

Policy

CONDUCT/DISCIPLINE

The Newark Educators Community Charter School Board of Trustees 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 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 trustees 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 school and community property.

Board policy requires each student of this school 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 principal/lead person shall provide to students and their parents/guardians the rules of this school 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 principal/lead person shall establish the degree of order necessary to the educational program in which students are engaged.

Code of Conduct

The principal/lead person shall oversee the development of and the board 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 principal/lead person has the right and authority to impose a consequence on a student for conduct away from school grounds that is consistent with the board's approved code of student conduct, pursuant to N.J.A.C. 6A:16-7.1 and N.J.A.C. 6A:16-7.5.

This authority shall be exercised only when it is reasonably necessary for the student's physical or emotional safety, security and well-being or for reasons relating to the safety, security and well-being of other students, staff or school grounds, pursuant to N.J.S.A. 18A:25-2 and 18A:37-2, 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 shall direct development of detailed regulations suited to the age level of the students and the physical facilities of the school.

The school code of conduct shall contain:

- A. A description of student responsibilities that includes expectations for academic achievement, behavior and attendance;
- B. A description of behaviors that will result in suspension or expulsion;
- C. A description of the students' rights to:

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1. Advance notice of behaviors that will result in suspensions or expulsions;
 2. Education that supports student development into productive citizens;
 3. Attendance in safe and secure school environment;
 4. Due process and appeal procedures in accordance with law and board policy;
 5. Parent notifications consistent with board policy and law for law enforcement interviews (5145.11 Questioning and Apprehension), short-term and long-term suspension (5114 Suspension and Expulsion), due process and appeal procedures, and attendance (5113 Attendance, Absences and Excuses);
 6. Records and privacy protections (5125 Student Records).
- D. A description of behavioral supports that promote positive student development and assist each student in fulfilling the school behavioral expectations established including intervention and referral services, remediation, and intervention and supports services for students with disabilities;
- E. 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 policies concerning violence/vandalism (5131.5) and, weapons and dangerous instruments (5131.7);
- F. Cover the board attendance policy (5113) and the harassment, intimidation and bullying policy (5131.1);
- G. 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 principal/lead person 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 N.J.A.C. 6A:16-7.1 and N.J.A.C. 6A:16-7.2, N.J.A.C. 6A:16-7.3 or expulsion in accordance with N.J.A.C. 6A:16-7.4, following due process. However, one incident alone is not sufficient cause for an expulsion.

Any student who commits an assault (as defined by N.J.S.A. 2C:121) upon a board member, teacher, administrator or other employee of the board of trustees shall be suspended from school immediately according to procedural due process, and suspension in accordance with N.J.A.C. 6A:16-7.1 and N.J.A.C. 6A:16-7.2, N.J.A.C. 6A:16-7.3, or expulsion in accordance with N.J.A.C. 6A:16-7.4. However, one incident alone is not sufficient cause for an expulsion. Proceedings shall begin no later than 30 calendar days from the date of the student's suspension.

Substance Abuse

In accordance with statute and code, penalties shall be assigned for use, possession and distribution of proscribed substances and drug paraphernalia. The penalties shall be graded according to the severity of the offense in accordance with policy 5131.6 Substance Abuse. Infractions shall be reported to the local law enforcement agency in accordance with the school'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 principal/lead person may modify this suspension on a case-

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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. 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/lead person shall be responsible for the removal of such students and shall immediately notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice.

The principal/lead person shall determine at the end of the year whether the student is prepared to return to the regular education program, in accordance with N.J.A.C. 6A:16-5.5(i).

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

Harassment, Intimidation or Bullying

The board expects all students to treat each other with civility and respect and not to engage in behavior that is disruptive or violent. This type of behavior interferes with a student's ability to learn and a school's ability to educate its students in a safe environment. Therefore, the school will not tolerate acts of harassment, intimidation or bullying.

The board prohibits acts of harassment, intimidation or bullying against any student in accordance with board policy 5131.1 Harassment, Intimidation and Bullying, and law.

"Harassment, intimidation or bullying" is defined as any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on school grounds, at any school-sponsored function or on a school bus, or off school grounds in accordance with law, that substantially disrupts or interferes with the orderly operation of the school or the rights of other students and that:

- A. A reasonable person should know, under the circumstances, will have the effect of physically or mentally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or mental harm to his/her person or damage to his/her property; or
- B. Has the effect of insulting or demeaning any student or group of students; or
- C. Creates a hostile educational environment by interfering with the student's education or by severely or pervasively causing physical or emotional harm to the student.

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

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.

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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 and Procedure Development, Review and Dissemination

The standards and procedures developed to implement this policy shall be aligned with the board approved code of student conduct and accepted board 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 school and community, in accordance with N.J.A.C. 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 school 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 principal/lead person 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 trustees at a public meeting in accordance with N.J.A.C. 6A:16-7.1(a) 5, i-iv;
- C. Report to the New Jersey Department of Education on student conduct, including all student suspension and expulsion and incidences reported under the Electronic Violence and Vandalism Reporting System.

Implementation

The principal/lead person shall ensure that the rules for this policy are applied consistently with the school's code of student conduct (N.J.A.C. 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.

Adopted: No Date
 NJSBA Review/Update: July 2014
 Readopted:

Key Words

Conduct, Discipline, Student Conduct, Weapons, Vandalism, Harassment, Intimidation, Bully, Bullying

Legal References:	<u>N.J.S.A. 2A:4A-60 et al.</u>	Disclosure of juvenile information; penalties for disclosure
	<u>N.J.S.A. 2C:12-1</u>	Definition of assault
	<u>N.J.S.A. 2C:3319</u>	Paging devices, possession by students
	<u>N.J.S.A. 2C:39-5</u>	Unlawful possession of weapons
	<u>N.J.S.A. 18A:61</u>	Corporal punishment of students
	<u>N.J.S.A. 18A:111</u>	General mandatory powers and duties
	<u>N.J.S.A. 18A:252</u>	Authority over students
	<u>N.J.S.A. 18A:36-19a</u>	Newly enrolled students; records and identification
	<u>N.J.S.A. 18A:37-1 et seq.</u>	Discipline of Students

CONDUCT/DISCIPLINE (continued)See particularly:

N.J.S.A. 18A:37-15
N.J.S.A. 18A:40A-1 et seq. Substance Abuse
N.J.A.C. 6A:14-2.8 Discipline/suspension/expulsions
N.J.A.C. 6A:16-1.1et seq. Programs to Support Student Development

See particularly:

N.J.A.C. 6A:16-1.4,-2.4
 -4.1, -5.1, -6.1, -6.2,
 -7.1 through -7.5
N.J.A.C. 6A:32-12.1 Reporting requirements
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 “Students – Punishment of” in Index to N.J. School Law Decisions

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

L.W. v. Toms River Regional Schools Board of Education, N.J., No. A-111-05 (Feb. 22, 2007), 2007 N.J. Lexis 184.

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

Possible

Cross References: *1220 Ad hoc advisory committees
 *1410 Local units
 * 3541.33 Transportation safety
 * 4131/4131.1 Staff development; inservice education/visitation conferences
 *4231/4231.1 Staff development; inservice education/visitation conferences
 *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
 *5145.4 Equal educational opportunity
 *5145.6 Student grievance procedure
 *5145.11 Questioning and apprehension
 *5145.12 Search and seizure
 *6145 Extracurricular activities
 *6164.4 Child study team
 *6171.4 Special education

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*6172 Alternative educational programs

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