

## Code of Student Conduct – Recommended Changes

### Expectations of Students, p 3.

1. Use student first language, written in similar language to the expectations for classroom objectives. (i.e. “students will be able to”)
  - a. **Rationale:** It is imperative to make a strong statement that we care about students, and that we are here to ensure that they receive the best education possible, with the best educational outcomes possible. Using student first language subconsciously reinforces these concepts with students, parents, and the community as a whole.
2. There should be language on what respect looks like with regard to themselves, others, learning, and property. Reference the Anne Arundel Code of Student Conduct, pp. 2-3.
  - a. **Rationale:** It is increasingly clear that students struggle with what respect looks like, as many students who exhibit difficulties consistently fail to show respect toward themselves, others, the learning experience, and their environment. If we clearly spell out what that should look like, we can easily *and consistently* reference what respectful behavior looks like when intervening with students.

### Code of Student Conduct, pp. 15-22.

1. The Code of Student Conduct needs the following clauses (using language that upholds the spirit and intent of the language proposed here):
  - a. ***“Education is, first and foremost, the primary goal of the school system, and any behaviors that interfere with the attainment of that goal are considered ‘violations against the learning community’.”***
    - i. **Rationale:** We’ve been letting the tail wag the dog for years, trying to reduce the rate of suspensions and loss of instructional days with students that exhibit problem behaviors, when we should be working to reduce the rate of occurrence of problem behaviors that would cause a student to be suspended in the first place. This has led to a culture that allows behaviors that are disruptive of the learning environment to remain present within the learning environment, at the expense of others who are trying to learn.
  - b. ***“Each repeated infraction will be handled at the next level of response until the maximum level is reached, whereupon the student will receive the maximum level of response thereafter. The administrator always has the option to use an intervention from a lower level as long as one from the prescribed level is also employed.”***
    - i. **Rationale:** Administrators repeatedly give the lowest possible consequence in response to behavioral infractions, which not only does not stop the problem behavior from reoccurring, but also enables the problem behavior to reoccur with greater frequency. If our discipline policy is to truly be a *progressive* discipline policy, then repeated infractions must progress along the matrix with progressively higher levels of response.
  - c. ***“Restitution for loss or damage of property will be required in addition to any other prescribed consequences.”***
    - i. **Rationale:** Given our persistent budgetary constraints, any resources dedicated to lost or damaged property (i.e. lockers, glass panels in doors or classrooms, furniture, etc...) are resources that are taken away from supporting instructional outcomes. Effectively, if a student damages or otherwise causes a loss of school property, their family should be held financially responsible, rather than placing the burden on the school community at large.
  - d. ***“It is important to note that unacceptable behavior toward school personnel will not be tolerated whether on school property, in the community, or through intentional electronic communication. Examples of conduct that may occur off school premises which may result in disciplinary action by school officials may include, but are not limited to: destruction of property, verbal and written threats, cyberbullying & online harassment, use of school personnel likeness for exploitative purpose, and physical assault/attacks.”***



member to jail or ruining their career over a false accusation. Additionally, AACPS Code of Student Conduct treats such behavior as Level 1-5; we should do no less to protect our valuable instructional assets.

## Individual Infractions

### 1. Class Cutting

a. Current Level 1-2 responses are inadequate for repeat offenders. The Anne Arundel Matrix goes from Levels 1-3. Our matrix lists some sample Level 3 responses that would be helpful and appropriate, such as *class schedule change, removal from extracurricular activities, hallway escort, formal mentoring, referral to student support team, functional behavioral assessment/behavioral intervention plan, and parent shadowing* that are not present in lower levels. Class cutting also needs a clear definition; I propose, "Student missing 15% or more of their daily scheduled classroom time without excuse." In a 50-minute class, this would translate to 7.5 minutes of lost instructional time, which is more than sufficient to cover any tardiness arising from trouble with lockers, unscheduled restroom breaks, socializing in hallways, etc...

i. **Rationale:** Our first duty is to educate our students. We cannot do that if our students do not attend classes. Many of the recommended responses (above) are consistent with Level 2 responses in the PGCPSC Code of Student Conduct and the Calvert County Code of Student Conduct, but do not trigger until Level 3 in the Charles County Code of Student Conduct.

