

Brick Township Board of Education District Policy Manual 2

Students

Series 5000

Code of Student Conduct

Policy 5131

First Reading: August 29, 2013

Second Reading and Adoption:

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The Board of Education 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 in keeping with their level of maturity, with a proper regard for the rights and welfare of other students, for school personnel, for the educational purpose underlying all school activities, and for the care of school facilities and equipment. Students are required 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.

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.

Board of Education 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 of Schools 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.

The Superintendent of Schools shall establish the degree of order necessary to the educational program in which students are engaged.

Code of Conduct

The Superintendent of Schools shall oversee the development of and the Board of Education shall approve 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. The Code of Conduct shall be based on parent/guardian, student and community involvement, and locally determined core ethical values. The Superintendent of Schools has the right and authority to impose a consequence on a student for conduct away from school grounds that is consistent with the Board of Education's approved code of student conduct, pursuant to NJAC 6A:16-7.1 and NJAC 6A:16-7.6, only if said behavior compromises the order and integrity to the school environment.

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 NJSA 18A:25-2 and 18A:37-2, and when the conduct which is the subject of the proposed consequence materially and substantially interferes with the requirements of appropriate discipline in the operation of the school. The Board of Education shall direct development of detailed regulations suited to the age level of the students and the physical facilities of the individual schools.

The district Code of Conduct shall contain:

1. A description of student responsibilities that includes expectations for academic achievement, behavior and attendance;
2. A description of behaviors that will result in suspension or expulsion;
3. A description of the students' rights to:
 - Advance notice of behaviors that will result in suspensions or expulsions;
 - Education that supports student development into productive citizens;
 - Attendance in safe and secure school environment;
 - Attendance in school irrespective of marriage, pregnancy, or parenthood;
 - Due process and appeal procedures in accordance with law and Board of Education policy;
4. A description of behavioral supports that promote positive student development and assist each student in fulfilling the district behavioral expectations established including intervention and referral services, remediation; and intervention and supports services for students with disabilities;
5. A description of graded responses to violations of the Code of Conduct that includes remediation, is consistent with law concerning corporal punishment, and is consistent with laws and Board of Education Policies.
6. Lists community-based health and social service providers, and local legal resources.

Student Behavioral Infractions

Students who display chronic behavioral or academic problems may be referred to the Child Study Team by the Superintendent of Schools 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.

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 NJAC 6A:16-7.1 and NJAC 6A:16-7.3 or expulsion in accordance with NJAC 6A:16-7.5, following due process.

Any student who commits an assault (as defined by NJSA 2C:12-1) upon a Board of Education member, teacher, administrator or other employee of the Board of Education may be suspended from school immediately according to procedural due process, and suspension in accordance with NJAC 6A:16-7.1 and NJAC 6A:16-7.3 or expulsion in accordance with NJAC 6A:16-7.5. Proceedings, when applicable, 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. 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 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 of Schools may modify this suspension on a case-by-case basis. Each student so removed shall be placed in an alternative educational program or on home instruction pending alternative education program placement and shall be entitled to a hearing before the Board of Education. 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 of Schools. The principal shall also notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice.

The Superintendent of Schools shall determine at the end of the year whether the student is prepared to return to the regular education program, in accordance with NJAC 6A:16-5.5(i).

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

Students with Disabilities

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

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

Staff 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.

Policy & Procedure Development, Review & Dissemination

The standards and procedures developed to implement this policy shall be aligned with the Board of Education approved code of student conduct and accepted Board of Education approved core ethical values. Policies, standards and procedures shall be based on parent, student and community involvement which represents, where possible, the composition of the schools and community, in accordance with NJAC 6A:16-7.1.

This policy shall be reviewed annually and updated along with the code of student conduct. 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 Superintendent of Schools 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 a public meeting in accordance with NJAC 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.

