

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: February 21, 2012

TO: **BOARD OF EDUCATION**

FROM: Dr. Joe A. Hairston, Superintendent

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

ORIGINATOR: Renee A. Foose, Deputy Superintendent

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

RECOMMENDATION

That the Board of Education reviews the proposed changes to Policy 5550 – *Disruptive Behavior*. This is the first reading.

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Attachment I – Policy Analysis
Attachment II – Policy 5550

**POLICY ANALYSIS FOR
BOARD OF EDUCATION POLICY 5550
DISRUPTIVE BEHAVIOR
RENAMED AS: "BEHAVIOR"**

Statement of Issues or Questions Addressed

At the request of the Board of Education, Board Policy 5550 is reviewed annually. The policy is reviewed annually by the Student Handbook Committee which includes the involvement and input of school administrators, the Board's bargaining units, PTAs, Student Council representatives, and others. Policy 5550 outlines behavior-related offenses and consequences for behaviors that occur on school property, at school-sponsored activities, or when students are otherwise under the authority of the Baltimore County Public School System. Staff is recommending that the policy be revised to: (1) rename the policy to "Behavior" because positive behavioral supports and interventions will be used to motivate students to behave appropriately in school so that students will not need to be suspended from school for minor inappropriate behaviors; (2) align with the *2011 Maryland Student Records Manual* definitions and offense codes; (3) include a compliance section requiring the annual notice of the policy to student, parents, and staff; (4) include an implementation section; (5) include an exception for the use of inoperable, look-alike rifle props in color guard/marching band performances; (6) conform with the Policy Review Committee's policy 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 5330, *Social Events*
3. Board of Education Policy 5520, *Student Dress Code*
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, *Suspension, Assignment to Alternative Programs, or Expulsions*
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*
12. Board of Education Policy, 6202 *Telecommunication Access to Electronic Information, Services, and Networks*
13. Board of Education Policy 6701, *Extracurricular Activities*
14. 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 §7-304, Special programs for disruptive students.*
3. *Annotated Code of Maryland, Education Article §7-305, Suspension and expulsion.*
4. *Annotated Code of Maryland, Education Article §7-424.1, Model policy prohibiting bullying, harassment and intimidation.*
5. *Annotated Code of Maryland, Education Article §7-424.2, Gang prevention, intervention, and suppression efforts.*
6. COMAR 13A.01.04.03, *School Safety*
7. COMAR 13A.02.04, *Tobacco-Free Environment*
8. COMAR 13A.08.01.04, *Unlawful Absence*
9. COMAR 13A.08.01.11, *Disciplinary Action*
10. COMAR 13A.08.01.17, *School Use of Reportable Offenses*
11. COMAR 13A.08.04, *Student Behavior Interventions*

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 – February 21, 2012

Public comment – March 6, 2012

Third reading/vote – April 17, 2012

STUDENTS: Conduct

[Disruptive] Behavior

I. Philosophy

- A. 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 STUDENT code of conduct WHILE on school property, DURING SCHOOL-SPONSORED ACTIVITIES, WHILE BEING TRANSPORTED TO AND FROM SCHOOL OR ON SCHOOL-SPONSORED ACTIVITIES, AND AS PROVIDED IN PARAGRAPH V, *SCOPE OF AUTHORITY*. [on school buses, and at off-site school-sponsored activities.]
- B. A student's behavior is CONSIDERED INAPPROPRIATE AND disruptive when it DISTURBS OR OTHERWISE interferes with the ORDERLY CONDUCT OF THE ACTIVITIES, ADMINISTRATION, OR CLASSES OF A SCHOOL; [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 IN UTILIZING [to utilize] the services and facilities of the school.
- C. STUDENTS CHARGED WITH OFFENSES, SUCH AS THOSE IDENTIFIED AS CATEGORY I, II, III OFFENSES, WILL BE PROVIDED SUPPORT THROUGH INTERVENTIONS THAT ARE DESIGNED TO TEACH THE STUDENT SOCIAL SKILLS AND CHARACTER TRAITS IN ORDER TO MEET EXPECTATIONS OF APPROPRIATE BEHAVIOR.
- D. [B.] Students [who take part in disruptive behavior] CHARGED WITH OFFENSES, SUCH AS THOSE IDENTIFIED AS CATEGORY II, III, OR IV OFFENSES, are subject to discipline that may include SHORT-TERM SUSPENSION, suspension TO THE SUPERINTENDENT'S DESIGNEE, assignment to an alternative program, or expulsion, IN ACCORDANCE WITH [according to the procedures outlined in] Board of Education Policy and Superintendent's Rule 5560, *Suspensions, Assignment to Alternative Programs, or Expulsions*.

