

ARTICLE 5

STUDENTS

Section 501 SCHOOL ATTENDANCE

501.01 Admissions¹

All individuals who are five (5) years old or older² and under 21 shall be admitted free of charge to the city's public schools if that child's parent or guardian is domiciled within the city's borders. The Chief Executive Officer may allow individuals who are not five years old at the beginning of the school year, but who will become five years old during the school year, if, after an evaluation, the child is deemed ready to benefit from kindergarten.

The Chief Executive Officer may allow a child to attend school in the city even if the child is not domiciled in the city, on a case by case basis. Fraudulent attendance may result in monetary penalties to the child's parent or guardian. The Board will implement all admissions policies in accordance with state and local laws.

501.02 Physical Examination³

Each child entering the Maryland Public School System for the first time must have a physical examination completed by a physician or certified nurse practitioner between the 9-month period before entering the school system or 6-months after entering the school system.

501.03 Identification of Students⁴

The Baltimore City Public School System shall:

1. Identify all students not in compliance with state compulsory attendance laws;
2. Report such identified students so that adequate investigation and research may be conducted to determine the cause or causes of noncompliance;

¹ Maryland Education Article Section 7-101 and COMAR 13A.08.01.

² COMAR 13A.08.01.02 specifies age requirements for entrance into prekindergarten and kindergarten classes. For prekindergarten the requirements are as follows: a child shall be four years old on or before November 30, 2002, for entrance for the 2002-03 school year; by October 31, 2003, for entrance for the 2003-04 school year; by September 30, 2004, for entrance for the 2004-05 school year; and September 1, 2005, for entrance for the 2005-06 school year and every year thereafter. For kindergarten the requirements are as follows: a child shall be five years old on or before November 30, 2003, for entrance for the 2003-04 school year; by October 31, 2004, for the 2004-05 school year; September 30, 2005, for the 2005-06 school year; and September 1, 2006, for the 2006-07 school year and every year thereafter.

³ Maryland Education Article Section 7-402.

⁴ Maryland Education Article Section 7-302 and COMAR 13A.08.01.05.

3. Institute such programs and services and make such program and services changes as will reduce substantially the amount of noncompliance;
4. Work with and involve students, families, and the community so as to maintain the highest possible level of attendance; and
5. Enforce the laws to the fullest possible extent against those students, parents, and adults who fail to comply.

Section 502 ENROLLMENT

502.01 Philosophy

BCPSS serves students, our primary customers. BCPSS is responsive to the diverse needs of the students and responsible for providing the best customer service possible. The Enrollment and Transfer Policy supports this philosophy by consistently applying an equitable process for the enrollment and/or transfer of any student into any of the elementary or secondary BCPSS schools.

502.02 Zoned Enrollment

A student entering BCPSS for the first time must enroll in his/her zoned school, based on his/her legal residence, usually the address of the parent or legal guardian.

1. Zones for Elementary and Secondary Schools: The enrollment patterns are based on elementary and secondary zones. A cluster of elementary zones defines a middle school zone, and a larger cluster of elementary zones defines a comprehensive high school zone. Each zone is a geographical area with distinct street boundaries. Each zone is based on the residential density of its school-age population, man-made and natural boundaries, and travel distance to the school.
2. Zones for Extended Elementary Schools: Extended elementary schools with grades K-8 have a zone unlike the elementary school or middle school zones. Instead, there is a “K-8” zone for all extended elementary schools. The “K-8” zone has an identical geographic area for its grade K-5 students and grade 6-8 students.
3. Zone and Out-of-Zone Students: Zone students are those who attend their zoned school, which is based on their legal residence. Out-of-zone students are those who attend a school other than their zoned school. (The only exceptions are students who attend a citywide school or citywide program.) Zone students must be given first priority to enroll in their zoned schools. Consideration can then be given to out-of-zone students if space is available and other factors are met. Zone students should not be denied entry to their zoned school because space is not available or because space is an issue. Rather, out-of-zone students may have to be considered for reassignment to their zoned schools or another school that has available space for out-of-zone students. Reassigning out-of-zone students should be done gradually when possible. When decreasing the number of out-of-zone students at a school, the staff should first consider graduation or attrition, then consider an equitable approach to reassigning students given their grade at the out-of-zoned school. The department of Planning, Office of Student Placement, is responsible for administering the reassignment of out-of-zone students.

502.03 Reliable Evidence of Age Required for Enrollment

Children over five (5) years of age may be enrolled in school at any time. Reliable evidence of each child's age shall be presented at the time of his/her entry into the Baltimore City Public Schools. The most reliable evidence is the official birth certificate issued by the local or State Department of Health or appropriate agency. In the absence of this document, the following may be considered acceptable:

1. A certificate of baptism or other church registry;
2. A record entered in a family Bible soon after the time of the child's birth;
3. A passport, in the case of a foreign-born child; or
4. If none of the above is available, the parent's or custodian's affidavit as to the date of birth may be accepted.

502.04 Evidence of Immunization Required Prior to School Entry⁵

Pursuant to State law, the following regulations governing required immunizations prior to entry into a Maryland school are established.

General

No school principal or other person in charge of a school shall knowingly admit any student or retain any student in a public or private nursery, kindergarten, elementary school, or grades one to twelve (1-12), who has not furnished evidence of primary immunizations against diphtheria, tetanus, pertussis, poliomyelitis, measles (rubeola), and rubella (German measles) in a manner approved by the local State Health Officer. Further, parents shall provide documentation from a health care provider certifying that the child has undergone blood testing for lead poisoning when a child enters a pre-kindergarten, kindergarten or first grade program

Such immunization will be in accordance with the current schedule of immunizations required by the State of Maryland School Immunization Regulations. Exceptions may be made for a period of twenty (20) days in the case of a student whose parent(s) or guardian(s) indicates that his/her child is scheduled for an appointment to comply with these regulations and furnishes evidence that a vaccine has been administered, or to retrieve immunization records after the start of the school term, or within a reasonable length of time that is consistent with the current schedule of immunizations.

Medical Contradictions

These regulations shall not apply to any student who presents a written statement from a licensed physician or a local State Health Officer indicating that immunization against any or all of the above-mentioned diseases is considered medically contraindicated, detrimental to, or not in the best interest of the student's health. The statement shall indicate whether the contraindication is permanent or temporary. If

⁵ Maryland Education Article Section 7-403.

temporary, the statement shall provide a date of assurance that the student will receive the immunization(s), and furnish evidence of their completion. This exception will not apply in case of an emergency or epidemic of disease that is declared by the Secretary of Health and Mental Hygiene. This action may result in temporary exclusion from school.

Religious Conflict

Any parent(s) or guardian(s) who presents a written statement of objection to immunization upon the grounds that it conflicts with the tenets of practice of a recognized church or religious denomination of which he/she is a member shall not be required to present a physician's certificate of immunization. This exception will not apply in case of an emergency or epidemic of disease that is declared by the Secretary of Health and Mental Hygiene. This action may result in temporary exclusion from school.

Vaccine Provision

If, for any reason, a parent(s) or guardian(s) is not able to obtain the service of a private physician, he/she may take his/her child to a local Health Department where such immunization may be provided.

Responsible Agencies

Responsibility for carrying out the provisions of these regulations is delegated jointly to the local Chief Executive Officer, the local State Health Officers, and the Commissioner of Health for Baltimore City.

502.05 Transfer Policy⁶

A student, grade pre-kindergarten through grade twelve, whose legal residence changes, may transfer to the zoned school anytime throughout the year. The Superintendent of Public Instruction may adopt procedures authorizing the voluntary or involuntary transfer of students under appropriate circumstances. Until a transfer is approved, a student is expected to enroll in the zoned school or remain in the current school, whichever is appropriate.

Further, students attending a school that has been identified by the State Board as persistently dangerous may transfer to another school within the system. Appendix "C" provides extensive detail on BCPSS' enrollment and transfer policies and procedures, including those pertaining to persistently dangerous schools.

502.06 Appeal Policy

A parent or legal guardian may not be willing to accept the administration's decision regarding a transfer. The parent or legal guardian may appeal the

⁶ COMAR 13A.08.01.20

administration's decision, or non-decision, in accordance with the appeal process established by the Superintendent of Public Instruction. A student is expected to enroll in the zoned school or remain in the current school, whichever is appropriate, until the appeal process has been completed and final decision has been given to the parent or legal guardian.

Appendix "C" provides extensive detail on BCPSS' appeal process for enrollment and transfer decisions.

Section 503 ABSENCE

503.01 Compulsory Attendance⁷

Each child five (5) years old or older and under 16 is required by State law to attend a public school regularly during the entire school year unless he/she is otherwise receiving regular, thorough instruction at a private school or through home instruction. Exemptions may be made for one (1) year for a five year old child whose parent or guardian files a written request asking that the child's attendance be delayed due to the child's level of maturity or if the child is enrolled full time in a licensed child care center, family day care home or part time in a Head Start 5 year old program.