### 2. Truancy

a. It is unclear as to why students being absent from school or assigned activities without an excused reason triggers a classroom, support, and teacher-led response. Truancy (students unlawfully failing to attend school) should trigger an administrative response, not a teacher-led response, and should be considered equivalent to trespassing (unlawfully being present on school property). If it is unlawful for students to engage in this behavior, that should be a Level 3 response (with the administrator being able to use an intervention from a lower level so long as they also include one from the prescribed level – see **Code of Student Conduct 1.b**, p. 1). Persistent truancy should begin at Level 3 and continue to Level 5, where a referral to law enforcement may be employed, as the behavior is unlawful.

i. **Rationale:** Our first duty is to educate our students. We cannot do that if our students do not attend school. Additionally, any behavior that is considered unlawful should require the intervention of administration and/or law enforcement, not classroom teachers. This requires the behavior to be handled at a certain level of response, as administrative responses do not come into effect until at least Level 3 under the current behavior matrix.

### 3. Disrespect

a. Cursing should be considered an infraction equivalent to what society deems is appropriate. Violations should range from Level 1-3 (if not higher). AACPS Code of Student Conduct goes from Levels 1-5, Calvert County Code of Student Conduct goes from 1-4, and PGCPSC Code of Student Conduct goes from Levels 1-3. Ours is the weakest in this area.

i. **Rationale:** Use MPAA film ratings to determine appropriate language levels. Anything that exceeds what a student could watch in a film should be considered a Level 3 response (i.e. an elementary school student using the word "shit" would trigger a Level 3 response, as that word would clearly be PG-13, while a high school student using the same word would only trigger a Level 2 response, but the same high school student using the word "fuck" would trigger a Level 3 response, as that word falls under the R rating). How can we teach students what respectful and appropriate language is in a public environment (college and career readiness) if we cannot hold them accountable in a meaningful way?

b. Disrespect should be considered a Level 2-5 violation.

i. **Rationale:** Why doesn't disrespect equate to bullying? It is essentially the same activity, but our behavior matrix treats disrespect as a Level 1-3 violation, whereas bullying/harassment is treated as a Level 2-5 violation. Disrespect states that it is "making intentional and harmful or offensive gestures, **verbal or written comments**, or symbols to others (e.g. verbal put-downs, cursing, talking back)" and "being insubordinate;

repeatedly or persistently disrespectful, in defiance of authority". Bullying and harassment says that it is "engaging in bullying or harassment, **whether verbal, physical, or in writing**, including but not limited to cyberbullying, hazing, teasing and intimidation". I have bolded the similarities for emphasis to point out that these activities are essentially the same thing and should be treated the same way. The only appreciable difference seems to be that disrespect is from a student (in this context) toward a person in some form of authority, while bullying is from a student toward a person that they either have equal status to, or have some form of authority over. The activity is the same, but we seem to treat it as "less harmful" when it's aimed at school personnel.

- c. Insubordination (disrespect, level 2-3 violation) should be a level 2-5 violation.
  - i. **Rationale:** Insubordination is listed as "repeatedly or persistently disrespectful, in defiance of authority". Disruption (Level 1-5) states that it is "intentionally engaging in chronic and extreme behavior that disrupts the educational process and creates a substantial barrier to learning for other students across the school day". How is being repeatedly or persistently "making intentional and harmful or offensive gestures, verbal or written comments, or symbols to others (e.g. verbal put-downs, cursing, talking back)" [Disrespect] meaningfully different from "engaging in chronic and extreme behavior that disrupts the educational process and creates a substantial barrier to learning for other students" [Disruption, severe]? If students defy the authority of school personnel in the performance of their duties and the maintenance of a safe and orderly environment for learning, how is that *not* disruptive?

