

# BALTIMORE CITY PUBLIC SCHOOLS

## GENERAL ORDER 18-03 SECTION K

### DIVERSION STRATEGIES

Revisions Approved: September 27, 2022

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This General Order contains the following numbered sections:

- I. Directive
- II. Purpose
- III. Principles
- IV. Definitions
- V. Eligibility Criteria
- VI. Procedures, Roles, and Responsibilities
- VII. Data Collection, Monitoring, and Reporting
- VIII. Implementation Timeline
- IX. Training
- X. Primary Diversion Programs
- XI. Effective Date

#### **I. DIRECTIVE**

The interests of the Baltimore City School Police Force (“BCSPF” or “School Police”) concerning juvenile offenders reflect those of Baltimore City Public Schools (“City Schools”) and the broader community. The best interests of City Schools students and the community dictate a limited application of arrests of juveniles who commit status offenses. Accordingly, officers may refer to diversion/intervention certain City Schools students, particularly status offenders, those in need of protection, and those suspected of committing minor, non-violent criminal offenses, in lieu of criminal prosecution. BCSPF will utilize diversion strategies when reasonably possible.

#### **II. PURPOSE**

This General Order is designed to divert all eligible students from juvenile and criminal justice systems, including arrests, and redirect them to classroom, in-school, and community-based programs and interventions, while also addressing racial and ethnic disparities found in school-based arrests and referrals to juvenile and criminal justice systems.

#### **III. PRINCIPLES**

- A. Most student misbehavior can and should be addressed through classroom, in-school, and



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community-based programs and interventions, consistent with the City Schools' Student Code of Conduct, rather than by involving School Police, the Baltimore City Police Department, or other law enforcement and/or members of the juvenile and criminal justice systems.

- B. Responses to school incidents should be reasonable, consistent, and fair; aimed at understanding the behavior and preventing its recurrence rather than relying on the use of harmful and/or non-evidence-based punitive measures; and carried out with appropriate consideration of relevant factors, such as the age of the student and the nature and severity of the incident, and other relevant factors, some of which are articulated below.
- C. In instances where a range of possible responses are indicated, diversion will be considered. The circumstances surrounding the incident, the student's age, grade and developmental level, disability status, intentionality, and prior behaviors are factors that should be taken into consideration in determining the appropriate response to a student-related incident.
- D. City Schools will endeavor to provide students appropriate supports and services from in-school and community resources to address student misbehavior prior to referrals to School Police.
- E. School and community professionals, such as social workers, counselors, mentors and/or community-based organizations, will be trained on and encouraged to use diversion program referrals, rather than referrals to School Police, the Baltimore City Police Department, and other law enforcement, to ensure that students have evidence-based interventions and/or diversions that will successfully reintegrate students into the school environment.
- F. Restorative approaches, such as community conferences/circles and mediation, are effective, evidence-based methods for addressing student misbehavior by acknowledging and addressing harm done and providing supports and interventions to students who engage in misbehavior. Such restorative approaches should be led by school and community professionals who are trained in restorative approaches.



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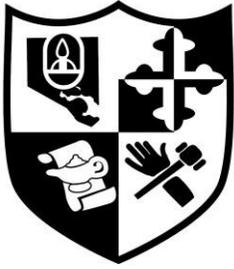
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- G. Diversion strategies utilized by City Schools will align with the framework set forth in the Student Code of Conduct, Board Policy JKA and the accompanying administrative regulations, and they shall be used, where feasible, in lieu of administrative suspensions and expulsions.
- H. Diversion strategies utilized by City Schools will not result in school or School Police-based referrals to justice systems simply because a student does not complete the diversion program.
- I. In order to ensure that the diversion programs are meeting the needs of students, City Schools shall consult with a diverse group of stakeholders described in Section VII below, who will review the collection and analysis of data on student outcomes.

#### IV. DEFINITIONS

- A. **Arrest:** The taking, seizing, or detaining of the person of another, by any act that indicates an intention to take the person into custody and that subjects the person to the actual control and will of the person making the arrest. An arrest occurs when a reasonable person would have believed that they were not free to leave.
- B. **Diversion:** A non-punitive intervention strategy that is an alternative to arrest or formal legal proceedings resulting from arrest or law enforcement referral, which should be implemented at the earliest appropriate time. *Diversion* strategies redirect students away from contact with the juvenile justice or criminal justice system, and instead, directs them to effective community or school-based interventions.
- C. **Diversion Assessors:** City Schools staff designated by the Chief of Schools who have experience and training in adolescent development; the use of positive in-school or in-community programs and interventions to address student misbehavior; and knowledge of the juvenile and criminal justice systems.
- D. **Intervention:** A non-punitive community or school-based program designed to address the root or underlying cause of student behavior leading to office referrals.



