

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: May 13, 2003

TO: **BOARD OF EDUCATION**

FROM: **Dr. J. Hairston, Superintendent**

SUBJECT: Policy 5550 and Policy 5560

ORIGINATOR: Christine M. Johns, Deputy Superintendent of Curriculum and Instruction

RESOURCE Robert J, Kemmery, Executive Director of Student Support Services
PERSON(S): Dale Rauenzahn, Director of Student Support Services

INFORMATION

That the Board of Education approves Policy 5550 and Policy 5560. They have been reviewed by an inclusive committee of forty representatives and are aligned with the *No Child Left Behind* federal legislation.

**ADMINISTRATIVE
DEFINITION OF KEY TERMS
IN THE STUDENT HANDBOOK**

The following list of terms and definitions is provided to help clarify issues surrounding BCPS' disciplinary policies and procedures. These definitions are based on the following sources:

- Black's Law Dictionary
- COMAR and State Counsel/Memorandums
- Unconsolidated Pennsylvania Statutes/Health and Safety
- Maryland Drug Abuse Handbook
- The 'Lectric Law Library Lexicon
- DSM-IV American Psychiatric Association
- Gun Free Schools Act of 1994/MSDE
- American Heritage Dictionary
- Digest of Criminal Laws

Academic Dishonesty - Dishonesty or cheating that occurs when a person attempts to pass, as their own, work that is not theirs. Examples: Receiving help on a test including copying or receiving answers or giving help to another person, Lending or borrowing homework or classwork without the teacher's permission, copying out of books or other sources without giving credit to the authors.

Alternative Programs - Alternative Schools, Evening High Schools, Afternoon Group Learning Centers, Home Teaching, Summer School.

Arson - The intentional and wrongful burning of someone else's property. Any burning of school property or any burning of belongings on school property.

Attack - The act of physical contact with another person, which is intended to physically injure; i.e., beating, pushing, shoving, using a hand, fist, any other body part, weapon, or other object, etc. The act of battering or beating; the unlawful beating or use of force on a person.

- Chronic** - Marked by long duration or frequent recurrence; always present; constantly troubling.
- Conspiracy** - A combination or confederacy between two or more persons formed for the purpose of committing, by their joint efforts, some unlawful or criminal act, or some act which is lawful in itself, but becomes unlawful when done by the concerted action of the conspirators, or for the purpose of using criminal or unlawful means to the commission of an act not in itself unlawful.
- Controlled Substance** - A drug or substance of which the use, sale, or distribution is regulated by the federal government entity. This means a drug, substance, or immediate precursor included in Schedule I through V. Examples: Heroin, Morphine, Codeine, Opium, Methamphetamine, LSD, Phenobarbital, Marijuana, etc.
- Cooperate** - Working together toward a common end or purpose.
- Confer** - A discussion or dialogue by any means where administrators and teachers/other staff are involved in the return of a disciplined student. Example: by telephone, electronic mail, or a face-to-face meeting where the views of the teacher are communicated and considered.
- Deprivation** - To take something away from. Taking away or confiscation.
- Directive** - A legitimate request by a staff member to result in safe and orderly schools.
- Disrupt** - To throw into disorder; to interrupt the normal course.
- Disruptive Behavior** - A student may be considered disruptive if the behavior interferes with the normal function of the school. Disruptive behavior interferes with the academic process or violates the rights of others to utilize the services and facilities of the school. School staff is responsible for developing interventions.

which will alleviate the disruptions. Students who fail to improve behavior could be considered disruptive which means they have repeatedly violated Category I or II offenses.

Examples of disruptions may include, but are not limited to, disruptions that affect the learning environment for the student, class, or school.

Documented interventions should include such items as: assessing the causes of the behavior (Functional Behavioral Assessment); conferring with a variety of audiences; imposing appropriate consequences; implementing behavior management plan.

