

# REGULATION

## ANNE ARUNDEL COUNTY PUBLIC SCHOOLS

**Related Entries:** JCC, JCH, JCH-RA

**Responsible Office:** DIVISION OF STUDENT SUPPORT SERVICES

### 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 a threat to the student or others, or to the educational process, 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. ***Reportable Offense*** – an offense in accordance with the Maryland Criminal Law Article, including crimes involving violence, weapons, controlled dangerous substances, crimes against others, crimes against property, crimes against public administration, and theft and related crimes.
2. ***Alternative Educational Program*** – as used in this regulation, the appropriate educational programming offered by AACPS and delivered via alternative structures.

## **D. PROCEDURES**

### **1. Notice**

- a. Promptly upon receipt of information from a law enforcement agency of an arrest of a student for a reportable offense, 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.
- b. If the student has an Individualized Educational Program (IEP) and enrolled in a non-public school program, the Superintendent or the Superintendent's designee shall provide the principal of the non-public school program or the principal's designee in which the student is enrolled with the arrest information, including the charges.

### **2. Administrative Actions**

- a. In accordance with COMAR, notice of a reportable offense may not be the basis for the suspension or expulsion of a student. A student may only be placed in an alternative educational program if it is determined that the presence of the student at school poses a threat to the student, others, or the educational process at the school.
- b. If it is determined that the student poses a threat to the student, others, or the educational process, the principal or the principal's designee shall make a recommendation to the Office of Safe and Orderly Schools to remove the student from the student's home school or currently assigned school, at least until the offense has been adjudicated by the courts.

### **3. Educational Programming**

- a. As part of the principal's or the principal's designee's recommendation, 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 until the new educational placement is provided.
- b. 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.

- c. If the plan results in a change to the student's educational programming, the principal or the principal's designee shall promptly schedule a conference to inform the parent(s)/guardian(s) of the recommended educational placement in an alternative educational program.
- d. The plan shall be implemented within 5 school days after the school's receipt of the arrest information. A school-based liaison shall be identified to facilitate educational programming for the student until the new educational placement is provided.
- e. Immediately upon notification from the State's Attorney of the disposition of the reportable offense in the community or within 30 calendar days after receipt of the information about the reportable offense, and every 30 calendar days thereafter until the matter is resolved, the Office of Safe and Orderly Schools and appropriate staff shall review the plan and the student's status, and make any adjustments to the student's educational placement and educational programming as appropriate.
- f. The parent(s)/guardian(s) shall be informed of any adjustments to the new educational placement and advised that educational programming is not provided during the summer.
- g. 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 Office of Safe and Orderly Schools shall facilitate an administrative transfer for another school placement.
- h. 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.

**4. Students with an IEP**

- a. If a student with an IEP or 504 Plan has been charged with a reportable offense in the community, an IEP or 504 Team meeting shall be convened to determine whether a new educational placement of an alternative educational program is necessary.
- b. If it is determined that a new educational placement or an alternative educational program is necessary, the new educational placement or alternative educational program shall be created in accordance with the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973.

**5. 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.

**6. 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 bus 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 bus as the victim.

**7. Appeal**

- a. If the student or the student's parent(s)/guardian(s) disagrees with the implementation of this regulation, that disagreement shall be addressed in accordance with Policy JCH and Regulation JCH-RA – Student Complaints Related to Policy, Regulation, or Law which govern complaints and the regulations hereunder.
- b. The student shall remain in the Superintendent-approved educational placement pending the outcome of any complaint hereunder.

## **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;

**JCC-RAK – STUDENTS ARRESTED AND CHARGED WITH  
REPORTABLE OFFENSES IN THE COMMUNITY**

**Page 6 of 6**

vii. Department of Social Services; and

viii. Law enforcement agencies.

**Regulation History:** Developed by the Superintendent 02/15/06  
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**Note Previous Regulation History:** Replaces Policy 902.19, adopted 04/19/95