

# REGULATION

ANNE ARUNDEL COUNTY  
PUBLIC SCHOOLS

**Related Entries:** JCC

**Responsible Office:** OFFICE OF STUDENT AND SYSTEMICS SUPPORT, DIVISION OF STUDENT SERVICES, DIVISION OF SAFE AND ORDERLY SCHOOLS

## STUDENTS ARRESTED AND CHARGED WITH REPORTABLE OFFENSES IN THE COMMUNITY

### A. PURPOSE

To establish procedures that govern the educational placement of students charged with reportable offenses in the community.

### B. BACKGROUND

Anne Arundel County Public Schools (AACPS) recognizes that the presence of a student who has been charged with a reportable offense in the community, especially an offense involving violence or weapons, may pose a threat to the safety and welfare of the student and others in the school community, and disrupt the educational process in the school. AACPS also recognizes that the educational needs of a student who has been charged with a reportable offense in the community must be carefully balanced with the obligation to provide a safe school environment free of disruption for all students.

In accordance with these principles, if school administrators determine that the presence of a student charged with a reportable offense in the community poses an imminent threat of serious harm to other students or staff, the student may be assigned to a school other than the one the student is attending. The student may also be assigned to an alternative educational program pending a final administrative decision of the student's educational placement.

### C. DEFINITIONS

1. **Regular School Program** – the courses, classes, and related services the student is enrolled in at the time of the student's reportable offense.
2. **Reportable Offense** – an offense that:
  - a. Occurred off school premises;

- b. Did not occur at an event sponsored by the school; and
  - c. Involved a crime outlined in the Code of Maryland Regulations 13A.08.01.17(c).
3. ***Student with a Disability*** – a student eligible under the Individuals with Disabilities Act or Section 504 of the Rehabilitation Act of 1973.

## **D. PROCEDURES**

### **1. Notice**

- a. Promptly upon receipt of information from a law enforcement agency or another verified source of an arrest of a student for a reportable offense:
  - i. The Superintendent or the Superintendent’s designee shall provide the principal or the principal’s designee of the school in which the student is enrolled with the arrest information, including the charges; or
  - ii. If the student who has been arrested is an identified student with disabilities and is enrolled in a non-public school program, the Superintendent or the Superintendent’s designee shall provide the principal of the non-public school or the principal’s designee in which the student is enrolled with the arrest information, including the charges.

### **2. Administrative Actions**

- a. The principal or the principal’s designee, in consultation with appropriate staff, shall consider whether the student’s presence presents a risk to the safety of other students and staff.
- b.
  - i. The principal or the principal’s designee shall immediately develop a comprehensive plan that addresses appropriate educational programming and related services for the student and maintains a safe and secure school environment for students and staff.
  - ii. The plan shall be implemented within 10 school days after the notification of the reportable offense.
  - iii. A school-based liaison shall be identified to facilitate educational programming for the student until the new educational placement is provided.
- c. The principal or the principal’s designee shall contact the student’s parent(s)/guardian(s) to request that the student’s parent(s)/guardian(s):

- i. Participate in the development of the plan; and
  - ii. Submit information that is relevant to developing the plan.
- d. If the student has an attorney, the principal or the principal's designee shall invite the attorney to participate in any meeting with the student's parent(s)/guardian(s) to discuss the plan.
- e. In accordance with COMAR, notice of arrest for a reportable offense may not be the sole basis for a change in the student's regular school program. A student may not be removed from the student's regular school program unless the student presents an imminent threat of serious harm to other students or staff.
- f. If it is determined that the student poses an imminent threat of serious harm to other students or staff, the principal or the principal's designee shall promptly make a recommendation to the Superintendent or the Superintendent's designee to remove the student from the student's regular school program, at least until the offense has been adjudicated by the courts.
- g. Upon receipt of a written report from a school principal or principal's designee requesting a change to the student's regular school program, and no later than 10 school days from the notification of the reportable offense, the Superintendent or Superintendent's designee shall:
- i. Promptly hold a conference with the student, the student's parent(s)/guardian(s), and, if applicable, the student's attorney; and
  - ii. Make a determination as to whether the student poses an imminent threat of serious harm to other students or staff necessitating a change to the student's regular school program.
- h. If after the conference, the Superintendent or the Superintendent's designee finds that a removal from the regular school program is warranted, the student or the student's parent(s)/guardian(s) may appeal the removal to the Board of Education of Anne Arundel County (Board) within 15 calendar days after the receipt of the written determination and notice of appeal rights.

