

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: May 10, 2011

TO: **BOARD OF EDUCATION**

FROM: Dr. Joe A. Hairston, Superintendent

SUBJECT: **CONSIDERATION OF THE PROPOSED DELETION OF POLICY 5570, STUDENT TO STUDENT SEXUAL HARASSMENT**

ORIGINATOR: Michele Prumo, Chief of Staff

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

RECOMMENDATION

That the Board of Education approves the proposed deletion of Policy 5570.
This is the third reading.

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Attachment I – Policy Analysis
Attachment II – Policy 5570

**POLICY ANALYSIS FOR
BOARD OF EDUCATION POLICY 5570
STUDENT TO STUDENT SEXUAL HARASSMENT**

Statement of Issues or Questions Addressed

Board of Education Policy 5570 has not been reviewed since its adoption in 1993. Policy 5570 prohibits student on student sexual harassment, provides for the implementation of procedures to address this behavior, and provides for disciplinary action. Staff is recommending that Policy 5570 be deleted; because, the prohibition against, and sanction for, harassment – including student-on-student sexual harassment – is included in Board of Education Policy 5580, *Bullying, Harassment, or Intimidation*, and its implementing Superintendent’s Rule. As such, the policy is no longer needed and should be deleted.

Cost Analysis and Fiscal Impact on School System

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

Relationship to Other Board of Education Policies

1. Board of Education Policy 5000, *Conduct*
2. Board of Education Policy 5510, *Positive Behavior*
3. Board of Education Policy 5550, *Disruptive Behavior*
4. Board of Education Policy 5600, *Students’ Responsibilities and Rights*
5. Board of Education Policy 5560, *Suspensions, Assignment to Alternative Programs, or Expulsion*
6. Board of Education Policy 5580 *Bullying, Harassment, or Intimidation*

Legal Requirements

1. 20 U.S.C. §1681 (Title IX of the Federal Education Amendments (1974))
2. *Annotated Code of Maryland*, Education Article §7-424, *Reporting incidents of harassment or intimidation against students.*
3. *Annotated Code of Maryland*, Education Article §7-424.1, *Model policy prohibiting bullying, harassment and intimidation.*
4. COMAR 13A.01.04.03, *School Safety.*

Similar Policies Adopted by Other Local School Systems

1. Howard County Board of Education, Policy 1020, *Sexual Harassment*
2. Montgomery County Board of Education, Policy ACF, *Sexual Harassment*

Draft of Proposed Policy

Attached

Other Alternatives Considered by Staff

No other alternatives were considered by staff.

Timeline

First reading – March 22, 2011

Public comment – April 5, 2011

Third reading/vote – May 10, 2011

STUDENTS: Student to Student Sexual Harassment

Sexual Harassment is unwanted and unwelcome behavior of sexual nature which interferes with a student's right to learn, study, work, achieve, or participate in school activities in comfortable and supportive atmosphere.

Under federal and state laws and policies, sexual harassment is illegal and is prohibited in school settings. Students are protected against sexual harassment by Title IX of the Education Amendment of 1972, a Federal law prohibiting discrimination in schools on the basis of sex. Sexual assault is also covered under the Criminal Code of Maryland.

Students have a right to participate in all school and classroom activities in an atmosphere free from sexual harassment and a responsibility not to engage in behaviors of a sexual nature that are unwelcome or offensive to others.

Therefore, student to student sexual harassment will not be tolerated in the Baltimore County Public Schools. Retaliation against a complainant will also not be tolerated.

Harassment and sexual abuse of student by adult, within or outside of school, is illegal and is to be reported directly to the Department of Social Services or the police by the individual to whom the offense is made known. School personnel follow the direction of these agencies in such matters. (See Policy 4003).

Legal Reference: Title IX of the Education Amendments 1972,
20 U.S.C. 1681-1688

Annotated Code of Maryland, Article 27,
Section 461, 464A, 464B, and 464C

Policy
Adopted: 11/23/93]

Board of Education of Baltimore County