

**BALTIMORE COUNTY PUBLIC SCHOOLS**

**DATE:** July 12, 2011

**TO:** **BOARD OF EDUCATION**

**FROM:** Dr. Joe A. Hairston, Superintendent

**SUBJECT:** **CONSIDERATION OF THE PROPOSED CHANGES TO BOARD OF EDUCATION POLICY 5550, *DISRUPTIVE BEHAVIOR***

**ORIGINATOR:** Renee A. Foose, Deputy Superintendent

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

**RECOMMENDATION**

That the Board of Education approves the proposed changes to Policy 5550. This is the third reading.

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Attachment I – Policy Analysis  
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 reviewed each year in order to comply with State law and regulation. In July of 2010, a new gang prevention law was enacted. This law, *Safe Schools Act of 2010*, requires all local school systems to establish a policy that: prohibits gang activity; develops programs to address gangs and gang activity; establishes reporting requirements for incidents of gang activity. Staff is recommending that Policy 5550 be revised to include involvement in gang activity as a prohibited act under the student behavior code of conduct and include the consequence for this type behavior. The policy has been further revised to: (1) include a philosophy statement; (2) clarify the Board's scope of authority as it relates to the discipline of students for all off-campus acts that prevent the orderly delivery of the instructional program at school; and (3) conform with the Policy Review Committee's editing conventions.

**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**

1. Board of Education Policy 5000, *Students*
2. Board of Education Policy 5500, *Conduct*
3. Board of Education Policy 5520, *Dress*
4. Board of Education Policy 5530, *Student Use and Possession of Tobacco*
5. Board of Education Policy 5540, *Alcoholic Beverages and Drugs*
6. Board of Education Policy 5551, *Gang Activity, and Similar Destructive or Illegal Behavior*
7. Board of Education Policy 5560, *Suspensions, Assignment to Alternative Programs, or Expulsion*
8. Board of Education Policy 5561, *School Use of Reportable Offenses*
9. Board of Education Policy 5580, *Bullying, Harassment, or Intimidation*
10. Board of Education Policy 5590, *Students' Expressions*
11. Board of Education Policy 5600, *Students' Responsibilities and Rights* Board of Education Policy 6202, *Telecommunication Access to Electronic Information, Services, and Networks*
12. Board of Education Policy 6800, *Field Trips and Foreign Travel*

**Legal Requirements**

1. 20 U.S.C. §7151, *Gun-Free Schools Act*
2. *Annotated Code of Maryland*, Education Article, §7-305, *Suspension and expulsion.*
3. *Annotated Code of Maryland*, Education Article, §7-424.1, *Model policy prohibiting bullying, harassment and intimidation.*
4. *Annotated Code of Maryland*, Education Article, §7-424.2, *Gang prevention, intervention, and suppression efforts.*
5. COMAR 13A.01.04.03, *School Safety*
6. COMAR 13A.02.04, *Tobacco-Free Environment*

7. COMAR 13A.08.01.04, *Unlawful Absence*
8. COMAR 13A.08.01.11, *Disciplinary Action*
9. 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, *Student Conduct*
2. Carroll County Board of Education, Policy JDG, *Suspension and Expulsion of Students*
3. Harford County Board of Education, Policy 02-0012-000, *Discipline for Certain Acts of Student Misconduct*
4. Howard County Board of Education, Policy 9200, *Discipline*
5. Montgomery County Board of Education, Policy JGA-EB, *Suspension and Expulsion*

**Draft of Proposed Policy**

Attached

**Other Alternatives Considered by Staff**

No other alternatives were considered by staff.

**Timeline**

First reading – May 24, 2011

Public comment – June 14, 2011

Third reading/vote – July 12, 2011

STUDENTS: Conduct

Disruptive Behavior

I. PHILOSOPHY

THE BOARD OF EDUCATION OF BALTIMORE COUNTY (BOARD) BELIEVES THAT ALL STUDENTS SHOULD LEARN IN A SAFE AND ORDERLY SCHOOL ENVIRONMENT.

II. POLICY STATEMENT

- A. Students 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.
- B. 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 BOARD OF EDUCATION Policy and SUPERINTENDENT'S Rule 5560, ["*Suspensions, Assignment to Alternative Programs or Expulsions.*"]
- C. THE [Below are some] behavior offenses for which student discipline will be imposed FOLLOW. The list IS NOT ALL INCLUSIVE AND IS NOT INTENDED TO [does not] cover all behaviors or actions. There may be additional offenses for which a student MAY [can] be suspended, assigned to an alternative program, or expelled.