- E. [C.] The behaviorAL offenses for which student SUPPORT, INTERVENTIONS, AND discipline MAY [will] be IMPOSED ARE LISTED IN THIS POLICY [followed]. The list is not all inclusive NOR [and] is IT [not] intended to cover all behaviors or actions. [There may be additional offenses for which a student may be suspended, assigned to an alternative program, or expelled.] SCHOOL ADMINISTRATORS HAVE THE AUTHORITY TO REVIEW AND ASSESS EACH INDIVIDUAL SITUATION TO DETERMINE THE TYPE AND NUMBER OF INTERVENTIONS TO USE PRIOR TO ANY DISCIPLINARY ACTION BEING TAKEN.

III. Definitions

- A. *SCHOOL DAY* [*Regular Instructional Hours*] is defined as beginning at the opening bell and concluding at the dismissal bell.
- B. *SCHOOL PROPERTY* – IS ALL SCHOOL SYSTEM PROPERTY, VEHICLES, BUILDINGS, AND GROUNDS OWNED BY, LEASED TO, OR UNDER THE JURISDICTION OF THE BOARD, AND ANY OTHER LOCATION USED FOR SCHOOL-SPONSORED ACTIVITIES AND/OR SCHOOL-SPONSORED SOCIAL EVENTS.
- C. [B.] *School-Sponsored Activity* – [means]IS any ORGANIZED CLASS, CURRICULAR, OR EXTRACURRICULAR ACTIVITY INVOLVING STUDENTS AND SPONSORED BY, SUPERVISED BY, APPROVED BY, OR OTHERWISE UNDER THE JURISDICTION OF THE BOARD, ITS AGENTS OR REPRESENTATIVES, REGARDLESS OF WHEN OR WHERE THE ACTIVITY TAKES PLACE [activity planned and supervised by school personnel].

IV. Offenses

- A. ***CATEGORY I***
1. MINOR ACTS OF MISCONDUCT AS DETERMINED BY SCHOOL STAFF THAT INTERFERE WITH THE ORDERLY CONDUCT OF THE ACTIVITIES, ADMINISTRATION, OR CLASSES OF A SCHOOL; A SCHOOL-SPONSORED ACTIVITY; OR WHILE BEING TRANSPORTED TO AND FROM SCHOOL OR SCHOOL-SPONSORED ACTIVITIES. INSTANCES/EXAMPLES OF CATEGORY I OFFENSES INCLUDE:
- A. ACADEMIC DISHONESTY/CHEATING
ACADEMIC DISHONESTY THROUGH CHEATING, COPYING, PLAGIARIZING, OR ALTERING RECORDS

(INCLUDING FORGING THE SIGNATURE OF A PARENT OF TEACHER), OR ASSISTING ANOTHER IN SUCH ACTIONS.

- B. CLASSROOM DISRUPTION
BEHAVIOR THAT INTERFERES WITH THE LEARNING OF OTHERS IN A CLASSROOM OR OTHER LEARNING ENVIRONMENT.
- C. DISRESPECT
MAKING INAPPROPRIATE OR OFFENSIVE GESTURES, SYMBOLS, AND/OR COMMENTS IN ANY FORMAT (WRITING, VERBAL, AND/OR ELECTRONIC).
- D. DRESS CODE
VIOLATING THE STUDENT DRESS CODE.
- E. FIGHTING
A PHYSICAL CONFRONTATION INVOLVING TWO OR MORE STUDENTS.
- F. HARASSMENT
INTENTIONAL NEGATIVE ACTIONS ON THE PART OF ONE OR MORE STUDENTS THAT CAUSE DISCOMFORT WITH IDENTITY ISSUES IN REGARD TO RACE, COLOR, NATIONAL ORIGIN, GENDER, DISABILITY, SEXUAL ORIENTATION, RELIGION, OR OTHER IDENTIFYING CHARACTERISTICS, AND THAT INTERFERE WITH A STUDENT'S ABILITY TO PARTICIPATE IN OR BENEFIT FROM THE SCHOOL'S EDUCATIONAL PROGRAMS. HARASSMENT INCLUDES, BUT IS NOT LIMITED TO, NUISANCE PHONE CALLS, OR BY ANY OTHER COMMUNICATION, TO STUDENTS OR STAFF MEMBERS; CONTINUED COMMENTS OR PASSING OF UNOFFICIAL NOTES TO ANOTHER INDIVIDUAL THAT HE/SHE DOES NOT WISH TO READ OR RECEIVE.
- G. INAPPROPRIATE LANGUAGE
USING OBSCENE OR ABUSIVE LANGUAGE.
- H. INSUBORDINATION
REFUSING TO FOLLOW THE DIRECTION OF TEACHERS, STAFF, OR ADMINISTRATORS, INCLUDING, BUT NOT LIMITED TO:
 - (1) REPORTING TO OFFICE WHEN DIRECTED TO DO SO.

