

CONDUCT/DISCIPLINE

The Board believes that an effective instructional program requires an orderly school environment and that the effectiveness of the educational program is, in part, reflected in the behavior of pupils.

The Board of Education expects pupils to conduct themselves in keeping with their level of maturity, with a proper regard for the rights and welfare of other pupils, for school personnel, for the educational purpose underlying all school activities, and for the care of school facilities and equipment.

The Board of Education believes that standards of pupil behavior must be set cooperatively by interaction among the pupils, parents/guardians, staff and community, producing an atmosphere that encourages pupils to grow in self-discipline. Such an atmosphere must include respect for self and others, as well as for district and community property.

The best discipline is self-imposed, and pupils must learn to assume and accept responsibility for their own behavior, and for the consequences of their misbehavior. Staff members who interact with pupils shall use preventive disciplinary action and place emphasis on the pupils' ability to grow in self-discipline.

The Superintendent shall develop general guidelines for pupil conduct on school property and shall direct development of detailed regulations suited to the age level of the pupils and the physical facilities of the individual schools. Board policy requires each pupil of this district to adhere to the rules and regulations established by the administration and to submit to such disciplinary measures as are appropriately assigned for infraction of those rules. The Superintendent shall provide to pupils and their parents/guardians the rules of this district regarding pupil conduct and the sanctions that may be imposed for breach of those rules. Provisions shall be made for informing parents/guardians whose primary language is other than English, when necessary and possible

In developing regulations to implement this policy, the Superintendent shall provide appropriate recognition for pupils who consistently maintain high standards of self-discipline and good citizenship.

The regulations shall:

- A. Require that pupils conform to reasonable standards of socially acceptable behavior; respect the person, property and rights of others; obey constituted authority and respond to those who hold that authority;

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- B. Establish the degree of order necessary to the educational program in which pupils are engaged.

Pupils who display chronic behavioral or academic problems may be referred to the Child Study Team by the Superintendent for possible identification as disruptive or disaffected. Such referrals shall be in strict accordance with the due process regulations prescribed by the administrative code. Pupils so identified shall be provided with appropriate programs and services as prescribed by the child study team.

A pupil whose presence poses a continuing danger to persons or property, or an ongoing threat of disrupting the academic process, may be suspended or expelled, following due process.

Any pupil who commits an assault (as defined by N.J.S.A. 2C:12-1) upon a board member, teacher, administrator or other employee of the Board of Education shall be suspended from school immediately according to procedural due process, and suspension or expulsion proceedings shall begin no later than 30 calendar days from the date of the pupil's suspension.

Disabled

Classified pupils are subject to the same disciplinary procedures as nondisabled pupils and may be disciplined in accordance with their IEP. However, before disciplining a classified pupil, it must be determined that:

- A. The pupil's behavior is not primarily caused by his/her educational disability;
- B. The program that is being provided meets the pupil's needs.

Staff shall comply with state and federal law and the regulations of the New Jersey administrative code in dealing with discipline and/or suspension of all pupils with disabilities.

Implementation

The Superintendent shall ensure that the rules for this policy are applied consistently and uniformly, and that all disciplinary sanctions are carried out with necessary due process.

The Board shall review all related policies on a regular basis.

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Possible

<u>Cross References:</u>	1220	<u>Ad hoc</u> advisory committees
	1410	Local units
	3541.33	Transportation safety
	4131/	Staff development; inservice education/visitation conferences
	4131.1	
	4231/	Staff development; inservice education/visitation conferences
	4231.1	
	5020	Role of parents/guardians
	5113	Absences and excuses
	5114	Suspension and expulsion
	5124	Reporting to parents/guardians
	5127	Commencement activities
	R5131	Student Behavior on School Buses
	5131.1	Harassment, Intimidation or Bullying
	5131.5	Vandalism/violence
	5131.6	Drugs, alcohol, tobacco (substance abuse)
	5131.7	Weapons and dangerous instruments
	5145.4	Equal educational opportunity
	5145.6	Pupil grievance procedure
	5145.11	Questioning and apprehension
	5145.12	Search and seizure
	6145	Extracurricular activities
	6164.4	Child study team
	6171.4	Special education
	6172	Alternative educational programs

Key Words

Conduct, Discipline, Pupil Conduct, Student Conduct, Pupil Behavior on School Bus

Date Adopted: 08/23/2005

Date Revised:

CODE OF STUDENT CONDUCT

Code of Student Conduct (N.J.A.C. 6A:16-7.)

The Sayreville Board of Education has developed and implements a Code of Student Conduct with established standards, policies and procedures for positive student development and student behavioral expectations on school grounds, including on a school bus or at school-sponsored functions, and, as appropriate, for conduct away from school grounds, in accordance with N.J.A.C. 6A:16-7.6.

- A. The Code of Student Conduct was based on parent, student and community involvement which represented, where possible, the composition of the schools and community.
- B. The Code of Student Conduct is based on locally determined and accepted core ethical values adopted by the Sayreville Board of Education and which are part of the district's Character Education Program. They are: Caring, Trustworthiness, Respect, Responsibility, Fairness, and Citizenship.
- C. The Sayreville Board of Education has established an annual a process for the annual review and update of the Code of Student Conduct that provides for:
 - 1. Parent, student and community involvement which represents, where possible, the composition of the schools and community; and
 - 2. Consideration of the findings of the annual reports of student conduct, including suspensions and expulsions, pursuant to 5 and 6 below, and the incidences reported under the Student Safety Data System, in accordance with N.J.A.C. 6A:16-5.3.
- D. The Code of Student Conduct shall be disseminated annually to all school staff, students and parents. Parents and students will annually sign-off that they have read and understand Regulation 5131. A copy of the Regulation 5131 will also be posted on the district website at www.sayrevillek12.net;
- E. The Superintendent shall report annually on the implementation of the Code of Student Conduct to the Board of Education at a public meeting. The annual summary shall contain, at a minimum:
 - 1. A numerical inventory of all violations of the student behavioral expectations;
 - 2. Associated school responses to the violations of the student behavioral expectations;
 - 3. An explanation and evidence of the effectiveness of the Code of Student Conduct. The explanation and evidence, at a minimum, shall address:
 - a. The degree of effectiveness of the school district's activities in achieving the

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- purposes of the code of student conduct; and
 - b. The degree of implementation and effectiveness of the implementation of the contents of the Code of Student conduct; and
 - 4. Any proposed changes to the district's current policies, procedures, programs or initiatives, based on that report
- F. The Superintendent shall submit a report annually to the New Jersey Department of Education on student conduct, including all student suspensions and expulsions, and the implementation of the Code of Conduct, pursuant to this section, in accordance with the format prescribed by the Commissioner of Education and the Student Safety Data System, pursuant to N.J.A.C. 6A:16-5.3(e).
- G. For students with disabilities, subject to Individualized Education Programs in accordance with 20 U.S.C. §1400, the Individuals with Disabilities Act, and accommodation plans under 29 U.S.C. §§794 and 705(20), the Code of Student Conduct shall be implemented in accordance with the components of the applicable plans.
- H. The Code of Student Conduct has been established to achieve the following purposes:
- 1. Foster the health, safety and social and emotional well-being of students;
 - 2. Support the establishment and maintenance of civil, safe, supportive and disciplined school environments conducive to learning;
 - 3. Promote achievement of high academic standards;
 - 4. Prevent the occurrence of problem behaviors;
 - 5. Establish parameters for the intervention and remediation of student problem behaviors at all stages of identification; and
 - 6. Establish parameters for school responses to violations of the Code of Student Conduct that take into account, at a minimum, the severity of the offenses, the developmental ages of the student offenders and students' histories of inappropriate behaviors.
- I. The Code of Student Conduct includes:
- 1. A description of responsibilities that includes expectations for academic achievement, behavior and attendance; pursuant to N.J.A.C. 6:3-9;
 - 2. A description of the behaviors that will result in suspension or expulsion, pursuant to N.J.S.A. 18A:37-2;
 - 3. A description of students' rights to:
 - a. Advance notice of behaviors that will result in suspension and expulsion that have been identified under authority of N.J.S.A. 18A:37-2;
 - b. Education that supports students' development into productive citizens;
 - c. Attendance in safe school environment;
 - d. Attendance at school irrespective of students' marriage, pregnancy or parenthood.
 - e. Due process and appeal procedures, pursuant to N.J.A.C. 6A:1.3 through 1.17, N.J.A.C. 6A:4 and, where applicable, N.J.A.C. 6A:14-2.7 and 2.8.
 - f. Parent notification consistent with the policies and procedures established pursuant to N.J.A.C. 6A:16-6.2(b)3; and
 - g. Protections pursuant to 20 U.S.C. §1232h and 34 CFR Part 98, Protection of Pupil Rights Amendment; N.J.A.C. 6:3-6, Pupil Records, 45 CFR §160, Health Insurance Portability and Accountability Act; 20 U.S.C. §6301, Title IV(A)IV §4155 of the Elementary and Secondary Education Act as reauthorized under the No Child Left Behind Act; 42 CFR Part 2, Confidentiality of Alcohol and Drug Abuse Patient

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- Records; N.J.S.A. 18A:40A-7.1, School-based drug and alcohol abuse counseling ; information from participants; disclosure, N.J.A.C. 6A:16-3.2, Confidentiality of student alcohol and other drug information; N.J.S.A. 18A:36-19, Creation; Pupil Records, Maintenance and Retention, Security and Access; Regulations ; Non-Liability; N.J.A.C. 6A:14-2.9, Student Records; as well as other existing Federal and State laws pertaining to student protections.
4. A description of comprehensive behavioral supports that promote positive student development and the students' abilities to fulfill the behavioral expectations established by the school district, including:
 - a. Positive reinforcement for good conduct and academic success;
 - b. Supportive interventions and referral services; including those at N.J.A.C. 6A:16-8;
 - c. Remediation of problem behavior that take into account the nature of behaviors, the developmental ages of the students and the student's histories of problem behaviors and performance; and
 - d. For students with disabilities, the behavior interventions and supports shall be determined and provided pursuant to the requirements of N.J.A.C. 6A:14;
 5. A description of school responses to violations of the behavioral expectations established by the Board of Education that, at a minimum, are graded according to the severity of the offenses, consider the developmental ages of the student offenders and students' histories of inappropriate behaviors that shall:
 - a. Include a continuum of actions designed to remediate and, where necessary or required by law, to impose sanctions;
 - b. Be consistent with other responses, pursuant to N.J.A.C. 6A:16-5.5 and 5.7 above;
 - c. Provide for the equitable application of the Code of Student Conduct without regard to race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability or by any other distinguishing characteristic, pursuant to N.J.S.A. 10:5; and
 - d. Be consistent with the provisions of N.J.S.A. 18A:6-1, Corporal punishment of pupils.
 6. The policy and procedures regarding the attendance of students in accordance with N.J.S.A. 18A: 38-25 through 31 and N.J.A.C. 6:3-9 and 6A: 16-7.8;
 7. The policy and procedures regarding intimidation, harassment and bullying in accordance with N.J.S.A. 18A:37-13 et seq. and N.J.A.C. 6A:16-7.9 and
 8. A current list of community-based health and social service provider agencies available to support a student and the student's family, as appropriate, and a list of legal resources available to serve the community.
 9. The Code of Student Conduct shall include the due process procedures and policies for students and their families and shall include the provisions set forth at N.J.A.C. 6A:16-7.2 through 7.6.

Recodified from N.J.A.C. 6A:16-5.1 and amended by R.2005 d.297, effective September 6, 2005.
See: 37 N.J.R. 1570(a) 37 N.J.R. 3295(b)
Deleted former (b) through (e); rewrote (a); added new (b) through (d).

Short-term Suspensions (N.J.A.C. 6A:16-7.2)

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In each instance of short-term suspension, a district Board of Education shall provide for the following:

- A. As soon as practicable, oral or written notices of charges to the student and the student's parents.
 - 1. When charges are denied, an explanation of the evidence forming the basis of the charges also shall be provided;
- B. An informal hearing prior to the suspension in which the student is given the opportunity to present the student's side of the story regarding the student's actions leading to the short-term suspension and the school district's actions taken pursuant to N.J.A.C. 6A:16-7.1(c)5:
 - 1. The information hearing shall be conducted by a principal or vice principal;
 - 2. To the extent that a student's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the educational process, the student may be immediately removed from the student's educational program and the informal hearing shall be held as soon as practical after the suspension;
 - 3. The informal hearing should take place even when a school staff member has witnessed the conduct forming the basis of the charge; and
 - 4. The informal hearing and the notice given may take place at the same time;
- C. Notification to the student's parents of the student's removal from the student's educational program prior to the end of the school day on which the school administrator makes the decision to suspend the student;
- D. Appropriate supervision of the student while waiting for the student's parent to remove the student from school during the school day; and
- E. Educational services, either in school or out of school, that are comparable to those provided in the public schools for students of similar grades and attainments, pursuant to N.J.S.A. 18A:38-25, which may include a public education program provided in accordance with the provision of N.J.A.C. 6A:16-9 or 6A:16-10.
 - 1. Services shall be provided within five (5) school days of suspension.
 - 2. Educational services provided to a student with a disability shall be provided with the student's Individualized Education Program in accordance with N.J.A.C. 6A:14.
- F. The suspending principal shall immediately report the suspension to the Superintendent, who is required to report it to the district Board of Education at its next regular meeting, pursuant to N.J.S.A. 18A:37-4.
- G. The Board of Education may deny participation in extracurricular activities, school functions, sports or graduation exercises as disciplinary sanctions, where such measures are designed to maintain the order and integrity of the school environment.
- H. For a student with a disability, the provisions set forth in this section shall be provided in addition to all procedural protections set forth in N.J.A.C. 6A:14.

Long-term Suspensions N.J.A.C.6A:16-7.3

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In each instance of a long-term suspension, the Board of Education shall assure the rights of a student suspended for more than 10 school days by providing:

- A. Immediate notification to the student of the charges, prior to the student's removal from school.
- B. Immediate notification to the student's parents of the student's removal from school.
- C. Appropriate supervision of the student while waiting for the student's parents to remove the student from school during the school day.
- D. Written notification to the parents by the Superintendent or his or her designee within two (2) school days of the initiation of the suspension, stating:
 1. The specific charges;
 2. The facts on which the charges are based;
 3. The student's due process rights, pursuant to N.J.A.C. 6A:16-7.2 through 7.6; and
 4. That further engagement by the student in conduct warranting expulsion; pursuant to N.J.S.A. 18A:37-2, shall amount to a knowing and voluntary waiver of the student's right to a free public education, in the event that a decision to expel the student is made by the district Board of Education, pursuant to N.J.S.A. 18A:37-2 and N.J.A.C. 6A:16-7.5.
 - a. The Board of Education shall request written acknowledgement of the notification of the provision of 4iv. above from the parents and the student subsequent to the removal from the student's educational program, pursuant to this section;
- E. A list of witnesses and their statements or affidavits, if any;
- F. For a student with a disability, a manifestation determination pursuant to N.J.A.C. 6A:24-2.8 and Federal regulations incorporated by the reference therein;
- G. Information on the right of the student to secure an attorney and legal resources available in the community identified pursuant to N.J.A.C. 6A:16-7.1(c)8;
- H. Educational services, either in school or out of school, that are comparable to those provided in the public schools for students of similar grades and attainments pursuant to N.J.S.A. 18A:38-25, which may include a public education program provided in accordance with the provisions of N.J.A.C. 6A:16-9 or 10.
 - a. The services shall be provided within five (5) school days of suspension.
 - b. Educational services provided to a student with a disability shall be provided consistent with the student's Individualized Education Program, in accordance with N.J.A.C. 6A:14.
- I. A formal hearing before the Board of Education, which, at a minimum, shall:
 1. Be conducted by the Board of Education or delegated by the board to a Board committee or to a school administrator for the purpose of determining facts or making recommendations.
 - a. The Board of Education as a whole shall receive and consider either a transcript or detailed report on such hearing before taking final action;
 - b. Include the opportunity for the student to:
 - (1) Confront and cross-examine witnesses, when there is a question of fact; and
 - (2) Present his or her own defense and produce oral testimony or written supporting

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affidavits.

- c. Take place no later than 30 calendar days following the day the student is suspended from the general education program; and
 - d. Not be subject to the provisions of the "Open Public Meetings Act," pursuant to N.J.S.A. 10:4-6;
- J. A written statement to the student's parents of the district Board of Education's decision within five (5) school days after the close of the hearing that includes, at a minimum:
1. The charges considered;
 2. A summary of the documentary or testimonial evidence from both the student and the administration that was brought before the district Board of Education at the hearing; and
 3. Factual findings relative to each charge and the district Board of Education's determination;
- K. Immediate return to the general education program if at any time it is found that the general education student is not guilty of the offense; and
- L. For a student with a disability found not guilty of the offense, the student's program shall be determined in accordance with the provisions of N.J.A.C. 6A:14.
- M. Any appeal of the Board of Education's decision regarding the student's general education program shall be made to the Commissioner of Education in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A:3-1.3 through 1.17.
- N. Suspension of general education students may not be continued beyond the Board of Education's second regular meeting following the suspension, unless the Board of Education so determines, pursuant to N.J.S.A. 18A:37-5.
- O. The Board of Education shall determine whether to continue the suspension, based on the following criteria.
1. The nature and severity of the offense;
 2. The Board of Education's removal decision.
 3. The results of any relevant testing, assessments or evaluations of the student; and
 4. The recommendation of the Superintendent, principal or Director of Special Services or home or other out-of-school instruction program in which the student has been placed.
- P. The Board of Education shall direct the Superintendent to adopt policies and procedures providing for action on the continuation of student suspensions in the event of cancellation of the first or second regular board meeting pursuant to N.J.S.A. 18A:37-4 and 5.
- Q. When the Board of Education votes to continue the suspension of a general education student, the Board, in consultation with the Superintendent, shall review the case at each subsequent Board meeting for the purpose of determining:
1. The status of the student's suspension;
 2. The appropriateness of the current educational program for the suspended student; and
 3. If the suspended student's current placement should continue or if the student should return to the general education program.
- R. When the Board votes to continue the suspension of a general education student, the Board,

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in consultation with the Superintendent, shall make the final determination on:

1. When the student is prepared to return to the general education program;
 2. Whether the student shall remain in the an alternative education program or receive home or other in-school or out-of-school instruction.
- S. The Board of Education shall make decisions regarding the appropriate educational program and support services for the suspended general education student, at a minimum, based on the following criteria:
1. A behavioral assessment or evaluation including, but not limited to, a referral to the Child Study Team as appropriate;
 2. The results of any relevant testing, assessments or evaluations of the student;
 3. The student's academic, health and behavioral records;
 4. The recommendation of the Superintendent, principal or other relevant school or community resource; or
 5. Consultation with the Intervention and Referral Services (I&RS) team, in accordance with N.J.A.C. 6A:16-8, as appropriate
- T. The Board of Education shall provide a general education student suspended under this section with an appropriate educational program or appropriate educational services, based on the criteria set forth above, until the student graduates from high school or reaches the age of 20.
1. The educational program shall be consistent with the provisions of N.J.A.C. 6A:16-9.2 and 6A:14-2 and 4.3, whichever is applicable, or
 2. The educational services provided, either in school or out of school, shall be comparable to those provided in the public schools for students or similar grades and attainments, pursuant to the provisions of N.J.S.A. 18A:38-25.
- U. For a student with a disability who receives a long-term suspension, the Board of Education shall proceed in accordance with N.J.A.C. 6A:14-2.8 in determining, altering or changing the student's educational placement to an interim or alternate educational setting.
1. All procedural protections set forth in N.J.A.C. 6A:14 shall be afforded to each student with a disability who is subjected to a long-term suspension.
 2. All decisions concerning the student's educational program or placement shall be made by the student's Individualized Education Program team.
 3. The provisions of 13 through 20 above shall not apply to students with disabilities.

Mandated Student Removals from General Education N.J.A.C. 6A:16-7.4

- A. The Board of Education shall follow N.J.A.C. 6A:16-5.5 for student removals for firearms offenses.
- B. The Board of Education shall follow N.J.A.C. 6A:16-5.6 for student removals for assaults with weapons offenses.
- C. The Board of Education shall follow N.J.A.C. 6A:16-5.7 for student removals for assaults on Board members or employees.

Expulsions N.J.A.C. 6A:16-7.5

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The Board of Education may expel, that is discontinue the educational services or discontinue payment of educational services for, a general education student from school, pursuant to N.J.S.A. 18A:37-2 only after the Board has provided the following:

- A. The procedural due process rights set forth at N.J.A.C. 6A:16-7.3 and 7.4 subsequent to a long-term suspension pursuant to N.J.A.C. 6A:16-7.3 and
- B. An appropriate educational program or appropriate educational services, based on the criteria set forth under N.J.A.C. 6A:16-7.3(f).
 1. The educational program shall be consistent with the provisions of N.J.A.C. 6A:9.2 and 10.2 and 6A:14-3 and 4.3 whichever are applicable; or
 2. The educational services provided either in school or out of school, shall be comparable to those provided in the public schools for students of similar grades and attainments, pursuant to the provisions of N.J.S.A. 18A:38-25.
- C. Any appeal of the Board's decision regarding the cessation of the student's general education program, shall be made to the Commissioner of Education in accordance with N.J.S.A. 18A:6-9 and N.J.A.C. 6A:1.3 through 1.17.
- D. The Board shall continue to provide an appropriate educational program or appropriate educational services, in accordance with N.J.A.C. 6A:16-7.5(a)2, until a final determination has been made on the appeal of the Board's action to expel a student.
- E. An expulsion of student with a disability from a receiving school shall be handled in accordance with N.J.A.C. 6A:14.

Conduct Away from School Grounds N.J.A.C. 6A:16-7.6

School authorities have the right to impose a consequence on a student for conduct away from school grounds, including on a school bus or at a school-sponsored function that is consistent with the Board of Education's Code of Student Conduct, pursuant to N.J.A.C. 6A:16-7.1.

- A. This authority shall be exercised only when it is reasonably necessary for the student's physical or emotional safety and well-being or for reasons relating to the safety and well-being of other students, staff or school grounds, pursuant to N.J.S.A. 18A:25-2 and 18A:37-2.
- B. This authority shall be exercised only when the conduct which is the subject of the proposed consequence materially and substantially interferes with the requirements of appropriate discipline in the operation of the school.
- C. The consequence shall be handled in accordance with the Board's approved Code of Student Conduct, pursuant to N.J.A.C. 6A:16-7.1, and as appropriate, in accordance with N.J.A.C. 6A:16-7.2, 7.3 or 7.5.

Staff Responsibilities and Rights N.J.A.C. 6A:16-7.7

The Board of Education shall provide for the equitable application of the Code of Student Conduct.

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- A. The Board of Education shall delineate the roles and responsibilities of each staff member in the implementation of the Code of Student Conduct. It shall also provide to all school staff training annually on the Code of Student Conduct, which shall include training on the prevention, intervention, and remediation of student conduct in violation of the Board's Code of Student Conduct.
- B. Information on the Code of Student Conduct shall be incorporated into the orientation program for new employees.

Attendance N.J.A.C. 6A:16-7.8

The Board of Education has adopted and implements policies and procedures regarding the attendance of students, pursuant to N.J.S.A. 18A:38-25 through 31 and N.J.A.C. 6:3-9 at the public schools of the district or day schools in which students are provided with equivalent instruction, according to the requirements of N.J.S.A. 18A:38-25, that includes, at a minimum:

- A. The expectations and consequences regarding the timely arrival of students to school and classes;
- B. The expectations and consequences regarding attendance at school and classes;
- C. A definition of unexcused absence, for the purpose of this section, that, at a minimum, shall be based on the definition of a school day, pursuant to N.J.A.C. 6:3-9.3 and the following considerations:
 - 1. Family death;
 - 2. Board approved educational opportunities;
 - 3. Where appropriate, Individualized Education Programs pursuant to 20 U.S.C. §1400, the Individuals with Disabilities Act, accommodation plans under 29 U.S.C. §§794 and 705(20), and individualized health care plans, pursuant to N.J.A.C. 6A:16-2.1(3) 1x; and
- D. School staff responses for unexcused absences:
 - 1. For up to four (4) cumulative unexcused absences, the school district shall:
 - a. Make a reasonable attempt to notify the student's parents of each unexcused absence prior to the start of the following school day;
 - b. Conduct an investigation of the cause of each unexcused absence, including contact with the student's parents;
 - c. Develop an action plan in consultation with the student's parents designed to address patterns of unexcused absences, if any, and to have the child return to school and maintain regular attendance.
 - d. Proceed in accordance with the provisions of N.J.S.A. 9:6-1 et seq. and N.J.A.C. 6A:16-11, if child abuse and neglect is suspected; and
 - e. Cooperate with law enforcement and other authorities and agencies, as appropriate;
 - 2. For between five (5) and nine (9) cumulative unexcused absences, the school shall:
 - a. Make a reasonable attempt to notify the student's parents of each unexcused absence prior to the start of the following school day;
 - b. Conduct a follow-up investigation, including contact with the student's parents to determine the cause of each unexcused absence;
 - c. Evaluate the appropriateness of the action plan developed pursuant to 4i(3) above;

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- d. Revise the action plan, as needed, to identify patterns of unexcused absences and establish outcomes based upon the student's needs and specify the interventions for achieving the outcomes, supporting the student's return to school and regular attendance that may include any or all of the following:
 - (1) Refer or consult with the building's Intervention and Referral Services (I&RS) team, pursuant to N.J.A.C. 6A:16-8;
 - (2) Conduct testing assessments or evaluations of the student's academic, behavioral and health needs;
 - (3) Consider an alternate educational placement;
 - (4) Make a referral to a community-based social and health provider agency or other community resource.
 - (5) Refer to the court program designated by the New Jersey Administrative Office of the Courts; and
 - (6) Proceed in accordance with the provisions of N.J.S.A. 9:6 and N.J.A.C. 6A:16-11, if child abuse and neglect is suspected; and
 - (7) Cooperate with law enforcement and other authorities and agencies, as appropriate.
3. For cumulative unexcused absences of 10 or more days, the student is truant, pursuant to N.J.S.A. 18A:38-27, and the school district shall:
 - a. Make a mandatory referral to the court program required by the New Jersey Administrative Office of the Courts;
 - b. Make a reasonable attempt to notify the student's parents of the mandatory referral;
 - c. Continue to consult with the parent and the involved agencies to support the student's return to school and regular attendance;
 - d. Cooperate with law enforcement and other authorities and agencies, as appropriate; and
 - e. Proceed in accordance with N.J.S.A. 18A:38-28 through 31, Article 3B, Compelling Attendance at School, and other applicable State and Federal Statutes, as required.
4. For students with disabilities, the attendance plan and punitive and remedial procedures set forth therein shall be applied, where applicable, in accordance with the students' Individualized Education Programs, pursuant to 20 U.S.C. §1400, the Individuals with Disabilities Act; the procedural protections set forth in N.J.A.C. 6A:14, accommodation plans under 29 U.S.C. §794 and 705(20); and individualized health care plans, pursuant to N.J.A.C. 6A:16-2(e)1x.
5. All receiving schools pursuant to N.J.A.C. 6A:14-7.1(a), shall act in accordance with (a)4i above for each student with up to four (4) cumulative unexcused absences.
 - a. For each student attending a receiving school with five (5) or more cumulative unexcused absences, the absences shall be reported to the sending district.
 - b. The sending district shall proceed in accordance with the Board of Education policies and procedures pursuant to the provisions of (a)4ii through 4iv above, as appropriate.
6. The Superintendent shall submit annually a report to the Commissioner of Education containing information on student attendance, including, but not limited to, the Board of Education's implementation of each of the requirements pursuant to this section.

