



# Wicomico County Board of Education

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# Wicomico County Public Schools Student Code of Conduct

(see attached pages)

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Approval Status

Index Code

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SFS-GEN-PL-028

# **CODE OF CONDUCT**

## **Importance of Good Behavior**

The Wicomico County Public School System has adopted a uniform Code of Conduct to assist in providing a safe and orderly school environment conducive to learning for all students. The Code of Conduct for Wicomico County Public Schools applies to all school environments including but not limited to the classroom and related instructional activities, extracurricular activities such as dances, sports events, school clubs, and field trips as well as the school bus or school related transportation of any type. First and foremost, it is the goal of the Code of Conduct to promote positive behavior in the school environment. Good citizenship on the school bus, playground, athletic field, classroom or any other school related activity is expected.

In accord with the Maryland State Board of Education, our school system is committed to creating and supporting schools 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.

All members of the school community have a role in building schools that embody the principles supporting healthy and safe school climates. These principles include but are not limited to:

- \*students actively engaged in their learning,
- \*positive relationships between students and school staff, and
- \*collaboration between families, communities, and school staff to support positive student outcomes.

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. Expectations for school staff/administrators, students, parents/guardians, and community/city/local organizations, agencies, and others guide interaction and involvement with school discipline matters. Details about these expectations are available in *The Maryland Guidelines for a State Code of Discipline*, [http://archives.marylandpublicschools.org/MSDE/divisions/studentschoolsvcs/student\\_services\\_alt/docs/MDGuidelinesforStateCodeDiscipline\\_08072014.pdf](http://archives.marylandpublicschools.org/MSDE/divisions/studentschoolsvcs/student_services_alt/docs/MDGuidelinesforStateCodeDiscipline_08072014.pdf).

When unacceptable behavior occurs, the Code of Conduct supports the application of progressive discipline to modify unacceptable behaviors in a positive manner to improve academic success for all students. All school activities are governed by the Code of Conduct and are subject to the same expectations, rights, responsibilities, and consequences for inappropriate behavior. Students are encouraged to engage in positive behavior since inappropriate behaviors and their consequences may have a negative impact on academics and other areas of school involvement.

## **Addressing Unacceptable Behavior**

Unacceptable behaviors have consequences that will be applied in a fair and equitable manner. These consequences may include but are not limited to: verbal warning, time out when age appropriate, formal written apologies, loss of privilege, detention, parent/guardian conferences, behavior intervention plans, in-school suspension, suspension alternative program, drug/alcohol/tobacco counseling and out of school suspension. An individual behavior intervention plan may be developed to assist in improving student behavior. Students who are suspended may not participate in

extracurricular activities for the duration of the suspension and/or as specified by Board of Education policy.

Discipline for students with disabilities must be in compliance with the Individuals with Disabilities Education Act (IDEA) and the Americans with Disabilities Act (ADA). A thorough investigation of any and all infractions will be conducted with all involved parties being afforded due process.

Criminal violation(s) of the law including but not limited to: possession of a firearm or weapon; arson; false alarms or bomb threats; physical attacks; sexual assaults; and distributing, using or being under the influence of drugs, alcohol, inhalants or tobacco will be referred to the School Resource Officer (SRO) or other appropriate law enforcement agency. The School Resource Officer (SRO) or other appropriate law enforcement agency will only be contacted in the event of substantial harm or threat of substantial harm to the physical safety of students, staff or other persons that cannot be safely and appropriately handled through school procedures or to respond to criminal conduct of persons other than students. Actions taken by law enforcement will be considered to be separate and apart from any disciplinary actions taken by the school.

## **Responses and Interventions**

Responses to behavior may also include interventions designed to address the behavior, reteach the correct behavior, and provide the student with acceptable replacement behaviors conducive to a safe and secure school environment.

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.

