <li>• Referral to appropriate substance abuse counseling service</li> <li>• Referral to health/mental health services</li> <li>• Restorative</li> </ul>
<b>LEVEL 2</b>	<p><b>Examples of Classroom, Support, and Removal Responses</b></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"> <li>• Classroom-based responses (e.g. verbal correction, written reflection/apology, reminders/redirection, role play, daily progress sheet)</li> <li>• Behavioral Contract</li> <li>• Check-in with School Counselor / Resource Staff</li> <li>• Community Conferencing</li> <li>• Community service</li> <li>• Detention</li> <li>• Functional Behavior Assessment / Behavioral Intervention Plan</li> <li>• Informal and/or Preventative School-Based Mentoring</li> <li>• Loss of Privileges</li> <li>• Parent/Guardian and Student Conference (with Teacher)</li> <li>• Parent Outreach (Contact Parent via Telephone, E-mail or Text)</li> <li>• Peer Mediation</li> <li>• Referral to Appropriate Substance Abuse Counseling Services</li> <li>• Referral to Community-Based Organization</li> <li>• Referral to Health/Mental Health Services</li> <li>• Referral to IEP Team (Student not Currently Eligible for Special Education Services)</li> <li>• Referral to IEP Team (Student Currently Receiving Special Education Services)</li> <li>• Referral to Student Support Team</li> <li>• Referral to Student Support Team for review of 504 Plan</li> <li>• Removal from Extracurricular Activities</li> <li>• Restitution</li> <li>• Restorative Practices (Classroom-Based or Specialist-Facilitated)</li> <li>• School-Based or Outside Facilitated Conflict Resolution</li> <li>• Student Court</li> <li>• Temporary Removal from Class</li> </ul>
<b>LEVEL 3</b>	<p><b>Examples of Support, Removal, and Administrative Responses</b></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"> <li>• Classroom-based responses (e.g. verbal correction, written reflection/apology, reminders/redirection, role play, daily progress sheet)</li> <li>• Behavioral Contract</li> <li>• Community Service</li> <li>• Community Conferencing</li> <li>• Detention</li> <li>• Functional Behavior Assessment / Behavioral Intervention Plan</li> <li>• Informal/Preventative/Formal Mentoring</li> <li>• In-School Suspension</li> <li>• Loss of Privileges</li> <li>• Parent/Guardian and Student Conference (with Administrator)</li> <li>• Referral to Appropriate Substance Abuse Counseling Services</li> <li>• Referral to Health/Mental Health Services</li> <li>• Referral to Community-Based Organization</li> <li>• Referral to IEP Team (Student not Currently Eligible for Special Education Services)</li> <li>• Referral to IEP Team (Student Currently Receiving Special Education Services)</li> <li>• Referral to Student Support Team</li> <li>• Referral to Student Support Team for review of 504 Plan</li> <li>• Removal from Extracurricular Activities</li> <li>• Restitution</li> <li>• Restorative Practices (Classroom-Based or Specialist- Facilitated)</li> <li>• School-Based or Outside Facilitated Conflict Resolution</li> <li>• Student Court</li> <li>• Temporary Removal from Class</li> </ul>

LEVEL 4	<p><b>Examples of Support, Removal, Administrative, and Out-of-School Exclusionary Responses</b></p> <p>These responses address serious behavior while keeping the student in school, or when 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"> <li>• Formal Mentoring Program</li> <li>• Functional Behavior Assessment/Behavioral Intervention Plan</li> <li>• In-School Suspension</li> <li>• Loss of Privileges</li> <li>• Parent/Guardian and Student Conference (with Administrator)</li> <li>• Referral to IEP Team (Student not Currently Eligible for Special Education Services)</li> <li>• Referral to IEP Team (Student Currently Receiving Special Education Services)</li> <li>• Referral to Student Support Team</li> <li>• Referral to Student Support Team for review of 504 Plan</li> <li>• Removal from Extracurricular Activities</li> <li>• Restitution</li> <li>• Restorative Practices (Classroom-Based or Specialist- Facilitated)</li> <li>• Short-Term Out-of-School Suspension</li> <li>• Student Court</li> <li>• Temporary Removal from Class</li> </ul>
	LEVEL 5



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



<sup>1</sup> 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.