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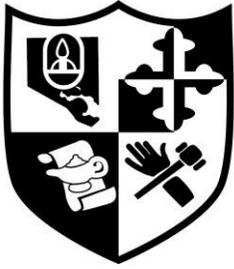
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- E. **Restorative Approaches:** As defined in Board Policy JKA, a relationship-focused student discipline model that: (1) is preventative and proactive; (2) emphasizes building strong relationships and setting clear behavioral expectations that contribute to the school community well-being; (3) in response to behavior that violates clear behavioral expectations, focuses on accountability for any harm done by the disruptive behavior; and (4) addresses ways to repair the relationships affected by the disruptive behavior with the voluntary participation of an individual who was harmed. *Restorative approaches* include “restorative practices,” defined by COMAR 13A.08.01.11B.8, as practices conducted in a whole-school ethos or culture that support peacemaking and solve conflict by building a community and addressing harm in a school setting and that: (a) are conducted by trained staff; (b) focus on repairing the harm to the community through dialogue that emphasizes individual accountability; and (c) help build a sense of belonging, safety, and social responsibility in the school community. In addition, *restorative approaches* can be employed when a student or group of students has acted in a way that has caused harm to the community (often referred to as restorative justice). *Restorative approaches* may include small impromptu conferences or more formal conferences for serious incidents, as well as methods ranging from community-building activities to discussions that prepare students to positively influence their decision-making when a conflict arises. *Restorative approaches* also may incorporate: mediation, mindfulness, community service/conferencing, peer juries, responsive circles, post-conflict resolution, peer mediation, informal restorative practices (examples: affective statements and affective questions), social-emotional learning, trauma-informed care, positive behavioral intervention supports, or other practices.

#### V. ELIGIBILITY CRITERIA

- A. City Schools students who have been identified by school personnel as engaging in the following behaviors will automatically be directed to diversion/intervention, unless it is determined, pursuant to protocols set forth in Section VI of this General Order, that a school-based response, consistent with the Student Code of Conduct, appropriately addresses the student behaviors, based on the totality of the circumstances:



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1. Possession of drug paraphernalia
2. Possession of marijuana
3. Vandalism/Malicious destruction of property up to \$2,500
4. Theft/larceny up to \$2,500
5. Trespass on school grounds
6. Burglary
7. Possession of Deadly Weapons on school property (Knives, Pepper Spray, Mace, etc., but not handgun or other firearms)
8. Reckless endangerment
9. Robbery
10. Assault in the second degree, absent egregious extenuating circumstances
11. Assault by threat
12. Gambling

B. City Schools students who have been identified by school personnel as engaging in following behaviors may be considered for diversion, rather than a referral to law enforcement, pursuant to protocols set forth in Section VI of this General Order:

1. Possessing or administering controlled dangerous substance, as defined in Md. Ann. Code, Crim. § 5-101(g)(1)<sup>1</sup> – except for marijuana, which is included in Section V(a)
2. Vandalism/Malicious destruction of property over \$2,500
3. Theft/larceny over \$2,500
4. Harassment, including use of electronic devices and including harassment based on actual perceived personal characteristics as set forth in Board Policy JBA, which include: race, ethnicity, color, ancestry, national origin, nationality, religion, sex, sexual orientation, gender, gender identity, gender expression, marital status, pregnancy or parenting status, family structure, ability (cognitive, social/emotional, and physical), veteran status, genetic information, age, immigration or citizenship status, socioeconomic status, language, or any other legally or constitutionally protected attributes or affiliations

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<sup>1</sup> Controlled dangerous substance, as defined in Md. Ann. Code, Crim. § 5-101(g)(1), excludes alcohol and tobacco and contains exceptions for substances that are validly prescribed.