503.02 Type of Absences⁸

Absence from school shall be considered lawful, unlawful, or involuntary in accordance with laws of the State of Maryland, bylaws of the Maryland State Department of Education, and implementing regulations issued by the Chief Executive Officer. A lawful absence occurs under the following conditions:

1. Death in the immediate family (“immediate family” is defined in section 402.05 of these Rules);
2. Illness of the student. The principal shall require a physician's certificate from the parent or guardian of a student reported continuously absent for illness;
3. Court summons;
4. Hazardous weather conditions that would endanger the health or safety of the student while in transit to or from the school;
5. Work approved or sponsored by a school, the local school system, or the State Department of Education and accepted by the Chief Executive Officer or school principal;
6. Observance of a religious holiday;
7. State emergency;
8. Suspension;
9. Lack of authorized transportation, though this provision does not include students denied authorized transportation for disciplinary reasons; or
10. Other emergency or set of circumstances which, in the judgment of the Chief Executive Officer or designee, constitutes a good and sufficient cause for absence from school.

Any absence, including absences for any portion of the day, for any reason other than those cited above will be considered unlawful and may constitute truancy.

⁷ Maryland Education Article Section 7-301; COMAR 13A.08.01.03 through .05.

⁸ COMAR 13A.08.01.03.

Section 504 EDUCATIONAL PROGRAMS FOR PREGNANT STUDENTS¹⁰

504.01 Non-Discrimination

The Baltimore City Public Schools shall not discriminate against a student or exclude a student from its educational program or activity, including any class or any extracurricular activity, on the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom, unless the student requests voluntarily to participate in a separate program or activity of the Baltimore City Public Schools.

504.02 Program Responsibility

It is the responsibility of the Baltimore City Public Schools to provide appropriate educational programs for all students, including pregnant students, married or unmarried.

504.03 Regular Programs

A student who is pregnant, either married or unmarried, who has not completed her high school education or other terminal training program, may elect to remain in a regular school program and shall not be involuntarily excluded from any part of that program.

504.04 Alternative Programs

A student who is pregnant, either married or unmarried, who is under compulsory school age, may voluntarily withdraw from the regular school program, provided that she enrolls in an appropriate educational program planned for her. Such a program shall be determined in joint consultation with the student and appropriate educational and medical personnel.

504.05 Agency Cooperation

It is the responsibility of the Baltimore City Public Schools to work cooperatively with other agencies, such as the Health Department, Social Services, Juvenile Services, and with private physicians, to provide assistance to those agencies and physicians in assuring that the pregnant student receives appropriate medical, psychological, social, and educational services prior to completion of pregnancy and after the pregnancy for as long as needed. This cooperative relationship will be established to conform to the development of a comprehensive plan for the pregnant student with needed services being furnished by community public and non-public agencies.

¹⁰ COMAR 13A.08.01.06.

Section 505 STUDENT RECORDS¹¹

505.01 Board Policy

The Board has adopted the State Board's bylaws (COMAR 13A.08.02.01-.31), entitled Student Records, as its official policy. This policy is intended to preserve the rights of parents and eligible students to have full access to all official records maintained by the school system concerning a student, to have errors corrected, to enjoy the right of appeal, and to have confidentiality maintained. The accumulation of and access to student records shall, in every instance, serve legitimate and recognized educational ends.

505.02 Responsibility of the Chief Executive Officer

The Chief Executive Officer shall be responsible for the delineation of administrative procedures designed to safeguard the interests, rights, and privacy of the individual student.

The Chief Executive Officer shall specify conditions, including the need for parent and/or student consent, under which student data may be released and to whom the data is released. The Chief Executive Officer shall also develop a dispute resolution process for issues that may arise in the transfer of records for students in State supervised care.¹²

505.03 Purposes of Cumulative Records

The basic purpose of cumulative student records shall be to provide data and information which may be used by parents, students, and professional school personnel for planning educational programs for students while they are in school, and for planning educational and career programs.

505.04 Transfer of Cumulative Records

Upon an appropriate request from another school system, a student's cumulative record must be transferred to the receiving school system within 3 business days. The Office of Student Placement must create a dispute resolution process to quickly address disputes related to the transfer of cumulative records of a child in state supervised care. While awaiting a resolution, the child must remain at the receiving school.¹³

505.05 Furnishing of Student Lists or Student Data

¹¹ COMAR 13A.08.02

¹² Maryland Education Article 2-206 (1), 8-501 through 8-506.

¹³ Maryland Education Article 2-206(a), 2-206 (1), 8-501 through 8-506.

No staff member or student shall furnish or use any list of students' names and addresses for the sending of advertising or any other purpose, unless specific approval, in writing, is given in advance by the Chief Executive Officer.

Section 506 DISCIPLINE OF STUDENTS¹⁴

506.01 Philosophy

The Board is committed to providing safe and orderly classrooms and schools for all students. When classrooms are orderly, teachers are able to teach, and students are able to learn. All students, including those with disabilities, are held accountable for actions that impede instruction and other students' ability to learn. To ensure a free and appropriate public education for students with disabilities, BCPSS implements the requirements of the Individuals with Disabilities Education Act through the current "Disciplinary Procedures for Students with Disabilities."

Education provides a means for human development and a means for remediation and adjustment. Therefore, BCPSS believes that when possible, students who have committed serious infractions of the BCPSS code of conduct (i.e., Level II or III infractions) should be placed in alternative learning environments, and that suspension and expulsion should be used as a last resort. BCPSS is working to implement this philosophy. However, until alternative learning environments are available at all schools, school staffs will adhere to current policies that require students to be expelled or suspended for certain offenses. No child may be expelled without the approval of the Chief Executive Officer and the Chief Academic Officer. Every effort will be made to place students who are expelled in existing alternative programs.

Administrators will keep in mind the need for age appropriate consequences when determining consequences for code violations. Administrators should have the ability to take degree of severity, frequency of offense, situation, age, and decision-making capacity of student into account in determining sanctions and shall be required to provide a rationale for any deviations from the code.

BCPSS reserves the right to consider disciplinary action against students who have been adjudicated for violent criminal acts in the general community, such as rape, murder or kidnapping.

A complete listing of violations and their consequences is available in the "Information Guide for Parents and Students."¹⁵

506.02 Referral of Misconduct Cases

In situations involving misconduct, the principal and the staff of each school shall take all reasonable measures to modify any unacceptable student behavior prior to proceeding under Section 507. These measures shall be appropriately documented, including the date and nature of the action. The school staff shall also take the necessary steps to bring the student to the attention of those screening committees, departments,

¹⁴ Maryland Education Article Section 7-305 and COMAR 13A.08.01.11.

¹⁵ As required under Maryland Education Article Section 7-306.

offices, divisions, agencies, and organizations that may be able to provide diagnostic or remedial assistance.

506.03 Detention of Students After Usual Closing Hour

When, in the opinion of the teacher or principal, the behavior of a student is likely to be improved by such action, the student may be detained after the usual closing hour of the school for a period of time that considers safety and other extenuating circumstances (such as the need to travel on public transportation, distance, and physical and medical conditions).

506.04 Restitution

If any school property, equipment, or supplies are lost, damaged, or destroyed by any persons, the parents of such persons, if the persons are minors, and/or the persons themselves, shall, unless indigent, be required to make restitution.

506.05 Corporal Punishment Prohibited¹⁶

The schools shall be governed without corporal punishment.

506.06 Student Behavior Interventions¹⁷

School personnel are encouraged to use an array of positive behavior interventions, strategies, and supports to increase or decrease targeted student behaviors. School personnel shall only use exclusion, restraint, or seclusion:

1. After less restrictive or alternative approaches have been considered and attempted or determined to be inappropriate;
2. In a humane, safe, and effective manner;
3. Without intent to harm or create undue discomfort; and
4. Consistent with known medical or psychological limitations and the student's behavioral intervention plan (if one exists).

Use of exclusion, restraint or seclusion will strictly adhere to all requirements of state regulations.

506.07 Procedures with Regard to Weapons¹⁸

If a student possess, carries or causes to be carried a weapon of any kind onto school property or possesses a weapon off of school property under circumstances that bear a direct connection to a school activity, the student shall be expelled by the Chief Executive Officer. Weapons shall include, but are not limited to, any firearm as defined

¹⁶ Maryland Education Article Section 7-306.

¹⁷ COMAR 13A.08.04.03

¹⁸ Maryland Education Article Section 7-305(e); COMAR 13A.08.01.12-1.

in 18 U.S.C. Section 921, ammunition, knives, razors, mace, brass knuckles, chains, pipes, blackjacks, clubs, nightsticks or martial arts device, such as nunchaku.

