

# BOARD OF EDUCATION OF ANNE ARUNDEL COUNTY



## BOARD POLICY COMMITTEE

Wednesday, March 29, 2017

1:00 p.m.

Board Room

### AGENDA

Committee Members:

Patricia Nalley, Chair  
Julie Hummer  
Maria Sasso

- Review and Approval of Minutes-  
February 22, 2017
- BAG – Investigations and Due Process
- GBU – Suspension and Dismissal of  
Professional Staff
- JCC-RAK – Students Charged with  
Community Offenses

BOARD OF EDUCATION OF ANNE ARUNDEL COUNTY  
POLICY COMMITTEE MEETING

February 22, 2017

\*\*\* MINUTES \*\*\*

(UNAPPROVED)

The Board of Education of Anne Arundel County Policy Committee met at 1:01 p.m. on the above date at the school system headquarters, 2644 Riva Road in Annapolis. Policy Committee members present were Patricia Nalley, Chair; and Julie Hummer. Others present were Jeanette Ortiz, Legislative and Policy Counsel; Bob Mosier, Chief Communications Officer; Walter Federowicz, Director of Internal Audit; Lisa Snead, Staff Counsel; Tyson Bennett, Board Counsel; and Diane Howell, Administrative Associate to the Board. Also present was Brandon Gulley representing the CAC.

Mrs. Nalley opened the meeting with the Review and Approval of the Minutes of January 25, 2017. The minutes were approved by consensus.

The first policy under consideration was IKB – Student Assembly Programs for Political Candidates. There was minimal discussion. It was determined that the policy will go to the Board on March 15, 2017.

The next policy under consideration was JCCC – Student Use of Social Media. Discussion centered primarily on the Regulation, where minor language changes were made to “C. Definitions,” and “E. Reporting Misuse of Social Media.” It was determined that the policy will go the Board on March 15, 2017.

The last policy under consideration was GAOO – Employee Use of Social Media. Discussion centered primarily on the Regulation where it was determined that “C. Definitions (3)” required language edits. Slight language edits were also added to Section “D. Procedures 1.g.” It was determined that the policy will go to the Board on March 15, 2017.

Adjournment: 1:31 p.m.

# POLICY

## BOARD OF EDUCATION OF ANNE ARUNDEL COUNTY

Related Entries: GBUPolicy 200.07

Responsible Office: BOARD OF EDUCATION OF ANNE ARUNDEL COUNTY

### INVESTIGATIONS AND DUE PROCESS

#### A. PURPOSE

~~To affirm compliance with §§ 4-205, 6-202, 6-203, and 7-304 of the Education Article, Annotated Code of Maryland.~~ To provide the Board of Education of Anne Arundel County (Board) guidance on investigations and due process.

#### B. ISSUE

Maryland ~~E~~ducation ~~L~~aw provides that the Board ~~of Education of Anne Arundel County Public Schools (Board)~~ of Education of Anne Arundel County Public Schools (Board) may hold hearings on certain matters arising out of a dispute or ~~for~~ appeals of certain recommendations ~~decisions~~ of the Superintendent.

#### C. POSITION

1. On the recommendation of the Superintendent, the Board may suspend or dismiss a teacher, principal, supervisor, assistant superintendent, or other professional assistant, as authorized by law.
2. ~~Neither the Board as a whole nor any individual member~~ The Board and its members may not ~~will~~ investigate or act on any ~~—~~ formal communications or complaints ~~against an individual from teachers, parents, or other citizens—until~~ until a referral has been made to ~~recommendation has been made by the~~ Superintendent.
2. ~~Only if satisfactory resolution has not been made by the Superintendent will~~ ~~formal communications and complaints be considered by the Board.~~ The Board shall consider formal communications and complaints once a recommendation has been made by the Superintendent and a hearing has been requested by the affected individual. Such a request shall be submitted in writing to the President of the Board.
3. Before removing an individual, the Board shall send the individual a copy of the charges against the individual and give the individual an opportunity to request a hearing within 10 days.

4. A recommendation of the Superintendent may be appealed to the Board if made in writing within 10 days after receipt of the charges.
5. The Board may consider the appeal itself or refer the appeal to a hearing examiner, as authorized by law.
- 4.6. ~~No~~ The Board may not give an employee ~~will be given a hearing by of~~ the Board a hearing while:
- a. A ~~a~~ grievance on the ~~subject same subject~~ is being processed in accordance with the formal grievance procedure; or
- b. ~~w~~ While any other related administrative appeal by the employee ~~on the subject~~ is ~~is~~ proceeding at a level which may lead to future Board action.

