ADMINISTRATIVE PROCEDURE

PLACEMENT OF STUDENTS CHARGED WITH A REPORTABLE OFFENSE OFF SCHOOL PREMISES

AP 5140
Effective Date: March 16, 2026

I. PURPOSE:

To define and implement Maryland law regarding "reportable offenses" and to clarify necessary Prince George's County Public Schools (PGCPS) and local school actions related to educational programs and safety when a student is facing community-based charges.

II. POLICY:

The Prince George's County Board of Education (Board) is committed to providing for the safety of all persons on PGCPS premises and to creating and maintaining safe, inclusive, and supportive schools and workplaces where students and staff can be successful at achieving excellence in education. (Policy 2801)

III. BACKGROUND:

An arrest for a reportable offense means a student is alleged to have committed a certain specified crime of violence when not on PGCPS premises. Therefore, it is not only the severity of the allegation that defines a reportable offense, but also the location. The law enforcement agency making the arrest is required by law to notify the superintendent of schools or designee and the school principal within 24 hours of the arrest or as soon as practicable. Maryland law states that notice of a reportable offense may not be the sole basis for suspension, expulsion, or a change in the student's regular school program.

IV. DEFINITIONS:

A. *Alternative Programs* – Specialized, flexible educational settings, including non-public settings, designed to help students meet graduation requirements.

B. *Appropriate educational programming* – A regular or alternative education program that allows a student the opportunity to continue the student's education within PGCPS and, if in secondary school, the opportunity to receive credit.

C. *Arrest* – The taking of a person into legal custody.

D. *Criminal organization* – The meaning stated in Criminal Law Article, § 9-801, Annotated Code of Maryland. (See Attachment A.)

E. *Disposition* – The outcome of a criminal proceeding.

F. *Parent* – Any one of the following individuals who is legally responsible for a student:

1. Biological parent – a natural parent whose parental rights have not been terminated.

2. Adoptive parent – a person who has legally adopted the student and whose parental rights have not been terminated.

3. Custodian – a person or agency appointed by a court as the legal custodian of the student and granted parental rights and privileges.

4. Guardian – a person who has been placed by a court in charge of the affairs of the student and granted parental rights and privileges.

5. Caregiver – an adult resident of Prince George's County who exercises care, custody, or control over the student, but who is neither the biological parent nor legal guardian.

6. Foster parent – an adult approved to care for a child who has been placed in their home by a State agency or a licensed child placement as provided by Section 5-507 of the Family Law Article.

G. *Regular school program* – The courses, classes, and related services that the student is enrolled in through PGCPS at the time of the student's reportable offense.

H. *Reportable offense* – An offense that occurred off PGCPS premises, did not occur at a school-sponsored event, and is a serious criminal offense. *Reportable offenses* are dictated by Maryland law and regulation, and include certain crimes of violence, offenses and other statutory violations set forth by the Maryland Annotated Code, Education § 7-303, and the Code of Maryland Regulations (COMAR) 13A.08.01.17.A(8)(c). These crimes of violence and offenses include, but are not limited to, murder, arson, assault, burglary, armed carjacking, and sexual offenses.

Offenses that are related to a student's membership in a criminal organization must also be reported.

I. *School premises* – Any property owned or leased by PGCPS or used by PGCPS for school-related or school-sponsored activities. The concept of *school premises* extends to school activities such as field trips, use of parks and recreation facilities, proms at hotels, etc. Facilities scheduled by PGCPS for student use are considered an extension of *school premises*.

J. *School security officer* – An individual designated to maintain the security and safety of a school, including a school principal or other school administrator, a law enforcement officer, or other individual employed by PGCPS or Prince George's County who is designated by the Superintendent or a school principal to help maintain the security and safety of a school.

1. A *school security officer* does not include:

a. a teacher;

b. a school counselor;

c. a school psychologist; or

d. a school social worker.

K. *School-sponsored event* – Any activity that is sponsored, approved, conducted, planned, and/or supervised by PGCPS or school personnel, regardless of the location of the activity or whether the activity is or is not held during the instructional day.