The minimum expulsion for possession of a firearm is one year. However, the Chief Executive Officer may specify, on a case by case basis, a shorter period of expulsion or an alternative educational setting.

506.08 Special Procedures with Regard to Drugs

Students shall be suspended or expelled for use, possession, or being under the influence, of drugs (including alcohol) while on school grounds, at school-sponsored activities, or when involved in incidents that have a direct relationship to the good order and discipline of the school.

When a principal or designee finds that a student has been selling or distributing drugs while on school grounds, at school-sponsored activities, or when involved in incidents that have a direct relationship to the good order and discipline of the school, the student shall be expelled by the Chief Executive Officer.

506.09 Personal Electronic Communication Devices¹⁹

An individual's use, activation or display of any personal electronic communication device is prohibited on public school property or while riding to and from school or school-sponsored activities on a school bus or school-chartered vehicle. "Personal electronic communication device" means any device carried, worn, or transported by an individual to receive or communicate messages. Such devices include cellular telephones, pagers or beepers. "Public School Property" means the grounds of any public school.

This rule does not apply to:

1. Students with disabilities using portable pagers for medical reasons;
2. Law enforcement officers;
3. Visitors on public school property for an authorized program, meeting, or function;
4. Faculty or staff members employed by the school system;
5. Members of any volunteer fire department, ambulance company, or rescue squad, who are designated to possess a personal electronic communication device on public school property by the chief of the volunteer fire department, ambulance company, or rescue squad, and the school principal; and

¹⁹ As previously set forth in Maryland Education Article Section 26-104 and repealed by Chapter XXX of the Acts of 2003.

6. Students whose personal electronic communication devices are contained in vehicles that are on public school property and are not found to be connected with criminal activity.

Students found to be in violation of this rule are subject to action in accordance with BCPSS Disciplinary Code procedures.

506.10 Baltimore City School Police Force²⁰

There is established a Baltimore City School Police Force, whose members are employees of and appointed by the Board. These officers have all the powers of a law enforcement officer in the State of Maryland. However, the officer may act in an official capacity only on the premises of schools and other property used for educational purposes owned, leased, operated by, or under the control of the Board. The officer may act in an official capacity on other property only as specified in statute. The officer may not carry a rifle, gun, or other deadly weapon of any kind from 7 a.m. to 4 p.m. on school days on school property.

506.11 Student Arrests on School Premises²¹

When possible and appropriate, an arrest by law enforcement officers should be made during non-school hours and away from the school premises.

When an arrest on school premises during school hours is necessary, the responsible school administrator shall ascertain such facts from the arresting officer as will enable him/her to fully advise the parent(s) or guardian(s) and other school officials of the nature of the charge, the identity of the arresting officer, and the location of the student.

When an arrest has taken place on school premises or during school hours, every effort shall be made by school officials to inform the parent(s) or guardian(s) immediately, and thereafter promptly to advise the Chief Executive Officer's office.

An arrest on school premises during school hours shall be effectuated in such a manner as to avoid both embarrassment to the student being arrested and jeopardizing the safety and welfare of the other students.

A student may be taken into custody:

1. Pursuant to the order of the court. Whenever a student is taken into custody on school premises pursuant to an order of the court, the Office of the Chief Executive Officer will be notified promptly. In addition, every effort shall be made by school officials to immediately inform the

²⁰ Maryland Education Article Section 4-318.

²¹ COMAR 13A.08.01.12.

parent(s) or legal guardian(s) or the person with whom the child is residing. However, as is possible in child abuse cases, the safety, security, and welfare of other children may be at stake. In such cases, school officials will make every effort to notify the parent(s), guardian(s), or person with whom the student is residing no later than the end of the school day on which the child is taken into custody;

2. By a law enforcement officer pursuant to the laws of arrest;
3. By a law enforcement officer or other person authorized by the court when there are reasonable grounds to believe that the child is in immediate danger from his/her surrounding or for his/her protection; or
4. By a law enforcement officer or other person authorized by the court when there are reasonable grounds to believe that the child has run away from his/her parent(s), guardian(s), or legal custodian.

506.12 Questioning Students on School Premises²²

School officials may not permit questioning of a student under arrest on school premises by the arresting officer, and shall request the arresting officer to remove the student from the premises as soon as practicable after the arrest is made.

Police investigations involving the questioning of students may not be permitted on school premises unless in connection with a crime committed on the premises or in connection with an investigation which, if not immediately permitted, would compromise the success of that investigation or endanger the lives or safety of the students or other persons, provided, however, that a school official should be present throughout the questioning. A local school system shall permit personnel from a local department of social services or a police officer to question a pupil on school premises during the school day in an investigation involving suspected child neglect under Family Law Article, Subtitle 7, Annotated Code of Maryland.

Whenever investigative questioning of pupils is permitted on the premises, the school official shall promptly advise the parent(s) or guardian(s), and the Chief Executive Officer's office of the nature of the investigation and such other details as may be required. School officials are not required to notify parents or guardians of investigations on school premises involving suspected child neglect under Family Law Article, Subtitle 9, Annotated School of Maryland.

In the absence of an arrest, school officials may not authorize the removal of a student from school for the purpose of investigative questioning without the consent of the parent(s) or guardian(s) except as provided:

1. A student may be removed from school premises if he/she is a suspected victim of child abuse or neglect, and the local department of social services has guardianship of the child or a court order to remove the child; and

²² COMAR 13A.08.01.13.

2. The principal shall ensure that prompt notification of a student's removal from school under this section is made to the student's parent(s) or guardian(s).

506.13 Search and Seizure²³

A principal, assistant principal, or school police officer may make a reasonable search of a student on the school premises or at a school-related event or trip if there is reasonable belief to believe that the student has in his/her possession an item, the possession of which is a criminal offense under the law or a violation of a State or Board rule. The search shall be made in the presence of a third party. A principal, assistant principal, or school police officer may make a search of the physical plant of the school and its appurtenances, including the lockers of students. The right to search the lockers shall be announced or published previously in the school.

Police officers, upon authority of a search warrant, may make a search, and school officials should cooperate in performing such a search.

Investigative searches of school premises by police officers shall only be permitted upon the authority of a search warrant, or in any case where the search is essential to prevent imminent danger to the safety or welfare of the students or other persons on school property. Such search shall not include a student's assigned locker unless specified in the search warrant.

Every effort shall be made to conduct searches in a manner that will minimize disruption of the normal school routine and minimize embarrassment to the student(s) affected.

In no case may a police officer search or frisk the person of a student not under arrest, unless the officer has reasonable suspicion that the student is concealing a weapon that poses a danger to others. Under no circumstances shall a school official conduct such a search of the person of a student at the request of a police officer.

506.14 Reporting Crimes

School officials shall promptly report to the responsible law enforcement agencies all police matters coming to their attention, whether on or away from the school premises, which involve students attending the particular school.

506.15 Students Charged with Community Offenses²⁴

The Board recognizes that the presence of a student who has been charged with a criminal or juvenile offense of a serious nature in the community, especially an offense involving violence or weapons, may pose a threat to the safety and welfare of the school community and may disrupt the educational process in the school. The Board also

²³ Maryland Education Article Section 7-308 and COMAR 13A.08.01.15.

²⁴ Maryland Education Article Section 7-303 and COMAR 13A.08.01.15.

recognizes that the educational needs of a student who has been charged with a criminal or juvenile offense of a serious nature in the community must be carefully balanced with the Board's obligation to provide a safe school environment free of disruption for all students.

Therefore, if school administrators determine that the presence of a student charged with a criminal or juvenile offense of a serious nature in the community poses a threat to the school community or educational process, the student may be assigned to an alternative educational program pending a final administrative decision on the student's educational placement.

506.16 Baltimore City Alternative Learning Center²⁵

There is established a Baltimore City Alternative Learning Center, whose director is appointed by the Chief Executive Officer. The director of the center may employ a staff or retain consultants, including psychologists, social workers, guidance counselors, and teachers.

A student may be transferred to the center if the student:

1. Assaults a teacher, teacher's aide, student teacher, other professional or paraprofessional school employee, or other student;
2. Carries a gun, rifle, knife, or other deadly weapon onto school property; or
3. Commits any other act that would be a crime if committed by an adult.

The director shall review the recommendation for admission to the center and admit or deny admission based on an assessment of the student's amenability to the services, programs, and treatment available in the center. Once admitted, a student will attend class at the center until the director orders the student to be transferred to another school in the school system. A student may not attend the center for more than one calendar year.

Programs at the center shall include elementary and secondary education programs, special education programs that meet the social and emotional needs of the students and require parental/guardian participation, and vocational and rehabilitative training programs.