Implementation

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

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

Legal References

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

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Code of Student Conduct

REGULATION 5131

Date Reviewed:

This Code of Student Conduct has been approved by the Board of Education and was developed to:

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

Code of Conduct

All students are bound by law, policies of the Board of Education, and the administrative regulations of this school district. In addition, students shall not:

- Be insubordinate to teachers or other school staff members or disregard their instructions or demonstrate lack of respect for their authority;
- Create disorder or disruptions on school premises;
- Use, threaten, or incite the use of physical force against other students, staff members, or visitors to the school;
- Steal, damage, or deface the property of other students, staff members, or the district;
- Violate codes of conduct adopted by the school;
- Possess or use weapons or any implement intended to harm others;
- Use foul, abusive, derogatory, or demeaning language, including racial and ethnic remarks;
- Convey information about other students or staff members known to be false;
- Act so recklessly as to endanger the safety of others;
- Procure the property of others by threat or intimidation;
- Enter school premises or any specific portion of the premises without permission and without authority;
- Vandalize school property, real or personal;
- Create litter on school property
- Be truant from school or class;

- Cheat or otherwise engage in academic dishonesty;
- Persistently refuse to complete home work and other assignments;
- Engage in illegal gambling;
- Smoke on school premises;
- Falsify an excuse or any school document;
- Set fire to or cause a fire in any way on school premises;
- Possess or explode a firecracker or other explosive device on school premises;
- Sound or cause to be sounded a false alarm for fire, bomb, or other condition or circumstance hazardous to others;
- Possess, use, or distribute a substance in violation of Board Policy and law;
- Join a secret society prohibited by law;
- Engage in any other activity expressly prohibited by a school staff member in authority.

Students who are transported by a school bus for any and all purposes, must obey all school rules and:

- Show respect for the driver at all times;
- Enter and leave the bus in an orderly manner;
- Ride only the bus to which they have been assigned;
- Be and remain seated and seat belted (when available) while the bus is in motion;
- Avoid reckless and boisterous activity at all times, including during waits at pickup points
- Talk in a reasonable tone of voice and avoid loud noise;
- Extend no portion of the body or other object out a bus window;
- Keep aisles clear at all times;
- Possess, use or distribute no substance in violation of Board Policy and law.

The Building Principal or designee has the right to impose a consequence on a student for conduct away from school grounds pursuant to NJAC 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 NJSA 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. Consequences shall be handled in accordance with Board Policy and law, pursuant to the provisions of NJAC 6A:16-7.1, and as appropriate, in accordance with the provisions of NJAC 6A:16-7-2, 6A:16-7.3, or 6A-7.5.

Disciplinary Measures

The following disciplinary measures may be applied as appropriate to the student's violation of school rules.

The measures are sequential and are organized in order of severity:

- Admonishment – A school staff member in authority may admonish the student for his/her unacceptable conduct and warn the student that additional misconduct may warrant a more severe penalty;
- Temporary Removal from Classroom – The classroom teacher may direct the student to report to the office of the administrator in charge of student discipline. The teacher will complete a form that

indicates the student's name, homeroom, and the conduct that has caused the student's removal from the room. The administrator in charge of discipline will interview the student and determine which, if any, additional disciplinary steps are indicated;