Intimidation, harassment and bullying N.J.A.C. 6A:16-7.9

The Board of Education has adopted Policy 5131.1 prohibiting harassment, intimidation or bullying on school grounds, including on a school bus or at a school-sponsored function,
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CODE OF STUDENT CONDUCT (continued)

pursuant to N.J.S.A. 18A:37-15.

- A. This policy was developed in consultation with parents and other community members, including appropriate community-based social and health provider agencies, law enforcement officials, school employees, school volunteers, students and school administrators.
- B. The Board of Education shall have local control over the content of the policy, except that the policy shall contain, at a minimum, the following components:
 - 1. A statement prohibiting harassment, intimidation or bullying of a student.
 - 2. A definition of harassment, intimidation or bullying no less inclusive than set forth in the definition of N.J.S.A. 18:37-14 and N.J.A.C. 6A:16-1.3;
 - 3. A description of the type of behavior expected from each student;
 - 4. Appropriate remedial action for a student who commits an act of harassment, intimidation or bullying that takes into account the nature of the behavior, the developmental age of the student and the student's history of problem behaviors and performance that that may include the following:
 - a. A behavioral assessment or evaluation including, but not limited to, a referral to the Child Study Team, as appropriate; and
 - b. Supportive interventions and referral services, including those at N.J.A.C.6A:16-8;
 - 5. Consequences for a student who commits an act of harassment, intimidation or bullying that is:
 - a. Varied and graded according to the nature of the behavior, the developmental age of the student and the student's history of problem behaviors and performance; and
 - b. Consistent with the provisions of N.J.A.C. 6A:16-7 as appropriate;
 - 6. Appropriate consequences and remedial action for any staff member who commits an act of harassment, intimidation or bullying;
 - 7. A procedure for reporting an act of harassment, intimidation or bullying, including a provision that permits a person to report anonymously an act of harassment, intimidation or bullying:
 - a. The Board of Education shall not take formal disciplinary action based solely on the anonymous report.
 - 8. A procedure has been established for prompt investigation of reports of violations and complaints which are outlined in Board Policy 5131.1 and 4111.1, Reports and complaints include, but are not limited to, oral reports, written reports or electronic reports;
 - 9. The range of ways in which a school will respond once an incident of harassment, intimidation or bullying is identified;
 - 10. A statement that prohibits reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying and the consequence and appropriate remedial action for a person who engages in reprisal or retaliation;
 - 11. Consequences and appropriate remedial action for a person found to have falsely accused another as a means of retaliation or as a means of harassment, intimidation or bullying; and
 - 12. A statement of how the policy is to be publicized, including notice that the policy applies incidents that takes place on school grounds, at any school-sponsored function or on a school bus, or off school grounds, in accordance with law, that substantially disrupts or interferes with the orderly operation of the school or the rights of other students,
- C. A school employee, student or volunteer shall not engage in reprisal, retaliation or false

CODE OF STUDENT CONDUCT (continued)

accusation against a victim, witness or one with reliable information about an act of harassment, intimidation or bullying.

- D. A school employee, student or volunteer who has witnessed, or has reliable information that a student has been subject to harassment, intimidation or bullying shall report the incident to the appropriate school official designated by the Board's policies, pursuant to N.J.S.A. 18A:37-15 and (a) above.
- E. A school employee who promptly reports an incident of harassment, intimidation or bullying, as designated by Board policy, and who makes this report in compliance with the procedures set forth in Board policy, is immune from a cause of action for damages arising from any failure to remedy the reported incident, as set forth in N.J.S.A. 18A:37-16(4)c.
- F. The district Board of Education shall annually review the training needs of district staff for the effective implementation of the harassment, intimidation and bullying policies, procedures, programs and initiatives of the Board of Education and implement locally determined staff training needs and the findings of the annual review and update of the code of findings of the annual review and update of the Code of Student Conduct, pursuant to N.J.A.C. 6A:16-7(a)3, as recommended by the Superintendent and determined appropriate by the Board.
 - 1. Information regarding the Board's Policy 4111.1 and Policy 5131.1 against harassment, intimidation, or bullying is reviewed annually as part of the school district's employee training program;
 - 2. Each building principal will annually discuss the school district's harassment, intimidation or bullying policy with his/her students; and
 - 3. The District Anti-Bullying Coordinator will annually review the extent and characteristics of harassment, intimidation and bullying behavior in the school buildings of the school district and implement, at the direction of the Superintendent, locally determined programmatic or other responses, if determined appropriate by the Board of Education.
 - a. These programs or other services shall be planned in consultation with parents, students and other community members, including appropriate community-based social and health provider agencies, law enforcement officials, school employees, school volunteers, students and school administrators, as appropriate.
 - 1. These requirements are promulgated pursuant to N.J.S.A. 18A:37-13 through 18 and shall not be interpreted to prevent a victim from seeking redress under any other available law either civil or criminal.

Student Records and Confidentiality (6A:1-7.10)

Public School to Public School

When a student transfers to a public school district from another public school district, all information in the student's record related to disciplinary actions taken against the student by the district and any information the district has obtained pursuant to N.J.S.A. 2A:4A-60, Disclosure of juvenile information; penalties for disclosure, shall be provided to the receiving public school district, in accordance with the provisions of N.J.S.A. 18A:36-19a and N.J.A.C. 6:3-6.5(c)10iv.

- A. The record shall be provided within two (2) weeks of the date that the student enrolls in the receiving school district.
- B. Written consent of the parent or adult student shall not be required as a condition of the

CODE OF STUDENT CONDUCT (continued)

transfer of this information.

- C. Written notice of the transfer shall be provided to the parent or the adult student.

Public School to Private School

When a student transfers to a private school, which includes all sectarian or nonsectarian nonprofit institutional day or residential schools that provide education for students placed by their parents and that are controlled by other than public authority, all student disciplinary records, with respect to suspension or expulsions, shall be provided by the public school district of residence to the private school upon written request from the private school, in the same manner as such records would be provided by a public school district of residence to a public school district, pursuant to 20 U.S.C. §6301. Title IV(A)IV §4155 of the Elementary and Secondary Education Act as reauthorized under the No Child Left Behind Act.

- A. The Board of Education shall not use a student's past offenses on record to discriminate against that student.
- B. All records maintained in this subchapter shall conform with the requirements set forth at 20 U.S.C. §1232g and 34 CFR Part 99, Family Educational Rights and Privacy Act; 20 U.S.C. §1232h and 34 CFR Part 98, Protection of Pupil Rights Amendment, N.J.A.C. 6:3-6, Pupil Records, 45 CFR §160, Health Insurance Portability and Accountability Act, 20 U.S.C. §6301, Title IV(A)IV §4155 of the Elementary and Secondary Education Act as reauthorized under the No Child Left Behind Act; 42 CFR Part 2 Confidentiality of Alcohol and Drug Abuse Patient Records; N.J.S.A. 18A:40A-7.1, School-based drug and alcohol abuse counseling; information from participants; disclosure; N.J.A.C. 6A:16-3.2, Confidentiality of student alcohol and other drug information; N.J.S.A. 18A:36-19, Creation; Pupil Records; Maintenance and Retention, Security and Access; Regulations; Non-Liability; N.J.A.C. 6A:14-2.9, Student records and confidentiality.

SAYREVILLE SCHOOL DISTRICT CODE OF STUDENT CONDUCT

The Sayreville Board of Education has established a Code of Student Conduct with parent, student and community input, that is representative of the composition of the borough's schools and community. It is based on the core ethical values adopted by the Board of Education as part of the district's Character Education Program. They are: caring, trustworthiness, respect, responsibility, fairness, and citizenship. All are designed to attain the district's mission of educating today's learners to become tomorrow's leaders. The Code of Student Conduct will undergo an annual review by the Board of Education and Superintendent of Schools. If necessary, it will be modified on the basis of research and data provided by the administrative team, faculty, parents, and students regarding its effectiveness as it relates to the district's mission statement.

The Code of Student Conduct will be disseminated annually to all school staff, students and parents. Parents and students will annually sign-off that they have read and understand the Code of Student Conduct and the provisions of the Board of Education's Regulation 5131. Both documents will be posted on the district's website at www.sayrevillek12.net for reference purposes. Copies will also be provided to parents who do not have internet access.

The principal of each school will annually review the provisions contained in the Code of Student Conduct with his/her students and staff. Additionally, the Superintendent shall report annually to

CODE OF STUDENT CONDUCT (continued)

the New Jersey Department of Education on the implementation of the Code of Student Conduct, including the suspensions and expulsions in accordance with the format prescribed by the Commissioner of Education and the Student Safety Data System, pursuant to N.J.A.C. 6A:16:-5.3(e) and delineated in Regulation 5131.

The Code of Student Conduct has been established to achieve the following purposes:

- A. Foster the health, safety and social and emotional well-being of students;
- B. Support the establishment and maintenance of civil, safe, supportive and disciplined school environments conducive to learning;
- C. Promote achievement of high academic standards;
- D. Prevent the occurrence of problem behaviors;
- E. Establish parameters for the intervention and remediation of student problem behaviors at all stages of identification; and
- F. Establish parameters for school responses to violations of the Code of Student Conduct that take into account, at a minimum, the severity of the offenses, the developmental ages of the student offenders and students' histories of inappropriate behaviors.

STUDENT RESPONSIBILITIES

Students are expected to demonstrate the following responsible behaviors while in school, on a school bus and at school activities in and out of district:

- A. Caring for all members of a diverse school community which includes but is not limited to students, administrators/supervisors, teachers, advisors/coaches, support staff, volunteers, and PTO representatives. They must also demonstrate tolerance and acceptance of classmates who are the same and different in ability, aptitude, cultural ethnicity, and socio-economic background.
- B. Trustworthiness in assuming responsibility for their educational successes and failures. When working alone or in groups, they must be trusted to be responsible for their work and the results of their efforts.
- C. Respect for all members of the school community, its facilities and property.
- D. Responsibility in adhering to school rules and regulations which are designed to provide a safe and appropriate environment for learning.
- E. Fairness in their treatment of staff, classmates, competitors, and the public.
- F. Citizenship by fulfilling their educational goals to become a productive member of the borough, state, nation, and world. This can be accomplished by attending school daily and mastering the NJ Core Curriculum Content Standards and proficiencies for their courses.

CODE OF STUDENT CONDUCT (continued)

INAPPROPRIATE BEHAVIORS

Students must realize that any display of inappropriate behavior will have consequences that are graded according to severity and consider the developmental ages of the offenders. They include a continuum of actions designed to remediate and, where necessary or required by law, to impose sanctions. They provide for equitable application without regard to race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability or by any other distinguishing characteristic, pursuant to N.J.S.A. 10:5; and are consistent with the provisions of N.J.S.A. 18A:6-1 regarding the prohibition of corporal punishment.

CODE OF STUDENT CONDUCT (continued)

CONSEQUENCES FOR INAPPROPRIATE BEHAVIORS

A. ATTENDANCE

Truancy/Leaving School Without Authorization	Grades K-3	Grades 4-5	Grades 6-8	Grades 9-12
1st Incident	3 days Administrative Detention (Mandatory Parent Meeting)	5 days Administrative Detention	5 days Administrative Detention	Saturday Detention assigned cut for each period not attended (and consequences at cumulative cut/late by period)
2nd Incident	5 days Administrative Detention (Mandatory Parent Meeting and Police report)	1 day In School Suspension	1 day Out of School Suspension (if available)	Saturday Detention- assigned cut for each period and consequence at cumulative cut /late by period
3rd Incident	1 day Out of School suspension and police report (Mandatory Parent Meeting with Central Administration and Police report)	2 days out of School suspension and police report	2 days Out of School Suspension, police report	In School Suspension- assigned cut for each period and consequence at cumulative cut /late by period not attended

Late to School	Grades K-3	Grades 4-5	Grades 6-8	Grades 9-12
1st Incident (5 days)	Letter to Parent	Letter to Parent and 1 day Administrative Detention	Letter to Parent and 3 days Administrative Detention	N/A
2nd Incident (10 days)	Letter to Parent and 1 day Administrative Detention	Letter to Parent, Mandatory Meeting, and 3 days Administrative Detention	Letter to Parent and 5 days Administrative Detention	N/A
3rd Incident (15 days +)	Letter to Parent, Mandatory Meeting, I&RS	Letter to Parent, Mandatory Meeting, I&RS	Letter to Parent, Mandatory Meeting, I&RS	N/A

CODE OF STUDENT CONDUCT (continued)

	Referral and 3 days Administrative Detention	Referral and 5 days Administrative Detention	Referral, and 8 days Administrative Detention	
4th Incident (20 days)	Letter to Parent, Mandatory Meeting, I&RS Referral, Referral to Authorities and 3 days Administrative Detention	Letter to Parent, Mandatory Meeting, I&RS Referral, Referral to Authorities and 5 days Administrative Detention	Letter to Parent, Mandatory Meeting, I&RS Referral, Referral to Authorities and 8 days Administrative Detention	N/A

Late to Class	Grades K-3	Grades 4-5	Grades 6-8	Grades 9-12
1st Incident			4 lates = 1 day Teacher Detention	5 lates = 2 days of Administrative Detention (5 lates = 1cut
2nd Incident			5 lates = 1 day Administrative Detention	10 lates= 1 Saturday Detention (10 lates = 2 cuts)
3rd Incident			6+ lates = 3-5 days Administrative Detention	15 lates = In- School Suspension 15 lates = 3 cuts (full year course) 15 lates = Cum Cut Drop (semester course) 20 lates = 4 cuts, Cum cut drop (full year course)

Cutting Class (Unless cut is a result of student leaving school grounds)	Grades K-3	Grades 4-5	Grades 6-8	Grades 9-12
1st Incident		1 day Administrative Detention	2 days Administrative Detention	2 days Administrative Detention
2nd Incident		3 days Administrative Detention	5 days Administrative Detention	1 Saturday Detention
3rd Incident		1 day Out of	1 day Out of	Full Year Course =

CODE OF STUDENT CONDUCT (continued)

		School Suspension	School Suspension (if available)	1 day In School Suspension; Semester Course – Cum Cut Drop
4th Incident		1 day Out of School Suspension	1 day Out of School Suspension	Full Year Course = Cum Cut Drop

Note: A pupil may be dropped from a high school class with any combination of lates and cuts. For example, 10 lates and 2 cuts is the equivalent of 4 cuts and the Cum Cut Drop noted above shall apply.

B. INSUBORDINATION

Failure to Report to Teacher Detention	Grades K-3	Grades 4-5	Grades 6-8	Grades 9-12
1st Incident	1 days of Teacher Detention	2 days Administrative Detention	2 days Administrative Detention	2 days Administrative Detention
2nd Incident	2 day of Administrative Detention	3 days of Administrative Detention	4 days of Administrative Detention	1 Saturday Detention
3rd Incident	3 days of Administrative Detention	1 day of In School Suspension	1 day of Out of School Suspension or In School if available	1 day of In School Suspension
4th Incident	1 day of In School Suspension	1 day of Out of School Suspension	1 day of Out of School Suspension	2 days Out of School Suspension

Failure to Report to Administrative Detention	Grades K-3	Grades 4-5	Grades 6-8	Grades 9-12
1st Incident	Refer to Teacher Detention	2 days of Administrative Detention	3 days of Administrative Detention	2 days of Administrative Detention
2nd Incident	Refer to Teacher Detention	3 days of Administrative Detention	4 days of Administrative Detention	1 Saturday Detention
3rd Incident	Refer to Teacher Detention	5 days of Administrative Detention	1 day In School Suspension if available	1 Saturday Detention
4th – 5th Incident		1 day In School	1 day of Out of	1 Saturday

CODE OF STUDENT CONDUCT (continued)

		Suspension	School Suspension	Detention
6th – 9th Incident				1 day in school suspension
10th Incident and beyond				1 day out of school suspension

Failure to Report to a Saturday Detention (High School only)	Grades K-3	Grades 4-5	Grades 6-8	Grades 9-12
1st Incident				Reassign Saturday Detention; 1 day In School Suspension
2nd Incident				Reassign Saturday Detention; 2 days in school suspension
3rd Incident				Reassign Saturday; 1 day Out of School Suspension and a parent conference with the Principal

Defiance of Authority/Willful Disobedience/Insolence to Staff Member	Grades K-3	Grades 4-5	Grades 6-8	Grades 9-12
1st Incident	Referral to Guidance and Parent Contact	1-3 days Administrative Detention	2-3 days Administrative Detention	2 days Administrative Detention
2nd Incident	1 day of Administrative Detention	3-5 days Administrative Detention	1 day Out of School or In School (if available) Suspension	1 Saturday Detention
3rd Incident	3 days Administrative Detention and Mandatory Parent meeting	1 day In School Suspension	2 days Out of School Suspension	1 day In-School Suspension

CODE OF STUDENT CONDUCT (continued)

Failure to Follow Administrative Direction/Continued and willful disobedience	Grades K-3	Grades 4-5	Grades 6-8	Grades 9-12
1st Incident	Parent Contact 1 In School Suspension	1 day out of school suspension	1-2 days out of school suspension	2 days out of school suspension
2nd Incident	1 day out of school suspension	2 days out of school suspension	2-3 days out of school suspension	3 days out of school suspension
3rd Incident	2 days out of school suspension	3 days out of school suspension	3-5 days out of school suspension	5 days out of school suspension
Disruptive Behavior	Grades K-3	Grades 4-5	Grades 6-8	Grades 9-12
1st Incident	1 day Teacher Detention	1-2 day Administrative Detention	2 days Administrative Detention	2 days Administrative Detention
2nd Incident	1 day of Administrative Detention	2-3 days of Administrative Detention	3 days of Administrative Detention	1 Saturday Detention
3rd Incident	2-3 days of Administrative Detention	3-5 days of Administrative Detention	3-5 days of Administrative Detention	1 day In-School Suspension
4th Incident	3-5 days of Administrative Detention	1 day In-School Suspension	1 day Out of School Suspension	2 days Out of School Suspension

C. VANDALISM AND THEFT

Minor Vandalism/Graffiti	Grades K-3	Grades 4-5	Grades 6-8	Grades 9-12
1st Incident	2 days Administrative Detention and restitution	3 days Administrative Detention and restitution	1-5 days Administrative Detention and restitution	1 Saturday Detention and restitution
2nd Incident	1 day Out of School Suspension and restitution	1 day Out of School Suspension and restitution	1-3 day Out of School Suspension with restitution	1 -2 day(s) In-School Suspension and restitution and a police report
3rd Incident	2 days Out of School Suspension and restitution	2-3 days Out of School Suspension and restitution	4-5 days Out of School Suspension and restitution	2 days Out of School Suspension, restitution and a police report

CODE OF STUDENT CONDUCT (continued)

Malicious Mischief	Grades K-3	Grades 4-5	Grades 6-8	Grades 9-12
1st Incident	1 day Out of School Suspension	1 day Out of School Suspension	1-3 day Out of School Suspension	1-3 day Out of School Suspension
2nd Incident	1 day Out of School Suspension	2 days Out of School Suspension	3-5 days Out of School Suspension	3-5 days Out of School Suspension
3rd Incident	2 days Out of School Suspension and a police report	2-3 days Out of School Suspension and a police report	5-8 days Out of School Suspension and a police report	5-8 days Out of School Suspension and a police report
Theft	Grades K-3	Grades 4-5	Grades 6-8	Grades 9-12
1st Incident	1 day Out of School Suspension with restitution and police report	1 day Out of School Suspension with restitution and police report	1 day Out of School Suspension with restitution and police report	2 days Out of School Suspension with restitution and police report
2nd Incident	1-2 day(s) Out of School Suspension with restitution and a police report	1-2 day(s) Out of School Suspension with restitution and a police report	1-2 day(s) Out of School Suspension with restitution and a police report	3 days Out of School Suspension with restitution and a police report
3rd Incident	2-3 days Out of School Suspension with restitution and a police report	2-3 days Out of School Suspension with restitution and a police report	3-5 days Out of School Suspension with restitution and a police report	5 days Out of School Suspension with restitution and a police report
Use of Incendiary Devices	Grades K-3	Grades 4-5	Grades 6-8	Grades 9-12
1st Incident	5-10 days Out of School Suspension, referral to I&RS Team and police report	5-10 days Out of School Suspension, referral to I&RS Team and police report	5-10 days Out of School Suspension, referral to I&RS Team and police report	5-10 days Out of School Suspension, referral to I&RS Team and police report
2nd Incident	Out of School Suspension pending Board hearing to determine placement	Out of School Suspension pending Board hearing to determine placement	Out of School Suspension pending Board hearing to determine placement	Out of School Suspension pending Board hearing to determine placement

CODE OF STUDENT CONDUCT (continued)

D. INAPPROPRIATE BEHAVIOR

Profanity/Obscene Gestures/Vulgarity	Grades K-3	Grades 4-5	Grades 6-8	Grades 9-12
1st Incident	1 day of Administrative Detention	2-3 day of Administrative Detention	3-5 days out of school Detention	1 Saturday Detention
2nd Incident	2-3 days of Administrative Detentions	4-5 days of Administrative Detention	1 day Out of School or In School (if available) Suspension	1 day In-School Suspension
3rd Incident	3-5 days of Administrative Detentions	1-3 days Out of School Suspension	1-3 days Out of School Suspension	1-3 days Out of School Suspension

Profanity/Obscene Gestures/Vulgarity Directed at a Staff Member	Grades K-3	Grades 4-5	Grades 6-8	Grades 9-12
1st Incident	1 day of Administrative Detention and Parent Conference	1 day Out of School Suspensions	1-2 days Out of School Suspensions	2 days Out of School Suspensions
2nd Incident	1 day of Out of School Suspensions	2 days Out of School Suspensions	2-3 days Out of School Suspensions	3 days Out of School Suspensions
3rd Incident	2 days of Out of School Suspensions	3 days Out of School Suspension	4-5 days Out of School Suspension	5 days Out of School Suspension
Scuffle/Physical Misconduct	Grades K-3	Grades 4-5	Grades 6-8	Grades 9-12
1st Incident	3 days Administrative Detention	1-3 days In School Suspension	1-3 days Out of School Suspension	2 Days Out of School Suspension
2nd Incident	5 days Administrative Detention and I&RS Team referral	2-3 days Out of School Suspension	3 days Out of School Suspension	3 days Out of School Suspension
3rd Incident	1 day Out of School Suspension	2-3 days Out of School Suspension,	3-5 days Out of School	5 days Out of School

CODE OF STUDENT CONDUCT (continued)

		I&RS Team referral and police report	Suspension, I&RS Team referral and police report	Suspension, I&RS Team referral and police report
Fight	Grades K-3	Grades 4-5	Grades 6-8	Grades 9-12
1st Incident	1 day Out of School Suspension	1-3 days Out of School Suspension	3 days Out of School Suspension	3 days Out of School Suspension, up to 15 days Social Probation and police report
2nd Incident	2 days Out of School Suspension and I&RS Team referral	2-4 days Out of School Suspension	3-5 days Out of School Suspension	5 days Out of School Suspension, up to 1 school year Social Probation and police report
3rd Incident	3 days Out of School Suspension	3-5 days Out of School Suspension, I&RS referral and police report	5 days Out of School Suspension, I&RS referral and police report	Out of School Suspension pending BOE hearing to determine placement and police report
Assault	Grades K-3	Grades 4-5	Grades 6-8	Grades 9-12
1st Incident	2 days Out of School Suspension, Referral to I&RS, and a police report	3 days Out of School Suspension and a police report	5 days Out of School Suspension and a police report	Minimum 5 days Out of School Suspension, up to 15 days social probation and a police report
2nd Incident	3 days Out of School Suspension, I&RS referral and a police report	5 days Out of School Suspension, I&RS referral and a police report	5-10 days Out of School Suspension, I&RS referral and a police report	7-10 days Out of School Suspension, I&RS referral, up to 1 school year social probation and a police report
3rd Incident	5 days Out of School Suspension, I&RS referral and	5-8 days Out of School Suspension, I&RS referral and	8-10 days Out of School Suspension,	Out of School Suspension pending Board

CODE OF STUDENT CONDUCT (continued)

	police report	police report	I&RS referral and police report	hearing to determine placement and police report
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Threats, Bias, and Harassment

NOTE: If the offense is determined to be a bias incident, a police report and/or complaint will also be filed. If the offense is determined to be sexual harassment, a police report and/or complaint will also be filed. In all cases, the consequences will be administered in accordance with the severity of the incident.

Threat (Verbal, gestural, written or electronic, such as social media)	Grades K-3	Grades 4-5	Grades 6-8	Grades 9-12
1st Incident	1 day out of school suspension	1 day out of school suspension	1-2 days out of school suspension	2 days out of school suspension
2nd Incident	2 days out of school suspension, I&RS Referral	2 days out of school suspension, I&RS Referral	2-3 days out of school suspension, I&RS Referral	3 days out of school suspension, I&RS Referral
3rd Incident	3 days out of school suspension, I&RS Referral, police report filed.	3 days out of school suspension, I&RS Referral, police report filed.	4-5 days out of school suspension, I&RS Referral, police report filed.	5 days out of school suspension, I&RS Referral, police report filed.
Bias Incident	Grades K-3	Grades 4-5	Grades 6-8	Grades 9-12
1st Incident	1 day out of school suspension	1 day out of school suspension	1-2 days out of school suspension	2 days out of school suspension
2nd Incident	2 days out of school suspension, I&RS Referral	2 days out of school suspension, I&RS Referral	2-3 days out of school suspension, I&RS Referral	3 days out of school suspension, I&RS Referral
3rd Incident	3 days out of school suspension, I&RS Referral	3 days out of school suspension, I&RS Referral	4-5 days out of school suspension, I&RS Referral	5 days out of school suspension, I&RS Referral and up to one year social probation, police report filed.
Sexual Harassment	Grades K-3	Grades 4-5	Grades 6-8	Grades 9-12

CODE OF STUDENT CONDUCT (continued)

1st Incident	Referral to Guidance and I&RS	1 day out of school suspension	1-2 days out of school suspension	5 days out of school suspension, I&RS referral, police report filed
2nd Incident	Referral to Guidance and I&RS	2 days out of school suspension, I&RS Referral	2-3 days out of school suspension, I&RS Referral	5-10 days out of school suspension, I&RS Referral, police report filed.
3rd Incident	Referral to Guidance and I&RS	3 days out of school suspension, I&RS Referral	4-5 days out of school suspension, I&RS Referral	Out of school suspension pending Board of Education hearing to determine placement and police report filed.