The Chief Executive Officer shall report annually to the members of the Baltimore City Delegation of the General Assembly on the progress of students in the center.

²⁵ Maryland Education Article Section 4-319 and 7-304.

Section 507 SUSPENSIONS AND EXPULSIONS²²

507.01 Definitions

1. “Board” means Baltimore City Board of School Commissioners.
2. “Day” means a school day, unless otherwise specified.
3. “Designee” means an individual duly authorized to function in an administrative capacity in fulfilling the appropriate responsibilities delineated in this Section 507.
4. “Quarter” means a period of 45 school days.
5. “Expulsion” means the removal for more than one quarter from the school by direction of the CEO or Chief Officer. (See 507.05.)
6. “In-school Suspension” means exclusion for disciplinary reasons within the school building of the student from the regular educational program for a period not to exceed three (3) days. (See 507.03.) In computing the length of the suspension, the first day of removal from the regular educational program shall be counted as the first day of the suspension if the student is excluded for any part of the day as a result of the suspension.
7. “Long-term Suspension” means the removal for disciplinary reasons of a student from school for a period greater than ten (10) but not more than 45 days. (See 507.05.) In computing the length of the suspension, the first day of removal from the regular educational program shall be counted as the first day of the suspension if the student is excluded for any part of the day as a result of the suspension.
8. “Parent” means a natural parent, guardian, or an individual acting as a parent or guardian. For students with disabilities, consistent with IDEA and COMAR, “parent” also includes parent surrogates or other individuals acting on behalf of the parent. However, it does not include the State if the child is a ward of the State.
9. “Principal” means the principal or, in his/her absence, the assistant principal or other school official authorized to act on behalf of the principal.
10. “Rescission” means the cancellation of a proposed long-term suspension or expulsion. (See 507.05.) The student is permitted to return immediately to the school from which he/she was removed.
11. “Short-term Suspension” means the removal for disciplinary reasons of a student from school for a period of not more than ten (10) days by a school principal. (See 507.04.) In computing the length of the suspension, the first day of removal from the regular educational program shall be counted as the first day of the suspension if the student is excluded for any part of the day as a result of the suspension.
12. “Chief Officer” shall include Chief Academic Officer, Chief Operating Officer, or Chief of Staff.
13. “Diligent efforts” means that attempts to reach a parent, as indicated in this Section 507, will be initiated as soon as possible and that the most expedient

²² Revised policy adopted August 26, 2003.

method will be employed first. These various methods of communication include, in order of expediency, a telephone call, electronic mail (with confirmed receipt notification), and a letter sent first-class.

507.02 Scope

Sections 507.01 through 507.07 apply to all BCPSS students. Section 507.08 is used in conjunction with Sections 507.01 through 507.07, but applies only to students with disabilities or who are suspected of having a disability.

507.03 In-School Suspension

A. Conference with Student and Removal from Educational Program

When a principal has reason to believe that a student might need to be removed temporarily from the regular educational program for disciplinary reasons, the student shall be informed of the reason(s) for the action. If the student denies the charge(s)/allegation(s), the principal shall provide an explanation of the supporting evidence and allow the student an opportunity to present his/her side of the story.

If after the conference, the principal decides that the nature of the student's conduct warrants removal beyond the day on which removal first occurs, then the student remains away from the regular educational program, providing:

1. Diligent efforts are made to notify the parent(s) of the removal of the student and of the need for a conference which should be held, if possible, within three (3) days; and
2. The student must be returned to the regular educational program no later than three (3) days following removal, whether or not the conference has taken place.

B. Limits to In-School Suspensions

The aggregate number of days that a student may spend on in-school suspensions may not exceed six (6) days within a semester. Any removal of a student beyond six (6) days within a semester shall be subject to the provisions of Sections 507.04 or 507.05, as appropriate.

C. Monthly Reports

Monthly reports on all in-school suspensions shall be submitted by each school to the AAO. A student-specific tracking log shall be maintained and kept in the student's records.

507.04 Short-Term Suspension

A. Conference with Student and Removal from School

Whenever a principal has reason to believe that a short-term suspension might be warranted, the principal shall confer with the student and inform the student of the

reason(s) for the suspension. If the student denies the charge(s)/allegation(s), the principal shall provide an explanation of the supporting evidence and allow the student an opportunity to present his/her side of the story.

If after the conference, the principal decides that the student should be placed on a short-term suspension, a written statement of the suspension and the reason(s) therefore shall be given to the student and a copy mailed (first class and/or electronically) to his/her parent(s). A student on a short-term suspension immediately shall lose the right to be upon school property, and the right to attend school-related or school-sponsored activities, for the duration of the suspension.

If the student's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, the student may be removed immediately from school without the conference and notice taking place. In these cases, the necessary notice and conference should follow as soon as possible.

B. Conference with Parent(s)

Immediately following the conference with the student and the decision to impose a short-term suspension, the principal shall make diligent efforts to notify the parent(s) of the suspension of the student and arrange for a conference between the student, parent(s), principal, and any other appropriate school personnel. The conference shall take place within the suspension period, preferably no later than the day following the decision. If the parent(s) is unable to come to the school for the conference, the principal shall attempt to confer with the parent(s) by telephone.

A student on a short-term suspension must be returned to the educational program by the eleventh (11) day following the day of removal. This return must take place regardless of whether a parent conference has been held either in person or by telephone. If the student returns to school without a parent conference, the school shall, for a reasonable time, continue to attempt to confer with the parent(s).

C. Written Record of Short-Term Suspension

The principal shall make a written record of the reason(s) for the short-term suspension and the substance of the conference(s), including the previous steps taken to modify the unacceptable behavior prior to the short-term suspension. This written record shall be maintained in the student's disciplinary record.

D. Reinstatement

Any student who is placed on a short-term suspension may be reinstated by the principal at any time prior to the maximum period of the suspension.

E. Limitation on Number of Short-Term Suspensions

No student may be placed on short-term suspension if, during the quarter, he/she has already received short-term suspensions totaling ten (10) days. Any removal of the student beyond the ten (10) days shall be subject to the provisions of Section 507.05, as appropriate.

F. Monthly Reports

Monthly reports on all short-term suspensions shall be submitted by each school to the AAO. A student-specific tracking log shall be maintained and kept in the student's records.

507.05 Long-Term Suspension or Expulsion

A. Conference with Student and Removal from School

Whenever a principal has reason to believe that a long-term suspension or expulsion might be warranted, the principal shall confer with the student and inform the student of the reason(s) for the removal. If the student denies the charge(s)/allegation(s), the principal shall provide an explanation of the supporting evidence and allow the student an opportunity to present his/her side of the story.

If following this conference, the principal decides that the student should be proposed for a long-term suspension or expulsion, a written statement of the proposal and the reason(s) therefore shall be given to the student and a copy mailed (first class and/or electronic mail) to his/her parent(s). A student proposed for long-term suspension or expulsion immediately shall lose the right to attend school-related or school-sponsored activities, and immediately shall lose the right to be on school property except as provided in Section 507.

If the student's presence poses a continuing danger to persons or property, or an on-going threat of disrupting the academic process, the student may be removed immediately from school without the conference and notice taking place. In these cases, the necessary notice and conference should follow as soon as practicable.

B. Conference with Parent(s) and Referral to the Chief Executive Officer

Immediately following the decision to propose a long-term suspension or expulsion, the principal shall make diligent efforts to notify the student's parent(s) of the student's removal and the proposed long-term suspension or expulsion, and the reason(s) for that course of action. The principal shall arrange a conference with the parent(s) to be held no later than three (3) days after the removal. The principal shall also, within twenty-four (24) hours after the decision to propose a long-term suspension or expulsion, telephone the CEO or his/her designee and inform him/her of the proposal.

C. Written Record of Proposed Long-Term Suspension or Expulsion

The principal shall report the proposed long-term suspension or expulsion in writing to the CEO or his/her designee.

The principal's written record shall include the previous steps taken to modify the unacceptable behavior (see Section 506.02), the reason(s) for the proposed long-term

suspension or expulsion, any recommendation(s) as to disposition, and the substance of the conference(s). This written record, along with all other written documents pertaining to the student and the incident in question as may be requested by the CEO or his/her designee, shall be submitted to him/her no later than the third day following the student's removal. The CEO or his/her designee promptly shall make a thorough investigation of the matter.

D. Written Notification of Parent(s) and Student

Upon notification by the principal of the proposed long-term suspension or expulsion, the CEO or his/her designee shall notify, in writing, the parent(s), student, and principal of the date, time, place, and purpose of the suspension conference.