L. *Threat of imminent harm* – A threat that is ready to take place and is happening soon. It is more than a mere possibility that a safety issue may occur; instead, it is likely to occur. The determination of a *threat of imminent harm* to other students and/or staff must be made on a case-by-case basis, and the analysis should take into account the reportable offense, the student, the school, and its environment.

V. PROCEDURES:

A. Notification and Confirmation of Arrest Information

1. The Director of Safety and Security Services/designee shall be responsible for receiving information from law enforcement agencies regarding reportable offenses and promptly communicating the basic arrest information (*i.e.*, student's name, date of incident, and charge) as a confidential file to:

a. The principal of the PGCPS school in which the student is enrolled, the school security officer assigned to the school (if applicable), and appropriate offices, including the appropriate instructional director within the Office of School Support and Leadership (OSSL), and the Superintendent; or

b. If the student who has been arrested is an identified student with disabilities who is enrolled by PGCPS in a nonpublic school program, the Director of Safety and Security Services/designee will provide the arrest information to the principal of the nonpublic school and the Associate Superintendent of Special Education. The Associate Superintendent of Special Education will provide guidance to the nonpublic school's principal, as needed, to ensure compliance with this administrative procedure.

2. If the principal receives information about a student's arrest for a reportable offense prior to receiving notification from the Director of Safety and Security Services/designee or law enforcement, the principal will contact the Director of Safety and Security Services/designee, who will confirm the information.

B. Confidentiality of Arrest Information

1. As specified in Maryland law and regulation, the reportable offense information obtained by the Director of Safety and Security Services/designee or a principal is confidential (*i.e.*, the information is not public information). The reportable offense information may only be redisclosed pursuant to a court order upon good cause shown; it is not disclosable pursuant to a subpoena.

2. Notwithstanding the confidentiality of the reportable offense information, if the disposition of the reportable offense was a conviction or an adjudication of delinquency (as notified by the State's Attorney), or the criminal charge or delinquency petition is still pending, the principal shall transmit the information as a confidential file to the local superintendent of another Maryland public school system or another nonpublic school in Maryland in which the student has enrolled or been transferred, to carry out the purposes of this administrative procedure.

   a. The confidential transmittal of information about a student under section V.B.2. shall include information on any educational programming and related services provided to the student.

3. The information

   a. Shall be transmitted only to PGCPS staff and staff of the school in which the student is enrolled as necessary to carry out the purposes of this administrative procedure;

b. Shall not be made part of the student's permanent educational record; and

c. Shall be destroyed when the first of the following occurs:

1) the student graduates;

2) the student otherwise permanently leaves school;

3) the student turns 22 years old;

4) the criminal case involving the reportable offense is dismissed;

5) the student is found not guilty of the reportable offense; or

6) the student pleads to a lesser offense that is not a reportable offense.

4. The Director of Safety and Security Services and Chief of School Support and Leadership shall develop a protocol that identifies appropriate additional PGCPS staff to receive such confidential information necessary to carry out the purposes of this administrative procedure.

5. The principal and appropriate instructional director must consult with the Director of Communications/designee about any communication with students, staff, or the school community.

C. Plan for an Appropriate Educational Program

1. Within ten (10) school days of PGCPS (or a nonpublic school at which a PGCPS student is enrolled) receiving notification of/confirming a reportable offense, a plan for an appropriate educational program must be developed and implemented by the principal or lead administrator of a nonpublic school (hereinafter "principal") of the school in which the student attends. Responsible offices participating in developing and implementing the plan are expected to collaborate swiftly to ensure that the ten (10) school day deadline is met.

a. Fact-finding

1) Promptly on notification/confirmation of the arrest, the principal will gather appropriate information as follows:

a) The principal must immediately determine if the student has an Individualized Education Program (IEP) or a 504 plan.

(1) If removing a student with a disability from the student's regular program is under consideration, a manifestation determination IEP

meeting shall occur as soon as possible and not later than ten (10) school days of notification/confirmation of the reportable offense.

(2) If the student has an attorney, the attorney shall be invited to attend any meeting to discuss the manifestation determination review.

b) The school principal, in consultation with appropriate staff, shall determine whether there is a nexus to the school and other students and staff, and consider whether the student's presence presents a risk to the safety of other students and staff.