**Behavioral Contract:** Correcting inappropriate or disruptive student behavior through a formal plan designed by school staff to offer positive behavioral interventions, strategies and supports

**Board of Education Conference:** Conferencing with board of education staff including Pupil Personnel Workers and including the parent and the student for the purpose of identifying areas of difficulty and manners of support

**Bus Suspension:** Removing the privilege of bus transportation for a designated period of time as a result of negative behavior on the bus

**Check-In:** Prompting students to have an informal check-in with a school counselor, school social worker, student advisor or other staff member who has a positive relationship with the student

**Classroom-Based Responses:** Prompting a student to reflect on his/her 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

**Conference with Student:** Involving the student, the administrator and possibly the teacher and the parent in a conference that is more serious than a verbal warning with the focus being on talking with

a student regarding a behavior, the reasons for the behavior, possible consequences of the behavior and a plan for changing the behavior

**Confiscated Items:** When items are confiscated as a result of a violation of the Code of Conduct, parents/guardians shall make arrangements with the school administration to pick up the confiscated item(s) from the school. Items confiscated may be held as evidence in an investigation. The Wicomico County Board of Education bears no financial responsibility for items that are lost, stolen or damaged.

**Conflict Resolution:** Using strategies to assist students in taking responsibility for peacefully resolving conflicts.

**Detention:** Students may be assigned detention to be served before school or after school at the discretion of the teacher. Parents will be notified of the date and time of the detention and will agree to provide transportation for the student immediately at the end of an after-school detention.

**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:

- 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
- The superintendent or designated representative limits the duration of the exclusion to the greatest extent possible.
- 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. (COMAR 13A.08.01.11.(B)(2) )

The principal shall recommend expulsion from school for the following offenses unless he/she files a report with the superintendent of schools explaining the incident and outlining the reasons for not recommending expulsion:

- Physical assault on any employee of the Board of Education
- Assault or battery with a weapon against any person under the jurisdiction of the Board of Education of Wicomico County or upon any person on or off school premises if the conduct is detrimental to the interest of the school system.
- Violation of the *Dangerous Weapons/Instruments in the Schools* policy of the Board of Education at any time.

**Functional Behavior Assessment & Behavioral Intervention Plan:** A Functional Behavior Assessment gathers information about a student's 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 intervention, strategies, and supports designed by school staff to correct inappropriate or disruptive school behaviors.

**In-School Intervention:** Removing the 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:

- Appropriately progress in the general curriculum;
- Receive the special education and related services specified on the student IEP, if the student is a student with a disability in accordance with the law;

- Receive instruction commensurate with the program afforded to the student in the regular classroom; and
- Participate with peers as they would in their current education program to the extent appropriate.” (COMAR 13A.08.01.1(C)(2)(a) )

**In-School Suspension:** In-school suspension is designed to be a structured behavioral intervention that addresses both the academic and behavioral needs of the students it serves. ISS is an alternative to out of school suspension and is an important tool in the progressive discipline model. In-school suspension is defined as the removal of a student from the student’s regular education program for 30 minutes or more for disciplinary reasons by the principal or principal’s designee.

**Loss of Privilege:** A privilege such as recess, attending a school activity or the right to park on school property may be removed for a period of time as a consequence for poor behavior. The time of restriction will be determined by the principal or principal’s designee.

**Mentoring:** Pairing students with mentors (e.g., counselor, teacher, fellow student, or community member) who help their personal, academic, and social development

**Office Detention:** Students may be assigned office detention to be served before or after school at the discretion of the principal. Parents will be notified of the date and time of the detention and will agree to provide transportation for the student immediately at the end of an after-school detention.

**Out-of-School Suspension:** Some infractions require that a student be suspended or excluded from school temporarily for a limited number of days. During suspension the student is not allowed to be on school property for any reason without the prior approval of the principal. The principal may suspend a student for up to 5 days and request an additional 5 days of OSS from the superintendent of schools. The superintendent of schools has the authority to extend the number of days of suspension beyond 10 days if the behavior warrants an extended suspension. (Reference – short term, long term, extended – COMAR 13A.08.01.11(B)(3-5) )

**Parent Outreach:** Informing parents/guardians of their child’s behavior and seeking their assistance in correcting inappropriate or disruptive behavior

**Parent Shadowing:** Parents/guardians may be asked to share time with their student throughout the school day to further support positive behavior choices.