#### 4. Disruption

- a. All levels of disruption should range from 1-5, whether behaviors are minor (which can be just as disruptive of the learning environment as major behaviors) or major.
  - i. **Rationale:** Our first duty is to educate our students. We cannot do that when our ability to deliver instruction is constantly interrupted by students, regardless of the reasons behind the disruption. While both the AACPS Code of Student Conduct and the Calvert County Code of Student Conduct address this behavior as Levels 1-5, and Charles County does as well, Charles County attempts to break this down into levels that are confusing and can cause conflict between staff and administration as to exactly what is considered "intentional disruption", what is considered "chronic and extreme behavior", and what creates a substantial barrier to learning, particularly when it is labeled as "across the school day". The litmus test must be developmentally age-appropriate, but must also consider the needs of other students who are in the same learning environment.

#### 5. Bullying and Harassment

- a. Students and parents are encouraged to report bullying and harassment to any teacher or administrator and to fill out a complaint form. As this encourages documentation, which is handled by administration, this should be handled at no less than a Level 3 response (with the administrator being able to use an intervention from a lower level so long as they also include one from the prescribed level – see **Code of Student Conduct, Item 1.b**, p. 1).
  - i. **Rationale:** Bullying and harassment has come under a much more focused microscope in recent years. One should also consider the outcome of the bullying or harassment. Should a student make the terrible choice to attempt or complete suicide due to bullying and/or harassment (which is happening with greater frequency across the nation), the student or students involved in bullying or harassing behaviors should be removed from the school environment, as at that point, they present a clear and present danger to others. We must treat this behavior with appropriate gravitas if we are to curb it.

#### 6. Sexual Harassment

- a. This behavior should automatically trigger a referral to law enforcement.
  - i. **Rationale:** Our second duty is to provide a safe and healthy environment for our students. Any behavior that is sexual in nature should be handled by the appropriate authorities. It should be clearly stated that hugging and/or kissing does not qualify as inherently sexual in nature; parents hug and kiss their children, children hug and kiss their siblings, and these are not inherently sexual in nature. Thusly, responses for such behaviors

that are not inherently sexual in nature should be listed as separate offenses (such as improper physical contact or public displays of affection).

7. **Sexual Attack**

a. Sexual Attack is the polite way of saying, “rape”. AACPS Code of Student Conduct treats this as a Level 5 violation, and PGCPs Code of Student Conduct treats this as a Level 4-5 violation for secondary students (Level 3 for elementary). This violation should be a Level 5 (only) violation.

i. **Rationale:** This is a behavior that society claims to not tolerate, going so far as to put people on a list of sexual offenders for the rest of their natural lives. When rape occurs, it should be treated as the serious violation that it is; a violation that carries serious physical, psychological, and emotional trauma for the victim. Students that engage in this behavior do not belong in our school environment, for the safety and security of our staff and students.

8. **Threat to Adult or Student and/or Extortion**

a. Expressing orally, in writing, or by gesture, intent to do physical harm to others should be treated as a Level 3-5 violation.

i. **Rationale:** In our current era, any and all threats must be taken as a serious intent to carry out the nature of the threat. This includes, but is not limited to: physical assault, filing a false report, self-harm, or sexual attack, Our staff and students deserve to be safe and secure from threats as well as deeds. Why should threats need to be repeated to be handled by administrative response or short-term removal? If we’re taking all threats seriously, then the initial threat must also be taken with all due seriousness.

9. **False Alarm/Bomb Threat**

a. As these violations directly impact the safety and security of our students, and directly impacts the learning environment, these violations should be treated as Level 4-5 infractions.

i. **Rationale:** The AACPS Code of Student Conduct and the Calvert County Code of Student Conduct treats these violations as Level 4-5 infractions. The safety and security of our students is a high priority. Threats to their safety or security must be treated as the major incidents they are.