- Deprivation of Student Privileges – The student will be deprived of the privilege of moving freely about the school building, participation in co-curricular or inter/intra scholastic activities, attendance at a school-related social or sports activity, participation in a graduation ceremony, transportation by school bus, or any other privilege the Building Principal or designee determines may be appropriate and consistent with Board Policy and the provisions of NJAC 6A:16-7.1 et seq.
- Detention – the student will be required to report before or after the school day to a detention room for a period of supervised study. 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.
- In-School Suspension – The student will be removed from his or her regular classes and required to report to an in-school suspension program for supervised study. In-school suspension is a deprivation of the student's right to a thorough and efficient education and will not be imposed without due process.
- Suspension from School – The student will be denied the right to attend school for a period of time.
- Expulsion – The student will be required to withdraw permanently from school.
- Remedial Measures – Remedial measures may be taken to aid in correcting student conduct and to ensure that the student is properly placed in an appropriate educational environment and is not in need of special education and/or related services.
- Restitution – The student will be required to make restitution, in kind or cost or labor, for any loss he or she has caused. Any damages caused by the student will be forwarded to the parent/legal guardian of the responsible student(s). All charge assessed must be paid in a timely manner. A student who refuses to make restitution or restoration as directed may be disciplined accordingly.
- Counseling – The student may be required to consult with school guidance counselors to determine the causes of his/her misconduct and to assess the need for a change in educational placement. If counseling is required, 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 alternate behaviors. The counselor may refer the student for additional counseling, evaluation, intervention, treatment or therapy. Such referrals may be made to the Child Study Team (CST), Intervention and Referral Team (IRT), an appropriate public or private agency and/or the appropriate legal agency.
- Parent/Guardian Conferences – The student may be required to attend a meeting with his/her parent(s)/guardian(s) and appropriate staff members to discuss the causes of the student's behavior, possible remediation, potential disciplinary measures, and alternative conduct.
- Alternate Educational Program – The student will be assigned to an alternate educational program as recommended by the student's guidance counselor, classroom teacher, child study team, and/or other appropriate school officials.
- Consequences and Remedial Measures for Acts of Harassment, Intimidation, or Bullying
Consequences for a student who commits an act of harassment, intimidation, or bullying shall be varied and graded according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and performance. The consequences may include, but are not

limited to, admonishment, temporary removal from the classroom, deprivation of privileges, classroom or administrative detention, referral to disciplinarian, in-school suspension during the school week or the weekend, after-school programs, out-of-school suspension, reports to law enforcement or other legal action, expulsion, and participating in school district-sponsored programs.

- Remedial Measures – Remedial measures shall 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 for Acts or Incidents of Dating Violence at School – consequences and remedial measures specific to acts or incidents of dating violence at school shall be used to address the act or incident and to serve as remediation, intervention, education, and prevention for all individuals involved. Responses shall be tiered with consideration given to the seriousness and number of previous occurrences of acts or incidents in which the victim and aggressor have been involved. Consequences may include, but are not limited to, admonishment, temporary removal from classroom, classroom or administrative detention, in-school suspension, out-of-school suspension, reports to law enforcement, and/or expulsion.
- Remedial Measures/Interventions for Acts or Incidents of Dating Violence at School – Remedial measures/interventions may include, but are not limited to, parent conferences, student counseling (all students involved in the act or incident), peer support group, corrective instruction or other relevant learning or service experiences, supportive student intervention (Intervention and Referral Services), behavioral management plan, and/or alternative educational placements.

Disciplinary Procedures

Students and parents will be given notice of the rules of conduct and disciplinary procedures, and any other school rules binding on student conduct. Principals will distribute these documents to all students on the first day of each school year and to transferring students on the first day of their enrollment in this district. Teachers and administrators in charge of student discipline shall make every effort to administer these rules consistently and fairly. The staff member who disciplines a student for conduct shall, however minimal the offense or the discipline, orally inform the student of the conduct for which he or she is being disciplined and offer the student an opportunity to deny the charge or to present extenuating circumstances. Where the discipline is greater than an admonishment, the student's parent(s)/legal guardian(s) will be notified of the offense and of the discipline imposed and will be offered an opportunity to confer with the appropriate building administrator.

Where the offense is serious and the discipline greater than detention, every effort will be made to notify the parent(s) to the informal hearing conducted.

An in-school suspension from school, or expulsion will be conducted in strict accordance with law and Board Policies.

Violations of the rules regarding student conduct on school buses will be handled in accordance with the following:

- The bus driver will report the offensive conduct to the Principal of the school in which the student is enrolled by submission of a completed written form that includes the name of the student, the school and the specific offensive conduct;
- The parent(s)/legal guardian(s) will be notified, by copy of the form, of the student's conduct;
- The Principal or designee will determine the discipline to be administered, in accordance with the severity of the infraction;
- When the misconduct is severe, the student may be summarily suspended from the bus pending a conference with the parent(s)/legal guardian(s) and further disciplinary action.