**Recommend for Further Action:** Recommending a student to an administrator or central office designee for additional days of suspension, long-term suspension, expulsion, referral to alternative intervention, referral to alternative education, or contact with law enforcement

**Referral to Alternative Intervention:** Recommending a student to Alternative Placement Referral team for placement in alternative intervention program

**Referral to Guidance:** Having the student work with the school counselor to identify supports for positive behavior choices

**Referral to Student Support Team:** Bringing together a team of identified professionals under a case manager to help develop prevention and intervention techniques and alternative strategies designed to improve student outcomes

**Restrictions on Extracurricular Activities Incurred Through Suspension:** Any student on assigned suspension shall be ineligible to attend or participate in any school-related extracurricular

activities during the assigned time of suspension. Co-curricular activities that require graded participation in a program may be exempted. Extracurricular activities are defined as follows: all activities that occur beyond the normal school day that are sponsored and/or sanctioned by an individual school and/or the Wicomico County Board of Education. Such activities would include but not be limited to athletics, club and social gatherings, dances, banquets, proms and other activities occurring beyond the regular schedule of classes during the normal school day. Participation in commencement programs is specifically exempted.

Students who have received a suspension of one to four days shall be ineligible to participate in extracurricular activities for a period of ten (10) school days including the days of suspension.

Students who have accumulated five or more days of suspension from one or more suspensions shall be ineligible to participate in extracurricular activities for a period of forty-five (45) school days including the days of suspension.

**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

**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 Alternative Program:** This is an alternative to in-school suspension and/or out-of-school suspension in an effort to keep the student in class during the regular school day. This alternative is a school-based disciplinary program and may occur after school or on a Saturday. Failure to comply with this option may result in further disciplinary action.

**Teen Tobacco Program:** Students who violate the tobacco policy will be subject to the penalties imposed in the Code of Conduct and be referred to the Teen Tobacco Program run by the Wicomico County Health Department. The student will be referred to the School Resource Officer (SRO) or other appropriate law enforcement agency for underage possession/use of a tobacco product.

**Verbal Warning:** A formal or informal warning to a student concerning a behavior that needs to stop immediately. Examples might include but not be limited to: running in the halls, cutting in line, being excessively loud in the hallways, etc.

### **Levels of Responses and Interventions for Violations of the Code of Conduct**

The following pages provide a listing of unacceptable behaviors as outlined in the student Code of Conduct and the recommended levels of responses, including interventions and consequences, a principal, a principal's designee or the superintendent may enforce. Administrators have the authority and the responsibility to apply the Code of Conduct while considering the severity of the infraction, any prior disciplinary record of the student, and the age of the student. Exclusionary discipline, including ISS, OSS and expulsion, will be limited to the most severe, safety related behaviors, or behaviors that violate the legal rights of others.

Consequences can be tailored to address individual circumstances; therefore they may be listed below in more than one level. In response to student misbehavior, the lowest level intervention should be used first, followed by progressively more intensive consequences. Repeated chronic or cumulative

offenses or serious violations may require higher levels of interventions/consequences.

### **Exclusionary Discipline Responses**

Exclusionary discipline responses include in-school suspension, out-of-school suspension and expulsion. For all assignments of exclusionary discipline responses, parents will be provided written notice. Additional information about communication regarding exclusionary discipline responses is included in the Wicomico County Board of Education Student Expulsion and Suspension Policy.

For information regarding minimum education services provided during assignments of exclusionary discipline, refer to the Wicomico County Board of Education Student Expulsion and Suspension Policy.