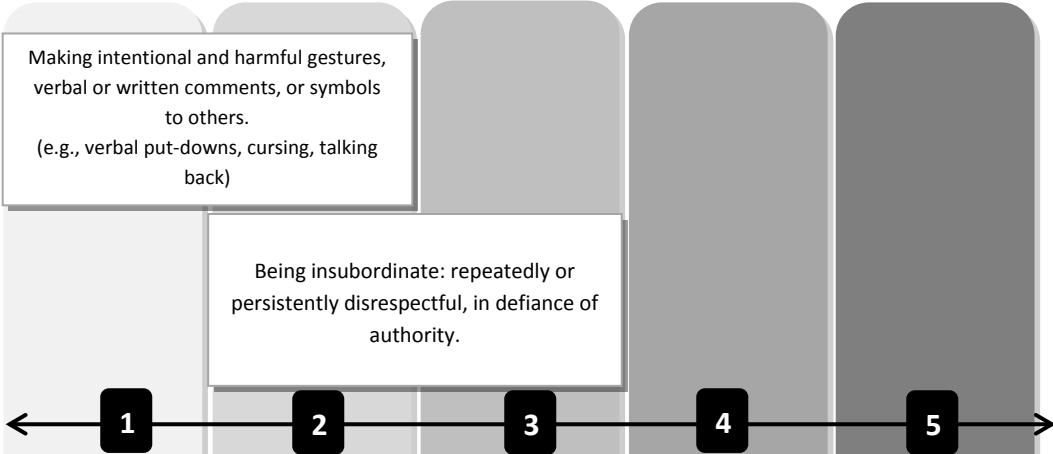
<sup>2</sup> Excused reasons for absence include illness of the student, death in the student’s immediate family, hazardous weather conditions, emergencies, religious holidays, and other specified circumstances. [COMAR. 13A.08.01.03](#).

<sup>3</sup> 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).

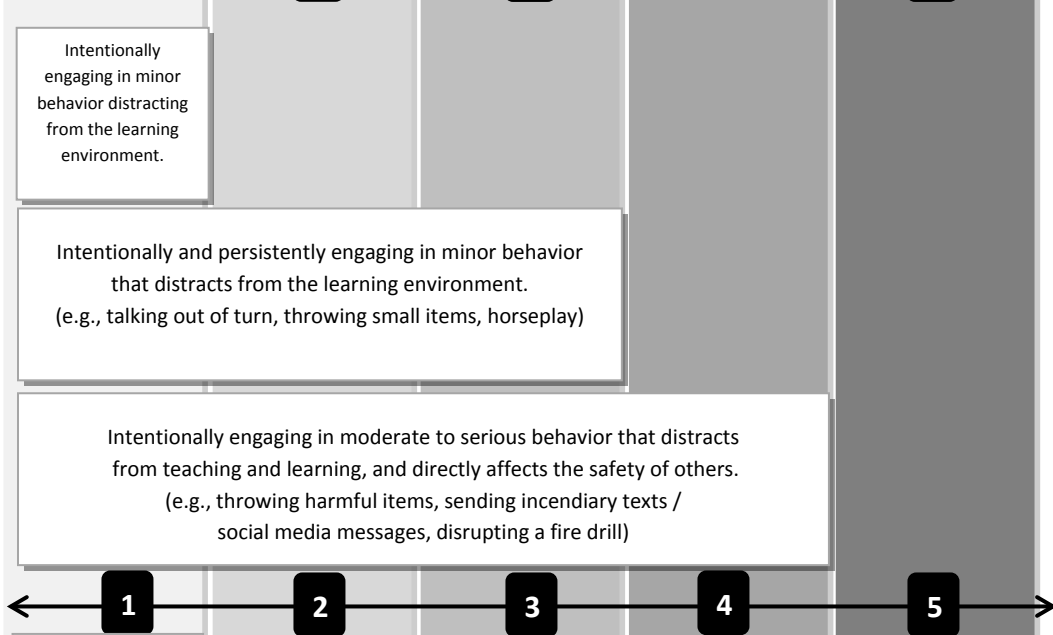
**KEY**  
 Lowest level intervention should be used first, followed by progressively more intensive consequences.

LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	LEVEL 5
<b>Classroom &amp; Support Responses</b> (e.g., written apology, talk with school counselor, detention)	<b>Classroom, Support, In-School Removal Responses</b> (e.g., community service, peer mediation, temporary removal from class)	<b>Support, Removal, Administrative Responses</b> (e.g., restorative practices, in-school suspension)	<b>Support &amp; Out-of-School Removal Responses</b> (e.g., restorative practices, mentoring programs, short-term suspension)	<b>Support, Out-of-School Removal, Referral Responses</b> (e.g., long-term suspension, expulsion, refer to alternative ed.)

**Disrespect (701)**



**Disruption (704)**



**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.



**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.)

**Sexual Activity (603)**  
 School staff should refer students to appropriate counseling.

Engaging in inappropriate behavior of a sexual nature (e.g., indecent exposure, inappropriate texts of a sexual nature). \*

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

**Sexual Attack (601)**  
 School staff should refer students to appropriate counseling.

Intentionally engaging in behavior towards another that is physically, sexual aggressive.\*

