

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 board directs the chief school administrator to develop and implement a 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, and as appropriate, conduct away from school grounds. The board 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 chief school administrator 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.

In developing the standards, policies and procedures to implement this policy, the chief school administrator shall ensure that the code of student conduct:

- A. Is based on parent, student and community involvement which represents, where possible, the composition of the schools and community;
- B. Is based on locally determined and accepted core ethical values;
- C. Is board approved

The chief school administrator shall develop regulations that:

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

The Oxford Township Board of Education will annually review and update the code of conduct and this process shall include:

- A. Parent, student and community involvement which represents, where possible, the composition of the schools and community;
- B. Consideration of the findings of the annual reports of student conduct, suspensions and expulsions; and incidences reported under the Electronic Violence and Vandalism Reporting System.

The chief school administrator shall annually:

- A. Disseminate the code of student conduct to all staff, students and parents;
- B. Report on the implementation of the code of student conduct to the board of a education at public meeting in accordance with N.J.A.C. 6A:16-7.1(a) 5, i-iv
- C. Report to the New Jersey Department of Education on student conduct, including all student suspension and expulsion and incidences reported under the Electronic Violence and Vandalism Reporting System.

Pupils who display chronic behavioral or academic problems may be referred to the child study team by the chief school administrator 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.

Substance Abuse

In accordance with statute and code, penalties shall be assigned for use, possession and distribution of proscribed substances and drug paraphernalia. The penalties shall be graded according to the severity of the offense. Infractions shall be reported to the local law enforcement agency in accordance with the district's memorandum of agreement. Confidentiality shall be protected in accordance with federal and state law.

Weapons Offenses

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 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 chief school administrator 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. The hearing shall take place no later than 30 days following the day the pupil is removed from the regular education program and shall be closed to the public.

The principal shall be responsible for the removal of such students and shall immediately report them to the chief school administrator. The principal shall also notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice.

The chief school administrator 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.

Teaching staff members and other employees of this board having authority over pupils shall take such lawful means as may be necessary to control the disorderly conduct of pupils in all situations and in all places where such pupils are within the jurisdiction of this board.

Harassment, Intimidation or Bullying

The board of education expects pupils to treat each other with civility and respect, and will not tolerate acts of harassment, intimidation or bullying. Like other disruptive or violent behaviors, this conduct interferes with a pupil's ability to learn and a school's ability to educate its pupils in a safe environment.

The board prohibits acts of harassment, intimidation or bullying against any pupil.

"Harassment, intimidation or bullying" is defined as any gesture, any written, verbal or physical act, or any electronic communication that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin or ethnicity, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function or on a school bus and that:

- A. A reasonable person should know, under the circumstances, will have the effect of harming a pupil or damaging the pupil's property, or placing a pupil in reasonable fear of harm to his/her person or damage to his/her property; or
- B. Has the effect of insulting or demeaning any pupil or group of pupils in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school.

"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, that takes place on school property, at any school-sponsored function or on a school bus.

Any school employee, pupil or volunteer who has witnessed, or has reliable information that a pupil has been subject to harassment, intimidation or bullying, must report the incident to the appropriate school official designated by the administration. The board shall not tolerate an act of reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying

The chief school administrator shall develop appropriate procedures addressing:

- A. A mechanism for reporting acts of harassment, intimidation or bullying, including a means of anonymous reporting. However, no formal disciplinary action shall be based on an anonymous report;
- B. The prompt investigation of reports of such acts, identifying either the principal or the principal's designee as the person responsible for the investigation;
- C. The range of ways in which a school will respond once an incident of harassment, intimidation or bullying is identified. Responses, at a minimum, shall include support for victims and corrective actions for documented systemic problems related to harassment, intimidation, or bullying; and
- D. Consequences, discipline and remedial action for a person who commits an act of harassment, intimidation or bullying, who engages in an act of reprisal or retaliation against a

person who reports such action, or who falsely accuses another of bullying as a means of harassment, intimidation or bullying.

The board shall annually review the training needs of district staff for the effective implementation of this policy and procedures. The board shall also implement locally determined staff training programs consistent with this review.