## LEVELS OF RESPONSES AND INTERVENTIONS

<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 that the students are respectful and can learn and contribute to a safe environment. Teachers are encouraged to implement 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 (e.g. verbal correction, written reflection/apology, reminders/redirection, role play, daily progress sheet)</li> <li>• Detention</li> <li>• Restorative practices</li> <li>• Conflict resolution</li> </ul>	<ul style="list-style-type: none"> <li>• Parent/guardian outreach (contact parent/guardian 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>• Informal and/or preventative school-based mentoring</li> </ul>
<b>LEVEL 2</b>	<p><b>EXAMPLES OF TEACHER-LED AND/OR ADMINISTRATIVE SUPPORTED RESPONSES</b></p> <p>These responses are designed to teach appropriate behavior so that the students are respectful and 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 response 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>• Conflict resolution</li> <li>• Check-in with school counselor/student advisor</li> <li>• Detention</li> <li>• Temporary removal from class (&lt;30 min.)</li> <li>• Parent/guardian and student conference (with teacher)</li> </ul>	<ul style="list-style-type: none"> <li>• Informal and/or preventative school-based mentoring</li> <li>• Functional Behavioral Assessment/Behavioral Intervention Plan</li> <li>• Referral to appropriate substance abuse counseling service</li> <li>• Referral to health/mental health services</li> <li>• Referral to student services team</li> <li>• Restorative practices</li> <li>• Loss of privileges</li> <li>• Restitution</li> </ul>
<b>LEVEL 3</b>	<p><b>EXAMPLES OF ADMINISTRATIVE SUPPORTED AND REMOVAL 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 in-school suspensions or in-school interventions. 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>• Conflict resolution</li> <li>• Check-in with school counselor/student advisor</li> <li>• Detention</li> <li>• Temporary removal from class (&lt;30 min.)</li> <li>• Parent/guardian and student conference (with administrator)</li> </ul>	<ul style="list-style-type: none"> <li>• Informal/preventative/formal mentoring</li> <li>• Functional Behavioral Assessment/Behavioral Intervention Plan</li> <li>• Referral to appropriate substance abuse counseling service</li> <li>• Referral to health/mental health services</li> <li>• Referral to student services team</li> <li>• Restorative practices</li> <li>• Loss of privileges</li> <li>• Restitution</li> <li>• In-school intervention</li> <li>• In-school suspension</li> </ul>
<b>LEVEL 4</b>	<p><b>EXAMPLES OF ADMINISTRATIVE SUPPORTED AND SHORT-TERM OUT-OF-SCHOOL EXCLUSIONARY RESPONSES</b></p> <p>These responses address serious behavior while keeping the student in a school. When necessary, due to the nature of the behavior or potential implications for future harm, a student may be removed from the school environment. These responses 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>• Parent/guardian and student conference (with administrator)</li> <li>• Loss of privileges</li> <li>• Restitution</li> <li>• In-school suspension</li> <li>• Referral to student services team</li> <li>• Formal mentoring program</li> </ul>	<ul style="list-style-type: none"> <li>• Restorative practices</li> <li>• Short-term out-of-school suspension (1-3 days)</li> <li>• Temporary removal from class (&lt;30 min.)</li> <li>• Functional Behavioral Assessment/Behavioral Intervention Plan</li> </ul>
<p><b>LEVEL 5</b></p>	<p><b>EXAMPLES OF LONG-TERM ADMINISTRATIVE SUPPORTED, OUT-OF-SCHOOL EXCLUSIONARY, AND REFERRAL RESPONSES</b></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"> <li>• Restorative practice</li> <li>• Recommend for further action</li> <li>• Referral to alternative/intervention education</li> <li>• Referral to student services team</li> <li>• Loss of privileges</li> </ul>	<ul style="list-style-type: none"> <li>• Out-of-school suspension <ul style="list-style-type: none"> <li>*Long-term (4-10 days)</li> <li>*Extended (11-44 days)</li> </ul> </li> <li>• Expulsion (exclusion from regular program for 45 days or longer)</li> </ul>