### **3. Students with Disabilities**

- a. If a student with a disability has been charged with a reportable offense in the community, an Individualized Educational Program or 504 Team meeting shall be convened to determine whether a change in regular school program is necessary.

- b. If it is determined that a change in regular school program is necessary, the new educational placement or alternative educational program shall be created in accordance with the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and State special education law and regulations, including requirements related to a manifestation determination.
- c. If the student has an attorney, the attorney shall be invited to attend any meeting to discuss the manifestation determination.

#### **4. English Language Learners**

If a student is an English Language Learner, the principal or the principal's designee shall ensure that the student receives the translation services needed.

#### **5. Rape or Sexual Offenses**

- a. In accordance with State law and regulations, the Superintendent and the principal shall consider prohibiting a student who is arrested for a reportable offense involving rape or a sexual offense from attending the same school or riding on the same vehicle as the alleged victim if it is necessary or appropriate to protect the physical or psychological well-being of the alleged victim.
- b. If a student is arrested for a reportable offense involving rape or sexual offense and is convicted or adjudicated delinquent for the rape or sexual offense, the student may not attend the same school or ride on the same school vehicle as the victim.
- c. Consistent with State law, a student who is required to register with the Maryland Sex Offender Registry may receive an education in any of the following locations:
  - i. A location other than a public or nonpublic elementary or secondary school, including by:
    - a) Participating in the Home and Hospital Teaching Program for Students; or
    - b) Participating in or attending a program approved by the Board;
  - ii. A Regional Institute for Children and Adolescents; or
  - iii. A nonpublic educational program, if:
    - a) The registrant has notified an agent or employee of the nonpublic educational program that the registrant is required to register under this subtitle; and

- b) The registrant has been given specific written permission by an agent or employee of the nonpublic educational program to attend the nonpublic educational program.

## **6. Review Procedures**

- a. With the input of the school principal or principal's designee, appropriate staff, the student, and the student's parent(s)/guardian(s), the Superintendent or the Superintendent's designee shall review the plan and the student's status and make adjustments as appropriate:
  - i. Immediately upon notification from the State's Attorney of the disposition of the reportable offense in the community; or
  - ii. Pending notification from the State's Attorney, at a minimum every 45 school days.
- b. If the student has an attorney, the Superintendent or the Superintendent's designee shall invite the student's attorney to participate in any meeting with the student or the student's parent(s)/guardian(s) to discuss the review of the plan.
- c. The student and the student's parent(s)/guardian(s) shall be provided in writing with the Superintendent's or the Superintendent's designee's review decision.
- d. If the student or the student's parent(s)/guardian(s) disagrees with the decision of the Superintendent or the Superintendent's designee, the student or the student's parent(s)/guardian(s) may appeal the decision consistent with Section D. 7. of this Regulation.
- e. If the student has been charged with a reportable offense and the charge is adjudicated, a final decision regarding the student's educational placement and educational programming shall be provided to the parent(s)/guardian(s) and impacted school(s). The student shall return to the student's home school or the last school of record unless there is a court order, protective order, or peace order which states that there shall be:
  - i. No contact between the student and another student at the school;
  - ii. Limited contact between the student and another student at the school; or
  - iii. There is another compelling reason to support a new educational placement. In such cases, the Division of Safe and Orderly Schools shall facilitate an administrative transfer for another school placement.