E. Substance Abuse – All Grades

Use of Substance/Under the Influence of Drugs/Alcohol	Grades K-3	Grades 4-5	Grades 6-8	Grades 9-12
1st Incident		5 days Out of School Suspension, completion of an evaluation by the SAC and an appropriate rehabilitation protocol (see Board policy). Police report filed.	5 days Out of School Suspension, completion of an evaluation by the SAC and an appropriate rehabilitation protocol (see Board policy). Police report filed.	5 days Out of School Suspension, completion of an evaluation by the SAC and an appropriate rehabilitation protocol (see Board policy). Police report filed.
2nd Incident		Out of School Suspension (OSS) pending Board of Education hearing to determine placement.	Out of School Suspension (OSS) pending Board of Education hearing to determine placement.	Out of School Suspension (OSS) pending Board of Education hearing to determine placement.
Note: Failure to test within 24 hours is an automatic “positive.”				

CODE OF STUDENT CONDUCT (continued)

An altered or dilute sample will also be considered a drug and or alcohol “positive”				
Possession of a Controlled or Dangerous Substance or Alcohol – All Grades	Grades K-3	Grades 4-5	Grades 6-8	Grades 9-12
1st Incident	5-10 days Out of School Suspension pending Board of Education hearing to determine placement and a police complaint filed	5-10 days Out of School Suspension pending Board of Education hearing to determine placement and a police complaint filed	5-10 days Out of School Suspension pending Board of Education hearing to determine placement and a police complaint filed	5-10 days Out of School Suspension pending Board of Education hearing to determine placement and a police complaint filed
2nd Incident	Out of School Suspension pending Board of Education hearing to determine placement and a police complaint filed	Out of School Suspension pending Board of Education hearing to determine placement and a police complaint filed	Out of School Suspension pending Board of Education hearing to determine placement and a police complaint filed	Out of School Suspension pending Board of Education hearing to determine placement and a police complaint filed
Possession with Intent to Distribute – All Grades	Grades K-3	Grades 4-5	Grades 6-8	Grades 9-12
1st Incident	Out of School Suspension pending Board of Education hearing to determine placement and a police complaint filed	Out of School Suspension pending Board of Education hearing to determine placement and a police complaint filed	Out of School Suspension pending Board of Education hearing to determine placement and a police complaint filed	Out of School Suspension pending Board of Education hearing to determine placement and a police complaint filed

CODE OF STUDENT CONDUCT (continued)

Smoking/Possession of Igniter, electronic cigarettes, smokeless tobacco or cigarettes	Grades K-3	Grades 4-5	Grades 6-8	Grades 9-12
1st Incident	1 day Out of School Suspension	1 day Out of School Suspension	1 day Out of School Suspension	Saturday detention
2nd Incident	2 days Out of School Suspension	1-2 days Out of School Suspension	1-2 days Out of School Suspension	1 day in school suspension; file police complaint (summons to appear in municipal court)
3rd Incident	3 days Out of School Suspension	2-3 days Out of School Suspension	2-3 days Out of School Suspension	2 days out of school suspension; file police complaint (summons to appear in municipal court); referral to SAC

F. Violation of the Technology Acceptable Use Agreement

Violation of the Technology Acceptable Use Agreement	Grades K-3	Grades 4-5	Grades 6-8	Grades 9-12
1st Incident	1 week suspension of technology privileges	1 week suspension of technology privileges and 3 days Administrative Detention	1 week suspension of technology privileges and 3 days Administrative Detention	2 week suspension of technology privileges and 1 Saturday
2nd Incident	2 weeks suspension of technology privileges	2 weeks suspension of technology privileges and 3 days Administrative Detention	2 weeks suspension of technology privileges and 3 days Administrative Detention	3 weeks suspension of technology privileges and 1 Saturday Detention
3rd Incident	3 weeks suspension of technology privileges	3 weeks suspension of technology privileges and 1 day Out of School	3 weeks suspension of technology privileges and 1 day Out of School	4 weeks suspension of technology privileges and 1

CODE OF STUDENT CONDUCT (continued)

		Suspension	Suspension	day In School Suspension
Severe Violation of Technology Acceptable Use Agreement	Grades K-3	Grades 4-5	Grades 6-8	Grades 9-12
1st Incident	2 days out of school suspension and a 2 week suspension of technology privileges	2 days out of school suspension and a 2 week suspension of technology privileges	2 days out of school suspension and a 2 week suspension of technology privileges	2 days out of school suspension and a 2 week suspension of technology privileges
2nd Incident	3 days out of school suspension and a 3 week suspension of technology privileges	3 days out of school suspension and a 3 week suspension of technology privileges	3 days out of school suspension and a 3 week suspension of technology privileges	3 days out of school suspension and a 3 week suspension of technology privileges
3rd Incident	5 days out of school suspension and a 4 week suspension of technology privileges	5 days out of school suspension and a 4 week suspension of technology privileges	5 days out of school suspension and a 4 week suspension of technology privileges	5 days out of school suspension and a 4 week suspension of technology privileges

G. Academic Integrity – All Grades

The District considers violations of the Academic Integrity Policy to be serious offenses and has therefore instituted the following consequences. The consequences apply on a schoolwide and districtwide basis, i.e., a violation in one class follows a pupil to a different class within the school, and a violation at one school follows a pupil to a different school within the District. Additionally, violations of the Academic Integrity Policy are cumulative for all the years a pupil is enrolled in the Sayreville Public Schools.

First Offense

1. The pupil will have a reduction in grade/credit (up to, and including, an “F” grade/“0” credit) on the assignment, exam, test, or quiz based upon the teacher’s grading system.
2. The teacher will confer with the pupil and contact the parent/guardian by phone or e-mail to review the academic dishonesty incident within two school days of becoming aware of the incident.
3. The teacher will submit a written referral, with appropriate documentation, to an administrator who will meet with the pupil and the counselor, and document the

CODE OF STUDENT CONDUCT (continued)

incident/follow-up action in the pupil information software system.

4. Disciplinary actions may include, but are not limited to, a warning and a signed pupil/parental statement that acknowledges the violation/penalty, and indicates an understanding of further consequences for any subsequent offenses. Additionally, a pupil will be suspended from school, even on a first offense, if a violation has occurred in the following areas:
 - a. Alteration or falsification, or attempted alteration/falsification, of records (e.g., transcripts)
 - b. Theft, or attempted theft, of records or testing materials (exams/tests/quizzes)
5. The pupil may be barred from participation or having a leadership role in a club, scholarship group, pupil government, athletic team, or other extracurricular activity for a period of one year from date of the violation.
6. A first offense for pupils enrolled at Sayreville War Memorial High School shall prohibit admission into the National Honor Society during the pupil's Junior year. However, the pupils' may be considered for admission in their senior year if all other required criteria are met for admission.

Second Offense

Consequences listed in the First Offense and one or more of the following:

1. A conference will be held with an administrator, parent/guardian, teacher, counselor, and pupil, and the incident/follow-up action will be documented in the pupil information system.
2. If both the first and second offenses occurred in the same class, the pupil shall be dropped from the class with a grade of "F."
3. The pupil will be suspended from school.
4. If both offenses occurred while the pupil was enrolled at Sayreville War Memorial High School, the pupil shall not be considered for admission into the National Honor Society.

Third/Continuing Offenses

Consequences listed in the First Offense and one or more of the following:

1. A conference will be held with an administrator, parent/guardian, teacher, counselor, and pupil, and the incident/follow-up action will be documented in the pupil information system.
2. If more than one offense occurred in the same class, the pupil shall be dropped from the class with a grade of "F."
3. The pupil will be suspended from school.
4. The pupil may be referred to the Board of Education's pupil discipline committee recommendations and/or additional consequences.

H. Possession of and/or Unauthorized Use of Cell Phone

CODE OF STUDENT CONDUCT (continued)

Grades K-8:

Unauthorized Possession or Use of Cell Phone/Electronic Device	Grades K-3	Grades 4-5	Grades 6-8	Grades 9-12
1st Incident	2-3 day Administrative Detention, phone confiscated and only returned to parent.	2-3 day Administrative Detention, phone confiscated and only returned to parent.	2-3 day Administrative Detention, phone confiscated and only returned to parent.	1 day Saturday detention (Phone confiscated and parent conference required to obtain return of phone)
2nd Incident	3-5 days Administrative Detention, phone confiscated and only returned to parent	3-5 days Administrative Detention, phone confiscated and only returned to parent	3-5 days Administrative Detention, phone confiscated and only returned to parent	1 day in school suspension (Phone confiscated and parent conference required to obtain return of phone)
3rd Incident	10 days Administrative Detention, phone confiscated and only returned to parent	10 days Administrative Detention, phone confiscated and only returned to parent	10 days Administrative Detention, phone confiscated and only returned to parent	2 days out of school suspension (Phone confiscated and parent conference required to obtain return of phone)

Note: At the discretion of the administration and depending on the availability of personnel, any Middle School Out-of-School Suspension may become an In-School Suspension.

I. Weapons Use and/or Possession (Refer to Policy 5131.7 for more specific details, if needed.)

A "weapon" includes but is not limited to those items enumerated in N.J.S.A. 2C:39-1f and N.J.S.A. 2C:39-1r. This definition includes items capable of causing harm of bodily injury for which there is no educational purpose and/or was observed to have been displayed or used as a

CODE OF STUDENT CONDUCT (continued)

weapon.

Grades K-12:

Level 1: Weapons Use and/or Possession (Refer to Policy 5131.7 for more specific details, if needed.) commits an assault upon a teacher, administrator, Board member, other employee or another pupil, with a weapon, as defined in Policy 5131.7 on any school property, on a school bus or at any Board approved/school sponsored activity in or out of district.

Level 2: A minimum of ten (10) days out-of-school suspension and a hearing before a committee of the Board of Education will be required for any pupil found to be in possession of any weapon described in Policy 5131.7 on any school property, on a school bus or at any Board approved/school sponsored activity in or out of district.

Given extenuating circumstances, principals may recommend to the Superintendent a reduced penalty and/or a waiver of the Board hearing.

The above Consequences for Inappropriate Behaviors serve only as a guideline. Please be aware that the Administration reserves the right to interpret and consequence students beyond the scope of the Consequences above in order to maintain the safety, order and discipline of the school.

NOTE: All Reward Activities and Special End-of-Year Activities, such as proms, dances, field days, etc. are privileged events and will be denied to students with specific numbers of disciplinary infractions. Check your school's Student Handbook regarding the requirements for participation.

All suspensions, removals and expulsions will follow the guidelines outlined in Regulation 5131.

J. Parking on school grounds without a parking permit

Parking on school grounds without a parking permit	Grades K-3	Grades 4-5	Grades 6-8	Grades 9-12
1st Incident				administrative warning and sticker on car
2nd Incident				1 day in school suspension and sticker on car
3rd Incident				2 days out of school suspension and sticker on car

K. Harassment, Intimidation and Bullying

Incidents of alleged Harassment, Intimidation and Bullying shall be consequence in accordance with the specific disciplinary infraction outlined in this regulation which may or may not have resulted in an affirmative finding of Harassment, Intimidation and Bullying.

CODE OF STUDENT CONDUCT (continued)

Student Rights

- A. Students have the right to be informed of the behaviors that will result in suspension and expulsion. This will be provided by the copy of the Code of Conduct that they will read and sign annually. Student handbooks at the high school and middle school clearly explain and define these behaviors in terms appropriate for their respective grade levels.
- B. Students are entitled to an education that supports students' development into productive citizens.
- C. Students are entitled to learn in a safe school environment.
- D. Students are entitled to attend school irrespective of students' marriage, pregnancy or parenthood.
- E. Students are entitled to due process and appeals procedures, pursuant to N.J.A.C. 6A:1.3 through 1.17, N.J.A.C. 6A:4 and, where applicable, N.J.A.C. 6A:14-2.7 and 2.8.
- F. Students are entitled to parent notification consistent with the policies and procedures established pursuant to N.J.A.C. 6A:16-6.2(b)3; and
- G. Protections pursuant to 20 U.S.C. §1232h and 34 CFR Part 98, Protection of Pupil Rights Amendment; N.J.A.C. 6:3-6, Pupil Records, 45 CFR §160, Health Insurance Portability and Accountability Act; 20 U.S.C. §6301, Title IV(A)IV §4155 of the Elementary and Secondary Education Act as reauthorized under the No Child Left Behind Act; 42 CFR Part 2, Confidentiality of Alcohol and Drug Abuse Patient Records; N.J.S.A. 18A:40A-7.1, School-based drug and alcohol abuse counseling ; information from participants; disclosure, N.J.A.C. 6A:16-3.2, Confidentiality of student alcohol and other drug information; N.J.S.A. 18A:36-19, Creation; Pupil Records, Maintenance and Retention, Security and Access; Regulations ; Non-Liability; N.J.A.C. 6A:14-2.9, Student Records; as well as other existing Federal and State laws pertaining to student protections.

Staff Responsibilities

- A. The Board of Education shall delineate the roles and responsibilities of each staff member in the implementation of the Code of Student Conduct. It shall also provide to all school staff training annually on the Code of Student Conduct, which shall include training on the prevention, intervention, and remediation of student conduct in violation of the Board's Code of Student Conduct.
- B. Information on the Code of Student Conduct shall be incorporated into the orientation program for new employees.
- C. Staff should explain and discuss with students acceptable and unacceptable school behaviors.
- D. Staff should model the behaviors expected of their students.
- E. Staff should be consistent in enforcing the Code of Student Conduct.

CODE OF STUDENT CONDUCT (continued)

F. Staff should reinforce and recognize positive student behaviors.

Student Attendance Requirements

Under the NJ Administrative Code (6:8-4,2), Board of Education shall establish pupil requirements for the minimum number of days in attendance in order to receive a passing grade in a subject. Sayreville Board of Education Policy 515, Promotion and Retention, directs that parents of pupils who have been in attendance fewer than 162 days during the school year be notified of possible retention. All absences, except for religious holidays defined by the State Board of Education shall count as days absent when calculating that total. Absences for purposes of this policy shall include any legitimate absences from school, truancy, cuts, or unexcused lateness to a class of more than half of the class period. All absences count equally in calculating the minimum attendance rate. High school students must pay particular attention to their period attendance to ensure they comply with the required number of days of attendance to receive course credit for quarter, semester and full year courses.

These regulations recognize that the learning experience which takes place in the classroom environment is an essential part of the student's responsibility and to realize that time lost from class in terms of educational opportunity is irretrievable. Parents of students with chronic medical conditions with medical certification may apply annually for an attendance accommodation or 504 Plan which will be reviewed and considered on a case-by-case basis by the school nurse, administration and Director of Special Services.

It is recognized that there are definite unavoidable circumstances, which may prevent a student from attending school. However, all of the work missed should be completed at the initiative of the student within the same number of days absent, but not to exceed 10 school days. If midterm or final exams need to be taken after an illness documented by a doctor's note, no more than two exams will be taken in a single day. Vacations which prevent a student from meeting the 162 days of attendance will result in retention, unless the student receives the required hours of tutoring to meet the 162 day requirement. The tutoring, at the parents' personal expense, must be done by a NJ certified and highly qualified teacher who has been approved by the building principal.

A student who is absent is required to present to the homeroom teacher as written excuse upon returning to school. It must be dated, give the reason for the absence, and must be signed by the parent or guardian. Extended and/or frequent absences may require a doctor's note. Failure to provide the appropriate documentation for a day's absence will result in the child being declared truant for the day and count as 1 day of unexcused absence.

Student Attendance Appeals

Students who exceed the allowable absences are permitted to appeal their loss of grade, courses and/or credits. The appeal must first be made to the building principal for students in grades K-8. High School students must follow the appeals procedure outlined in their student handbook.

School Responses to Absences

- A. For up to four (4) unexcused absences, the school shall:
1. Make a reasonable attempt to notify the student's parents of each absence prior to the start of the next school day.
 2. Conduct an investigation of the cause of each unexcused absence, including contact with

CODE OF STUDENT CONDUCT (continued)

- the student's parents;
3. Develop an action plan in consultation with the student's parents designed to address patterns of unexcused absences, if any, and to have the child return to school and maintain regular attendance.
 4. Proceed in accordance with the provisions of N.J.S.A. 9:6-1 et seq. and N.J.A.C. 6A:16-11, if child abuse and neglect is suspected; and
 5. Cooperate with law enforcement and other authorities and agencies, as appropriate;
- B. For between five (5) and nine (9) unexcused absences, the school shall:
1. Make a reasonable attempt to notify the student's parents of each unexcused absence prior to the start of the following school day;
 2. Conduct a follow-up investigation, including contact with the student's parents to determine the cause of each unexcused absence;
 3. Evaluate the appropriateness of the action plan developed pursuant to 1C above;
 4. Revise the action plan, as needed, to identify patterns of unexcused absences and establish outcomes based upon the student's needs and specify the interventions for achieving the outcomes, supporting the student's return to school and regular attendance that may include any or all of the following:
 - a. Refer or consult with the building's Intervention and Referral Services (I&RS) team, pursuant to N.J.A.C. 6A:16-8;
 - b. Conduct testing assessments or evaluations of the student's academic, behavioral and health needs;
 - c. Consider an alternate educational placement;
 - d. Make a referral to a community-based social and health provider agency or other community resource.
 - e. Refer to the court program designated by the New Jersey Administrative Office of the Courts; and proceed in accordance with the provisions of N.J.S.A. 9:6 and N.J.A.C. 6A:16-11, if child abuse and neglect is suspected; and
 - f. Cooperate with law enforcement and other authorities and agencies, as appropriate.
- C. For cumulative unexcused absences of 10 or more days, the student is truant, pursuant to N.J.S.A. 18A:38-27, and the school district shall:
1. Make a mandatory referral to the court program required by the New Jersey Administrative Office of the Courts;
 2. Make a reasonable attempt to notify the student's parents of the mandatory referral;
 3. Continue to consult with the parent and the involved agencies to support the student's return to school and regular attendance;
 4. Cooperate with law enforcement and other authorities and agencies, as appropriate; and
 5. Proceed in accordance with N.J.S.A. 18A:38-28 through 31, Article 3B, Compelling Attendance at School, and other applicable State and Federal Statutes, as required.
- D. For students with disabilities, the attendance plan and punitive and remedial procedures set forth therein shall be applied, where applicable, in accordance with the students' Individualized Education Programs, pursuant to 20 U.S.C. §1400, the Individuals with Disabilities Act; the procedural protections set forth in N.J.A.C. 6A:14, accommodation plans under 29 U.S.C. §794 and 705(20); and individualized health care plans, pursuant to N.J.A.C. 6A:16-2(e)1x.
1. All receiving schools pursuant to N.J.A.C. 6A:14-7.1(a), shall act in accordance with the regulations above for each student with up to four (4) cumulative unexcused absences.

CODE OF STUDENT CONDUCT (continued)

- a. For each student attending a receiving school with five (5) or more cumulative unexcused absences, the absences shall be reported to the sending district.
- b. The sending district shall proceed in accordance with the Board of Education policies and procedures pursuant to the provisions in 1-3 above, as appropriate.

Intimidation, Harassment and Bullying

In accordance with N.J.S.A. 18A:37-14 and N.J.A.C. 6A:16-1.3, the Board of Education has adopted Policy 5131.1 prohibiting any student from engaging in any act or behavior of harassment, intimidation, or bullying towards other students or staff. Electronic medium shall include, but is not limited to, telephones, cellular phones, cellular-camera phones, text messaging devices, computers, the internet, e-mail, and digital cameras. Bullying is unwanted, aggressive behavior that may involve a real or perceived power imbalance. Harassment, intimidation or bullying means any gesture or written, verbal, electronic or physical act that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory handicap, or by any other distinguishing characteristic that takes place on school grounds, at any school-sponsored function or on a school bus, or off school grounds, in accordance with law, that substantially disrupts or interferes with the orderly operation of the school or the rights of other students, and that::

- A. is motivated by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability; or,
- B. by any other distinguishing characteristic; and
- C. a reasonable person should know, under the circumstances, will have the effect of harming a student or damaging the student's property, or placing a student in reasonable fear of harm to his person or damage to his property; or
- D. has the effect of insulting or demeaning any student or group of students in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school.

Appropriate Behaviors

The Board expects students to conduct themselves in keeping with their levels of development, maturity and demonstrated capabilities with a proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment consistent with the Student Responsibilities listed in this Code and the six pillars of the Character Education Program.

The Board believes that standards for student behavior must be set cooperatively through interaction among the students, parents/guardians, staff and community members, producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for Board and community property on the part of students, staff and community members.

CODE OF STUDENT CONDUCT (continued)

Procedures for Reporting Acts of Harassment, Intimidation and Bullying

The school principal and/or the principal's designee at each school is responsible for receiving complaints alleging student or staff violations of this policy. All school employees as well as all other members of the school community, including students, parents, volunteers and visitors, are required to report alleged violations of this policy to the principal, the principal's designee or the District Anti-Bullying Coordinator. While submission of the report form is not required, the reporting party is encouraged to use the report form available from the principal of each building or available at the school district's central office. Oral reports also shall be considered official reports. Reports may be made anonymously, but formal action for violations of the Code of Student conduct may not be based solely on the basis of an anonymous report.

The Board requires the principal and/or the principal's designee to be responsible for determining whether an alleged act constitutes a violation of this policy. In so doing, the principal and/or the principal's designee shall conduct a prompt, thorough and complete investigation of each alleged incident.

Appropriate Remedial Actions

The Board requires its school administrators to implement procedures that ensure both the appropriate consequences and remedial responses for students who commit one or more acts of harassment, intimidation or bullying, consistent with the Code of Student Conduct, and the consequences and remedial responses for staff members who commit one or more acts of harassment, intimidation or bullying. The following factors, at a minimum, shall be given full consideration by school administrators in the implementation of appropriate consequences and remedial measures for each act of harassment, intimidation or bullying by students.

Appropriate consequences and remedial actions for student or staff are those that are graded according to the severity of the offenses, consider the developmental ages of the offenders and students' histories of inappropriate behaviors. Appropriate remedial actions are cited in Policy 5131.1 which include but is not limited to behavioral assessments or evaluation and supportive interventions and referral services including those at N.J.A.C. 6A:16-8 for students. Policy 4111.1 describes the consequences for staff that are involved in acts of harassment, intimidation or bullying and are usually handled by the District Anti-Bullying Coordinator.

The Board recognizes that some acts of harassment, intimidation or bullying may be isolated incidents requiring that the school officials respond appropriately to the individuals committing the acts. Other acts may be so serious or parts of a larger pattern of harassment, intimidation or bullying that they require a response either at the classroom, school building or school district levels or by law enforcement officials. Consequences and appropriate remedial actions for a student who commits an act of harassment, intimidation or bullying may range from positive behavioral interventions up to and including suspension or expulsion, as permitted under N.J.S.A.18A:37-1, Discipline of Pupils and as set forth in N.J.A.C. 6A:16-7.2, Short-term suspensions, N.J.A.C. 6A:16-7.3, Long-term Suspensions and N.J.A.C. 6A:16-7.5, Expulsions.

Concluding whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances. It is only after meaningful consideration of these factors that an appropriate consequence should be determined, consistent with case law, Federal and State statutes, regulations and policies, and Board policies and

CODE OF STUDENT CONDUCT (continued)

procedures.

A current list of community based legal, health, and social service provider agencies which support the student and the student's family is grade specific and available from the building principal, vice principal, guidance office and/or Student Assistance Counselor (SAC).

Prohibition of Reprisal or Retaliation

Both Policy 5131.1 and Policy 4111.1 prohibit reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the administrator after consideration of the nature, severity and circumstances of the act, in accordance with case law, Federal and State statutes and regulations and district policies and procedures.

Annual Policy Review and Training

The building principal will annually review the training needs of staff and students for the effective implementation of Policy 5131.1 and Policy 4111.1 regarding harassment, intimidation and bullying policies, procedures, programs and initiatives of the Board of Education.

Each building principal will annually discuss the school district's harassment, intimidation or bullying policy with his/her students and staff. The Anti-Bullying District Coordinator will annually review the extent and characteristics of harassment, intimidation and bullying behavior in the school buildings of the school district and implement, at the direction of the Superintendent, locally determined programmatic or other responses, if determined appropriate by the Board of Education.

These programs or other services shall be planned in consultation with parents, students and other community members, including appropriate community-based social and health provider agencies, law enforcement officials, school employees, school volunteers, students and school administrators, as appropriate.

Student Disciplinary Records and Confidentiality

When a student transfers to a public school district from another public school district, all information in the student's record related to disciplinary actions taken against the student by the district and any information the district has obtained pursuant to N.J.S.A. 2A:4A-60, Disclosure of juvenile information; penalties for disclosure, shall be provided to the receiving public school district, in accordance with the provisions of N.J.S.A. 18A:36-19a and N.J.A.C. 6:3-6.5(c)10iv. The record shall be provided within two (2) weeks of the date that the student enrolls in the receiving school district. Written consent of the parent or adult student shall not be required as a condition of the transfer of this information. Written notice of the transfer shall be provided to the parent or the adult student.

When a student transfers to a private school, which includes all sectarian or nonsectarian nonprofit institutional day or residential schools, that provide education for students placed by their parents and that are controlled by other than public authority, all student disciplinary records, with respect to suspension or expulsions, shall be provided by the public school district of residence to the private school upon written request from the private school, in the same

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manner as such records would be provided by a public school district of residence to a public school district, pursuant to 20 U.S.C. §6301. Title IV(A)IV §4155 of the Elementary and Secondary Education Act as reauthorized under the No Child Left Behind Act.

The Board of Education shall not use a student's past offenses on record to discriminate against that student. All records maintained shall conform with the requirements set forth at 20 U.S.C. §1232g and 34 CFR Part 99, Family Educational Rights and Privacy Act; 20 U.S.C. §1232h and 34 CFR Part 98, Protection of Pupil Rights Amendment, N.J.A.C. 6:3-6, Pupil Records, 45 CFR §160, Health Insurance Portability and Accountability Act, 20 U.S.C. §6301, Title IV(A)IV §4155 of the Elementary and Secondary Education Act as reauthorized under the No Child Left Behind Act; 42 CFR Part 2 Confidentiality of Alcohol and Drug Abuse Patient Records; N.J.S.A. 18A:40A-7.1, School-based drug and alcohol abuse counseling; information from participants; disclosure; N.J.A.C. 6A:16-3.2, Confidentiality of student alcohol and other drug information; N.J.S.A. 18A:36-19, Creation; Pupil Records; Maintenance and Retention, Security and Access; Regulations; Non-Liability; N.J.A.C. 6A:14-2.9, Student records and confidentiality.

