

REGULATION MONTGOMERY COUNTY PUBLIC SCHOOLS

Related Entries:	ACA, ACF-RA, BFA, CNA-RA, CNA-RB, COG-RA, ECC-RA, EGI-RA, IGN, IGO-RA, IGP-RA, IGT-RA, IKA-RA, IKB-RA, IKC-RA, IOE-RA, IOE-RB, IOI-RA, IPD-RA, IQB-RA, IQD-RA, IQD-RB, JEA, JEA-RA, JEE-RA, JEC-RA, JFA, JGA, JGA-RA, JGA-RB, JGA-RC, JGB-RA, JHF, JHF-RA, JOA-RA, KEA, KEA-RA, KLA-RA
Responsible Offices:	Chief Academic Officer Chief Operating Officer Deputy Superintendent of School Support and Improvement

Student Rights and Responsibilities

I. PURPOSE

To provide procedures for implementing Montgomery County Board of Education Policy JFA, *Student Rights and Responsibilities*

II. BACKGROUND

Montgomery County Public Schools (MCPS) students must be provided with a clear articulation of their rights and responsibilities so that they may gain a deep appreciation of a democratic society. This deep understanding comes through opportunities for students to exercise their rights and assume their responsibilities as citizens.

III. DEFINITIONS

- A. *Bullying, harassment, or intimidation* is defined in MCPS Regulation JHF-RA, *Student Bullying, Harassment, or Intimidation*.
- B. *Cyberbullying* is defined in MCPS Regulation JHF-RA, *Student Bullying, Harassment, or Intimidation*.
- C. *Electronic Communication* is defined in MCPS Regulation JHF-RA, *Student Bullying, Harassment, or Intimidation*.

- D. *Parent/guardian* is a natural parent, adoptive parent, foster parent, legal guardian, or an individual acting in place of a natural or adoptive parent.
- E. *Principal*, for the purposes of this regulation means principal or designee.
- F. *Reasonable belief* is a belief formed from specific and articulable facts taken together with rational inferences from those facts.
- G. *Smoking* is defined in MCPS Regulations IGO-RA, *Guidelines for Incidents of Alcohol, Tobacco, and Other Drug Abuse Involving Students*, COF-RA, *Alcohol, Tobacco, and Other Drugs on MCPS Property*, and the *Student Code of Conduct in MCPS*.

IV. PROCEDURES

A. Free Public Education

1. Residents of Montgomery County who are qualified students as defined in Board of Education Policy JEA, *Residency, Tuition, and Enrollment*, have a right to attend public schools without payment of tuition.¹
2. Montgomery County residents with disabilities have a right to a free appropriate public education from birth through the end of the school year in which the student turns 21 years of age.

B. Student Participation in Learning and School Operations

1. Students shall be informed of the general objectives of each course and the basis upon which their performance will be evaluated. Students have the responsibility to involve themselves in classroom activities and abide by classroom rules, expectations, and procedures.
2. Students have a right to an environment that is free of bullying, harassment, or intimidation so that schools are safe places in which to learn. Bullying, harassment, or intimidation is disruptive to learning and can adversely affect academic achievement, emotional well-being, and school climate. Procedures for reporting incidents of bullying, harassment, or intimidation, are set forth in MCPS Regulation JHF-RA, *Student Bullying, Harassment, or Intimidation*.

¹ Children who are 4 years old and whose family is income eligible have a right to attend public preschool without payment of tuition.

3. Student-Suggested Educational Programs

Students, in consultation with faculty, may suggest seminars, assemblies, or short courses of study on selected topics during the school day as alternatives or additions to the regular program and/or voluntary programs of interest to students outside the school day.

- a) Students will work collaboratively with principals and staff to plan programs.
- b) Programs should be consistent with the district's strategic priorities and MCPS' educational mission, appropriate for the age and maturity of the audience, and be structured to create a balance in presentation of controversial topics.