# Consequences for Violations of Code of Conduct

Offense/Violation	Level of Consequence				
	1	2	3	4	5
<b>Academic Dishonesty</b> (801)  <i>*Plagiarizing, such as by taking someone else's work or ideas (for students grades 6-12); forgery, such as faking a signature of a teacher or parent; or cheating</i>	●	**			
<b>Alcohol<sup>2</sup></b> (201)  <i>*Being under the influence of alcohol<sup>2</sup></i>  <i>*Using/possessing alcohol<sup>2</sup></i>  <i>*Distributing/selling alcohol</i>	●	●	(See FN 1) ●	●	●
					Ext. OSS & Expulsion - Gr. 6-12 only
<b>Arson/Fire</b> (501)  <i>*Intentionally setting or attempting to set a fire or helping others to set a fire without intent to or possibility of endangering others</i>  <i>*Intentionally setting a fire or helping others to set a fire with the intent to endanger others or with the result of destroying valuable property</i>	●	●	●	●	●
					Ext. OSS & Expulsion - Gr. 6-12 only
<b>Bullying</b> (407)  <i>*Engaging in persistent bullying including cyberbullying</i>		●	●	●	●
					Ext. OSS & Expulsion - Gr. 6-12 only

<sup>1</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>2</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.)

\*\* - Indicates that maximum level of consequence is allowable only after all appropriate interventions have been utilized and documented

Level of Consequence					
Offense/Violation	1	2	3	4	5
<b>Class Cutting</b> <sup>3</sup> (101)  <i>*Failing to attend a class, after arrival at school, without an excused reason</i>  <i>*Persistently failing to attend a scheduled class, after arrival at school, without an excused reason</i>	●				
<b>Destruction of Property</b> (806)  <i>*Causing accidental damage</i>  <i>*Intentionally causing damage to school/other's property</i>  <i>*intentionally causing damage to school/other's property, where the act is especially serious based on factors including monetary value of property, student's knowledge of property value, plan of student, student's age, student's purpose for taking property, status of behavior (persistent or behavioral)</i>	●				
<b>Disrespect</b> (701)  <i>*Making intentional and harmful gestures, verbal or written comments, or symbols to others (e.g., cursing, talking back, verbal put-downs)</i>  <i>*Being insubordinate; repeatedly or persistently disrespectful, in defiance of authority</i>	●	●			
<b>Disruption</b> (704)  <i>*Intentionally engaging in minor behavior distracting from the learning environment</i>  <i>*Intentionally and persistently engaging in minor behavior that distracts from the learning environment (e.g. talking out of turn, throwing small items, horseplay)</i>  <i>*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)</i>	●	●	●	●	

<sup>3</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.

Offense/Violation	Level of Consequence				
	1	2	3	4	5
<b>Dress Code</b> (706)  <i>*Violating dress code, after student has been warned</i>  <i>*Persistently violating dress code after student has been warned</i>  Students in violation of the dress code will be allowed to remain at school and demonstrate compliance by allowing parents to bring appropriate clothing to school. In addition, the school will assist students who are in violation of the dress code in accessing appropriate attire including consistent attire where applicable.		**			
<b>Drugs/Controlled Substances</b> (203) <i>*Unauthorized use/possession of non-illegal drugs<sup>2,4</sup></i>  <i>*Being under the influence of illegal drugs<sup>2,4</sup></i>  <i>*Using/possessing illegal drugs<sup>4</sup></i>  <i>*Distributing/selling non-illegal or illegal drug<sup>4</sup></i>			(See FN 1)		
					Ext. OSS & Expulsion - Gr. 6-12 only
<b>Explosives</b> (503)  <i>*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</i>  <i>*Detonating or threatening to detonate an incendiary or explosive device or material</i>					
					Ext. OSS & Expulsion - Gr. 6-12 only
<b>Extortion</b> (406)  <i>*Engaging in extortion: using a threat (without a weapon) to get a person to turn over property</i>  <i>*Engaging in persistent extortion</i>					
					Ext. OSS & Expulsion - Gr. 6-12 only

<sup>4</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](#).



