

Section 5-Scope of Authority/Criminal Reportable Offenses/Institutional Transitions

Students are responsible for conducting themselves in a safe and orderly manner. A student who commits an illegal violent act or behavior off school property and who poses a threat to the safety of students and faculty or disrupts the learning environment may be transferred to an alternative educational program. The Superintendent's Designee will place the student in an alternative program until it can be determined that the student's presence is no longer disruptive or the courts have made a decision on the charges. Placement in an alternative program is made by administrative transfer rather than by suspension or expulsion. Students leaving institutions (hospitals, Department of Juvenile Justice) may be referred to the Superintendent's Designee if an alternative placement is to be considered as an option.

- Scope of Authority
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 - Sample Letter to Parent
 - Sample Log Sheet
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SCOPE OF AUTHORITY

Every student enrolled in a Baltimore County public school is responsible for appropriate behavior as outlined in the *Student Handbook* when involved in (1) school activities on property owned by the Baltimore County Public Schools; (2) travel on school buses; (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; or (5) violent acts of behavior which occur off school property that pose a threat to the safety of students and faculty or that disrupt the learning environment. The student may be removed from school if, in the judgment of the principal, the student's presence in the building poses a threat to the safety of students and faculty or disrupts the learning environment. (Board of Education Policy 5550)

CRIMINAL REPORTABLE OFFENSES (CRO) **[VIOLENCE IN THE COMMUNITY/STUDENT SUPPORT AND SAFETY ACT]**

According to the Student Safety and Support Act (effective June 1, 1995), the Baltimore County Police Department is required to contact the public school superintendent within 24 hours whenever a student under the age of 18 is arrested and charged with certain reportable offenses (Note: see attached form). The following procedures will be followed when the Superintendent of Schools is alerted by police that a student has been arrested for the crimes specified in the Student Safety and Support Act:

1. The report from the police should be sent directly to the Superintendent's Attorney. If any other member of the school system is the first recipient, it is the responsibility of that person to send the information to the Superintendent's Attorney.
2. The Attorney will notify the appropriate Superintendent's Designee. The Superintendent's Designee will notify the Principal of the student's school.
3. When a principal receives a Criminal Reportable Offense fax from the Superintendent's Designee, the principal will record the information on the Criminal Reportable Offense Principal's Log. Principals should review the total situation with the administrative team to see if the student may continue to attend and not present a danger or safety issue for himself (the student), other students, or the staff. If the principal believes there is a danger to his school, then a conference with the student and parents/guardians must take place within five days. If, as a result of the conference, the principal needs to seek the removal of the student for safety reasons, the Superintendent's Designee is to be contacted and a meeting requested to discuss the possible exclusion of the student. Once this meeting with the Superintendent's Designee is scheduled, the principal is to send to the parent/guardian and student the written notice using the sample letter concerning alleged violent act behavior contained in this section.
4. In no case should the student be suspended. When the student's removal from the home school is the recommended course of action, the Superintendent's Designee will transfer the student to another placement.
5. The decision to transfer the student will be communicated to the student and his/her parent in a face-to-face conference with the Superintendent's Designee.
6. Information about the student's arrest should not be filed in the student's permanent file. Instead, this information should be placed in a confidential file maintained by the Principal.

Administrative Action for Criminal Offenses and Community Acts of Violence

Following notification of a student being charged with a violent crime, the Principal must demonstrate that the student's presence in the school constitutes a danger to others, disrupts, or will negatively impact on the climate of the school. Upon presentation of this information, the Designee will determine the appropriate placement.

