



# THE NEWARK PUBLIC SCHOOLS Newark, New Jersey POLICY



FILE CODE: 5131

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## CONDUCT/DISCIPLINE\*

The Newark Public Schools ("District") believes that an effective instructional program requires an orderly school environment and that the effectiveness of the educational program is, in part, reflected in the behavior of pupils.

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

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

The District has developed and implemented a code of student conduct which establishes standards, policies and procedures for positive student development and student behavioral expectations on school grounds, including on a school bus or at school sponsored functions, and as appropriate, conduct away from school grounds. Each pupil of this District shall 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's designee and appropriate school-based personnel shall provide to pupils and their parents/guardians the rules of this District regarding pupil conduct and the sanctions that may be imposed for breach of those rules. Provisions shall be made for informing parents/guardians whose primary language is other than English.

In developing the standards, policies and procedures to implement this policy, the Superintendent and the District's Discipline Committee shall ensure that the code of student conduct is: (i) based on parent, student and community involvement which represents, where possible, the composition of the schools and community; (ii) based on locally determined and accepted core ethical values; and (iii) board approved.

The District has developed regulations that:

- A. Require pupils to conform to reasonable standards of socially acceptable behavior; respect the person, property and rights of others; obey constituted authority and respond to those who hold that authority; and
- B. Establish the degree of order necessary to the educational program in which pupils are engaged.

**CONDUCT/DISCIPLINE (continued)**

The District's Discipline Committee shall meet on multiple occasions during the school year and will annually review and update the code of student conduct, as appropriate. This process shall include:

- A. Parent, student and community involvement which represents, where possible, the composition of the schools and community; and
- 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's designee shall annually:

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

Pupils who display chronic behavioral or academic problems may be referred to the Pupil Resource Committee for general education interventions, or to the child study team for evaluation or testing.

A pupil whose presence poses a continuing danger to persons or property, or an ongoing threat of disrupting the academic process, may be moved to an alternative placement, suspended or expelled, following due process. Staff shall comply with state and federal law and the regulations of the New Jersey administrative code in dealing with discipline and/or suspension of all pupils with disabilities.

**Substance Abuse**

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

**Weapons Offenses**

Any pupil who is convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm or found knowingly in possession of a firearm on any school property or on a school bus or at a school-sponsored function shall be immediately removed from the school's regular education program for a period of not less than one calendar year, subject to modification by the Superintendent's designee on a case by case basis. The principal shall be responsible for the removal of such students and shall immediately report

**CONDUCT/DISCIPLINE (continued)**

them to the Superintendent. The District shall also notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice. The Superintendent's designee shall determine at the end of the year whether the student is prepared to return to the regular education program, in accordance with procedures established by the Commissioner of Education.

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

**Harassment, Intimidation or Bullying**

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

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

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

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

"Electronic communication" means a communication that is transmitted by means of an electronic device, including, but not limited to a telephone, cellular phone, computer, or pager, that takes place on school property, at any school-sponsored function or on a school bus.

Any school employee, pupil or volunteer who has witnessed, or has reliable information that a pupil has been subject to harassment, intimidation or bullying, must report the incident to the appropriate school official designated by the administration.

The District shall not tolerate an act of reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying.

The Superintendent shall ensure that all schools have developed appropriate procedures addressing:

**CONDUCT/DISCIPLINE (continued)**

- A. A mechanism for reporting acts of harassment, intimidation or bullying, including a means of anonymous reporting;
- B. The prompt investigation of reports of such acts, identifying either the principal or the principal's designee as the person responsible for the investigation;
- C. The range of ways in which a school will respond once an incident of harassment, intimidation or bullying is identified; and
- D. Consequences, discipline and remedial action for a person who commits an act of harassment, intimidation or bullying, who engages in an act of reprisal or retaliation against a person who reports such action, or who falsely accuses another of bullying as a means of harassment, intimidation or bullying.

The Superintendent's designee shall take all necessary steps to publicize this policy, and shall inform pupils and staff that harassment, intimidation or bullying is prohibited on school property or any school-sponsored function. This information shall also be incorporated into the student handbook and employee training programs.

**Implementation**

The District shall ensure that the rules for this policy are applied consistently and uniformly, and that all disciplinary sanctions are carried out with necessary due process. The District shall review all related policies on a regular basis.

Date Adopted by the State District Superintendent: February 26, 2008.

**Legal References:**

N.J.S.A. 2A:4A-60 <u>et al.</u>	Disclosure of juvenile information; penalties for disclosure
N.J.S.A. 2C:12-1	Definition of assault
<u>N.J.S.A.</u> 2C:33-19	Paging devices, possession by students
<u>N.J.S.A.</u> 2C:39-5	Unlawful possession of weapons
<u>N.J.S.A.</u> 18A:6-1	Corporal punishment of pupils
<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
<u>N.J.S.A.</u> 18A:25-2	Authority over pupils
<u>N.J.S.A.</u> 18A:36-19a	Newly enrolled students; records and identification
<u>N.J.S.A.</u> 18A:37-1 <u>et seq.</u>	Discipline of Pupils

**See particularly:**

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

**See particularly:**

<u>N.J.A.C.</u> 6A:16-1.4, -2.4, -4.1, -5.1, -6.1, -6.2, -7.1	
<u>N.J.A.C.</u> 6A:32-12.1	Reporting requirements

**CONDUCT/DISCIPLINE (continued)**

N.J.A.C. 6A:32-12.2 School-level planning

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

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

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

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

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

See also Commissioners’ Decisions indexed under “Pupils – Punishment of” in Index to N.J. School Law Decisions

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

L.W. v. Toms River Regional Schools Board of Education, 189 N.J. 381 (2007)

Manual for the Evaluation of Local School Districts

A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials (1999 Revisions)

**Possible**

<b><u>Cross References:</u></b>	*1220	<u>Ad hoc</u> advisory committees
	*1410	Local units
	3517	Security
	*3541.33	Transportation safety
	*4131	Staff development; inservice education/visitation conferences
	4148	Employee protection
	*4231	Staff development; inservice education/visitation conferences
	4248	Employee protection
	5000	Concepts and roles in pupil personnel
	5010	Personal goals and objectives for pupils
	*5020	Role of parents/guardians
	*5113	Absences and excuses
	*5114	Suspension and expulsion
	*5124	Reporting to parents/guardians
	*5127	Commencement activities
	*5131.5	Vandalism/violence
	*5131.6	Drugs, alcohol, tobacco (substance abuse)
	*5131.7	Weapons and dangerous instruments

**CONDUCT/DISCIPLINE (continued)**

5132	Dress and grooming
5145	Rights
5145.2	Freedom of speech/expression
*5145.4	Equal educational opportunity
*5145.6	Pupil grievance procedure
*5145.11	Questioning and apprehension
*5145.12	Search and seizure
*6145	Extracurricular activities
*6164.4	Child study team
*6171.4	Special education
*6172	Alternative educational programs

\* This policy should be read in conjunction with the district's Discipline Plan and Policy.