STUDENT RIGHTS AND RESPONSIBILITIES

Student Rights and Responsibilities

The following policy governs school system relationships among students, teachers, and administrators.

I. Basic Philosophy

A. Students are individuals with rights guaranteed by the Bill of Rights and the due process amendment of the U.S. Constitution.
B. The school is not a shelter from the law; students must obey local, state, and federal laws within the school.
C. For every right, students should accept a related responsibility.
D. Constitutional rights do not allow behavior which will create unhealthy or unsafe conditions within the school or disrupt the normal school process.
E. Authority must exist for rights to be guaranteed. The control and supervision of the classroom rests with the teacher; the control and supervision of the building rests with the principal.
F. The procedures developed to implement the items in the document will differ among the school communities in Frederick County.
G. Assuring students their citizenship rights within schools will result in student understanding of the process as well as the content of our democratic society.
H. A procedure is necessary to assure rights.
I. This document is not intended to reduce the recognized legal rights of parents.

II. Implementation

A. The approved document shall be distributed to all students and faculty.
B. Instructional activities concerning the document will be planned by the curriculum specialist for social studies and social studies teachers, and shall be taught in the regular social studies program.
C. The document shall apply to all students in Frederick County public schools. However, in view of recognized differences in maturity among students of different ages, the procedures contained herein could not uniformly apply to all students.
    1. High School – The procedures should be fully implemented.
    2. Middle School – In view of the great and varying degree of change in students' maturation, flexibility in the application of procedures is needed. Effective instructional activities should precede any and all implementation.
    3. Elementary School – Students should be exposed to the general ideas in the document in instructional settings. They should be introduced to the concepts of responsibilities and rights within the society at large and in the school setting.
D. The document and its implementation shall be reviewed periodically.

III. Due Process

Due process rights as they relate to student discipline are outlined in Regulation 400-04 "Suspension and Expulsion," online at www.fcps.org/policies.

Each secondary school shall establish a procedure for consideration of student grievances.

A. A student grievance is an alleged violation of a provision of this document.
B. The grievance procedure shall be developed with substantive student participation.
C. Each school shall design a model for its review procedure. Suggested models are a panel of:
    1. Students, representative of the total school population;
    2. Faculty members chosen by the student body;
    3. Equal number of students, faculty, and parents selected by the student body;
    4. Equal number of students, faculty, and parents selected by the respective three groups.



IV. Student Rights and Responsibilities

Rights

A. Academic
1. Students have the right to attend school until graduation from high school or until age 21.
   a. Suspension or expulsion can result from inappropriate behavior.
   b. Students have the right to appeal an extended suspension or expulsion.
2. Students have the right to be free of interference from other students.
3. Students have the right to programs designed to develop their abilities and talents.
4. Students have the right to be informed by the teacher of the specific objectives that are expected of the student before a unit of study begins.
5. Students have the right to be informed by the teacher what they must do to receive a particular grade before they begin a unit of study.
6. Students have the right to programs appropriate to their ability level in required courses of instruction.
7. Students have the right to ask reasonable questions at appropriate times concerning the school curriculum.
8. Students have the right to be assigned textbooks in good condition.

B. Constitutional Rights
1. Non-Discrimination
   Students have the right not to be unlawfully discriminated against on the basis of race, gender, marital status, pregnancy, national origin, disabilities, disciplinary record, sexual orientation, political activity, economic status, religion, creed, opinion, and scholastic achievement.
   a. Students have the right to report any type of discrimination to a school staff member immediately.
   b. Students have the right to counseling if subjected to any type of discrimination.
   c. Students have the right to be informed that the FCPS has a regulation (400-48) that specifically outlines the procedures that must be followed when victimized by racial, religious or ethnic name calling.
2. Rights of Expression – Student Publications
   a. Student publications are recognized forms of expression and are to be encouraged as learning experiences. As such, they shall have qualified faculty advisors.
   b. All members of the school shall have equal opportunity to contribute to school publications.
3. Rights of Expression – Non-school Publications
   Students have the right to distribute or display non-school literature subject to legal limitations and principal review.
   a. Students have the right to expect the review to be done according to published guidelines.
   b. Students must receive approval or disapproval within three school days of the principal's receipt of material.

Responsibilities

A. Academic
1. Students have the responsibility to attend school regularly until age 18 and to follow local school regulations.
2. Students have the responsibility not to interfere with the education of other students.
3. Students have the responsibility to take advantage of the learning opportunities at the school and in the community.
4. Students have the responsibility to know the specific objectives that are expected of them before a unit of study begins.
5. Students have the responsibility to know what they must do to receive a particular grade before they begin a unit of study.
6. Students have the responsibility to consider professional judgment concerning their placement in required courses.
7. Students have the responsibility to consider reasonable answers to their questions concerning curriculum.
8. Students have the responsibility to return textbooks in good condition. If the textbook is not returned or is returned in a damaged condition beyond normal use expectancy, students will be informed of the replacement cost of the book.

