

### **5600 – Student Discipline/Code of Conduct**

The Board of Education adopts this Student Discipline/Code of Conduct Policy to establish standards, policies, and procedures for positive student development and student behavioral expectations on school grounds and, as appropriate, for conduct away from school grounds. Every student enrolled in this district will observe promulgated rules and regulations and the discipline imposed for infraction of those rules.

The Superintendent will establish a process for the annual review and update of the district's Student Discipline/Code of Conduct Policy and Regulation that may involve a committee of parents, students, Board members, and community members that represent, where possible, the composition of the district's schools and community. The Superintendent will report to the Board the process used for the annual review of this Policy and its associated Regulation and will recommend to the Board Policy Committee updates, if any, to the Student Discipline/Code of Conduct Policy and Regulation.

The Student Discipline/Code of Conduct Policy and Regulation will be disseminated annually to all school staff, students, and parents. The Board of Education will provide to all employees annual training on the Student Discipline/Code of Conduct Policy and Regulation, which will include training on the prevention, intervention, and remediation of student conduct that violates the district's Policy and Regulation. Information on the Student Discipline/Code of Conduct Policy and Regulation will be incorporated into the orientation for new employees.

The Board provides for the district's Student Discipline/Code of Conduct's equitable application. Student discipline and the Code of Student Conduct will be applied 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 by any other distinguishing characteristic, pursuant to N.J.S.A. 10:5.-1 et seq.

For students with disabilities, subject to Individualized Education Programs in accordance with 20 U.S.C. §1400 et seq., the Individuals with Disabilities Education Improvement Act and accommodation plans under 29 U.S.C. §§ 794 and 705(20), the Student Code of Conduct will be implemented in accordance with the components of the applicable plans.

The Student Discipline/Code of Conduct is established for the purposes outlined in N.J.A.C. 6A:16-7.1(b).

This Policy and its associated Regulation include a description of student responsibilities that include expectations for academic achievement, behavior, and attendance, pursuant to N.J.A.C. 6A:32-8 and 13.1; a description of behaviors that will result in suspension or expulsion, pursuant to N.J.S.A. 18A:37-2; and a description of student rights pursuant to N.J.A.C. 6A:16-7.1(c)3.i through vii.

The Board of Education approves the use of comprehensive behavioral supports that promote positive student development and the students' abilities to fulfill the behavioral expectations established by the Board. These behavioral supports may include, but are not limited to, positive reinforcement for good conduct and academic success including the programs that honor and reward student conduct and



academic achievement; supportive intervention and referral services including those services outlined in [Board Policy #2417 – Student Intervention and Referral Services](#); remediation of problem behaviors that take into account the behavior’s nature, the students’ developmental ages and the students’ histories of problem behaviors and performance; and for students with disabilities, the behavior interventions and supports will be determined and provided pursuant to N.J.A.C. 6A:14.

This Policy and its associated Regulation include a description of school responses to violations of behavioral expectations established by the Board that, at a minimum, are graded according to the severity of the offenses, and consider the developmental ages of the student offenders and their histories of inappropriate behaviors pursuant to N.J.A.C. 6A:16-7.1(c)5.

Students are required to be in compliance with [Board Policy and Regulation #5200 – Attendance](#) pursuant to N.J.A.C. 6A:16-7.6 and [Board Policy and Regulation #5512 – Harassment, Intimidation, and Bullying](#) pursuant to N.J.A.C. 6A:16-7.7.

The Building Principal will maintain 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.

The Building Principal (or designee) will have the authority to assign discipline to students. School authorities also have the right to impose a consequence on a student for conduct away from school grounds that is consistent with the district’s Student Code of Conduct pursuant to N.J.A.C. 6A:16-7.5. This authority will 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. This authority will be exercised only when the conduct that is the subject of the proposed consequence materially and substantially interferes with the requirements of appropriate discipline in the operation of the school. Consequences pursuant to N.J.A.C. 6A:16-7.5 will be handled in accordance with this Policy and its associated Regulation, pursuant to N.J.A.C. 6A:16-7.1, and as appropriate, in accordance with N.J.A.C. 6A:16-7-2, 6A:16-7.3, or 6A:16-7.4. School authorities will respond to harassment, intimidation, or bullying that occurs off school grounds, pursuant to N.J.S.A. 18A:37-14 and 15.3 and N.J.A.C. 6A:16-1.3, 7.1, and 7.7.

Consequences and appropriate remedial action for a student who commits one or more acts of harassment, intimidation, or bullying may range from positive behavioral interventions up to and including suspension or expulsion. The factors for determining consequences and remedial measures and examples of consequences and remedial measures are listed in [Board Policy #5512 – Harassment, Intimidation, and Bullying](#). Consequences for a student who commits an act of harassment, intimidation, or bullying will 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 will be consistent with this Policy and the school district’s Student Discipline/Code of Conduct Policy pursuant to N.J.A.C. 6A:16-7.1. Remedial measures for one or more acts of harassment, intimidation, or bullying will be designed to correct the problem behavior; prevent another occurrence of the



problem; protect and provide support for the victim of the act; and take corrective action for documented systemic problems related to harassment, intimidation, or bullying.

Consequences and remedial measures to address acts or incidents of dating violence at school will be consistent with the school district's Student Discipline/Code of Conduct Policy. The factors for determining consequences and remedial measures and examples of consequences and remedial measures are included in [Board Policy and Regulation #5519 – Dating Violence at School](#) and will be used to address the act or incident as well as serve as remediation, intervention, education, and prevention for all individuals involved. The responses will be tiered with consideration given to the seriousness and the number of previous occurrences of acts or incidents in which both the victim and aggressor have been involved. Consequences for acts or incidents of dating violence at school may range from admonishment to suspension or expulsion. Retaliation toward the victim of any act or incident of dating violence will be considered when administering consequences to the aggressor based on the severity of the act or incident. Remedial measures/interventions for acts or incidents of dating violence at school may include, but are not limited to: parent conferences, student counseling (all students involved in the act or incident), peer support groups, corrective instruction or other relevant learning or service experiences, supportive student interventions (Intervention and Referral Services - I&RS), behavioral management plans, and/or alternative placements.

Any student to be disciplined will be provided the due process procedures for students and their families as set forth in this Policy and its associated Regulation and N.J.A.C. 6A:16-7.2 through 7.4.

In accordance with the provisions of N.J.A.C. 6A:16-7.8, 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 school district and any information the school district has obtained pursuant to N.J.S.A. 2A:4A-60, Disclosure of Juvenile Information, Penalties for Disclosure, will be provided to the receiving public school district, in accordance with the provisions of N.J.S.A. 18A:36-19(a) and N.J.A.C. 6A:32-7.5.