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

**Harassment (407)**  
**Sexual Harassment (602)**  
**Bullying (code tbd)<sup>4</sup>**

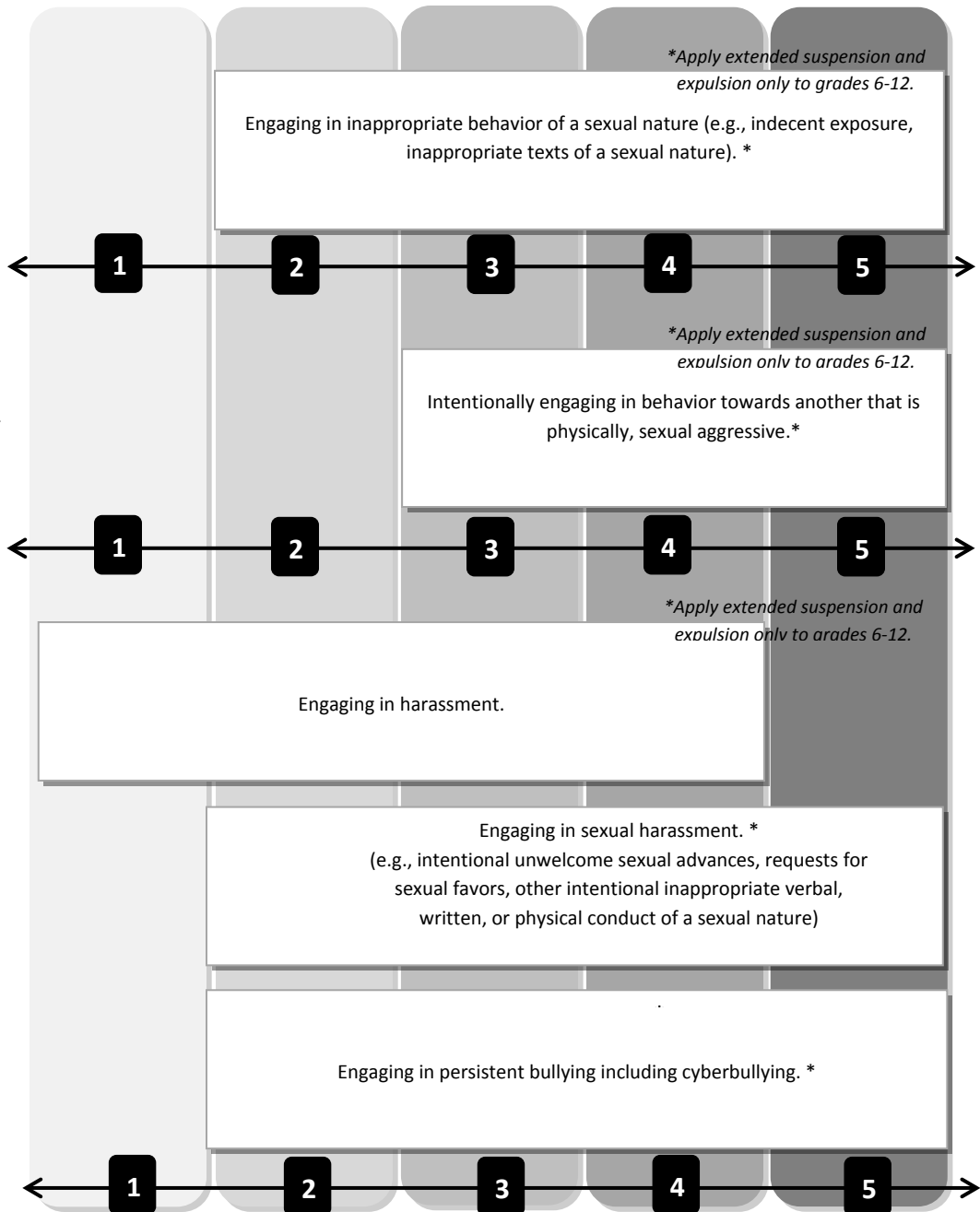
Schools should emphasize intervention strategies over removal strategies.

Engaging in harassment.

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

Engaging in sexual harassment. \*  
 (e.g., intentional unwelcome sexual advances, requests for sexual favors, other intentional inappropriate verbal, written, or physical conduct of a sexual nature)