(1) The principal may assess risk in consultation with an Instructional Director and appropriate representatives from the Department of Student Services and the Department of Safety and Security Services/designee.

(2) PGCPS shall consider prohibiting a student who is arrested for a reportable offense involving rape or a sexual offense from attending the same school or riding on the same school bus as the alleged victim of the reportable offense if such action is necessary or appropriate to protect the physical or psychological well-being of the alleged victim.

c) If the student is subsequently convicted of or adjudicated delinquent for the rape or sexual offense, the student may not attend the same school or ride the same school bus as the victim. Board Policy 5141 – Student Registered Sex Offenders – Entry on School Property – sets forth the requirements for developing an educational program for a student who has been convicted of or adjudicated delinquent for a rape or sexual offense and is required to register with the Maryland Sex Offender Registry.

b. Plan for the Safety of Other Students or Staff

1) If, after the consultation set forth in section V.C.1.a.1)b) above, the principal believes the student presents a safety risk, the principal shall immediately develop a plan that:

a) Addresses appropriate educational programming and related services for the student, and

b) Maintains a safe and secure school environment for all students and staff.

2) The principal shall request that the student's parent/guardian participate in the development of the plan and submit information that is relevant to developing the plan.

3) If the student has an attorney, the principal shall invite the student's attorney to participate in any meeting with the student's parent/guardian to discuss the plan. If the parent/guardian brings an attorney, the principal shall contact the Office of the General Counsel to designate legal counsel to attend as well.

c. Consideration of Threat of Imminent Harm

1) Under Maryland law, "threat of imminent harm" represents a more stringent standard than "safety risk," and a student may not be removed from the student's regular school program, as defined above, unless the student presents an imminent threat of serious harm to other students or staff.

a) **Notice of the arrest for a reportable offense shall not be the sole basis for a change in the student's regular school program.**

2) Removal from the student's regular school program means the student no longer has the opportunity to continue in the courses, classes, related services, or special education services, if applicable, that the student was enrolled in at the time of the reportable offense. The following are examples, but not an exhaustive list, of what may constitute removal from a student's regular program:

a) A change from in-person to virtual instruction, or

b) An administrative placement to Alternative Programs.

3) The following are examples, but not an exhaustive list, of plans that maintain the courses, classes, and related services the student was enrolled in at the time of the reportable offense and may not constitute removal from a student's regular school program:

a) Continued enrollment in the same school but with an altered schedule that provides the same courses, classes, related services, or special education services if applicable, or

b) Assignment to another comprehensive school with a schedule that provides the same courses, classes, related services, or special education services, if applicable.

4) If, after the consultation as set forth above in section V.C.1.a.1)b), the school principal believes the student presents an imminent threat of serious harm to other students or staff and must be removed from the student's regular school program, the principal must request, in writing, a determination by the Superintendent/designee.

5) The request to the Superintendent/designee shall include the following:

   a) Confirmation of a nexus between the reportable offense and other students or staff; and

   b) Documentation of the imminent threat of serious harm to another student and/or staff member.

   c) A recommended appropriate educational program and a safety plan.

   d) Confirmation that the principal has determined whether the student has an IEP or 504 plan. If the program recommended to the Superintendent/designee would result in a change of the student's regular school program, a manifestation or causation meeting determination is expected to accompany the request. Further, documentation of a manifestation or causation review shall confirm that the student's attorney was invited to attend the meeting, if the student has an attorney.

   e) Documentation that the parents/guardians and the student's attorney, if the student has an attorney, were invited to participate in the development of a plan and submit information that is relevant to developing the plan.

6) Upon receipt of a written report from the school principal requesting that the student be removed from their regular school program, and no later than ten (10) school days from the notification of the reportable offense, the Superintendent /designee shall:

   a) Hold a conference with the student, the student's parent/guardian, and, if the student has an attorney, the student's attorney; and

   b) Determine whether the student poses an imminent threat of serious harm to other students or staff, necessitating removal from the student's regular school program.

7) If, after the conference, the Superintendent/designee determines that a removal from the student's regular school program is warranted, the student or the student's parent/guardian may appeal the removal to the

Board within 15 calendar days after the receipt of the written determination and notice of appeal rights.