III. DEFINITIONS

- A. *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
- B. *SCHOOL-SPONSORED ACTIVITY* – MEANS ANY ACTIVITY PLANNED AND SUPERVISED BY SCHOOL PERSONNEL.

IV. OFFENSES

A. *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 (IN-SCHOOL SUSPENSION ONLY)**

- 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.
  - (1) [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.

B. **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 kind[s]
- 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
- AA. VIOLATION OF THE GANG POLICY BY CONFIRMED INVOLVEMENT IN GANG ACTIVITIES.

- C. **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 gun<sup>1</sup> (**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)<sup>2</sup>
- 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

## IV. SCOPE OF AUTHORITY

- A. THIS BEHAVIOR CODE APPLIES TO ALL STUDENTS ENROLLED IN BALTIMORE COUNTY PUBLIC SCHOOLS (BCPS). The provisions of this policy apply in all situations in which students are involved, including:
1. [(1)] ALL school-SPONSORED activities on property owned OR LEASED by the Board [of Education] OR HELD OFF OF SCHOOL GROUNDS, INCLUDING BUT NOT LIMITED TO: FIELD TRIPS, EXTRACURRICULAR ACTIVITIES, SOCIAL EVENTS;
  2. [(2)] travel on school buses OR OTHER OFFICIAL MEANS OF TRANSPORTATION; AND
  3. [(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. ]
- B. A STUDENT MAY BE SUBJECT TO DISCIPLINARY SANCTIONS WHEN HE OR SHE COMMITS AN ACT OR ACTS AWAY AND APART FROM SCHOOL AND SCHOOL PROPERTY THAT CAN BE SHOWN TO POSE A THREAT OR DANGER TO THE SAFETY OF OTHER STUDENTS, STAFF, OR SCHOOL PROPERTY AND/OR THAT THE ACT OR ACTS PREVENTS THE ORDERLY DELIVERY OF THE INSTRUCTIONAL PROGRAM AT SCHOOL.

Legal References: 20 U.S.C. §7151, *Gun-Free Schools Act*  
*Annotated Code of Maryland*, Education Article, §7-305, *Suspension and expulsion.*  
 ANNOTATED CODE OF MARYLAND, EDUCATION ARTICLE, §7-424.1, *MODEL POLICY PROHIBITING BULLYING, HARASSMENT AND INTIMIDATION.*  
 ANNOTATED CODE OF MARYLAND, EDUCATION ARTICLE, §7-424.2, *GANG PREVENTION, INTERVENTION, AND SUPPRESSION EFFORTS.*  
 COMAR 13A.01.04.03, *SCHOOL SAFETY*  
 COMAR 13A.02.04, *Tobacco-Free Environment*

COMAR 13A.08.01.04, *Unlawful Absence*

COMAR 13A.08.01.11, *Disciplinary Action*

COMAR 13A.08.01.17, *School Use of Reportable Offenses*

Related Policies:

BOARD OF EDUCATION POLICY 5000, *STUDENTS*

BOARD OF EDUCATION POLICY 5500, *CONDUCT*

BOARD OF EDUCATION POLICY 5520, *DRESS*

BOARD OF EDUCATION POLICY 5530, *STUDENT USE AND  
POSSESSION OF TOBACCO*

BOARD OF EDUCATION POLICY 5540, *ALCOHOLIC  
BEVERAGES AND DRUGS*

BOARD OF EDUCATION POLICY 5551, *GANG ACTIVITY,  
AND SIMILAR DESTRUCTIVE OR ILLEGAL BEHAVIOR*

BOARD OF EDUCATION POLICY 5560, *SUSPENSIONS,  
ASSIGNMENT TO ALTERNATIVE PROGRAMS, OR  
EXPULSION*

BOARD OF EDUCATION POLICY 5561, *SCHOOL USE OF  
REPORTABLE OFFENSES*

Board of Education Policy 5580, *Bullying, Harassment, or  
Intimidation*

BOARD OF EDUCATION POLICY 5590, *STUDENTS'  
EXPRESSIONS*

BOARD OF EDUCATION POLICY 5600, *STUDENTS'  
RESPONSIBILITIES AND RIGHTS*

BOARD OF EDUCATION POLICY 6202, *TELECOMMUNICATION ACCESS TO ELECTRONIC  
INFORMATION, SERVICES, AND NETWORKS*

BOARD OF EDUCATION POLICY 6800, *FIELD TRIPS AND  
FOREIGN TRAVEL*

Board of Education of Baltimore County

Policy  
Adopted: 07/13/78  
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Revised: 06/14/84  
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Revised: 07/14/09  
Re-adopted: 06/15/10  
REVISED: \_\_\_\_\_

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<sup>1</sup> 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.

<sup>2</sup> See Note 1 above.