Engaging in persistent bullying including cyberbullying. \*



**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)

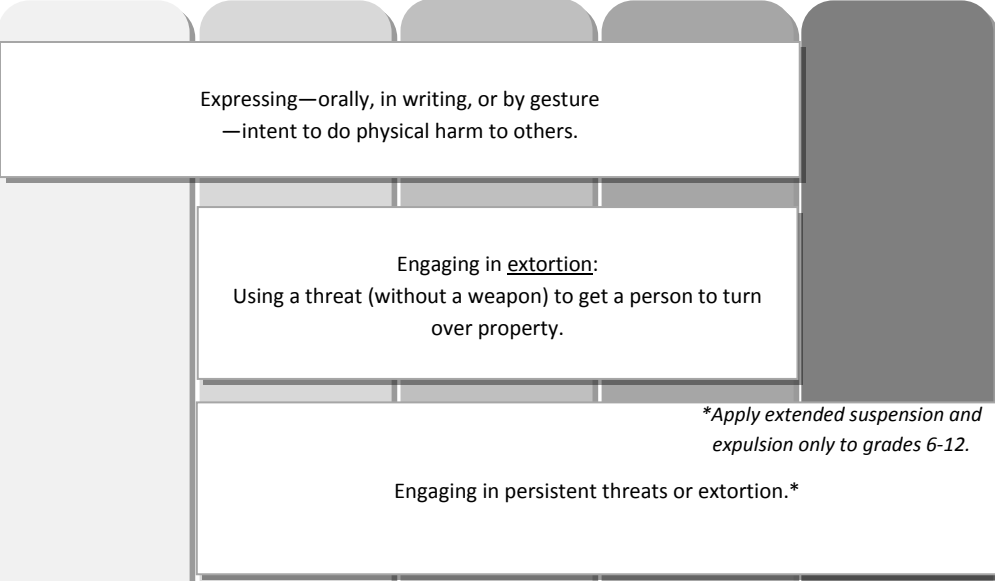
**LEVEL 2**  
**Classroom, Support, In-School Removal Responses** (e.g., community service, peer mediation, temporary removal from class)

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

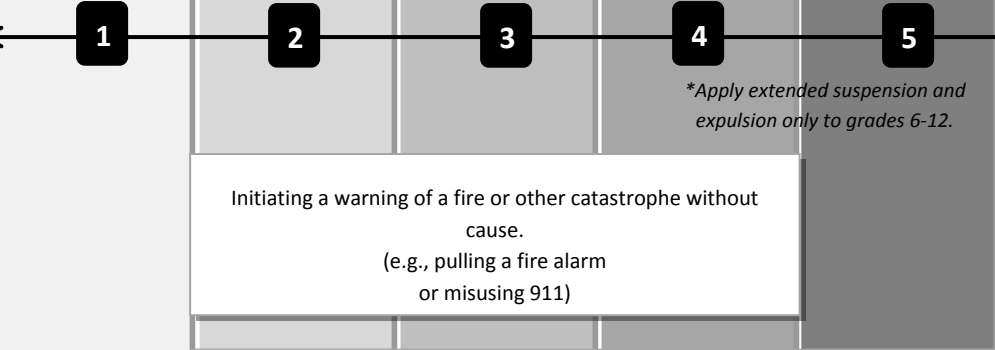
**LEVEL 4**  
**Support & Out-of-School Removal Responses** (e.g., restorative practices, mentoring programs, short-term suspension)

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

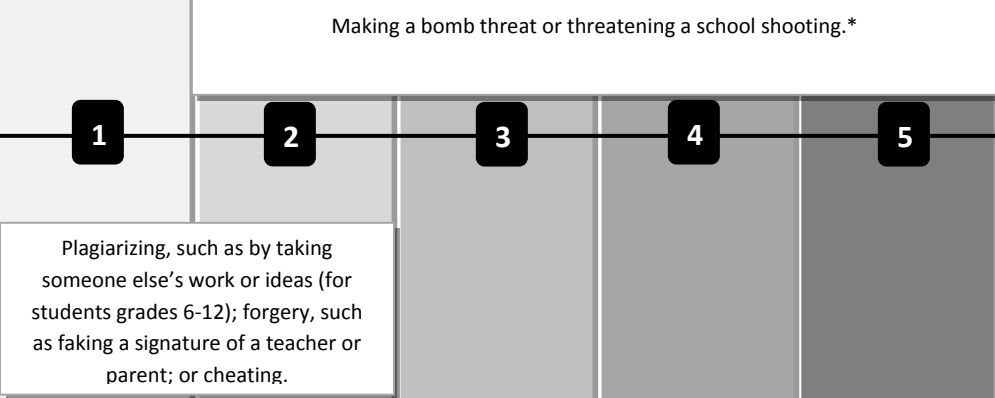
**Threat to Adult (403) to Student (404) Extortion (406)**  
 Schools should conduct a threat assessment.



**False Alarm / Bomb Threat (502)**  
 School should conduct a threat assessment and refer students to counseling.



**Academic Dishonesty (801)**



**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.



**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.



**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)

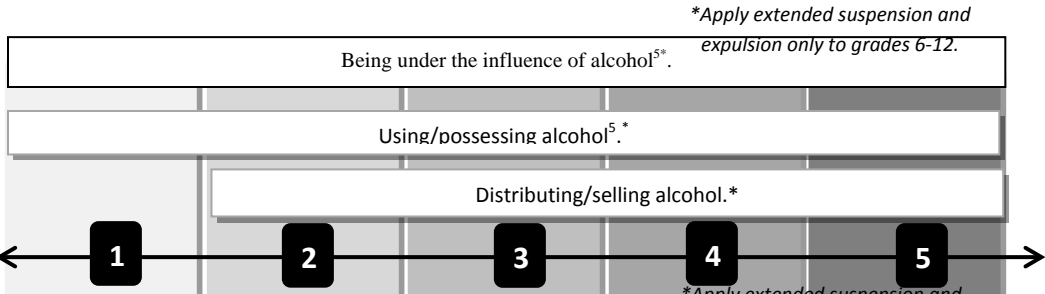
**LEVEL 2**  
**Classroom, Support, In-School Removal Responses** (e.g., community service, peer mediation, temporary removal from class)