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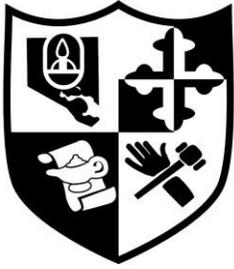
5. False report to law enforcement officer
6. Armed robbery
7. Malicious burning
8. Other criminal offenses as determined by the Diversion Assessor in consultation with School Police

C. City Schools students who have been identified by school personnel as engaging in the following behaviors, or any minor offenses not listed above, will not be referred to diversion programs or law enforcement. Instead, school personnel will utilize school and community-based options in the Level I – Level III responses as set forth in the Student Code of Conduct, to address the student’s behavior:

1. Truancy
2. Tobacco use/possession
3. Alcohol use/possession
4. Disorderly conduct

## VI. PROCEDURES, ROLES, AND RESPONSIBILITIES

- A. When an incident at school occurs that falls within Section V, the responding school administrator will immediately contact the Diversion Assessor assigned to that school.
- B. The Diversion Assessor will consult with the school-based administrator, and, if necessary, come to the location of the incident and fill out the Diversion Assessment Form (See App. A, Diversion Assessment Form).
- C. For behaviors that the Diversion Assessor determine fall within Section V(b) only, the Diversion Assessor(s) will contact the School Police, who will then respond to the location of the incident.
- D. The Diversion Assessor, in consultation with the school principal, will:
  1. Conduct the initial screening of students for diversion strategies/programs



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- a. Review the student's age, disability status, diversion history, the nature and severity of the incident, student preference and interests, and any other relevant information.
  - b. Review the general eligibility requirements for the various diversion strategies.
2. If the offense falls within Section V(a), the Diversion Assessor will refer the student to the appropriate diversion program(s) using the Diversion Assessment Form (see App. A), unless the Diversion Assessor, in consultation with the school principal, determines that a school-based response, consistent with the Student Code of Conduct, appropriately addresses the student behaviors, based on the totality of the circumstances. If there is a diversion referral, the school principal shall take that referral into account in determining the appropriate school-based response consistent with the Student Code of Conduct.
  3. If the offense falls within Section V(b), the Diversion Assessor, in consultation with the School Police, will determine whether diversion is appropriate for the student, and if so, will refer the student to the appropriate diversion program(s), and the school principal shall take that referral into account in determining the appropriate school-based response consistent with the Student Code of Conduct.
  4. If the offense falls within Section V(c), the Diversion Assessor will refer the student to appropriate school personnel for an appropriate school-based response consistent with the Student Code of Conduct.
  5. If diversion is not approved, the Diversion Assessor will indicate the reason for rejection on the Diversion Assessment Form.
  6. If the initial diversion program is not completed, the Diversion Assessor will re-evaluate the needs of the student and refer the student to another diversion or intervention. Any student referred to diversion or intervention will not be referred to the juvenile or criminal justice system by school personnel or School Police for the same incident. However, nothing in this General Order affects or inhibits the ability of parents/guardians or other community members to pursue other avenues or supports. Diversion Assessors and school-based personnel will seek to involve parents/guardians and other community members in restorative approaches and other school-based and community strategies as alternatives to filing criminal charges.
- E. The Diversion provider will:



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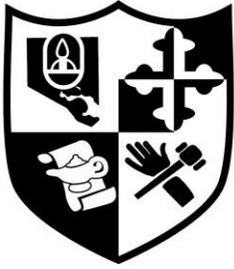
1. Communicate in a clear and timely fashion with the Diversion Assessor regarding the diversion referral.
2. Upon the conclusion of the diversion program, whether it is completed or not, return the completed Diversion Assessment Form to the Diversion Assessor.

#### **VII. DATA COLLECTION, MONITORING, AND REPORTING**

- A. The Schools Office, in collaboration with School Police, will maintain copies of the Diversion Assessment Forms used for each referral. The Schools Office will aggregate the information from those forms in a manner that protects students' personally identifiable information to publicly report the raw data and the following calculations on a yearly basis:
  1. By school, the number of referrals for diversion and the number of students referred for diversion, disaggregated by student grade, age, race, national origin, sex, disability status, offense, other sanction (e.g., out of school suspension), diversion program, and outcome of diversion programs.
  2. The number and types of school incidents for which School Police incident reports are written, with police actions on incidents, including School Police referrals and arrests.
- B. On a regular basis and at least quarterly, representatives from School Police, representatives from the Schools Office, Diversion Assessor(s), at least two providers of community-based diversion programs, students (at least one of whom has completed a diversion program), the Baltimore City Office of the Public Defender, the Baltimore City State's Attorney's Office, and other relevant stakeholders will meet to provide feedback on the diversion program and review data specified in Sections VII(A). At least annually, in conjunction with the compliance report pursuant to Board Policy ECAE, this group will prepare a public report of activities and make recommendations to the Baltimore City Board of School Commissioners for improvements to this General Order and/or its implementation.