- Drug paraphernalia** - Anything used, intended for use, or designed for use with a controlled substance.
- Due Process** - Notification and the right to be heard.
- Explosives** - Items specifically included are: Exploding Pens, Fireworks, Gun Shells, Real Bullets, Poppers (Snap & Pops, Throwing Snappers, Party Poppers), Gas Odor Bomb, Molotov Cocktail (bottle with flammable liquid and fuse, to be ignited and thrown), Dry Ice in Bottle (CO2 Bomb), Model Rocket Fuel, Shotgun Shell, Smoke Bomb, Stink Bomb, M-80, Cherry Bomb.
- Expulsion** - The required withdrawal from the regular day school program of a student of any age, by direction of the superintendent or the designee, upon review of the suspension from a school. All cases of expulsion are subject to review for readmission to the day school program.
- Extended Suspension** - The method used by a superintendent's designee in rare circumstances to extend a long- or short-term suspension and will have a definite termination date. It is a long-term suspension.
- Extortion** - The act or practice of obtaining something or compelling some action by illegal means, by force or coercion.

- Fight** - A physical attack or confrontation or a physical confrontation involving two or more students.
- Firearm** - Any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive. Also by federal definitions includes explosive device.
- Firearm includes real handguns, rifles, and shotguns, loaded or unloaded (except JROTC rifles), and the following:
- Starter Pistols - A starter pistol, like those used for sporting events, has an operating firing mechanism. It normally fires only noise making "blanks." These guns usually appear to be small revolvers of about .22 caliber and usually have a divider running down the inside length of the barrel. However, starter pistols are considered firearms because some modes can be physically altered (removal of the barrel divider) to fire projectile-type ammunition.
- Bomb-Type Explosives - These are explosives intended to cause grave bodily harm. These could be military, industrial, or homemade, bona fide working explosives, including grenades, missiles, rockets, and bombs.
- Functional Behavior Assessment (FBA)** - An assessment that looks at the causes of inappropriate behaviors.
- Gambling** - A game consisting of a consideration, an element of chance and a reward. Such occurs when there is a chance of profit, if a player is skillful and lucky. It involves not only a chance, but a hope of gaining something beyond the amount played.
- Examples: To bet money on the outcome of a game, contest, or other event. Playing cards for money, shooting dice for money, betting pools or lottery.
- Harass** - To irritate or torment persistently with annoyances, threats, or demands.
- Term is used in a variety of legal contexts to describe words, gestures, and actions which tend to annoy,

alarm, and abuse (verbally) another person; the use of obscene or profane language, or language the natural consequence of which is to abuse the hearer or reader.

Examples: 1) makes a telephone call without purpose of legitimate communication; or 2) insults, taunts or challenges another in a manner likely to provide violent or disorderly response; or 3) makes resented communication anonymously or at extremely inconvenient hours, or in offensively course language; or 4) subjects another to offensive touching; or 5) engages in any other course of alarming contact serving no legitimate purpose.

Harassment

- Unwelcome behaviors which are repeated and makes the victims feel uncomfortable and/or limits a student's ability to participate in or benefit from an educational program.

Example: Nuisance phone calls to students or staff members; continued comments or passing of unofficial notes to another individual that he/she does not wish to hear or receive.

Inciting

- To provoke to action, stir-up, or urge on that causes a disruption to school activities.

Individual Behavior Plan (IBP)

- A plan developed that will assist students in controlling unacceptable behaviors: (a) Informal (b) Formal, which includes a functional behavioral assessment and a formal behavior plan.

Inebriation

- A state of intoxication; drunkenness.

Insubordination

- The act of deliberately ignoring or failing to respond to a reasonable request made by an administrator or staff member.

Interfere

- To involve yourself in matters connected with other people without being asked or needed.

Intimidation

- The act of discouraging or inhibiting by threats. Unlawful coercion; extortion; duress; putting in fear. Such fear must arise from the willful conduct of the

accused, rather than from some mere temperamental timidity of the victim; however, the fear of the victim need not be so great as to result in terror, panic, or hysteria.

NOTE: Intimidation is making another person fearful by the use of one's words or actions.

- Intoxicants** - Substances that deprive a person of the ordinary use of the senses or reason.