**LEVEL 3**  
**Support, Removal, Administrative Responses** (e.g., restorative practices, in-school suspension)  
*\*NOTE: See FN 5*

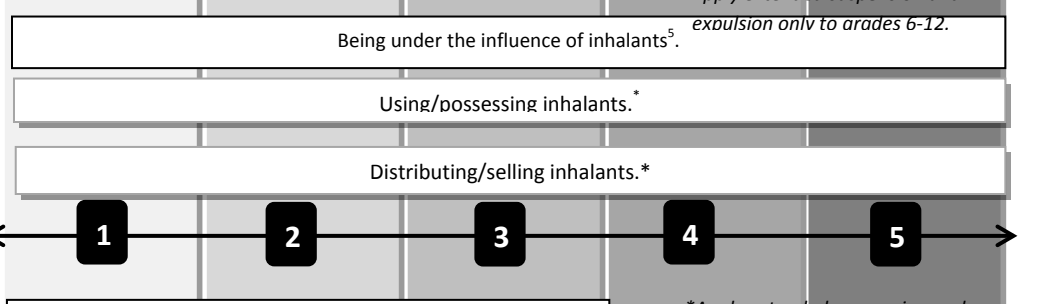
**LEVEL 4**  
**Support & Out-of-School Removal Responses** (e.g., restorative practices, mentoring programs, short-term suspension)

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

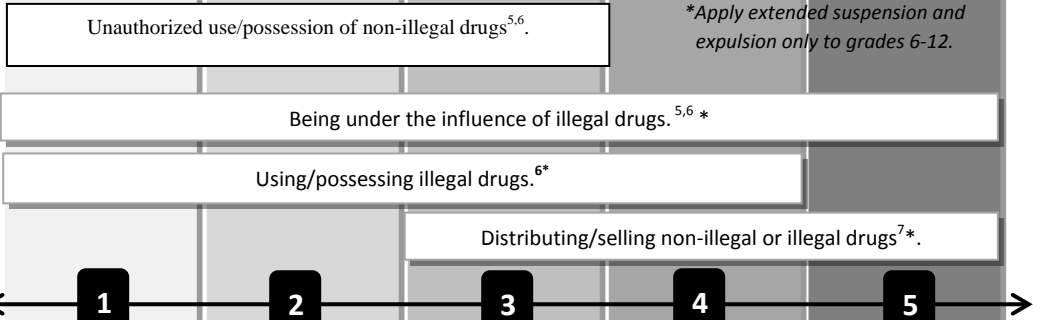
**Alcohol (201)**  
 School should refer student to local health department or community group for prevention and treatment.



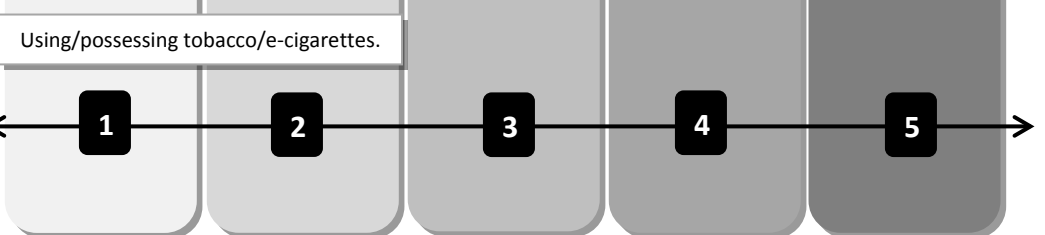
**Inhalants (202)**  
 School should refer student to local health department or community group for prevention and treatment.



**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.



<sup>4</sup> **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.

<sup>5</sup> 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.)