Student Safety and Support Act: Reportable Offenses

01. Abduction
02. Arson in the first degree
03. Kidnapping
04. Murder (1st and 2nd degree)
05. Manslaughter (except involuntary)
06. Mayhem or maiming in violation of Art 27/384 (tarring and feathering), 385 (malicious injury to tongue, nose, eye, lip, limb, etc.), and 386 (unlawful shooting, stabbing, assaulting, etc. with intent to maim, disfigure, or disable, or to prevent lawful apprehension)
07. Rape (1st and 2nd degree)
08. Robbery and robbery with a dangerous or deadly weapon
09. Sex offense (1st degree - 27/464, 2nd degree-27/464A[a][1],3rd degree-27/464[a][1])
10. Any crime in violation of Art 27/36 (carrying or wearing concealed weapon, carrying openly with intent to injure, carrying by person under eighteen at night in certain counties), 36A (carrying or possessing deadly weapon upon school property), 36B (wearing, carrying or transporting handgun; unlawful use in commission of a crime), 373 (use of a machine gun for a crime), 374 (use of machine gun for aggressive purpose), 445 (restrictions on sale, transfer, and possession of pistols and revolvers), 446 (sale, transfer, etc. of stolen pistol), 481C (assault weapons)
11. Using, wearing, carrying or transporting of firearm during and in relation to a drug trafficking crime in violation of Art 27/281A
12. Use of a firearm in violation of Art 27/291A (possession, ownership, transportation, etc. of firearm)
13. Carjacking or armed carjacking in violation of Art 27/348A (horse, mare, gelding, etc, or motor vehicle)
14. All attempts of aforesaid offenses
15. Assault with intent to murder
16. Assault with intent to rape
17. Assault with intent to rob
18. Assault with intent to commit a sexual offense (1st or 2nd degree)
19. Assault with intent to injure
20. Sale, manufacture, and distribution of controlled dangerous substance (Art 27/286, 286A, 286B, 286C, or 286D)
21. Sale, manufacture, transportation, and possession of destructive devices (bombs)(Art 27/139C)
22. False report of a bomb (Art 27/151A)
23. Possession, manufacture, etc. of **fake** bomb (art 27/151C)
24. Malicious burning
25. Assault (1st degree)

SCOPE OF AUTHORITY/EXTENDED CRIMINAL REPORTABLE OFFENSES PROCEDURES

Scope of Authority (Extended) (Rule 5550 Violent Behavior Off School Property)	Criminal Reportable Offense (Rule 5561 - School Use of Reportable Offense)
<ol style="list-style-type: none"> 1. Violent act occurs off school property which involves student(s) from a Baltimore County public school. (Not a school activity or function.) 2. A police report exists that supports the violent nature of the event. 3. Principal becomes aware of the event and the student(s) involved and believes it has an impact on school. 4. Principal immediately notifies Superintendent's Designee. Principal in consultation with Area Assistant Superintendents investigates the violent act. - Special education implications must be considered. 5. Area Assistant Superintendents confirms the police report of the incident with State's Attorney through the Office of Law.* 6. Superintendent's Designee will inform Director of Student Support Services who will keep the Office of Law apprised of the situation. 7. After a thorough investigation by the Area Assistant Superintendent and Principal that indicates the student's presence in the school adversely impacts the learning environment, the Principal shall notify the parents/guardian of the student's referral to the Superintendent's Designee for placement. 	<ol style="list-style-type: none"> 1. Police forward a reportable offense to Baltimore County Public Schools Office of Law. 2. Office of Law logs the report and forwards to appropriate Superintendent's Designee. 3. Area Superintendent's Designee logs in and forwards the information to the Principal by the close of school the next day. 4. Principal logs in and arranges a case conference which: <ul style="list-style-type: none"> - Develops a school plan for an appropriate educational program for student and maintains safe school environment - Continues to earn credit - Provides relates services - Special education implications must thoroughly be considered. 5. Principal meets with parents/guardians and students within 5 days of receipt of information to share plan. 6. Principal shares plan with appropriate staff. 7. Consult with Superintendent's Designee for appropriate placement if Principal determines that student poses a safety problem. Scope of Authority (Extended), cannot suspend or expel, administrative transfer is used. 8. All plans are reviewed quarterly by the plan committee with parent notification.

8. Principal must show a connection between event and school safety!!

9. The Principal immediately sends the attached memo to the Superintendent's Designee to facilitate placement.

10. Superintendent's Designee will place students in an alternative placement until it can be determined that the student's presence is no longer disruptive or the courts have made a decision on any charges. (Student is not suspended or expelled.)

11. The placement of students is appealable to the Executive Director of Student Support Services since it is an administrative transfer.

**At this point, if investigation shows that student is charged with a reportable offense(s), follow the reportable offenses procedures.*

9. All records on reportable offenses are confidential and not disclosed and not part of permanent education record.

10. Appeal of the implementation of these procedures is forwarded to the Executive Director of Student Support Services since it is an administrative transfer.

