

Policy

CONDUCT/DISCIPLINE

The board believes that an effective instructional program requires an orderly school environment and that the effectiveness of the educational program is, in part, reflected in the behavior of students. The board approved code of student conduct is established to achieve the following purposes:

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

The 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 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 chief school administrator 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 chief school administrator shall establish the degree of order necessary to the educational program in which students are engaged.

Code of Conduct

The chief school administrator 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 may be based on parent/guardian and student. The chief school administrator 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.

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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 individual schools.

The district 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:
 - 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. Attendance in school irrespective of marriage, pregnancy, or parenthood;
 - 5. Due process and appeal procedures in accordance with law and board policy;
 - 6. Parent notifications consistent with board policy and law for law enforcement interviews (5145.11 Questioning and Apprehension), short-term and long-term suspension (5114 Suspension and Expulsion), due process and appeal procedures, and attendance (5113 Attendance, Absences and Excuses);
 - 7. Records and privacy protections (5125 Student Records).
- D. A description of comprehensive behavioral supports that promote positive student development and assist each student in fulfilling the district behavioral expectations established including:
 - 1. Positive reinforcement for good conduct and academic success;
 - 2. Supportive interventions and referral services;
 - 3. Remediation of problem behavior that takes into account the behavior's nature, the students' developmental ages and the students' histories of problem behaviors and performance; and
 - 4. Behavioral interventions and supports for students with an IEP or accommodation plans.
- E. A description of responses to violations of behavioral expectations 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 that shall:
 - 1. Include a continuum of actions designed to remediate and, where necessary or required by law, to impose sanctions;
 - 2. Be consistent with other responses as required by law for serious offences including firearms, weapons and assault offenses;
 - 3. Ensure that the code of student conduct is applied equitably without regard to race, color, religion, ancestry, national origin, nationality, sex, gender, sexual orientation, gender identity or expression, marital, domestic-partnership, or civil-union, mental, physical, or sensory disability, or any other distinguishing characteristic;
 - 4. Be consistent with the provisions of N.J.S.A. 18A:6-1 regarding the corporal punishment of pupils.
- F. Expectations and consequences consistent board policies and procedures 5113 Attendance, Absences and excuses and 5131.1 Harassment, Intimidation and Bullying;
- G. A current list of community-based health and social service provider agencies available to support a

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student and the student's family, as appropriate, and a list of legal resources available to serve the community.

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

Student Behavioral Infractions

Students who display chronic behavioral or academic problems may be referred to the child study team by the chief school administrator 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:12-1) upon a board member, teacher, administrator or other employee of the board of education shall be suspended from school immediately according to procedural due process, and suspension in accordance with N.J.A.C. 6A:16-7.1 and N.J.A.C. 6A:16-7.2, 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.

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

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 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 chief school administrator 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. 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 chief school administrator. The principal shall also notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice.

The chief school administrator shall determine at the end of the year whether the student is prepared to

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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 district 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 and accommodation plans. 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 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

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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 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 schools and community;
- B. Consideration of the findings of the annual reports of student conduct, suspensions and expulsions; and incidences reported under the Student Safety Data System.

Implementation

The chief school administrator shall ensure that the rules for this policy are applied consistently with the district'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.

The board shall review and update the code of student conduct annually. The code of student conduct shall be disseminated annually to all school staff, students and parents/guardians.

The chief school administrator shall report as required by law 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.

Employees shall receive annual training on the code of student conduct, including training on the prevention, intervention, and remediation of student conduct that violates the code of student conduct. Information on the code of student conduct shall be incorporated into the orientation for new employees.

First Reading:	February 24, 2003
Adopted:	March 31, 2003
Revised:	February 17, 2010, June 20, 2011
NJSBA Review/Update:	November 2011
Readopted:	February 22, 2012
Readopted:	January 23, 2017
Revised:	March 18, 2018
Readopted:	March 26, 2018
Readopted	December 17, 2018

Key Words

Conduct, Discipline, Pupil Conduct, 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:33-19</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:6-1</u>	Corporal punishment of pupils
	<u>N.J.S.A. 18A:11-1</u>	General mandatory powers and duties
	<u>N.J.S.A. 18A:25-2</u>	Authority over pupils
	<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 Pupils
	<u>See particularly:</u>	
	<u>N.J.S.A. 18A:37-13.2, -14</u>	

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N.J.S.A. 18A:37-15 et seq.
N.J.S.A. 18A:40A-1 et seq. Substance Abuse
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.A.C. 6A:14-2.8 Discipline/suspension/expulsions
N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student Development
 See particularly:
N.J.A.C. 6A:16-2.4
 -4.1, -5.1, -5.4, -5.6, -5.7 -6.1, -6.2,
 -7.1 through -7.5
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

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

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

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

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

See also Commissioners' Decisions indexed under "Pupils – Punishment of" in Index to N.J. School Law Decisions

Every Student Succeeds Act of 2015, Pub.L. 114-95, 20 U.S.C.A. 6301 et seq.

L.W. v. Toms River Regional Schools Board of Education, N.J., No. A-111-05 (Feb. 22, 2007), 2007 N.J. LEXIS 184. The New Jersey Supreme Court ruled that a school district may be held liable under the New Jersey Law Against Discrimination (LAD), N.J.S.A. 10:5-1 to -49, when students harass another student because of his perceived sexual orientation. A district school will be liable for such harassment if it knew or should have known of the harassment but failed to take reasonable remedial actions. The matter was remanded to the Director of the Division on Civil Rights.

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

Possible

Cross References: *1220 Ad hoc advisory committees
 *1410 Local units
 3517 Security
 *3541.33 Transportation safety
 *4131/4131.1 Staff development; inservice education/visitation conferences
 4138/4238 Employee protection
 *4231/4231.1 Staff development; inservice education/visitation conferences
 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
 *5131.1 Harassment, intimidation and bullying
 *5131.5 Vandalism/violence
 *5131.6 Drugs, alcohol, tobacco (substance abuse)
 *5131.7 Weapons and dangerous instruments
 5132 Dress and grooming
 5145 Rights

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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

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

Regulation

Code of Student Conduct

The staff and administration of the Ringwood Public School System are here to help students make the transition from elementary to secondary education a positive and productive experience. We support students as they face new academic and social challenges at all grade levels and work to make it easier for students to grow and be successful in these areas. The Ringwood Public School Code of Student Conduct describes student responsibilities that include expectations for academic achievement, behavior and attendance in accordance with N.J.A.C. 6A:32-8 and 13.1. The Code of Student Conduct provides for equitable application of the code without regard to race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability or by any other distinguishing characteristic, pursuant to N.J.S.A. 10:5.

Code of Conduct

I will respect myself and others.

I will treat others fairly.

I will not hurt anyone on the inside or outside.

I will do my best work.

I will care for school property.

Attendance – Absence / Tardiness

In accordance with N.J.S.A. Title 18A:38-25 through 31, N.J.A.C. 6A:32-8, 13.1, 6A:16-7.8 and supported by Ringwood Board of Education Policy #5113: It is the parents'/guardians' responsibility to monitor their child's attendance at school.

If a student is going to be absent or late, parents should notify the school by calling the school's attendance line. If the school is not notified about an absence, the attendance monitor will contact a parent to verify the absence. Should this be unsuccessful, the Ringwood Police Department may be contacted. The student will be required to present a note upon returning to school from the parent/guardian indicating the reason for the absence.

We do not excuse tardiness except in the cases of illness, extreme emergencies or a late bus arrival. In case of illness or emergencies, students must present a parental note explaining the reasons when they arrive at school. Additionally, students coming to school late, or leaving school early, for medical appointments must return to school with a doctor's note stating so. Any student accumulating 5 tardies, leaving school early 5 times, or a combination of the two totaling 5 times shall have a full day's absence added to their total of accumulated absences. Additional consequences may result due to excessive tardiness/absenteeism. This may include a possible Ringwood Municipal Court appearance.

Upon receipt of the fifth unexcused tardy and/or early departure, the student will receive an administrative notification that the maximum number of absences has been accumulated. The next unexcused tardy and

all subsequent tardies will result in administrative detentions. Students are considered late to school if they arrive at their homerooms after attendance is taken.

Ringwood students have the responsibility of getting to school on time. Students have ample time to pass through the hallways and stop at their locker (if during a designated time). Therefore, arriving late to class and school is not acceptable.