4. Policies and Rules

- a) Consistent with Board Policy BFA, *Policysetting*, student representatives shall be involved in the revision or development of any major Board policies affecting students. Such involvement may be accomplished by the responsible office, department, or committee including student representatives in meetings or by soliciting student input at any one of several stages in the process of the development or revision.
- b) Students have a right to similar involvement in the revision or development of major local school policies or rules affecting students.
- c) Before developing or revising major local school policies or rules affecting students, copies will be available for student review by posting them in locations convenient to students with sufficient time for student comments. Staff members are encouraged to discuss with students any major local school policies or rules affecting students at available opportunities and to provide information and clarification as needed.
- d) Students who are interested in providing input in the development or revision of major policies and rules that affect students should contact their principals or the Coordinator, Student Leadership, Volunteers, and Student Service Learning.

C. Rights of Privacy

1. Students have a right to fulfill instructional objectives, through classroom discussion, assignments or other means, without revealing personal information about family occurrences or personal habits, relationships, preferences, traits, decisions, or problems, or comparing themselves or their families with others.
2. Students do not have a right or expectation of privacy in their use of school computers. Students have the responsibility to conduct themselves in accordance with the requirements of MCPS Regulations IGT-RA, *User Responsibilities for Computer Systems, Electronic Information, and Network Security*, and COG-RA, *Personal Mobile Devices*, and other reasonable rules and restrictions regarding electronic communications.
3. Students or their parents/guardians have a right to ask a teacher to provide an alternative to an activity if the parent/guardian or student believes the activity would invade student privacy by calling attention to the student's grades, religion, values, or physical condition.
4. Students on MCPS property, including MCPS buses, or during school hours may be subject to audio and video camera surveillance in public locations with posted notification, and any student may be disciplined based on evidence gathered through such audio or video surveillance.

D. Attendance

1. Students are required to attend school and to arrive at school and to classes on time. MCPS regulations that address student attendance include MCPS Regulations JEA-RA, *Student Attendance*, JGA-RB, *Suspension and Expulsion*, JEC-RA, *Student Withdrawals from Classes and School*, and IQB-RA, *Extracurricular Activities*.
2. Students have a responsibility and are expected to make up missed work, regardless of the legal status of their absence, in accordance with MCPS Regulation IKA-RA, *Grading and Reporting*, and the *MCPS Grading and Reporting Procedures Manual*. Also see MCPS Regulation IKC-RA, *Grade Point Averages (GPA) and Weighted Grade Point Averages (WGPA)*.

E. Student Government

1. Students have a right to establish and participate in a student government organization. Students have a right to have a voice in school affairs through

the student government organization. Students have a responsibility to work toward creating an effective student government organization that is accountable to the students.

2. Students, through their student government, have a right to receive from the school administration a response to recommendations by the student government within five school days. The administration shall give reasons, either written or oral, if recommendations are not adopted or are modified. If the recommendations are extensive or complicated, the school administration, in consultation with representatives of the student government, shall establish a reasonable time for either an oral or written response.
3. Students have a responsibility to prepare a written constitution or amendments to the existing constitution for the student government, with advice from school staff/sponsor as needed. All constitutions must include an article recognizing the decision-making authority of the principal. Students have a right to expect the school principal to approve the student government constitution or amendments to it, unless it violates the law, policy, or would, in the judgment of the principal, substantially interfere with the effective operation of the school. Students will be notified in writing of the reasons for disapproval and must be given an opportunity to revise the constitution to address administrative concerns.
4. In accordance with MCPS Regulations IQD-RA, *Academic Eligibility for High School Students Who Participate in Extracurricular Activities* and IQD-RB, *Academic Eligibility for Middle School Students Who Participate in Extracurricular Activities*, any student is legally enrolled in an MCPS school, academically eligible, and meeting any criteria set forth in the student government constitution may run for and hold office in student government.
5. Students who miss class in order to participate in student government activities approved by the administration will receive an excused absence and have the responsibility to make up missed assignments.
6. Student government may have access to school facilities as long as the use does not interfere with instruction or the orderly operation of the school. Student government has a responsibility not to abuse this special privilege.
7. The student government executive committee, student government sponsor, and principal will confer regularly regarding progress and concerns of the student government organization.