The Superintendent may be required to 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 Student Discipline/Code of Conduct Policy in accordance with the format prescribed by the Commissioner of Education. The Superintendent will report to the Commissioner of Education each incident of violence, including harassment, intimidation, and bullying, vandalism, and alcohol and other drug offenses, pursuant to N.J.A.C. 6A:16-4.3, in the school district utilizing the Electronic Violence and Vandalism Reporting System, pursuant to N.J.A.C. 6A:16-5.3.

### Legal References

N.J.S.A. 18A:6-1; 18A:36-25.1; 18A:25-2; 18A:36-19a; 18A:37-1 et seq.; 18A:37-13.1 et seq.

N.J.A.C. 6A:16-7.1 et seq.; 6A:14-1.1 et seq.

Adopted: August 18, 2009

Revised: December 9, 2014



### **R5600 – Student Discipline/Code of Conduct (M)**

#### **A. Purpose**

The Student Discipline/Code of Conduct Policy and this Regulation are established to achieve the following purposes:

1. Foster the health, safety, social, and emotional well-being of students;
2. Support the establishment and maintenance of civil, safe, secure, 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 problem student 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 student offenders and students' histories of inappropriate behaviors in accordance with N.J.A.C. 6A:16-7.2 through 7.8, as appropriate.

#### **B. Expectations for Academic Achievement, Behavior, and Attendance**

All students have a responsibility to comply with State statutes and administrative codes for academic achievement, behavior, and attendance, pursuant to N.J.A.C. 6A:32-8 and 13.1. In addition, students are expected to comply with [Board Policy and Regulation #5500 – Expectations for Student Conduct](#) and other appropriate Board policies and regulations.

#### **C. Behaviors That May Result in Consequences**

1. Behaviors that may result in suspension or expulsion

In accordance with the provisions of N.J.S.A. 18A:37-2, any student who is guilty of continued and willful disobedience, open defiance of the authority of any teacher or person having authority over the student, the habitual use of profanity or of obscene language, or who cuts, defaces or otherwise injures any school property, will be liable to punishment and to suspension or expulsion from school. Conduct which constitutes good cause for suspension or expulsion of a student guilty of such conduct includes, but not be limited to, any of the following:

- a. Continued and willful disobedience;
- b. Open defiance of the authority of any teacher or person, having authority over the student;
- c. Conduct of such character as to constitute a continuing danger to the physical well-being of other students, staff members or visitors to the school;
- d. Physical assault upon another student;



- e. Taking, or attempting to take, personal property or money from another student, or from their person by means of force or intimidation;
- f. Willfully causing, or attempting to cause, substantial damage to school property;
- g. Participation in an unauthorized occupancy by any group of students or others of any part of any school or other building owned by any school district, and failure to leave such school or other facility promptly after having been directed to do so by the Building Principal or other person then in charge of such building or facility;
- h. Incitement which is intended to and does result in unauthorized occupation by any group of students or others of any part of a school or other facility owned by any school district;
- i. Incitement which is intended to and does result in truancy by other students;
- j. Possession or use of a firearm or other weapon on school grounds;
- k. Knowing possession, consumption, sale or distribution of alcoholic beverages or controlled dangerous substances on school grounds, or being under the influence of intoxicating liquor or controlled dangerous substances while on school grounds;
- l. Harassment, intimidation, or bullying; and
- m. Other behaviors as outlined in Board policies and regulations.

Students will also be suspended from school for assault upon a school staff member in accordance with the provisions of N.J.S.A. 18A:37-2.1 and 2.2.

- 2. Behaviors on school grounds that may result, but are not limited to, in other consequences:
  - a. Engage in the sexual and/or other harassment of students or staff members;
  - b. Use foul, abusive, derogatory, or demeaning language, including racial and ethnic remarks;
  - c. Convey information about other students or staff members known to be false;
  - d. Act so recklessly as to endanger the safety of others;
  - e. Enter school grounds or any specific portion of the grounds without permission and without authority;
  - f. Create litter on school property;
  - g. Chewing gum;
  - h. Be truant from school or class;
  - i. Cheat or otherwise engage in academic dishonesty;
  - j. Persistently refuse to complete homework and other assignments;
  - k. Engage in illegal gambling;
  - l. Smoke or chew tobacco on school property;
  - m. Falsify an excuse or any school document;



- n. Set fire to or cause a fire in any way on school grounds;
  - o. Possess or explode a firecracker or other explosive device on school grounds;
  - p. Sound or cause to be sounded a false alarm for fire, bomb, or other condition or circumstance hazardous to others;
  - q. Possess, use, or distribute a substance in violation of **Board Policy #5530 – Substance Abuse**;
  - r. Join a secret society prohibited by law;
  - s. Engage in public displays of affection;
  - t. Commit an act of dating violence as defined in **Board Policy and Regulation #5519 – Dating Violence at School**;
  - u. Engage in any other activity expressly prohibited by a school staff member in authority; and
  - v. Other behaviors as outlined in Board policies and regulations.
3. Behaviors on buses that may result in consequences:
- a. Behaviors listed above;
  - b. Show lack of respect for or distract the driver;
  - c. Push, shove, or cut in when entering or exiting the bus;
  - d. Ride on a bus to which they have not been assigned;
  - e. Stand or move around while the bus is in motion;
  - f. Reckless and boisterous activity, including at pickup points;
  - g. Shout or make loud noises;
  - h. Put any portion of the body or other object out a bus window
  - i. Throw anything out a bus window or door;
  - j. Not keep aisles clear at all times;
  - k. Open the Emergency Exit, unless instructed to do so by the driver or supervising adult, or there is a life-threatening emergency;
  - l. Bring animals or bulky, unmanageable projects on the school bus; and
  - m. Eat, drink or smoke on the bus.