Bus Transportation

Students are under the authority of the Ringwood Board of Education when riding on a school bus. It is the policy of the Board of Education to provide for the safety and welfare of pupils at all times. School bus transportation is a privilege. The bus driver is completely in charge of the bus and its riders at all times. Students must comply with all the rules and directions of the driver. Should a violation of the rules take place, a bus conduct report will be submitted to the school's administration. Severe and repeated Bus infractions will result in disciplinary action. First offense one day bus suspension, second offense two week bus suspension, third offense one month bus suspension, fourth offense bus suspension for the remainder of the academic school year. The school bus and the bus stop are extensions of the school day.

All students are assigned to a bus route and bus stop in the beginning of the year. Once assigned, changing these routes and stops is not permitted. Only students officially assigned to a bus may enter or ride that bus. Any questions or concerns regarding transportation should be directed to the transportation department at 973-962-7500.

If you need to pick your child up from school, please send in a note stating so and sign them out in the school's main office. Bus students wishing to walk must provide the office with a signed note with the specific date they will be walking.

Walkers

Students who are not assigned to bus transportation to and from school are considered walkers. The school is responsible for their safety and behavior from the time they leave home in the morning until they arrive home after dismissal. The following rules apply to walkers both before and after school:

1. All walkers must use the sidewalk at the school driveway. Do not walk or climb on the guardrails.
2. Walk to the left, facing traffic, where sidewalks do not exist. Keep as close as possible to the side of the road.
3. Always be alert to traffic and walk no more than two persons side by side to avoid blocking the roadway.
4. Do not walk through the woods or private property.
5. Walkers are not allowed to accept a ride home in cars without prior written permission.
6. (*for M. J. Ryerson Middle School*) Students riding bicycles to school must walk them up or down the driveway and follow all bicycle safety rules.
7. (*for M. J. Ryerson Middle School*) Only students who are considered permanent walkers may ride bikes to school. A signed parent permission slip (available in the school's office) is required and will be kept on file.

Health Services

Students who require medication during school hours must bring the original labeled container to the nurse. **A doctor's note is required, together with written permission from the parent/guardian for the nurse to administer any medication.** The doctor's note should identify the drug, dosage, time schedule and purpose of the medication. Students can not carry or administer any medication without proper documentation on file. Any medication to be administered during school hours must be kept in the nurse's office. If you become ill in school, you must report to the nurse who will decide what action to take. Students may not leave the building because of illness without authorization from the health office. **As per**

the school district's physician, students who have been diagnosed with strep throat should be on antibiotics for at least 24 hours before returning to school.

When a student becomes ill at home with a communicable disease or physical injury, the school nurse must be notified immediately and the parent/guardian will be familiarized with school rules concerning the illness or injury. Any student returning to school with a cast, crutches or injury must report to the nurse before homeroom. Parents/Guardians should advise the nurse at the beginning of the school year of any physical disabilities or health concerns that might affect school activities. In addition, the school will provide a current list of community-based health, social services providers and legal agencies that are able to support and advise a student and a student's family. The school nurse, the district's special services department and or the school's administration will provide students, parents or guardians with a list of specific providers when necessary.

Homework / Make-Up Work

Homework is an essential part of every child's education. Parental supervision and support with homework is necessary for students to attain desired results from instruction. All homework assignments will be relevant to the subject matter being taught; all teachers will check completed homework.

Students are responsible for all work missed due to absence or class time missed for school activities. Work can be obtained through the school office when a student is absent for two or more days. Requests must be made at the same time the absence call is made. The school work will be ready one half hour after dismissal time on the day requested. Number of days that the student is absent is equal to the same amount of days allotted for completion of make-up work. Homework assignments may also be accessed through the Parent Portal.

Academic Progress and Achievement

The Administrative team, guidance department and teachers help to provide positive reinforcement for students who display good conduct and academic success. Students who demonstrate stable or improved academic progress will have the opportunity to participate in special school functions, such as dances, assemblies, class trips and special activities. Students who do not display a positive attitude toward their academic responsibilities may be restricted from attending these special school functions. Additionally, students who fail one or more subjects for the school year may be required to attend a certified summer school program to be promoted to the next grade level.

Student support interventions are provided through the Intervention and Referral Services process in an effort to help make all students academically and socially successful. The school's administration will take into account the nature of the behaviors, the developmental ages of the students, and the student's histories of problem behaviors and performance when implementing a need for a behavior modification plan. Students with specified disabilities; the behavior plan and interventions will be pursuant to the requirements set in N.J.A.C. 6A:14.

Guidance Services

The guidance department is available to help students and parents with any questions or problems they may have. Students may see their counselors before school, after school or during the school day with teacher permission. Guidance counselors provide services that include, but are not limited to promoting congenial relationships among students, providing assistance with student academic, social, disciplinary and scheduling problems. Counselors also coordinate the guidance curriculum within the school, coordinating student testing and offering suggestions and assistance to teachers and parents concerning academics,

discipline and socialization. Parents may schedule appointments or speak to the school's guidance counselor by contacting the school's main office.

Extracurricular Activities (M. J. Ryerson Middle School)

The academic program is supplemented by activities that give students an opportunity to expand areas of interest. A balance of academics and extracurricular experiences is essential to student development and provides rewarding experiences. The following programs are offered at the middle school level to provide an environment of social growth and promote positive attitudes:

Across Ages, Art Club, Audio Visual, Band, Interscholastic Basketball (Boys & Girls), Chorus, Drama, Homework Club, Literary Magazine, Student Council, Student Newspaper, Yearbook.

Students who participate in these activities must maintain a 90% attendance rate, earn no grade below a C, and receive none of the following comments on their report cards.

- (20) Responsible and cooperative attitude to be developed;
- (21) Ongoing disregard for school homework policy;
- (22) Distraction in class that interferes with the learning of other students;
- (23) Behavior needs improvement.

In the event a student does not meet these requirements, he/she will have a determined probationary period set up to bring the grades and comments to an acceptable level or lose activity privileges.

Care of School Property and Textbooks

The Board of Education supplies textbooks and a reasonable quantity of supplies to each student. You are expected to exercise care in handling textbooks and other school materials. Defacing or destroying school property is not only inexcusable, but also subject to disciplinary consequences.

Textbooks are to be covered at all times. Write your name and your teacher's name inside the front cover. You are responsible for the care and protection of your books. Students will be required to reimburse the school for any damage or excessive wear and tear. A student who loses a book will be required to purchase another book. If the original book is found, a refund will be given.

Guidelines for Lost or Damaged Books

At the beginning of the school year, classroom teachers will assess the condition of each student's textbook. At the conclusion of the school year, textbook condition will be reassessed to determine possible book fine amounts.

Lost Book Fine: All prices are determined upon the current cost of purchasing a new or used version of the textbook that was lost.

Damaged Book Fine:

1. If the book is judged to be unusable, fines will be levied as if it were a "lost book".
2. Severe damage could result in a fine as high as half the value of the book. Fines range down to \$1.00 for minor damage.
3. Any attempt to repair damaged books will lessen the fine if the attempt is successful.

Checks should be made payable to **Ringwood Board of Education.**

Behavioral Expectations

Proper behavior is essential to maintain a safe and secure school environment that is conducive to learning. The safety of each student in our school, and the ability to maintain an appropriate environment for learning to take place, are of utmost importance. The behavioral guidelines are set in place to help support student development which will allow students to become productive citizens. The following policies and expectations are designed to make all members of the school community aware of rules, responsibilities and consequences. To accomplish this goal, it is imperative that students, parents, teachers, counselors and administrators work together. Our students need to know what behaviors are acceptable and unacceptable. Following are guidelines that have been developed by the district's administration, with input from teaching staff, students, parents and the community.

The most effective behavior management occurs when the teacher and student interact together. Most problems can be solved within the classroom. Parents/guardians are partners with the school and will be made aware of the issues in need of resolution. Parents may arrange conferences with teachers to discuss concerns by calling the school's office. Parents are encouraged to share situations that may affect the child's behavior and or general academic performance irrespective of students' marriage, pregnancy or parenthood.

Each teacher will develop and accurately follow a classroom management plan that includes rewards, consequences, and parent contact. Should an incident occur within the classroom that violates that management plan, the teacher will discuss the problem with the student and review proper classroom procedures. Prior to any student being sent to the school's administration for disciplinary action, it is recommended that the teacher make contact with the student's parent(s), and if appropriate, assign a consequence. However, this does not preclude the fact that, in some instances, referral to a building administrator is necessary without first making contact with the parent.

