



STUDENTS: Conduct

School Use of Reportable Offenses

I. Purpose

To establish procedures that govern the educational placement of a student who is arrested for a reportable offense or an offense that is related to the student's membership in a criminal gang.

II. Definitions

- A. *Appropriate Education Programming* – A general or alternative educational program that allows the student the opportunity to continue to receive educational services.
- B. *Business Day* – Any day that the central offices of the school system are open for business or as provided on the official school system calendar.
- C. *Criminal Gang* – A group of association of three or more persons whose members:
 - 1. Individually or collectively engage in a pattern of criminal activity;
 - 2. Have as one of their primary objectives or activities the commission of one or more underlying crimes, including acts by juveniles that would be underlying crimes if committed by adults; and
 - 3. Have in common an overt or covert organizational or command structure.
- D. *Parent* – the biological parent, legal guardian or person acting in the absence of the parent.
- E. *Reportable Offense* – A crime of violence and additional enumerated offenses committed by a student and reported to the Superintendent as defined by Section 7-303 of the Education Article of the *Annotated Code of Maryland*.

- F. *School Security Officer (SSO)* – The principal of the school or, in his/her absence, the designated administrator who is assigned the role of maintaining the security and safety of the school.

III. Process

- A. In accordance with Section 7-303 of the Education Article of the *Annotated Code of Maryland*, law enforcement agencies are obligated to inform the Superintendent within 24 hours of a student’s arrest for a reportable offense and/or for an offense related to a student’s membership in a criminal gang.
- B. BCPS will provide appropriate educational programs for students who have been arrested for a reportable offense in accordance with federal and state law and regulation.

IV. Notice of a Reportable Offense

- A. When a student is arrested for a reportable offense or an offense that is related to the student’s membership in a criminal gang, the law enforcement agency making the arrest will provide notice of the arrest and the charges to the BCPS Safe Schools Facilitator.
- B. Upon receipt of the notice of the arrest, the Safe Schools Facilitator will immediately notify the appropriate superintendent’s designee, who will then provide notice to the principal of the student’s school.

V. Procedures

- A. Upon receipt of notice of a reportable offense, the principal will record the information on the *Criminal Reportable Offense Principal’s Log* in accordance with the *BCPS Manual for Disciplinary Procedures*.
- B. The principal will review the reportable offense notification to assess the impact of safety and security on the school, staff and students.
- C. Based on the review, the principal will arrange a case conference with appropriate staff members to develop a plan that addresses appropriate placement, educational programming and related services for the student and that maintains a safe and secure school environment for all students and school personnel.

1. The principal shall request that the student's parent participate in the development of the plan; and
 2. Submit information that is relevant to developing the plan.
- D. The principal shall consult with the Department of Special Education and Department of Student Support Services if the student is a student with a disability under the Individuals with Disabilities Education Act (IDEA) to ensure that the plan provides appropriate educational programming and related services to the identified student in accordance with federal and state laws and regulations.
- E. If the principal believes that the student is a safety or security risk for the school the principal shall:
1. Notify the parents of a required conference with the superintendent's designee;
 2. The principal shall not exclude the student from the home school pending the meeting with the designee; and
 3. Refer the reportable offense to the superintendent's designee for appropriate review.
- F. Superintendent's Designee Review
1. The superintendent's designee will convene a meeting with the student's parents and the school principal to determine whether it is in the best interest of the student and the school to transfer the student to another placement.
 2. If the superintendent's designee determines that the student be transferred he/she will:
 - a. Orally communicate his/her decision to the parent at the parent meeting;
 - b. Exclude and transfer the student to an alternative placement; and
 - c. Provide the parent with written notice of the alternative placement.
 3. The student will remain in the alternative program until:
 - a. The superintendent's designee determines that the child no longer poses a danger to the safety of students and staff; or
 - b. Until the criminal charges have been adjudicated and/or the student has been found not guilty by a court of law.
- G. Plan/Placement Review

1. The school principal and/or superintendent's designee shall review the plan/placement and the student's status and make adjustments, as appropriate:
 - a. Immediately upon notification from the state's attorney of the disposition of the reportable offense; or
 - b. At a minimum on a quarterly basis, pending notification from the state's attorney.
2. The parent shall be informed of any adjustments to the plan.

VI. Reportable Offenses Involving Rape or Sexual Assault

- A. The school principal shall consider prohibiting a student who is arrested for a reportable offense under this section from attending the same school or riding on the same school bus as the alleged victim of the reportable offense if such action is necessary or appropriate to protect the physical or psychological well-being of the alleged victim.
- B. If a student is convicted of or adjudicated as a delinquent for a criminal reportable offense occurring under this section, the student shall not attend the same school or ride on the same school bus as the victim.

VII. Review Process

- A. If a student or the student's parent disagrees with a decision made under this rule, he/she may request a review of the decision. A request for a review does not stay the decision of the superintendent's designee.
- B. The request for a review must be in writing and filed with the office of the executive director of the department of school safety, ("executive director") within 10 calendar days after the decision of the superintendent's designee.
 1. A request for review shall be deemed to have been transmitted within the 10-day period of time if, before the expiration of the time, it has been:
 - a. Delivered to the executive director's administrative office; or
 - b. Deposited in the United States mail, as registered or certified mail or express mail, or deposited with a delivery service (such as federal express, UPS or DHL) that provides verifiable tracking of the item from the point of origin.
 2. Upon receipt of the request for review, but no later than 15 business days after receipt of the request, the executive director or his

designee will convene a meeting with the student and the student's parent.

3. The executive director will issue a written decision within 5 business days following the date of the meeting.
4. The decision of the executive director is final.

VIII. Records

- A. All records relating to a report of a criminal reportable offense shall be maintained in a confidential file in the principal's office and shall not be filed in the student's permanent educational record.
- B. If the disposition of the reportable offense was a conviction, an adjudication of delinquency or the criminal charge or delinquency petition is still pending, the Superintendent or principal may transmit the reportable offense information as a confidential file to the local superintendent of another public school or nonpublic school in the state in which the student has enrolled or transferred.
- C. All information relating to a student's criminal reportable offense shall be destroyed when the first of the following occurs:
 1. The student graduates;
 2. The student otherwise permanently leaves school;
 3. The student turns 22;
 4. The criminal case involving the reportable offense is dismissed;
 5. The student is found not guilty of the reportable offense; or
 6. The student pleads to a lesser offense that is not a reportable offense.

IX. School Security Officers (SSO)

- A. In Baltimore County Public Schools, the principal of the school has been designated as the School Security Officer ("SSO") who is charged with the role of maintaining the security and safety of the school in accordance with the Safe Schools Act of 2010.
- B. The SSO will meet twice a year with the stakeholder group identified in the Safe Schools Act of 2010.
- C. All meetings of the SSO and stakeholders will be held at the direction of the superintendent and as required by law.

Legal References: 20 U.S.C. § 1400, *et seq.*, *Individuals with Disabilities Education Act (IDEA)*
Annotated Code of Maryland, Education Article §7-303, *Arrest for Reportable Offense*
Annotated Code of Maryland, Education Article §7-424.2, *Gangs and Gang Activity*
COMAR 13A.05.01, *Provision of a Free Appropriate Public Education*
COMAR 13A.08.01.17, *School Use of Reportable Offenses*

Related Policies: Board of Education Policy 5550, *Disruptive Behavior*
Board of Education Policy 5551, *Gang Activity and Similar Destructive or Illegal Group Activity*
Board of Education Policy 5560, *Suspensions, Assignment to Alternative Programs or Expulsions*

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