8. In the spring, the student government executive committee will meet with the principal regarding the appointment of a sponsor for the following year and careful consideration will be given to the students' input before the sponsor is appointed.

F. Freedom of Inquiry and—

1. Speech

a) Students have a right to—

- (1) be presented with a variety of viewpoints on controversial topics within the limitations imposed by state or county curriculum documents;
- (2) express individual views so that they may weigh alternate ideas and form their own opinions; and
- (3) analyze and evaluate information before forming conclusions.

b) Students have a responsibility to—

- (1) consider seriously the topics presented in their courses and participate in class discussions to add their views to enhance the variety of viewpoints expressed on the topics under discussion;
- (2) respect different opinions and the right of each person to hold and express an individual viewpoint; and
- (3) refrain from the use of obscene, libelous, slanderous, profane, vulgar, or lewd language, or language that has the intent to harass, threaten, or intimidate, which detracts from a positive learning and working environment, and which is inconsistent with the goal of maintaining an atmosphere of mutual respect.

2. Petitions

- a) Students have a responsibility to meet with school administrators to clarify any misunderstandings and to provide a forum for exchange of information on the topics that are the subject of a petition.
- b) Students have a right to circulate petitions during noninstructional time as long as it does not disrupt school operations.
- c) Students have the responsibility of ensuring that petitions do not encourage actions that endanger the health or safety of students or others in the school community, are not obscene, libelous, slanderous, profane, vulgar, lewd, or contains language that has the intent to harass, threaten, or intimidate, or otherwise cause substantial disruption to the operation of the school, and circulation of petitions may be halted by administration for failure to meet this responsibility.
- d) At the school level, students have a right to a response within five school days by posting the response or forwarding the response to the originator if the originator can be identified.

3. Publications, Performances, and Informational Materials

- a) Students have the following rights with respect to publications, performances, and informational materials:
 - (1) Students have the right to produce school-sponsored publications (e.g., newspapers, yearbooks, and literary magazines) and school-sponsored performances (e.g., school plays and television shows).
 - (2) Students have the right to decide on the content of school-sponsored publications and performances, subject to the guidelines below and the direction and guidance of the school sponsor.
 - (3) Students have the right to distribute publications without school sponsorship, provided that the publications bear the name of the sponsoring organization or individual, and publications that are sold or otherwise distributed are published by students enrolled in MCPS.
 - (4) Students have the right to display materials that are not school sponsored, on designated bulletin boards, wall

spaces, or other areas normally used for posting, subject to the same restrictions and procedures that govern the distribution of student publications that are not school sponsored.

- (5) Students have the right to appeal the decisions of school sponsors according to the process established in the local school, or as described in Section F.3(f)(1) below. Additional information about student appeals is located in Section 0, *Appeals, Complaint Procedure, Due Process* below.

b) Sponsors

- (1) The principal will identify for each school-sponsored publication/production a qualified teacher/sponsor who will do the following:
 - (a) Provide guidance on suitability and format of materials and shall not allow the use of any material that is derogatory to any individual
 - (b) Be responsible for working with the students in order for them to gain a clear understanding of the guidelines set forth in this regulation that govern the content of student publications, performances, and informational materials
- (2) School sponsors for student publications will do the following:
 - (a) Be guided by standards for secondary schools stated by secondary school scholastic press associations and MCPS rules and regulations as well as other professional standards of journalism
 - (b) Make efforts to see that a variety of viewpoints are represented in school newspapers and that members of the school community have an opportunity to express their views through the newspaper

- (3) School sponsors may not use their position to influence a student journalist to promote an official position of a school or the Board.