After an administrator sees a student, the parent, teacher, guidance counselor, Child Study Team member and/or case manager will be informed about the infraction and the consequence. Repeated referrals to an administrator, or an infraction requiring suspension, will require a guidance conference with the student and possible referral to the Intervention and Referral Services Committee and or the Special Services Department which can help to set in place a remediation plan for improving specific behaviors. The school will assist the student in working to improve these behaviors. All suspensions and or possible expulsions are in accordance with N.J.S.A. 18A:37-2. All students' rights and responsibilities are in alignment with the due process and appeal procedures and policies set forth in N.J.A.C. 6A:13-1.3 through 1.17, N.J.A.C. 6A:4 and where applicable, N.J.A.C. 6A:14-2.7 and 2.8 and 7.2 through 7.6. Parent notification for suspension and or expulsion will be consistent with the policies and procedures established pursuant to N.J.A.C. 6A:16-6.2(b)3, 7.2, 7.3 and 7.8. In addition all student records and privacy protections are in accordance with Federal and State laws and regulations identified at N.J.A.C. 6A:16-7.1(c)3vii.

All students are subject to the following discipline procedures, in accordance with the law concerning corporal punishment of students (N.J.S.A. 18A:6-1), whether these behaviors occur with a Ringwood staff member or a substitute teacher. **The administration reserves the right to assign penalties for offenses not listed or to adjust a particular penalty when the severity of the offense warrants.** This may include, but is not limited to, the following: Disrespect for Authority; Consistent Disregard of School Rules; Destruction of School or Personal Property; Dress Code; Behavior on the Buses, Playground, and in the Hallways; Internet Policy; Substance Abuse Policy.

An Out-of-School Suspension may require a re-entry parent/student/administrator conference. Disregard of school rules may result in loss of privileges or participation in school functions, such as dances,

assemblies or special activities. **In all cases, the Administration reserves the right to make the final decision on all disciplinary consequences.** Extended periods of proper school behavior will be taken into consideration.

Playground and Cafeteria

The playground period is an opportunity to relax and enjoy a break from the academic school day. The following guidelines have been established to maintain safety and foster a pleasant experience for all students on the playground. Violation of any of these rules will result in disciplinary consequences.

1. There is no pushing and shoving of other students. Fighting or physical contact of any kind is not permissible.
2. Throwing of stones, rocks, snow, mud or any other inappropriate items is not permitted.
3. Food and drinks are not permitted on the playground.
4. Students are only allowed to charge a maximum of two lunches. Additional charges cannot take place until the student's account is paid in full.

Disciplinary Consequences

Please Note: *The Chief School Administrator and/or the building administration reserves the right to modify consequences based on the severity of the action and age/grade level of the offending student.*

Inappropriate Peer Interactions: *(Definition: any action between a student(s) and another student(s) that is intentionally opposed to the school rules for pupil conduct and is perceived as having the potential to cause harm (physically, socially or emotionally) may include, but is not limited to:*

Elementary Schools	E. G. Hewitt School	M. J. Ryerson School
1 st Offense – meeting with the principal	1 st Offense – meeting with the principal, parent/guardian notified, one (1) day lunch detention	1 st Offense – meeting with the building administrator, parent/guardian notified, one (1) administrative detention
2 nd Offense – meeting with the principal, parents/guardian notified, recess detention	2 nd Offense – meeting with the principal, parent/guardian notified, two (2) days lunch/recess detention	2 nd Offense – meeting with the building administrator, parent/guardian notified, two (2) administrative detentions
3 rd Offense – meeting with the principal, parent/guardian notified, after school detention for 30 minutes	3 rd Offense – meeting with the principal, parent/guardian notified, one (1) day after school detention for 30 minutes	3 rd Offense – meeting with the building administrator, parent/guardian notified, one (1) day of in-school suspension
4 th Offense – meeting with the principal, parent/guardian notified, one (1) day in-school suspension	4 th Offense – meeting with the principal, parent/guardian notified, one (1) day in-school suspension	

Cafeteria -Throwing Food or Objects:

1 st Offense	3 days administrative detention and parent/guardian notification
2 nd Offense	4 days administrative detention and parent/guardian conference
3 rd Offense	1 day In School Suspension or Out of School Suspension

Failure to Follow Posted Cafeteria/Playground Procedures:

1 st Offense	2 days lunch detention
2 nd Offense	3 days lunch detention and parent/guardian notification
3 rd Offense	5 days lunch detention and parent/guardian conferences

Abusive Language (profanity), Harassment, Blatant Disregard Toward Staff:

1 st Offense	2 days Out of School Suspension, parent/guardian notification
2 nd Offense	3 days Out of School Suspension, parent/guardian notification
3 rd Offense	4 days Out of School Suspension, meeting with the Superintendent

Cutting Class:

1 st Offense	2 days Administrative Detention and parent/guardian notification
2 nd Offense	4 days Administrative Detention or one day In School Suspension
3 rd Offense	1 day Out of School Suspension

Truancy/Cutting School:

1 st Offense	3 days Administrative Detention and parent/guardian notification
2 nd Offense	2 days In School Suspension/parent conference/possible court notification
3 rd Offense	4 days In School Suspension/possible court notification

Academic Cheating, Forgery and or Plagiarism:

1 st Offense	The student will receive a zero grade for the academic assignment, “with no opportunity to make to the assignment”, and parent/guardian notification by the classroom teacher.
2 nd Offense	The student will receive a zero grade for the academic assignment, “with no opportunity to make up the assignment”, one Administrative Detention, and parent/guardian notification by the classroom teacher.

Improper use of the Internet:

1 st Offense	1 Administrative Detention and parent/guardian notification
2 nd Offense	2 Administrative Detentions and parent/guardian notification
3 rd Offense	Complete loss of Internet use

Blatant use of electronic devices in school or on the school bus will result in Administrative Detention.

Leaving School Property without authorization:

1 st Offense	3 days Administrative Detention and parent/guardian notification
2 nd Offense	2 days In School Suspension and parent/guardian conference
3 rd Offense	3 days Out of School Suspension

Failure to report to Teacher’s Detention:

1 st Offense	Teacher assigns consequence per Teacher Assertive Discipline Plan
2 nd Offense	1 day Administrative Detention and parent/guardian notification plus make-up teacher detention
3 rd Offense	2 days Administrative Detention and parent/guardian notification
4 th Offense	1 day In School Suspension and parent/guardian notification

Failure to report to Administrative Detention:

1 st Offense	2 days Administrative Detention and parent/guardian notification
2 nd Offense	3 days Administrative Detention and parent/guardian notification
3 rd Offense	In School Suspension and parent/guardian notification

Fighting - Physical Attack/Assault:

1 st Offense	1 day Out of School Suspension, Counseling Component and parent conference
2 nd Offense	2 days Out of School Suspension, Counseling Component and parent conference
3 rd Offense	3 days Out of School Suspension, Counseling Component and meeting with Superintendent. Possible police notification.

Blatant religious, racial or sexual harassment will result in a minimum of 1 day Out of School Suspension, Counseling Component, written report, parent/guardian notification and mandatory police notification. Subject to an HIB investigation through the school's Anti-Bullying Specialist.

Pulling a Fire Alarm:

Immediate Out of School Suspension and referral to the Ringwood Police Department.

Smoking and or Possession of Cigarettes/Tobacco - Ringwood BOE Policy #5114:

1 st Offense	1 day Out of School Suspension/Parent and Substance Abuse Counselor notification
2 nd Offense	3 days Out of School Suspension/Parent and Substance Abuse Counselor notification
3 rd Offense	3 days Out of School Suspension/Substance Abuse Counselor notification and Parent conference with Superintendent of Schools

Drugs and/or Alcohol Abuse:

Discipline to be determined by Board of Education policy #5131.6

Theft or Possession of Stolen Property:

1 st Offense	1 day Out of School Suspension; includes restitution and possible referral to juvenile authorities and parent/guardian notification
2 nd Offense	3 days Out of School Suspension/possible referral to juvenile authorities

Vandalism: To be determined by degree - includes restitution/possible referral to juvenile authorities and Out of School Suspension.

Possession of a Dangerous Weapon/Terroristic Threat – N.J.A.C. 6A:16-5.5 (firearms offenses), 5.6 (assaults with weapons offenses), 5.7 (assaults on board of education members or employees). Supported by Ringwood BOE Policy #5131.7

Any Offense Out of School Suspension with referral to the Ringwood Police Department, parent/guardian notification and possible expulsion from school.

