

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: December 21, 2010

TO: **BOARD OF EDUCATION**

FROM: Dr. Joe A. Hairston, Superintendent

SUBJECT: **REPORT ON THE PROPOSED CHANGES TO BOARD OF EDUCATION POLICY 5561, SCHOOL USE OF REPORTABLE OFFENSES**

ORIGINATOR: Michele Prumo, Chief of Staff

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

RECOMMENDATION

That the Board of Education reviews the proposed changes to Policy 5561.
This is the first reading.

Attachment I – Policy Analysis 5561
Attachment II – Policy 5561

**POLICY ANALYSIS FOR
BOARD OF EDUCATION POLICY 5561
SCHOOL USE OF REPORTABLE OFFENSES**

Statement of Issues or Questions Addressed

Board of Education Policy 5561 has not been reviewed since its adoption in 1996. In accordance with Section 7-303 of the Education Article, law enforcement agencies are required to notify the Superintendent when a student has been arrested and charged with a crime of violence and other enumerated offenses, otherwise referred to as “reportable offenses,” which occur in the community and outside of the school. The law was recently amended to include offenses that relate to a student’s membership in a criminal gang. Staff is recommending that the policy be revised to more accurately reflect the Board’s philosophy and to ensure alignment with Maryland law and regulation, as amended. The policy has also been revised to conform to the Policy Review Committee’s editing conventions.

Cost Analysis and Fiscal Impact on School System

None

Relationship to Other Board of Education Policies

1. Board of Education Policy 5500, *Conduct*
2. Board of Education Policy 5560, *Suspensions, Assignment to Alternative Programs, or Expulsions*

Legal Requirements

1. 20 U.S.C. § 1400, *et seq.*, *Individuals with Disabilities Education Act (IDEA)*
2. *Annotated Code of Maryland*, Education Article §7-303, *Arrest for reportable offense*
3. *Annotated Code of Maryland*, Education Article §7-304, *Special programs for disruptive students*
4. *Annotated Code of Maryland*, Education Article §7-424.2, *Gangs and gang activity*
5. COMAR 13A.05.01, *Provision of a Free Appropriate Public Education*
6. COMAR 13A.08.01.17, *School Use of Reportable Offenses*

Similar Policies Adopted by Other Local School Systems

1. Anne Arundel County Board of Education, Policy JCC-RAK, *Students Charged with Community Offenses*
2. Howard County Board of Education, Policy 9280, *Students Charged with Community or Reportable Offenses*

Draft of Proposed Policy

Attached

Other Alternatives Considered by Staff

No other alternatives were considered.

Timeline

First reading – December 21, 2010

Public comment – January 11, 2011

Third reading/vote – February 8, 2010

STUDENTS: CONDUCT

[STUDENTS:] School Use of Reportable Offenses

I. PHILOSOPHY

THE BOARD OF EDUCATION OF BALTIMORE COUNTY (BOARD) IS COMMITTED TO PROVIDING A SAFE ENVIRONMENT CONDUCIVE TO LEARNING. THE BOARD BELIEVES THAT VIOLENT ACTS COMMITTED BY STUDENTS IN THE COMMUNITY HAVE THE POTENTIAL TO IMPACT THE SAFETY OF SCHOOLS, STAFF MEMBERS AND STUDENTS.

II. IMPLEMENTATION

THE SUPERINTENDENT SHALL DEVELOP A RULE TO PROVIDE GUIDANCE TO SCHOOLS ON RESPONDING TO NOTICE OF A STUDENT'S CRIMINAL ACTIVITY IN THE COMMUNITY AND DETERMINING WHETHER IT IS IN THE BEST INTEREST OF THE SCHOOL SYSTEM FOR THE STUDENT TO CONTINUE HIS/HER ENROLLMENT IN THE ASSIGNED SCHOOL.

[The Board of Education of Baltimore County directs the Superintendent of Schools to establish local rules that comply with COMAR 13A.08.01.17, School Use of Reportable Offenses.]

Legal ReferenceS: 20 U.S.C. § 1400, *ET SEQ., INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)*
Annotated Code of Maryland, Education Article §7-303 [§7-302.1], *Arrest for Reportable Offense[s]*
ANNOTATED CODE OF MARYLAND, EDUCATION ARTICLE §7-304, SPECIAL PROGRAMS FOR DISRUPTIVE STUDENTS
ANNOTATED CODE OF MARYLAND, EDUCATION ARTICLE §7-424.2, GANGS AND GANG ACTIVITY
COMAR 13A.05.01, *PROVISION OF A FREE APPROPRIATE PUBLIC EDUCATION*
COMAR [Code of Maryland Regulations (“COMAR”),] 13A.08.01.17, *SCHOOL USE OF REPORTABLE OFFENSES*

RELATED POLICIES: BOARD OF EDUCATION POLICY 5550, *VIOLENT BEHAVIOR OCCURRING OFF SCHOOL PROPERTY (SCOPE OF AUTHORITY)*
BOARD OF EDUCATION POLICY 5560, *SUSPENSIONS, ASSIGNMENT TO ALTERNATIVE PROGRAMS, OR EXPULSIONS*

Policy
Adopted: 6/18/96
REVISED: _____

Board of Education of Baltimore County