**Policy History:** Adopted on \_\_\_/\_\_\_/\_\_\_

**Note previous policy history:** Replaces Policy 200.07 adopted 05/17/32 and revised 12/06/89.

**Title:** *Investigations and Due Process Policy Code: 200.07*

**Cross Reference:**

**Adopted:** (5-17-32)

**Revised:** (12-6-89) Page: 1

**State Law:** Educ. Art. §§4-205, 6-202, 6-203, 7-304 Adm. Reg.

**State Reg.: Neg. Agr.:**

~~I. Maryland Law provides that the Board may hold hearings on certain matters arising out of a dispute or for appeals of decisions of the Superintendent.~~

~~II. Neither the Board as a whole nor any individual member will investigate or act on formal communications or complaints from teachers, parents, or other citizens until referral has been made to the Superintendent.~~

~~III. Only if satisfactory resolution has not been made by the Superintendent will formal communications and complaints be considered by the Board. In that case, the aggrieved party may request a hearing by submitting the request in writing to the Superintendent.~~

~~IV. The Board may consider the appeal itself or refer the appeal to a hearing examiner, as authorized by law.~~

~~V. No Board employee will be given a hearing by the Board while a grievance on the subject is being processed in accordance with the formal grievance procedure or while any other administrative appeal by the employee on the subject is proceeding at a level which may lead to Board action.~~

# POLICY

## BOARD OF EDUCATION OF ANNE ARUNDEL COUNTY

Related Entries: [BAG801.21](#)

Responsible Office: BOARD OF EDUCATION OF ANNE ARUNDEL COUNTY

### SUSPENSION AND DISMISSAL OF PROFESSIONAL STAFF

#### A. PURPOSE

To provide guidance on the authority of the Board of Education of Anne Arundel County (Board) to suspend and dismiss professional staff.

#### B. ISSUE

Maryland education law authorizes the Board to suspend and dismiss professional staff.

#### C. POSITION

1. Maryland education law provides that on the recommendation of the Superintendent, the Board may suspend or dismiss a teacher, principal, supervisor, assistant superintendent, or other professional assistant for:
  - a. Immorality;
  - b. Misconduct in office, including knowingly failing to report suspected child abuse in violation of 5-704 of the Family Law Article;
  - c. Insubordination;
  - d. Incompetency; or
  - 4.e. Willful neglect of duty.
2. Before removing an individual, the Board shall send the individual a copy of the charges against the individual and give the individual an opportunity to request a hearing within 10 days.
3. If the individual requests a hearing within the 10-day period:
  - a. The Board shall promptly hold a hearing. The hearing may not be set within 10 days after the Board sends the individual a notice of the hearing; and
  - b. The individual shall have an opportunity to be heard before the Board, in person or by counsel, and to bring witnesses to the hearing.

2.4. The individual may appeal the decision of the Board to the State Board of Education.

## D. IMPLEMENTATION

The Superintendent is authorized to develop regulations to implement this policy.

~~I. Maryland Education Law provides that on the recommendation of the Superintendent, the Board may suspend or dismiss a teacher, principal, supervisor, assistant superintendent, or other professional assistant for:~~

- ~~A. immorality;~~
- ~~B. misconduct in office, including knowingly failing to report suspected child abuse in violation of 5-704 of the Family Law Article;~~
- ~~C. insubordination;~~
- ~~D. incompetency; or~~
- ~~E. willful neglect of duty.~~

~~II. Before removing an individual, the Board will send the individual a copy of the charges and will provide the individual an opportunity within ten days to request a hearing.~~

~~III. If the individual requests a hearing within the ten day period:~~

- ~~A. The Board shall promptly hold a hearing. The hearing may not be set within ten days after the Board sends the individual a notice of the hearing; and~~
- ~~B. The individual shall have an opportunity to be heard before the Board, in person or by counsel, and to bring witnesses to the hearing.~~

~~IV. The individual may appeal the decision of the Board to the State Board.~~

**Policy History:** ~~-Adopted on 11/07/90.~~

**Note previous policy history:** ~~-Replaces Policy 801.21, adopted 11/07/90.~~

# REGULATION ANNE ARUNDEL COUNTY PUBLIC SCHOOLS

Related Entries: **Policy-JCC (formerly Policy 902.19)**

Responsible Office: **ASSISTANT SUPERINTENDENT FOR STRATEGIC INITIATIVES DIVISION OF STUDENT SUPPORT SERVICES**

## STUDENTS CHARGED WITH COMMUNITY OFFENSES

### A. PURPOSE

To establish procedures that govern the educational placement of students charged with criminal or juvenile offenses of a serious nature in the community.

### B. BACKGROUND

The Board of Education of Anne Arundel County (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 student and others in the school community, and disrupt the educational process in the school. The Board also 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.

In accordance with these principles, 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 student or others, or to the educational process, the student may be assigned to a school other than the one the student is attending, or an alternative educational program pending a final administrative decision of the student's educational placement.