<sup>6</sup> 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**  
 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)

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

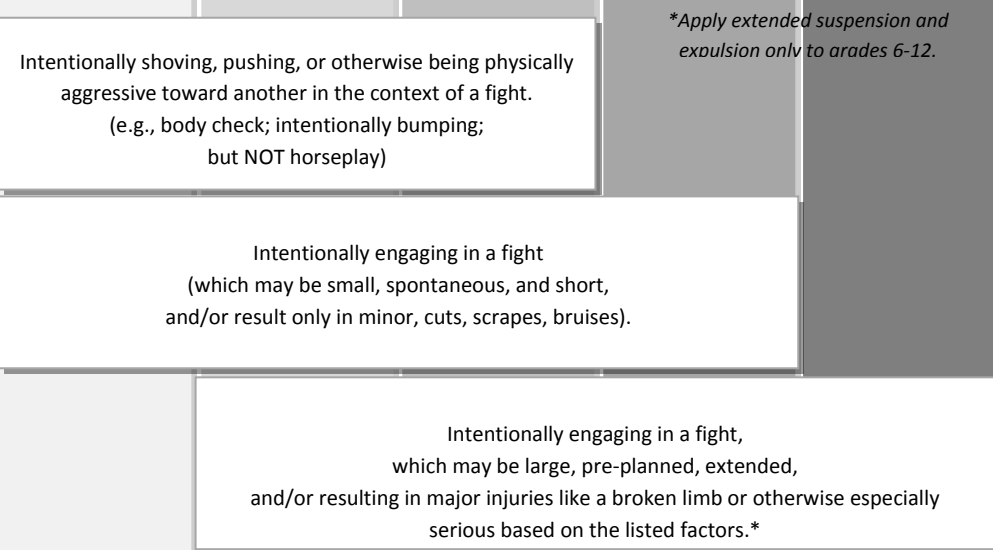
**LEVEL 4**  
**Support & Out-of-School Removal Responses** (e.g., restorative practices, mentoring programs, short-term suspension)

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

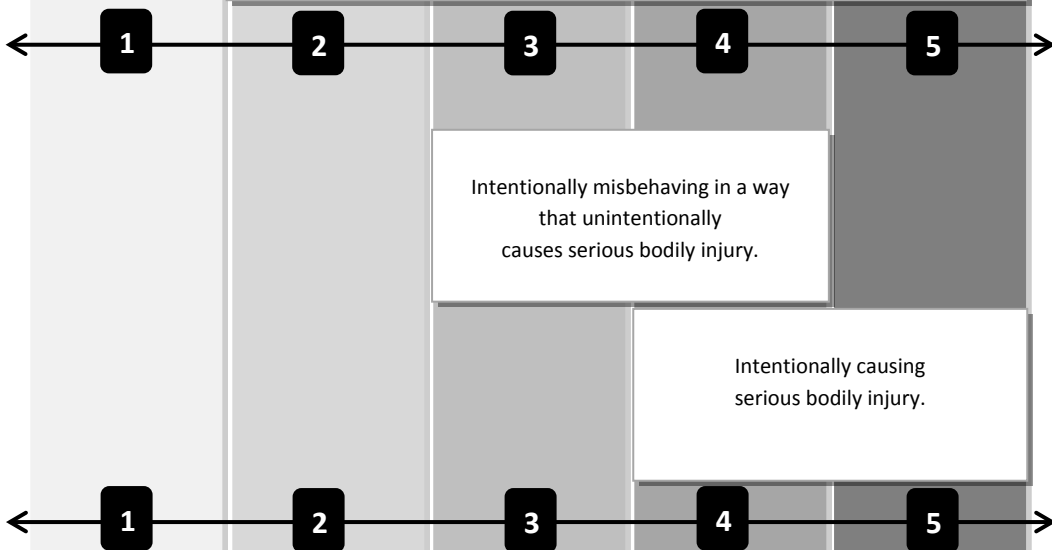
**Fighting (405)**  
**Attack on Adult (401)**  
**Attack on Student (402)**

Schools should consider multiple factors, including:

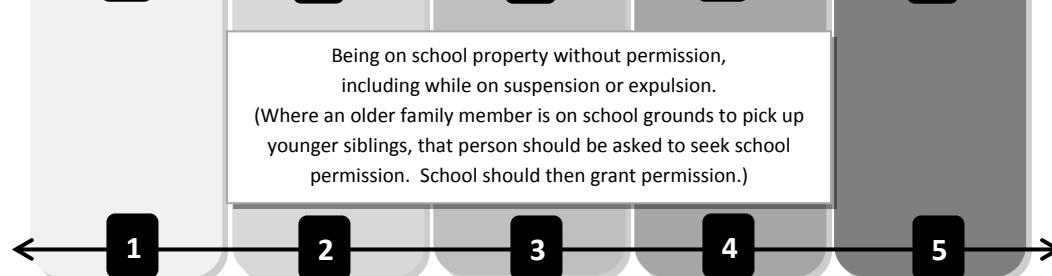
- whether student acted in the heat of the moment, as opposed to planning ahead
- whether student was verbally provoked
- where student acted in self-defense
- whether student was intervening in fight
- the student's age
- whether fighting is persistent or habitual



**Serious Bodily Injury<sup>7</sup> (408)**  
 Schools should consider multiple factors.  
 See factors listed under "Fighting."