### D. Students' Rights

Students subject to the consequences of the Student Discipline/Code of Conduct Policy and this Regulation will be informed of their rights, pursuant to N.J.A.C. 6A:16-7.1(c)3.i. through vii., that include:

1. Advance notice of behaviors that will result in suspensions and expulsions that have been identified under authority of N.J.S.A. 18A:37-2;
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, pursuant to N.J.A.C. 6A:3-1.3 through 1.17, N.J.A.C. 6A:4 and, where applicable, N.J.A.C. 6A:14-2.7 and 2.8, and N.J.A.C. 6A:16-7.2 through 7.5;
6. Parent notification consistent with the policies and procedures established pursuant to N.J.A.C. 6A:16-6.2(b)3 and N.J.A.C. 6A:16-7.1 through 7.8; and
7. Protections pursuant to 20 U.S.C. § 1232g, Family Educational Rights and Privacy Act; 34 CFR Part 99, Family Educational Rights and Privacy; 20 U.S.C. § 1232h, Protection of Student Rights; 34 CFR Part 98, Student Rights in Research, Experimental Programs and Testing; P.L. 104-191, Health Insurance Portability and Accountability Act; 45 CFR Part 160, General Administrative Requirements; 20 U.S.C. § 7165, Transfer of school disciplinary records; 42 CFR Part 2, Confidentiality of Alcohol and Drug Abuse Patient Records; N.J.S.A. 18A:40A-7.1, Confidentiality of certain information provided by students, exceptions; N.J.A.C. 6A:16-3.2, Confidentiality of student alcohol and other drug information; N.J.S.A. 18A:36-19, Student records, creation, maintenance and retention, security and access, regulations, non-liability; N.J.S.A. 2A:4A-60, Disclosure of juvenile information, penalties for disclosure; N.J.A.C. 6A:32-7, Student Records; N.J.A.C. 6A:14-2.9, Student records, as well as other existing Federal and State laws and rules pertaining to student protections.

### **E. Factors to Be Used in Determining Consequences and Appropriate Remedial Actions**

The Board of Education requires its school administrators to implement procedures that ensure both the appropriate consequences and remedial responses for students who commit one or more acts that violate the student Code of Conduct. The following factors, at a minimum, will be given full consideration by school administrators in the implementation of appropriate consequences and remedial measures for each violation of the Code of Conduct. Appropriate consequences and remedial actions are those that are graded according to the severity of the offense(s), and consider the developmental ages of the student offenders and students' histories of inappropriate behaviors, per the Student Code of Conduct and N.J.A.C. 6A:16-7.

#### **Factors for Determining Consequences**

1. Age, health, cognitive ability, developmental and maturity levels of the parties involved, and their relationship to the school district;
2. Degrees of harm;
3. Surrounding circumstances;
4. Nature and severity of the behavior(s);
5. Incidences of past or continuing patterns of behavior;
6. Relationships between the parties involved; and
7. Context in which the alleged incidents occurred.



### **Factors for Determining Remedial Measures**

#### Personal

1. Life skill deficiencies;
2. Social relationships;
3. Strengths;
4. Talents;
5. Traits;
6. Interests;
7. Hobbies;
8. Extra-curricular activities;
9. Classroom participation;
10. Academic performance; and
11. Relationships to students and the school district.

#### Environmental

1. School culture;
2. School climate;
3. Student-staff relationships and staff behavior toward the student;
4. General staff management of classrooms or other educational environments;
5. Staff ability to prevent and manage difficult or inflammatory situations;
6. Social-emotional and behavioral supports;
7. Social relationships;
8. Community activities;
9. Neighborhood situation; and
10. Family situation.

### **F. Comprehensive Behavioral Supports**

Below are behavioral supports that promote positive student development and the students' abilities to fulfill the behavioral expectations established by the Board. These behavioral supports may include, but are not limited to, the following:

#### 1. Positive Reinforcement for Good Conduct and Academic Success

A student may be provided positive reinforcement for good conduct and academic success. The Building Principals (or designees) will oversee the development, implementation, and monitoring of, and ongoing enhancements to, a Positive Behavioral Support system. This system will be age and grade level appropriate and, therefore, may vary by grade level.





### 2. Supportive Interventions and Referral Services

A student may be referred to the school's Intervention and Referral Services Team in accordance with the provisions of N.J.A.C. 6A:16-8.1 and 8.2 and Board Policy and Regulation #2417 – Student Intervention and Referral Services.

### 3. Remediation of Problem Behavior

The following actions may be taken to remediate problem behavior. These actions will take into account the behavior's nature, the students' developmental ages, and the students' histories of problem behaviors and performance.

#### a. Restitution and Restoration

- (1) A student may be required to make restitution for any loss resulting from the student's conduct; or
- (2) A student may be required, at the discretion of the school district and when appropriate, to restore to its former condition any damaged or defaced property resulting from the student's conduct.

#### b. Counseling

- (1) A student may be required to consult with school guidance counselors or Child Study Team members.
- (2) The counselor will explain why the student's conduct is unacceptable to the school and damaging to the student, what the consequences of continued misconduct are likely to be, and appropriate alternative behaviors.
- (3) The counselor may refer the student, as appropriate, for additional counseling, evaluation, intervention, treatment, or therapy. Referrals may be made to the Child Study Team, the school's Intervention and Referral Services Team, a public or private social agency, a legal agency, or any other referral service that may assist the student.

#### c. Parent Conferences

Students may be required to attend a meeting with their parent and appropriate school staff members to discuss the causes of the student's behavior, possible remediation, potential disciplinary measures, and alternative conduct.

#### d. Alternate Educational Program

Students may be assigned to an alternate educational program as recommended by the student's guidance counselor, classroom teacher, Child Study Team, and/or other school staff member.

### 4. Students with Disabilities

For students with disabilities, the remedial measures and behavioral interventions and supports will be determined and provided pursuant to N.J.A.C. 6A:14.



### G. School Responses to Violations of Behavioral Expectations

1. In accordance with the provisions of N.J.A.C. 6A:16-7.1(c)5, the Student Code of Conduct includes a description of school responses to violations of behavioral expectations established by the Board of Education that, at a minimum are graded according to the severity of the offenses, and consider the developmental ages of the student offenders and their histories of inappropriate behavior that will:
  - 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;
  - c. Provide for equitable application of the Student Code of 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, pursuant to N.J.S.A. 10:5-1 et seq. and
  - d. Be consistent with provisions of N.J.S.A. 18A:6-1, Corporal Punishment of Students.

### H. Description of School Responses

School responses to violations of behavioral expectations are listed below:

#### 1. Admonishment/Reprimand

A school staff member in authority may admonish or reprimand a student's unacceptable conduct and warn the student that additional misconduct may warrant a more severe penalty.

#### 2. Demerits

Students may be issued demerits for loud and boisterous conduct in the classroom, hallways, bathrooms, gym, cafeteria, on a school bus, or during class trips or school-sponsored events; not cooperating with the teacher; being unprepared for class; failure to get forms signed; dress code violations; lateness to class and school; or other activities as defined and documented by the administration. Demerits will only be issued for behaviors demonstrated by a student and not for academic reasons.