"I have read and reviewed with my child the SAYREVILLE SCHOOL DISTRICT CODE OF STUDENT CONDUCT. My child and I understand that there are positive rewards for following school rules and regulations and specific consequences, if they are violated."

Print Student's Name: _____

Student's School: _____ Grade: _____

Parent's Signature: _____ Date: _____

Student's Signature: _____ Date: _____

Adopted: 7/21/09
Rev. 8/18/09

Community and Legal Resources for Parents

Family Support Organization of Middlesex County
1 Ethel Road, Suite 108A, Edison, New Jersey 08817 (732) 287-8701

First Step Counseling
15 Calvin Place, Metuchen, New Jersey 08840 (732) 549-0401

Strengthening Families Program through NCADD
East Brunswick, New Jersey (732) 249-7600

State of New Jersey, Department of Children and Families
Trenton, NJ (609) 588-2945

Division of Youth and Family Services
(877) 652-2873

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Central Jersey Legal Services, Inc.
317 George Street, Suite 201
New Brunswick, NJ (732) 249-7600

Possible

<u>Cross References:</u>	3541.33	Transportation safety
	5020	Role of parents/guardians
	5113	Absences and excuses
	5114	Suspension and expulsion
	5124	Reporting to parents/guardians
	5127	Commencement activities
	5131	Conduct/Discipline
	5131.1	Harassment, Intimidation or Bullying
	5131.5	Vandalism/violence
	5131.6	Drugs, alcohol, tobacco (substance abuse)
	5131.7	Weapons and dangerous instruments
	5145.4	Equal educational opportunity
	5145.11	Questioning and apprehension
	5145.12	Search and seizure
	6164.4	Child study team
	6171.4	Special education
	6172	Alternative educational programs

Key Words

Conduct, Discipline, Pupil Conduct, Student Conduct, Pupil Behavior on School Bus, Pupil Transportation

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HARASSMENT, INTIMIDATION OR BULLYING

The Board of Education believes that a safe and civil environment in school is necessary for students to learn and achieve high academic standards. Since students learn by example, school administrators, faculty, staff, and volunteers are required to demonstrate appropriate behavior treating others with civility and respect, and refusing to tolerate harassment, intimidation or bullying. Harassment, intimidation or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment. Therefore, the school district will not tolerate acts of harassment, intimidation or bullying.

The Board of Education expects all students to treat each other with civility and respect and not to engage in behavior that is disruptive or violent. The Board expects students to conduct themselves in keeping with their level of maturity, with a proper regard for the rights and welfare of other students, for school personnel, for the educational purpose underlying all school activities, and for the care of school facilities and equipment.

The standards of character education are an essential component of the Sayreville Public School District's Code of Conduct. The Board believes that with the appropriate infusion of character education into the school curriculum, modeling of appropriate behavior by adults; support and assistance of students in school, the community and home; our students will achieve the above standards of character education.

The Board prohibits acts of harassment, intimidation or bullying against any student. School responses to harassment, intimidation and bullying shall be aligned with the Board approved code of student conduct which establishes standards, policies and procedures for positive student development and student behavioral expectations on school grounds, including on a school bus or at school sponsored functions. The Superintendent shall be responsible for ensuring the prompt investigation and response to all reports of harassment, intimidation and bullying committed on school grounds, at school activities and on school buses. In addition, the Superintendent shall ensure that this policy is applied to incidents of harassment, intimidation and bullying that are committed off school grounds in cases where a school employee is made aware of such actions. The Superintendent has the right and authority to impose a consequence on a student for conduct away from school grounds that is consistent with the board's approved code of student conduct, pursuant to N.J.A.C. 6A:16-7.1 and N.J.A.C. 6A:16-7.6.

This authority shall be exercised only when it is reasonably necessary for the student's physical or emotional safety, security and well-being or for reasons relating to the safety, security and well-being of other students, staff or school grounds, pursuant to N.J.S.A. 18A:25-2 and 18A:37-2

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and when the conduct which is the subject of the proposed consequence materially and substantially interferes with the requirements of appropriate discipline in the operation of the school. The Board directs the Superintendent or his or her appropriately trained and qualified designee to develop detailed regulations suited to the age level of the students and the physical facilities of the individual schools.

Bullying is unwanted, aggressive behavior that may involve a real or perceived power imbalance. "Harassment, intimidation or bullying" is defined as any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on school grounds, at any school-sponsored function or on a school bus, or off school grounds, in accordance with law, that substantially disrupts or interferes with the orderly operation of the school or the rights of other students, and that:

- A. A reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or emotional harm to his/her person or damage to his/her property; or
- B. Has the effect of insulting or demeaning any student or group of students; or
- C. Creates a hostile educational environment for the student by interfering with the student's education or by severely or pervasively causing physical or emotional harm to the student.

"Electronic communication" means a communication that is transmitted by means of an electronic device, including, but not limited to a telephone, cellular phone, computer, or pager.

Consequences and Remedial Measures for Acts of Harassment, Intimidation or Bullying

Students

Consequences and remedial measures for a student who commits an act of harassment, intimidation or bullying shall be varied and graded according to the nature of the behavior, the developmental age of the student and the student's history of problem behaviors and performance. Consequences shall be consistent with the board approved code of student conduct and N.J.A.C. 6A:16-7. Consequences and remedial measures shall be designed to:

- A. Correct the problem behavior;
- B. Prevent another occurrence of the problem;
- C. Protect and provide support for the victim of the act; and
- D. Take corrective action for documented systemic problems related to harassment, intimidation or bullying.

Consequences and appropriate remedial actions for a student who commits an act of

HARASSMENT, INTIMIDATION OR BULLYING (continued)

harassment, intimidation or bullying may range from positive behavioral interventions up to and long-term suspension or expulsion, as permitted by law. The consequences and remedial measures may include, but are not limited to:

A. Consequences

1. Admonishment;
2. Temporary removal from the classroom;
3. Deprivation of privileges;
4. Classroom or administrative detention;
5. Referral to disciplinarian;
6. In-school suspension during the school week or the weekend;
7. After-school programs;
8. Out-of-school suspension (short-term or long-term);
9. Legal action; and
10. Expulsion.

B. Remedial Measures

1. Personal
 - a. Restitution and restoration;
 - b. Mediation;
 - c. Peer support group;
 - d. Recommendations of a student behavior or ethics council;
 - e. Corrective instruction or other relevant learning or service experience;
 - f. Supportive student interventions, including participation of the intervention and referral services team;
 - g. Behavioral assessment or evaluation, including, but not limited to, a referral to the child study team, as appropriate;
 - h. Behavioral management plan, with benchmarks that are closely monitored;
 - i. Assignment of leadership responsibilities (e.g., hallway or bus monitor);

HARASSMENT, INTIMIDATION OR BULLYING (continued)

- j. Involvement of school disciplinarian;
 - k. Student counseling;
 - l. Parent conferences;
 - m. Student treatment; or
 - n. Student therapy.
2. Environmental (Classroom, School Building or School District)
- a. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation or bullying;
 - b. School culture change;
 - c. School climate improvement;
 - d. Adoption of research-based, systemic bullying prevention programs;
 - e. School policy and procedures revisions;
 - f. Modifications of schedules;
 - g. Adjustments in hallway traffic;
 - h. Modifications in student routes or patterns traveling to and from school;
 - i. Supervision of students before and after school, including school transportation;
 - j. Targeted use of monitors (e.g., hallway, cafeteria, locker room, playground, school perimeter, bus);
 - k. Teacher aides;
 - l. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
 - m. General professional development programs for certificated and non-certificated staff;
 - n. Professional development plans for involved staff;
 - o. Disciplinary action for school staff who contributed to the problem;
 - p. Supportive institutional interventions, including participation of the intervention and referral services team;

HARASSMENT, INTIMIDATION OR BULLYING (continued)

- q. Parent conferences;
- r. Family counseling;
- s. Involvement of parent-teacher organizations;

Classified students are subject to the same disciplinary procedures as nondisabled students and may be disciplined in accordance with their IEP. However, before disciplining a classified student, it must be determined that:

- A. The student's behavior is not primarily caused by his/her educational disability;
- B. The program that is being provided meets the student's needs.

Staff

Consequences and appropriate remedial actions for any staff member who commits an act of harassment, intimidation or bullying may range from positive behavioral interventions up to disciplinary charges which could result in suspension or termination. The consequences and remedial measures may include, but are not limited to:

- A. Consequences
 - 1. Admonishment;
 - 2. Temporary removal from the classroom;
 - 3. Deprivation of privileges;
 - 4. Referral to disciplinarian;
 - 5. Withholding of Increment
 - 6. Suspension;
 - 7. Legal action; and
 - 8. Termination
- B. Remedial Measures
 - 1. Personal
 - a. Restitution and restoration;
 - b. Mediation;
 - c. Support group;

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- d. Recommendations of behavior or ethics council;
 - e. Corrective action plan;
 - f. Behavioral assessment or evaluation;
 - g. Behavioral management plan, with benchmarks that are closely monitored;
 - h. Involvement of school disciplinarian;
 - i. Counseling;
 - j. Conferences;
 - k. Treatment; or
 - l. Therapy.
2. Environmental (Classroom, School Building or School District)
- a. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation or bullying;
 - b. School culture change;
 - c. School climate improvement;
 - d. Adoption of research-based, systemic bullying prevention programs;
 - e. School policy and procedures revisions;
 - f. Modifications of schedules;
 - g. Supervision;
 - h. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
 - i. General professional development programs for certificated and non-certificated staff;
 - j. Professional development plans for involved staff;
 - k. Disciplinary action;
 - l. Supportive institutional interventions, including participation of the intervention and referral services team;
 - m. Conferences;

HARASSMENT, INTIMIDATION OR BULLYING (continued)

n. Counseling;
Reporting Harassment, Intimidation and Bullying Behavior

The Superintendent, principal and/or their designee shall be responsible for receiving complaints alleging violations of this policy.

The Board shall allow reports to be anonymous, but no formal disciplinary action shall be based solely on an anonymous report. Any school employee, board member, contracted service provider, student, visitor or volunteer who has witnessed, or has reliable information that a student has been subject to harassment, intimidation or bullying, must report the incident to the building principal or his/her designee.

The following procedures shall apply to the reporting of incidents of harassment, intimidation and bullying:

- A. All acts of harassment, intimidation, or bullying shall be reported verbally to the school principal on the same day when the school employee or contracted service provider witnessed or received reliable information regarding any such incident;
- B. The principal shall inform the parents or guardians of all students involved in the alleged incident, and may discuss, as appropriate, the availability of counseling and other intervention services; and
- C. All acts of harassment, intimidation, or bullying shall be reported in writing to the school principal within two school days of when the school employee or contracted service provider witnessed or received reliable information that a student had been subject to harassment, intimidation, or bullying.

A board member, school employee, contracted service provider, student or volunteer who has witnessed, or has reliable information that a student has been subject to, harassment, intimidation or bullying shall report the incident to the building principal and any appropriate school official, or to any school administrator or safe schools resource officer, who shall immediately initiate the school district's procedures concerning school bullying.

A board member or a school employee who promptly reports an incident of harassment, intimidation or bullying, to the appropriate school official designated by the school district's policy, or to any school administrator or safe schools resource officer, and who makes this report in compliance with the procedures in this policy, shall be immune from a cause of action for damages arising from any failure to remedy the reported incident.

A school administrator who receives a report of harassment, intimidation, or bullying from a district employee, and fails to initiate or conduct an investigation, or who should have known of an incident of harassment, intimidation, or bullying and fails to take sufficient action to minimize or eliminate the harassment, intimidation, or bullying, may be subject to disciplinary action.

District Anti-Bullying Coordinator

The Superintendent shall appoint a district anti-bullying coordinator. The Superintendent shall make every effort to appoint an employee of the school district to this position. The district

HARASSMENT, INTIMIDATION OR BULLYING (continued)

antibullying coordinator shall:

- A. Be responsible for coordinating and strengthening the school district's policies to prevent, identify, and address harassment, intimidation, and bullying of students;
- B. Collaborate with school anti-bullying specialists in the district, the board of education, and the Superintendent to prevent, identify, and respond to harassment, intimidation, and bullying of students in the district;
- C. Provide data, in collaboration with the Superintendent, to the Department of Education regarding harassment, intimidation, and bullying of students; and
- D. Execute such other duties related to school harassment, intimidation, and bullying as requested by the Superintendent.

The district anti-bullying coordinator shall meet at least twice a school year with the school antibullying specialists in the district to discuss and strengthen procedures and policies to prevent, identify, and address harassment, intimidation, and bullying in the district.

School Anti-Bullying Specialist

The principal in each school shall appoint a school anti-bullying specialist. When a school guidance counselor, school psychologist, or another individual similarly trained is currently employed in the school, the principal shall appoint that individual to be the school anti-bullying specialist. If no individual meeting these criteria is currently employed in the school, the principal shall appoint a school anti-bullying specialist from currently employed school personnel. The school anti-bullying specialist shall:

- A. Chair the school safety team;
- B. Lead the investigation of incidents of harassment, intimidation, and bullying in the school; and
- C. Act as the primary school official responsible for preventing, identifying, and addressing incidents of harassment, intimidation, and bullying in the school.

School Safety/School Climate Team

The district shall form a school safety/school climate team in each school to develop, foster, and maintain a positive school climate by focusing on the on-going, systemic process and practices in the school and to address school climate issues such as harassment, intimidation, or bullying. The school safety team shall meet at least two times per school year.

The school safety/school climate team shall be appointed by the principal and consist of the principal or his or her designee who, if possible, shall be a senior administrator; a teacher in the school; the school anti-bullying specialist; a parent of a student in the school; and other members to be determined by the principal. The school anti-bullying specialist shall serve as the chair of the school safety team.

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The school safety team shall:

- A. Receive any complaints of harassment, intimidation, or bullying of students that have been reported to the principal;
- B. Receive copies of any report prepared after an investigation of an incident of harassment, intimidation, or bullying;
- C. Identify and address patterns of harassment, intimidation, or bullying of students in the school;
- D. Review and strengthen school climate and the policies of the school in order to prevent and address harassment, intimidation, or bullying of students;
- E. Educate the community, including students, teachers, administrative staff, and parents, to prevent and address harassment, intimidation, or bullying of students;
- F. Participate in the training required pursuant to the provisions of (N.J.S.A.18A:37-13 et seq.) and other training which the principal or the district anti-bullying coordinator may request;
- G. Collaborate with the district anti-bullying coordinator in the collection of district-wide data and in the development of district policies to prevent and address harassment, intimidation, or bullying of students; and
- H. Execute such other duties related to harassment, intimidation, and bullying as requested by the principal or district anti-bullying coordinator.

No parent/guardian who is a member of the school safety team shall:

- A. Receive complaints of harassment, intimidation or bullying of students that have been reported to the principal;
- B. Receive copies of reports prepared after an investigation of a harassment, intimidation or bullying incident;
- C. Identify and address patterns of harassment, intimidation or bullying of students; or
- D. Participate in any other activities of the team which may compromise the confidentiality of a student.

Investigating Reported Harassment, Intimidation and Bullying

All reported incidents of harassment, intimidation and bullying shall be investigated promptly and in accordance with law and the following procedures:

- A. All investigations shall be thorough and complete, and documented in writing, and shall include, but not be limited to:

HARASSMENT, INTIMIDATION OR BULLYING (continued)

1. Taking of statements from victims, witnesses and accused;
 2. Careful examination of the facts;
 3. Support for the victim; and
 4. Determination if alleged act constitutes a violation of this policy.
- B. The investigation shall be initiated by the principal or the principal's designee within one school day of the report of the incident and shall be conducted by a school anti-bullying specialist. The principal may appoint additional personnel who are not school anti-bullying specialists to assist in the investigation.
- C. The investigation shall be completed as soon as possible, but not later than 10 school days from the date of the written report of the incident of harassment, intimidation, or bullying. In the event that there is information relative to the investigation that is anticipated but not yet received by the end of the 10-day period, the school anti-bullying specialist may amend the original report of the results of the investigation to reflect the information.
- D. The results of the investigation shall be reported to the Superintendent within two school days of the completion of the investigation, and in accordance with law and board policy. The Superintendent may initiate intervention services, establish training programs to reduce harassment, intimidation, or bullying and enhance school climate, impose discipline, order counseling as a result of the findings of the investigation, or take or recommend other appropriate action.
- E. The results of each investigation shall be reported to the board of education no later than the date of the next board meeting following the completion of the investigation, and include:
1. Any services provided;
 2. Training established;
 3. Discipline imposed; or
 4. Other action taken or recommended by the Superintendent.
- F. The Superintendent or his or her designee shall ensure that parents or guardians of the students who are parties to the investigation shall receive information about the investigation. This information shall be provided in writing within 5 school days after the results of the investigation are reported to the board and include:
1. The nature of the investigation;
 2. Whether the district found evidence of harassment, intimidation, or bullying; or
 3. Whether discipline was imposed or services provided to address the incident of harassment, intimidation, or bullying.

HARASSMENT, INTIMIDATION OR BULLYING (continued)

Range of Ways to Respond to Harassment, Intimidation or Bullying

The Board of Education recognizes that some acts of harassment, intimidation or bullying may be isolated incidents requiring that the school officials respond appropriately to the individuals committing the acts and provide support programs for victims. Other acts may be so serious or parts of a larger pattern of harassment, intimidation or bullying that they require a response either at the classroom, school building or school district levels or by law enforcement officials. In considering whether a response beyond the individual is appropriate, the administrator shall consider the nature and circumstances of the act, the degree of harm, the nature and severity of the behavior, past incidences or past or continuing patterns of behavior, and the context in which the alleged incident(s) occurred. Institutional (i.e., classroom; school building; school district) responses include:

- A. School and community surveys;
- B. Mailings;
- C. Focus groups;
- D. Adoption of research-based bullying prevention program models;
- E. Training for certificated and non-certificated staff;
- F. Participation of parents and other community members and organizations;
- G. Small or large group presentations for staff, students, and the community for fully addressing a positive school climate and culture as well as the issues surrounding harassment, intimidation and bullying in the school community; and
- H. The involvement of law enforcement officers, including school resource officers.

For every incident of harassment, intimidation or bullying, the district shall respond to the individual who committed the act. Responses may include:

- A. Individual responses can include positive behavioral interventions (e.g., peer mentoring, short-term counseling, life skills groups) and punitive actions (e.g., detention, in-school or out-of-school suspension, expulsion);
- B. Classroom responses can include class discussions about an incident of harassment, intimidation or bullying, role plays, research projects, observing and discussing audio-visual materials on these subjects and skill-building lessons in courtesy, tolerance, assertiveness and conflict management;
- C. School responses can include theme days, learning station programs, parent programs and information disseminated to students and parents, such as fact sheets or newsletters explaining acceptable uses of electronic and wireless communication devices;
- D. District-wide responses can include community involvement in policy review and development, professional development programs, adoption of curricula and school-wide

HARASSMENT, INTIMIDATION OR BULLYING (continued)

programs and coordination with community-based organizations (e.g., mental health; health services; health facilities; law enforcement; faith-based).

The range of ways in which the school shall respond once an incident of harassment, intimidation or bullying is identified shall be defined by the principal in conjunction with the school anti-bullying specialist, and shall include an appropriate combination of counseling, support services, intervention services, and other programs as defined by the commissioner.

Retaliation and Reprisal Prohibited

The Board prohibits reprisal or retaliation or false accusation against any person who witnesses and/or reports an act of harassment, intimidation or bullying by any student, school employee, board member, contracted service provider, visitor or volunteer. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation or false accusation shall be determined by the Superintendent and/or principal or their designee after consideration of the nature, severity and circumstances of the act, in accordance with case law and board policies and procedures.

Any act of retaliation or reprisal or false accusation against any person who reports an act of harassment, intimidation or bullying shall not be tolerated. Any student, school employee, board member, contracted service provider, volunteer or visitor who engages in the act of retaliation or reprisal or who falsely accuses another shall be subjected to consequence and appropriate remedial action. In cases where any state or federal law has allegedly been violated, the local law enforcement agency shall be notified.

A. Students

The consequences and appropriate remedial action for a student found to have engaged in retaliation, reprisal and/or falsely accused another as a means of harassment, intimidation or bullying shall be varied and graded according to the nature of the behavior, the developmental age of the student and the student's history of problem behaviors and performance, and shall be consistent with this policy. Consequences may include positive behavioral interventions, notification of the parents/guardians, up to and including short or long-term suspension or expulsion, as permitted by law;

B. School Employees

Consequences and appropriate remedial action for a school employee found to have engaged in retaliation, reprisal and/or falsely accused another as a means of harassment, intimidation or bullying shall be determined in accordance with district policies, procedures and agreements, up to and including suspension or dismissal from service;

C. Board Members

Consequences and appropriate remedial action for a board member found to have committed an act of harassment, intimidation, or bullying; or found to have engaged in retaliation, reprisal and/or falsely accused another as a means of harassment, intimidation or bullying shall be determined in accordance with district policies, procedures and agreements, up to and including a public sanction or filed ethics charges;

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D. Visitors, Volunteers, Contracted Service Providers, and All Other Persons

Consequences and appropriate remedial action for a visitor, volunteer, contracted service providers and all other persons found to have engaged in harassment, intimidation or bullying; or engaged in retaliation, reprisal and/or falsely accused another as a means of harassment, intimidation or bullying shall be determined by the Superintendent after consideration of the nature, severity and circumstances of the act, including reports to appropriate law enforcement officials.

Consequences and remediation for students, employees, board members, visitors, volunteers, and contracted service providers, engaging in harassment, intimidation or bullying or engaged in retaliation, reprisal and/or false accusations may include the following:

A. Consequences

1. Admonishment;
2. Temporary removal from the classroom or school;
2. Deprivation of privileges
4. Prohibited from access to the school facilities (visitors, vendors, board members, all other people);
5. Classroom or administrative detention;
6. Referral to disciplinarian;
7. In-school suspension during the school week or the weekend;
8. After-school programs;
9. Out-of-school suspension (short-term or long-term);
10. Legal action;
11. Withholding of Increment;
12. Suspension;
13. Expulsion;
14. Termination;
15. Termination of service agreements or contracts (vendors, volunteers);
16. Public sanction (board members);

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17. Ethics charges (some administrators, board members).

B. Remedial Measures

1. Personal

- a. Restitution and restoration;
- b. Mediation;
- c. Peer support group;
- d. Recommendations of a student behavior or ethics council;
- e. Corrective instruction or other relevant learning or service experience;
- f. Supportive student interventions, including participation of the intervention and referral services team;
- g. Behavioral assessment or evaluation, including, but not limited to, a referral to the child study team, as appropriate;
- h. Behavioral management plan, with benchmarks that are closely monitored;
- i. Assignment of leadership responsibilities (e.g., hallway or bus monitor);
- j. Involvement of school disciplinarian;
- k. Counseling;
- l. Conferences;
- m. Treatment; or
- n. Therapy.

2. Environmental (Classroom, School Building or School District)

- a. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation or bullying;
- b. School culture change;
- c. School climate improvement;
- d. Adoption of research-based, systemic bullying prevention programs;
- e. School policy and procedures revisions;

HARASSMENT, INTIMIDATION OR BULLYING (continued)

- f. Modifications of schedules;
- g. Supervision;
- h. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
- i. General professional development programs for certificated and non-certificated staff;
- j. Professional development plans for involved staff;
- k. Disciplinary action;
- l. Supportive institutional interventions, including participation of the intervention and referral services team;
- m. Conferences;
- n. Counseling;

Appeal Process

The parent or guardian may request a hearing before the Board after receiving the information from the Superintendent regarding the investigation. The hearing shall be held within 10 days of the request. The Board shall meet in executive session for the hearing to protect the confidentiality of the students. At the hearing the board may hear from the school anti-bullying specialist about the incident, recommendations for discipline or services, and any programs instituted to reduce such incidents.

At the next Board of Education meeting following its receipt of the report, the Board shall issue a decision, in writing, to affirm, reject, or modify the Superintendent's decision. The Board's decision may be appealed to the Commissioner of Education, in accordance with law, no later than the 90 days after the issuance of the Board's decision.

A parent, student, guardian, or organization may file a complaint with the Division on Civil Rights within 180 days of the occurrence of any incident of harassment, intimidation, or bullying based on membership in a protected group as enumerated in the "Law Against Discrimination."

Approved Private Schools For Students With Disabilities (PSSDs)

The Board is committed to ensuring that all district students that require placement in approved private schools for students with disabilities (PSSD) have the safe and civil environment in their school placement necessary for students to learn and achieve high academic standards. All approved PSSDs receiving students with disabilities from this district shall be committed to treating their students with civility and respect, and shall refuse to tolerate harassment, intimidation or bullying.

When an approved PSSD receives a complaint or report of an act of harassment, intimidation, or

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bullying involving a district student placed in the approved PSSD that occurred on a district school bus, at a district school-sponsored function and off school grounds, the approved PSSD shall notify the anti-bullying coordinator of the report or complaint.

The Superintendent shall assign a school anti-bullying specialist to investigate a complaint or report of harassment, intimidation, or bullying, occurring on district school buses, at district school-sponsored functions, and off school grounds involving a student who attends an approved PSSD. The investigation conducted by the district anti-bullying specialist shall be in consultation with the approved PSSD.

The full-time non-teaching principal of the approved PSSD shall report to the anti-bullying coordinator and the child study team director, any complaint or report of an act of harassment, intimidation, or bullying involving a district student placed in the approved PSSD that occurred at the PSSD or an activity sponsored by the PSSD. The report shall include the names of the district students who are parties to the harassment, intimidation, or bullying investigation and the results of each investigation. The principal of the approved PSSD shall make this report to the district anti-bullying coordinator and to the student's parents/guardians no later than five school days following the investigation's completion. The report to the district shall include information on any service(s) provided; training established; and, discipline imposed or other action taken or recommended by the full-time non-teaching principal of the PSSD.

Once an incident of harassment, intimidation, or bullying is identified, the full-time non-teaching principal of the approved PSSD shall determine the appropriate response to address the individual circumstances in consultation and conjunction with appropriate district staff, as necessary. The approved PSSD shall not, pursuant to N.J.A.C. 6A:14-7.6(f), unilaterally implement disciplinary action involving removal to an interim alternative educational setting, suspension of more than 10 consecutive or cumulative school days in a school year or termination of placement. Disciplinary action involving suspension and expulsion from the approved PSSD shall be implemented in conjunction with the district and according to law (N.J.A.C. 6A:14-2.8) and board policies 5114 Suspension and Expulsion and 6171.4 Special Education.