B. Constitutional Rights
1. Non-Discrimination
   Students have the responsibility not to discriminate on the basis of race, gender, marital status, pregnancy, national origin, disabilities, disciplinary record, sexual orientation, political activity, economic status, religion, creed, opinion, scholastic aptitude, or scholastic record.
   a. Students have the responsibility to understand that any type of discrimination will be reported to a school staff member.
   b. Students have the responsibility to understand that counseling may be beneficial to victims of discrimination.
   c. Students have the responsibility to know school procedures for dealing with any type of discrimination.
2. Rights of Expression – Student Publications/Student Journalists
   a. Student publications must conform with standards consistent with the Canons of Journalism of the American Society of Newspaper Editors and Policy 436.
      (1) Student publications must work toward financial and editorial independence.
      (2) Students have the same responsibilities under the law as other persons concerning the matters of libel and obscenity.
   b. Editors of each student publication will create procedures whereby members of the school who are not on the staff may submit articles.
3. Rights of Expression – Non-school Publications
   Students must recognize that the principal has the legal right to prior review of any non-school publication they wish to distribute on school property.
   a. The publication(s) should carry the name of the sponsoring organization or individual.
   b. The time and place for distribution will be cooperatively established with the principal to avoid disruption of normal educational activities.
   c. Students distributing literature will be responsible for removing litter resulting from their activities.

4. Right to Petition
   Students have the right to petition for redress of grievances.

5. Patriotic and Religious Exercises
   a. Schools will provide a flag salute and other patriotic exercises, but shall not require participation in these exercises of any student who objects to them.
   b. Students shall not be required to participate in religious exercises of any kind.

6. Right to Assemble
   Students have the right to organize and assemble.

7. Dress and Symbolic Expression
   a. Students have the right to choose their manner of dress and grooming unless these present a "clear and present" danger to the student's health and safety, or interfere with class work or school order.
   b. Students may wear or display buttons, armbands, flags, decals, and badges of symbolic expression, unless the manner of expression interferes with the orderly process of the school or is legally libelous or obscene.
8. Search and Seizure
   Students, their personal property, and the school property assigned to them shall not be subjected to unlawful search and seizure.

9. Police Questioning on School Property
   Students have the right not to be questioned by police on school grounds except under the conditions stated in Bylaw 13A.08.01.13 of the Maryland State Board of Education.

C. Student Involvement
   1. School Policy and Curriculum
      a. Students shall be guaranteed a procedure that they have helped develop by which they may present their evaluations and suggestions of curriculum.
      b. Students shall have the right to participate in the development of school rules and regulations on conduct and disciplinary procedures. (These rules and regulations shall be published and given to all students.)

4. Right to Petition
   The time and place for circulation of petitions will be cooperatively established between the petitioner(s) and the principal.
5. Patriotic and Religious Exercises
   a. Students who decline to participate in patriotic exercises will respect the rights of participants.
   b. Students will acknowledge that materials with a religious theme may be used in educational studies.
6. Right to Assemble
   The time, place, and purpose for student assemblage shall be arranged through procedures cooperatively developed by the administration, faculty, and students within each school.
7. Dress and Symbolic Expression
   a. Students have the responsibility to dress and groom themselves in a manner that is safe, healthy, and non-disruptive of classroom and school procedures.

   b. Students have the responsibility to not wear or display buttons, armbands, flags, decals, and other badges of symbolic expression that disrupt the orderliness of the school or are legally libelous or obscene.
8. Search and Seizure
   Students must recognize as legal the search and seizure practices described in the Public School Laws of Maryland, Section 7-308.
   a. Authority to search student
      (1) A principal, assistant principal, or school security guard of a public school may make a reasonable search of a student on the school premises or on a school-sponsored trip if there is a reasonable belief that the student is in possession of an item, the possession of which is a criminal offense under the laws of this state or a violation of any other state law or a rule or regulation of the county board.
      (2) The search shall be made in the presence of a third party.
   b. Authority to search school
      (1) A principal, assistant principal, or school security guard of a public school may make a search of the physical plant of the school and its appurtenances including the lockers of students.
      (2) The right of the school official to make a search of the locker shall be announced or published previously in the school.
   c. Rules and regulations
      The Maryland State Department of Education shall adopt rules and regulations relating to the searches permitted under this section.
9. Police Questioning on School Property
   Students must recognize that questioning by police at school is lawful "concerning a crime committed on the premises or in connection with an investigation which if not immediately permitted would compromise the success of that investigation or endanger the lives or safety of the pupils or other persons, provided however, that a school official be present throughout that questioning."

C. Student Involvement
   1. School Policy and Curriculum
      a. Students shall utilize to their fullest potential the agreed-to procedure for curriculum evaluation.
      b. Students shall abide by published school rules and regulations.