- Juvenile Referral and/ or Custody Report (Form 117 Diversions) [i.e., JOINS, Mediation]** - A charging document issued to students in the presence of the parents by police for getting a child into appropriate diversions or adjudication (court). A community arbitration hearing will be held.

- Look-Alike Guns** - Realistically shaped, sized, and colored toy guns that USUALLY lack a blaze orange barrel plug. These toys could HONESTLY be mistaken for a functioning firearm. Water guns and cap guns that LOOK REAL would also fall into this category.

- Long-Term Suspension-** Suspension of a student for more than ten (10) school days and not more than forty five (45) days imposed by the superintendent or the designee after reviewing the school suspension. All cases of long-term suspension are subject to review for readmission to the day school program.

- Non-controlled Substance** - Any over-the-counter medicine (or herbal vitamin) that does not require a prescription.

- Obscene** - A word, act, or expression that is offensive, indecent, lewd. Offensive to accepted standards of decency or modesty.

- Other Guns** - Guns having a working mechanism that could cause injury. These specifically include the following: Flare Gun, Paint Gun, Glue Gun, BB Gun, Paint Ball Gun, Nail Gun, Pellet Gun, Spud Guns, and Stun Guns.

- Pocket Knives** - A loose description for a small knife that has a blade which folds into the handle. Baltimore County Public

Schools classifies a "pocket knife" as having a blade less than 2 ½" in length (not including a handle into which the blade folds). Small key ring knives, mini-Swiss Army knives, small folding knives might all fit into this category. Knives with serrated edges and larger blades of over 2 ½" are **not** considered "pocket knives."

Portable Telephone - A telephone that can be moved from place to place, especially carried by hand.

Possession - The law, in general, recognizes two kinds of possession: actual possession and constructive possession. A person, who knowingly has direct physical control over an object at a given time, is in actual possession. A person who, although not in actual possession, knowingly has both the power and intention at a given time to exercise dominion or control over an object, either directly or through another person or persons, is then in constructive possession of it.

NOTE: One is responsible for knowing what is in his/her car, locker, and on his/her person. A person can be in possession of an object without ownership. More than one person can be in control of an object.

Prescription - A doctor's written direction for the medicine that someone needs and how it is to be used, or the medicine itself.

Prescription Drug - A drug that is available only with a prescription from a doctor or a dentist. Medicine, medication, or medicinal drug that treats, prevents, or alleviates the symptoms of disease.

Real Weapons/Look-Alike Weapons - Examples specifically include: Knife, Pocket Knife, Stick, Brass Knuckles, Tool Knife Blade, Wooden Club, Switchblade, Hammer, Razor, Box Cutter, Exacto Knife, Swiss Army Knife, Scissors, Hypodermic Needle, Steak Knife, Awl, Metal Fingernail File, Sling Shot, Razor Blade, Screwdriver, Lock Blade Knife, Broom Handle, Metal Pole, Poison, Bowie Knife, Throwing Star, Pepper Spray, Metal Knuckles,

Nunchakus, Darts, and Laser Pointers. A look-alike weapon should easily be mistaken for the real object.

Reckless Endangerment - Conduct that creates substantial risk of serious physical injury to another.

Regular Instructional School Hours

- Baltimore County Public Schools considers the instructional school hours to be any time the school is in session for delivery of instruction. This includes Evening School and after school or weekend instructional programs or discipline programs.

Responsibility

- The obligation to answer for an act done, and to repair any injury it may have caused.

Examples: owning responsibility for a specific action, being responsible for one's behavior (appropriate for one's age group)

Robbery

- To take property from another through fear, force, or violence. The felonious taking of money, personal property or any other article of value in the possession of another from his person or immediate presence and against his will accomplished by means of force or fear.

It is robbery if, in the course of committing a theft, he:
a) inflicts serious bodily injury upon another
b) threatens another with or purposely puts him in fear of immediate serious bodily injury.

NOTE: Robbery is taking something that does not belong to you by the use of fear or force.

Sexual Activity, Inappropriate

- Any activity of a sexual nature that involves sexual body part contact including but not limited to masturbation, sexual intercourse, oral sex.

Sexual Assault

- The physical attack of a sexual nature that includes the threat and use of force (assault).

