

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: March 22, 2011
TO: **BOARD OF EDUCATION**
FROM: Dr. Joe A. Hairston, Superintendent
SUBJECT: **REPORT ON THE PROPOSED DELETION OF POLICY 4005.**
DATING OR SEXUAL RELATIONS BETWEEN STAFF AND
STUDENTS

ORIGINATOR: Joe A. Hairston, Superintendent

RESOURCE

PERSON(S): Donald Peccia, Assistant Superintendent, Human Resources
George Duque, Manager, Staff Relations
Frances Allen, Manager, Personnel Services

RECOMMENDATION

That the Board of Education reviews the proposed deletion of Policy 4005.
This is the first reading.

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Attachment I – Policy Analysis
Attachment II – Policy 4005

**POLICY ANALYSIS FOR
BOARD OF EDUCATION POLICY 4005
DATING OR SEXUAL RELATIONS BETWEEN STAFF AND STUDENTS**

Statement of Issues or Questions Addressed

Board of Education Policy 4005 has not been reviewed since its adoption in 1994. Policy 4005: prohibits school system employees from dating or engaging in sexual relationships with students; establishes reporting procedures; and mandates appropriate disciplinary action for violation of the prohibition. Staff is recommending that the policy be deleted, because Board of Education Policy 4115 and its implementing Superintendent's Rule prohibit employees from dating and having inappropriate relationships with students. Lastly, Policy 4004 clearly advises employees of their responsibilities to report these types of inappropriate relationships and metes out requisite disciplinary action. As such, the policy is no longer needed and should be deleted.

Cost Analysis and Fiscal Impact on School System

No additional cost is anticipated by the deletion of this policy.

Relationship to Other Board of Education Policies

1. Board of Education Policy, Board of Education Policy 4004, *Child Abuse, Neglect and/or Inappropriate Behavior Toward a Student by an Employee of Baltimore County Public Schools*
2. Board of Education Policy 4008, *Obligations of the Employees of the Board of Education of Baltimore County*
3. Board of Education Policy 4115, *Employee Conduct and Responsibilities*
4. Board of Education Policy 5440, *Child Abuse and Neglect*

Legal Requirements

1. *Annotated Code of Maryland, Education Article §4-205, Powers and duties of county superintendent*
2. *Annotated Code of Maryland, Education Article §6-108, Immunity of school employees from civil liability for certain actions*
3. *Annotated Code of Maryland, Education Article §6-202, Suspension or dismissal of teachers, principals and other professional personnel*
4. *Annotated Code of Maryland, Family Law Article §5-701, et seq., Child abuse and reporting*
5. COMAR 13A.12.05, *Suspensions and revocations*

Similar Policies Adopted by Other Local School Systems

1. Anne Arundel County Board of Education, Policy GBV, *Dating Between Employees and Students*
2. Harford County Board of Education, Policy 12-0002-000, *Statement of Ethics*
3. Howard County Board of Education, Policy 7030, *Employee Conduct and Discipline*

Draft of Proposed Policy

Attached

Other Alternatives Considered by Staff

No other alternatives considered.

Timeline

First reading – March 22, 2011

Public comment – April 5, 2011

Third reading/vote – May 10, 2011

PERSONNEL: General

Dating or Sexual Relations Between Staff and Students

An individual employed by the Board of Education of Baltimore County may not date or have a sexual relationship with any student enrolled in the Baltimore County Public School System. The Superintendent of Schools will establish procedures for reporting such cases to the appropriate authorities and will administer disciplinary action, when necessary.

Policy
Adopted: 4/16/94]

Board of Education of Baltimore County