E. Conference with Chief Executive Officer or Designee

No later than ten (10) days after the student's removal, the CEO or his/her designee shall conduct a conference with the student, the parent(s), and other persons as deemed appropriate unless, through failure or refusal of the student or parent(s), said conference with them does not take place.

At the conference, the parties shall have the right to discuss in detail the incident that led to the student's removal. Every effort will be made to make a decision at this conference. If a decision is made by the CEO or his/her designee that the suspension will exceed ten (10) days, the duration of the removal and recommended steps to be taken by the parent(s) and school personnel to resolve the problem shall be clearly presented to the parent(s) at that time. If the designee's decision is to recommend expulsion to the CEO, then that recommendation shall be clearly presented to the parent at that time. This decision/recommendation and any other relevant information shall also be further communicated in writing to the student, parent(s), principal, and any other appropriate school personnel.

If a decision to place the student on a long-term suspension or recommend expulsion to the CEO is not made within ten (10) days from the first day of removal, all rights of appeal shall apply to the parent(s) and/or student, unless the lack of the decision is due to the documented failure, refusal, or inability of the parent(s) and/or student to attend the suspension conference.

Upon conclusion of the conference with the student and parent(s), the CEO or his/her designee may suspend the student for a specific period of time. If the designee's decision is to recommend expulsion, the CEO or Chief Officer shall review the recommendation and make a final decision. While the CEO or Chief Officer is making his/her decision, the long-term suspension remains in effect.

F. Conference Location(s)

In order to hold the conferences specified in this subsection in a mutually

agreeable and convenient location, nothing in this section shall be construed to limit the authority of the CEO or his/her designee to utilize any appropriate staff or facilities of the Baltimore City Public Schools.

G. Monthly Reports

Monthly reports on all long-term suspensions and expulsions shall be submitted by each school to the AAO. A student-specific tracking log shall be maintained and kept in the student's records.

H. Right of Appeal

The decision of the CEO or his/her designee regarding a long-term suspension or expulsion under this section may be appealed by the student, parent(s) or guardian if made in writing to the School Board within ten (10) days of the date of the CEO or his/her designee's decision. The specific appeal process is outlined in Section 507.06.

I. Rescission of a Proposed Long-Term Suspension or Expulsion

a. Grounds for Rescission

The CEO or his/her designee shall conduct an investigation and review the written record of the proposed long-term suspension or expulsion, as required by Section 507.05. Prior to the disposition, the proposed long-term suspension or expulsion immediately shall be rescinded if the CEO or his/her designee finds, either before, during, or after the conference:

- with;
1. that due process, as set forth in Section 507.05, has not been complied
 2. that the allegation(s) that resulted in the student's removal are substantially untrue; or
 3. that the student's behavior was justified.

b. Principal's Request for Rescission

A principal who proposed a long-term suspension or expulsion may request, prior to a decision, that the CEO or his/her designee rescind the proposal.

J. Reinstatement

The CEO or his/her designee has the authority to order that, upon conclusion of the long-term suspension or expulsion, the student be reinstated in any school or program deemed appropriate, consistent with availability of space in the school or program. There shall be no right to appeal this placement by the school.

507.06 Appeals Procedures

A. If after the conference (see 507.05E), the CEO or his/her designee finds that a suspension of more than ten (10) days or expulsion is warranted, the parent and/or the student may appeal to the Board within ten (10) days after the date of decision.

B. Upon receipt of a timely request for a hearing, the Board Executive shall assign a hearing officer. (See 407.02 and 407.03.) Where the parent and/or student are not represented, the Board shall provide the parent and/or student with a list of advocacy groups who may provide representation.

C. The hearing shall be conducted within ten (10) business days, or as soon as possible. After receipt of the timely request for a hearing by the Board Executive, at the Board Executive's discretion, a postponement may be granted for good cause. During the time that a hearing is pending, the suspension/expulsion is in effect and the BCPSS shall provide the student with alternative means to receive instruction. Instruction shall be in accordance with state law and regulations.

D. Within twenty (20) business days after the hearing, the hearing officer shall issue a written recommended order to the Board with proposed findings of fact, conclusions of law, and a recommendation of whether to accept, reject, or modify the proposed discipline. The Board shall provide, by regular mail and certified mail, or by private process server, the recommended order to all parties.

E. Within five (5) business days from the mailing date or service date (in the event a process server serves the order) of the recommended order, the parent and/or student or their representatives, or the CEO or his/her designee, may file written exceptions to the recommended order, or alternatively, a statement of support for the recommended order with the Board Executive. Where the parent and/or student are not represented and cannot file written exceptions, but desire to contest the recommended order, or alternately, if they desire to support the recommended order, they shall so advise the hearing officer within the five (5) business days. The hearing officer shall provide notice to the Board of this request.

F. After due consideration of the recommended order or any exceptions thereto, the Board shall consider whether to accept, reject, or modify the recommended order in executive session and shall announce their decision at the next open public business meeting immediately following the executive session. After the public business meeting, a final order shall be issued.

507.07 Notice to Students and Parents of Suspension and Expulsion Policies

All students and their parents shall be given a written notification of the contents of this Section (507) no less frequently than once each school year.

507.08 Students with Disabilities

A. Suspension for Ten (10) Days or Less

1. In any disciplinary case deemed to warrant a suspension (in-school or short-

term) a student with disabilities may be suspended in accordance with the procedure set forth in this Section 507. This suspension may constitute a change in the student's educational program.

2. If a suspension (in-school or short-term) would cause a student with disabilities to be subject to one or more suspensions whose total exceeds ten (10) days per school year, the procedures set forth in Section 507.08B, including immediate referral to the appropriate Child Study Team (CST), shall also apply.

B. Suspension or Expulsion that Exceeds Ten (10) Days Per School Year

1. This section applies to any disciplinary case that would cause the student to be excluded for more than ten (10) days in a school year.
2. In any disciplinary case described in Section 507.08B1, the matter immediately shall be referred to the appropriate CST to determine, in accordance with procedures set out in the Administrator's Student Discipline Handbook and the Standard Operating Procedures Manual, whether the conduct that prompted the disciplinary action was a manifestation of the student's disability.
3. If the CST determines that the conduct that prompted the disciplinary action was a manifestation of the student's disability, it shall further consider whether the student's program continues to be appropriate. If the CST determines that the student's program is no longer appropriate, the student's individualized education program (IEP) shall be revised in accordance with COMAR 13A.05 and implemented as soon as possible, but no more than thirty (30) days following its revision.
 - i. If the CST determines that the conduct that prompted the disciplinary action was a manifestation of the student's disability, the student immediately shall be reinstated.
 - ii. If the CST determines that the conduct that prompted the disciplinary action was not a manifestation of the student's disability, the student may then be suspended or expelled in accordance with the procedures set forth in section 507.01 through 507.07.
4. The CST promptly shall give the student's parent(s) written notice of its determination made under this Section 507.08 and all applicable procedural safeguards in accordance with COMAR 13A.05.01.12.
5. The student's parent(s) may appeal the CST's determination in accordance with the procedures set forth in Maryland Education Article Section 8-413 and COMAR 13A.05.01.15.
6. A student with disabilities may not be removed from his/her current educational placement for more than ten (10) days per school year, unless the procedures of this Section 507.08 are followed and one or more of the following circumstances applies:
 - i. The CST has determined that the conduct that prompted the

disciplinary action was not a manifestation of the student's disability, and the student's parent has not appealed the determination.

- ii. The CST has determined that the cumulative effect of one or more suspensions totaling more than ten (10) days in the school year does not create a pattern of exclusion (in accordance with the Standard Operating Procedures Manual) that significantly impacts upon the student's educational program, and the student's parent(s) has not appealed the determination.

- iii. The CST has determined that the maintenance of the student's current educational placement is substantially likely to result in injury to the student or to others; the student's parent(s) has agreed to an alternative or interim educational placement, or, if the parent(s) does not agree, a state or federal court has temporarily enjoined the student from remaining in his/her current educational placement.

C. Continuation of Services

During the period of any suspension for more than ten (10) cumulative or consecutive days or expulsion, the BCPSS shall ensure that, to the extent practicable, the student continues to receive educational services appropriate to sustain progress on IEP goals and in the general curriculum.

D. Students Suspected of Having a Disability

If a student not previously identified as disabled is suspended for more than ten (10) days per year or is expelled, and if there is reason to believe that the student may be disabled, the student immediately shall be referred to the appropriate CST. The CST shall initiate an evaluation to determine whether the student is disabled. The disciplinary action may be implemented before the CST reaches its decision. However, if the student is kept out of school, the evaluation process shall be completed within thirty (30) calendar days of the removal. If the student was referred to the CST prior to the disciplinary action, the evaluation shall be conducted within 30 calendar days of the removal or within 90 days of the initial referral, whichever is sooner. If the student is determined to be disabled, the requirements of Section 507.08B shall be met, and the CST promptly shall give the student's parent(s) written notice of its determination and of all applicable procedural safeguards in accordance with COMAR 13A.05.01.12.