Showing Evidence of Having Used a Controlled Substance

- Evidence is shown by: increased heart rate, anxiety, panic attacks, trouble with thinking and problem solving, silliness and giggles for no reason, red bloodshot eyes, trouble walking.
- Evidence is shown by: poor communication, lack of coordination, suspicious odor on breath and hands.
- Admission of the student that he/she did become involved with CDS or alcohol.

Examples: documentation from the nurse's assessment, observation of key staff/administrators, admission by the student that he/she was involved with the CDS or alcohol.

Suspension

- Temporary removal from a regular program of a student by the principal for a period not to exceed ten (10) school days.

Striking

- To physically hit with hand, feet, body part, object, or weapon.

Telecommunications

- The science and technology of communication – message by electronic transmission, i.e., impulses, cable, telephone, radio, television.

Theft

- A common name for larceny. The act of stealing. The taking of property without the owner's consent. Theft is any of the following acts, with the intent to deprive the owner permanently of the possession, use, or benefit of his property:
 - a) Obtaining or exerting unauthorized control over property; or
 - b) Obtaining by deception control over property; or
 - c) Obtaining by threat control over property; or
 - d) Obtaining control over stolen property knowing the property has been stolen by another.

Threat

- A verbal attack (assault). An implied or stated threat to use force on a person or property (school).

Threat and/or Attack

- The threat to use force upon another and the carrying out of the threat by physically attacking.

Toy Gun

- A toy gun that looks like a toy should be considered a toy. Federal requirements stipulate that toy guns must contain at LEAST a blaze orange barrel plug to designate that it is non-functioning. Many toy guns are brightly colored or fancifully shaped, like the popular "Super Soakers," or the classic brightly-colored water pistol. These are of a shape, size, and color such that they would not be reasonably mistaken for a bona fide weapon. It should be explained to the offending student that these toys are not appropriate to bring to school.

Trespass

- To enter someone's property without permission. To be on school property during the regular school day including the beginning and dismissal times without permission from the administration or school officials.

Under the Influence (Substance Intoxication)

- The development of a reversible substance-specific syndrome due to recent ingestion of (or exposure to) a substance. NOTE: different substances may produce similar or identical syndromes. Clinically significant maladaptive behavioral or psychological changes that are due to the effect of the substance on the central nervous system (e.g., belligerence, mood lability, cognitive impairment, impaired judgment, impaired social or occupational functioning) and develop during or shortly after use of the substance. The symptoms are not due to a general medical condition and are not better accounted for by another medical disorder.

Examples: unable to pass the nurse's assessment, body movements and speech indicate abnormal behavior, the inability to function properly in the normal school setting as a result of drug influence.

Violent Behavior

- Violent behavior contains one or more of the following elements:
 - uncontested battering
 - significant injury requiring emergency treatment
 - use of a weapon in the act of battering
 - implied bodily injury, death, or mass destruction

In all cases of violent behavior charges, the following actions are required:

- a nurse's examination and report of injury
- a police report describing the incident and the injuries.

Weapon

- Any item that can inflict bodily harm. Any rifle or gun (loaded or unloaded, operable or inoperable), switchblade knife, hunting knife, star knife, razors including straight or retractable razor, nunchaku, spiked glove, spiked wristband, or any mace derivative, tear gas device, or pepper spray product. EXEMPTION: The use of permanently inoperable rifles by JROTC students shall not be a violation of this policy during instructional time and at any other times when under the direct supervision of JROTC instructors.

- Wireless Communication** - Use of cellular communications for accessing telephone or telecommunicating.

Revised 3/26/03

STUDENTS: Conduct

Disruptive Behavior

Students are expected to follow the code of conduct on school property, on school buses, and at off-site school-sponsored activities. A student's behavior is disruptive when it interferes with the normal function of a school. A student's behavior is disruptive when that behavior interferes with the academic process or violates the rights of others to utilize the services and facilities of the school. Students who take part in disruptive behavior are subject to discipline that may include suspension or expulsion, according to the procedures outlined in the Policy and Rule 5560, "Suspension or Expulsion."