D. Appeals

1. Appeal procedures shall follow COMAR 13A.08.01.17.D.(7)-(12), which include the following provisions:

   a. The appeal to the Board does not stay the decision of the Superintendent/designee. The student will attend the educational program as set forth in the plan determined by the Superintendent/designee while an appeal is in process.

   b. Unless a public hearing is requested by the parent/guardian of the student, Maryland law requires that such a hearing shall be held out of the presence of all individuals, except those whose presence is considered necessary or desirable by the Board.

2. The Office of Appeals and Hearings will be the Superintendent's designee and will represent the Superintendent in the appeal before the Board.

E. Review Requirements

1. At a minimum of every 45 school days, pending notification from the State's Attorney, or immediately upon notification from the State's Attorney of the disposition of the reportable offense, the following must occur:

   a. The safety plan, the educational program, and the student's status shall be reviewed by the Superintendent/designee and adjustments made as appropriate.

   b. The review shall include input from the principal and the individuals designated in section V.C.1.a.1)b)(1) above, with additional input from the student's parent/guardian. If the student has an attorney, the student's attorney shall be invited to participate in any meeting with the student or the student's parent/guardian to discuss the review of the plan.

      1) The student and the student's parent/guardian shall be provided in writing with the outcome of the Superintendent/designee's review decision.

      2) If the student or the student's parent/guardian disagrees with the Superintendent/designee's review decision, the student or the student's parent/guardian may appeal the decision as set forth in section V.D. above.

F. Reporting Requirements

1. Each year, PGCPS shall provide to the Maryland State Department of Education (MSDE) the following information for each reportable offense for which PGCPS received information:

    a. The nature of the reportable offense;

    b. Verification that the offense occurred off school premises;

    c. Action taken by the PGCPS, and the Board, if applicable, after being notified of the reportable offense;

    d. The race, ethnicity, gender, and disability status of the student arrested for the reportable offense;

    e. The grade of the student arrested for the reportable offense;

    f. The regular school program of the student arrested for the reportable offense;

    g. Whether the student's regular school program was altered as a result of a reportable offense;

    h. If the student was removed from the student's regular school program as a result of the reportable offense:

        1) The amount of time during which the student was removed; and

        2) The student's placement and educational programming during the period of removal; and

    i. If removed from the student's regular school program, the student's academic performance during the time-period the student was removed, including attendance, grades, standardized test scores, and any additional disciplinary actions.

VI. MONITORING AND COMPLIANCE:

A. The Chief of School Support and Leadership/designee is responsible for monitoring the decision-making for students charged with a reportable offense, including the development of safety plans, proper imminent threat decisions, and parent / attorney involvement.

B. The Department of Special Education is responsible for monitoring the implementation of the requirements set forth in this administrative procedure as they

pertain to students receiving special education services, including those enrolled in nonpublic schools.

C. The Department of Safety and Security Services is responsible for the yearly reporting to the MSDE and will be supported in this endeavor by other PGCPS offices as needed.

D. The Department of Safety and Security Services and the Chief of School Support and Leadership/designee are responsible for developing and delivering annual training to principals and other staff about the requirements in this administrative procedures.

VII. RELATED POLICIES, ADMINISTRATIVE PROCEDURES AND OTHER RESOURCES:

Board Policy 5141 – Student Registered Sex Offenders – Entry Onto School Property
Administrative Procedure 5144 – Cooperation with Law Enforcement Officers and Government Officials Contacting Students

VIII. LEGAL REFERENCE:

MD. CODE ANN., EDUC. §§ 7-303 and 7-305
MD. CODE ANN., CRIM. §§ 11-704, 11-704.1, 11-713, 11-721, and 11-722
Code of Maryland Regulations (COMAR) 13A.08.01.17

IX. MAINTENANCE AND UPDATE OF THIS ADMINISTRATIVE PROCEDURE:

This administrative procedure originates with the Department of Safety and Security Services and will be updated as needed.

X. HISTORY :

New – 3/16/26

XI. EFFECTIVE DATE: _March 16, 2026

Attachments:

A -Maryland Criminal Law Code, Ann. §9-801