E. Right to Appeal

The procedures established in this Section 507.08 are in addition to the procedures set forth in Sections 507.01 through 507.07 and they do not affect any rights that the student and his/her parent(s) may have under those provisions to appeal a long-term suspension or expulsion to the Board. At the discretion of the Board, the hearing before the Board may be stayed while any appeal under Maryland Education Article Section 8-413 and COMAR 13A.05.01.15 is pending.

Section 508 NONRESIDENT TUITION

508.01 Determinations

Determinations regarding the admission of nonresident students to the Baltimore City Public School System shall be governed by BCPSS policies and procedures administered by the Office of Student Placement.

508.02 Determination of Resident Status and Procedure for Nonresidents

It shall be the duty of the principal of each school to determine whether the students of that school are resident students within the meaning of the ordinance referred to above. Such information is to be secured when the student is admitted to the school, and periodic inquiries shall be made to determine whether any students have become nonresidents following their admission to the school. As soon as the nonresident status of any student is learned, the principal shall inform the Department of Planning and Student Placement and shall notify the parent(s) of the requirements of the law. No student shall be allowed to attend any public school for more than ten (10) school days, except as provided in the following paragraphs, after such notification has been given to the parent(s), unless a receipted tuition bill covering at least the current quarter is presented; or a waiver of tuition is officially approved; or an interim arrangement is authorized by the Department of Planning and Student Placement. In no case shall the non-resident population of a school exceed 25% of the total school population.

508.03 Tuition Status for Nonresident Students

Students whose parents become nonresidents on or after the end of the quarter may complete the quarter without payment of tuition provided they plan to leave the City's public schools at the end of the quarter, or provided arrangements are made for payment of tuition if continuation in a Baltimore City public school is recommended by the principal and approved by the Department of Planning and Student Placement.

508.04 Foster/Group Home Residence and Homeless Students

When a student resides in a foster or group home located in Baltimore City and selected by a recognized social agency, such child may be enrolled without payment of tuition or further approval or waiver of tuition, and shall be treated as a resident student of Baltimore City as long as he/she remains under the care and supervision of such foster or group home.

For students living in an out-of-county situation and enrolled in a public school on September thirtieth (30th), the financially responsible county or city shall pay the county or city providing the local education service.

All school-age children who become homeless while residents of Baltimore City, or who locate in Baltimore City because of a homeless situation, must have access to a free and appropriate education.

508.05 Provisions for Granting Waiver of Tuition²⁶

The following regulations shall govern the decision of the Board in determining whether tuition should be waived in any particular case:

1. Each applicant for waiver of tuition shall be required to make a sworn affidavit as to the veracity of the information given on the application;
2. A thorough investigation of circumstances surrounding each case shall be made by a member of the staff of BCPSS.
3. A recommendation that a waiver be granted shall be made when:
 - a. There is good and sufficient reason for the child's living in Baltimore City rather than in his/her previous home; and
 - b. The circumstances surrounding the case are such as to indicate that a refusal of waiver would constitute an undue hardship upon the student.
4. A waiver shall be granted for informal kinship care arrangements when students are living with a relative within the school district due to a documented serious family hardship, as defined in Section 4.122-1 of the Maryland Education Article. The sworn affidavit documenting this situation shall be consistent with that specified under statute.

508.05 Provisions for Granting Waiver of Tuition

The following regulations shall govern the decision of the Board in determining whether tuition should be waived in any particular case:

5. Each applicant for waiver of tuition shall be required to make affidavit as to the veracity of the information given on the application;
6. A thorough investigation of circumstances surrounding each case shall be made by a member of the staff of the Department of Education; and
7. A recommendation that a waiver be granted shall be made when:
 - c. There is good and sufficient reason for the child's living in Baltimore City rather than in his/her previous home; and
 - d. The circumstances surrounding the case are such as to indicate that a refusal of waiver would constitute an undue hardship upon the student.

508.06 Automatic Tuition Waivers Granted for BCPSS Personnel²⁷

Automatic tuition waivers will be provided for non-resident children of all BCPSS staff, administrators and principals.

²⁶ Maryland Education Article Sections 4-122.1 and 7-101.

²⁷ Effective July 1, 1999

508.07 Schedule of Tuition Fees

Non-resident tuition rates, based on the unit cost to the Board, above any state and/or federal allocations, for the previous year of the respective organizational levels of the school system, shall be approved by the Board annually. The current minimum amount for non-resident tuition is \$2,000. All current non-resident students' tuition rates are grandfathered for the school in which they are currently enrolled.

508.08 Issuance of Tuition Bills

The Chief Executive Officer shall make arrangements for the issuance of nonresident tuition bills. A non-resident student shall not be permitted to enroll in a school until after the tuition for the ensuing semester has been paid.

508.09 Tuition Status of Exchange Students

An exchange student cleared through the regular government agencies who resides with persons living in Baltimore City is regarded as a resident student and is, therefore, eligible to attend Baltimore City Public Schools without paying tuition.

Section 509 STUDENT RIGHTS AND RESPONSIBILITIES²⁸

509.01 Publication of Rights

The Chief Executive Officer shall develop a document on student rights and responsibilities and shall annually disseminate such document to all members of the school community including students, school staff, and parents. There shall be broad involvement of representatives of the school community in the development of such a document. The document shall conform to the guidelines established by the Maryland State Department of Education.

509.02 Right of Student Expression

Students, through the various mass media, are exposed to diverse opinions on an infinite number of topics. Students who have facts and opinions on topics should be allowed to express them in print as well as through conversation. However, student editors and writers must observe the same legal responsibilities as those imposed upon conventional newspapers and news media.

Definitions

- a. "School Day" means any day during regular or summer session on which regularly scheduled classroom instruction takes place and excludes Saturdays, Sundays, and official school holidays.
- b. "Publication" means any book, magazine, pamphlet, newspaper, yearbook, picture, photograph, drawing, or any other written or printed matter or visual representation, however produced.
- c. "School Publication" means any publication, as defined herein, which is composed, compiled, published, or distributed under official supervision.
- d. "Student Publication" means any publication, as defined herein, which is composed, compiled, published, or distributed by students.
- e. "Distribution" means circulation or dissemination of the student publication to students at the time and place of normal school activity, or immediately prior or subsequent thereto, by means of handing out free copies, selling or offering copies for sale, accepting donations for copies of the publication, or displaying the material in areas of the school which are generally frequented by students. In dealing with material that is "obscene" or "libelous," the term "distribution" refers to a substantial circulation or dissemination of the student publication so as to make the student publication generally available to students of the subject school.

²⁸ COMAR 13A.08.01.10.

- f. "Normal School Activity" means organized educational activities of students under the direct supervision of a member of the school staff which includes classroom work, library activities, physical education classes, official assemblies and other similar gatherings, school athletic contests, band concerts, school plays, and scheduled in-school lunch periods.
- g. "Minor" means any person under the age of eighteen (18) years.
- h. "Obscene as to Minors" means:
 - 1. whether the average person, applying contemporary community standards, would find that the publication, taken as a whole, appeals to the prurient interest of minors;
 - 2. whether the publication depicts or describes, in a patently offensive way to minors, sexual conduct specifically defined by applicable Maryland law. Maryland law defines "sexual conduct" to mean human masturbation, sexual intercourse, or any touching of or contact with the genitals, pubic areas, or buttocks of the human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex, or between humans and animals;
 - 3. whether the work taken as a whole lacks serious literary, artistic, political, or scientific value for minors.
- i. "Libel" is the false and unprivileged publication by writing, printing, picture, effigy, or other fixed representation to the eye which exposes a person to public hatred, contempt, ridicule, or obloquy, or which causes him/her to be shunned or avoided, or which has a tendency to injure him/her in his/her occupation. When the publication concerns "public officials" (i.e., those who, by reason of notoriety of their achievements or the vigor and success with which they seek the public's attention, are properly classed as public figures), in order to be libelous, the defamatory falsehood must be made with actual malice; that is, with knowledge that it was false or with reckless disregard of whether it was false or not. When the publication concerns private individuals, in order to be libelous, the defamatory falsehood must be made negligently; that is, the publisher must fail to exercise the degree of care that a reasonable, prudent person would exercise in order to avoid making a defamatory falsehood.