Prohibited Articles:

- A. Use of Cell Phones of any type is not permitted in school and if found will only be returned to a parent or guardian. The use of cameras/camera phones are not permitted in school. Taking pictures and videos in school is not permitted unless authorized. * Please see list of Disciplinary Consequences.
- B. Laser Pointers are not permitted in school and will only be returned to a parent or guardian.
- C. CD Player, I-Pod, Video Game, Electronic Devices, Cameras, Candy, Gum

1 st Offense	Confiscation of item - may be picked up at the end of the day
2 nd Offense	Confiscation of item - must be picked up by parent/guardian
3 rd Offense	Confiscation of item and 2 days Administrative Detention - must be picked up by parent/guardian

Please Note: *The Chief School Administrator and/or the building administration reserves the right to modify consequences based on the severity of the action and age/grade level of the offending student.*

Harassment/Intimidation/Bullying – Sexual, Racial, Religious, Verbal, Physical, Electronic, or Internet-based threats or harassment, which affects a student’s learning process, and/or endangers the Health, Safety and Welfare of others as set forth in N.J.S.A 18A:37-13 et seq. and N.J.A.C. 6A:16-7.9. Any type of physical sexual harassment is mandatory police notification.

Ringwood Board of Education Policy #5131.1 - Harassment, Intimidation and Bullying
adopted October 27, 2003; revised and readopted June 27, 2016.

Definition of Harassment, Intimidation or Bullying *(New Jersey Statutory Definition)*

“Harassment, intimidation or bullying” means any gesture or written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably received as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identify and expression, or a mental, physical or sensory disability, or by any distinguishing characteristic, that takes place on school property, at any school-sponsored function on a school bus, or off school grounds as provided for in section 16 of P.L.2010, c.122 (C.18A:37-15.3), 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 emotionally harming a student or damaging the student’s property, or placing a student in reasonable fear of physical or emotional harm to his person or damage to his property;*
- b. has the effect of insulting or demeaning any student or group of students; or*
- c. creates a hostile educational environment for the student by interfering with a student’s education or by severely or pervasively causing physical or emotional harm to the student.*

Consequences and Remedial Measures for Acts of Harassment, Intimidation or Bullying

Students

Consequences and remedial measures 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. Consequences shall be consistent with the board approved code of student conduct and N.J.A.C. 6A:16-7. Consequences and remedial measures shall be designed to:

- A. Correct the problem behavior;
- B. Prevent another occurrence of the problem;
- C. Protect and provide support for the victim of the act; and
- D. Take corrective action for documented systemic problems related to harassment, intimidation or bullying.

Consequences and appropriate remedial actions for a student who commits an act of harassment, intimidation or bullying may range from positive behavioral interventions up to and including short and long-term suspension or expulsion, as permitted by law. The consequences and remedial measures may include, but are not limited to:

A. Consequences

1. Admonishment;
2. Temporary removal from the classroom;
3. Deprivation of privileges;
4. Classroom or administrative detention;
5. Referral to disciplinarian;
6. In-school suspension during the school week or the weekend;
7. Loss of participation in after-school programs;
8. Out-of-school suspension (short-term or long-term);
9. Legal action; and
10. Expulsion.

B. Remedial Measures

1. Personal

- a. Restitution and restoration;
- b. Mediation;
- c. Peer support group;
- d. Recommendations of a student behavior or ethics council;
- e. Corrective instruction or other relevant learning or service experience;
- f. Supportive student interventions, including participation of the intervention and referral services team;
- g. Behavioral assessment or evaluation, including, but not limited to, a referral to the child study team, as appropriate;
- h. Behavioral management plan, with benchmarks that are closely monitored;
- i. Assignment of leadership responsibilities (e.g., hallway or bus monitor);
- j. Involvement of school disciplinarian;
- k. Student counseling;
- l. Parent conferences;
- m. Student treatment; or
- n. Student therapy.

2. Environmental (Classroom, School Building or School District)

- a. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation or bullying;
- b. School culture change;
- c. School climate improvement;
- d. Adoption of research-based, systemic bullying prevention programs;
- e. School policy and procedures revisions;
- f. Modifications of schedules;
- g. Adjustments in hallway traffic;
- h. Modifications in student routes or patterns traveling to and from school;
- i. Supervision of students before and after school, including school transportation;
- j. Targeted use of monitors (e.g., hallway, cafeteria, locker room, playground, school perimeter, bus);

- k. Teacher aides;
- l. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
- m. Supportive institutional interventions, including participation of the intervention and referral services team;
- n. Parent conferences;
- o. Family counseling;

Classified students are subject to the same disciplinary procedures as nonclassified students and may be disciplined in accordance with their Individual Education Plan (I.E.P.). 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.

* Refer to the Ringwood Board of Education Policy #5131.1 on the Ringwood website at www.ringwoodschools.org; click on District Policies on the home page; click on Ringwood Board of Education Policy Manual link.

DRESS AND GROOMING

It is recognized that the basic responsibility for the proper dress of students lies with the student and their parent or guardian. However, students are expected to wear clothing which is neat and clean, is consistent with standards of health and safety and does not disrupt learning in the classroom. The administration requests that the students come to school dressed appropriately, remembering that school is an academic setting, not an outdoor or recreational environment.

The administration reserves the right to make the final decision regarding appropriate dress in school as well as at school-sponsored functions. Blatant disregard for the school's dress code can result in disciplinary actions.

1. In order to create a positive school atmosphere, attire and grooming should be reasonably modest and neat. Derogatory slogans are unacceptable, as well as shredded, ripped, cut-off, bare midriff, see-through clothing which exposes the torso, underwear as outerwear, beachwear, abbreviated leisure or athletic wear as tops or bottoms. Sleeveless tops with straps less than 2" wide, cut-out shirts, razor back shirts, sleeveless athletic jerseys and bra straps that can be seen are unacceptable.
2. Bermuda, cargo and walking shorts are acceptable school attire; however, short shorts, cut-offs, athletic shorts, gym and exercise shorts, swim suits, skorts, and mini-skirts are examples of undesirable school attire that are prohibited. Skirts must be of an appropriate length as compared to the height of the student. Backless footwear such as: sandals, flip-flops and slippers, are not to be worn at school, due to safety concerns. Sneakers must be worn in a way that will not cause a safety hazard.
3. In specialized areas of instruction such as shops, labs or physical education, where unique health and safety concerns exist, students will be expected to follow guidelines established by each department.
4. No coats, jackets or outerwear of any kind are permitted in halls or classrooms during the school

day. These items must be kept in the student's locker.

5. Head wear of any kind is prohibited anywhere inside the school building, unless for religious observance. This includes, but is not limited to, any type of hats, visors, headbands, bandanas and sunglasses.
6. Pants, slacks or shorts must be waist fitted and worn at hip level to prevent exposing bare skin and/or underwear. Pants or shorts must be worn so the entire waistband is at or above the top of the hip. The legs of pants shall extend to the top of the shoe and cannot be worn rolled up exposing the student's leg. Long or extended belts that hang off of the student's pants or waist are not appropriate for school. Tight, form fitting leg wear or leggings must be worn with an appropriately long top, which is long enough to reach the fingertips when the arm and fingers are fully extended down the student's side. **Pajama attire is not permitted in school.**
7. No link chains, bicycle chains, spike collars or bracelets and or any long or extended jewelry that may pose a safety risk to the student or to others, may not be worn in the school.
8. Any clothing that has writing or pictures suggesting violence, profanity, sexual connotations, tobacco, alcohol or drug use is not permitted.
9. Students who are unsuitably attired for school will be detained until appropriate clothing can be secured.

Ringwood District Student Support Services

1) *Intervention and Referral Services:*

Each school building provides a coordinated system for the planning and delivery of intervention and referral services designed to assist general education students who are experiencing learning, behavior or health difficulties and staff who have difficulties addressing students learning and behavior needs.