10. **Alcohol**

a. This should be a Level 5 infraction. However, elementary school students should receive a referral to law enforcement with responses from lower levels (such as referral to school psychologist, pupil personnel worker; or referral to community based organization) considered as additional consequences for first-time offenders.

i. **Rationale:** None of the students we work with are legally allowed to possess, distribute, or consume alcohol. Behavior that is illegal for our students should always be a Level 5 violation. I find it difficult to justify behavior that is illegal being treated any lower, particularly when it jeopardizes the health, safety, and security of our students.

11. **Drugs/Controlled Substances**

a. Use of *illegal* drugs or *illegal* controlled substances should be a Level 5 infraction. However, elementary school students should receive a referral to law enforcement with responses from lower levels (such as referral to school psychologist, pupil personnel worker; or referral to community based organization) considered as additional consequences for first-time offenders.

i. **Rationale:** None of the students we work with are legally allowed to possess, distribute, or use illegal drugs/controlled substances. Behavior that is illegal for our students should always be a Level 5 violation. I find it difficult to justify behavior that is illegal being treated any lower, particularly when it jeopardizes the health, safety, and security of our students.

12. **Tobacco**

a. This should be a Level 5 infraction. However, elementary school students should receive a referral to law enforcement with responses from lower levels (such as referral to school psychologist, pupil personnel worker; or referral to community based organization) considered as additional consequences for first-time offenders.

i. **Rationale:** Use of tobacco on school property prior to the age of 18 is illegal, and the dangers of second-hand smoke are well-documented. Behavior that is illegal for our students should always be a Level 5 violation. I find it difficult to justify behavior that is

illegal being treated any lower, particularly when it jeopardizes the health, safety, and security of our students.

### 13. Fighting

- a. Fights that are caught on video (by students) from beginning to end should automatically be considered pre-planned, and treated as such in order to discourage students from arranging fights.
  - i. **Rationale:** If a student catches the very beginning of a fight (before or right at the time of the initial attack), they must have known that a fight was going to take place. This is not a matter of being in the right place at the right time, but more a matter of being aware in advance of an impending fight. This is further confirmed by additional videos of the same fight. We need to discourage students from engaging in fights for bullying/harassment purposes, or for the entertainment of themselves or others.

### 14. Physical Attack

- a. Physical attacks that result in injury to school personnel (whether major or minor) should be treated as automatic Level 3-4 violations (for elementary school students), and Level 4-5 violations (for secondary students, many of whom are large enough to cause serious harm to school personnel). This should also include “striking a staff member who is intervening in a fight or other disruptive activity”.
  - i. **Rationale:** School personnel are here to do a job and should have a reasonable expectation of safety and security. With student assaults on the rise, and pending legislation before the Maryland General Assembly to make teachers a protected class, we should be leading the issue and protecting our valuable instructional assets.

### 15. Trespassing

- a. This should be extended to include Level 5 responses.
  - i. **Rationale:** Students trespassing on school property may have intent to cause harm while trespassing, and if they are not lawfully permitted to be on school property and violate the law, extended or permanent removal from Charles County Public Schools may be warranted in order to ensure the safety and security of our school buildings and the staff and students on school grounds.

### 16. Computers/Technology/Telecommunications Misuse

- a. There should be classifications of misuse ranging from Level 1 to Level 5 infractions. The categories listed correspond to the minimum level of response given for the infraction. Additionally, filming a classroom teacher, classroom, or other area of the school without the express consent of administration should be considered a Category IV offense, as it may cause more direct harm to students (or be using for bullying purposes) than intentionally causing physical damage to technology devices.
  - i. **Rationale:** The AACPS Code of Student Conduct and the Calvert County Student Code of Conduct already classify these misuses as Level 1-5 infractions. Furthermore, AACPS Code of Student Conduct breaks down exactly what misuse looks like by categorizing it. Depending upon the nature of the misuse, rational arguments can be given for high or low level responses. I have listed the categories below.

