

CODE OF STUDENT CONDUCT

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 students.

The Board of Education expects students to conduct themselves 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, in keeping with their level of maturity.

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

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

The Code of Student Conduct shall include:

- A. A description of student responsibilities that includes expectations for academic achievement, behavior and attendance;

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- B. A description of the behaviors that will result in suspensions or expulsion;
- C. A description of students' right to:
 - 1. Advance notice of behaviors that will result in suspensions and expulsions;
 - 2. Education that supports students' development into productive citizens;
 - 3. Attendance in safe and secure school environments;
 - 4. Attendance at school irrespective of students' marriage, pregnancy or parenthood;
 - 5. Due process and appeal procedures;
 - 6. Parent notifications consistent with board policy and law for law enforcement interviews (5145.11 Questioning and Apprehension), short-term and long-term suspension (5114 Suspension and Expulsion), due process and appeal procedures, and attendance (5113 Attendance, Absences and Excuses); and
 - 7. Records and privacy protections (5125 Student Records).
- D. A description of comprehensive behavioral supports that promote positive student development and the students' abilities to fulfill the behavioral expectations established by the Board, including:
 - 1. Positive reinforcement for good conduct and academic success;
 - 2. Supportive interventions and referral services;
 - 3. Remediation of problem behaviors that take into account the nature of the behaviors, the developmental ages of the students and the students' histories of problem behaviors and performance; and
 - 4. For students with disabilities, the behavior interventions and supports as determined and provided as required by special education administrative code;
- E. A description of school responses to violations of the behavioral expectations established by the Board 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:
 - 1. Include a continuum of actions designed to remediate and, where necessary or required by law, to impose sanctions;
 - 2. Are consistent with other responses as established in the various codes and required by law for serious offenses including firearms, weapons, and assault offenses.
 - 3. Provide for the equitable application of the Code of Student Conduct without regard to race, color, religion, ancestry, national origin, nationality, sex, gender, sexual orientation, gender identity or expression, marital, domestic-partnership, or civil-union, mental, physical, or sensory disability, or any other distinguishing characteristic;
 - 4. Are consistent with the provision of state statute and administrative code regarding corporal punishment of students;
 - 5. A policy and procedures regarding the attendance of students;
 - 6. A policy and procedures regarding harassment, intimidation, and bullying in

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- accordance to state statute and administrative code; and
7. 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 service the community.
- F. Expectations and consequences consistent board policies and procedures 5113 Attendance, Absences and excuses and 5131.1 Harassment, Intimidation and Bullying; and
- G. 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.

A student may be denied privileges such as participation in extracurricular activities, school functions, sports, graduation exercises or other privileges as disciplinary sanctions in order to maintain the order and integrity of the school environment.

Student Behavioral Infractions

The Superintendent has the right and authority to impose a consequence on a student for conduct away from school grounds 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 or 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 shall direct development of detailed regulations suited to the age level of the students and the physical facilities of the individual schools.

Board policy requires each student 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 students and their parents/guardians the rules of this district regarding student 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.

Students who display chronic behavioral or academic problems may be referred to the child study team by the Superintendent or his/her designee for an evaluation to determine disability or the need for other services. Such referrals shall be in strict accordance with the due process regulations prescribed by the administrative code. Students so identified shall be provided with appropriate programs and services as prescribed by the child study team.

The superintendent or his or her designee shall take appropriate measures to ensure that minority and male students shall not be disproportionately represented in detentions, suspensions, and expulsions.

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The standards and procedures to implement this policy shall provide appropriate recognition for students who consistently maintain high standards of self-discipline and good citizenship and ensure the Code of Student Conduct is based on locally determined and accepted core values and is board approved.

The regulations shall:

- A. Require students 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 students are engaged.

This policy shall be reviewed annually and updated. This process shall include:

- A. Parent, student and community involvement which represents, where possible, the composition of the schools and community, in accordance with N.J.A.C. 6A:16-7.1;
- 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 Superintendent 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 education at a 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.

Students who display chronic behavioral or academic problems may be referred to the Intervention and Referral Services (I&RS) team by the Superintendent or his/her designee for an evaluation to determine disability or the need for other services. Such referrals shall be in strict accordance with the due process regulations prescribed by the administrative code. Students so identified shall be provided with appropriate programs and services as prescribed by the I&RS and/or child study team.

A student whose presence poses a continuing danger to persons or property, or an ongoing threat of disrupting the academic process, may be suspended in accordance with N.J.A.C. 6A:16-7.1 and

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N.J.A.C. 6A:16-7.3 or expelled in accordance with N.J.A.C. 6A:16-7.5, following due process.

Any student 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 in accordance with N.J.A.C. 6A:16-7.1 and N.J.A.C. 6A:16-7.3 or expulsion in accordance with N.J.A.C. 6A:16-7.5. Proceedings shall begin no later than 30 calendar days from the date of the student'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 in accordance with the Drug, Alcohol and Tobacco board policy and the Substance Abuse Policy board policy.

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

For the purposes of this policy, a weapon is defined as anything readily capable of lethal use or of inflicting serious bodily injury, and includes, but is not limited to those items identified in N.J.S.2C:39-1.

Any student 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 Superintendent may modify this suspension on a case-by-case basis. Each student so removed shall be placed in an alternative education program or on home instruction pending alternative education program placement and shall be entitled to a hearing before the board. The hearing shall take place no later than 30 days following the day the student 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 Superintendent. The principal shall also notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice.

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 N.J.A.C. 6A:16-5.5(i).

Teaching staff members and other employees of this board having authority over students shall take such lawful means as may be necessary to control the disorderly conduct of students in all

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situations and in all places where such students are within the jurisdiction of this board.

Harassment, Intimidation or Bullying

The Board of Education expects all students 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 student's ability to learn and a school's ability to educate its students in a safe environment.

The Board prohibits acts of harassment, intimidation or bullying against any student in accordance with the Harassment, Intimidation and Bullying board policy, and law.

"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, gender, a mental, physical or sensory disability, sexual orientation, gender identity or expression, national origin or ancestry, or by any other distinguishing characteristic, that takes place on school property, 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 mentally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or mental harm to his/her person or damage to his/her property;
- B. Has the effect of insulting or demeaning any student or group of students; or
- C. Creates a hostile educational environment 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.

Classified students are subject to the same disciplinary procedures as nondisabled students and may be disciplined in accordance with the 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; and
- B. The program that is being provided meets the student'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 students with disabilities.

CONDUCT/DISCIPLINE (continued)See particularly:

N.J.S.A. 18A:37-13.2, -14
N.J.S.A. 18A:37-15 et seq. Harassment, intimidation, and bullying
N.J.S.A. 18A:40A-1 et seq. Substance Abuse
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.A.C. 6A:14-2.8 Discipline/suspension/expulsions
N.J.A.C. 6A:16-1.1et seq. Programs to Support Student Development

See particularly:

N.J.A.C. 6A:16-2.4,
-4.1, -5.1, -5.4, 5.6, 5.7, -6.1,
-6.2, -7.1, -7.5, -7.7, -7.8

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

Every Student Succeeds Act of 2015, Pub. L. 114-95, 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 on Civil Rights.*

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

CONDUCT/DISCIPLINE (continued)**Possible****Cross References:**

- *1220 Ad hoc advisory committees
- *1410 Local units
- 3517 Security
- *3541.33 Transportation safety
- *4131/ Staff development; inservice education/visitation conferences
- 4131.1
- 4148 Employee protection
- *4231/ Staff development; inservice 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
- *5131.5 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

*Indicates policy is included in the Critical Policy Reference Manual.