Below are some student offenses for which discipline will be imposed. The list does not cover all behaviors or actions. There may be additional offenses for which a student can be suspended or expelled.

Category I – Examples of offenses that may result in suspension:

ARSON/FIRE/EXPLOSIVES

- a. POSSESSION AND/OR Igniting OF matches or lighters (when not a part of the instructional program)

ATTACKS/THREATS/FIGHTING

- b. Fighting

ATTENDANCE

- c. Leaving school grounds without permission
- d. Unexcused lateness (class/classes)
- e. Unexcused lateness (school day)
- f. Unexcused absence or truancy (class/classes)
- g. Unexcused absence or truancy (school day)

DANGEROUS SUBSTANCES

- h. Non-prescription violation (possession of non-prescription medications)
- i. Use and/or possession of tobacco or cigarette rolling paper

DISRESPECT/INSUBORDINATION

- j. Failure to follow a direction such as, but not limited to, failure to report to office when directed by school staff to do so
- k. Harassment (nuisance phone calls to students or staff members; continued comments or passing of unofficial notes to another individual that he/she does not wish to hear or receive)
- l. Refusing to cooperate with school rules and regulations
- m. Refusing to cooperate with school transportation regulations
- n. Refusing to do assigned work
- o. Refusing to serve detention
- p. Using obscene or abusive language

PERSONAL HEALTH

- q. Personal health, when a student knowingly uses his or her state of health to threaten the health of others

OTHER

- r. Academic dishonesty (cheating on tests, copying term papers, forging signature of teacher and/or parent)
- s. Gambling
- t. Unauthorized sale or distribution in school of items, goods, or services not related in any way to the school operation, (e.g., sale of football pools).
- u. Use of electronic communication devices, such as a pager (beeper), portable telephone, or any wireless communication device (which are not part of the educational program) during regular instructional school hours. Regular instructional hours are defined as beginning at the opening bell for the school day and concluding at the dismissal bell for the school day. Students involved in before-school, after-school, and weekend instructional activities shall not use electronic communication devices within the assigned areas of the activity from the beginning of the scheduled activity until its conclusion. The device must be turned off and stored in the locker, book bag, automobile, or purse during school hours and while being transported on the bus. The ban on the use of electronic devices applies to buses used for all school-related activities.

Category II – Examples of offenses for which the student may be suspended and which may result in expulsion:

ARSON/FIRE/EXPLOSIVES

- a. Fire alarm/false fire report/bomb threat
- b. Possession and/or detonation of an incendiary or explosive material or device, including live ammunition (firecracker or greater)

ATTACKS/THREATS/FIGHTING

- c. Extortion or taking money or possessions from another student(s) by threat or causing fear and intimidation
- d. [Assault and/or battery] PHYSICAL ATTACK(S) on a student
- e. [Assault] THREAT(S) on individual(s)

DANGEROUS SUBSTANCES

- f. Distribution, attempt to distribute, or possession with the intent to distribute a non-controlled substance that is represented as a controlled dangerous substance
- g. Non-prescription violation (misuse of non-prescription medications) including failure to have medications administered by school nurse or delegated personnel
- h. Possession, use, or distribution of controlled and/or drug paraphernalia
- i. Prescription violation (possession of prescribed medication)
- j. Purchase of a non-controlled substance that has been represented to be a controlled dangerous substance
- k. Use and/or possession of tobacco or cigarette rolling paper, repeated offense

DISRESPECT/INSUBORDINATION

- l. Conspiracy or planning between two or more persons to commit a Category III offense
- m. Disruptive behavior that results in the interference with the normal school program, including repeated Category I or II offenses.