A sponsor may not be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against for:

- (a) Acting to protect a student engaged in conduct permitted by this regulation; or
- (b) Refusing to infringe on conduct that is protected by this regulation, the First Amendment to the United States Constitution, or Article 40 of the Maryland Declaration of Rights.

- c) Distribution of publications or other informational materials by students

- (1) Distribution of informational materials, including any commercial advertisements or announcements, political campaign material, and religious material is subject to the following: MCPS Regulations KEA-RA, *Participation in Political Campaigns and Distribution of Campaign Materials*, CNA-RA, *Display and Distribution of Informational Materials and Announcements*, and CNA-RB, *Advertising*.

- (2) The principal will establish the time, place, and manner of distribution of school-sponsored and other nonschool-sponsored publications, productions or other informational materials by students.

- d) The principal may exercise prior restraint, halt or reject the performance of a student production or the distribution of a publication or other informational material by students only based on the following criteria:

- (1) It is obscene, libelous, slanderous, profane, vulgar, lewd, or contains language that has the intent to harass, threaten, or intimidate.
- (2) It constitutes an unwarranted invasion of privacy.

- (3) It incites students to create a clear and present danger of:
 - (a) the commission of an unlawful act, the violation of Board policies and/or MCPS regulations or rules; or
 - (b) the material and substantial disruption of the orderly operation of the public school. “Substantial disruption” means either interference with school or disorderly conduct by a significant number of students, including rioting, school boycotts, sit-ins, destroying property, and walkouts.
- (4) It violates state or federal law. For example, this may include material that poses a potential threat to the health and/or safety of students or might reasonably be perceived to advocate student drug, alcohol and tobacco use or smoking of any kind, violence, sex, illegal discrimination, or other illegal activities.

This guideline will not be used, however, to prevent responsible discussion about such actions.

- e) Advertising
 - (1) Advertising in school-sponsored publications or performances is permitted so long as it complies with MCPS Regulation CNA-RB, *Advertising*.
 - (2) When practicable, as where advertisements appear in a separate section of the publication, the section shall be preceded with a statement indicating that the advertising does not reflect the viewpoint or policies of the editors, the school, or the Board.
 - (3) Advertising must be identifiable or be labeled as an “advertisement” and must be submitted under the name(s) of the individual(s), the name of the corporation or, in the case of unincorporated associations or organizations, the names of the officers sponsoring the advertisement.
- f) Process for halting the performance of a student production, a student publication, or the distribution of material by students

- (1) Principals shall have the burden of proving justification without undue delay before exercising prior restraint. If any school-sponsored publication or performance, or portion thereof, is rejected or halted by the principal or school sponsor, the principal shall meet with the students involved and issue a decision in writing, within two school days. Whenever practicable, the principal's decision shall be issued prior to the date of the intended publication or performance. Copies of the written decision shall be provided to: the students involved and the Office of School Support and Improvement (OSSI). The principal will inform students that the principal's decision may be appealed through the appeals process discussed in Section O, *Appeals, Complaint Procedure, Due Process*.
- (2) If it becomes necessary for the principal to halt distribution of a nonschool-sponsored publication or informational materials, or to halt the performance of a nonschool-sponsored production, the principal must state the reasons in writing within two school days, providing one copy to the students making the distribution or performing the production and one copy to OSSI. The principal will inform students that the principal's decision may be appealed through the appeals process discussed in Section O, *Appeals, Complaint Procedure, Due Process*.

G. Freedom of Assembly

Students have a right to assemble for discussions of issues of importance to them and to demonstrate peacefully.

1. Students have a responsibility to consult with the school principal to determine:
 - a) If the activity will be allowed during the school day.
 - b) The time and place of these assemblages including holding the activity outside the school day or during lunch if the principal has reason to believe that holding it during school hours would interfere with the regular school program.

- c) The type of supervision required, if any, and which staff members may be assigned to monitor the activity.

2. Students also have a responsibility to:

- a) Work cooperatively with school staff members and take reasonable steps to ensure the activity is orderly.
- b) Make up missed work.