An accumulation of demerits will result in a detention and other consequences based on documented administrative practices (see the table below). However, inappropriate conduct does not necessitate a demerit before a detention is given. Demerits only accumulate for one marking period; so the count is reset to zero (0) at the beginning of each marking period.



Cumulative Demerits	Consequences
5 to 9	One (1) After School Detention; Parent Contact
10 to 14	One (1) After School Detention and One (1) Lunch Detention; Guidance Intervention; Parent Contact
15 to 19	Two (2) After School Detentions; Guidance Intervention; Parent Conference
20 to 24	Three (3) After School Detentions; Guidance Intervention; Parent Conference
25+	One (1) Day In-School Suspension; Guidance Intervention; Loss of Privileges to be Determined by Building Administration

### 3. Disciplinary Conference with the Student

A conference is held with the student, an administrator and/or the teacher to discuss the inappropriate behavior and discuss/develop a plan for changing the student's behavior.

### 4. Disciplinary Report Procedures

When disciplinary action is assigned, all students must have their discipline report signed by their parent(s) and returned to the main office the following school day. Failure to return the signed disciplinary report may result in additional consequences.

### 5. Essay Assignments

A student may be given an essay assignment due to a disciplinary situation. The assignment must be completed at home with parent's signature and turned into the main office the next school day.

### 6. Detention

- a. Lunch Detention – The student may be required to eat their lunch in a designated room away from the cafeteria.
- b. After School Detention – The student may be required to report after the school day to detention for a period of supervised study. Unless specified as a Lunch Detention, a "Detention" means an After School Detention.
- c. Transportation home will be the responsibility of the student's parent(s).
- d. The student may be excused from detention only for an unavoidable commitment previously made; any such excused detention must be made up on another day.

### 7. Temporary Removal from a Classroom

- a. The classroom teacher may direct the student to report to the office of the administrator in charge of student discipline.



- b. The teacher will complete a form that indicates the student's name and the conduct that has caused the student's removal from the teacher's room.
        - c. The administrator in charge of discipline will interview the student and determine which, if any, additional consequences will be imposed.
8. Meeting with School Administration and Parent

The student's parent may be required to attend a meeting with the Building Principal (or designee) and the student to discuss the student's conduct and to ensure the parent and the student understand school rules and expectations.
9. Deprivation of Privileges

Students may be deprived privileges as disciplinary sanctions when designed to maintain the order and integrity of the school environment. These privileges may include, but are not limited to:

  - a. Moving freely about the school building;
  - b. Participation in co-curricular or inter/intra-scholastic activities;
  - c. Attendance at a school-related social activity;
  - d. Participation in a promotion or other ceremony;
  - e. Transportation to and from school on a school bus; or
  - f. Any other privilege the Building Principal (or designee) determines may be appropriate and consistent with **Board Policy and Regulation #5600 – Student Discipline/Code of Conduct** and N.J.A.C. 6A:16-7.1 et seq.
10. Grade Adjustment

A student who has cheated on a test or assignment, plagiarized material, falsified sources, refused to submit assignments, or otherwise indulged in academic dishonesty or negligence may suffer a reduced grade by virtue of the disqualified work. In no other instance may a student's grade be lowered as a direct penalty for misconduct.
11. In-School Suspension (ISS)
  - a. A student may be removed from his/her regular class(es) and required to report to the in-school suspension program.
  - b. In-school suspension will not be imposed without the due process procedures set forth in Board Policy and Regulation #5610 – Suspension.
12. Out-of-School Suspension (OSS)
  - a. A student may be denied the right to attend school for a period of time pursuant to N.J.S.A. 18A:37-2, N.J.A.C. 6A:16-7.2 and 6A:16-7.3, and **Board Policy and Regulation #5610 – Suspension**.
  - b. Suspension from school will not be imposed without the due process procedures set forth in **Board Policy and Regulation #5610 – Suspension**.



## 13. Expulsion

- a. The Board may expel a general education student from school, pursuant to N.J.S.A. 18A:37-2, N.J.A.C. 6A:16-7.4, and **Board Policy and Regulation #5620 – Expulsion**.
- b. Expulsion is an extremely serious disciplinary measure and will not be imposed without the due process set forth in **Board Policy and Regulation #5610 – Suspension** and **Policy and Regulation #5620 – Expulsion**.

## 14. Referral to Law Enforcement Authority

School officials are not required to initiate or complete due process procedures prior to notifying law enforcement officers. Any action taken by law enforcement will be separate from disciplinary action taken by the school district.

## I. Chart of Student Discipline

1. The following chart provides, but is not limited to, a broad range of disciplinary actions. Whether the minimum, maximum, or a disciplinary action between the two is taken will depend on the behavior problem and the factors listed in Section E. above.

### Defiance of Authority

Refusal to comply with reasonable requests of school officials.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	Student Conference; Detention (MS)	Detention – Multiple Days; ISS
Maximum:	Detention; ISS	OSS

### Dress Code Violation

Failure to comply with district and school dress code standards.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	Change Clothes	Parent Notification; Change Clothes; Detention
Maximum:	Parent Notification; Change Clothes	Parent Notification; Change Clothes; Detention

### Eating Outside of the Cafeteria Without the Teacher's Permission

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	Detention	Detention – Multiple Days
Maximum:	Lunch and/or After School Detentions – Multiple Days	ISS



## Fighting

Mutual participation in physical violence against a person or persons.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	Two (2) Days ISS	Three (3) Days ISS; Referral to Local Authorities
Maximum:	OSS	OSS

## Forgery (Level I)

Use of signature or initials of another person on a classroom document (e.g., test, progress report, homework).

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	Student Conference; Parent Notification; Demerit (MS)	Detention – Multiple Days
Maximum:	Detention – Multiple Days	ISS

## Forgery (Level II)

Use of signature or initials of another person on documents such as permission slips, doctor notes, or excuse notes.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	Detention	ISS
Maximum:	Detention – Multiple Days	OSS

## Gum Chewing within the School and/or on School Grounds

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	Detention	Detention
Maximum:	Detention	Detention - Multiple Days

## Identification Badge Misplacement

Students will be charged \$7.00 if they lose or damage their badge.