- (2) REFUSING TO COMPLY WITH SCHOOL RULES, REGULATIONS, AND /OR PROCEDURES.
- (3) FOLLOWING SCHOOL TRANSPORTATION PROCEDURES.
- (4) FAILING TO COMPLETE ASSIGNED WORK.
- (5) FAILING TO SERVE DETENTION.
- (6) FAILING TO RESPOND TRUTHFULLY AND PROVIDE ACCURATE INFORMATION.

- I. PERSONAL HEALTH
CONDITIONS THAT PRESENT A CLEAR AND DIRECT HEALTH RISK TO OTHERS. EXAMPLES INCLUDE PERTUSSIS, ACTIVE, UNTREATED TUBERCULOSIS, OR MEASLES.
- J. TOBACCO PRODUCTS – FIRST OFFENSE
POSSESSION, USE, SALE, OR DISTRIBUTION OF TOBACCO OR TOBACCO PRODUCTS.
- K. UNAUTHORIZED OR UNEXCUSED ABSENCE FROM SCHOOL OR CLASS.
- L. UNAUTHORIZED SALE OF ITEMS, GOODS, OR SERVICES.
UNAPPROVED SALE OR DISTRIBUTION OF ITEMS.
- M. USE OF TELECOMMUNICATIONS/ELECTRONIC DEVICES
USE OF TELECOMMUNICATIONS/ELECTRONIC COMMUNICATION DEVICES, SUCH AS CELL PHONES OR ANY WIRELESS COMMUNICATION DEVICES, THAT ARE NOT PART OF THE EDUCATIONAL PROGRAM. THE DEVICES MUST BE TURNED OFF AND NOT CARRIED IN A VISIBLE MANNER.

B. *CATEGORY II*

- 1. OFFENSES OF MISCONDUCT THAT ARE MORE SERIOUS OR DISRUPTIVE THAN CATEGORY I OFFENSES AS DETERMINED BY SCHOOL STAFF. THIS CATEGORY ALSO INCLUDES SOME REPEATED ACTS OF MISCONDUCT FROM CATEGORY I. INSTANCES/EXAMPLES OF CATEGORY II OFFENSES INCLUDE:

- A. BULLYING
INTENTIONAL NEGATIVE ACTIONS ON THE PART OF ONE OR MORE STUDENTS, REPEATEDLY AND OVER TIME, THAT INTERFERE WITH A STUDENT'S ABILITY TO PARTICIPATE IN OR BENEFIT FROM THE SCHOOL'S EDUCATION PROGRAMS. EXAMPLES OF