## **7. Appeal Process**

- a. If an appeal is filed, the Board shall have 45 calendar days from the date the appeal was received to hear the appeal and issue a decision.
  - i. This timeline period may be extended if the parent(s)/guardian(s) or the parent(s)/guardian(s)'s attorney requests additional time; and
  - ii. This timeline shall also apply if the Board elects to use a hearing examiner.
- b. If, due to extraordinary circumstances or unusual complexity of a particular appeal, the Board determines that it will be unable to hear an appeal and issue a decision within 45 calendar days, it may petition the State Superintendent for an extension of time.
- c. The student, the student's parent(s)/guardian(s), or the parent(s)/guardian(s)'s attorney:
  - i. Shall be provided with the school system's witness list and copy of the documents that the school system will present at the hearing no later than 5 business days before the hearing; and
  - ii. May bring counsel and witnesses to the hearing.
- d. Unless a public hearing is requested by the parent(s)/guardian(s) of the student, a hearing shall be held out of the presence of all individuals except those whose presence is considered necessary or desirable by the Board.
- e. The appeal to the Board does not stay the decision of the Superintendent or the Superintendent's designee.
- f. The decision of the Board is final.

## **8. Final Administrative Decision on Educational Placement**

Once a final administrative decision has been made as to the educational placement of the student, the school shall meet with the student and the student's parent(s)/guardian(s) to discuss post-enrollment needs.

- a. The school shall offer a range of support and referral services to students. AACPS interventions and supports include:
  - i. Positive behavioral interventions;

- ii. Education to correct behavior;
  - iii. Counseling;
  - iv. Conflict resolution;
  - v. Problem-solving skills;
  - vi. Social skills training;
  - vii. Anger management training;
  - viii. Peer support groups;
  - ix. Schedule modifications;
  - x. Restorative Practices; and
  - xi. Targeted supervision such as hallways, cafeteria, and school buses.
- b. Community and family referral sources include:
- i. Public or private community-based mental health services;
  - ii. Faith-based services;
  - iii. Multi-service centers;
  - iv. County Department of Health programs;
  - v. Youth development organizations;
  - vi. Department of Juvenile Services;
  - vii. Department of Social Services; and
  - viii. Law enforcement agencies.

## **9. Confidentiality**

- a. Except by order of a juvenile court or other court upon good cause shown or as provided below, the reportable offense information is confidential and may not be:

- i. Rediscovered by subpoena or otherwise; or
  - ii. Made part of the student’s permanent educational record.
- b. If the disposition of the reportable offense was a conviction or an adjudication of delinquency, or the criminal charge or delinquency petition is still pending, the Superintendent or the Superintendent’s designee or school principal shall transmit the information obtained under this regulation as a confidential file to the Superintendent of another school system or to another nonpublic school in the state in which the student has enrolled or has transferred, to carry out the purposes of this regulation, including information on any educational programming and related services provided to the student.
- c. The reportable offense information obtained by the Superintendent or the Superintendent’s designee, the school principal or the principal’s designee, or school security officer shall be:
- i. Transmitted only to school personnel of the school in which the student is enrolled and as necessary to carry out this regulation; and
  - ii. Destroyed when the first of the following occurs:
    - a) The student graduates;
    - b) The student otherwise permanently leaves school;
    - c) The student turns 22 years old;
    - d) The criminal case involving the reportable offense is dismissed;
    - e) The student is found not guilty of the reportable offense; or
    - f) The student pleads to a lesser offense that is not a reportable offense.
- d. The confidentiality provisions of the Family Educational Rights Privacy Act shall be applied to the release of student information, including the identity of the student alleged to have committed the reportable offense.

**Regulation History:** Issued 06/07/06; Revised 06/07/17; 10/23/19; 12/10/24

**Note Previous Regulation History:** Replaces Policy 902.19, adopted 04/19/95

**Legal References:** Individuals with Disabilities Act; Family Educational Rights Privacy Act; Section 504 of the Rehabilitation Act of 1973; Section 7-303 of the Education Article; Section 11-722(e) of the Criminal Procedure Article; COMAR 13A.08.01