H. Patriotic Exercise

1. Students have a right to—

- a) appropriate opening exercises that include the opportunity to salute and pledge to the flag;
- b) the inclusion of patriotic exercises, when appropriate, preceding assemblies and other school programs;
- c) be exposed to patriotic exercises as part of positive learning experiences for students; and
- d) be involved in the planning and production of patriotic exercises.

2. Consistent with the *MCPS Guidelines for Respecting Religious Diversity*, students have a right to—

- a) not be compelled to participate in patriotic exercises, or be penalized or embarrassed for failure to participate; and
- b) not have other students interfere with their right to participate in patriotic exercises and such interference constitutes grounds for disciplinary action.

I. Freedom of Religion

1. Students have a right to—

- a) school-sponsored activities that are neutral toward religion and do not include religious exercises;

- b) an academic environment where religious beliefs are not advocated in courses or in school-sponsored activities such as commencements or assemblies; and
 - c) observe their religious practices in school, including nonschool sponsored student prayer groups, unless these violate the rights of others or disrupt school activities.
- 2. Religious student clubs or prayer groups have the same rights and responsibilities as other nonschool sponsored student organizations.
 - 3. Students have a right to participate in or to attend holiday concerts that include religious music that meets MCPS guidelines. When available, students may attend elective seminars on the history or comparative study of religions where aspects of religion may be discussed. Presentations in these classes should be factually objective and not advocate particular religious viewpoints.

J. Clubs, Teams, and Student Organizations

1. School Sponsored

- a) Students have a right to participate in clubs, teams, and student organizations and a responsibility to become familiar with appropriate Board policies and MCPS regulations that affect their ability to participate.
- b) Students have a right to access school facilities as long as the use does not interfere with instruction or the orderly management of the school. Students have a responsibility to not abuse this privilege.
- c) The right of students to participate may be restricted by the principal or activity sponsor:
 - (1) For violations of disciplinary rules and regulations
 - (2) When a student's eligibility to hold a leadership position in a club, team, or student organization is withdrawn due to involvement in a situation that is contrary to ethical or legal standards, or does not comply with Board policies, MCPS regulations, and procedures regarding appropriate conduct on and off campus, after considering the following:

- (a) Assessment of past student behavior
 - (b) The passage of time
 - (c) The student's conduct since the incident
 - (d) Input from students and/or school community members, when appropriate
- d) Students seeking election or appointment to or occupying leadership positions in clubs, teams, or student organizations have a responsibility to:
- (1) Exemplify ethical, legal, and appropriate conduct
 - (2) Comply with all Board policies, MCPS regulations, and procedures on and off campus

2. Nonschool Sponsored

Students have a right to conduct a nonschool-sponsored meeting during non-instructional time provided they meet the following responsibilities:

- a) The meeting does not present a safety or security risk.
- b) The meeting is voluntary, student initiated, and not represented or treated as a school-sponsored club.
- c) There is no sponsorship or promotion of the meeting by the school or by school system employees; however, a school staff member may provide oversight for safety.
- d) No employee of the school system leads or actively participates in such meetings.
- e) The meeting does not and cannot reasonably be predicted to materially and substantially interfere with the orderly conduct of educational activities within the school.
- f) Nonschool persons do not direct, conduct, control, or regularly attend group activities.

- g) No public funds are expended beyond the incidental costs of providing space for the meetings and access to the same means of announcing meetings as those available to school sponsored clubs and organizations.

K. Nondiscrimination

- 1. Students have a responsibility to conduct themselves in a manner built on mutual respect and a right to be treated in the same manner.
- 2. All acts of hate/violence and illegal discrimination are unacceptable and intolerable and in particular those based on actual or perceived personal characteristics as set forth in Board Policy ACA, *Nondiscrimination, Equity, and Cultural Proficiency*.
- 3. School-sponsored student organizations have the right to equal and nondiscriminatory treatment in decisions regarding enforcement of school regulations.