#### **VIII. IMPLEMENTATION TIMELINE**

This General Order will be implemented beginning in the 2022-2023 school year. The timing of



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implementation of this policy may be modified due to possible school system disruptions stemming from COVID-19 and/or other unforeseeable circumstances.

#### IX. TRAINING

All school-level administrators and School Police personnel will participate in training regarding this General Order on an annual basis, beginning with the 2022-2023 school year.

#### X. PRIMARY DIVERSION PROGRAMS

- A. B-CARS (Baltimore Child & Adolescent Response System)
- B. Community Conferencing
- C. Community Mediation
- D. The GEMS Program (Girls Expecting More Success)
- E. The McElderry Park Teen Initiative
- F. Mental Health Treatment
- G. Substance Abuse
- H. Teen Court

City Schools may modify or amend this list as appropriate.

#### XI. EFFECTIVE DATE

This General Order shall be effective on the date of publication.

I certify that I have read and fully understand this Order.

Signature \_\_\_\_\_ Date \_\_\_\_\_

**Appendix A**  
**Recommended Diversion Assessment Form**

Instructions: please complete this form and provide it to the diversion program.

Date of referral \_\_\_\_\_ Date of incident \_\_\_\_\_

Name of referrer \_\_\_\_\_

Title of referrer: \_\_\_\_\_

Phone # of referrer \_\_\_\_\_ Email of referrer \_\_\_\_\_

Name of Student \_\_\_\_\_ Grade \_\_\_\_\_

Date of Birth \_\_\_\_\_ Race \_\_\_\_\_ Gender \_\_\_\_\_

Does the student have an IEP? Yes \_\_\_ No \_\_\_ 504 Plan? Yes \_\_\_ No \_\_\_

Student's School \_\_\_\_\_ School phone # \_\_\_\_\_

Name of parent/guardian \_\_\_\_\_

Street Address \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone: Work \_\_\_\_\_ Home \_\_\_\_\_ Cell \_\_\_\_\_

Description of Incident \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Alleged offense \_\_\_\_\_ Place of alleged offense \_\_\_\_\_

Any Injuries Reported? \_\_\_\_\_ If yes, please specify \_\_\_\_\_

Any other students involved? \_\_\_\_\_ If yes, please provide name \_\_\_\_\_

DOB \_\_\_\_\_ Race \_\_\_\_\_ Parent \_\_\_\_\_

Address \_\_\_\_\_ Zip \_\_\_\_\_

Phone: Work \_\_\_\_\_ Home \_\_\_\_\_ Cell \_\_\_\_\_

Recommendation \_\_\_\_\_

If Not Diverted, Why Not? \_\_\_\_\_

Check all that apply:

If one has been completed, I have included the POLICE REPORT for every person involved in the incident

There are other sanctions associated with this case:

In School Suspension     Out of School Suspension  Expulsion  Other \_\_\_\_\_

There are other referrals associated with this case to:

DJS  Other Diversion Provider \_\_\_\_\_  Other \_\_\_\_\_

In a case involving another student, please check here if the other student's parent/guardian does not wish to participate in diversion.

In a case for which school police have been contacted, please check here if school police informed the alleged victim(s) of their ability to file a complaint with the Department of Juvenile Services if diversion is not acceptable to them.

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**To Be Completed Post-Diversion**

To Be Completed by Diversion Program

Date(s) of Diversion \_\_\_\_\_

Goal of Diversion \_\_\_\_\_

Was the goal accomplished? \_\_\_\_\_ If not, why not? \_\_\_\_\_

Recommendations for Follow Up \_\_\_\_\_

\*please return to referring school when complete.

To Be Completed by the Referring School

Days of School Missed \_\_\_\_\_

\*\* Please note that any student referred to diversion or intervention cannot be arrested or otherwise involved in the juvenile or criminal justice system for the same incident.