- n. Harassment for any reason
- o. Interfering with another student's right to attend school or classes
- p. Participating in and/or inciting a school disruption

SEX OFFENSES

- q. INAPPROPRIATE BEHAVIOR OF A SEXUAL NATURE.
- r. Indecent exposure

WEAPONS

- s. Possession of a look-alike weapon of any kind
- t. Possession of a pocket knife

OTHER

- u. Destruction and/or vandalism of school property, personal property of students and/or faculty. This includes receipt, sale, possession, or distribution of property stolen from Baltimore County Public Schools. Restitution is required, either monetary or school work project.
- v. RECKLESS ENDANGERMENT RESULTING IN INJURY TO A PERSON
- w. Theft and/or knowingly possessing stolen property
- x. Trespassing
- y. Violation of the Telecommunications Acceptable Use Policy

Category III – Examples of offenses which shall result in expulsion:

ARSON/FIRE/EXPLOSIVES

- a. Arson

ATTACKS/THREATS/FIGHTING

- b. Striking a staff member who is intervening in a fight or other disruptive activity (intentional or unintentional)
- c. [Assault and battery] PHYSICAL ATTACK(S) on a staff member
- d. Violent behavior which creates a substantial danger to persons or property

DANGEROUS SUBSTANCES

- e. Distribution and/or sale of alcohol
- f. Distribution and/or sale of controlled dangerous substances (illegal drugs)
- g. Possession of alcohol
- h. Possession of controlled dangerous substances (illegal drugs)
- i. Prescription violation (misuse of prescribed medications) including failure to have medications administered by school nurse or delegated personnel
- j. Use of a controlled dangerous substance (illegal drugs), under the influence of a controlled substance, or showing evidence of having used a controlled substance
- k. Use of alcohol, under the influence of alcohol, or showing evidence of having consumed alcohol
- l. Use of any intoxicants which causes a loss of self-control or inebriation and which shall include glue and solvents

SEX OFFENSES

- m. SEXUAL ASSAULT

WEAPONS

- n. Possession and/or use of a firearm on school property (one-year expulsion)
- o. Possession or use of any other gun or rifle (loaded or unloaded, operable or inoperable) which shall include, but not be limited to, pellet gun, paintball gun, stun gun, BB gun, flare gun, nail gun¹
- p. Possession or use of a real weapon of any kind which shall include, but not be limited to, switchblade knife, hunting knife, star knife, razors (including straight or retractable razor), nunchaku, spiked glove, spiked wristband, any mace derivative, tear gas device, or pepper spray product

- q. Use of a look-alike gun or rifle (loaded or unloaded, operable or inoperable)²
- r. Use of a look-alike weapon of any kind which shall include, but not be limited to, switchblade knife, hunting knife, star knife, pocket knife, razors including straight or retractable razor, nunchaku, spiked glove, or spiked wristband
- s. Use of a pocketknife or any object as a weapon

OTHER

- t. Robbery

The provisions of this policy apply in all situations in which students are involved, including: (1) school activities on property owned by the Board of Education; (2) travel on school buses; (3) off-site school-sponsored activities; (4) on-site or off-site school-related problems which are the result or cause of disruptive behavior on school grounds; and (5) violent acts of behavior which occur off school property and pose a threat to the safety of students and faculty or disrupt the learning environment.

Legal References: Gun Free Schools Act of 1994, 20 U.S.C. §3351
Annotated Code of Maryland, Education Article,
§7-305, Suspension and Expulsion
Code of Maryland Regulations (“COMAR”)
13A.08.01.11 Disciplinary Action
13A.08.01.17 School Use of Reportable Offenses
13A.08.01.04(B) Unlawful Absence
13A.02.04.01-07 Tobacco-Free School Environment

Policy
adopted: 7/13/78
revised: 6/24/82
revised: 6/14/84
revised: 6/19/86
revised: 5/28/87
revised: 6/16/88
revised: 5/10/90
revised: 5/23/91
revised: 7/1/92
revised: 9/12/95
revised: 7/2/96
revised: 8/6/96
revised: 6/9/97
revised: 6/12/01
revised: 7/9/02

REVISED:

Board of Education
of Baltimore County

¹ The use of permanently inoperable rifles by JROTC students shall not be a violation of this policy during instructional time and at any other times when under the direct supervision of JROTC instructors.

² See Note 1 above.