### Inappropriate Language/Drawings

Includes, but is not limited to, profanity or obscene gestures either written or verbal.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	Student Conference; Parent Notification	Detention – Multiple Days
Maximum:	Detention; ISS	OSS

### Internet/Computer Violation

Inappropriate use of school computers and electronic information services, including the Internet and e-mail.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	Demerit (MS); Student Conference; Possible Loss of Computer Usage	ISS; Loss of Computer Usage for a Year
Maximum:	Detention – Multiple Days	ISS; Loss of Computer Usage for Next Year

### Leaving Class Without Permission

Any time a student leaves a classroom without signing out and/or receiving teacher permission.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	Detention	ISS
Maximum:	Detention – Multiple Days	ISS – Multiple Days

### Leaving School Without Permission

Any time a student leaves school without permission.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	ISS; Contact Local Authorities	ISS – Multiple Days; Contact Local Authorities
Maximum:	ISS - Multiple Days; Contact Local Authorities	OSS; Contact Local Authorities



### Lying/False Accusation

Knowingly giving false or misleading information including false accusations against others.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	Detention	Detention – Multiple Days
Maximum:	ISS	OSS

### Misconduct – Academic/Cheating

Action enabling a student to receive a grade or score that was not or would not have been earned legitimately.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	Student Conference; Demerit (MS); Parent Notification	Detention – Multiple Days
Maximum:	Detention – Multiple Days	ISS

(In all incidents academic consequences will be issued by the student’s grade level teaching team.)

### Misconduct – Bus

Violation of bus rules (refer to handbook).

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	Student Conference; Parent Notification	Parent Notification; Detention
Maximum:	Denial of Bus Privileges and Detention	Denial of Bus Privileges – Multiple Days

### Misconduct – Cafeteria

Violation of cafeteria rules.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	Student Conference; Demerit (MS)	Removal from Table and Detention
Maximum:	Removal from Cafeteria; Detention – Multiple Days	Removal from Cafeteria; ISS





# Regulation

## Lopatcong Township Board of Education

Pupils  
R5600 – Student Discipline/Code of Conduct (M)  
Page 14 of 21

### Misconduct – Classroom

Violation of classroom rules.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	Student Conference (ES, MS); Demerit (MS)	Detention – Multiple Days; ISS
Maximum:	Detention; ISS	OSS

### Misconduct – Other School Building Areas/Grounds Locations

Violation of rules of conduct in other areas of the school buildings (e.g., corridors, bathrooms, gym) or on school grounds.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	Student Conference (ES, MS); Demerit (MS)	Detention – Multiple Days; ISS
Maximum:	Detention; ISS	OSS

### Misconduct – Procedural

Not having disciplinary report returned with parent signature.

<u>Range</u>	<u>First Three (3) Times per Year</u>	<u>Four (4) or More Times per Year</u>
Minimum:	Warning; Parent Contact	Detention; Parent Contact
Maximum:	Warning; Parent Contact	Detention; Parent Contact

### Plagiarism

Copying another person's idea or written work (including from the Internet) and claiming it as his/her own.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	Detention – Two (2) Days	Detention – Multiple Days (more than two); ISS
Maximum:	ISS	OSS



### Possession of Electronic Battery Devices

Including, but not limited to, cell phones, iPods, CD players, walkmans, beepers, laser pointers.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	Confiscation; Parent Retrieval; Demerit (MS)	Detention – Multiple Days; Parent Retrieval; Loss of Privilege to Carry Device Within the School Building
Maximum:	Detention; Parent Retrieval	ISS; Parent Retrieval; Loss of Privilege to Carry Device Within the School Building

### Pushing/Shoving

Physical contact by one student upon another or mutual physical contact among two or more students, but not rising to the level of fighting.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	Detention	ISS
Maximum:	Detention – Multiple Days; ISS	OSS

### Tardiness

Late arrival to school or a scheduled class or appointment.

<u>First through Fourth Occurrence</u>	<u>Fifth through Tenth Occurrence</u>	<u>Eleventh through Fifteenth Occurrence</u>	<u>Thereafter</u>
Warnings	Lunch Detention	Multiple Lunch Detentions	Multiple Detentions

### Teasing/Name Calling

Causing another student to feel uncomfortable, but not rising to the level of harassment, intimidation, or bullying.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	Warning	Detention
Maximum:	OSS	OSS



## Theft

Taking or concealing property that belongs to others.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	Detention; Parent Notification	ISS (incident to be reviewed)
Maximum:	Three (3) Days ISS	OSS

## Vandalism

Destroying or defacing property of the district, staff or students.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	Three (3) Days After School Detention; Restitution or Restoration	ISS; Restitution or Restoration
Maximum:	Expulsion; Restitution or Restoration	Expulsion; Restitution or Restoration

## Serious Misconduct

The following offenses are serious and will result in maximum penalties by the school district.

## Alcohol Violation

Use, possession, sale, purchase or distribution of alcoholic substances. This violation includes drunkenness at a school event.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	ISS; Parent Conference	OSS; Parent Conference
Maximum:	Expulsion	Expulsion

## Assault

A physical attack on another person.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	ISS; Parent Conference	ISS; Parent Conference
Maximum:	Expulsion	Expulsion

## Dating Violence at School

See [Board Policy and Regulation #5519 – Dating Violence at School](#) for the definition.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	Student Conference	Detention
Maximum:	Expulsion	Expulsion



### Harassment, Intimidation, or Bullying

See Section B of the [Board Policy #5512 – Harassment, Intimidation, or Bullying](#) for the definition.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	Student Conference	Detention
Maximum:	Expulsion	Expulsion

### Dangerous Weapon

Use, display, or possession of a knife or any other instrument that is capable of causing injury, given the manner in which it is used or threatened to be used. This could include a toy gun.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	ISS	OSS
Maximum:	Expulsion	Expulsion

### Drug Violation (distribution)

Distribution of illegal drugs or fake illegal drugs.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	OSS; Referral to Local Authorities	OSS; Referral to Local Authorities
Maximum:	Expulsion; Referral to Local Authorities	Expulsion; Referral to Local Authorities

### Drug Violation (possession)

Possession of illegal drugs or fake illegal drugs.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	ISS; Counseling	OSS
Maximum:	Expulsion	Expulsion

### Serious Threat

Threatening the safety of persons or property.

<u>Range</u>	<u>Any Occurrence</u>
Minimum:	ISS or OSS; Referral to Local Authorities
Maximum:	Expulsion; Referral to Local Authorities



## Sexual Harassment

Unwelcome conduct of a sexual nature.

### Range

Minimum:

Maximum:

### Any Occurrence

ISS or OSS; Referral to Local Authorities

Expulsion; Referral to Local Authorities

## Tobacco Violation

The use, possession, or distribution of a tobacco product.