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, and accommodation plans under 29 U.S.C. 794 and 705(20), student discipline and the code of conduct shall be implemented in accordance with the components of the applicable plans.

Student Rights

Students subject to the consequences of the Student Discipline Code of Conduct Policy and Regulation shall be informed of their rights, pursuant to the provisions of NJAC 6A:16-7.1(c)3i. through vii., that include:

- Advance notice of behaviors that will result in suspensions and expulsions that have been identified under authority of NJSA 18A:37-2;
- Education that supports students' development into productive citizens;
- Attendance in safe and secure school environments;
- Due process and appeal procedures, pursuant to the provisions of NJAC 6A:3-1.3 through 1.17, 6A:4 and 6A:14-2.7 and 2.8;
- Parent/guardian notification consistent with the policies and procedures established pursuant to the provisions of 6A:16-6.2(b)3; and
- Protections pursuant to 20 U.S.C. 1232g and 34 CFR Part 99, Family Educational Rights and Privacy Act, 20 U.S. C. 1232h and 34 CFR Part 98, Protection of Student Rights Amendment; NJAC 6:3-6, Student Records: 45 CFR 160, health Insurance Portability and Accountability Act; 20 U.S.C. 6301, Title IV (A) 4155 of the Elementary and Secondary Education Act as reauthorized under the No Child Left Behind Act; 42 CFR Part 2, Confidentiality of Alcohol and Drug Abuse Patient Records; NJSA 18A:40A-7, School-based drug and alcohol abuse counseling; information from participants: disclosure: NJAC 6A:16-3.2. Confidentiality of student alcohol and other drug information; NJAC 18A:36-10, Creation: Student Records: Maintenance and Retention, Security and Access; Regulations; Non-Liability; NJAC 6A:14-2.9, Student Records; as well as other existing Federal and State laws pertaining to student protections.

Records

Instances of student discipline will be recorded in the student's file in strict compliance with NJAC 6:3-2 and Board Policy.

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 NJAC 2A:4A-60, disclosure of juvenile information; penalties for disclosure, shall be provided to the receiving public school district, in accordance with the provisions of NJAC 18A:36-19(a), NJAC 6A:32-7.5(e)10.iv., and NJAC 6A:16-7.10.

The record shall be provided within two weeks of the date that the student enrolls in the receiving district. Written consent of the parent/guardian or adult student shall not be required as a condition of the transfer of this information, however, written notice of the transfer shall be provided to the parent or the adult student.

When a student transfers to a private school, which includes all sectarian or nonsectarian nonprofit institutional day or residential schools that provide education for students placed by their parents and that are controlled by other than public authority, all student disciplinary records, with respect to suspensions or expulsions, shall be provided by the public school district of residence to the private school upon written request from the private school, in the same manner as such records would be provided by a public school district of residence to another public school district, pursuant to NJAC 6A:16-7.10(b).

The Board shall not use a student's past offenses on record to discriminate against the student.

All student disciplinary records maintained in the district shall conform with the requirements set forth in NJAC 6A:16-7.10 (d)

Annual Report

The Superintendent of Schools shall report annually on the implementation of the Code of Student Conduct Policy to the Board at a public meeting. The annual summary shall contain, at a minimum:

- A numerical inventory of all violations of the student behavior expectations in the Code of Student Conduct;
- Associated school responses to the violations of the student behavioral expectations;
- An explanation and evidence of the effectiveness of the Code of Student Conduct. This explanation and evidence, at a minimum, shall address the degree of effectiveness of the school district's activities in achieving the purposes of the Code of Student Conduct.
- Any proposed changes to the school district's current policies, procedures, programs or initiatives, based on the annual report.