Policy

- a.) No student shall distribute in any school any student publication which:
 - 1.) is obscene as to minors or according to current legal definitions;
 - 2.) is libelous, according to current legal definitions; or
 - 3.) creates a material and substantial disruption of the normal school activity or appropriate discipline in the operation of the school.
- b.) Student publications that are not obscene, libelous, or disruptive may be distributed on school property during school hours in areas designated by the principal of

the subject school. Distribution which substantially interfere with the normal flow of traffic within the school corridor and entrance ways, which is coercive on any other person's right to accept or reject any publication, or which causes substantial and material interference with "normal school activities" shall not be permitted.

c.) Any student who desires to distribute a student publication that is not officially recognized as a school publication (as herein defined) shall submit the publication to the principal for review and approval prior to such distribution.

d.) At the time of such submission, the student has the right and is encouraged to meet personally with the principal so that the student and principal may freely exchange views on why the distribution of the student publication is or is not appropriate. The student or his/her representative may support the case for distribution with relevant witnesses and materials.

e.) In exercising the right of prior review, school personnel shall be guided by the definitions contained herein and by the following considerations. Students are protected in their exercise of freedom of expression by the First Amendment of the Constitution of the United States. It is the responsibility of the school and its staff to insure that the right of students to express themselves freely shall not be infringed upon, while at the same time establish the kind of environment which is necessary for an orderly program of classroom learning. Distribution shall not be prohibited because the student publication contains the expression of unpopular, critical, controversial, tasteless, or offensive ideas.

f) The Chief Executive Officer shall by directive set forth an appropriate appeal process.

509.03 Sexual Harassment--Students²⁹

Students shall be educated in an environment free from sexual harassment. Sexual harassment is defined as any unwelcome sexual advances, requests for sexual favors, or other physical or verbal conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of a student's education;
2. Submission to or rejection of such conduct by a student is used as the basis for academic decisions affecting that student; or
3. Such conduct has the purpose or effect of unreasonably interfering with a student's academic performance or creating an intimidating, hostile, or offensive education environment.

Examples of sexual harassment include, but are not limited to:

1. Verbal harassment such as, derogatory comments or expressions, slurs, or unwanted sexual advances or invitations;
2. Visual harassment such as derogatory posters, photography, cartoons, drawings, or gestures;

²⁹ Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Article 27, Section 464B & C of the Annotated Code of Maryland

3. Physical harassment such as assault, unwanted or offensive touching, blocking normal movement, or interfering with education environments; or
4. Retaliation for having reported or threatened to report harassment.

A student alleging sexual harassment may file a complaint with any staff member. If the complaint involves only students, the principal/designee will carry out the investigation and report all pertinent information to the Chief Executive Officer or his/her designee. If the complaint involves staff and student, the principal/designee will carry out the investigation and report to the Chief Executive Officer/designee. In addition, if the complaint is against the principal, the student may bypass that principal and report the incident to any staff member; that staff member will follow up with immediate notification to the Chief Executive Officer. A formal complaint should be filed as soon as possible after the incident occurs. Investigation of the complaint will be conducted in a timely manner.

A written record of any meeting or discussion and actions taken will be maintained. All discussions, written communications, records, and proceedings will be held confidential and disclosed only to those with a legitimate need to know. Filing of a complaint or otherwise reporting sexual harassment will not reflect upon the student status nor will it affect the student's future educational program. Appropriate in-service training will be provided to all staff. It will be the responsibility of every principal and supervisor to recognize acts of sexual harassment and take necessary action to ensure that such instances are addressed promptly, fairly, and effectively. Utilization and/or exhaustion of these procedures are not a prerequisite to the filing of complaints with state or federal agencies.

509.04 Bullying Policy³⁰

It is the policy of the Baltimore City Public School System to maintain a learning environment that is free from harassment because of an individual's race, color, sex, national origin, disability, or sexual orientation. A person would be a victim of bullying if he or she:

- is subjected through verbal and/or physical intimidation; or
- has difficulty in defending him- or herself, or
- is helpless against the person or persons who harass.

The Baltimore City Public School System prohibits any and all forms of bullying/harassment because of race, color, sex, national origin, disability, sexual orientation or other reasons that would cause any child to be fearful in the learning environment.

A. Definition

³⁰ Adopted October 9, 2001.

Bullying among children is commonly defined as intentional, repeated hurtful acts, words or behavior, including but not limited to, such as name-calling; threatening and/or shunning committed by one or more children against another. These negative acts are not intentionally provoked by the victims, and for such acts to be defined as bullying, an imbalance in real or perceived power must exist between the bully and the victim.

B. Examples

Bullying may be physical, verbal, emotional or sexual in nature. Examples include:

- Physical aggression such as punching, poking, strangling, hair pulling, beating, biting, kicking, and excessive tickling, kicking;
- Verbal aggression such as hurtful name-calling, teasing and gossip;
- Emotional bullying such as rejecting, terrorizing, extorting, defaming, humiliating, blackmailing, rating/ranking of personal characteristics such as race, disability, ethnicity, or perceived sexual orientation, manipulating friendships, isolating, ostracizing and peer pressure; or
- Sexual bullying such as exhibitionism, voyeurism, sexual propositioning, sexual harassment and abuse involving actual physical contact and sexual assault.

C. Consequences

Bullying is classified as a level ii offense. Consequences might include one or more of the following:

- Parent Notification/Warning Letter and Conference
- Detention
- Loss of Privileges
- Counseling, Mediation, and Conflict Resolution
- Short/Long Term Suspension
- School Police Notification
- Referral to an Alternative Program
- Transfer to Another School

SECTION 510 HEALTH PROTOCOLS³¹

510.01 General

School health policies of BCPSS reflect current medical knowledge, preserve confidentiality, and are in accord with existing state and federal laws. New protocols are developed as needed in response to new treatment options and medication strategies. In general, students are permitted to carry certain asthma and allergy medications (inhalers and EpiPen) on their person when requested by a physician and approved by the parent and school nurse.

510.02 Viral Illness

Students who are diagnosed as infected with a viral illness that is not readily communicable to other students under usual classroom conditions are to be maintained in a normal school setting. The child's presence is to be reported immediately to the Baltimore City Public School System's medical officer who will evaluate and monitor the situation.

510.03 Use of EpiPen and Anaphylactic Reactions

Anaphylaxis is a severe allergic reaction. It is life threatening if not treated promptly. The most common precipitating allergens are insect bites and certain foods, such as peanuts and eggs. Symptoms include difficulty breathing, swelling of the eyes, face, lips, hands, hives, and restlessness. Fortunately, treatment is available for students who have such severe reactions. EpiPen is prescribed for anaphylaxis and can save a student's life.

A student diagnosed with severe allergies that may result in anaphylaxis should be known to the nurse, the principal, his or her teacher, or other appropriate school personnel (coaches, tutors). These personnel should be taught to recognize the symptoms of an anaphylactic reaction so that EpiPen may be administered quickly by those trained in its use.

Each principal will keep a list of students with severe allergies. Parents or Guardians must have the student's health care provider complete a SH-7 form "Parent's Request and Authorization To Administer Medication To A Student In School." This form will be kept in the student's health record. When appropriate, some students may carry EpiPen on their person. An extra should be stored in the school's health suite. In addition to the school nurse, at least two school staff members are to be trained in the use of EpiPen. A responsible trained adult must accompany any student requiring EpiPen on field trips. 911 will be called if EpiPen must be given, a parent/guardian will be notified and school personnel will accompany the student to the hospital.

³¹ Adopted May 1999; Please refer to the Baltimore City Health Department School Health Manual for complete details and forms on each of the protocols listed: Anaphylactic Reactions (5i); Use of EpiPen (6a); HIV/AIDS (8f); Asthma-Quick Relief Medications (6a); and Body Fluid Exposure (8i).

510.04 Asthma

Asthma is a chronic and potentially life threatening disease in children. Some students may need to carry a quick-relief medication to treat an acute exacerbation. The parent/guardian must complete a form SH-370 “Permission to Carry a Quick Relief Inhaled Asthma Medication.” Once form SH-370 is completed, the student has the right to self administer the inhaled medication.³² The school nurse has the right to refuse this request if in the nurse’s judgment, it is unsafe to allow the student to carry the medication based on his or her age, immaturity, inability to self administer or other behavioral characteristics. Additional quick-relief inhaled medication is to be kept in the health suite. The principal will be given a list of all students who have been given permission to carry an inhaler, and the student’s teacher will be notified that the student has permission to carry an inhaler.

510.05 HIV/AIDS

All children, including those infected with HIV, are entitled to a free and appropriate public education. Students with HIV/AIDS do not require special placement because of their disease status. Placement is to be determined by their educational needs. Everyone in the school should practice standard precautions (such as hand washing after touching blood or body fluids, wearing gloves when touching blood or body fluids, and using a mouth barrier if mouth-to-mouth resuscitation is necessary) whenever handling blood or other body fluids. Strict confidentiality must be maintained by all members of the school community who know about a student’s HIV status.