### Range

Minimum:

Maximum:

### First Occurrence

Three (3) Days ISS; Parent  
Conference

Expulsion

### Repeated Occurrences

OSS; Parent Conference

Expulsion

## Truancy

Any absence that is not excused by the student's parent and approved by the appropriate school official.

### Range

Minimum:

Maximum:

### First Occurrence

One (1) Day ISS

Three (3) Days ISS; Referral to Local  
Authorities

### Repeated Occurrences

Two (2) Days ISS; Referral to Local  
Authorities

Expulsion; Referral to Local  
Authorities

2. The school responses to violations of behavioral expectations that are subject to student discipline including suspension or expulsion pursuant to N.J.S.A. 18A:37-2 outlined in the Chart of Student Discipline will be consistent with the Board's policies and regulations/procedures on attendance, pursuant to N.J.A.C. 6A:16-7.6 and harassment, intimidation, and bullying, pursuant to N.J.A.C. 6A:16-7.7.
3. The Building Principal (or designee) will maintain a list of community-based health and social service provider agencies available to support a student and a student's family, as appropriate, and a list of legal resources available to serve the community.
4. The Board of Education may deny participation in extra-curricular activities, school functions, promotion exercises, or other privileges as disciplinary sanctions when designed to maintain the order and integrity of the school environment.
5. Nothing in [Board Policy and Regulation #5600 – Student Discipline/Code of Conduct](#) will prevent the school administration from imposing a consequence for unacceptable student conduct not listed or included in the Chart of Student Discipline.



### J. Student Conduct Away from School Grounds

1. The Building Principal (or designee) has the right to impose a consequence on a student for conduct away from school grounds that is consistent with the Board's Student Code of Conduct, pursuant to N.J.A.C. 6A:16-7.1.
  - a. This authority will 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.
  - b. This authority will be exercised only when the conduct that is the subject of the proposed consequence materially and substantially interferes with the requirements of appropriate discipline in the operation of the school.
  - c. Consequences for conduct away from school grounds will be handled in accordance with the Board approved Student Code of Conduct, pursuant to N.J.A.C. 6A:16-7.1, [Board Policy and Regulation #5600 – Student Discipline/Code of Conduct](#), and as appropriate, in accordance with N.J.A.C. 6A:16-7-2, 7.3, or 7.4.
2. School authorities will respond to harassment, intimidation, or bullying that occurs off school grounds, pursuant to N.J.S.A. 18A:37-14 and 15.3 and N.J.A.C. 6A:16-1.3, 7.1, and 7.7.

### K. School Bus Conduct

Violations of the rules regarding student conduct on school buses will be handled as follows:

1. The bus driver will report unacceptable conduct to the Principal of the school in which the student is enrolled by submission of a completed written report that includes the name of the student, the school, and the student's conduct.
2. The Building Principal (or designee) will investigate the matter, which may include meeting with the bus driver, bus aide, other students on the school bus, and the student who was reported by the bus driver.
3. The parent will be notified of the student's reported conduct.
4. The Building Principal (or designee) will make a determination if the student violated behavioral expectations and the discipline to be administered in accordance with the Student Code of Conduct.
5. If it is determined the misconduct is severe, the student may be suspended from the bus pending a conference with the parent.

### L. Students with Disabilities

For students with disabilities, subject to Individualized Education Programs in accordance with 20 U.S.C. § 1400 et seq., the Individuals with Disabilities Educational Improvement Act, N.J.A.C. 6A:14, and accommodation plans under 29 U.S.C. §§ 794 and 705(20), student discipline and the Student Code of Conduct will be implemented in accordance with the components of the applicable plans.



### M. Student Records

1. Instances of student discipline will be recorded in the student's file in strict compliance with N.J.A.C. 6A:32-7.1 et seq. and [Board Policy and Regulation #8330 – Student Records](#).
2. 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 school district and any information the school district has obtained pursuant to N.J.S.A. 2A:4A-60, Disclosure of Juvenile Information; Penalties for Disclosure, will be provided to the receiving public school district, in accordance with the provisions of N.J.S.A. 18A:36-19(a), and N.J.A.C. 6A:32-7.5.
  - a. The record will be provided within two weeks of the date that the student enrolls in the receiving district.
  - b. Written consent of the parent or adult student will not be required as a condition of the record transfer; however, written notice of the transfer will be provided to the parent.
3. 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 suspensions or expulsions, will be provided by the public school district of residence to the private school upon written request from the private school, in the same manner the records would be provided to a public school, pursuant to 20 U.S.C. § 6301, Title IV § 4155 of the Elementary and Secondary Education Act.
4. The Board will not use a student's past offenses on record to discriminate against the student.
5. All student disciplinary records pursuant to N.J.A.C. 6A:16-7 will conform with the requirements set forth in N.J.A.C. 6A:16-7.8(d).

### N. Annual Review

The Superintendent will designate a school staff member to coordinate an annual review and update of [Board Policy and Regulation #5600 – Student Discipline/Code of Conduct](#). The Superintendent's designee will:

1. Compile an annual summary report of violations of the student behavioral expectations and the associated school responses to the violations in the Student Discipline/Code of Conduct Policy and Regulation.
2. Convene a Student Discipline/Code of Conduct Committee comprised of parents, students, and community members that represent the composition of the district's schools and community to review the annual summary report and to develop recommendations, if any, to improve and update the Student Discipline/Code of Conduct Policy and Regulation.
3. The Superintendent's designee will submit the Committee's recommendations, if any, to improve or update the Student Discipline/Code of Conduct Policy and Regulation to the Superintendent.



4. The Superintendent will review the Committee's report with school administrators and will determine if the Student Discipline/Code of Conduct Policy and Regulation should be updated.
5. The Superintendent will recommend to the Board Policy Committee revisions to the Student Discipline/Code of Conduct Policy, if needed.

### **O. Policy and Regulation Publication and Distribution**

The Student Discipline/Code of Conduct Policy and Regulation #R5600, including the Chart of Student Discipline will be disseminated annually to all school staff, students, and parents. These documents may be disseminated in handbooks, electronically, or in hard copy form. Building Principals will ensure these documents are made available to all students on or before the first day of each school year and to transferring students on the first day of their enrollment in this district.

Adopted: August 18, 2009

Revised: August 8, 2017





### **5610 – Suspension**

The Board of Education recognizes that even the temporary exclusion of a student from the educational program of this district is a severe sanction and one that cannot be imposed without due process.