Parents or guardians of students who are parties to a harassment, intimidation, or bullying investigations conducted by this district or an approved PSSD in which their child is placed may request a hearing before the Board of Education concerning the information received about an investigation. Any request for a hearing before the Board of Education shall be filed within 60 calendar days after the written information about the harassment, intimidation, or bullying investigation is received by the district and the parents or guardians. The hearing before the Board shall be scheduled in collaboration with the approved PSSD and held by the Board within 10 business days of the request. The approved PSSD and the board shall coordinate the policies and procedures for conducting such hearings.

Week of Respect

The week beginning with the first Monday in October of each year is designated as a "Week of Respect" in the State of New Jersey. The district, in order to recognize the importance of character education, shall observe the week by providing age-appropriate instruction focusing on preventing harassment, intimidation, or bullying as defined by law (N.J.S.A. 18A:37-14). Throughout the school year the district shall provide ongoing age-appropriate instruction focusing

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on preventing harassment, intimidation, and bullying in accordance with the Core Curriculum Content Standards.

Training

A. School Leaders

Any school leader who holds a position that requires the possession of a Superintendent, principal, or supervisor endorsement shall complete training on issues of school ethics, school law, and school governance as part of the professional development for school leaders required in accordance with State Board of Education regulations. This training shall also include information on the prevention of harassment, intimidation, and bullying (N.J.S.A. 18A:26-8.2).

B. Teaching Staff Development

Each public school teaching staff member shall complete at least two hours of instruction in suicide prevention, to be provided by a licensed health care professional with training and experience in mental health issues, in each professional development period. The instruction in suicide prevention shall include information on the relationship between the risk of suicide and incidents of harassment, intimidation, and bullying and information on reducing the risk of suicide in students who are members of communities identified as having members at high risk of suicide (N.J.S.A. 18A:6-112).

C. Board Members

Within one year after being newly elected or appointed or being re-elected or re-appointed to the board of education, a board member shall complete a training program on harassment, intimidation, and bullying in schools, including a school district's responsibilities as required by law (N.J.S.A. 18A:37-13 et seq.). A board member shall be required to complete the program only once (N.J.S.A. 18A:12-33).

D. Staff, Student and Volunteer Training

The school district shall:

1. Provide training on the school district's harassment, intimidation, or bullying policy to school employees and volunteers who have significant contact with students;
2. Provide ongoing staff training, in cooperation with the Department of Education, in fulfilling the reporting requirements;
3. Ensure that the training includes instruction on preventing bullying on the basis of the protected categories as required by law (N.J.S.A.18A:37-14) and other distinguishing characteristics that may incite incidents of discrimination, harassment, intimidation, or bullying; and
4. Develop a process for discussing the district's harassment, intimidation or bullying policy with students.

HARASSMENT, INTIMIDATION OR BULLYING (continued)

Information regarding the school district policy against harassment, intimidation or bullying shall be incorporated into a school's employee training program and shall be provided to full-time and part-time staff, volunteers who have significant contact with students, and those persons contracted by the district to provide services to students.

Throughout the school year, the district shall provide ongoing age-appropriate instruction on preventing harassment, intimidation and bullying, consistent with the Core Curriculum Content Standards.

Reporting to the Board

Two times each year between September 1 and January 1 and between January 1 and June 30, the school board shall hold a public hearing at which the Superintendent will report to the board of education all acts of violence, vandalism, and harassment, intimidation, or bullying (HIB) which occurred during the previous reporting period. The report shall include the number of HIB reports in the schools, the status of all investigations, the nature of the HIB, and other data required by law.

- A. The number of reports of harassment, intimidation, or bullying;
- B. The status of all investigations;
- C. The nature of the bullying based on one of the protected categories identified in N.J.S.A. 18A:37-14 such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic;
- D. The names of the investigators;
- E. The type and nature of any discipline imposed on any student engaged in harassment, intimidation, or bullying; and
- F. Any other measures imposed, training conducted, or programs implemented, to reduce harassment, intimidation, or bullying.

Reporting to the Department of Education

The information, including but not limited to, oral reports, written reports or electronic reports shall also be reported once during each reporting period between September 1 and January 1 and between January 1 and June 30, to the Department of Education. The report shall include:

- A. Data broken down by the enumerated categories including the protected categories as listed above and the type of harassment, intimidation and bullying (any gesture; any written, verbal or physical act; or any electronic communication, whether it be a single or series of incidents); and
- B. Data broken down by each school in the district, in addition to district-wide data.

The report shall be used to grade each school for the purpose of assessing its effort to implement

HARASSMENT, INTIMIDATION OR BULLYING (continued)

policies and programs consistent with law (N.J.S.A. 18A:37-13 et seq.). The district shall receive a grade determined by averaging the grades of all the schools in the district.

Each school shall post the grade received by the school and the overall district grade on the homepage of the school's website. The district shall post all the grades for each school of the district and the overall district grade on the homepage of the district's website. A link to the report shall be available on the district's website. The information shall be posted on the websites within 10 days of the receipt of a grade by the school and district.

It shall be a violation to improperly release any confidential information not authorized by federal or State law for public release.

The Superintendent will annually submit the report to the Department of Education utilizing the Student Safety Data System (SSDS). The Superintendent shall accurately report on each incident of violence, vandalism, alcohol and other drug abuse, and incident of harassment intimidation and bullying within the school district. Any allegations of falsification of data will be reviewed by the board of education using the requirements and procedures set forth in N.J.A.C. 6A:16-5.3(g).

The State Board of Education shall impose penalties on any school employee who knowingly falsifies the report. Therefore, the Superintendent shall make a reasonable effort to verify reports of violence, vandalism, and harassment, intimidation, or bullying. The board shall provide ongoing staff training, in cooperation with the Department of Education, in fulfilling the reporting requirements. The majority representative of the school employees shall have access monthly to the number and disposition of all reported acts of school violence, vandalism, and harassment, intimidation, or bullying.

Program Assessment and Review

Schools and school districts shall annually establish, implement, document, and assess bullying prevention programs or approaches, and other initiatives involving school staff, students, administrators, volunteers, parents, law enforcement and community members. The programs or approaches shall be designed to create school-wide conditions to prevent and address harassment, intimidation, and bullying.

Policy Development and Review

The district harassment, intimidation and bullying policy shall be adopted through a process that includes representation of parents or guardians, school employees, volunteers, students, administrators, and community representatives.

The district shall annually conduct a re-evaluation, reassessment, and review of this policy, making any necessary revisions and additions. The board shall include input from the school anti-bullying specialists in conducting its re-evaluation, reassessment, and review. The district shall transmit a copy of the revised policy to the appropriate executive county superintendent within 30 school days of the revision (beginning September 1, 2011).

Publication, Dissemination and Implementation

HARASSMENT, INTIMIDATION OR BULLYING (continued)

In publicizing this policy, the community including students, staff, board members, contracted service providers, visitors and volunteers, shall be duly notified that the rules detailed within apply to any incident of harassment intimidation and bullying that takes place on school grounds, at any school-sponsored function or on a school bus, or off school grounds that substantially disrupts or interferes with the orderly operation of the school or the rights of other students in accordance with law.

The Superintendent shall take the following steps to publicize this policy:

- A. Provide a link to this policy on a prominent place on the district website;
- B. Provide a link to this policy on a prominent place on each school's website;
- C. Distribute this policy annually to all staff, students and parents/guardians; and
- D. Print this policy in any district publication that sets forth the comprehensive rules, procedures and standards of student conduct and in student handbooks;

The district shall notify students and parents/guardians that the policy is available on the district's website. The district shall publish the name, school phone number, school address and school email address of the district anti-bullying coordinator on the home page of the district website. Each school within the district shall publish the name, school phone number, school address and school email address of the district anti-bullying coordinator and their school anti-bullying specialist on the home page of the school's website. The information concerning the district antibullying coordinator and the school anti-bullying specialists shall also be maintained on the Department of Education's website.

Additionally, the district shall make available, in an easily accessible location of its website, the Department of Education's guidance document for the use by parent/guardians, students and district staff to assist in resolving complaints concerning student harassment, intimidation or bullying.

The Superintendent shall ensure that the rules for this policy are applied consistently with the district's code of student conduct (N.J.A.C. 6A:16-7) and all applicable laws and regulations. All disciplinary sanctions shall be carried out with necessary due process.

This and all related policies shall be reviewed on a regular basis.

HARASSMENT, INTIMIDATION OR BULLYING (continued)

Possible

<u>Cross References:</u>	3541.33	Transportation safety
	5114	Suspension and expulsion
	5124	Reporting to parents/guardians
	5131	Conduct/Discipline
	R5131	Student Behavior on School Bus
	5131.5	Vandalism/violence
	5131.7	Weapons and dangerous instruments
	5145.4	Equal educational opportunity
	5145.6	Student grievance procedure
	5145.11	Questioning and apprehension
	5145.12	Search and seizure
	6145	Extracurricular activities
	6164.4	Child study team
	6171.4	Special education
	6172	Alternative educational programs

Key Words

Conduct, Discipline, Student Conduct, Student Conduct, Student Behavior on School Bus, Bullying, Intimidation, Harassment, Bus Driver, Weapons and Dangerous Instruments

Date Adopted: 08/23/2005

Date Revised: 11/21/2007, 12/16/2008, 08/18/2009, 12/15/2009, 08/16/2011, 02/20/2018

PUPIL BEHAVIOR ON SCHOOL BUS

The driver of a school bus shall be in authority with regard to pupil behavior in or about the vehicle which he/she operates. He/she shall report disorderly or unmanageable pupil conduct to the principal of the school in which the pupil is enrolled. Such conduct by a pupil shall be good cause for the principal to suspend the privilege of riding any school bus by the pupil for a period not to exceed one semester; however, drivers may not administer disciplinary action and shall continue, except in extreme emergencies, to transport a student until disciplinary action is administered by the school. It shall be the responsibility of the parents of pupils in such cases, to provide transportation to and from school during the period of bus suspension.

- A. All drivers will be provided with the form "Notice of Unsatisfactory Conduct on School Bus".
- B. In the event a pupil's conduct on a bus is unsatisfactory, the "Notice" form shall be completed in quadruplicate by the driver and distributed as follows: first through third copies to the principal of the school which pupil attends; the principal shall transmit one copy to the parent; fourth copy to the Supervisor of Transportation.
- C. In all cases, the pupil shall be notified by the driver when a citation is to be issued.
- D. One copy of the "Unsatisfactory Conduct" form shall be signed by the parent and returned to the school principal. In all such cases, a pupil shall be permitted to continue to ride the bus until transportation privileges have been denied by action taken by the appropriate school administrator.
- E. It shall be the responsibility of the principal or delegate to take immediate appropriate disciplinary action. The recommended sequence of disciplinary action for misbehavior is as follows:
 - 1. First "Notice": Counsel pupil. One school day bus suspension. Parent notified.
 - 2. Second "Notice": Conference with pupil and parent. Three school days bus suspension.
 - 3. Third "Notice": Parent conference. Suspend pupil's bus privilege for not less than five school days nor more than the equivalent of one semester or the balance of the school year.
- F. In cases of severe misconduct, any of the above sequence may be omitted. The principal or delegate, may temporarily suspend the pupil's bus privilege until appropriate disciplinary action is taken. The pupil's parent should be immediately notified of the temporary suspension.

PUPIL BEHAVIOR ON SCHOOL BUS (continued)

- G. Immediately after taking disciplinary action, the principal or delegate shall sign and shall indicate the disciplinary action taken on the two copies of the form. These copies shall be distributed as follows: original (parent signed copy) to the pupil's file; second and third copies to the Supervisor of Transportation within five days after report of the incident; third copy is forwarded to the driver by the Supervisor of Transportation.

Possible

Cross References:

- 3541.33 Transportation safety
- 5020 Role of parents/guardians
- 5113 Absences and excuses
- 5114 Suspension and expulsion
- 5124 Reporting to parents/guardians
- 5127 Commencement activities
- 5131 Conduct/Discipline
- 5131.1 Harassment, Intimidation or Bullying
- 5131.5 Vandalism/violence
- 5131.6 Drugs, alcohol, tobacco (substance abuse)
- 5131.7 Weapons and dangerous instruments
- 5145.4 Equal educational opportunity
- 5145.11 Questioning and apprehension
- 5145.12 Search and seizure
- 6164.4 Child study team
- 6171.4 Special education
- 6172 Alternative educational programs

Key Words

Conduct, Discipline, Pupil Conduct, Student Conduct, Pupil Behavior on School Bus, Pupil Transportation

Date Adopted: 09/15/2009

Date Revised:

VANDALISM/ARSON/VIOLENCE

Vandalism/Arson

The Board of Education views vandalism/arson against school property by pupils as reprehensible. The causes of such misbehavior often are complex, calling for careful study by parents/guardians, school staff and appropriate community officials.

The Board believes that pupils should respect property and take pride in the schools of this district. Whenever a pupil has been found to have done willful and malicious damage to property of the Board, the principal of the school shall notify Superintendent. The Board will hold the pupil or his/her parents/guardians liable for the damage caused by him/her.

When vandalism/arson is discovered, the administration is directed to take such steps as are necessary to identify the vandals. If pupils have taken part in the vandalism/arson, the appropriate administrator shall:

- A. Identify the pupils involved;
- B. Call together persons, including the parents/guardians, needed to study the causes;
- C. Decide upon disciplinary and/or legal action possibly including suspension. Should parents/guardians fail to cooperate in the discussions, the administration may charge the pupil with being delinquent by a petition stating the offense and requesting appearance in juvenile court;
- D. Take any constructive actions needed to try to guard against further such pupil misbehavior;
- E. Seek appropriate restitution.

Violence

Physical violence including assault with or without a weapon, against another pupil, a staff member or board member is prohibited and will result in the disciplinary sanctions included in policies on suspension and expulsion and conduct/discipline. Disruptive behavior that is characterized by verbal or physical violence, even though not directed toward another person, should be reported by the classroom teacher to the building principal or his/her designee, so that possible program adjustments may be identified.

VANDALISM/ARSON/VIOLENCE (continued)

Any pupil who is convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm or found knowingly in possession of a firearm or any school property or on a school bus or at a school-sponsored function shall be immediately removed from the school's regular education program for a period of not less than one calendar year. The Superintendent may modify this suspension on a case-by-case basis. Each pupil so removed shall be placed in an alternative educational program or on home instruction and shall be entitled to a hearing before the Board.

Any school employee observing or having direct knowledge from a participant or victim of an act of violence in the Sayreville Public Schools should complete the standard report form and submit it to the school principal who is responsible for preparing the official report to the Superintendent.

The Board shall provide ongoing staff training, in cooperation with the Department of Education, in fulfilling the reporting requirements pursuant to N.J.S.A. 18A:17-46.

Two times each school year between September 1 and January 1 and between January 1 and June 30, the school board shall hold a public hearing at which the Superintendent reports to the Board of Education all acts of violence, vandalism, and harassment, intimidation, or bullying (HIB) which occurred during the previous reporting period. The report shall include the number of HIB reports in the schools, the status of all investigations, the nature of the HIB, and other data required by law.

Threats of Violence

The Board is committed to promoting healthy relationships and a safe learning environment. Therefore, it shall not tolerate pupil threats of harm to self or others or other threatening behaviors, including threats to damage school property. Threatening behaviors shall not be tolerated on school property or at activities under the jurisdiction of the Board of Education.

Pupils shall inform a teacher, guidance counselor or principal when he/she is in possession of knowledge of such threats. Staff shall immediately notify the principal of any threat or threatening behavior that he/she has knowledge of, has witnessed or received. All such threats shall be promptly reported to the appropriate law enforcement agency.

Pupils who perpetrate threatening behaviors shall be disciplined in accordance with policy and regulations on suspension and expulsion and conduct/discipline.

School Violence Awareness Week

This school district shall observe School Violence Awareness Week, the week beginning on the third Monday in October of each year. Organized activities focused on the prevention of school violence will be offered to students, employees and board members. Local law enforcement personnel will be invited to participate.

Violence and Vandalism Reporting

The Superintendent will annually submit a report utilizing the Electronic Violence and Vandalism Reporting system (EVVRS) accurately reporting on each incident of violence, vandalism and alcohol and other drug abuse within the school district. Any allegations of falsification of data will

VANDALISM/ARSON/VIOLENCE (continued)

be reviewed by the Board of Education using the requirements and procedures set forth in N.J.A.C. 6A:16-5.3(g). Board action shall be based on a consideration of the nature of the conduct, the circumstances under which it occurred, and the employee's prior employment record.

Implementation

The Superintendent shall oversee the development of implementing regulations on all aspects of this policy, including the establishment of procedures for cooperation between school staff and law enforcement officials for all situations involving firearms or other deadly weapons.

No employee of this district shall be disciplined or discriminated against as a consequence of having reported an act/threat of violence pursuant to law and this policy.

Possible

<u>Cross References:</u>	1120	Board of education meetings
	3250	Income from fees, fines, charges
	5114	Suspension and expulsion
	5124	Reporting to parents/guardians
	5131	Conduct/discipline
	R5131.5	Assaults upon Board Employees or Board Members
	5131.6	Drugs, alcohol, tobacco (substance abuse)
	5131.7	Weapons and dangerous instruments
	6114	Emergencies and disaster preparedness
	6172	Alternative educational programs

Key Words

Conduct, Discipline, Pupil Conduct, Student Conduct, Vandalism, Violence, Arson

Date Adopted: 08/23/2005

Date Revised: 09/06/2011

ASSAULTS UPON BOARD EMPLOYEES OR BOARD MEMBERS

The Board of Education is committed to providing a safe school environment to all district employees. To provide this environment, the Board of Education will implement the Safe Schools initiative – Chapter 128 of the 1995 laws of New Jersey.

In accordance with N.J.S.A. 18A:37-2.1 as amended by Chapter 128:

- A. Any pupil who commits an assault, as defined pursuant to N.J.S.A. 2C:12-1, upon a teacher, administrator, board member or other employee of a Board of Education, acting in the performance of his duties and in a situation where his authority to so act is apparent, or as a result of the victim's relationship to an institution of public education of this State, not involving the use of a weapon or firearm, shall be immediately suspended from school consistent with the procedural due process pending suspension or expulsion proceedings before the local Board of Education. Said proceedings shall take place no later than 30 calendar days following the day on which the pupil is suspended. The decision of the Board shall be made within five days after the close of the hearing. Any appeal of the decision of the Board shall be made within five days after the close of the hearing. Any appeal of the board's decision shall be made to the Commissioner of Education within 90 days of the Board's decision. The provisions herein shall be construed in a manner consistent with 20 U.S.C. 1400, et seq.

- B. Whenever a teacher, administrator, board member, other employee of a Board of Education or a labor representative on behalf of an employee makes an allegation in writing that the board member or employee has been assaulted by a pupil, the principal shall file a written report of the alleged assault with the district's Superintendent of Schools. The Superintendent to whom the alleged assault is reported or, if there is no Superintendent in the district, the principal who received the allegation from the board member, employee, or labor representative shall report the alleged assault to the Board of Education at its next regular meeting provided that the name of the pupil who allegedly committed the assault, although it may be disclosed to the members of the Board of Education, shall be kept confidential at the public Board of Education meeting.

Any person who fails to file a report of an alleged assault as required pursuant to this subsection may be liable to disciplinary action by the Board of Education of the district. (cf: P.L. 1995, c. 128, s.5)

ASSAULTS UPON BOARD EMPLOYEES
OR BOARD MEMBERS (continued)

Possible

<u>Cross References:</u>	1120	Board of Education meetings
	5114	Suspension and expulsion
	5124	Reporting to parents/guardians
	5131	Conduct/discipline
	5131.5	Vandalism/Violence
	5131.7	Weapons and dangerous instruments
	6172	Alternative educational programs

Key Words

Conduct, Discipline, Pupil Conduct, Student Conduct, Violence, Assault, Teacher Assault, Employee assault, Board Member Assault

Date Adopted: 08/23/2005

Date Revised:

VANDALISM/ARSON

The Board of Education adopted this regulation to contend and deal with the problem of arson and vandalism and the destruction, defacing, and injury to school district property.

- A. In the construction and interpretation of this regulation, the following words shall, unless repugnant in the context, or unless another and different meaning is expressly given or stated, have the meaning herein given to them:
1. "Vandalism" shall mean the destruction, cutting, defacing, or otherwise injuring any school building or part thereof, the property therein, the school grounds, or other school district real property, or any other property belonging to the school district wheresoever situated.
 2. "Arson" shall mean the malicious burning or setting on fire of any building owned or operated by the Board of Education including any part thereof or the contents therein whether owned by the Board of Education or others.
 3. "Property" shall include every matter or thing, whether real or personal, belonging to, in the custody of, leased, rented, or loaned to the School District or any unit thereof.
 4. "Shall" is intended to mean a mandatory command throughout this regulation.
- B. This regulation shall apply to all acts of arson and vandalism heretofore or hereafter committed, whether committed during the time school is in session or any other time.
- C. The Superintendent of Schools shall administer this regulation and shall dispose of such matters in accordance with the terms of this resolution.
- D. Each citizen and resident in the Borough is called upon to cooperate with the Board of Education and the Sayreville Borough Police Department by immediately reporting any incidents of arson and vandalism and the names of the person or persons believed to be responsible for such conduct.
- E. Each school principal shall submit, in writing, to the Superintendent of Schools a full and detailed report of any arson and vandalism or injury or damage to school property, including damage to a school building, furniture, equipment or other property.
- F. The Superintendent of Schools shall submit a copy of the said report to the Police Department of the Borough of Sayreville, and in those cases, where she/he deems such action necessary, shall sign a criminal complaint to be processed in a Criminal Court or the

VANDALISM/ARSON (continued)

Juvenile and Domestic Relations Court.

- G. The Superintendent of Schools shall obtain an estimate of the cost of repairs of any damage or injury to school property or equipment.
- H. The Superintendent shall forward a bill for the cost of such damage or damages to the responsible party or parties and to their parents or guardians, requiring payment off the amount of such damage or injury within ten days. If the arson or vandalism is committed by a pupil or pupils enrolled in the Borough schools, the Superintendent shall suspend such pupil or pupils until the damages are paid in full, or adequate arrangements are made with the Superintendent for such payment.
- I. If payment is not made within ten days or adequate arrangements are not made for payment in full, the Superintendent of Schools shall inform the attorney for the Board of Education that payment has not been made and the attorney shall forthwith commence, on behalf of the Board of Education, a civil action to recover from the responsible party or parties and their parents or guardians the amount of damage or injury sustained by the Board of Education, together with the costs of such action.
- J. It is also the policy of the Board of Education to offer a reward for information regarding the party or parties involved in certain acts of arson or vandalism. Prior to offering a reward, the procedure to be followed shall be:
 - 1. The Superintendent of Schools or his/her designee shall make a report to the Board of Education that the particular act of vandalism or arson has not been solved by normal means and in the opinion of the administration is an appropriate act which would permit the offering of a reward to persons supplying information leading to the arrest and conviction of the guilty party or parties.
 - 2. It then is incumbent upon the Board of Education to review such matter and give instructions to the administrator to offer said reward.
 - 3. The reward shall be in the amount of \$500.00.
 - 4. The cases where rewards shall be offered shall be limited to serious acts of arson or vandalism resulting in physical damage in the amount of \$500.00 or more except as noted herein.
 - 5. The Board of Education, upon recommendation of the Superintendent of Schools, may offer a reward less than \$500.00 to those persons designated in subsection (1) hereof who offer information for those incidents causing physical damage less than \$500.00.
 - 6. The Board of Education shall delegate the authority for the announcement of the reward to the President of the Board of Education or to the Superintendent of Schools after the meeting above described.
 - 7. The announcement of such reward should be made as soon as possible after the acts occur with the understanding that the widest dissemination should be made to the news media.
 - 8. The term conviction shall not only mean a finding of guilty by a jury but shall also

VANDALISM/ARSON (continued)

include a plea of guilty, an admission of guilt but no formal conviction such as is the case in a pre-trial intervention procedure, or in such similar situations.

- K. It shall be the policy of the Board of Education not to release the name of the informant to anyone but the proper law enforcement authorities.
- L. The Superintendent of Schools shall prepare the necessary wording for any stickers or other signs to be posted on Board of Education property with regard to the offering of a reward by the Board of Education for acts of arson and vandalism subject to Board of Education approval.

Possible

<u>Cross References:</u>	1120	Board of education meetings
	5114	Suspension and expulsion
	5124	Reporting to parents/guardians
	5131	Conduct/discipline
	5131.5	Vandalism/Violence
	5131.7	Weapons and dangerous instruments
	6172	Alternative educational programs

Key Words

Conduct, Discipline, Pupil Conduct, Student Conduct, Vandalism, Arson

Date Adopted: 08/23/2005

Date Revised:

DRUGS, ALCOHOL, TOBACCO and STEROIDS
(Substance Abuse)

Drugs, Alcohol, Tobacco, and Steroids

It is the responsibility of the Board of Education to safeguard the health, character, citizenship, and personality development of the students in its schools. The Board of Education recognizes that the misuse of drugs, alcohol, anabolic steroids, electronic smoking devices, and tobacco threatens the positive development of students and the welfare of the entire school community. We therefore, must maintain that the use of drugs and the unlawful possession and use of alcohol is wrong and harmful. The Board of Education is committed to using wellness strategies that encourage the prevention, intervention, and cessation of drug, alcohol, tobacco and steroid abuse.

The Board of Education recognizes that tobacco is a gateway drug and highly addictive and that the use of tobacco products is a health, safety, and environmental hazard for students, employees, visitors, and school facilities. The Board believes that the use of tobacco products on school grounds, in school buildings and facilities, on school property or at school-related or school-sponsored events is detrimental to the health and safety of students, faculty/staff and visitors. The board acknowledges that adult employees and visitors serve as role models for students. The board recognizes that it has an obligation to promote positive role models in schools and to promote a healthy learning and working environment, free from unwanted smoke and tobacco use for the students, employees, and visitors on the school campus. Finally, the Board recognizes that it has a legal authority and obligation pursuant to P.L. 2005, Chapter 383 New Jersey Smoke-Free Air Act as well as the federal Pro-Children's Act, Title X of Public Law 103-227 and the No Child Left Behind Act, Part C, Environmental Smoke, Section 4303.

Drugs, Alcohol, Steroids

A. Definitions

For the purpose of this policy and its corresponding regulation, "drug" includes all controlled dangerous substances set forth in N.J.S.A. 24:21-1 et seq., N.J.S.A. 2C:35-2 and all chemicals that release toxic vapors set forth in N.J.S.A. 39:4-50.

For the purpose of this policy and its corresponding regulation, "drug" shall also include "counterfeit controlled substances" which shall be defined as follows:

1. Any drug that bears, or whose container or label bears a trademark, trade name, or identifying mark used without authorization of the owner of rights to such trademark, trade

DRUGS, ALCOHOL, TOBACCO AND
STEROIDS (SUBSTANCE ABUSE) (continued)

names or identifying mark;

2. Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed, or distributed by a person other than the person that manufactured, processed, packed, or distributed it;
3. Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance;
4. Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size and color, in its marking, labeling, packaging, distribution, or the price for which it sold, or offered for sale.
5. Any over the counter drugs and prescription medications that are improperly used to cause intoxication, inebriation, excitement, stupification, or dulling of the brain or nervous system.
6. Any substance, natural or synthetic, used for the recreational purpose of chemically inducing a feeling of intoxication, inebriation, excitement, stupification or dulling of the brain or nervous system.