### C. DEFINITIONS

1. ***Criminal or juvenile offenses of a serious nature in the community*** ~~-, as used in this regulation, means~~ an offense involving violence, intentional force or the use of a weapon (e.g., 1<sup>st</sup> degree assault, 2<sup>nd</sup> degree assault, assault, battery, robbery, extortion, murder, rape or arson, or drugs), state or federal hate crimes; possession with intent to distribute or distribution or sale of controlled dangerous substances.

2. *Alternative Educational Program*, ~~as used in this regulation, means the J. Albert Adams Academy, the Mary E. Moss Academy, Evening High School, home teaching, and on-line home teaching as alternative structures for instructional service delivery offered by Anne Arundel County Public Schools (AACPS). Summer School, or other alternative program of instruction offered by the Anne Arundel County Public Schools.~~

#### D. PROCEDURES

1. Upon receipt of information that a student enrolled in a school has been arrested and charged with a criminal or juvenile offense of a serious nature in the community, the principal of that school shall notify the Superintendent's designee, the Superintendent or the Office of Safe and Orderly Schools,; which who acts as the Superintendent's designee Superintendent's designee (unless the information was initially provided by the Superintendent).
2. The principal shall determine whether the presence of the student poses a threat to the student, ~~to~~ others, or ~~to~~ the educational process at the school and report any findings to the Office of Safe and Orderly Schools Superintendent's or his/her designee. If action is deemed necessary, the principal ~~and appropriate staff members~~ shall make a recommendation to the Office of Safe and Orderly Schools Superintendent's designee to remove the student from his/her the student's home school or currently assigned school, at least until the offense has been adjudicated by the courts. As part of the Pprincipal's recommendation, he/shethe principal shall develop and reeommend to the Superintendent a comprehensive plan that addresses appropriate educational programming and related services for the student until the alternative educational placement is provided; and that maintains a safe and secure school environment for all students and school personnel. Placement procedures for students with disabilities shall be administered in accordance with the AACPS Procedural Safeguards for Special Education Students aand Pprocedural Ssafeguards for a students with a 504 Plans has been implemented. Anne Arundel County Public Schools Handbook for Special Education. Students A student with disabilities shall continue to receive services, however, ~~their~~ student's Individualized Education Program or Section 504 Plan may be revised based on the student's educational placement plan. The principal shall contact the student's parent(s)/guardian(s) to advise of the recommendation to remove the student from the student's home school, and inform the parent(s)/guardian(s) of the recommended alternative educational plan.
3. If the Superintendent or the Office of Safe and Disorderly Schools accepts the recommendation of the principal and it results in a change to the student's educational program, the ~~principal~~ Office of Safe and Orderly Schools shall promptly ~~schedule a confereneesend a letter~~ to inform the parent(s)/~~or~~ guardian(s) of the ~~plan~~ alternative educational placement. The alternative educational placement shall be implemented within five (5) school days after the school's receipt of the arrest information. A school-based liaison shall be



identified to facilitate educational programming for the student until the alternative educational placement is provided.

4. Within 30 calendar days after receipt of the information about the offense, and every 30 calendar days thereafter until the matter is resolved, the Office of Safe and Orderly Schools principal and appropriate staff shall review the plan alternative educational placement and the student's status, and make any adjustments as appropriate. The parent(s)/~~or~~ guardian(s) shall be informed of any adjustments to the alternative educational placement plan. Educational programming is not provided during the summer.
  
5. If a student has been charged with a criminal or juvenile offense of a serious nature in the community and the charge is adjudicated, a final decision regarding the student's educational placement shall be provided to the parent(s)/guardian(s) and impacted school(s). The student shall return to the student's home school or the last school of record, unless there is a court order, protective order or peace order which states that there shall be 1) no contact between the student and another student(s) at the school, 2) limited contact between the student and another student(s) at the school, or 3) there is another compelling reason to support an alternative educational placement. In such cases, the Office of Safe and Orderly Schools shall facilitate an administrative transfer to another school placement.
  
- 5.6. Where-If a student or a student's parent(s) ~~or~~ guardian(s) disagrees with the implementation of ~~this Regulation~~ regulation, that disagreement shall be resolved in accordance with ~~Board Policy 902.08/JCH - Student Complaints Related to Policy, Regulation, or Law, and Regulation JCH-RA - Student Complaints Related to Policy, Regulation, or Law~~ governing complaints and the regulations hereunder. The student shall remain in the Ssuperintendent-approved educational placement pending the outcome of any complaint hereunder.

*Regulation history:*      *Developed by the Superintendent 2/15/06*  
                                  *Reviewed by the Board of Education 6/7/06*  
                                  *Issued 6/7/06*

*Note previous regulation history: Replaces Policy 902.19, adopted 4/19/95*