Rights

2. School Assemblies
   Students shall have the right to participate with the school staff in planning, implementing, and evaluating assembly programs.
3. Student Government
   a. All students are entitled to adequate, responsible, and effective representation.
   b. Students shall have the opportunity for determining the organizational form through which their voice will be communicated.
   c. The duly constituted student government organization shall cooperate with the administration in selecting an advisor from the school professional staff.
   d. The student government shall have the right to meet regularly during the school day.
4. Student Activities
   a. All students have the right to form and maintain organized groups in accordance with school system regulations.
      (1) The school must recognize any group organized in accordance with published procedures established cooperatively by the school administration, faculty and students.
      (2) Submission of a membership list may be a requirement for becoming or remaining recognized. However, information essential to holding a meeting during the school day shall be provided the school administration.
      (3) An organization shall be banned after a full hearing if it has failed to abide by the terms under which it was approved, or because its activities present a clear threat to the health or safety of members of the school community.
   b. The administration shall seek recommendations for advisors of each organization from the students of the organization. The appointment of the advisor shall be made by the administration.
   c. With the principal's approval, the student groups will be allotted or allowed to raise the funds necessary to carry out their stated purposes, and will share in the control and disbursement of those funds.
   d. Student groups will have reasonable access to the use of school facilities and shall share in drawing up procedures for organizational use of school facilities.

D. Personal Counseling
1. Students have the right to direct communication with counselors, teachers, and administrators.
2. Students have the right to confidential communication with a counselor, teacher, or administrator concerning information to overcome drug abuse.
3. No data intended for the students' cumulative record files may be collected from the students unless they have been informed as to the uses and known implications of the material being collected.
4. Students must be informed as to the uses and known implications of standardized tests, and consent to the testing.

Responsibilities

2. School Assemblies
   Students attending assemblies shall respect the rights of others in attendance and those involved in the assembly program.
3. Student Government
   a. Students will utilize duly constituted student governance organizational structures for involvement within the school.
   b. Students must provide a written statement defining the nature and role of the student governance organizational structure subject to the approval of the school administration.
   c. The student government shall consult and work with the appointed advisor.
   d. Regular meetings of the student government shall be at intervals cooperatively arranged with the principal and teachers.
4. Student Activities
   a. The activities of organized student groups will contribute to the intellectual and social development of the students.
      (1) The group must submit to the principal a list of members designated as contacts, a constitution and bylaws or written statement of purpose, and report any changes in same.
      (2) Membership must be open to all students, except where the purpose of the activity requires qualifications which directly relate to the purpose of the organization.
      (3) The organization has the responsibility to adhere to its submitted purpose(s), and if banned for not so doing, shall respect and accept this decision until the time of the hearing.
   b. The students in each organization shall utilize and work with the appointed advisor.
   c. Student groups must assume responsibility for budgeting, recording, and justifying their expenditures according to procedures agreed upon by the administration, student advisors, and students.
   d. Students must cooperate with the administration and faculty in establishing and maintaining procedures that ensure the orderly use of school facilities based on a priority of requests and the needs of the total school community.

D. Personal Counseling
1. Students may confer with counselors, teachers, and administrators at times mutually agreeable.
2. Students will recognize that communications with professional educators concerning information to overcome drug abuse are protected by Maryland Law 7-412.
3. Students have the responsibility to cooperate with the reasonable collection of data.
4. Students have the responsibility to cooperate with the reasonable collection of data.

5. The school must record only the information specified in the Maryland Student Records System Manual of Instructions and handle the types of information in the following manner:
   a. Students' permanent record files shall contain only personal, family, attendance, and subject performance information.
   b. A student file, to be destroyed by the time the student is age 21, shall be maintained which includes standardized test, school enrollment, non-subject performance and physical health information.
   c. Confidential information, such as psychological and physical evaluations, must be kept in locked files accessible only to the principal and those designated by him/her.
6. Students and their parents have the right to an interpretation of the data contained in the students' files by professionally trained personnel.
   a. Intelligence quotient data and psychological reports shall be excepted. These may be withheld from the students (though not their parents if the students are minors or unemancipated) at the discretion of the school authority in collaboration with the parent or guardian.
   b. The records and files may not be disclosed to any person or agency outside the school except in case of a court order or with the parents'/guardians' written permission. If the student has attained 18 years of age or is attending an institution of post-secondary education, the student's written permission rather than the parents'/guardians' written permission is required. Maryland State Board of Education Bylaw 13A.08.02 shall control the release and disposition of records.
7. Eligible students have the right to apply for special programs for disabled students. (Maryland State Board of Education Bylaw 13A.05.01)

5. Students must recognize that specific information must be kept in school records.

6. Students have the responsibility to obtain permission for the release of information contained in their files to outside agencies.

7. Non-applicable