B. Students

1. The Board of Education (Board) prohibits the use, possession and/or distribution of any drug, alcohol, or steroids on school premises, and at any event away from the school provided by the Board. Compliance with a drug-free standard of conduct at all school functions is mandatory for all students. Pupils, suspected of being under the influence of drugs, alcohol, or steroids will be identified, evaluated, and reported in accordance with the law. Assessment will be provided by individuals who are certified by the New Jersey State Board of Examiners as student assistance coordinators or by individuals who are appropriately certified by the New Jersey Board of Examiners and trained in alcohol and other drug abuse prevention. A pupil who uses, possesses, or distributes drugs, alcohol or steroids on school premises or while attending a school-sponsored activity will be subject to discipline that may include suspension or expulsion, and will be reported to appropriate law enforcement personnel. Pupils suspected of involvement with alcohol, drugs or steroids away from school premises will be advised of appropriate treatment and remediation. Treatment services for students who are affected by alcohol or other drug use will be provided by individuals who are certified as student assistance coordinators or who are otherwise appropriately trained in drug and alcohol prevention, intervention, and follow-up. Treatment will not be at the Board's expense.
2. The Board directs the establishment of a program designed to provide short-term counseling and support services for pupils who are in care or returning from care for alcohol and other drug dependencies. Pursuant to N.J.S.A. 18A:40A-16 the district shall identify substance abuse programs and resources to the parents/guardians of pupils enrolled in the district.
3. Students may take advantage of a self-referral procedure to seek information, guidance,

DRUGS, ALCOHOL, TOBACCO AND
STEROIDS (SUBSTANCE ABUSE) (continued)

counseling and/or assessment in regard to his/her use of alcohol and/or other drugs. First time voluntary referrals DO NOT carry any punitive consequences. The following are guidelines for this procedure:

- i. Students are allowed to voluntarily refer themselves for help for a substance abuse problem during their high school or middle school participation.
- ii. Self-referrals may be made by the student or the student's family.
- iii. Self-referrals cannot be used as a way to avoid consequences once a policy, regulation, or rule of the Sayreville Board of Education or the school has been violated. This stipulation applies not only to violations of this policy, but also applies to any policy, regulation, or rule of the Sayreville Board of Education or the school.
- iv. Self-referrals will lead to a referral for an assessment at an approved agency or provider
- v. Self-referrals will remain confidential. However, proper release of information forms must be on file with the student assistance coordinator.

C. Law Enforcement for Drugs and Alcohol

1. Enforcement of Drug-free School Zones

The Board of Education recognizes its responsibility to ensure continuing cooperation between school staff and law enforcement authorities in all matters relating to the use, possession, and distribution of controlled dangerous substances and drug paraphernalia on school property. The Board further recognizes its responsibility to cooperate with law enforcement authorities in planning and conducting law enforcement activities and operations on school property. The Board shall, therefore, establish a formal Memorandum of Agreement with the appropriate law enforcement authorities and set forth the following policies and procedures after consultation with the county prosecutor and approval by the Executive County Superintendent of schools. The Memorandum of Agreement shall be consistent with the Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials.

2. Law Enforcement Liaison

In order to ensure that such cooperation continues, the Board directs the Superintendent to designate a school district liaison(s) to law enforcement agencies and to prescribe the roles and responsibilities the school liaison(s). Such assignment shall be in accordance with the district's bargaining agreement, if applicable.

3. Undercover Operations

The Board hereby recognizes that the Superintendent may request that law enforcement authorities conduct an undercover operation in the school if he/she has reason to believe that drug use and/or drug trafficking is occurring in the school and that a less intrusive

DRUGS, ALCOHOL, TOBACCO AND
STEROIDS (SUBSTANCE ABUSE) (continued)

means of law enforcement intervention would be ineffective. The Board hereby authorizes the Superintendent to request such intervention under these circumstances. The Board recognizes that the Superintendent is not permitted to ask the Board's approval for his/her action and is not permitted to discuss any aspect of the undercover operation until authorized to do so by law enforcement authorities.

The Board recognizes that law enforcement authorities may contact the Superintendent to request that an undercover operation be established in a district school. The Board recognizes that the Superintendent is prohibited from discussing the request with the Board. The Board hereby authorizes the Superintendent to act upon any such request in the manner that he/she determines is in conformity with the law and the Attorney General's Executive Directive 1988-1 and that is in the best interests of the students and the school district.

The Board directs the Superintendent and school principal to cooperate with law enforcement authorities in the planning and conduct of undercover school operations. The Superintendent, principal, or any other school staff or district Board member who may have been informed about the undercover operation is required to immediately communicate information to the county prosecutor or designee if the integrity of the undercover school operation has been compromised in any way.

At the completion of an undercover operation in a school, and with the consent of the appropriate law enforcement authority, the Superintendent shall report to the Board regarding the nature of the operation, the result of the operation, and any serious problems encountered during the operation.

4. **Summoning Law Enforcement Authorities onto School Property for the Purpose of Conducting Investigations, Searches, Seizures, and Arrests**

Any school employee who has reason to believe a student(s) or a staff member(s) is using or distributing controlled dangerous substances, including anabolic steroids, or drug paraphernalia on school premises shall bring that information to the school principal who, in turn, shall report same to the Superintendent. The Superintendent shall immediately report that information to the appropriate law enforcement agency. If, after consultation with law enforcement official, it is determined that further investigation is necessary, the Superintendent will cooperate with the law enforcement authorities in accordance with the law and administrative code. He/she will provide the officials with a room in an area away from the general student population in which to conduct their law enforcement duties. If law enforcement officials do not choose to investigate the incident, the Superintendent may continue the investigation to determine if any school rules have been broken and whether any school discipline is appropriate.

If an arrest is necessary, and no exigent circumstances exist, the Superintendent and staff will cooperate with the law enforcement officials and provide them access to the office of a school administrator or some other area away from the general student population. Every effort shall be made to enable law enforcement personnel to carry out the arrest in a manner that is least disruptive to the educational environment. The Superintendent or the principal shall immediately notify the student's parent/guardian

DRUGS, ALCOHOL, TOBACCO AND
STEROIDS (SUBSTANCE ABUSE) (continued)

whenever a pupil is arrested for violating any laws prohibiting the possession, use, sale, or distribution of any controlled substance or drug paraphernalia.

Whenever the police have been summoned to a school building by the Superintendent, the Superintendent shall report the reason the police were summoned and any pertinent information to the Board. If confidentiality is required, the report shall be made in executive session.

5. Student Searches and Securing Physical Evidence

The principal or his/her designee may conduct a search of a student's person or belongings if the search is necessary to maintain discipline and order in the school, and the school official has a reasonable suspicion that the student is concealing contraband. All searches and seizures conducted by designated school staff shall comply with the standards prescribed by the United States Supreme Court in *New Jersey v. T.L.O.*, U.S. 325 (1985), and the New Jersey School Search Policy Manual.

If, as a result of the search, a controlled dangerous substance or drug paraphernalia is found, or if a controlled dangerous substance or drug paraphernalia is by any means found on school property, the individual discovering the item or substance shall immediately notify the building principal; the principal shall immediately notify the Superintendent who shall immediately, in turn, notify the appropriate law enforcement agency. The principal shall ensure that the controlled or dangerous substance and/or drug paraphernalia is labeled and secured in a locked cabinet or desk until law enforcement officials pick it up. The principal shall then contact the student's parents/guardians to inform them of the occurrence.

Whenever law enforcement officials have been called into the school, and a search of a student's person or belongings is necessary, or an interrogation is to be conducted, the Superintendent shall request that the law enforcement officials conduct the search, seizure, or interrogation.

6. Police Presence at Extracurricular Activities

The Superintendent is hereby authorized to contact the appropriate law enforcement agency and arrange for the presence of an officer(s) in the event of an emergency or when the Superintendent believes that uniformed police presence is necessary to deter illegal drug use or trafficking or to maintain order or crowd or traffic control at a school function.

7. Resolving Disputes Concerning Law Enforcement Activities

The Board authorizes the Superintendent to contact the chief executive officer of the law enforcement agency involved with any dispute or objection to any proposed or ongoing law enforcement operation or activity on school property. If for any reason the dispute or objection is not satisfactorily resolved with the chief executive officer of the agency, the Superintendent shall work in conjunction with the county prosecutor and, where appropriate, the division of criminal justice to take appropriate steps to resolve the matter.

DRUGS, ALCOHOL, TOBACCO AND
STEROIDS (SUBSTANCE ABUSE) (continued)

Any dispute that cannot be resolved at the county level shall be reported to the Board and shall be resolved by the attorney general whose decision will be binding.

8. Confidentiality of Pupil Involvement in Intervention and Treatment Programs

Nothing in this policy shall be construed in any way to authorize or require the transmittal of any information or records that are in the possession of a substance-abuse counseling or treatment program including, but not limited to, the school district's own substance abuse programs. All information concerning a pupil's or staff member's involvement in a school intervention or treatment program shall be kept strictly confidential. See 42 CFR Part 2, N.J.A.C. 6A:16-3.2 and N.J.S.A. 18A:40A-7.1 and 7.2.

Tobacco

Tobacco use is now recognized as a chronic disease and public health hazard. Tobacco use is associated with conditions such as heart disease, emphysema, asthma, high blood pressure, diabetes, and many other chronic diseases. The most effective strategy for discouraging tobacco use by young people is a wellness strategy that supports prevention, intervention, and cessation.

Tobacco use and/or possession on school grounds is prohibited in accordance with Board Policy 3515.

In recognition that tobacco use is a public health issue and that tobacco is a gateway drug and highly addictive, the Board of Education recognizes that intervention is the most effective way to address violations of this Policy. Students who violate the school district's tobacco-use policy will be referred to the student assistance coordinators (SAC), guidance counselor, a school nurse, or other health or counseling services for all offenses for health information, counseling, and referral. Penalties regarding violations of this policy can be found in Board Regulation R5131 – Code of Student Conduct.

Parents/guardians will be notified of all violations and actions taken by the school. Schools may also use community service as part of the consequences. Ordinarily, and consistent with a wellness strategy, suspension will only be used after a student has three or more prior violations or has refused to participate in other outlined measures.

Ongoing Implementation of this Policy

- A. The Board will enforce the laws of New Jersey requiring a program of drug, alcohol, steroid, and tobacco education. The Superintendent shall prepare and submit to the Board for its approval a comprehensive curriculum for such instruction, in grades kindergarten through 12, of alcohol and other drug education in accordance with department of education chemical health guidelines, pursuant to N.J.S.A. 18A:40A-1 et seq.
- B. All district personnel shall be alert to signs of alcohol, drug, steroid, and tobacco use by pupils and shall respond to those signs in accordance with procedures established by the Superintendent. The Board of Education will provide in-service training to assist teaching staff members in identifying the pupil who uses drugs, alcohol, steroids, and/or tobacco and in

DRUGS, ALCOHOL, TOBACCO AND
STEROIDS (SUBSTANCE ABUSE) (continued)

helping pupils with drug-, alcohol-, steroid-, and tobacco-related problems in a program of rehabilitation. The Superintendent will ensure that all district employees receive annual in-service training to make them aware of their responsibilities in accordance with board policies and N.J.A.C. 6A:16-3.1.

- C. The Board will review annually the effectiveness of these policies and the Memorandum of Agreement entered into with the appropriate law enforcement agency. As part of this review, the Board will consult with the Executive County Superintendent, local community members, and the county prosecutor's office.
- D. In accordance with N.J.S.A. 18A:40A-10, copies of the policy statement shall be distributed to pupils and their parents/guardians at the beginning of each school year. Board policy and procedures shall be disseminated annually to all school staff, students and parents through the district website or other means (N.J.A.C. 6A:16-4.2).
- E. The Superintendent will annually submit a report utilizing the Electronic Violence and Vandalism Reporting system (EVVRS) accurately reporting on each incident of violence, vandalism including harassment, intimidation and bullying, and alcohol and other drug abuse within the school district. Any allegations of falsification of data will be reviewed by the Board of Education using the requirements and procedures set forth in N.J.A.C. 6A:16-5.3(g). Board action shall be based on a consideration of the nature of the conduct, the circumstances under which it occurred, and the employee's prior employment record. At an annual hearing the chief school administrator shall report to the board all acts of violence and vandalism and incidents of alcohol and other drug abuse that occurred during the previous school year.
Any staff member who reports a pupil to the principal or his/her designee in compliance with the provisions of this policy shall not be liable in civil damages as a result of making such a report as provided for under N.J.S.A. 18A:40A-1 et seq.
- F. All policies and procedures must comply with the confidentiality requirements established in federal regulation found at 42 CFR Part II.
- G. Substance abuse in the district is considered a health risk. It is the expressed position of the district that when school rules have been violated, and when a student's health is at risk, we must notify the student's parents/guardians and attempt to involve the family in the rehabilitation plan subject to the confidentiality restrictions of 42 CFR Part II.
- H. Any staff member who reports a pupil to the principal or his/her designee in compliance with the provisions of this subsection shall not be liable in civil damages as a result of making such a report as provided for under N.J.S.A. 18A:40A-1 et seq.

DRUGS, ALCOHOL, TOBACCO AND
STEROIDS (SUBSTANCE ABUSE) (continued)

Possible

<u>Cross References:</u>	1330	Use of school facilities
	1410	Local units
	4131.1	Inservice education/visitations/conferences
	4231.1	Inservice education/visitations/conferences
	5114	Suspension and expulsion
	5124	Reporting to parents/guardians
	5125	Pupil records
	5131	Conduct/discipline
	5131.7	Weapons and dangerous instruments
	5141.3	Health examinations and immunizations
	5141.21	Administering medication
	5145.12	Search and seizure
	6145.1/6145.2	Intramural competition; interscholastic competition
	6154	Homework/makeup work
	6172	Alternative educational programs
	6173	Home instruction

Key Words: Drugs, Alcohol, Tobacco, Steroids, Substance Abuse, Smoking, Drinking
Drug Testing

Date Adopted: 08/23/2005

Date Revised: 05/17/2016

SUBSTANCE ABUSE

Possible Drug and Alcohol Related Situations

Whenever it shall appear to any teaching staff member, school nurse or other education personnel that a student may be under the influence of alcohol or other drugs, they shall report the matter as soon as possible to the school nurse, student assistance coordinator, and principal.

- A. In the absence of the principal, his or her designee shall be notified.
- B. In instances where the school nurse, student assistance coordinator, and the principal are not in attendance, the staff member responsible for the school function shall be immediately notified.
- C. The student shall be removed and escorted to the nurse's office by the student assistance coordinator and/or principal for observation and care by the school nurse until his or her parent(s) or guardian(s) can be contacted. This shall not be construed to limit or condition the right of the Board of Education to seek emergency medical assistance for a student when acting in loco parentis, and as an agent of the parent(s) or guardian(s) and for the welfare of the student.
- D. The student's parent(s) or guardian(s) and the Superintendent of Schools or his/her designee shall be immediately notified of the incident and shall be provided a description of the situation and symptoms.
- E. The principal or his or her designee shall arrange for an immediate examination of the student within five (5) hours of identification. The examination may be performed by a physician selected by the parent or guardian or by the school physician and must include a chain-of-custody urine screen for chemical substance abuse and a physical examination by a licensed physician. If the chosen physician is not immediately available, the examination shall be conducted by the school physician, or if the school physician is not available, the student shall be accompanied by a member of the school staff, designated by the principal, to the emergency room of the nearest hospital for examination. If available, a parent or guardian should also accompany the student. Refusal to be examined under the provisions of this regulation or examinations which are not conducted within the parameters of this regulation shall result in the same pupil consequences as a positive examination.
- F. If the examination results indicate that the urine specimen validity testing is not in the acceptable range due to either dilution or the use of oxidants, the pupil may be subject to the same consequences under this regulation as a positive test result.

SUBSTANCE ABUSE (continued)

- G. If the pupil acknowledges in writing the use of a controlled dangerous substance as defined by this policy and regulation, the pupil shall automatically be subject to the same provisions outlined in paragraph E above and shall be subject to the same disciplinary consequences as a positive test result regardless of whether or not the examinations yields a positive test result.
- H. If a pupil is found in the possession of drug paraphernalia, the pupil shall automatically be subject to the same provisions outlined in paragraph E above and receive consequences according to the provisions of this regulation regarding possession of drug paraphernalia.
- I. If at the request of the parent or guardian, the medical examination is conducted by a physician other than the school physician, such examination shall be at the expense of the student's parent(s) or guardian(s).
- J. Provisions shall be made for the appropriate care of the student while awaiting the results of the medical examination.
- K. Upon receipt of a written report by either the parent or the school district from the examining physician, either party shall share a written copy of the report with the other party within twenty-four (24) hours.
- L. When the medical examination is performed by a physician other than the school physician or a physician at the emergency room of the nearest hospital, the school district shall require the parent to verify within 24 hours of the notification that the student is suspected of alcohol or other drug use that a medical examination was performed. The verification shall include, at a minimum, the signature, printed name, address, and phone number of the examining physician, the date and time of the medical examination, and the date by which the "report" required in section K immediately above will be provided. Refusal or failure by a parent to comply with this requirement shall be treated as a policy violation and subject the student to the same disciplinary consequences set forth herein as if he had tested positive.
- M. If the written report of the medical examination, which includes the chain of custody urine screen, is not submitted to the principal and/or Superintendent of Schools within 24 hours of the examination, the student shall be allowed to return to school until such time as a positive diagnosis of alcohol or other drug use is received.
- N. If there is a negative diagnosis, the student shall return to school immediately. If there is a positive diagnosis from the medical examination indicating that the student is under the influence of alcohol or other drugs, the student shall be returned to the care of the parent or guardian as soon as possible. Attendance at school shall not resume until a written report has been submitted to the parent or guardian of the student, the principal, and the Superintendent of Schools, from a physician who examined the student, to diagnose alcohol or other drug use. The report shall certify that substance abuse no longer interferes with the student's physical and mental ability to perform in school.
- O. In accordance with N.J.A.C. 6A:16-4.3(d), refusal or failure by a parent to comply with the provisions of N.J.S.A. 18A:40-12 shall be deemed a violation of the compulsory education N.J.S.A. 18A:38-25 and 18A:38-31) and/or child neglect (N.J.S.A. 9:6-1 et seq.) laws.

SUBSTANCE ABUSE (continued)

- P. While the student is home because of the medical examination or after his or her return to school, the school may require additional evaluation for the purpose of determining the extent of the student's alcohol or other drug use and its effect on his or her school performance.

In addition, if there is a positive diagnosis, the student shall be interviewed by a student assistance coordinator or other appropriately trained teaching staff member for the purpose of determining the extent of the student's involvement with alcohol or other drugs and possible need for treatment. In order to make this determination, the counselor or other teaching staff member may conduct a reasonable investigation which may include interviews with the student's teachers and parents. The counselor or other teaching staff member may also consult with such experts in the field of alcohol or other drug abuse as may be necessary and appropriate. If it is determined that the student's involvement with and use of these substances represents a danger to the student's health and well-being, the counselor or other teaching staff member shall initiate a referral of the student to an appropriate treatment program which has been approved by the Commissioner of Education.

- Q. As required by law, the Board of Education shall provide for the evaluation and referral for treatment of students whose use of alcohol or other drugs has affected their school performance or who possess or consume alcohol or other drugs in school or at a school function, as required by the definitions of evaluation and treatment contained at N.J.A.C. 6A:16-1.3. This shall include referral to the substance awareness coordinator. The Board of Education is not responsible for the cost of any evaluation or treatment provided by any outside agency and/or organizations.
- R. If a student is identified as having an alcohol or other drug abuse problem and there is reason to believe that his or her education appears to be affected by the alcohol or other drug use, a screening by the Child Study Team will be conducted.
- S. While a student is receiving medical or therapeutic care for a diagnosed alcohol or other drug dependency problem, provisions for a program of intervention, curriculum and related services will be provided.
- T. Students who are in care or returning from care for alcohol or other drug dependency will receive proper referral and support services by the student assistance coordinator, guidance counselor, or child study team personnel.
- U. If the student is found in possession or under the influence of alcohol or other drugs, or has used or consumed, the student will be excluded from school and will only be readmitted at the end of the exclusion after the receipt of the required medical certification that the student is physically and mentally able to return to school and after a conference has been held between the principal, student assistance coordinator, and the parent(s) or guardian(s). A plan to address those specific needs which a student may have shall be developed during this conference. Appropriate police complaints will also be filed.

The disciplinary consequences for violations of the substance abuse policy are:

- 1.) First offense – Under the influence or in possession of alcohol or drugs as defined in N.J.S.A. 24:21-1 et seq., N.J.S.A. 2C:35-2 and all chemicals that release toxic vapors set forth in N.J.S.A. 39:4-50.

SUBSTANCE ABUSE (continued)

- a) A minimum five (5) day suspension from school.
 - b) A report filed with the Sayreville Police Department.
- 2.) Second offense within student's entire educational career in the Sayreville School District - Under the influence or in possession of alcohol or drugs as defined in N.J.S.A. 24:21-1 et seq, N.J.S.A. 2C:35-2 and all chemicals that release toxic vapors set forth in N.J.S.A. 39:4-50.
 - a) Suspension from school pending a Board of Education hearing. The Board of Education will determine whether the expulsion or additional suspension is in order. Board consideration will take into account the recommendation of the Superintendent of Schools. Such a recommendation shall only be made after appropriate consultation with the principal, the Child Study Team, if appropriate, and relevant others, i.e., student, parents/guardians, teaching staff members, medical and law enforcement authorities.
 - b) Formal charges and a complaint filed with the Sayreville Police Department.
- V. Any student involved in the sale, purchase, transfer, distribution of drugs, drug paraphernalia or alcohol on school property or at school functions, will be suspended from school pending a Board hearing. The Board of Education decision on long term suspension or alternative disciplinary measures will take into account the recommendation of the Superintendent of Schools. Such a recommendation shall only be made after appropriate consultation with the principal, the student assistance coordinator, the Child Study Team, if appropriate, and relevant others, i.e., student, parents/guardians, teaching staff members, medical and law enforcement authorities. A report will be filed with the Sayreville Police. The school will initiate formal charges and a complaint.
- W. In all instances involving the use of alcohol or other drugs, a Violence, Vandalism and Substance Abuse Incident Report shall be completed by the principal or his/her designee pursuant to N.J.A.C. 6A:16-5.3.
- X. Staff members implementing this policy will be indemnified under N.J.S.A. 18A:40A-13 and 18A:40A-14.
- Y. Students possessing for distribution, or providing alcohol and/or administering other drugs (at any time on school grounds), as defined in this policy to others in school, at a school sponsored activity, or out of school, shall be immediately referred to the principal. The principal shall immediately notify the police and the parents and transfer the student to home instruction and will make the appropriate recommendations to the Board of Education concerning the discipline of the student.
- Z. When it becomes necessary to implement these procedures, a full written report of the incident will be immediately submitted to the Superintendent of Schools.

SUBSTANCE ABUSE (continued)

Recordkeeping Regarding Self-Discipline vs. Discovery of Student Substance Abuse Concerns

- A. In all cases involving drugs, alcohol, or steroids, where the disclosure is voluntary and the student agrees to participate in an appropriate treatment or counseling program, voluntary student disclosures will be kept confidential and exchange of information will be kept between student, student assistance coordinator, and the Supervisor of Guidance. Records will be confidential and kept separate and apart from general student files. These files will be kept locked. Feedback to referral sources will be limited to status of student progress only. For the purposes of this section, an admission by a student or staff member in response to questioning initiated by the principal or teaching staff member, or following the discovery of a controlled dangerous substance, including alcohol or anabolic steroids, or drug paraphernalia, by the principal or teaching staff member shall not constitute a voluntary, self-initiated request of counseling and treatment.
- B. Disciplinary referrals, or cases which involve discovery of student chemical use by students, teachers, administrators, and other staff persons, will be recorded in student disciplinary files. Only the content of student disclosures made thereafter to a student assistance coordinator will be kept as a part of the confidential substance awareness treatment program records. It must be noted that even under the strictest of confidentiality laws, a counselor is required to report a student whom they believe to:
1. Be suicidal;
 2. Be assaultive (murder, rape, armed robbery intent);
 3. Have been abused;
 4. Be under the influence of drugs;
 5. Be in need of emergency medical treatment.

SUBSTANCE ABUSE (continued)

Possible

<u>Cross References:</u>	1330	Use of school facilities
	1410	Local units
	4131.1	Inservice education/visitations/conferences
	4231.1	Inservice education/visitations/conferences
	5114	Suspension and expulsion
	5124	Reporting to parents/guardians
	5125	Student records
	5131	Conduct/discipline
	5131.6	Substance Abuse
	5131.7	Weapons and dangerous instruments
	5141.3	Health examinations and immunizations
	5141.21	Administering medication
	5145.12	Search and seizure
	6145.1/6145.2	Intramural competition; interscholastic competition
	6154	Homework/makeup work
	6172	Alternative educational programs
	6173	Home instruction

Key Words

Drugs, Alcohol, Tobacco, Steroids, Substance Abuse, Smoking, Drinking, Drug Testing

Date Adopted: 08/23/2005

Date Revised: 11/20/2007, 05/17/2016

CONTROLLED DANGEROUS SUBSTANCES IN
DRUG FREE SCHOOL ZONES

The Board of Education is committed to providing the children of this district with a school environment conducive to learning, free of drugs and drug trafficking. To that end the Board will cooperate fully with law enforcement agencies in accordance with law and rules of the State Board of Education.

No law enforcement operation, program, or activity shall be permitted to interfere with educational goals and prerogatives, which must always take precedence over traditional law enforcement objectives.

The Board appoints the Principal of Sayreville War Memorial High School serve as liaison officer to the Sayreville Police Department in the matter of providing drug free school zones.

The Board shall enter into a memorandum of understanding with the Sayreville Police Department governing the roles and responsibilities of school employees and law enforcement officers with respect to controlled dangerous substances and to the planning and conduct of law enforcement activities and operations occurring on school property. Any such memorandum will be reviewed annually and revised as necessary to comply with the changing needs of the district.

The Board authorizes the Superintendent to approve such undercover operations as may be necessary to identify and apprehend persons engaged in the illegal distribution of controlled dangerous substances on school premises. Any undercover operation must be planned and conducted in such a manner so as to minimize the risk of interruption to the educational program.