**Trespassing (804)**

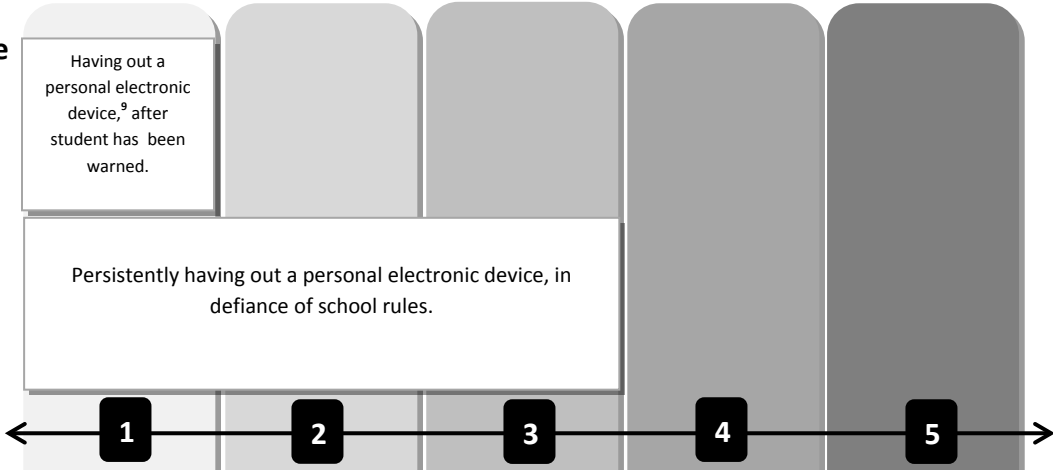


<sup>7</sup> Injury involving (a) substantial risk of death; (b) extreme physical pain; (c) protracted and obvious disfigurement; or (d) protracted loss or impairment of a function of a bodily member, organ, or mental faculty. [20 U.S.C. § 1415\(k\)\(7\)\(D\)](#) (referring to [18 U.S.C. § 1365\(h\)\(3\)](#)).

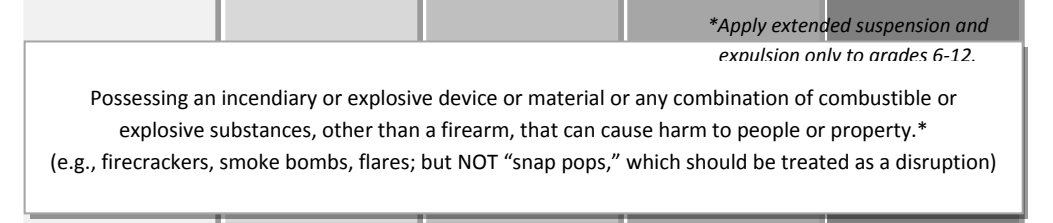
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**Inappropriate Use of Personal Electronics (802)**

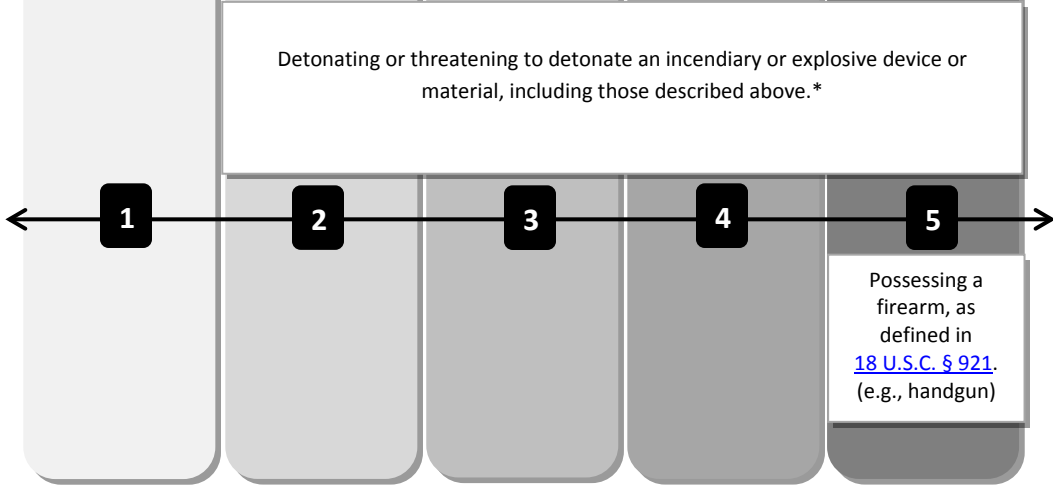
Excluding use of a device in an emergency or preapproved situation. Cyberbullying or social media harassment covered under other behaviors.