STUDENTS: Conduct

Suspension of Expulsion

1. Definitions

Within the Baltimore County PUBLIC SCHOOLS (BCPS) [school system], the following types of suspensions and expulsions are utilized:

A. Short-term Suspension

Temporary suspension of a student by the principal for a period not to exceed ten (10) school days

B. Long-term Suspension

Long-term suspension of a student for more than ten (10) school days and less than [one quarter] 45 SCHOOL DAYS imposed by the [s]Superintendent or the designee after reviewing the school suspension—All cases of long-term suspension are subject to review for readmission to the day school program

C. Expulsion

Expulsion is the required withdrawal [for more than one quarter] from the day school program of a student of any age, by direction of the [s]Superintendent or the designee, upon review of the suspension from school. All cases of expulsion are subject to review for readmission to the day school program.

Use of the suspension or the expulsion process IN BCPS is an administrative responsibility sanctioned by State law and by policies of the Board of Education as a measure to be used in the discipline of students. Principals have full authority to use [temporary or] short-term suspension in a judicious manner, i.e., where the procedure fits the offense and the offender and is not unreasonable, excessive, or malicious. Complete records must be available to justify each suspension.

To provide an environment in which all students may achieve their potential, the maintenance of acceptable standards of conduct is required. The judicious use of suspension may be a contributing factor in providing a positive learning atmosphere within the total school environment. Generally, the suspension of a student should not be implemented until all appropriate school resources have been utilized to help the student to modify the behavior which necessitated the suspension. It must be recognized, however, that some acts of behavior as defined in the policies, "Alcoholic Beverages and Drugs" 5540 and "Disruptive Behavior" 5550, warrant immediate and mandatory expulsion.

Students are suspended to the Superintendent OR DESIGNEE to determine whether a suspension longer than ten (10) school days or an expulsion is warranted.

A student, PARENT, OR GUARDIAN may appeal a SHORT-TERM suspension [of more than ten (10) school days], LONG-TERM SUSPENSION, or expulsion to the Board of Education by sending such a request in writing to the Superintendent of Schools within ten (10) school days of the decision by the PRINCIPAL, Superintendent, or the designee. Upon appeal, the Board or a designated committee thereof shall hear the matter promptly, but in no event later than fifteen (15) school days from the receipt of notice of appeal in the superintendent's office. Each party shall be afforded the opportunity to present witnesses and be represented by counsel. Unless a public hearing is requested by the student, [or] parent, or guardian, the hearing shall be conducted out of the presence of all persons except those whose presence is deemed necessary or desirable by the Board. The appeal to the Board of Education shall not operate as a stay of the decision of the Superintendent, and the decision of the Board shall be final.

The function of the Board is to hold a hearing to determine whether the testimony and exhibits presented support the charges upon which the expulsion was based. The Board delegates to the Superintendent of Schools the responsibility for determining the duration of an expulsion or a long-term suspension and the consideration of readmission. The Superintendent shall consider mitigating circumstances in making such decisions.

SCOPE OF AUTHORITY

The provisions of this policy apply to: (1) school activities on property owned by the Board of Education; (2) travel on school buses; (3) off-site school-sponsored activities; (4) on- or off-site school related problems which are the result or cause of disruptive behavior on school grounds; and (5) violent acts of behavior which occur off school property that pose a threat to the safety of students and faculty or that disrupt the learning environment. Suspended or expelled students are prohibited from participating in school activities, on or off campus, sponsored by any BCPS school. Students may enroll in alternative educational programs and participate in appropriate graduation activities organized by the Office of [Adult and] Alternative [Education] PROGRAMS. Also, expelled students may receive counseling services at the [adult education] ALTERNATIVE PROGRAM centers and at the schools from which they have been expelled after obtaining special permission from the principals of those schools.

Legal References: Annotated Code of Maryland, Education Article
§7-304 Suspension and Expulsion
State Board of Education Bylaws
13A.08.01.06A Suspension and Expulsion
Code of Maryland Regulations (“COMAR”) 13A.08.01.17
School Use of Reportable Offenses

Policy
adopted: 7/8/76
revised: 7/9/81
revised: 6/24/82
revised: 5/12/83
revised: 6/19/86
revised: 7/2/96
REVISED:

Board of Education
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