The Superintendent is not obliged to reveal to the Board or to Board members individually the existence of any undercover operation. All information concerning requests to undertake any undercover school operation, information supplied by law enforcement authorities to justify or explain the need for and of a proposed undercover school operation, and all other information concerning an ongoing undercover school operation, including the identity of any undercover officer placed in a school, shall be kept strictly confidential by the Superintendent of Schools and school principal. The Superintendent and principal shall not divulge any information concerning any undercover school operation to any person without the prior expressed approval of the county prosecutor or designee.

The Superintendent shall plan and implement such in-service training programs as may be required to instruct school employees in the Board's policy and procedures regarding cooperation with law enforcement activities in the provision of drug free school zones.

In implementation of this policy, the Superintendent shall develop and present procedural

CONTROLLED DANGEROUS SUBSTANCES
IN DRUG FREE SCHOOL ZONES (continued)

regulations to the Board for its approval. Such regulations will cover the following areas to the extent that they are not provided for in an approved memorandum of understanding:

- A. The roles and responsibilities of the liaison officer;
- B. Staff cooperation with arrests made by law enforcement officers;
- C. Searches on school premises;
- D. Interviews of pupils suspected of possessing, using, or distributing a controlled dangerous substance;
- E. The planning and conduct of undercover operations;
- F. The handling of drugs and drug paraphernalia;
- G. Notification of law enforcement authorities of suspected violations of the drug abuse laws;
- H. Requesting uniformed police at extra-curricular events;
- I. Notification of parents;
- J. The resolution of disputes; and
- K. Confidentiality.

The Board will annually review and assess the effectiveness of this policy and the procedures set forth in implementing administrative regulations. The annual review will be conducted in consultation with the County Superintendent, the County Prosecutor, and members of the community.

Both policy and procedures on drug free school zones will annually be made available to all school employees, pupils, and parents.

CONTROLLED DANGEROUS SUBSTANCES
IN DRUG FREE SCHOOL ZONES (continued)

Possible

<u>Cross References:</u>	1330	Use of school facilities
	1410	Local units
	4131.1	Inservice education/visitations/conferences
	4231.1	Inservice education/visitations/conferences
	5114	Suspension and expulsion
	5124	Reporting to parents/guardians
	5125	Pupil records
	5131	Conduct/discipline
	5131.6	Substance Abuse
	R5131.61	Controlled Dangerous Substances in Drug Free School Zones
	5131.7	Weapons and dangerous instruments
	5141.3	Health examinations and immunizations
	5141.21	Administering medication
	5145.12	Search and seizure
	6145.1/6145.2	Intramural competition; interscholastic competition
	6154	Homework/makeup work
	6172	Alternative educational programs
	6173	Home instruction

Key Words: Drugs, Alcohol, Tobacco, Steroids, Substance Abuse, Smoking, Drinking
Drug Testing

Date Adopted: 08/23/2005

Date Revised:

CONTROLLED DANGEROUS SUBSTANCES IN
DRUG FREE SCHOOL ZONES

Definitions

- A. "Substance" shall mean alcoholic beverages, controlled dangerous substances as defined in section 2 of P.L. 1970, c 266 (C.24:21-2) or any chemical or chemical compound which releases vapors or fumes causing a condition of intoxication, inebriation, excitement, stupefaction or dulling of the brain or nervous system including, but not limited to, glue containing a solvent having the property of releasing toxic vapors or fumes as defined in Section 1 of P.L 1965, c. 41 (C. 2A:170-25.9). L.1989, c.387 Section 2, eff. January 13, 1988.
- B. "County Prosecutor" means the prosecutor of the County of Middlesex.
- C. "Dispute" means a question, dispute, or objection as to any proposed or ongoing law enforcement operation or activity.
- D. "Drug free school zones" means the zone comprised of a school building, its grounds and the area surrounding the school within a boundary established one thousand feet in all directions from the outer boundary of the school property. The drug free school zone will be set by the appropriate law enforcement agency.
- E. "Law enforcement agency" means the Sayreville Police Department.
- F. "Law enforcement officer" means a sworn officer of the law enforcement agency.
- G. "Memorandum of understanding" means an agreement entered by the Board of Education and the law enforcement agency governing the roles and responsibilities of school employees and law enforcement officers with respect to controlled dangerous substances and to the planning and conduct of law enforcement activities and operations occurring on school property.
- H. "Operating school hours" means the time period in which the school is in session or when pupils are engaged in school-related activities under the supervision of teaching staff members.
- I. "Parent" means the parent or parents or legal guardian having legal custody and control of a pupil.
- J. "Planned arrest" means an arrest or taking into custody based upon probable cause which

CONTROLLED DANGEROUS SUBSTANCES
IN DRUG FREE SCHOOL ZONES (continued)

was known to a law enforcement officer sufficiently in advance of the time of the actual arrest, whether as a result of an undercover school operation, planned narcotics surveillance, or otherwise, so that there was sufficient opportunity for the arresting officer to apply for an obtain an arrest warrant, even though an arrest warrant may not have been sought or issued. The term includes arrests made pursuant to a "clean sweep" operation.

- K. "Planned narcotics surveillance" means a planned operation wherein a law enforcement officer(s) enters onto school property or buildings in plainclothes during or while participating in activities associated with the use, possession, or distribution of any controlled dangerous substance. The term does not include observations made by a law enforcement officer, whether in uniform or in plainclothes, from any place or property not owned by the Board of Education."
- L. "Principal" means the administrator in charge of a school building or facility and includes the qualified person, if any, duly delegated by the principal to perform, the duty delegated by the principal to perform the duty or discharge the responsibility assigned to the principal.
- M. "Routine patrol" means activities undertaken by a law enforcement officer, whether in uniform or in plainclothes and whether on foot or in a marked or unmarked vehicle, to patrol areas within a drug free school zone for the purpose of observing or deterring any criminal violation or civil disturbance.
- N. "School employee" means a person employed by the Board of Education and includes the Superintendent, all administrators, all other teaching staff members, and all supportstaff members.
- O. "Spontaneous arrest" means an arrest or taking into custody based upon probable cause to believe that an offense is being committed in the arresting officer's presence under circumstances where the officer could not have foreseen with certainty that the specific offense would occur and thus where the arresting officer had no reasonable opportunity to apply for an arrest warrant. The term includes any arrest or taking into custody in response to a request by a school official.
- P. "Undercover school operation" means a planned operation undertaken by a law enforcement agency wherein a law enforcement officer(s) is placed in a school community and poses as a member of the school community for the purpose of identifying and eventually apprehending persons engaged in the illegal distribution of controlled dangerous substances.

Liaison Officer Roles and Responsibilities

The liaison officer appointed by the Board of Education shall:

- A. Facilitate communication and cooperation between the school district and the law enforcement agency;
- B. Identify issues or problems that arise in the implementation of Policy 5131.6 and this regulation and facilitate the resolution of such problems;

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IN DRUG FREE SCHOOL ZONES (continued)

- C. Act as the primary contact person between the schools and the law enforcement agency;
- D. Cooperate with the law enforcement agency in developing training programs and other joint efforts, including information exchanges and joint speaking engagements;
- E. Maintain communications with school staff members charged with intervention and prevention efforts;
- F. Maintain communications with the liaison officer appointed by the law enforcement agency; and
- G. Report regularly to the Superintendent on matters relating to school district and law enforcement cooperation.

Staff Cooperation with Arrests made by Law Enforcement Officers

- A. Staff members shall be governed by the terms of the memorandum of understanding, if any, entered into by the Board and law enforcement agency regarding the preferred procedures by which law enforcement officers will be summoned to arrest persons and permitted to enter school premises for the purposes of effecting arrests.
- B. To the maximum extent, possible consistent with public safety, an arrest on school premises will be effected in such a manner as to permit the continuation of the educational program without disruption.
- C. The principal shall be prepared to suggest to a law enforcement officer the place and manner of effecting the arrest that will permit the least disruption of the educational program. Whenever possible, an arrest should be made in the principal's office or in another area not populated by pupils.
- D. A school employee who believes that a law enforcement officer should be summoned to effect an arrest shall, whenever possible, inform the principal and the principal shall call the law enforcement agency. If informing the principal is not possible or would delay the call, the employee shall summon the law enforcement agency directly and shall inform the principal as soon as possible thereafter.
- E. The principal shall require that a law enforcement officer inform him or her whenever a pupil enrolled in this district is arrested and removed from school premises. The principal shall require the name of the pupil and information regarding the circumstances of the arrest.
- F. The principal shall require that a law enforcement officer inform him or her whenever a person other than a pupil is arrested and removed from school premises. The principal shall require information regarding the circumstances of the arrest and, if the arrested person is not a juvenile, his or her name.
- G. The principal shall be informed of an arrest of a pupil enrolled in his or her school when the pupil is arrested.

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1. Off school property during operating school hours or at a school-sponsored activity, or
 2. While the pupil is under the care and custody of a school official or teaching staff member, or
 3. In transit between school and home at the time of the arrest.
- H. The principal shall make and keep a record of the arrest of any pupil enrolled in his or her school. The record shall be kept confidential and shall include:
1. The pupil's name, age, and grade;
 2. The name of the arresting officer;
 3. The place to which the pupil was taken, if known;
 4. The circumstances of the arrest to the extent they are known;
 5. The manner in which and time at which the pupil's parent was notified or, if the parent was not notified, the efforts made to find and notify the parent; and
 6. The disposition of the criminal matter.
- I. No school employee shall impede any law enforcement officer engaged in a lawful arrest, whether or not the officer has presented an arrest warrant.
- J. A question regarding the legality of any contemplated or ongoing arrest conducted by a law enforcement officer and relating to the use, distribution, or possession of a controlled dangerous substance may be directed to the County Prosecutor. A question regarding an arrest undertaken by a member of the Statewide Narcotics Task Force may be directed to the Assistant Attorney General in charge.

Searches on School Premises

- A. School administrators having a legitimate interest in maintaining pupil discipline are authorized to conduct investigations of suspected rule infractions and to subject pupils and pupils' property to reasonable searches and seizures.
- B. A search conducted by a school employee of a pupil or a pupil's personal property or a place in which a pupil has a reasonable expectation of privacy must comply with all requirements of state law regarding pupil privacy.
- C. A principal may request that a law enforcement officer assume the responsibility for conducting a search or seizure. Because law enforcement officers must meet a legal standard for the conduct of a search or seizure more stringent than that imposed on school officials, the law enforcement officer may decline to conduct the search.
- D. No school employee shall impede any law enforcement officer engaged in a lawful search or

CONTROLLED DANGEROUS SUBSTANCES
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seizure, whether or not the officer has presented a search warrant.

- E. When law enforcement officers arrive on the scene of a joint and cooperative search commenced by school officials, the law enforcement officers will assume responsibility for the search and will conduct the search, thereafter in accordance with standards governing the conduct of searches by law enforcement officers.
- F. Any substance believed to be a controlled dangerous substance that comes into the possession of a school employee, whether as the result of a search or otherwise, must be handled in accordance with provisions in Handling of Drugs and Drug Parapernalia of this regulation.
- G. A school employee is authorized to exercise independent judgment in the search of pupils and pupils' property. Unless the school employee has made an independent determination that a search or seizure is warranted under his or her authority to discipline pupils and maintain the order of the school, no school employee may be required to participate actively in a search or seizure.
 - 1. Conducted or supervised by a law enforcement officer or
 - 2. On behalf of a law enforcement officer or
 - 3. For the sole purpose of ultimately turning evidence of a crime over to a law enforcement agency.
- H. A question regarding a search conducted by a school employee and relating to the use, distribution, or possession of a controlled dangerous substance shall be directed to the County Prosecutor.
- I. A question regarding the legality of any contemplated or ongoing search or seizure conducted by a law enforcement officer and relating to the use, distribution, or possession of a controlled dangerous substance or the law regarding searches generally may be directed to the County Prosecutor. A question regarding a search undertaken by a member of the Statewide Narcotics Task Force may be directed to the Assistant Attorney General.

Interviews Of Pupils Suspected Of Possessing, Using, Or Distributing A Controlled Dangerous Substance

- A. A law enforcement officer who wishes to interview a pupil shall be required to ask the principal for access to the pupil, regardless of the pupil's location in or about school premises or on a school-sponsored trip or at a school-sponsored event.
- B. The principal shall ascertain the reason for the interview and whether the pupil is suspected of having committed an offense involving the use, possession, or distribution of a controlled dangerous substance or is merely being questioned for information.
- C. The principal shall ask the law enforcement officer to delay the interview or conduct the interview away from school. In general, it should not be necessary to conduct an interview in

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school unless the matter involves

1. A crime committed in school or
 2. An investigation that would be compromised without the interview in school or
 3. An endangerment to the lives or safety of pupils or other persons.
- D. The principal shall notify the pupil's parents of the interview before it begins. The pupil may be questioned in the absence of the parent only if the parent refuses to attend or cannot be reached after all reasonable efforts at notification have failed.
- E. If the interview is to be conducted in school, the principal shall call the pupil to his or office and shall remain present throughout the interview.
- F. If the law enforcement officer has not done so, the principal shall inform the pupil that he or she is not required by law to answer questions.
- G. If the police officer has not done so, the principal shall inform the pupil that he or she may request the presence of an attorney. If the pupil or his or her parent so requests, the interview will be terminated pending the participation of the pupil's attorney.
- H. The principal shall make it clear to both the law enforcement officer and the pupil that his or her presence is for the protection of the pupil, not to assist the interview process. The principal shall:
1. Neither encourage nor discourage the pupil in his or her response to questioning nor counsel the pupil in any way;
 2. Prohibit the use of threats or pressure of any kind to elicit a response from the pupil;
 3. Refrain from conducting the interview on behalf of the law enforcement officer; and
 4. Terminate the interview whenever he or she determines that it is conducted with less than fundamental fairness to pupil.
- I. No school employee shall conduct the interview of a pupil at the direction of a law enforcement officer when the circumstances are such that the law enforcement officer cannot legally question the pupil.

Undercover Operations

- A. The purpose of undercover operations is to identify and remove from school environments those persons who distribute illicit drugs and to impress on all persons that those who violate the drug laws will be subject to arrest, prosecution, and punishment.
- B. Undercover operations may be undertaken as part of a comprehensive program designed to deal with substance abuse problems and drug trafficking activities on or near schools. No

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undercover operation should be permitted to interfere with school substance abuse counseling and educational initiatives.

- C. Principals shall cooperate with law enforcement officials in the planning of undercover school operations; principals will cooperate in the conduct of such operations that have been duly approved by the Superintendent and the appropriate law enforcement authorities.
- D. All undercover operations will be planned and conducted so as to maximize their legitimate deterrent benefits while minimizing to the greatest extent possible the risk of disruption to the educational program.
- E. A request for an undercover operation, whether submitted by a school administrator or law enforcement agency, must be directed to the Superintendent. No such request shall be made public. The request should include:
 - 1. A description of the extent and nature of the suspected drug trafficking activities and
 - 2. A confidential plan for the operation that details
 - a. The procedures to be taken to provide the security and safety of the undercover officer;
 - b. Recommendations of school officials to assure the least disruption of the educational program;
 - c. Assurances that any information acquired about pupils, not related to the purposes of the operation, will be kept confidential;
 - d. A list of the school and law enforcement officers who have been apprised of the undercover operation and a chain of command; and
 - e. School contact persons available on a round-the-clock basis.
- F. School employees necessarily involved in the undercover operation shall be briefed about all legal requirements of the operation.
- G. Whenever possible, the principal will be informed of the identity of the undercover officer. A school employee who learns that the identity of an undercover officer may be revealed or is compromised should convey that information immediately to the law enforcement agency directing the operation.
- H. No undercover officer will
 - 1. Encourage or counsel a pupil to purchase or use alcohol or any controlled dangerous substance;
 - 2. Violate the confidentiality of treatment and substance abuse counseling programs and records;

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3. Discourage a pupil from seeking substance abuse counseling or from reporting his or her dependency on drugs or alcohol;
4. Participate in drug or alcohol treatment or counseling;
5. Require a school employee to violate the trust relationship established by the employee with a pupil;
6. Use or distribute controlled dangerous substances;
7. Engage in activities that disrupt the educational program;
8. Engage in or encourage a romantic relationship with a pupil;
9. Except as may be expressly approved by the officer's superior, bring a firearm to school;
or
10. If the officer takes the position of a school employee,
 - a. Teach a formal class of instruction without the express permission of the Superintendent or
 - b. Establish or stimulate a confidential, trust, or counseling relationship with any pupil.
11. Undercover operations are subject to the rules of confidentiality set for in accordance with provisions in the Confidentiality section of this regulation.
12. The principal and the Superintendent shall be notified when the undercover operation is concluded.

Handling Of Drugs And Drug Paraphernalia

- A. A school employee, including any substance abuse coordinator or counselor, who seizes or discovers any substance or item believed to be a controlled dangerous substance or drug paraphernalia shall immediately notify and turn over the substance or paraphernalia to the school principal.
- B. The principal shall immediately notify the Superintendent, who will notify the county prosecutor or a person designated by the county prosecutor to receive such information.
- C. The principal shall safeguard the substance or item against further use, loss, or destruction until a law enforcement officer takes custody of it.
 1. The principal shall place the substance or item in a protective container (such as an envelope or box) and shall seal the container.
 2. The principal shall record or cause to be recorded on the container or on a document

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- attached to the container.
- a. A description of the substance or item,
 - b. The name and signature of the person who found or seized the substance or item,
 - c. The date, time, and place the substance or item was found or seized.
 - d. The circumstances under which the substance or item was found or seized, and
 - e. The name of the pupil or staff member believed to be in possession of the substance or item when it was found or seized.
3. The container will be placed in a secure location under lock and key and under the principal's direct control.
 4. In the event any person other than the principal is permitted access to the substance or item prior to its retrieval by a law enforcement officer, that person shall enter his or her name and signature on the record along with the time and date of inspection and the reason for the access. Access to the substance or item will be permitted only in the presence of the principal.
 5. The law enforcement officer who takes custody of the substance or item shall be required to sign and date the record to indicate his or her receipt of the substance or item.
- D. The principal shall provide to the law enforcement officer who takes custody of the substance or item
1. All information concerning the manner in which it was found or seized,
 2. The identity of all persons who had custody of the substance or item following its discovery or seizure, and
 3. The identity of any pupil or staff member believed to have been in possession of the substance or item, except that the identity of any pupil or staff member will not be released if that pupil or staff member:
 - a. Voluntarily and on his own initiative turned over the substance or item to a school employee and not as the result of questioning initiated by the staff member or following the discovery of the substance or item;
 - b. Is reasonably believed to have been involved with the substance or item for his or her personal use and not for the purpose of distributing it to others; and
 - c. Agrees to participate in an appropriate treatment or counseling program.

CONTROLLED DANGEROUS SUBSTANCES
IN DRUG FREE SCHOOL ZONES (continued)

Notifying Law Enforcement Authorities Of Suspected Violations Of The Drug Abuse Laws

- A. A school employee who has reason to believe that a pupil or employee has possessed or has in any way been involved in the distribution of a controlled dangerous substance or drug paraphernalia on or near school property shall report the matter as soon as possible to the principal.
- B. The principal shall promptly notify the Superintendent.
- C. The Superintendent shall notify as soon as possible the County Prosecutor or the law enforcement official designated by the County Prosecutor to receive such information. Such notice shall include:
 - 1. All known information concerning the matter and
 - 2. The identity of the person or persons suspected of involvement, except that the Superintendent will not disclose the identity of any pupil or staff member who:
 - a. Has sought treatment or counseling for a substance abuse program voluntarily and not in response to questioning by a school employee or law enforcement officer or following the discovery of a controlled dangerous substance or drug paraphernalia, and
 - b. Is not currently involved or implicated in drug distribution activities.
- D. All referrals of pupils and employees under this section shall conform to the requirements for confidentiality set forth at N.J.A.C. 6:3-6.6 and in accordance with provisions in Confidentiality events of this regulation.

Requesting Uniformed Police Attendance At Extra-Curricular Events

- A. The principal will supply the law enforcement agency having patrol jurisdiction over his or her school with a calendar of extra-curricular events at which the presence of police officers may be required.
- B. The law enforcement agency will be informed of the date and time of each event and of the anticipated public attendance.
- C. The principal will cooperate with the law enforcement agency in planning adequate police protection as required for deterring illegal drug use and trafficking and maintaining public order and safety.
- D. The presence of uniformed police officers will be required at all major school interscholastic athletic events. The use of uniformed officers at other events, especially those conducted within school buildings, must be approved by the principal, except where the County Prosecutor or Chief of the law enforcement agency determines the use of uniformed officers is dictated by compelling reasons.

CONTROLLED DANGEROUS SUBSTANCES
IN DRUG FREE SCHOOL ZONES (continued)

Notification Of Parent

- A. The principal will notify the pupil's parent as soon as possible whenever a pupil is arrested or taken into custody for violating any laws prohibiting the possession, use, sale or other distribution of any controlled dangerous substance or drug paraphernalia.
- B. The principal will notify the pupil's parent whenever a pupil is interviewed regarding his or involvement with a controlled dangerous substance, in accordance with provisions in Interviews Of Pupils Suspected Of Possessing, Using, Or Distributing A Controlled Dangerous Substance in this regulation.
- C. Notification will be by telephone call to the parent's home or place of work. If necessary and advisable, a school employee may be dispatched to deliver notice in person.
- D. The principal will make every reasonable effort to reach the parent and will record in writing the date, time, and nature of each such effort.
- E. If all reasonable efforts at telephone and personal notification have failed to locate and inform the parent, the principal will notify the parent by registered mail, return receipt requested, sent to the address indicated in the pupil's records.

Resolution Of Disputes

- A. A dispute should be directed, in the first instance, to the principal. The principal, in consultation with the district liaison officer, will attempt to resolve the dispute at the most immediate level.
- B. A dispute that cannot be resolved by the principal shall be referred to the Superintendent, who shall direct the matter to the chief executive officer of the law enforcement agency.
- C. A dispute that cannot be resolved by the chief executive officer of the law enforcement agency will be referred to the County Prosecutor, who will cooperate with the County Superintendent toward a resolution of the matter.
- D. A dispute that cannot be resolved at the county level will be resolved by the Attorney General.
- E. Nothing in this paragraph should be construed as attempting to divest any person of his or right to take action in a court of competent jurisdiction.

Confidentiality

- A. All information concerning a pupil's or school employee's involvement in a school intervention or treatment program shall be kept strictly confidential in accordance with § 408 of the Drug Abuse Prevention, Treatment and Rehabilitation Act, 21 U.S.C. 1175, and implementing regulations, 42 C.F.R. Part 2.
- B. Nothing in this regulation shall be construed in any way to authorize or require the transmittal of any information or records that are in the possession of a substance abuse counseling or

CONTROLLED DANGEROUS SUBSTANCES
IN DRUG FREE SCHOOL ZONES (continued)

treatment program.

- C. The principal shall not disclose to law enforcement officers or to any person other than a member of the district substance abuse program.
 - 1. The information that a pupil or school employee has received or is receiving evaluation or treatment services from the district's substance abuse program or
 - 2. Any information, including the pupil's or school employee's identity or information about illegal activity, learned in the course of or as a result of evaluation or treatment services provided by the district's substance abuse program.
- D. Undercover operations are subject to the following rules of confidentiality:
 - 1. All information about an undercover operation shall be kept strictly confidential, including, but not limited to
 - a. The request to undertake the operation,
 - b. Information submitted as justification or explanation for the need for a proposed operation, and
 - c. The identity of the undercover officer.
 - 2. A school official or employee informed of the operation will disclose no information about the operation without the express permission of the County Prosecutor.
 - 3. A school official or employee informed of the operation will report immediately to the County Prosecutor any information he or she receives that suggests that
 - a. The true identity of the undercover officer has been revealed or
 - b. Any person has questioned the identity or status of the undercover officer as a bona fide member of the school community or
 - c. The integrity of the operation has been in any other way compromised.
- E. Plans for planned narcotics surveillance and routine patrols by law enforcement officers shall be kept strictly confidential by the principal or any other school employee to whom they are reported.
- F. Nothing in this paragraph shall be construed to preclude the disclosure of information about illegal activity that was learned by any school employee outside the district's substance abuse program; any such information shall be reported in accordance with provisions in Handling Of Drugs And Drug Paraphernalia and Notifying Law Enforcement Authorities Of Suspected Violations Of The Drug Abuse Laws in this regulation.

CONTROLLED DANGEROUS SUBSTANCES
IN DRUG FREE SCHOOL ZONES (continued)

Memorandum Of Agreement

In the event the Board of Education formally enters a memorandum of agreement with a law enforcement agency regarding the reciprocal rights and responsibilities of the school district and the law enforcement agency in the matter of the planning and conduct of law enforcement operations relating to the use, possession, and distribution of controlled dangerous substances on school property, the terms of that agreement will supersede any conflicting term in this regulation.

Possible

<u>Cross References:</u>	1330	Use of school facilities
	1410	Local units
	4131.1	Inservice education/visitations/conferences
	4231.1	Inservice education/visitations/conferences
	5114	Suspension and expulsion
	5124	Reporting to parents/guardians
	5125	Pupil records
	5131	Conduct/discipline
	5131.6	Substance Abuse
	5131.61	Controlled Dangerous Substances in Drug Free School Zones
	5131.7	Weapons and dangerous instruments
	5141.3	Health examinations and immunizations
	5141.21	Administering medication
	5145.12	Search and seizure
	6145.1/6145.2	Intramural competition; interscholastic competition
	6154	Homework/makeup work
	6172	Alternative educational programs
	6173	Home instruction

Key Words: Drugs, Alcohol, Tobacco, Steroids, Substance Abuse, Smoking, Drinking Drug Testing

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WEAPONS AND DANGEROUS INSTRUMENTS

The Board of Education prohibits the possession and/or use of firearms, other weapons, or instruments that can be used as weapons on school property, on a school bus, at any school function, or while enroute to or from school or any school function.

For the purpose of this policy "weapon" includes but is not limited to those items enumerated in N.J.S.A. 2C:39-1f and N.J.S.A. 2C:39-1r. This definition includes items capable of causing harm or bodily injury for which:

- A. there is no educational purpose; or
- B. observed to have been displayed or used as a weapon.

This definition also includes, but is not limited to Mace, tear gas, brass knuckles, sharp rings and jewelry, blackjacks, and martial arts weapons.

The principal shall make the final determination that a particular object is a dangerous instrument in any case where there is a question of its possession or use posing a threat to students, staff or property.

Any pupil who is convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm or found knowingly in possession of a firearm on any school property, on a school bus, or at a school-based function shall be immediately removed from the school's regular education program pending a hearing before the Board to remove the pupil from the regular education program for a period of not less than one calendar year.

The principal/designee shall be responsible for the removal of such a pupil and shall immediately report the removal to the Superintendent. The Superintendent may modify a pupil's removal on a case-by-case basis. The principal shall also notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice.

A student found or observed on school property or at a school event in possession of a weapon or dangerous instrument other than a firearm shall be reported to the principal/designee immediately.