Offense/Violation	Level of Consequence				
	1	2	3	4	5
<b>Harassment</b> (407) <i>*Engaging in harassment</i>	●	●	●	●	
<b>Inappropriate Use of Personal Electronics<sup>6</sup></b> (802) <i>*Having out a personal electronic device after student has been warned</i>  <i>*Persistently having out a personal electronic device in defiance of school rules</i>	●				
<b>Inhalants</b> (202) <i>*Being under the influence of inhalants<sup>2</sup></i>  <i>*Using/possessing inhalants</i>  <i>*Distributing/selling inhalants</i>	●	●	(See FN 4) ●	●	●
					Ext. OSS & Expulsion - Gr. 6-12 only
<b>Other Guns</b> (302) <i>*Possessing, using, or threatening to use a look-alike gun (e.g. water gun)</i>  <i>*Possessing, using, or threatening to use an unloaded/inoperable non-firearm gun (e.g., pellet gun, BB gun)</i>  <i>*Possessing, using, or threatening to use a loaded/operable non-firearm gun</i>	●	●		●	●
					Ext. OSS & Expulsion - Gr. 6-12 only
<b>Other Weapons</b> (303) <i>*Possessing an implement that could potentially cause injury, without intent to use it as a weapon</i>  <i>*Possessing an implement that could potentially cause injury with intent to use it as a weapon</i>  <i>*Using or threatening to use as a weapon an implement that is likely to cause serious bodily harm</i>	●	●	●	●	●
					Ext. OSS & Expulsion - Gr. 6-12 only

<sup>6</sup> Devices include cell phones, PDAs, music players (e.g., iPods), tablets (e.g., iPads), electronic gaming devices, and other portable communication devices.

Level of Consequence					
Offense/Violation	1	2	3	4	5
<b>Serious Bodily Injury<sup>7</sup></b> (408)  <i>*Intentionally misbehaving in a way that unintentionally causes serious bodily injury</i>  <i>*Intentionally causing serious bodily injury</i>			●	●	●
				●	●
					Ext. OSS & Expulsion - Gr. 6-12 only
<b>Sexual Activity</b> (603)  <i>*Engaging in inappropriate behavior of a sexual nature (e.g., indecent exposure, inappropriate texts of a sexual nature)</i>		●	●	●	●
					Ext. OSS & Expulsion - Gr. 6-12 only
<b>Sexual Attack</b> (601)  <i>*Intentionally engaging in behavior towards another that is physically, sexually aggressive</i>			●	●	●
					Ext. OSS & Expulsion - Gr. 6-12 only
<b>Sexual Harassment</b> (602)  <i>*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)</i>		●	●	●	●
					Ext. OSS Expulsion - Gr. 6-12 only
<b>Tardiness</b> (102) <i>*Arriving late more than once to class or school, without an excused reason</i>  <i>*Persistently arriving late to class or school</i>  Elementary students who are late should not be given any punitive or exclusionary consequences, but parents/guardians should be notified. Students arriving late to class or school will be permitted entrance.	●				
	●	●			

<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\(h\)\(3\)](#)).

Offense/Violation	Level of Consequence				
	1	2	3	4	5
<b>Theft</b> (803) <i>*Intentionally taking property without owner's permission, where the taker is an elementary school student</i> <i>*Intentionally taking property without owner's permission</i> <i>*Intentionally taking property without owner's permission, where the theft is especially serious based on factors including monetary value of property, student's knowledge of property value, plan of student, student's age, student's purpose for taking property, status of behavior (persistent or behavioral)</i>	●	●			
<b>Threat to Adult</b> (403) <b>Threat to Student</b> (404) <i>*Expressing - orally, in writing, or by gesture - intent to do physical harm to others</i> <i>*Engaging in persistent threats</i>	●	●	●	●	●
					Ext. OSS & Expulsion -Gr. 6-12 only
<b>Tobacco</b> (204) <i>*Using/possessing tobacco/e-cigarettes</i>	●	●			
<b>Trespassing</b> (804) <i>*Being on school property without permission, including while on suspension or expulsion</i>		●	●	●	
<b>Truancy</b> (103) <i>*Being absent from school without an excused reason<sup>8</sup></i> <i>*Being truant<sup>9</sup></i> Elementary students with unexcused absences should not be given any punitive or exclusionary consequences, but parents/guardians should be notified.	●	●			

<sup>8</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>9</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).