L. Dress and Grooming

- 1. Students have a responsibility to be dressed and groomed for school in a manner that contributes to a school environment conducive to learning and in accordance with the local school discipline policy.
- 2. Students may wear clothing associated with their religion or containing a religious message as long as the clothing is consistent with the requirements outlined in section 3 below.
- 3. Students may not be disciplined for their style of dress or grooming unless it—
 - a) is likely to cause a disruption to the educational environment;
 - b) causes a disruption to the educational environment;
 - c) endangers health or safety;
 - d) fails to meet a reasonable requirement of a course or activity;
 - e) is associated with gangs;
 - f) is lewd, vulgar, obscene, revealing, or of a sexual nature; or

g) promotes tobacco, smoking, alcohol, drugs, or sexual activity.

M. Student Records

Students and their parents/guardians have the right to review students' cumulative school records in conference with appropriate school personnel, who shall explain and interpret their contents if requested. (Maintenance and access to student records are in accordance with MCPS Regulation JOA-RA, *Student Records*.)

N. Search and Seizure

Students, their lockers, or vehicles parked on school property or at a school-sponsored activity are subject to reasonable searches by an Authorized Searcher following procedures set forth in MCPS Regulation JGB-RA, *Search and Seizure*.

O. Appeals, Complaint Procedure, Due Process

Students have a right to fair treatment in a discipline action, grievance proceeding, or discrimination complaint.² In order to ensure such treatment, school rules must be consistent with the vision, mission, core purposes, and core values of the Board and published existing laws and regulations.

Students have the same rights as other members of the public to seek resolution to complaints as described in MCPS Regulation KLA-RA, *Responding to Inquiries and Complaints from the Public*.

1. Students are encouraged first to discuss the matter with the principal³ or other designated administrator to seek an informal resolution.⁴
2. When a student's concern or complaint is not resolved through the informal process, students have the right to a review of a decision, as described in

² MCPS prohibits discrimination based on actual or perceived characteristics as defined in Board Policy ACA, *Nondiscrimination, Equity, and Cultural Proficiency*. Students pursuing a complaint of discrimination may contact Mr. Gregory S. Edmundson, coordinator, Office of School Administration Compliance Unit, in the office of Dr. Donna S. Hollingshead, associate superintendent of the Office of School Administration Compliance Unit, Room 162, 850 Hungerford Drive, Rockville, Maryland 20850, 240-740-3215.

³If the complaint of sexual harassment is against the principal, the complaint should be filed with Mr. Sherwin Collette, associate superintendent, Office of Employee Engagement and Labor Relations, Room 55, 850 Hungerford Drive, Rockville, Maryland 20850, 240-740-2888.

⁴ During any investigation of a sexual harassment complaint, the complainant is not to be required to attend a face-to-face meeting with, or confront in any way, the alleged harasser.

MCPS Regulation KLA-RA, *Responding to Inquiries and Complaints from the Public*.

P. Distribution of *A Student's Guide to Rights and Responsibilities in Montgomery County Public Schools*

The student has a right to a copy of *A Student's Guide to Rights and Responsibilities in Montgomery County Public Schools*.

1. It will be distributed within the school and made available to parents/guardians through a procedure appropriate to the local school community setting. It also will be posted on the MCPS website in English, Spanish, French, Chinese, Vietnamese, Korean, and Amharic.
2. It is the principal's responsibility to see that students and staff members are made aware of any changes in the guide and to see that counseling is available to students to assist them in understanding and meeting their rights and responsibilities.
3. At a minimum, copies of the guide should be available in the principal's office, the guidance department, and the school media center.

Related Sources:

Annotated Code of Maryland, Education Article 7-121, 7-308; *Code of Maryland Regulations* 13A.08.01.03 and 10; 09.12.23.01, *A Student's Guide to Rights and Responsibilities in MCPS*, *Student Code of Conduct in MCPS*, *MCPS Guidelines for Respecting Religious Diversity*, *MCPS Guidelines for Students: Gender Identity*

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