The principal shall immediately inform the Superintendent/designee and appropriate law enforcement officials with all known information concerning the matter, including the identity of the pupil involved.

WEAPONS AND
DANGEROUS INSTRUMENTS (continued)

Assault by a student with a weapon on a teacher, administrator, board member or other employee of the board is strictly prohibited and shall result in the student's immediate removal from the general education program for a period not exceeding one calendar year. Subject to a hearing before the Board, the student shall be placed in an alternative education program.

The Superintendent shall determine at the end of the year whether the student is prepared to return to the regular education program in accordance with procedures established by the Commissioner of Education.

Disciplinary action shall be taken against students who possess, handle, transmit or use firearms, other weapons, or dangerous instruments. Classified students shall be disciplined in accordance with their IEP and in compliance with law and administrative code. As in all disciplinary cases, due process will be provided (see policies 5114 Suspension and expulsion and 5131 Conduct/discipline).

Penalties

A violence and vandalism report shall be filed whenever a student is found to be in possession of a firearm, other weapon, or dangerous instrument.

Level 1 – There shall be an immediate suspension pending a mandatory expulsion hearing before the Board of Education for any pupil:

- A. Who has displayed or used as a weapon any item with the intent of threatening or causing bodily injury on school premises or at any Board-approved activity;
- B. Who commits an assault upon a teacher, administrator, board member, other employee or a school board, or another pupil, with a weapon, as defined in this policy, on any school property, on a school bus, or at a school-sponsored function.

Level 2 – A minimum of ten days suspension and a hearing before a committee of the Board of Education will be required for any pupil found to be in possession of any weapon described in this policy. Given extenuating circumstances, principals may recommend to the Superintendent a reduced penalty and/or a waiver of the Board hearing.

Second Offense – For any second offense there shall be a mandatory hearing before the Board of Education or a committee thereof. Elementary and middle school pupils shall be scheduled for a disciplinary hearing. High school pupils shall be scheduled for an expulsion hearing.

In all cases of weapons possession, written notification shall be filed with the Sayreville Police Department. As appropriate, formal police complaints shall be filed.

Removal of Pupils from Regular Education Program for Firearms Violations

The Board of Education is committed to providing a safe school environment to all pupils attending the public schools. To provide this safe learning environment, the Board of Education will implement the Safe Schools Initiative – Chapters 127 and 128, The Zero Tolerance for Guns Act.

WEAPONS AND
DANGEROUS INSTRUMENTS (continued)

In accordance with N.J.S.A. 2C:39-1f, a firearm is defined as:

...any handgun, rifle, shotgun, machine gun, automatic or semi-automatic rifle, or any gun, device or instrument in the nature of a weapon from which may be fired or ejected any solid projectable ball, slug, pellet, missile or bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or by the action of an explosive or the igniting of a flammable or explosive substances. It shall also include, without limitation, any firearm which is in the nature of an air gun, spring gun, or pistol or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas or vapor, air or compressed air, or is ignited by compressed air, and ejecting a bullet or missile smaller than three-eighths of an inch in diameter, with sufficient force to injure a person.

Any pupil who is convicted or adjudicated delinquent for possessing a firearm or a crime while armed with a firearm or found knowingly in possession of a firearm on any school property, on a school bus, or at a school-sponsored function shall be immediately removed from the school's regular educational program pending a hearing before the Board of Education to remove the pupil from the regular education program for a period of not less than one calendar year subject to modification on a case by case basis by the Superintendent.

The Superintendent determines whether the pupil is prepared to return to the regular education program or whether the pupil remains in the alternative education program or other educational placement. The Superintendent's decision must be made in accordance with school district policy and the New Jersey Administrative Code. If the pupil is educationally disabled, the pupil's placement is determined by the child study team and pupil's parent or legal guardian in accordance with N.J.A.C. 6:28 et seq., Special Education.

If a pupil is removed from the regular education program and a placement in an approved alternative education program is not available, or if the Superintendent determines that it is not in the best interest of the pupil and the school to modify the conditions for the removal and placement of the pupil, the school district may consider and provide home instruction, distance learning, or another program completion option, or may approve home schooling.

A pupil with an educational disability who brings a firearm to school, may be removed immediately from the school setting for up to 10 school days. Thereafter, such pupil may be placed in an interim alternative educational setting in accordance with New Jersey law for not more than 45 days. The interim alternative educational placement shall be decided by the child study team members assigned to such pupil and other individuals with responsibility for developing such pupil's Individualized Education Program pursuant to N.J.A.C. 6:28-3.6. The Child Study Team shall conduct a reevaluation of the pupil to determine if the pupil's behavior (that is, the pupil's having brought a firearm to school) was primarily caused by the pupil's educational disability and, if so, whether the pupil's current educational placement is appropriate. If such pupil's misconduct is determined to be primarily caused by the pupil's educational disability, the Board of Education may not discipline the pupil. However, the Child Study Team shall make an appropriate recommendation in respect of the pupil's educational placement following the expiration of the 45 day period during which the pupil has been placed in an interim alternative educational setting as stated above. If it is determined that the pupil's behavior is not related to his or her educational

WEAPONS AND
DANGEROUS INSTRUMENTS (continued)

disability, the Board of Education may discipline the pupil. Such discipline may include suspension or expulsion. However, at no time shall the Board of Education cease educational services to that pupil.

In accordance with N.J.A.C. 6:29-10.3(a) the Board of Education will adopt procedure and a memorandum of agreement with appropriate law enforcement authorities consistent with the Attorney General's Executive Directive 1988-1. The Superintendent will work with the local law enforcement officials to review and revise the implementation of any agreements.

Implementation

The Board directs the Superintendent to develop procedures to implement this policy.

WEAPONS AND
DANGEROUS INSTRUMENTS (continued)

Possible

<u>Cross References:</u>	5114	Suspension and expulsion
	5131	Conduct/discipline
	5131.5	Vandalism/violence
	5131.6	Drugs, alcohol, tobacco (substance abuse)
	R5131.7	Removal of Pupils from the Regular Education Program for Firearms Violations
	5145.11	Questioning and apprehension
	5145.12	Search and seizure
	6172	Alternative educational programs

Key Words

Weapons, Dangerous Instruments, Violence, Firearms

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Date Revised: 12/20/2005

REMOVAL OF PUPILS FROM THE REGULAR EDUCATIONAL PROGRAM
FOR FIREARM VIOLATIONS

Definitions for the purposes of this policy

- A. Removal- The exclusion of a pupil from the regular education program in the school in which the pupil was assigned and the assignment of the pupil to an alternative education school or program for at least one calendar year, following a proper hearing conducted by the Board of Education.
- B. Suspension – A temporary exclusion from school following due process procedures.
- C. Expulsion – A permanent exclusion from school which denies a pupil the right to a free, thorough and efficient public education provided by the school district in which the pupil resides, based on specific conditions and following due process procedures, including a hearing conducted by the Board of Education.

Procedures – Removal of Pupils from Regular Education

- A. The principal or designee is responsible for the removal of any pupil found knowingly in possession of a firearm on any school property, on a school bus, or at a school-sponsored function.
- B. The principal or designee will notify the pupil's parent or legal guardian if the pupil is possessing a firearm on school property, on a school bus, or at a school-sponsored function.
- C. If placement in an approved alternative education school or program is not available, the pupil must be provided home instruction or instruction in other suitable facilities or programs.
- D. Upon formal notification that a pupil has been convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm, the principal or designee shall follow the procedures delineated above.
- E. Upon formal notification that a pupil has been charged with possession of a firearm or a crime while armed with a firearm, the principal or designee shall notify the pupil and the parents/guardians that if the pupil is convicted or adjudicated delinquent, the pupil will be subject to disciplinary action in accordance with Policy.
- F. The school district may consider other alternative education programs, such as an Individualized Program Plan (IPP) developed in accordance with the graduation requirement

REMOVAL OF PUPILS FROM THE REGULAR
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standards set forth in N.J.A.C. 6:8.7.1(d)ii.

- G. Any pupil removed for a firearms offense is entitled to a hearing before the Board of Education to determine if the pupil is guilty of the offense.
1. The hearing shall take place no longer than 30 calendar days following the day the pupil is removed from the regular education program. The hearing is not subject to the provisions of the Open Public Meetings Act, P.L. 1975, c.231 (C. 10:4-6 et seq.).
 2. The decision of the Board of Education must be made within 5 calendar days after the close of the hearing. Any appeal to the Commissioner of Education must be made within 90 calendar days of the Board's decision.
 3. If the Board finds the pupil is not guilty of the offense(s), the pupil must be immediately returned to the regular education program.
 4. The Superintendent of Schools may modify the decision to remove the pupil on a case by case basis.

Return of Pupils to Regular Education

The Superintendent determines whether the pupil is prepared to return to the regular education program or whether the pupil remains in the alternative education program or other educational placement. The Superintendent's decision must be made in accordance with school district policy and New Jersey Administrative Code. If the pupil is educationally disabled, the pupil's placement is determined by the child study team and pupil's parent or legal guardian in accordance with N.J.A.C. 6:28 et seq., Special Education.

Expulsion

The Board of Education is not prohibited from expelling a pupil and none of the above procedures in this regulation or within the law prohibit expulsion.

Superintendent's Permission for Firearm

The Superintendent may grant permission to written requests from pupils to possess, handle, or use weapons as part of their participation in school-sponsored functions, military classes, or for recreational activities such as hunting clubs and rifle clubs. The Superintendent must not grant such permission to any pupil who has been convicted or found delinquent for possession of a firearm or for a crime involving the use of a firearm.

Alternative Education Settings

If a pupil is removed from the regular education program and a placement in an approved alternative education program is not available, or if the Superintendent determines that it is not in the best interest of the pupil and the school to modify the conditions for the removal and placement of the pupil, the following alternatives are available:

REMOVAL OF PUPILS FROM THE REGULAR
EDUCATIONAL PROGRAM FOR FIREARM VIOLATIONS (continued)

- A. Home instruction – Home instruction may be provided in accordance with Board policy. If instruction cannot reasonably be provided at the pupil's place of confinement, a suitable alternative location such as a municipal building, state government facility or county facility may be considered.
- B. Home schooling – Parents or legal guardians with children removed from the regular education program have the right to educate a child at home. The parent or legal guardian must demonstrate to the school district that the instruction provided at home is academically equivalent to that provided in public school for a child of similar grade and attainment. If a child is educated at home, the school district will evaluate the child before returning to the public school to determine placement.
- C. Another Program Completion Option – An Individualized Program Plan (IPP) may be developed in accordance with graduation standards set forth in N.J.A.C. 16:8-7(d)ii. The IPP may be used in conjunction with home instruction, or as the basis for organizing the provision of other tutorial and supervised learning experiences.

Special Education

- A. Pupils with disabilities who are found in violation of Policy 5131.7 may be removed immediately from the school setting. The principal may suspend the pupil for up to ten school days without the involvement of the child study team. If the school believes the pupil should be removed for more than ten school days the following steps shall be taken:
 - 1. The child study team must conduct a reevaluation to determine if the pupil's misconduct was primarily caused by his/her disability;
 - 2. If the misconduct is determined not to be primarily caused by the pupil's disability, the pupil may be removed, expelled, or suspended for more than 45 school days following applicable due process procedures. The district may not cease educational services;
 - 3. If the misconduct is determined to be primarily caused by the pupil's disability, the pupil may not be expelled or suspended from school. The school district may change the pupil's placement if it believes that maintaining the pupil in the current educational placement is inappropriate.
- B. If the school district believes that the pupil with the educational disability is a danger to self or others, or the pupil's presence in school will substantially disrupt the educational process, the district may seek emergent relief from the Commissioner of Education to remove the pupil
- C. The child study team and others involved in developing the pupil's Individualized Education Program (IEP) are responsible for determining the interim alternative educational setting. The child study team will conduct a reevaluation of the pupil to determine if the pupil's misconduct was primarily caused by the pupil's disability and to review the pupil's placement.
 - 1. If it is determined the pupil's behavior was not primarily caused by the disability, the pupil may be removed for one year to the interim alternative placement.

REMOVAL OF PUPILS FROM THE REGULAR
EDUCATIONAL PROGRAM FOR FIREARM VIOLATIONS (continued)

2. If it is determined that the misconduct was primarily caused by the disability, the pupil may not be automatically removed for one year; however the district may propose a change in the pupil's placement.
3. In either instance, if the parent's or legal guardian's request a due process hearing, the pupil must remain in the alternative education placement until the completion of all proceedings, unless the parents or legal guardians and the school district can agree on another placement.

Possible

<u>Cross References:</u>	5114	Suspension and expulsion
	5131	Conduct/discipline
	5131.5	Vandalism/violence
	5131.6	Drugs, alcohol, tobacco (substance abuse)
	5131.7	Weapons and Dangerous Instruments
	5145.11	Questioning and apprehension
	5145.12	Search and seizure
	6172	Alternative educational programs

Key Words

Weapons, Dangerous Instruments, Violence, Paging Devices, Beepers, Firearms, Removal of Pupils, Suspension, Expulsion, Home Instruction

Date Adopted: 08/23/2005

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DATING VIOLENCE

The Board of Education believes a safe and civil environment in school is necessary for children to learn. A pupil who is a victim of dating violence suffers academically and the pupil's safety at school is jeopardized. Acts or incidents of dating violence at school whether they are verbal, sexual, physical, or emotional will not be tolerated and will be dealt with in accordance with the school pupil's code of conduct.

All school staff members (administrative staff, instructional staff, support staff, and volunteers) shall take all reasonable measures to prevent acts or incidents of dating violence at school involving a pupil. All acts or incidents of dating violence at school shall be reported to the Principal or designee in accordance with the provisions outlined in Regulation 5131.8. A verbal report shall be made to the Principal or designee as soon as possible, but no later than the end of the pupil's school day when the staff member witnesses or learns of an act or incident of dating violence at school. A written report regarding the act or incident shall be submitted to the Principal or designee by the reporting staff member no later than one day after the act or incident occurred.

School staff members are required to report all acts or incidents of dating violence at school they witness or upon receiving reliable information concerning acts or incidents of dating violence at school. Acts or incidents may include, but not limited to: those characterized by physical, emotional, verbal, or sexual abuse; digital or electronic acts or incidents of dating violence, and/or patterns of behavior which are threatening or controlling.

The Board of Education, upon the recommendation of the Superintendent of Schools, shall adopt the guidelines and procedures outlined in Regulation 5131.8 for responding to at school acts or incidents of dating violence. The protocols outlined in Regulation 5131.8 have been established for any school staff member who witnesses or learns of an act or incident of dating violence at school and for school administrators to work with the victim and the aggressor of an act or incident of dating violence.

Dating violence statements and investigations shall be kept in files separate from pupil academic and discipline records to prevent the inadvertent disclosure of confidential information. Every act or incident of dating violence at school that is reported shall be documented in an appropriate manner. This should include statements, planning actions, and disciplinary measures as well as counseling and other support resources that are offered and prescribed to the victim or aggressor.

School administrators shall implement discipline and remedial procedures to address acts of dating violence at school consistent with the school's pupil code of conduct. The policies and

DATING VIOLENCE (continued)

procedures specific to acts or incidents of dating violence at school shall be used to address the act or incident as well as serve as remediation, interventions, education, and prevention for all individuals involved. The responses shall be tiered with consideration given to the seriousness and the number of previous occurrences of acts or incidents in which both the victim and alleged aggressor have been involved.

Consequences may include, but are not limited to: admonishment, temporary removal from the classroom, classroom or administrative detention, in-school suspensions, out-of-school suspension, reports to law enforcement, and/or expulsion. Retaliation towards the victim of any act or incident of dating violence shall be considered when administering consequences to the alleged aggressor based on the severity of the act or incident.

Remediation/intervention may include, but is not limited to: parent conferences, pupil counseling (all pupils involved in the act or incident), peer support groups, corrective instruction or other relevant learning or service experiences, supportive pupil interventions (Intervention and Referral Services (I&RS), behavioral management plans, and/or alternative placements.

A pattern of behaviors may be an important sign a pupil is involved in an unhealthy or abusive dating relationship. The warning signs listed in Regulation 5131.8 shall educate the school community on the characteristics that a pupil in an unhealthy or abuse relationship may exhibit. Many of these warning signs make a connection to one pupil in the relationship asserting control and power over the other. Recognizing one or more signs of teen dating violence plays an important role in preventing, educating, and intervening in acts or incidents of dating violence.

The Board of Education shall make available to pupils and their families information on safe, appropriate school, family, peer, and community resources available to address dating violence.

The Board of Education shall incorporate age-appropriate dating violence education in grades seven through twelve through the health education curriculum in alignment with the New Jersey Core Curriculum Content Standards for Comprehensive Health and Physical Education. The educational program shall include, but is not limited to, a definition of dating violence, recognizing the warning signs of dating violence, and the characteristics of healthy relationships.

Upon written request to the school Principal, a parent/legal guardian of a pupil less than eighteen years of age, shall be permitted within a reasonable period of time after the request is made, to examine the dating violence education instructional materials developed by the school district.

Notice of Policy and Regulation 5131.8 shall appear in all district publications that set forth the comprehensive rules, procedures, and standards of conduct for pupils within the district and in any handbook.

DATING VIOLENCE (continued)

Possible

<u>Cross References:</u>	5114	Suspension and expulsion
	5131	Conduct/discipline
	5131.5	Vandalism/violence
	6142.4	Health and Physical Education
	6172	Alternative educational programs

Key Words

Dating Violence

Date Adopted: 05/01/2012

Date Revised:

DATING VIOLENCE AT SCHOOL

A. Definitions

1. "At school" means in a classroom, or anywhere on school property, school bus or school-related vehicle, at an official bus stop, or at any school-sponsored activity or event whether or not it is on school grounds.
2. "Dating partner" means any person involved in an intimate association with another individual that is primarily characterized by the expectation of affectionate involvement, whether casual, serious or long-term.
3. "Dating violence" means a pattern of behavior where one person threatens to use, or actually uses physical, sexual, verbal, or emotional abuse to control a dating partner.

B. Procedures for Reporting

1. School staff members (administrative staff, instructional staff, support staff, and volunteers) shall take all reasonable measures to prevent acts or incidents of teen dating violence and are required to report all acts or incidents of dating violence at school.
2. All acts or incidents of dating violence at school shall be reported to the Principal or designee.
 - a. This report should be made verbally as soon as possible, but no later than the end of the pupil's school day when the staff member witnesses or learns of an act or incident of dating violence at school.
 - b. A written report regarding the act or incident of dating violence at school should be submitted to the Principal or designee by the reporting staff member no later than one day after the staff member witnesses or learns of an act or incident of dating violence at school.
3. These acts or incidents or incidents may include, but are not limited to:
 - a. Witnessed or receipt of reliable information concerning acts or incidents that are characterized by physical, emotional, verbal, or sexual abuse;
 - b. Digital or electronic acts or incidents of dating violence; and/or

DATING VIOLENCE AT SCHOOL (continued)

- c. Patterns of behavior which are threatening or controlling.

C. Guidelines/Protocols for Responding to At-School Acts or Incidents of Dating Violence.

1. Protocols for All School Staff Members – Any school staff member who witnesses or learns of an act or incident of dating violence at school shall take the following steps:
 - a. Separate the victim from the aggressor;
 - b. Speak with the victim and the aggressor separately;
 - c. Speak with witnesses or bystanders separately;
 - d. Verbally report the act or incident to the Principal or designee no later than the end of the pupil's school day;
 - e. Prepare and submit a written report of the act or incident to the Principal or designee no later than one day after the act or incident occurred; and
 - f. Monitor the interaction of the victim and the aggressor with pupil safety being the priority.
2. Protocol for Administrators/Administrative Investigation – The Principal or designee upon receiving a report of a dating violence act or incident at school shall take the following steps:
 - a. Separate the victim from the aggressor; if applicable,
 - b. Meet separately with the victim and the alleged aggressor;
 - c. Take written statements from the victim and alleged aggressor;
 - d. Review the victim's and alleged aggressor's written statements to ascertain an understanding of the act or incident. The administrator may ask questions of either individual for clarification.
 - e. Further investigate the act or incident by speaking with bystanders/witnesses of the act or incident. All statements obtained from bystanders/witnesses shall be written and documented when possible;
 - f. The school administrator may make a determination to involve the school resource officer or law enforcement, if appropriate.
 - g. Appropriate referrals should be made if after an assessment by a school social worker, counselor, or psychologist determines the victim's or alleged aggressor's mental health has been placed at risk;
 - h. The Principal or designee shall contact the parents/guardians of both the victim and

DATING VIOLENCE AT SCHOOL (continued)

- the alleged aggressor. The Principal or designee shall recommend a meeting be held to discuss the act or incident; and
- i. The Principal or designee will notify both parties in writing of the outcome/determination of the investigation into the act or incident of dating violence at school.
3. Protocol for Working with the Victim of an Act or Incident of Dating Violence at School – The Principal or designee shall implement the following procedures for dealing with victims of a confirmed act or incident of dating violence at school:
- a. A pupil's safety shall be the first priority in a dating violence act or incident. Interaction between the victim and the aggressor shall be avoided. The burden of any schedule changes (classroom, bus, etc.) should be taken by the aggressor.
 - b. A conference shall be held with the victim and their parents/guardians;
 - c. Identify any means or actions that should be taken to increase the victim's safety and ability to learn in a safe and civil school environment;
 - d. Alert the victim and their parents/guardians of school and community-based resources that may be appropriate, including their right to file charges, if the act or incident violated the law;
 - e. Monitor the victim's safety as needed and assist the victim with any plans needed for the school day and after-school hours (hallway safety, coordination with parents/guardians for transportation to and from school, etc.). The administration may develop a safety plan if deemed necessary.
 - f. The administration may develop a Stay-Away Agreement between the victim and the aggressor if deemed necessary.
 - g. Encourage the victim to self-report any and all further acts or incidents of dating violence that occur at school in writing to the Principal or designee; and
 - h. Document all meetings and action plans that are discussed.
4. Protocol for Working with the Aggressor of An Act or Incident of Dating Violence at School – The Principal or designee shall implement the following procedures for dealing with the aggressor of a confirmed act or incident of dating violence at school:
- a. Schedule a conference with the aggressor and their parents/guardians;
 - b. Give the aggressor the opportunity to respond in a written statement to the allegations and the outcome/determination of an act or incident of dating violence at school.
 - c. Alert the aggressor and their parents/guardians to both school and community-based support and counseling resources that are available;

DATING VIOLENCE AT SCHOOL (continued)

- d. Identify and implement counseling, intervention, and disciplinary methods that are consistent with school policy for acts or incidents of this nature;
 - e. Review the seriousness of any type of retaliation (verbal, emotional, physical, sexual, electronic/digital) towards the victim who reported the act or incident of dating violence. Address that consequences will be issued consistent with the school's pupil code of conduct and procedures for any type of retaliation or intimidation towards the victim; and
 - f. Document all meetings and action plans that are discussed.
5. Protocol for the Documentation and Reporting of an Act or Incident of Dating Violence at School – School districts shall implement the following procedures for documenting and reporting acts or incidents of dating violence that occur at school:
- a. Dating violence statements and investigations shall be kept in files separate from pupil academic and discipline records to prevent the inadvertent disclosure of confidential information.
 - b. Every act or incident of dating violence at school that is reported shall be documented in an appropriate manner. This documentation shall include all written statements, planning actions, consequences, and disciplinary measures as well as counseling and other support resources that were offered, prescribed, and/or provided to the victim to the aggressor.

D. Discipline Procedures Specific to At School Acts or Incidents of Dating Violence

1. The Board of Education requires its school administrators to implement discipline and remedial procedures to address acts or incidents of dating violence at school that are consistent with the school's pupil code of conduct.
2. The policies and procedures specific to acts or incidents of dating violence at school should be used to address the act or incident as well as serve as remediation, intervention, education, and prevention for all individuals involved.
3. The responses shall be tiered with consideration given to the seriousness and the number of previous occurrences of acts or incidents in which both the victim and alleged aggressor have been involved.
4. Consequences may include, but are not limited to, the following:
 - a. Admonishment;
 - b. Temporary removal from the classroom;
 - c. Classroom or administrative detention;
 - d. In-school suspension;

DATING VIOLENCE AT SCHOOL (continued)

- e. Out-of-school suspension;
 - f. Reports to law enforcement; and
 - g. Expulsion
5. Retaliation toward the victim of any act or incident of dating violence shall be considered when administering consequences to the aggressor based on the severity of the act or incident.
6. Remedial procedures/interventions may include, but are not limited to, the following:
- a. Parent conferences;
 - b. Pupil counseling (all pupils involved in the act or incident)
 - c. Peer support group;
 - d. Corrective instruction or other relevant learning or service experiences;
 - e. Supportive pupil intervention (Intervention and Referral Services (I&RS));
 - f. Behavioral management plan; and
 - g. Alternative placements.

E. Warning Signs of Dating Violence

1. A pattern of behaviors may be an important sign that a pupil is involved in an unhealthy or abusive dating relationship. Many warning signs make a connection to one pupil in the relationship asserting control and power over the other. Recognizing one or more signs of teen dating violence plays an important role in preventing, educating, and intervening in acts or incidents of dating violence.
2. The warning signs listed below are to educate the school community on the characteristics a pupil in an unhealthy or abusive relationship might exhibit. Warning signs may include, but are not limited to, the following:
 - a. Name-calling and putdowns – Does one pupil in the relationship use name-calling or putdowns to belittle or intimidate the other pupil?
 - b. Extreme jealousy – Does one pupil in the relationship appear jealous when the other talks with peers?
 - c. Making excuses – Does one pupil in the relationship make excuses for the other?
 - d. Canceling or changing plans – Does one pupil cancel plans often, and at the last minute? Do the reasons make sense or sound untrue?

DATING VIOLENCE AT SCHOOL (continued)

- e. Monitoring – Does one pupil call, text, or check up on the other pupil constantly? Does one pupil demand to know the other’s whereabouts or plans?
 - f. Uncontrolled anger – Does one of the pupils in the relationship lose his or her temper or throw and break things in anger?
 - g. Isolation – Has one pupil in the relationship given up spending time with family and friends? Has the pupil stopped participating in activities that were once very important?
 - h. Dramatic changes – Has the appearance of the pupil in the relationships changed? Has the pupil in the relationship lost or gained weight? Does the pupil seem depressed?
 - i. Injuries – Does the pupil in the relationship have unexplained injuries? Does the pupil give explanations that seem untrue?
 - j. Quick Progression – Did the pupil’s relationship get serious very quickly?
- F. The Principal or designee will provide to the parents/guardians of a victim or aggressor information on safe, appropriate school, family, peer, and community resources available to address dating violence.

Possible

<u>Cross References:</u>	5114	Suspension / Expulsion
	5131	Conduct/discipline
	5131.5	Vandalism/violence
	5131.8	Dating Violence
	6141.4	Health and Physical Education
	6172	Alternative educational programs

Key Words

Dating Violence

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