**Discipline for Activities Not Occurring on School Premises**

The Wicomico County Board of Education has a strong sense of responsibility to assure that students can go to and from school in an atmosphere of safety. There are many off-campus activities in which students participate which are either directly or indirectly a result of school functions or activities. These may include but not be limited to sports events at other schools, field trips, volunteer work on behalf of school programs or club activities, etc. It is recognized that many times activities that occur off school premises are a result of activities which have occurred on school premises or impact on subsequent activities which occur on school premises. Students may be disciplined for off-campus conduct that is detrimental to the best interests of the school and the students.

**Parental Right to Appeal Discipline Decisions**

Students are entitled to due process prior to any disciplinary action being taken by the principal or their designee. Due process entitles a student to oral or written notice of the charges, an explanation of the evidence, and an opportunity to be heard. When parents have concerns regarding disciplinary actions at the school level, they should make an appointment with the principal to discuss their concerns. If after meeting with the principal the parent still has concerns, the parent may contact the appropriate Director and subsequently the Assistant Superintendent for Student & Family Services if the matter is not resolved to the satisfaction of the parent. The parent’s appeal of any discipline decision may be presented to the Superintendent’s designee in writing or by telephone.

**Disciplinary Appeals Process**



**Submission of Complaints or Concerns**

To submit complaints or concerns regarding the administration of the Code of Conduct, contact the PBIS office through the Assistant Superintendent for Student & Family Services.

**Compliance with the Americans with Disabilities Act**

Wicomico County Public Schools will provide timely response to requests for reasonable modifications on the basis of a disability related to the district disciplinary policies, practices and procedures.

**POLICY REFERENCES**

The following policies are directly related to the Code of Conduct.

- Acceptable Use of Technology Policy (ADM-TEC-PL-004)
- Admission of Expelled Students from Other School Systems Policy (SFS-GEN-PL-018)

- Student Alcohol/Controlled Dangerous Substance Policy (SFS-SAF-PL-007)
- Bullying, Harassment, Intimidation or Hazing Policy (SFS-SAF-PL-029)
- Bullying, Harassment, Intimidation or Hazing Procedure (SFS-SAF-PR-029)
- Academic Eligibility for Co-curricular and Extracurricular Activities Policy (INS-SCH-PL-021)
- Academic Eligibility for Co-curricular and Extracurricular Activities Procedure (INS-SCH-PR-002)
- Dangerous Weapons/Instruments in Schools Policy (SFS-SAF-PL-007)
- Equal Opportunity and Non-Discrimination Policy (BOE-GEN-PL-001)
- Harassment and Sexual Harassment Policy (ADM-HRR-PL-024)
- Harassment and Sexual Harassment Procedure (ADM-HRR-PR-004)
- Student Dress Code Policy (INS-SCH-PL-020)
- Evening High School Attendance Policy (SFS-GEN-PL-021)
- Evening High School Attendance Procedure (SFS-GEN-PR-004)
- Gangs, Gang Activity, and Similar Destructive or Illegal Group Behavior Policy (SFS-SAF-PL-017)
- Gangs, Gang Activity, and Similar Destructive or Illegal Group Behavior Procedure (SFS-SAF-PR-026)
- Rules of Procedures for Appeals and Hearings before the Wicomico County Board of Education (BOE-GEN-PR-001)
- Anabolic Steroids and Human Growth Hormone Policy (INS-SCH-PL-006)
- Student Attendance Policy (INS-SFS-PL-019)
- Student Attendance Procedure (INS-SFS-PR-002)
- Student Conduct on School Vehicles Policy (ADM-TRA-PL-007)
- Student Expulsion and Suspension Policy (INS-SCH-PL-019)
- Tobacco Free Schools Policy (BOE-GEN-PL-011)
- WCPS Student Handbook