

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: May 19, 2009

TO: **BOARD OF EDUCATION**

FROM: Dr. Joe A. Hairston, Superintendent

SUBJECT: **REPORT ON THE PROPOSED CHANGES TO BOARD OF EDUCATION POLICY 5550 - DISRUPTIVE BEHAVIOR**

ORIGINATOR: Dr. Patricia Abernethy, Chief Academic Officer

RESOURCE PERSON(S): Dale R. Rauenzahn, Executive Director, Student Support Services
Glenda Myrick, Coordinator, Safe and Drug-Free Schools

RECOMMENDATION

That the Board of Education reviews the proposed changes to Policy 5550. This is the first reading of this policy.

Attachment I: Policy Analysis 5550
Attachment II: Policy 5550

**Policy Analysis for
Board of Education Policy 5550
Disruptive Behavior**

Statement of Issues or Questions Addressed

Board of Education Policy 5550 is being revised to ensure consistency with the new Board of Education Policy 5580.

Cost Analysis and Fiscal Impact on School System

No fiscal impact is anticipated by the revision of this policy.

Relationship to Other Board of Education Policies

Board of Education Policy 5580, *Bullying, Harassment, or Intimidation (new)*.

Legal Requirements

Annotated Code of Maryland, Education Article §7-305, §7-424
COMAR 13A.08.01.11, 13A.08.01.17, 13A.08.01.04
20 U.S.D 7151

Similar Policies Adopted by Other Local School Systems

Policies comply with MSDE's model *Bullying Policy*.

Draft of Proposed Policy

Attached

Other Alternatives Considered by Staff

None

Timeline:

First reading – May 19, 2009
Public comment – June 9, 2009
Third reading – July 14, 2009

STUDENTS: Conduct

Disruptive Behavior

Students [are expected to] **MUST** 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, assignment to an alternative program, or expulsion, according to the procedures outlined in Policy and Rule 5560, “Suspensions, Assignment to Alternative Programs or Expulsions.”

Below are some behavior offenses for which student 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, assigned to an alternative program, 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/guardian)
- 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 area 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, assigned to an alternative program, and which may result in expulsion:

ARSON/FIRE EXPLOSIVES

- a. Fire alarm/false fire report
- 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. Physical attack(s) on a student
- e. 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. BULLYING, harassment, OR INTIMIDATION 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 kinds
- 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 schoolwork project.
- v. Exchange of money for an illegal purpose
- w. Reckless endangerment resulting in injury to a person

- x. Theft and/or knowingly possessing stolen property
- y. Trespassing
- z. Violation of the Telecommunications Acceptable Use Policy

Category III – Examples of offenses that shall result in assignment to an alternative program, or expulsion:

ARSON/FIRE/EXPLOSIVES

- a. Arson (**Expulsion Only**)
- b. Bomb Threat

ATTACKS/THREATS/FIGHTING

- c. Striking a staff member who is intervening in a fight or other disruptive activity (intentional or unintentional)
- d. Physical attack(s) on a staff member (**Expulsion Only**)
- e. Violent behavior which creates a substantial danger to persons or property

DANGEROUS SUBSTANCES

- f. Distribution and/or sale of alcohol
- g. Distribution and/or sale of controlled dangerous substances (illegal drugs) (**Expulsion Only**)
- h. Possession of alcohol
- i. Possession of controlled dangerous substances (illegal drugs)
- j. Prescription violation (misuse of prescribed medications) including failure to have medications administered by school nurse or delegated personnel
- k. Use of a controlled dangerous substance (illegal drugs), under the influence of a controlled substance, or showing evidence of having used a controlled substance

- l. Use of alcohol, under the influence of alcohol, or showing evidence of having consumed alcohol
- m. Use of any intoxicants which causes a loss of self-control or inebriation and which shall include glue and solvents

SEX OFFENSES

- n. Sexual assault (**Expulsion Only**)

WEAPONS

- o. Possession and/or use of a firearm on school property (**one-year expulsion**)
- p. 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 (**Expulsion for use**)
- q. Possession or use of a real weapon of any kind which shall include, but not 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 (**Expulsion for use**)
- r. Use of a look-alike gun or rifle (loaded or unloaded, operable or inoperable)²
- s. 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
- t. Use of a pocketknife or any object as a weapon

OTHER

- u. 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: *Annotated Code of Maryland*, Education Article, §7-305, §7-424
[COMAR] 13A.02.04
[COMAR] 13A.08.01.11
[COMAR] 13A.08.01.17
[COMAR] 13A.08.01.04
20 U.S.C. §7151 (Gun-Free Schools Act)

Policy

Board of Education of Baltimore County

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Revised: 06/24/82
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Revised: 06/19/86
Revised: 05/28/87
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: 6/10/03
Revised: 9/4/03
Revised: 7/13/04
Revised: 2/08/05
Revised: 9/05/07
REVISED: _____

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.