2) *Guidance Services:*

- Group/Individual Counseling
- Social skills groups
- Character Education

3) *Special Services/Child Study Team*

- Consultation
- Assessment
- Community Services Referrals
- Crisis Intervention

4) *Community Resources:*

N.J. Coalition for Bullying Awareness and Prevention
1-908-522-2581

New Bridge Services 973-831-0613
105 Hamburg Turnpike
Pompton Lakes, NJ 07442

2nd Floor Youth Helpline
1-888-222-2228
www.2ndfloor.org

Pathways Counseling
16 Pompton Avenue
973-835-6337

Mental Health Care
1866-202-HELP (4357)

Family Helpline
1-800 – 843-The Kids (5437)

NJ 2-1-1
877-652-1148
www.nj211.org

Perform Care
1-877-652-7624
www.performcarenj.org

National Suicide Prevention Lifeline
1800-273-8255
Suicidepreventionlifeline.org

Family Intervention Services
655 Broadway
Paterson, NJ 07514
973-523-0089

211 – Health & Human Services Information
1-800-435-7555

Circle of Care
973-942-4588
www.passaiccircleofcare.org

St. Clare's Behavioral Health Services
Powerville Road
Boonton, NJ 07005
888-626-2111

Additional Websites:

www.bullyinginfo.org

www.cyberbullyhelp.com

www.griefspeaks.com

www.opheliaproject.org

www.newmoon.com

<http://www.smith.edu/ourhealthourfutures/>

<http://www.bullies2buddies.com/>

Readopted: August 22, 2016

Readopted: December 17, 2018

Prepared and modified by The Ringwood HIB District Committee on August 5, 2015; readopted August 22, 2016; readopted December 17, 2018

Regulation

DUE PROCESS for CONDUCT/DISCIPLINE INFRACTIONS

While the board believes that positive approaches to acceptable behavior are usually more effective, it is sometimes necessary to penalize pupils for violations of school regulations to ensure the good order of the school and to teach pupils the consequences of disruptive behavior. In all instances, students will be afforded Due Process Procedures.

Due Process Procedures for Student Discipline

Due Process must include written notice of the charges and a fair and impartial hearing as required. This can be provided upon request of the student or of the student's parent(s)/guardian(s).

A. The school must give the student written notice of charges within a reasonable time before the hearing. This notice shall include:

1. A copy of the school policy allegedly violated;
2. The facts related to the alleged violation;
3. Information about any statements that the school has received relating to the charge and instructions on how to obtain copies of those statements; and
4. Information regarding any part of the student's record that the school will consider in rendering a disciplinary decision.

B. The school principal must hold a fair and impartial hearing before imposing disciplinary action, except under the following circumstances:

1. If the Act requires immediate removal (such as, if the student brought a firearm or other weapon to school) or if there is some other statutory basis for removal;
2. In an emergency situation that seriously and immediately endangers the health or safety of the student or others or involves the destruction of property; or
3. If the student (or the student's parent(s) or guardian(s) if the student is less than 18 years old) chooses to waive entitlement to a hearing.

C. In an emergency situation under paragraph B of this section, the school:

1. May temporarily remove the student;
2. Must immediately document for the record the facts giving rise to the emergency; and
3. Must afford the student a hearing that follows Due Process, as set for in this part, within ten (10) days. Additional information may be obtained in Policy 5114 and 5114 R.

D. If the hearing held by the school principal does not satisfy the needs of the student and/or his/her parent(s)/guardian(s), a written request for an appeal hearing may be submitted to the District Chief School Administrator. The decision of the Chief School Administrator shall be final.

Adopted: December 17, 2018

SUSPENSION AND EXPULSION

While the board believes that positive approaches to acceptable behavior are usually more effective, it is sometimes necessary to penalize pupils for violations of school regulations to ensure the good order of the school and to teach pupils the consequences of disruptive behavior.

Pupils who indulge in disruptive behavior may be suspended or expelled. Disruptive behavior includes, but is not limited to:

- A. Continued and willful disobedience;
- B. Open defiance of the authority of any teacher or person having authority over a pupil;
- C. Actions that constitute a continuing danger to the physical well-being of other pupils;
- D. Physical assault upon another pupil, a teacher, or any school employee with or without a firearm or other weapon;
- E. Taking, or attempting to take, personal property or money from another pupil whether by force or fear;
- F. Willfully causing, or attempting to cause, substantial damage to school property;
- G. Taking part in any unauthorized occupancy of a district facility and refusing to leave promptly when directed to do so by a person in authority;
- H. Inciting others to take part in an unauthorized occupancy;
- I. Inciting other pupils to truancy;
- J. Truancy and class cutting; leaving school property without permission;
- K. Poor attendance and lateness;
- L. Use or possession of unsafe or illegal articles;
- M. Use of any tobacco product on school property;
- N. Use, possession or sale of a controlled dangerous substance, drug paraphernalia, anabolic steroids or alcohol;
- O. Use of profanity or abusive language;
- P. Turning in a false alarm;
- Q. Tampering with or damaging property of other pupils or staff members;
- R. Selling or buying lottery tickets or any other gambling paraphernalia on school property;
- S. Harassment, intimidation and bullying.

Any pupil who commits an assault (as defined by N.J.S.A. 2C:12-1) with or without a weapon upon a board member, teacher, administrator or other employee of the board of education shall be suspended from school

SUSPENSION AND EXPULSION (continued)

immediately according to procedural due process, and suspension or expulsion proceedings shall begin no later than 30 calendar days from the date of the pupil's suspension.

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

The chief school administrator 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.

In-school Suspension

The board directs the administration to arrange facilities for in-school suspension whenever possible. Pupils will be required to occupy themselves with school-related work during such suspensions. No socializing shall be permitted. Pupils shall be counted as present in school but absent (excused) from individual classes.

General

Pupils on home suspension shall be counted absent (excused) unless the duration of the suspension requires home instruction.

Except when special considerations warrant (at the discretion of the administration), every pupil will be given a written warning in the form of a disciplinary notice that subsequent violation of school regulations may result in his/her exclusion or suspension.

Pupils under suspension are prohibited from participating in or attending any board approved activity during the period of their suspension. They may not enter the school buildings or grounds of this district without the permission of the chief school administrator. Any pupil under suspension who enters the school buildings or grounds without the permission of the chief school administrator may have the period of his/her suspension extended. The right to continue the suspension or to expel is reserved to the board of education, acting upon the recommendation of the administration.

Serious violations of school regulations which create a dangerous or unsafe condition for other pupils shall cause a pupil to be suspended upon the first offense.

Making up Missed Work

Pupils who are under suspension will be required to make up all assignments missed during the period of their suspension and will be given adequate opportunity to make up this work.

Upon their readmission, failure to complete the makeup assignments will result in a meeting with the parents/guardians. The chief school administrator will notify parents/guardians by telephone and promptly send a letter regarding the telephone conversation.

Procedures

SUSPENSION AND EXPULSION (continued)

The administration shall establish, and the board shall approve, specific procedures for dealing with suspension cases. Regulations ensuring due process to all pupils before a suspension is imposed shall be developed with the advice of the board attorney and shall include at least:

- A. Informing the pupil of the charges against him/her;
- B. Giving the pupil a chance to reply to them.

These regulations shall also include safeguards for the dismissal of pupils suspended from school, procedures for calling a prompt conference with parents/guardians, limitations on the length of suspensions, and specifics for the reinstatement of pupils.

Every effort shall be made to impose each suspension promptly so that the pupil can be returned to school with a minimum loss of school time and school work.

When the chief school administrator imposes a suspension, he/she must report it to the board. No suspension for reasons other than assault upon a teacher, administrator, board member or other board employee may continue beyond the second regular meeting of the board following the suspension without board action. No suspension for assault upon a teacher, administrator, board member or other board employee may be continued beyond 30 days without board action. A suspended pupil may be reinstated by the chief school administrator before board action.

Each pupil shall be afforded an informal hearing before the suspension or, if circumstances prohibit, as soon as possible after the suspension except that, when extraordinary circumstances involving the health and safety of the pupil or others in the school require immediate exclusion, the hearing may be delayed to such time as circumstances permit. Pupils suspended for a period of time longer than a short-term suspension shall be afforded a formal hearing before the board which shall take place not later than the second regular meeting of the board following the suspension. If the offense involves a weapon or assault with or without the weapon (as described above), the hearing shall take place not later than 30 days after the suspension occurs.

The board shall make a decision within five days of the close of the hearing. Any appeal of the board's decision shall be made to the Commissioner of Education within 90 days of the board's decision.

The board requires that such hearings shall be closed to the public, but should all parties thereto agree, the hearing may be publicly held. Each suspended pupil who has requested a formal hearing shall be restored to the regular educational program pending the outcome of the hearing, except when, in the opinion of the chief school administrator, the presence of the pupil in school poses such a danger to himself/herself or others as to warrant continued absence.

Each such pupil suspended from the schools of this district shall receive instruction commencing not later than five working days after the suspension occurs, except that the board may, on the recommendation of the chief school administrator, assign the pupil to an alternate educational program to meet his/her particular needs (see policy 6172 Alternative Education).

Expulsion

The board will consider expulsion only if:

- A. The chief school administrator with his/her staff have exhausted all means of bringing about a correction of repeated misconduct; or
- B. The nature of a single act presents such a clear possibility of danger to others that immediate definitive action is indicated.