The chief school administrator shall take all necessary steps to publicize this policy, and shall inform pupils and staff that harassment, intimidation or bullying is prohibited on school property or any school-sponsored function. This shall include development of a process to annually discuss the policy with students. This information shall also be incorporated into the student handbook and employee training programs.

The board shall also review the extent and characteristics of harassment, intimidation and bullying behavior in the district's schools, and implement locally determined programmatic, or other responses, if appropriate. These programs or other services shall be planned 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, as appropriate.

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.

Dissemination and Implementation

This policy shall be posted on the district website and parents/guardians and students notified that the policy is available on the district website.

The chief school administrator 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.

Date:

First Reading: June 4, 2007

Second Reading/ Adoption: July 19, 2007

Review Date: April 21, 2009

Adoption Date: May 14, 2009

Legal References:

Monitored:

Indicators 1.1, 2.3, 5.1

Mandated:

N.J.S.A. 18A:37-15 requires policy prohibiting harassment, intimidation or bullying on school property, at a school-sponsored function or on a school bus.

P.L. 2007, c.129 requires the mandated school district policy on harassment, intimidation and bullying to be amended to include “electronic communication”. It amends N.J.S.A. 18A:37-15 by including electronic communication in the definition of “harassment, intimidation or bullying”

N.J.S.A. 18A:37-15.2 requires that districts make the policy prohibiting harassment, intimidation or bullying available on the district's website, and notify students and parents that the policy is available on the district's website.(P.L. 2007, C. 303)

N.J.S.A. 18A:40A-10 requires policy statement providing for discipline of pupils who are substance abusers.

N.J.S.A. 18A:40A-11 requires policies and procedures for discipline of pupils involved in incidents of possession or abuse of substances on school property or at school functions.

N.J.A.C. 6A:16-1.4(a)10 and 13 through –15 require policies on the removal of students for weapons offenses and assaults, prohibition of remotely activated paging devices, cooperation with law enforcement and substance abuse prevention, intervention and treatment referral.

N.J.A.C. 6A:16-1.4(a)16 requires policies that provide for the development and implementation of a code of student conduct. Required elements of the code are listed at N.J.A.C. 6A:16-7.1

N.J.A.C. 6A:16-4.1 requires policies and procedures for the assessment, evaluation, intervention and referral to treatment and discipline of pupils who possess, consume or on reasonable grounds are suspected of being under the influence of substances defined by law; must include sanctions graded according to severity of offense. Other required components are listed at N.J.A.C. 6A:16-4.1(a)(b)(c).

N.J.A.C. 6A:16-6.1 requires adoption of policies and procedures to ensure cooperation between school staff and law enforcement authorities in all matters pertaining to unlawful possession, distribution and disposition of controlled dangerous substances, drug paraphernalia, alcohol, firearms and other deadly weapons. Required elements of these policies and procedures are included at N.J.A.C. 6A:16-6.2(a)(b).

N.J.A.C. 6A:16-7.1(a-d) requires district boards of to develop and implement a code of student conduct, and sets forth the purposes of the code, the minimum standards to be included in the code, and requires due process procedures and policy for students and their families in accordance with N.J.A.C. 6A:16-7.2 through 7.6.

N.J.A.C. 6A:16-7.6 governs district authority for student conduct away from school grounds.

N.J.A.C. 6A:16-7.9 governs harassment, intimidation, and bullying policy requirements.

Other Reasons:

The weight of court and commissioner decisions, added to the possibly damaging

consequences to the district of a lack of clear policy, makes it a critical policy topic for behavior other than substance abuse or weapons possession.

N.J.S.A. 2A:4A-60 allows the principal to request information from law enforcement authorities on a juvenile charged with an offense, including the identity of the juvenile, the offense charged and the adjudication and disposition of the case. Law enforcement or the prosecuting agency must inform the principal under all circumstances enumerated in the statute. N.J.A.C. 6A:16-1.4(a)19 and N.J.A.C.

6A:16-5.4 requires policy on maintaining confidentiality during these proceedings.