**Explosives (503)**



**Firearms (301)<sup>9</sup>**



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

<sup>9</sup> Under federal and Maryland state law:

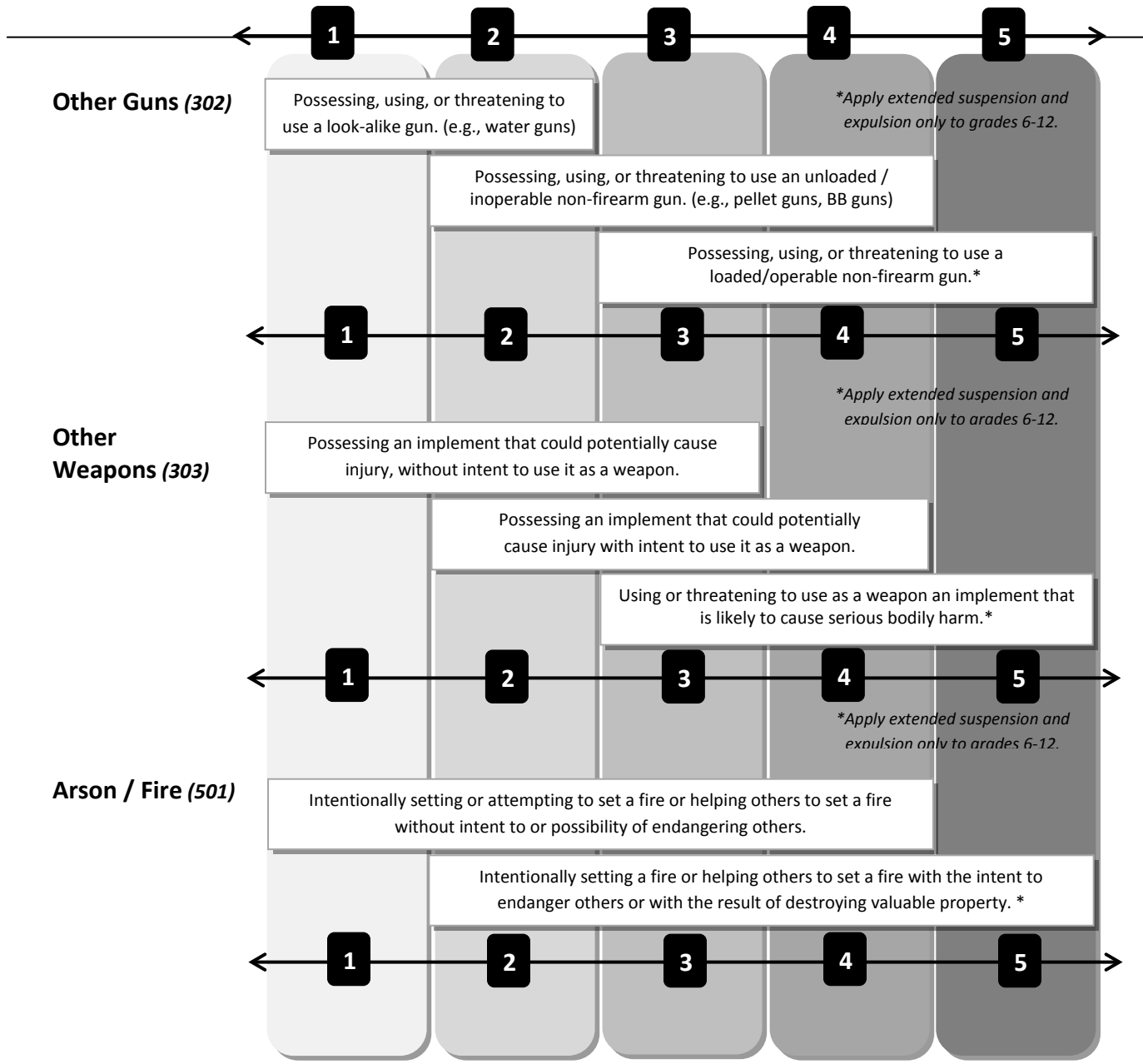
A student who has brought a firearm onto school property “shall be expelled for a minimum of 1 year,” but a county superintendent “may specify on a case by case basis, a shorter period of expulsion or an alternative educational setting, if alternative educational settings have been approved by the county board.” [MARYLAND ANNOTATED CODE, EDUCATION §7-305\(f\)\(2\)-\(3\)](#).

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. [MARYLAND ANNOTATED CODE, 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**  
 Lowest level intervention should be used first, followed by progressively more intensive consequences.

LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	LEVEL 5
<b>Classroom &amp; Support Responses</b> (e.g., written apology, talk with school counselor, detention)	<b>Classroom, Support, In-School Removal Responses</b> (e.g., community service, peer mediation, temporary removal from class)	<b>Support, Removal, Administrative Responses</b> (e.g., restorative practices, in-school suspension)	<b>Support &amp; Out-of-School Removal Responses</b> (e.g., restorative practices, mentoring programs, short-term suspension)	<b>Support, Out-of-School Removal, Referral Responses</b> (e.g., long-term suspension, expulsion, refer to alternative ed.)



## **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.08.01.10. The term “conform”, in the context of that regulation and these guidelines, mean “be similar to” and 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.

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.