510.06 Body Fluid Exposure

Infection may be transmitted through exchange of body fluids, especially blood. These infections include Hepatitis B, Hepatitis C, HIV, and cytomegalovirus (CMV). In the event of an incident (i.e., fight or bites) where there is a blood exposure, nursing staff should take steps to prevent transmission of infection and to inform parents/guardians of the risks of possible transmission of infection. It is important to protect the confidentiality of those involved. Documentation of the incident and measures taken must be provided on form SH313A.

510.07 Required Health Screenings³³

Pursuant to Maryland Education Law, the Board, in conjunction with the city health department and the school health facilities, will provide hearing, vision and scoliosis screenings to all students at specific intervals during their public education.

³² Maryland Education Article Section 7-421.

³³ Maryland Education Article Section 7-404 and 7-405.

510.08 Protective Eye Devices³⁴

State Board Bylaws require the use of protective eye devices by all students, teachers and visitors upon entering and participating in career and technology education laboratories or visual arts classrooms and studios where certain activities enumerated in COMAR are in progress.

³⁴ COMAR 13A.06.01

SECTION 511

STUDENTS WITH DISABILITIES³⁵

511.01 Defined

Federal Law 20 U.S.C. 1400 et seq. IDEA (Individuals with Disabilities Education Act) defines children with disabilities as those who are mentally retarded, hard of hearing, deaf, speech and language impaired, visually impaired, seriously emotionally disturbed, orthopedically impaired, multihandicapped, deaf/blind, autistic, traumatic brain injured, or other health impaired children, or children with specific learning disabilities who by reason thereof require special education and related services.

511.02 Early Intervention³⁶

Federal Law Part C of the IDEA (20 U.S.C. 14000 et seq.) requires states to provide services for developmentally delayed children, birth through three years, and their families. This law requires participation from the Departments of Health and Mental Hygiene, Human Resources, Juvenile Justice, and Education and the Office for Children, Youth and Families, all working cohesively to form an interagency system of early intervention services

511.03 Programs³⁷

The Chief Executive Officer will prepare programs and services for students with disabilities that provide a free appropriate public education to all students from birth through the end of the school year in which the child turns 21 years of age, who reside in the city. These programs shall include students with disabilities in private facilities and institutions. These programs and services will meet or exceed the requirements of the Federal Law and Maryland Education Law.

511.04 Transportation

Federal Law 20 U.S.C. 1400 et seq. (The Individual Disabilities Education Act) requires the school system to provide transportation services for all special education students if it is needed to provide the student with a free appropriate public education. Transportation will be provided to all students with disabilities to public and non-public schools designated and approved by the Maryland State Department of Education and the Board, in accordance with the individual education plan of the student. The Board may reimburse parents of disabled students for expenses related to transportation services if the Board deems this method to be most cost effective.

³⁵ Maryland Education Article Section 8-403 through 8-417; COMAR 13A.05.01, 13A.05.02, 13A.06.07 and various federal laws.

³⁶ COMAR 13A.05.01.02.

³⁷ COMAR 13A.05.01.02.

Students enrolled in specified schools offering a five-day-per-week residential education program will be eligible for transportation, or reimbursement for transportation, to or from their home areas on weekends. Students enrolled in specified schools offering a seven-day-per-week residential education program will be provided reimbursement for the necessary expenses associated with student round-trips between home and school each fiscal year limited to the Individual Educational Program needs of the student. Reimbursement amounts will be limited to air coach fare, bus fare, train coach fare, or private auto.

511.05 Citizen Advisory Committee³⁸

Per COMAR requirements, BCPSS has established a special education Citizens Advisory Committee to advise the Board on the needs of students with disabilities within the jurisdiction. Funding for the committee will be through federal funds allocated by the StateDepartment.

³⁸ COMAR 13A.05.02.13

Section 512 CHILD ABUSE/NEGLECT REPORTING³⁹

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Family Law Article of the Annotated Code of Maryland states in pertinent part:

1. The General Assembly hereby declares as its legislative intent and purpose the protection of children who have been the subject of abuse by mandating the reporting of suspected abuse, by extending immunity to those who report in good faith, by requiring prompt investigations of such reports and by causing immediate, cooperative efforts by the responsible agencies on behalf of such children.
2. Every health practitioner, educator, human services worker, or law enforcement officer, who has reason to believe that a child has been subjected to physical abuse or sexual abuse shall immediately report to the local department of social services or appropriate law enforcement agency. The report, in both oral and written form, shall be made as soon as reasonably possible, but in any case the written report must be made within 48 hours of the suspicion of possible abuse to the local department of social services and the local State's Attorney.
3. Maryland law also requires that every health practitioner, educator, human services worker, or law enforcement officer who has reason to believe that a child has been a victim of neglect shall immediately report to the local department of social services. The report, in both oral and written form, shall be made as soon as reasonably possible, but in any case the written report must be made within 48 hours of the suspicion of possible neglect to the local department of social services.
4. Any person other than a health practitioner, educator, human services worker, or law enforcement officer, including any other employee of the local school system and volunteers in the local school system, who has reason to believe that a child has been subjected to physical abuse or sexual abuse shall immediately report to the local department of social services or the appropriate law enforcement agency as prescribed in the above paragraph. If there is reason to believe that a child has been subjected to neglect, a report shall be made to the local department of social services.
5. Any person, including a health practitioner, educator, human services worker, or law enforcement officer, participating in the making of a good faith report or participating in an investigation or in a judicial proceeding resulting therefrom shall be immune from any civil liability or criminal penalty.

Further, it is the policy of the Board that the failure by a school system employee to report suspected physical abuse or sexual abuse to the Department of Social Services or the police in accordance with the law, or the failure to report suspected neglect to the Department of Social Services in accordance with the law, will result in disciplinary action, which may include written reprimand, suspension, dismissal, or loss of certification. An employee who makes a good faith report of suspected child abuse or neglect will be free from any form of harassment or administrative penalty resulting from the report.

³⁹ Family Law Article Title 5; COMAR 13A.09.09.13.

Section 513 SUBSIDIZED AND FREE FEEDING PROGRAMS⁴⁰

In accordance with State law, the Board provides subsidized and free breakfast and lunch programs. Details regarding qualifications for acceptance into the programs is available from any school principal.

⁴⁰ Maryland Education Article Sections 7-601 through 7-605 and 7-701 through 7-704; COMAR 13A.06.01.

Section 514 HOME INSTRUCTION⁴¹

The Maryland State Board of Education Bylaws allow for home instruction of students. Procedures are outlined in COMAR. The Chief Executive Officer shall use an established set of procedures to determine if a child participating in home instruction is receiving regular, thorough instruction during the school year in the studies generally taught in the school system to children of the same age. The Chief Executive Officer is assigned the responsibility of full compliance with the provision of the State Board's regulations.

⁴¹ COMAR 13A.10.01

Section 515 ACADEMIC ELIGIBILITY FOR HIGH SCHOOL EXTRACURRICULAR ACTIVITIES⁴²

515.01 Definition

Extracurricular activities are defined as all activities EXCEPT those in which student participation is necessary to receive a grade in a course in which the student is currently enrolled (i.e., student government offices, class offices, school clubs, Interscholastic athletics). This policy applies to BCPSS high school students only.

515.02 Purpose

The Board believes that extracurricular activities are a valuable part of the entire education of each student. However, participation in extracurricular activities in high school should be maintained and supported by academic standards. Each high school student should maintain high academic standards while also pursuing extracurricular activities that contribute to a well-rounded education.

515.03 Procedures

- A. Students who have no more than one grade below passing in the previous marking period automatically will be eligible to participate or practice in any extracurricular activity governed during the next marking period.
- B. Grades reported as incomplete as a result of legally excused absences shall be considered passing grades until changed. Incomplete grades that are not changed to a passing grade within ten school days after the report cards are issued will be considered failing grades for eligibility purposes.
- C. On the day that the report card is issued, each activity sponsor, athletic director, or coach will verify student eligibility for extracurricular participation.
- D. The following grading periods shall be used to determine eligibility and shall be in force by the last issuing date of report cards on the current calendar:
 1. first marking period;
 2. second marking period plus final/mid-term exams;
 3. third marking period; and
 4. fourth marking period plus final exams.
- E. Students may become eligible for all activities by completing summer school.
- F. Individual special education students may be exempted by the local school Individualized Education Child Study Team when it is determined that failure to meet the eligibility requirements is a direct result of the handicapping condition.

⁴² Adopted May 30, 2000.

515.04 Review of Minimum Standards

The standards outlined in this policy shall be considered the minimum standards for all high school students. These standards shall be reviewed periodically for the purpose of increasing the standards to reflect the expectation of greater rigor in all BCPSS high schools. At any time, individual high schools may apply to the Board for approval of more stringent standards.