SUSPENSION AND EXPULSION (continued)

The parents/guardians of the pupil shall be interviewed, if possible, and advised of the reasons why expulsion is being considered, of the rights of the pupil to a full hearing which will afford him/her procedural due process, and the right of parents/guardians to appeal to the chief school administrator.

The child shall remain out of school until either:

- A. An appeal made to the chief school administrator is decided in the child's favor; or
- B. The appeal (if made) has been denied and the board has met to hear the chief school administrator's recommendation.

If the board determines that the charges, if true, may warrant expulsion, the board will set a date for the hearing. The board attorney will arrange for the giving of legal notice to all parties concerned for the preparation and presentation of evidence in support of the charges at the hearing.

The pupil must receive:

- A. Notification of the charges against him/her;
- B. The names of the adverse witnesses;
- C. Copies of the statements and affidavits of those adverse witnesses;
- D. The opportunity to be heard in his/her own defense;
- E. The opportunity to present witnesses and evidence in his/her own defense;
- F. The opportunity to cross-examine adverse witnesses; and
- G. The opportunity to be represented by counsel.

Juvenile authorities and law enforcement agencies shall be notified or consulted if necessary.

If a pupil younger than 18 years of age is expelled, the board shall continue to supply an educational program for him/her.

Implementation

The chief school administrator shall develop detailed written procedures to implement this policy. He/she shall ensure uniform and consistent application of the policy and shall report to the board as required on its effectiveness.

The chief school administrator or his or her designee shall annually evaluate district data regarding short- and long-term suspensions and expulsions and take measures as appropriate to ensure that minority and male students are not disproportionately represented in detentions, suspensions and expulsions.

When an alternative educational program is provided for a pupil identified as disruptive but not disabled, the chief school administrator shall inform the board.

Adopted:	October 28, 2002
Readopted:	February 22, 2012
NJSBA Review/Update:	July 2016
Readopted:	August 22, 2016
Readopted:	November 14, 2016
Readopted:	December 17, 2018

SUSPENSION AND EXPULSION (continued)Key Words

Suspension, Expulsion, Pupil Suspension/Expulsion,

Legal References: N.J.S.A. 2C:12-1 Definition of assault
N.J.A.C. 2C:39-1(f) Definition of firearm
N.J.S.A. 2C:12-1 Definition of assault
N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:37-1 et seq. Discipline of pupils
See particularly:
N.J.S.A. 18A:37-2.1
through -2.5, 18A:37-7
through -12
N.J.S.A. 18A:40A-1 et seq. Substance abuse
See particularly:
N.J.S.A. 18A:40A-9, -10,
-11, -12
N.J.S.A. 18A:54-20 Zero Tolerance for Guns Act
N.J.A.C. 6A:14-2.8 Powers of board (county vocational schools)
N.J.A.C. 6A:16-1.1 et seq. Discipline/suspension/expulsions
See particularly: Programs to Support Student Development
N.J.A.C. 6A:16-1.3, -4.3,
-5.1, -5.5, -5.6, -5.7, 7.1
N.J.A.C. 6A:16-7.2 Short-term suspension
N.J.A.C. 6A:16-7.3 Long-term suspension
N.J.A.C. 6A:16-7.4 Expulsion
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

18 U.S.C.A. 921, Definition of firearm20 U.S.C.A. 1400 et seq. - Section 504 of the Rehabilitation Act of 1973P.L. 103-382, Improving America's Schools Act of 1994Goss v. Lopez, 419 U.S. 565, 581 (1975)Tibbs v. Franklin Township Board of Education, 114 N.J. Super. 287 (App. Div.) aff'd 59 NJ 506 (1971)R.R. v. Shore Reg. Board of Education, 109 N.J. Super. 337 (Ch. Div. 1970)H.A. v. Board of Education Warren Hills Regional, 1976 S.L.D. 33682: July 28, C.F. v. Board of Education of the Upper Freehold Regional School DistrictHonig v. Doe, 484 U.S. 305 (1988)Somerset County Educational Services Commission v. North Plainfield Board of Education 1999 S.L.D. September 7State in re G.S. 330 N.J. Super. 383 (Ch. Div. 2000)P.L. 2010, c.122 amended N.J.S.A. 18A:37-2 to include harassment, intimidation or bullying as a good cause for suspension or expulsion.

SUSPENSION AND EXPULSION (continued)

See also Commissioners' Decisions indexed under "Pupils-Punishment of" in Index to N.J. School Law Decisions

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

D.H. o/b/o/ Minor Child, G.H. v. West Orange Twp. Bd. of Educ., EDU 127-07, Final Decision (April 5, 2007),
<http://www.state.nj.us/education/legal/commissioner/2007/apr/124-07.pdf>

J.G. o/b/o/ J.G. v. Secaucus Bd. of Educ., EDS 9178-03, Final Decision (Feb. 26, 2004),
http://njlaw.rutgers.edu/collections/oal/final/eds09178-03_1.html

Possible

<u>Cross References:</u>	*5113	Absences and excuses
	*5124	Reporting to parents/guardians
	*5131	Conduct/discipline
	*5131.1	Harassment, intimidation and bullying
	*5131.5	Vandalism/violence
	*5131.6	Drugs, alcohol, tobacco (substance abuse)
	*5131.7	Weapons and dangerous instruments
	*6154	Homework/makeup work
	*6164.2	Guidance services
	*6164.4	Child study team
	*6171.4	Special education
	*6172	Alternative educational programs
	*6173	Home instruction

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

Regulation

SUSPENSION AND EXPULSION PROCEDURES

- A. The principal may suspend any student from school for good cause, but such suspension shall be reported forthwith by the principal so doing to the superintendent;
- B. The superintendent shall report the suspension to the board at its next regular meeting;
- C. Such principal or superintendent may reinstate the suspended student unless the board has already reinstated the student at the first regular meeting;
- D. No suspension of a student by a principal shall be continued longer than the second regular meeting of the board after such suspension, unless the same is continued by action of the board and the power to reinstate, continue any suspension reported to it, or expel a student shall then be vested solely in the board; and
- E. The school principal shall have the right to suspend or the right to move to expel a student for conduct away from school grounds, if such suspension or expulsion is reasonably necessary for the student's physical or emotional safety and well-being or for any other reason relating to the safety and well-being of other students, teachers or public school property.

GENERAL STATEMENT

The following guidelines for suspension and expulsion are established to ensure the good order of the school, provide appropriate notice of penalties for violations of school regulations, teach students the consequences and provide examples of disruptive behavior, provide notice of penalties for assault and weapons violations, and establish due process rights of any student that is suspended or expelled.

STAFF RESPONSIBLE

The following chart lists the staff members responsible for the implementation of the regulation and summarizes their responsibilities:

Position	Summary of Main Responsibilities
Chief school administrator	<ul style="list-style-type: none"> • General policy procedure oversight within the district • Reporting all suspensions and expulsions to the board • Notification of due process and appeal rights • Conducting meetings • Documentation of all steps of the procedure • Biannual report
Board of education	<ul style="list-style-type: none"> • General oversight of the chief school administrator • Board hearings in closed session
Building Principal	<ul style="list-style-type: none"> • Written report to the board in cases of assault by a student • Notice to case manager and parents/guardians along with reasons for removal for classified students
Classroom Teachers and/or aides	<ul style="list-style-type: none"> • Attendance • Impartial witness to disciplinary infractions • Report all disciplinary infractions to administration
IEP Team and Case Manager	<ul style="list-style-type: none"> • Ensure that the removal of a special education student to an alternative interim educational placement is limited to 45 days

SUSPENSION AND EXPULSION PROCEDURES (continued)

	<ul style="list-style-type: none"> • Ensure that services provided to suspended special education students provides for advancement in the general education curriculum and toward the achievement of IEP goals and objectives.
Special Education Teacher	<ul style="list-style-type: none"> • Ensure that services provided to suspended special education students allow for both advancement in the general education curriculum and toward the achievement of IEP goals and objectives.

DEFINITIONS

"Bodily injury" means physical pain, illness or any impairment of physical condition.

"Firearm" means any handgun, rifle, shotgun, machine gun, automatic or semi-automatic rifle, or any gun, device or instrument from which may be fired or ejected any solid object or gas, by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances. It shall also include, without limitation, any firearm which is in the nature of an air gun, spring gun or pistol or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas or vapor, air or compressed air, or is ignited by compressed air, and ejecting a bullet or missile smaller than three-eighths of an inch in diameter, with sufficient force to injure a person.