No Child Left Behind requires the state to establish statewide policy requiring that a student who is attending a “persistently dangerous” elementary or secondary school or who becomes a “victim of a violent criminal offense” be allowed to attend a “safe” school within the district, including a charter school. The SDOE is coordinating efforts to establish such a policy that would include definitions of pertinent terms.

<u>N.J.S.A. 2A:4A-60 et al.</u>	Disclosure of juvenile information; penalties for disclosure
<u>N.J.S.A. 2C:12-1</u>	Definition of assault
<u>N.J.S.A. 2C:33-19</u>	Paging devices, possession by students
<u>N.J.S.A. 2C:39-5</u>	Unlawful possession of weapons
<u>N.J.S.A. 18A:6-1</u>	Corporal punishment of pupils
<u>N.J.S.A. 18A:11-1</u>	General mandatory powers and duties
<u>N.J.S.A. 18A:25-2</u>	Authority over pupils
<u>N.J.S.A. 18A:36-19a</u>	Newly enrolled students; records and identification
<u>N.J.S.A. 18A:37-1 et seq.</u>	Discipline of Pupils
<u>See particularly:</u> <u>N.J.S.A. 18A:37-15</u>	Harassment, intimidation, and bullying
<u>N.J.S.A. 18A:40A-1 et seq.</u>	Substance Abuse
<u>N.J.S.A. 18A:54-20</u>	Powers of board (county vocational schools)
<u>N.J.A.C. 6A:14-2.8</u>	Discipline/suspension/expulsions
<u>N.J.A.C. 6A:16-1.1 et seq.</u>	Programs to Support Student Development
<u>See particularly:</u> <u>N.J.A.C. 6A:16-1.4,-2.4,</u> <u>-4.1, -5.1, -6.1, -6.2, -7.1,</u> <u>-7.9</u>	
<u>N.J.A.C. 6A:32-12.1</u>	Reporting requirements
<u>N.J.A.C. 6A:32-12.2</u>	School-level planning

P.L. 2007, c.129, amends N.J.S.A. 18A:37-15 and includes electronic communication in the definition of public school “harassment, intimidation or bullying”

20 U.S.C.A. 1415(k) Individual with Disabilities Education Act Amendments of 1997

Bethel School District No. 403, v. Fraser, 478 U.S. 675 (1986)

Hazelwood v. Kuhlmeier 484 U.S. 260 (1988)

Honig v. Doe, 484 U.S. 305 (1988)

See also Commissioners' Decisions indexed under "Pupils – Punishment of" in Index to N.J. School Law Decisions

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

L.W. v. Toms River Regional Schools Board of Education, N.J., No. A-111 05

(Feb. 22, 2007), 2007 N.J. LEXIS 184. The New Jersey Supreme Court ruled that a school district may be held liable under the New Jersey Law Against Discrimination (LAD), N.J.S.A. 10:5-1 to -49, when students harass another student because of his perceived sexual orientation. A district school will be liable for such harassment if it knew or should have known of the harassment but failed to take reasonable remedial actions. The matter was remanded to the Director of the Division of Civil Rights.

Manual for the Evaluation of Local School Districts

A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials

Possible

Cross References:

1220	<u>Ad hoc</u> advisory committees
1410	Local units
3515.1	Electronic Portable Communicative Devices
3517	Security
3541.33	Transportation safety
4131/	Staff development; in-service education/visitation conferences
4131.1	
4148	Employee protection
4231/	Staff development; in-service education/visitation conferences
4231.1	
4248	Employee protection
5000	Concepts and roles in pupil personnel
5010	Personal goals and objectives for pupils
5020	Role of parents/guardians
5113	Absences and excuses
5114	Suspension and expulsion
5124	Reporting to parents/guardians
5127	Commencement activities
5131.1	HIB
5131.5	Vandalism/violence
5131.6	Drugs, alcohol, tobacco (substance abuse)
5131.7	Weapons and dangerous instruments
5132	Dress and grooming
5145	Rights
5145.2	Freedom of speech/expression
5145.4	Equal educational opportunity
5145.6	Pupil grievance procedure
5145.1	Questioning and apprehension
5145.1	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, Weapons, Vandalism