Sample
BALTIMORE COUNTY PUBLIC SCHOOLS

Joe A. Hairston, Superintendent

Towson, Maryland 21204

Date

Parent
Street Address
State and zip code

Dear Parent:

Re: Student
DOB
Grade:
Home Phone:
Parents' Work Phone:

I wish to inform you that your (son or daughter), (student's name), has been scheduled for a required parent conference on (date) at (time). The meeting will be conducted in my office with you and your child. The reason for this action is as follows:

Alleged violent act of behavior which occurred off school property that poses a threat to the safety of students and faculty or that disrupts the learning environment.

The purpose of the meeting will be to determine if your child can receive his education in his/her current placement pending the outcome of the court case. If the school is unable to adjust and/or modify the instructional program and support services needed to afford a safe and orderly environment for learning, the case may be referred to the Superintendent's Designee for placement.

Sincerely yours,

Principal

c: Executive Director, Student Support Services
Area Assistant Superintendents
Director of Student Support Services
Superintendent's Designee
Office of Special Education (if applicable)

Sample
BALTIMORE COUNTY PUBLIC SCHOOLS

CONFIDENTIAL

TO:

FROM:

Superintendent's Designee

DATE:

RE:

Student charged with Criminal Reportable Offenses

Student charge/s disposed of by State's Attorney's Office

Effective January 1, 1996, a new regulation was enacted (COMAR13A.08.01.17) which requires procedures to address the reporting of various criminal offenses that have been committed by students (enrolled in Baltimore County Public Schools).

Principals or their designees should meet with the parent(s)/guardian(s) and the student identified below to develop a plan to monitor the student's performance at school while the charges are pending. Schools will be notified by this office if a disposition of the case is received from the Office of State's Attorney. Noted is the notification received by the Superintendent.

The following student enrolled in your school has been identified as being charged with a Criminal Reportable Offense:

<u>Name</u>	<u>Date</u>	<u>Offense</u>
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The following student has been identified as having a Criminal Reportable Offense disposed of through the Office of the State's Attorney for Baltimore County. Your staff should review the student's performance and determine if changes to the plan are required.

<u>Name</u>	<u>Date</u>	<u>Disposition</u>
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Please consult with me if you have questions.

The information in this memo is confidential and should not be placed in the student's discipline or confidential folder.

c: Area Assistant Superintendent
File

**PUPIL SERVICES/PROCEDURES
STUDENTS AND INSTITUTIONS (HOSPITALS, DEPARTMENT OF
JUVENILE JUSTICE)**

Pupil Personnel Worker and home school staff convene an intake conference and involve the Superintendent's Designee only when alternative placement is being recommended (program review) or student is currently on expulsion status.

When a juvenile is committed by the court to a state facility such as the Charles Hickey School, Youth Camps, Victor Cullen Academy, the procedure is as follows:

1. Court Liaison is notified by letter from a Department of Juvenile Justice Supervisor
2. Court Liaison sends a letter to the appropriate school requesting a transfer of school records directly to the facility (c: Pupil Personnel Worker)
3. Court Liaison is responsible for the follow-up and for resolving any problems by working with State Department of Juvenile Justice Representative

A committed juvenile can only be released from the state facility by court order. The procedure is as follows:

1. The facility decides when the juvenile is rehabilitated and ready for release back to the community
2. The juvenile appears in court before the Master who may order that the juvenile be released
3. Court Liaison is notified by letter from State Department of Juvenile Justice representative that the juvenile is released and the following information is provided:
*Maryland Student Transfer Record SR7
 - A. Address where juvenile will reside
 - B. Name of responsible parent, guardian, foster parent, or relative
 - C. School transcript and applicable special education IEP/504, etc.
 - D. Name and phone number of the Department of Juvenile Justice aftercare worker
4. Court Liaison determines the school that serves the juvenile's residence and notifies appropriate Pupil Personnel Worker
5. Court Liaison sends a letter, transcript, IEP/504, etc. to appropriate Pupil Personnel Worker with a request to arrange an intake conference per P.S. 519 "Students Entering and Leaving Institutions."