- BULLYING INCLUDE, BUT IS NOT LIMITED TO, SHARING PICTURES WITHOUT A PERSON'S KNOWLEDGE OR PERMISSION, SPREADING RUMORS, REPEATEDLY TEASING ANOTHER PERSON, NAME CALLING WITH/WITHOUT PROFANITY, OR PURPOSEFUL EXCLUSION.
- B. CLASSROOM OR SCHOOL DISRUPTION
INTERFERING WITH THE LEARNING OF OTHERS IN A CLASSROOM OR OTHER LEARNING ENVIRONMENT, INCLUDING PARTICIPATING IN OR INCITING A CLASSROOM OR SCHOOL DISRUPTION.
 - C. EXTORTION
OBTAINING PROPERTY FROM ANOTHER PERSON, WITH/WITHOUT THAT PERSON'S CONSENT, BY A WRONGFUL USE OF FORCE, FEAR, OR THREAT.
 - D. FIGHTING
PHYSICAL CONFRONTATION THAT INVOLVES TWO OR MORE STUDENTS.
 - E. FIRES AND FIRE ALARMS
POSSESSION AND/OR IGNITING MATCHES OR LIGHTERS WHEN NOT PART OF INSTRUCTIONAL PROGRAM AND PARTICIPATING IN FALSE FIRE ALARMS.
 - F. GAMBLING
DIRECTLY OR INDIRECTLY TAKING, RECEIVING, OR ACCEPTING FROM ANY PERSON OR GIVING TO ANY PERSON ANY MONEY OR VALUABLE ITEM CONTINGENT UPON THE RESULT OF AN UNCERTAIN EVENT.
 - G. INSUBORDINATION
REPEATED FAILURE TO FOLLOW THE DIRECTION OF TEACHERS, STAFF, OR ADMINISTRATORS, INCLUDING, BUT NOT LIMITED TO:
 - (1) REPORTING TO OFFICE WHEN DIRECTED TO DO SO BY SCHOOL STAFF.
 - (2) REFUSING TO COMPLY WITH SCHOOL RULES, REGULATIONS, AND /OR PROCEDURES.
 - (3) FAILING TO COMPLETE ASSIGNED WORK.
 - (4) FAILING TO SERVE DETENTION.
 - (5) FAILING TO RESPOND TRUTHFULLY AND PROVIDING ACCURATE INFORMATION.
 - H. MISCONDUCT ON SCHOOL BUS OR OTHER SCHOOL APPROVED TRANSPORTATION.

INTERFERING REPEATEDLY WITH THE ORDERLY, SAFE, AND EXPEDITIOUS TRANSPORTATION OF STUDENTS OR OTHER AUTHORIZED RIDERS.

- I. PRESCRIPTION AND NON-PRESCRIPTION VIOLATION POSSESSION OF PRESCRIBED AND NON-PRESCRIBED MEDICATION.
- J. THEFT (VALUE OF \$499 OR LESS)
TAKING OR OBTAINING PROPERTY OF ANOTHER PERSON WITHOUT PERMISSION AND/OR KNOWLEDGE OF THE OWNER.
- K. THREAT(S) AGAINST INDIVIDUAL(S)
THREATENING VERBALLY OR PHYSICALLY TO DO HARM OR VIOLENCE TO ANOTHER PERSON OR TO THE PROPERTY OF ANOTHER PERSON.
- L. TOBACCO PRODUCTS – SECOND OFFENSE
POSSESSION, USE, SALE, OR DISTRIBUTION OF TOBACCO OR TOBACCO PRODUCTS.
- M. VANDALISM OR DESTRUCTION OF PROPERTY (VALUE OF \$499 OR LESS)
DAMAGE, DESTRUCTION, OR DEFAACEMENT OF PROPERTY BELONGING TO THE SCHOOL.
- N. WEAPON
POSSESSION OF A POCKET KNIFE.

C. CATEGORY III

- 1. OFFENSES THAT ARE MAJOR ACTS OF MISCONDUCT AS DETERMINED BY SCHOOL STAFF THAT INCLUDE REPEATED ACTS OF SERIOUS MISCONDUCT FROM CATEGORY II, SERIOUS DISRUPTIONS OF SCHOOL ORDER, AND THREATS TO THE HEALTH, SAFETY, AND PROPERTY OF OTHERS. INSTANCES/EXAMPLES OF CATEGORY III OFFENSES INCLUDE:
 - A. ACADEMIC DISHONESTY, CHEATING OR E-CHEATING
ACADEMIC DISHONESTY THROUGH CHEATING, COPYING, PLAGIARIZING, OR ALTERING RECORDS, OR ASSISTING ANOTHER IN SUCH ACTIONS INCLUDING, BUT NOT LIMITED TO, THE USE OF A CELL PHONE, IPOD, IPAD, EARBUD, INTERNET, OR ANY OTHER ELECTRONIC OR DIGITAL DEVICE TO COPY, TEXT, OR SHARE IN ANY WAY, QUIZZES, TERM PAPERS, AND TESTS WITHOUT THE

APPROVAL OF THE TEACHER OR SCHOOL STAFF MEMBER.

- B. BULLYING, HARASSMENT, OR INTIMIDATION SYSTEMATICALLY AND CHRONICALLY INFLECTING PHYSICAL INJURY OR PSYCHOLOGICAL DISTRESS ON ONE OR MORE STUDENTS OR EMPLOYEES THAT IS SEVERE OR PERVASIVE ENOUGH TO CREATE AN INTIMIDATING, HOSTILE, OR OFFENSIVE ENVIRONMENT OR UNREASONABLY INTERFERES WITH AN INDIVIDUAL'S SCHOOL PERFORMANCE OR PARTICIPATION IN SCHOOL ACTIVITIES.
- C. GANG ACTIVITY VIOLATION OF THE GANG POLICY BY CONFIRMED INVOLVEMENT IN GANG ACTIVITIES.
- D. INCITING/PARTICIPATING IN DISTURBANCE MAJOR ACT OF MISCONDUCT THAT DISRUPTS THE ORDERLY OPERATION OF THE SCHOOL PROGRAM, SCHOOL-SPONSORED ACTIVITY, OR SCHOOL-APPROVED TRANSPORTATION THAT THREATENS THE HEALTH, SAFETY, OR PROPERTY OF SELF OR OF OTHERS, OR MISBEHAVIOR NOT SPECIFICALLY DESCRIBED ABOVE THAT SUBSTANTIALLY DISRUPTS THE ORDERLY CONDUCT OF SCHOOL OR A SCHOOL-SPONSORED ACTIVITY.
- E. PHYSICAL ATTACK – STUDENT PHYSICALLY PUSHING, HITTING, OR HURTING ANOTHER STUDENT.
- F. PHYSICAL ATTACK – TEACHER/STAFF UNINTENTIONALLY PHYSICALLY STRIKING AN EMPLOYEE OF THE SCHOOL SYSTEM OR OTHER ADULT WHO IS INTERVENING IN A FIGHT OR OTHER DISRUPTIVE ACTIVITY.
- G. SEXUAL MISCONDUCT OR ACTIVITY INAPPROPRIATE BEHAVIOR OF A SEXUAL NATURE, INCLUDING INDECENT EXPOSURE, CONSENSUAL SEX, AND OTHER SEXUAL ACTIVITY NOT IDENTIFIED AS SEXUAL ASSAULT OR HARASSMENT.
- H. SEXUAL HARASSMENT UNWELCOME SEXUAL ADVANCES, REQUESTS FOR SEXUAL FAVORS, AND/OR OTHER INAPPROPRIATE VERBAL, WRITTEN, OR PHYSICAL CONDUCT OF A SEXUAL NATURE, DIRECTED TOWARD OTHERS.

- I. THEFT (VALUE OF \$500 OR MORE)
TAKING OR OBTAINING PROPERTY OF ANOTHER PERSON WITHOUT PERMISSION AND/OR KNOWLEDGE OF THAT PERSON.
- J. TOBACCO PRODUCTS – THIRD OFFENSE
POSSESSION, USE, SALE, OR DISTRIBUTION OF TOBACCO OR TOBACCO PRODUCTS.
- K. TRESPASSING
UNAUTHORIZED PRESENCE ON SCHOOL PROPERTY, INCLUDING:
 - (1) WHILE SUSPENDED OR EXPELLED FROM SCHOOL.
 - (2) REFUSING TO LEAVE SCHOOL PROPERTY AFTER BEING DIRECTED TO DO SO BY TEACHERS, STAFF, OR ADMINISTRATORS.
 - (3) BEING ON SCHOOL GROUNDS, OTHER THAN THE SCHOOL WHERE THE STUDENT IS ENROLLED, WITHOUT HAVING LAWFUL BUSINESS TO PURSUE.
- L. VANDALISM OR DESTRUCTION OF PROPERTY (VALUE OF \$500 OR MORE)
DAMAGE, DESTRUCTION, OR DEFACEMENT OF PROPERTY BELONGING TO THE SCHOOL.
- M. VERBAL THREAT OR PHYSICAL GESTURES THAT THREATEN A TEACHER, STAFF MEMBER OR OTHER ADULT.
THREATENING LANGUAGE (VERBAL OR WRITTEN/ELECTRONIC; IMPLICIT OR EXPLICIT) OR PHYSICAL GESTURES DIRECTED TOWARD A STAFF MEMBER OR ANYONE ELSE OTHER THAN A STUDENT. (THREAT ASSESSMENT MAY BE NECESSARY)

D. CATEGORY IV

- 1. OFFENSES OF MISCONDUCT THAT ARE THE MOST SERIOUS AS DETERMINED BY A SCHOOL PRINCIPAL. VIOLATIONS SHALL RESULT IN A SUSPENSION FROM SCHOOL AND/OR TO THE SUPERINTENDENT’S DESIGNEE WITH A RECOMMENDATION FOR REASSIGNMENT TO AN ALTERNATIVE PROGRAM OR FOR EXPULSION. INSTANCES/EXAMPLES OF CATEGORY IV OFFENSES INCLUDE:
 - A. ALCOHOL – UNDER THE INFLUENCE

- B. ALCOHOL – POSSESSION
- C. ALCOHOL – DISTRIBUTING OR SELLING
- D. ARSON (**EXPULSION ONLY**)
STARTING A FIRE ON SCHOOL GROUNDS WHEN THE FIRE IS NOT PART OF THE INSTRUCTIONAL PROGRAM.
- E. BOMB THREAT/FALSE ALARM
THE CONVEYANCE OF THREATS OR FALSE INFORMATION CONCERNING THE PLACEMENT OF EXPLOSIVE OR DESTRUCTIVE SUBSTANCES. INITIATING A REPORT WARNING OF A FIRE, BOMB THREAT, OR OTHER CATASTROPHE WITHOUT CAUSE IN PERSON OR BY PHONE. MISUSE OF 911. DISCHARGING A FIRE EXTINGUISHER.
- F. BULLYING, HARASSMENT, OR INTIMIDATION
INTENTIONALLY OR MISCHIEVOUSLY HARMING OR POSING A SIGNIFICANT THREAT OF SERIOUS HARM TO ANOTHER PERSON. THIS INCLUDES REPEATED ACTS OF HAZING THAT RESULT IN SERIOUS BODILY HARM.
- G. DRUGS – UNDER THE INFLUENCE
SHOWING EVIDENCE OF USE OF CONTROLLED DANGEROUS SUBSTANCES INCLUDING PRESCRIPTION DRUGS, OVER-THE-COUNTER MEDICINES, LOOK-ALIKE DRUGS, AND SUBSTANCES REPRESENTED AS CONTROLLED SUBSTANCES.
- H. DRUGS – POSSESSION
POSSESSION OF CONTROLLED DANGEROUS SUBSTANCES INCLUDING PRESCRIPTION DRUGS, OVER-THE-COUNTER MEDICINES, LOOK-ALIKE DRUGS, AND SUBSTANCES REPRESENTED AS CONTROLLED SUBSTANCES.
- I. DRUGS – DISTRIBUTING OR SELLING (**EXPULSION ONLY**)
DISTRIBUTING OR SELLING CONTROLLED DANGEROUS SUBSTANCES INCLUDING PRESCRIPTION DRUGS, OVER-THE-COUNTER MEDICINES, LOOK-ALIKE DRUGS, AND SUBSTANCES REPRESENTED AS CONTROLLED SUBSTANCES.

- J. EXPLOSIVES
POSSESSION, SALE, DISTRIBUTION, DETONATION, OR THREAT OF DETONATION OF AN INCENDIARY OR EXPLOSIVE MATERIAL OR DEVICE INCLUDING FIRECRACKERS, SMOKE BOMBS, FLARES, OR ANY COMBUSTIBLE OR EXPLOSIVE SUBSTANCE OR COMBINATION OF SUBSTANCES OR ARTICLES, OTHER THAN A FIREARM.
- K. FIREARMS ¹(**EXPULSION FOR ONE YEAR**)
BRINGING A FIREARM ONTO SCHOOL PROPERTY OR TO A SCHOOL-SPONSORED ACTIVITY OR POSSESSING A FIREARM ON SCHOOL PROPERTY OR AT A SCHOOL-SPONSORED ACTIVITY. EXAMPLES OF FIREARMS INCLUDE, BUT ARE NOT LIMITED TO, HANDGUNS, RIFLES, SHOTGUNS, MACHINE GUNS, AND BOMBS.
- L. INHALANTS – UNDER THE INFLUENCE
UNDER THE INFLUENCE OF ANY INHALANTS OR OTHER INTOXICANTS, INCLUDING, BUT NOT LIMITED TO, BATH SALTS, GLUE, AND SOLVENTS, THAT CAUSE A LOSS OF SELF-CONTROL OR INEBRIATION.
- M. INHALANTS – POSSESSION
POSSESSION OF ANY INHALANTS OR OTHER INTOXICANTS.
- N. INHALANTS – DISTRIBUTION OR SELLING
DISTRIBUTION OR SELLING OF ANY INHALANTS OR OTHER INTOXICANTS.
- O. OTHER GUNS² (**EXPULSION FOR USE**).
USE OR POSSESSION OF ANY TYPE OF GUN, OTHER THAN A FIREARM, LOADED OR UNLOADED, OPERABLE OR INOPERABLE. THIS MAY INCLUDE ANY OBJECT THAT IS A LOOK-ALIKE GUN OR FIREARM. (E.G., B-B GUNS, PELLET GUNS, WATER GUNS)
- P. OTHER WEAPONS (**EXPULSION FOR USE**).

¹ The use of permanently inoperable OR WOODEN LOOK-ALIKE rifles by JROTC OR COLOR GUARD/MARCHING BAND students shall not be a violation of this policy during instructional time and at any other times when under the direct supervision of JROTC OR COLOR GUARD/MARCHING BAND instructors.

² See Note 1 on previous page.

POSSESSION OF ANY IMPLEMENT THAT THE SCHOOL ADMINISTRATIVE STAFF DEEMS COULD CAUSE, OR IS INTENDED TO CAUSE, BODILY INJURY/HARM, OTHER THAN A FIREARM OR OTHER GUN.

- Q. **PHYSICAL ATTACK –TEACHER/STAFF—(EXPULSION ONLY)**
INTENTIONALLY PHYSICALLY STRIKING AN EMPLOYEE OF THE SCHOOL SYSTEM OR OTHER ADULT, INCLUDING PUSHING OR ASSAULTING A STAFF MEMBER WHO IS INTERVENING IN A FIGHT OR OTHER DISRUPTIVE ACTIVITY.
- R. **REPEATED GANG ACTIVITY**
SERIOUS/REPEATED VIOLATION OF THE GANG POLICY BY CONFIRMED INVOLVEMENT IN GANG ACTIVITY.
- S. **ROBBERY**
TAKING OR ATTEMPTING TO TAKE SOMETHING OF VALUE FROM ANOTHER, FROM HIS OR HER PERSON OR PRESENCE, BY PUTTING THE VICTIM IN FEAR, OR BY FORCE OR THREAT OF FORCE.
- T. **SERIOUS BODILY INJURY**
CAUSING SUBSTANTIAL RISK OF DEATH OR CAUSING PERMANENT OR SERIOUS DISFIGUREMENT, LOSS OF FUNCTION OF ANY PART OF THE BODY, OR IMPAIRMENT OF THE FUNCTION OF ANY PART OF THE BODY.
- U. **SEXUAL ACTIVITY**
INAPPROPRIATE BEHAVIOR OF A SEXUAL NATURE, INCLUDING CONSENSUAL SEX AND/OR OTHER SEXUAL ACTIVITY NOT IDENTIFIED AS SEXUAL ASSAULT OR HARASSMENT.
- V. **SEXUAL ATTACK (EXPULSION ONLY)**
PHYSICAL SEXUAL ATTACK ON A STAFF MEMBER OR PHYSICAL SEXUAL ATTACK ON A STUDENT.
- W. **TOBACCO PRODUCTS – FOURTH OFFENSE**
CONTINUED USE, POSSESSION, SALE, OR DISTRIBUTION OF TOBACCO OR TOBACCO PRODUCTS.
- X. **VIOLENT BEHAVIOR**
PHYSICAL ATTACK ON A STUDENT OR STAFF MEMBER THAT REQUIRES MEDICAL ATTENTION AND/OR POLICE INVOLVEMENT.

[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) 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
- 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 gun¹ (**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)²
- 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]

V. [IV.] Scope of Authority

- A. This STUDENT 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. All school-sponsored activities on property owned or leased by the Board or held off of school grounds, including but not limited to: field trips, extracurricular activities, social events[;].
 - 2. Travel on school buses or other official means of transportation[; and].

3. On-site or off-site school-related problems which are the result or cause of disruptive behavior on school grounds.
- 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 5330, *SOCIAL EVENTS*
 Board of Education Policy 5500, *Conduct*
 Board of Education Policy 5520, *STUDENT DRESS CODE [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 Expulsions*
 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 6701, *EXTRACURRICULAR ACTIVITIES*
Board of Education Policy 6800, *Field Trips and Foreign Travel*

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[¹ 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 instructors.

² See Note 1 above.]