"Serious bodily injury" means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

"Weapon" means any object readily capable of inflicting serious bodily injury. The term includes, but is not limited to, (1) components which can be readily assembled into a weapon; (2) knives, clubs, slingshots, bands studded with metal filings or razor blades imbedded in wood; and (3) stun guns; and any weapon or other device which projects, releases, or emits tear gas or any other object or substance intended to produce temporary physical discomfort or permanent injury.

"School rules" means any applicable state or federal statute, code, regulation, ordinance, or legal directive issued by an authority having control over students and shall include the code of student conduct.

Informal Hearing

"Informal hearing" means a discussion between a school administrator and a student regarding the student's alleged misconduct in which the student is informed of his or her alleged violation of the code of student conduct (see N.J.A.C. 6A:16-7.1, and board policy 5131 Conduct and Discipline) and the basis for the accusation, and potential for discipline. During the informal hearing, the student is given the opportunity to explain his or her version of the facts and events regarding the alleged violation.

In the event suspension is to occur, the building principal will make every reasonable effort to contact the parent(s) or legal guardian by phone. In all cases, the suspension will be followed by an explanatory letter to the parent(s) or legal guardian.

At the end of the suspension period and before the student returns to class, a meeting will be held with the parent(s) or legal guardian, building principal, and any other necessary staff member to discuss ways that the student's problem may be resolved.

The decision made by the principal may be appealed to the superintendent and the local board by the parent(s) or legal guardian of the student.

Formal Hearing

Should a suspension be continued longer than the second regular meeting of the Ringwood Board of Education, after such suspension is imposed, there shall be a formal hearing.

SUSPENSION AND EXPULSION PROCEDURES (continued)

The student shall forthwith receive a statement of the charges lodged against him/her. The student may be represented by an attorney and shall have the right to the rudiments of an adversary proceeding including the right to confront witnesses against him/her.

“Formal hearing” is held before the board of education and at a minimum shall:

- A. Be conducted by the board or it may be delegated by the board to a board committee, a school administrator, or an impartial hearing officer for the purpose of determining facts or making recommendations. Before taking final action, the board as a whole shall receive and consider either a transcript or detailed report on the hearing;
- B. Include an opportunity for the student to confront and cross-examine witnesses if there is a question of fact and present his or her own defense, and produce oral testimony or written supporting affidavits;
- C. Take place no later than 30 calendar days following the day the student is suspended from the general education program; and
- D. Result in the district board of education's decision that shall be based, at a minimum, on the preponderance of evidence, which means that the board shall determine which facts are more likely to have happened than not.

If found innocent, any entry referring to the incident shall be expunged from the school records.

Appeal

The decision made by the principal may be appealed to the superintendent and Ringwood Board of Education. The appeal may then be made to the Commissioner of Education, the State Board, and finally through the courts. The Board of Education also may resort to the same appeal process.

PROCEDURESProcedures for Suspension of Classified Students

- A. For disciplinary reasons, classified students may be suspended from their current educational placement for 10 or fewer consecutive or cumulative school days per year, by the building principal/designee so long as they receive the same due process protections and educational services as non-classified students during the period of suspension. However, upon removal, the building principal/designee must forward a written notice and description of the reasons for the student's removal to the case manager and the student's parents:
 1. In imposing a removal of ten days or less on a classified student, the building principal may, on a case-by-case basis, consider any unique circumstances pertaining to the violation of the student code of conduct. Any such unique circumstance shall be included in the above written description of the reasons for removal.
 2. Special education students are entitled to receive general educational services on or before the fifth day of suspension. A building principal who imposes a suspension of five days or more on a special education student must contact the case manager to ensure that appropriate services are provided.
- B. Preschool students with disabilities shall not be suspended or expelled.
- C. The case manager shall monitor each removal and make an initial determination as to whether the removal constitutes a potential change in placement.

SUSPENSION AND EXPULSION PROCEDURES (continued)

D. Change in Placement

Every removal of a classified student from his IEP designated placement for disciplinary reasons, shall constitute a change in placement if:

1. The removal is for more than ten consecutive school days; or
2. Separate removals constitute a pattern of removal because they cumulatively amount to more than ten school days in a school year. In determining whether a pattern of removal exists, consideration should be given to similarities among the following factors:
 - a. The length of each removal;
 - b. The total amount of time the student has been removed;
 - c. The proximity of the removals to one another;
 - d. The similarity of conduct necessitating removal;
 - e. Factors precipitating the conduct;
 - f. The building principal/designee must consult with the case manager in determining whether a pattern of removals exists. If a pattern is found to exist, the removals constitute a change-in-placement. The director of special education services should also be consulted as to the determination.
3. Where a change in placement is found, the child and parents are entitled to all due process protections listed in N.J.A.C. 6A:14-2.3 et. seq. as follows:
 - a. The building principal/designee shall provide written notice, within 15 calendar days of the above determination, to the parent regarding the change in placement;
 - b. The building principal/designee shall provide notice, fifteen calendar days in advance, of any proposed action. Notice shall be compliant with N.J.A.C. 6A:14-2.3(g). Any proposed action may be taken in less than 15 calendar days upon parental consent;
 - c. The proposed action shall be implemented on the 16th calendar day unless the parent disagrees and measures are taken by the building principal/designee to resolve the disagreement; or
 - d. The parent files a request for mediation or due process pursuant to N.J.A.C. 6A:14-2.6 or 2.7. If such a request is filed, the proposed action must be delayed pending the results of mediation or due process, as the case may be;
 - e. The board, through the case manager, shall ensure that services to a student with a disability who has been removed from his or her education placement for more than 10 consecutive or cumulative school days, are sufficient to allow the student to progress appropriately in the general education curriculum and advance appropriately toward the student's IEP goals and objectives.
 - f. A classified student who is subjected to disciplinary action that includes removal to an interim alternative educational setting, suspension for more than 10 consecutive or cumulative school days in a school year, or expulsion is entitled to additional protections as listed in 20 U.S.C. § 1415(k). Upon removal, the building principal/designee shall ensure:
 1. Education services are provided that are sufficient to allow the student to progress appropriately in the general education curriculum and advance appropriately toward the student's IEP goals and objectives;
 2. A functional behavioral assessment, behavioral intervention services, and modifications to address the behavior so that it does not recur.
4. Manifestation Determination

Within 10 school days of any change in a classified student's placement due to a violation of the code of student conduct, the case manager shall convene an IEP meeting and with the parent, shall review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to conduct a manifestation determination to determine:

SUSPENSION AND EXPULSION PROCEDURES (continued)

- a. Whether the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
- b. Whether the conduct in question was the direct result of the district's failure to implement the IEP.

5. Manifestation Found

If the IEP team determines that the conduct was caused by, or had a direct and substantial relationship to, the child's disability; or was the direct result of the district's failure to implement the IEP, that conduct shall be determined to have been a manifestation of the child's disability. In such cases, the IEP team shall:

- a. Review the functional behavioral assessment from 6(ii) above, or conduct a new functional behavioral assessment if warranted;
- b. Review and revise the student's behavioral intervention plan to address the student's non-compliant behavior; and
- c. Return the child to his or her prior placement, unless the parent agrees to a change in placement as a modification of the behavioral intervention plan.

6. Manifestation Not Found

Where the IEP team determines that the student's conduct was not a manifestation of the child's disability, the student shall be entitled to the due process protections afforded general education students for violations of the code of student conduct. If the student is removed for five or more school days, the building principal/designee shall notify the student's case manager and special education teacher, who shall determine the educational services that are sufficient to allow the student to progress appropriately in the general education curriculum and advance appropriately toward the student's IEP goals and objectives during the period of suspension.

Special Circumstances for Classified Students

The building principal may remove a student with a disability to an interim alternative educational setting for not more than 45 school days, without regard to the results of a manifestation determination, where a classified student:

- A. Possesses a weapon on school grounds, on a school bus, or during a board-approved activity;
- B. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance on school grounds, on a school bus, or during a board-approved activity; or
- C. Has inflicted serious bodily injury upon another person on school grounds, on a school bus, or during a board-approved activity.
- D. On the date of removal, the building principal shall notify the parents and the case manager in writing
- E. of the removal to an interim alternative educational setting for not more than 45 school days and of the procedural safeguards provided to the student in effectuating the removal.
- F. Where a student with a disability is removed from his or her current educational placement due to special circumstances, the IEP team shall convene within five school days to determine the interim alternative educational setting. During the IEP meeting, the case manager/designee shall ensure that the parent is advised, in writing, of the right to appeal any decision regarding placement or the manifestation determination to the Commissioner of Education.
- G. Where the IEP believes that maintaining a student with a disability in his or her current educational

SUSPENSION AND EXPULSION PROCEDURES (continued)

- placement is substantially likely to result in injury to the student, or to others, the district may request
- a hearing before the Commissioner to change the child's placement. In such cases, the director of special education shall consult with the building principal and superintendent in determining to seek a change in placement.