#### Category IV

- Intentionally loading/distributing a virus, malware, malicious program
- Installing/running/using/distributing a keystroke logger program (used to capture logon credentials/passwords/PINS, etc.
- Possession of a keystroke logger including on portable media
- Using or attempting to use credentials other than your own
- Altering or attempting to alter grades/any school record. Includes attendance, test scores
- Theft of hardware or components/parts
- Changing configuration(s) on network equipment. Includes servers, switches, and routers

#### Category III

- Intentional physical damage to technology devices
- Intentional damage to network (includes data jacks, cabling, racks)
- Changing configuration(s) on technology devices, workstations, printers

- Running/distributing network scanners in an attempt to discover network resources (i.e., port scans, IP address scans)

#### **Category II**

- Installing unauthorized programs on CCPS hardware. Storing unauthorized programs on CCPS equipment (home directory). (Defined as non-malicious software not approved for use in CCPS)
- Using/distributing a proxy application (circumvents web filtering and security)
- Using/distributing a proxy site (circumvents web filtering and security)
- Using the network to access or store inappropriate content (music, photos, videos, etc.)

#### **Category I**

- Running/distributing unauthorized programs including from portable media, i.e., games (defined as non-malicious software not approved for use in CCPS). Includes distribution of unauthorized programs.
- Playing unsanctioned online games without authorization from teacher/administrator
- Streaming non-instructional media (i.e., music, video, online content)
- Non-instructional electronic activity during class (i.e., chat rooms, messaging, etc.)

### 17. Other Guns

- a. All possession or use of other guns (pellet guns, BB guns, non-firearm guns, etc...) should be Level 4-5 infractions.
  - i. **Rationale:** Who decides, in a moment of crisis, what is and is not a real gun versus a fake gun. While it is recognized that *after the fact*, non-firearm guns and other look-alikes can be identified, the level of fear and panic, and the amount of emotional distress to students and school personnel is no different than if a student were to bring a firearm (loaded or unloaded) to school. It requires the exact same resources (such as counseling and/or therapeutic services) to address these issues for our students after the fact, regardless of whether a firearm was real or fake.

### 18. Filing False Reports

- a. See **Code of Student Conduct, Item 5**, p 2.

### 19. Bus-General Misconduct

- a. All infractions on the bus should be treated in the same fashion (or higher) than those behaviors within the school environment, and should extend to Level 5 in all cases.
  - i. **Rationale:** All negative behaviors on the bus have the potential to distract the driver and cause an accident, which puts the safety of our students at risk. From throwing things around on the bus, to swearing, to failing to follow directions, if the driver becomes distracted, the bus crashes, and students are injured or killed as a result, the specifics of the behavior matter less than the outcome that the behavior caused. Negative behaviors on the bus not only put the students' lives at risk, but also the lives of the bus driver, and any other drivers, passengers, or pedestrians involved in an accident.

### 20. Bus-Safety Misconduct

- a. All infractions on the bus should be treated in the same fashion (or higher) than those behaviors within the school environment, and should extend to Level 5 in all cases.
  - i. **Rationale:** All negative behaviors on the bus have the potential to distract the driver and cause an accident, which puts the safety of our students at risk. From throwing things around on the bus, to swearing, to failing to follow directions, if the driver becomes distracted, the bus crashes, and students are injured or killed as a result, the specifics of the behavior matter less than the outcome that the behavior caused. Negative behaviors on the bus not only put the students' lives at risk, but also the lives of the bus driver, and any other drivers, passengers, or pedestrians involved in an accident.

## Upcoming Infractions

### 1. Failure to Wear/Show Identification Badge

- a. This should be a Level 1-3 violation.
  - i. **Rationale:** We know that ID badges are coming; they're currently in use at some schools. While this is a minor behavior, at some point, if a student refuses, administration should become involved and consequences such as *formal mentoring, referral to student*

*support team, parent shadowing, or removal from extracurricular activities* may be warranted, and those responses are not present at lower levels.