

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: October 2, 2007

TO: **BOARD OF EDUCATION**

FROM: Dr. Joe A. Hairston, Superintendent

SUBJECT: **PROPOSED CHANGES OF BOARD OF EDUCATION POLICY
5560, STUDENTS: SUSPENSION OR EXPULSION**

ORIGINATOR: Dr. Sonia Diaz, Chief Academic Officer

**RESOURCE
PERSON(S):** Dale R. Rauenzahn, Executive Director, Student Support Services
Patsy J. Holmes, Director, Student Support Services

RECOMMENDATION

That the Board of Education approves the proposed changes to Policy 5560, STUDENTS: Suspension or Expulsion. This is the third reading of this policy.

Attachment I – Policy Analysis
Attachment II – Policy 5560

BOARD OF EDUCATION POLICY ANALYSIS
Revisions to Board of Education Policy 5560
STUDENTS: Conduct
Suspension or Expulsion

Statement of issues or questions to be addressed by the proposed policy

The Department of Student Support Services is in the process of reviewing policies in the 5000 Series. The department is recommending minor revisions to the policy to permit it to align with current practices of the Board of Education concerning student behavior. More importantly, the policy now reflects the Board's commitment to review its policies, to the best of its ability, on a five year cycle. Lastly, the policy reflects the department's inclusion of the assignment to an alternative program as a consequence for disruptive student behavior in school.

Fiscal Impact on the school system

No fiscal impact is anticipated or contemplated by this revision.

Relationship to other Board of Education Policies

This policy addresses consequences for inappropriate student behavior with assignment to an alternative program being one of those consequences.

Legal requirements, such as federal, state or local laws or regulations

Md. Ed. Art. § 7-305 provides that "At the request of a principal, a county superintendent may suspend a student for more than 10 school days or expel the student."

Similar Policies adopted by other school systems

HARFORD COUNTY BOARD OF EDUCATION

Policy Number 0011-000, Student Behavior

<http://www.hcps.org/BOE/PoliciesProcedures/docs/students.pdf>

HOWARD COUNTY BOARD OF EDUCATION

Policy Number 9200-3431, Students Discipline

<http://www.hcpss.org/board/policies/9000.pdf>

A draft of the proposed policy

See attached

Other alternatives that were considered by the Board members

The Department of Student Support Services did not consider other alternatives.

STUDENTS: Conduct

SuspensionS, ASSIGNMENT TO ALTERNATIVE PROGRAMS, or ExpulsionS

1. Definitions

Within the Baltimore County Public Schools (BCPS), the following types of suspensions, ASSIGNMENTS, 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 45 school 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

C. ASSIGNMENT TO ALTERNATIVE PROGRAMS

ASSIGNMENT OF A STUDENT TO AN ALTERNATIVE PROGRAM IS THE REQUIRED TRANSFER FROM THE DAY SCHOOL PROGRAM OF A STUDENT OF ANY AGE BY DIRECTION OF THE SUPERINTENDENT UPON REVIEW OF THE STUDENT'S SUSPENSION FROM SCHOOL. ALL CASES OF ASSIGNMENT TO ALTERNATIVE PROGRAMS ARE SUBJECT TO REVIEW FOR READMISSION TO THE DAY SCHOOL PROGRAM.

D. [C.]Expulsion

Expulsion is the required [withdrawal] TRANSFER from the day school program of a student of any age by direction of the 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, ALTERNATIVE PROGRAM ASSIGNMENT, or the expulsion process in BCPS is an administrative responsibility sanctioned by State law and by policies of the Board of Education OF BALTIMORE COUNTY (BOARD) as a measure

to be used in the discipline of students. Principals have full authority to use 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, INTERVENTIONS, AND SUPPORTS 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 ASSIGNMENT TO AN ALTERNATIVE PROGRAM OR expulsion.

Students are suspended to the Superintendent [or designee] to determine whether a suspension longer than ten (10) school days or an ASSIGNMENT TO AN ALTERNATIVE PROGRAM OR expulsion is warranted.

A student, parents/GUARDIANS [or guardian] may appeal a short-term suspension, ALTERNATIVE PROGRAM ASSIGNMENT, 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 date of 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, parent[,]/GUARDIAN [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 SUSPENSION, LONG-TERM SUSPENSION, ALTERNATIVE PROGRAM ASSIGNMENT, OR expulsion was based. The Board delegates to the Superintendent [of Schools] the responsibility for determining the duration of A SUSPENSION, LONG-TERM SUSPENSION, an ALTERNATIVE PROGRAM ASSIGNMENT, OR 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, REASSIGNED, 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 Alternative [Programs] EDUCATION, DROPOUT PREVENTION AND SUMMER SCHOOL. Also, STUDENTS ASSIGNED TO ALTERNATIVE PROGRAMS AND expelled students may receive counseling services at the Alternative Program centers and at the schools from which they have been REASSIGNED OR expelled after obtaining special permission from the principals of those schools.

Legal References: *Annotated Code of Maryland*, Education Article §§7-304 to -305
COMAR 13A.08.01.11
COMAR 13A.08.01.17

Policy

Board of Education of Baltimore County

Adopted: 7/8/76
Revised: 7/9/81
Revised: 6/24/82
Revised: 5/12/83
Revised: 6/19/86
Revised: 7/2/96
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REVISED: