

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: May 22, 2012

TO: **BOARD OF EDUCATION**

FROM: Dr. Joe A. Hairston, Superintendent

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

ORIGINATOR: Renee A. Foose, Deputy Superintendent

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

RECOMMENDATION

That the Board of Education reviews the proposed changes to Board of Education 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**

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) edit Paragraph IV.C.1. by deleting "shall" and inserting "may" to clarify that a violation under this section may result in assignment to an alternative program or expulsion, making additional discipline options available to school administrators; (2) include a compliance section requiring the annual notice of the policy to students and parents; (3) include an exception for the use of inoperable, look-alike rifle props in color guard/marching band performances; (4) include an implementation section; (5) 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 5120, *Attendance and Excuses*
3. 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 – May 22, 2012

Public Comment – June 12, 2012

Third reading/vote – July 10, 2012

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 WHILE on school property, DURING SCHOOL-SPONSORED ACTIVITIES, WHILE BEING TRANSPORTED TO AND FROM SCHOOL OR 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 disruptive when it DISTURBS OR OTHERWISE interferes with the ORDERLY CONDUCT OF THE ACTIVITIES AND 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.

C [B.] Students who take part in disruptive behavior are subject to discipline that may include suspension, 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*.

D. [C.] The behavior offenses for which student discipline MAY BE IMPOSED ARE LISTED IN PARAGRAPH IV BELOW [will be followed]. The list is not all inclusive and is 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.

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 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 [planned and supervised by school personnel].

IV. Offenses

A. *Category I* [-]

1. 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* [-]

- 1. 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* [-]

1. Examples of offenses that MAY [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,

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.

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 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 RESPONSES [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.

VI. COMPLIANCE

THE SUPERINTENDENT WILL ENSURE THAT ALL STUDENTS AND PARENTS ARE ADVISED OF THE CODE OF CONDUCT, INCLUDING THE PROHIBITED CONDUCT AND ENUMERATED OFFENSES OUTLINED IN THIS POLICY.

VII. IMPLEMENTATION

THE BOARD DIRECTS THE SUPERINTENDENT TO IMPLEMENT THIS POLICY.

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*
 COMAR 13A.08.04, *STUDENT BEHAVIOR INTERVENTIONS*

Related Policies: Board of Education Policy 5000, *Students*
 BOARD OF EDUCATION POLICY 5120, *ATTENDANCE AND EXCUSES*
 BOARD OF EDUCATION POLICY 5330, *SOCIAL EVENTS*
 Board of Education Policy 5500, *Conduct*
 Board of Education Policy 5520, *STUDENT Dress CODE*
 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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| Policy | | Board of Education of Baltimore County |
| Adopted: | 07/13/78 | |
| Revised: | 06/24/82 | |
| Revised: | 06/14/84 | |
| Revised: | 06/19/86 | |
| Revised: | 05/28/87 | |
| Revised: | 06/16/88 | |
| Revised: | 05/10/90 | |
| Revised: | 05/23/91 | |
| Revised: | 07/01/92 | |
| Revised: | 09/12/95 | |
| Revised: | 07/02/96 | |
| Revised: | 08/06/96 | |
| Revised: | 06/09/97 | |
| Revised: | 06/12/01 | |
| Revised: | 07/09/02 | |
| Revised: | 06/10/03 | |
| Revised: | 09/04/03 | |
| Revised: | 07/13/04 | |
| Revised: | 02/08/05 | |
| Revised: | 09/05/07 | |
| Revised: | 07/14/09 | |
| Re-adopted: | 06/15/10 | |
| Revised: | 07/12/11 | |
| REVISED: | _____ | <i>EFFECTIVE 08/06/2012</i> |