Any student who is guilty of continued and willful disobedience, of open defiance of the authority of any teacher or person having authority over him/her, of the habitual use of profanity or obscene language, or who cuts, defaces or otherwise damages any school property, will be liable to punishment and to suspension or expulsion from school. Conduct which constitutes good cause for suspension or expulsion of a student guilty of such conduct includes, but not be limited to, the conduct as defined in N.J.S.A. 18A:37-2 and the school district's Student Discipline/Code of Conduct Policy and Regulation ([Board Policy and Regulation #5600](#)) in accordance with the N.J.A.C. 6A:16-7.1. et seq.

For the purposes of this Policy, “suspension” means the temporary removal of a student from the regular instructional program, an out-of-school suspension contrasted with an in school suspension.

For the purposes of this Policy, “short term suspension” means a suspension for one, but not more than ten consecutive school days and “long term suspension” means a suspension for more than ten consecutive school days.

In accordance with the provisions of N.J.S.A. 18A:37-4, a student may be suspended only by the Building Principal, who will report any suspension to the Superintendent as soon as possible. The Superintendent will report the suspension to the Board at its next regular meeting. The suspended student may be reinstated by the Building Principal or Superintendent prior to the second meeting of the Board following the suspension, unless the Board reinstates the student at the first meeting following the suspension. No student suspended for reasons of assault on a person in authority may be reinstated before the Board has held a hearing, within thirty calendar days of the suspension, to consider that student's expulsion from school. At its second regular meeting after the suspension and thereafter, the Board alone may reinstate the student or continue the suspension.

In accordance with the provisions of N.J.S.A. 18A:37-2a, a student in Kindergarten through grade two will not receive an out-of-school suspension, except when the suspension is based on conduct that is of a violent or sexual nature that endangers others. Students in preschool will not receive an out-of-school suspension except as provided pursuant to the “Zero Tolerance for Guns Act,” N.J.S.A. 18A:37-7 et seq.

The district will implement an early detection and prevention program to identify students in preschool through grade two who are experiencing behavioral or disciplinary problems and provide behavioral supports for these students which may include, but not be limited to, remediation of problem behaviors, positive reinforcements, supportive interventions, and referral services. An early detection program may be incorporated into the intervention and referral services required to be established in each school pursuant to State Board of Education regulations.

In each instance of a short-term suspension, the student will be provided oral or written notice of the charges and an informal hearing conducted by the Building Principal (or designee) in accordance with



the procedures outlined in N.J.A.C. 6A:16-7.2. To the extent the 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 will be held as soon as practical after the suspension.

In each instance of a long-term suspension, the school district will assure the rights of the student pursuant to N.J.A.C. 16A:16-7.3.

The district will comply with the requirements of N.J.A.C. 6A:16-7.2 and 7.3, in addition to all the procedural protections set forth in N.J.A.C. 6A:14, for each student with a disability who is subject to a short-term or long-term suspension.

In each instance of a short- or long-term suspension, the district will provide academic instruction, either in school or out of school, that addresses the New Jersey Student Learning Standards (NJSLS) pursuant to N.J.A.C. 6A:8-3.1 et seq., which may include a public education program provided in accordance with the provisions of N.J.A.C. 6A:16-9 or 10. These services will be provided within five school days of the suspension. Educational services provided to a student with a disability will be provided consistent with the student's Individualized Education Program, in accordance with N.J.A.C. 6A:14.

Student records are subject to challenge by parents in accordance with N.J.A.C. 6A:32-7.7 and [Board Policy and Regulation #8330 – Student Records](#). The name of a disciplined student will not appear in the agenda or minutes of a public meeting or in any public record of this district; any such student will be designated by code.

### Legal References

N.J.S.A. 18A:37-1; 18A:37-2 et seq.; 18A:37-4; 18A:37-5

N.J.A.C. 6A:16-7.2; 6A:16-7.3; 6A:32-7.7; 6A:14-2.8

20 U.S.C. 1415

Adopted: August 18, 2009

Revised: August 8, 2017



### **R5610 – Suspension Procedures**

#### **A. Short-Term Suspensions**

1. In each instance of a short-term suspension, the Building Principal (or designee), will ensure the rights of a student suspended for one, but not more than ten (10) consecutive school days by providing for the following:
  - a. As soon as practicable, communication of oral or written notice of charges to the student.
    - (1) When charges are denied, an explanation of the evidence forming the basis of the charges also will be provided.
  - b. Prior to the suspension, an informal hearing during which the student is given the opportunity to present the student's his/her version of the events regarding his/her actions leading to the short-term suspension and provided with notice of the school district's actions taken pursuant to N.J.A.C. 6A:16-7.1(c)2. and 5.
    - (1) The informal hearing will be conducted by a school district administrator;
    - (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 will 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. Oral or written notification to the student's parent(s) of the student's removal from the student's educational program prior to the end of the school day on which the Building Principal decide to suspend the student. The notification will include an explanation of:
    - (1) The specific charges;
    - (2) The facts on which the charges are based;
    - (3) The provision(s) of the student code of conduct the student is accused of violating;
    - (4) The student's due process rights, pursuant to N.J.A.C 6A16-7.1(c)3 and N.J.A.C. 6A:16-7.2; and
    - (5) The terms and conditions of the suspension.
  - d. Appropriate supervision of the student while waiting for the student's parent(s) to remove the student from school during the school day; and
  - e. Academic instruction, either in school or out of school that addresses the New Jersey Student Learning Standards (NJSLS).
    - (1) The student's academic instruction will be provided within five school days of the suspension.



- (2) The academic instruction provided to a student with a disability will be provided consistent with N.J.A.C. 6A:14.
  - (3) At the completion of a short-term suspension, the Board of Education will return the general education student to the general education program from which he/she was suspended.
2. The Building Principal suspending the student will immediately report the suspension to the Superintendent, who will report it to the Board of Education at its next regular meeting, pursuant to N.J.S.A. 18A:37-4.
  3. An appeal of the Board's decision affecting the general education student's educational program will be made to the Commissioner, in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A:3-1.3 through 1.17.
  4. For a student with a disability, the provisions set forth in N.J.A.C. 6A:16-7.2 will be provided in addition to all procedural protections set forth in N.J.A.C. 6A:14.

### **B. Long-Term Suspensions**

1. In each instance of a long-term suspension, the Building Principal (or designee) will ensure the rights of a student suspended for more than ten consecutive school days by providing the following:
  - a. Notification to the student of the charges prior to the student's removal from school;
  - b. Prior to suspension, an informal hearing during which the student is given the opportunity to present his/her version of events regarding his/her actions leading to the long-term suspension and provided with notice of the school district's actions taken pursuant to N.J.A.C. 6A:16-7.1(c)2 and 5;
  - c. Immediate notification to the student's parent(s) of the student's removal from school;
  - d. Appropriate supervision of the student while waiting for the student's parent(s) to remove the student from school during the school day;
  - e. Written notification to the parent(s) by the Superintendent (or designee) within two 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:16-7.1(c)3 and N.J.A.C. 6A:16-7.2; and
    - (4) Further engagement by the student in conduct warranting expulsion, pursuant to N.J.S.A. 18A:37-2, will 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 Board, pursuant to N.J.S.A. 18A:37-2 and N.J.A.C. 6A:16-7.4.



- (a) The Board will request from the parent and the student written acknowledgement of the notification provided pursuant to N.J.A.C. 6A:16-7.3(a)5.iv subsequent to the removal of the student from his/her educational program, pursuant to N.J.A.C. 6A:16-7.3.
- f. A list of witnesses and their statements or affidavits, if any, no later than five days prior to the formal hearing, pursuant to j. below;
- g. For a student with a disability, a manifestation determination, pursuant to N.J.A.C. 6A:14-2.8 and the Federal regulations;
- h. Information on the student's right to secure an attorney and legal resources available in the community identified pursuant to N.J.A.C. 6A:16-7.1(c)7;
- i. Either in- or out-of-school 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 N.J.A.C. 6A:16-9 or 10.
  - (1) The student's educational services will be provided within five school days of the suspension.
  - (2) The Board will make decisions regarding the appropriate educational program and support services for the suspended general education student based on the New Jersey Student Learning Standards (NJSLS) and the following considerations:
    - (a) A behavioral assessment or evaluation including, but not limited to, a referral to the Child Study Team, as appropriate;
    - (b) The results of any relevant testing, assessments or evaluations of the student;
    - (c) The student's academic, health, and behavioral records;
    - (d) The recommendation of the Superintendent, Building Principal, or other relevant school or community resource;
    - (e) Considerations of parental input; or
    - (f) Consultation with the Intervention and Referral Services Team, in accordance with N.J.A.C. 6A:16-8.
  - (3) Educational services provided to a student with a disability will be provided consistent with N.J.A.C. 6A:14.
- j. A formal hearing before the Board that will, at a minimum:
  - (1) Be conducted by the full Board or delegated to the Education Committee, a school administrator or an impartial hearing officer for the purpose of determining facts or making recommendations.
    - (a) Before taking final action, the Board as a whole will receive and consider either a transcript or detailed report on the hearing.
  - (2) Include the opportunity for the student to:



- (a) Confront and cross-examine witnesses, if there is a question of fact; and
  - (b) Present his/her own defense and produce oral testimony or written supporting affidavits.
- (3) Take place no later than thirty calendar days following the day the student is suspended from the general education program; and
- (4) Result in the Board's decision that will be based, at a minimum, on the preponderance of competent and credible evidence.
- k. A written statement to the student's parent(s) regarding the Board's decision within five school days after the close of the hearing. The statement will include, 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 Board at the hearing;
  - (3) Factual findings relative to each charge and the Board's determination of each charge;
  - (4) Identification of the educational services to be provided to the student pursuant to i. above;
  - (5) The terms and conditions of the suspension; and
  - (6) The right to appeal to the Commissioner of Education the Board's decision regarding the student's general education program in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A:3-1.3 through 1.17.
- l. If at any time it is found that the student did not commit the offense, the student will be immediately returned to the program from which he/she was removed; and
- m. At the completion of a long-term suspension, the Board will return the general education student to the general education program.
- 2. Any appeal of the Board's decision regarding the general education student's program will 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.
- 3. Suspension of a general education student will not be continued beyond the Board's second regularly scheduled meeting following the suspension, unless the Board so determines, pursuant to N.J.S.A. 18A:37-5.
  - a. The Board will determine whether to continue the suspension, pursuant to B.1. above, based on the following criteria:
    - (1) The nature and severity of the offense;
    - (2) The Board's removal decision;
    - (3) The results of relevant testing, assessments, or evaluations of the student; and
    - (4) The recommendation of the Superintendent, after considering input from the Building Principal or Director of the alternative education program or home or



- other in-school or out-of-school instruction program in which the student has been placed.
- b. In the unlikely event of cancellation of the first or second regular Board meeting pursuant to N.J.S.A. 18A:37-4 and 5, at the Board President’s discretion:
    - (1) The full Board will make a decision on the continuation of the suspension during a special meeting; or
    - (2) The Education Committee of the Board, including the Superintendent (or his/her designee) and appropriate Building Principal, will make a decision on the continuation of the suspension. The committee’s decision will be implemented subject to ratification of the committee’s decision at the next regularly scheduled Board meeting.
  4. When the Board votes to continue a general education student’s suspension, it will review the case in consultation with the Superintendent at each subsequent Board meeting for the purpose of determining:
    - a. The status of the student’s suspension;
    - b. The appropriateness of the suspended student’s current educational program; and
    - c. Whether the suspended student’s current placement, pursuant to i. above, should continue or whether the student should return to the general education program.
  5. When the Board votes to continue a general education student’s suspension, it will make, in consultation with the Superintendent, the final determination on:
    - a. When the student is prepared to return to the general education program;
    - b. Whether the student will remain in an alternative education program or receive home or other in-school or out-of-school instruction, based on the criteria set forth in B.3.a.(1) through (4) above; or
    - c. Whether to initiate expulsion proceedings in accordance with N.J.S.A. 18A:37-2, N.J.A.C. 6A:16-7.4 and [Board Policy #5620 – Expulsion](#).
  6. The Board will provide a general education student suspended under N.J.A.C. 6A:16-7.3 with an appropriate educational program or services, based on the criteria set forth under B.1.i.(2) above, until the student graduates from grade eight.
    - a. The educational program will be consistent with the provisions of N.J.A.C. 6A:16-9.2 and 10.2 and 6A:14-2 and 4.3, whichever is applicable; or
    - b. The educational services provided, either in school or out of school, will 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.
  7. For a student with a disability who receives a long-term suspension, the Board will proceed in accordance with N.J.A.C. 6A:14 in determining or changing the student’s educational placement to an interim or alternate educational setting.



- a. All procedural protections set forth in N.J.A.C. 6A:14 and N.J.A.C. 6A:16-7.3 will be afforded to a student with a disability who is subjected to a long-term suspension.
- b. All decisions concerning the student’s educational program or placement will be made by the student’s Individualized Education Program team.
- c. The provisions of B.2. through B.6. above will not apply to a student with a disability.

Adopted: August 18, 2009

Revised: August 8, 2017

