

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: July 12, 2011

TO: **BOARD OF EDUCATION**

FROM: Dr. Joe A. Hairston, Superintendent

SUBJECT: **CONSIDERATION OF THE PROPOSED NEW BOARD OF EDUCATION POLICY 5551, GANG ACTIVITY AND SIMILAR DESTRUCTIVE OR ILLEGAL 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 new Board of Education Policy 5551. This is the third reading.

Attachment I – Policy Analysis
Attachment II – Policy 5551

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

Statement of Issues or Questions Addressed

Staff is recommending the adoption of Board of Education Policy 5551. *The Safe Schools Act of 2010* broadens the responsibilities of public school systems, law enforcement, and other public agencies in reporting information with each other pertaining to students. A major component of the law requires the Maryland State Board of Education, in collaboration with other agencies, to develop a model policy to address gangs, gang activity, and similar destructive or illegal behavior in schools; the MSDE model policy was issued on February 22, 2011. The new law also requires each local educational agency to establish a policy or regulation on the prohibition of gang activity and submit its policy to the State Superintendent by September 1, 2011. Therefore, the attached policy represents the Board of Education of Baltimore County's policy on gangs as required by law.

Cost Analysis and Fiscal Impact on School System

Staff anticipates that it will expend approximately \$5,800 for training materials and consultant fees. Costs will be covered by the operating budget.

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 5510, *School Discipline*
4. Board of Education Policy 5520, *Dress*
5. Board of Education Policy 5550, *Disruptive Behavior*
6. Board of Education Policy 5560, *Suspensions, Assignment to Alternative Programs, or Expulsion*
7. Board of Education Policy 5561, *School Use of Reportable Offenses*
8. Board of Education Policy 5580, *Bullying, Harassment, or Intimidation*
9. Board of Education Policy 5600, *Students' Responsibilities and Rights*

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.08.01.11, *Disciplinary Action*
7. COMAR 13A.08.01.17, *School Use of Reportable Offenses*
8. COMAR 13A.08.03, *Discipline of Students with Disabilities*

Similar Policies Adopted by Other Local School Systems

1. Fredrick County Board of Education, Policy 400-87, *Gang Activity*

2. Harford County Board of Education, Policy 02-0008-000, *Prohibition of Gang Related Activities*

Draft of Proposed Policy

Attached

Other Alternatives Considered by Staff

None.

Timeline

First reading – May 24, 2011

Public comment – June 14, 2011

Third reading/vote – July 12, 2011

STUDENTS: CONDUCT

GANG ACTIVITY AND SIMILAR DESTRUCTIVE OR ILLEGAL GROUP BEHAVIOR

I. PHILOSOPHY

- A. THE BOARD OF EDUCATION OF BALTIMORE COUNTY (BOARD) BELIEVES THAT GANGS AND GANG-RELATED ACTIVITIES POSE A SERIOUS THREAT TO THE SAFETY OF STUDENTS AND STAFF MEMBERS AND THAT GANGS AND GANG ACTIVITIES CAN SIGNIFICANTLY DISRUPT THE EDUCATIONAL ENVIRONMENT. THEREFORE, THE BOARD PROHIBITS GANG ACTIVITY AND SIMILAR DESTRUCTIVE OR ILLEGAL GROUP BEHAVIOR ON SCHOOL PROPERTY, ON SCHOOL BUSES OR AT SCHOOL-SPONSORED EVENTS.
- B. THE BOARD PROHIBITS REPRISAL OR RETALIATION AGAINST AN INDIVIDUAL WHOM REPORTS GANG ACTIVITY AND SIMILAR DESTRUCTIVE OR ILLEGAL GROUP BEHAVIOR OR WHO IS A VICTIM, OR WITNESS TO, AN ACT OF GANG ACTIVITY.

II. IMPLEMENTATION

- A. THE BOARD DIRECTS THE SUPERINTENDENT TO TAKE NECESSARY AND APPROPRIATE ACTIONS TO IMPLEMENT THIS POLICY, INCLUDING PROVISION FOR TAKING APPROPRIATE DISCIPLINARY OR OTHER ACTION WHEN THIS POLICY HAS BEEN VIOLATED, AS FOLLOWS:
 - 1. ESTABLISH, IMPLEMENT, AND MAINTAIN PROCEDURES IN ACCORDANCE WITH THE MARYLAND STATE BOARD OF EDUCATION'S (MSDE) MODEL GANG POLICY.
 - 2. CREATE REPORTING PROCEDURES FOR SUSPECTED GANG ACTIVITY AND SIMILAR DESTRUCTIVE OR ILLEGAL GROUP BEHAVIOR IN SCHOOLS.
 - 3. ESTABLISH A PROPER SYSTEMWIDE MONITORING/TRACKING SYSTEM TO FOLLOW PROGRESS OF EACH INVESTIGATION.
 - 4. DEVELOP PROCEDURES FOR THE PROMPT INVESTIGATION OF SUSPECTED GANG ACTIVITY OR SIMILAR DESTRUCTIVE OR ILLEGAL GROUP BEHAVIOR.

5. DEVELOP INFORMATION/RESOURCES ON SUPPORT AND INTERVENTION SERVICES AND EDUCATIONAL PROGRAMS FOR STUDENTS, PARENTS, TEACHERS, STAFF, VOLUNTEERS, AND ADMINISTRATORS IN ORDER TO PREVENT, INTERVENE IN, AND SUPPRESS GANG ACTIVITY, AND SIMILAR DESTRUCTIVE OR ILLEGAL GROUP BEHAVIOR IN SCHOOLS.
7. DESIGNATE AT LEAST ONE SCHOOL SECURITY OFFICER FOR EACH SCHOOL THAT ENROLLS STUDENTS IN GRADES 6-12.
8. ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE OFFICE OF THE BALTIMORE COUNTY STATE'S ATTORNEY TO FOSTER COORDINATION OF GANG PREVENTION, INTERVENTION, AND SUPPRESSION EFFORTS.

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.08.01.11, *DISCIPLINARY ACTION*
COMAR 13A.08.01.17, *SCHOOL USE OF REPORTABLE OFFENSES*
COMAR 13A.08.03, *DISCIPLINE OF STUDENTS WITH DISABILITIES*

RELATED POLICIES: BOARD OF EDUCATION POLICY 5000, *STUDENTS*
BOARD OF EDUCATION POLICY 5500, *CONDUCT*
BOARD OF EDUCATION POLICY 5510, *SCHOOL DISCIPLINE*
BOARD OF EDUCATION POLICY 5520, *DRESS*
BOARD OF EDUCATION POLICY 5550, *DISRUPTIVE BEHAVIOR*

POLICY 5551

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 5600, *STUDENTS'
RESPONSIBILITIES AND RIGHTS*

POLICY
ADOPTED: _____

BOARD OF EDUCATION OF BALTIMORE COUNTY