Procedures for Short-term Suspension (10 days or less)

The following procedures apply to all students in the general education program and to classified students when the CST has determined that the student's misconduct was not a manifestation of his or her disability.

According to N.J.S.A. 18A:37-4, the building principal shall have the authority to suspend a student from his or her educational program. N.J.A.C. 6A:16-7.2 allows the building principal to delegate to an administrator, the informal hearing set forth in this regulation, however, any suspension may only be imposed by the building principal. All suspensions must be reported to the board of education at the first regular meeting following the suspension. The building principal, prior to imposing a suspension of 10 days or less, shall:

- A. Provide an informal hearing before the suspension, conducted by the building principal/designee. The informal hearing shall include the following:
1. A description of behaviors alleged to warrant suspension, including verbal or written notice of the alleged violations of school rules and if those allegations are denied, an explanation of the underlying evidence. Notice of the allegations may be prior to or concurrent with the informal hearing;
 2. A copy of the applicable provisions of the board approved code of student conduct. Those provisions must include, but are not limited to, the age-appropriate behavioral expectations, as well as disciplinary consequences that are graded according to the severity of the offense, developmental age of the student, and any prior disciplinary history.
 3. An opportunity to respond to the allegations, including statements in defense, explanation, or mitigation;
 4. During the informal hearing, the student is not entitled to representation through counsel, nor through a parent/guardian, nor is the student entitled to call or cross-examine witnesses. The administrator/designee conducting the informal hearing may exercise discretion with regard to speaking to witnesses and investigating the allegations. In all cases, any disciplinary recommendation must be based on objective factual determinations, even if those determinations are reasonably debatable, meaning that the administrator/designee's factual determinations shall not be deemed invalid just because reasonable minds disagree. No disciplinary recommendation may be based in discrimination prohibited by state or federal statute or regulation.
 5. Where a student's conduct poses a continuing danger to persons or property or the student's conduct presents an ongoing threat of disrupting the educational process, the building principal may remove the student immediately and convene the informal hearing as soon as practical thereafter.
- B. The building principal/designee shall ensure that the informal hearing is conducted by a school administrator who has been trained in the conduct of student disciplinary hearings.
- C. The building principal shall immediately notify the chief school administrator, in writing, of any suspension along with the reasons for the suspension and the terms and conditions imposed upon the student. The chief school administrator shall ensure that the suspension is reported to the board of education at the next regular meeting following the suspension.
- F. The building principal/designee shall provide oral or written notification to the parents/guardians, of student's suspension (adequate supervision shall be provided while the student awaits the parent/guardian). Such notice shall be provided to the students upon discharge of the student to the parent/guardian and shall include:
- a) The specific charges;

SUSPENSION AND EXPULSION PROCEDURES (continued)

- b) The facts on which the charges are based;
 - c) The provision(s) of the code of student conduct the student is accused of violating;
 - d) The student's due process rights, pursuant to N.J.A.C. 6A:16-7.1(c)3 and this section; and
 - e) The terms and conditions of the suspension.
- E. The building principal/designee shall notify the student's teacher(s) in writing of the period of suspension and shall ensure that academic instruction consistent with the student's current coursework is provided on or before the fifth day of suspension.
- F. At the completion of the suspension period, the student shall return to the program from which they were suspended. The student shall be responsible for turning in all assigned coursework upon his or her return.
- G. The building principal/designee shall have discretion to convene a re-entry meeting to ensure that the student is prepared to return to his or her educational program. Where the building principal/designee has reason to believe that the student is not ready to return to the educational program, such belief and the reasons therefore shall be documented in the student's disciplinary file and the building principal/designee shall consider intervention and referral services (I&RS team).
- H. The chief school administrator/designee shall document in writing the date of each of the above steps with a brief description recording the circumstances surrounding each step. Such documentation shall be maintained in the student's disciplinary file.
- I. The chief school administrator/designee shall provide notice of each short-term suspension and the student's return to the board of education at the next regular meeting. The building principal/designee shall have discretion to reinstate the student prior to the completion of the short-term suspension.
- J. Any student may appeal a short-term suspension from the general education program, based upon a removal for assault upon a teacher, administrator, board member, district employee, or another student, with a weapon, on school property, at a school function, or on a school bus, to the board of education. In all other cases involving removal from the general education program, an appeal may be filed before the Commissioner of Education pursuant to N.J.A.C. 6A:3-1.3 through 1.17. A student with a disability retains the due process protections contained in N.J.A.C. 6A:14.

(See: Exhibit 1 – Notification Letter for Short-term Suspension)

Procedures for Long-term Suspension (more than 10 days)

- A. The chief school administrator shall ensure that the procedures for short term suspension as listed in short-term suspension above, in addition to the procedures in this section for long-term suspension, including documenting the steps taken, are followed for any student assigned a long term suspension. No suspension may extend past the second regular board meeting following the suspension except by board action. In the event that the first regular meeting following the student's suspension is cancelled, the board shall consider continuing the student's suspension at the subsequent regular meeting. If the second regular meeting subsequent to the suspension is cancelled, and the administration and/or board has not taken action with respect to the student's suspension, the board shall schedule a special meeting as soon as practical to consider a continuation of the student's suspension.
- B. Parents/guardians shall receive written notification within 2 days of the suspension stating of the following:
- 1. The specific charges;
 - 2. The facts on which charges are based;

SUSPENSION AND EXPULSION PROCEDURES (continued)

3. The student's rights to due process and a formal board hearing held within 30 days of the student's removal; and
4. Notice that further conduct warranting expulsion shall amount to a knowing and voluntary waiver of the student's right to a free public education, in the event that the board determines to expel the student;

The parent/guardian shall be requested to provide written acknowledgement of the notifications (see: Exhibit 2 Long-term Suspension notification).

- C. Other information that shall be provided in writing at least five calendar days prior to the formal hearing:
1. The list of witnesses and their statements;
 2. The manifestation determination, if applicable;
 3. Notice of the right to have an attorney present and available legal resources in the community;
 4. The right to educational services that are comparable to those provided in the student's general education program;
 5. The right to impartial officials – no official hearing the case can be involved in the incident;
 6. The right to a translator.

Comparable educational services shall be provided to the student on or before the fifth day of suspension.

(See: Exhibit 2 – Notification Letter, covering notification of charges, facts, witnesses, expulsion, due process rights and request for written acknowledgement)

Procedures for Long-term Suspension – Board Responsibilities

- A. The board shall conduct a formal hearing on or before the second regular board meeting following the student's suspension. At this hearing, the board may reinstate the student, or affirm, continue, or modify the suspension.
- B. The board may refer the hearing to a board student disciplinary committee, a school administrator, or an impartial hearing officer for the purpose of determining facts or making recommendations. Before taking final action, the full board shall receive and consider either a transcript of the hearing or a detailed report on the hearing.
1. Where the board determines to continue the suspension, such determination shall be based on the following criteria:
 - a. The nature and severity of the offense;
 - b. The board's removal decision or administrative recommendation as appropriate;
 - c. The results of relevant testing, assessments, or evaluations of the student; and
 - d. The recommendation of the chief school administrator, after considering input from the 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.
 2. In each instance where the board has determined to continue a suspension, at each subsequent meeting, the board shall consult with the chief school administrator to determine:
 - 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 disciplinary placement should continue or whether the student should return to the general education program.
- C. Where the student has not been reinstated pursuant to administrative or board action, the board shall approve an appropriate educational program for the student based on the following:
1. A behavioral evaluation, including referral to the child study team;

SUSPENSION AND EXPULSION PROCEDURES (continued)

2. Results of relevant testing and assessment;
 3. Academic, health and behavioral records;
 4. Chief school administrator and other relevant staff recommendations;
 5. Parental input;
 6. Consultation with intervention and referral services (I&RS) team.
- D. The formal hearing shall provide an opportunity for the student to:
1. Present a defense/explain their side of the story;
 2. Present witnesses;
 3. Present signed statements by witnesses;
 4. Face and question school witnesses on questions of fact. The board has no authority to determine the constitutionality of any statute.
- E. After the conclusion of the hearing the board shall notify the parent in writing of the decision within 5 days. The board's determination shall be based on a more likely than not standard, meaning that the board may find a fact to be true if its probability of occurrence is more likely than not. Notification shall include:
1. The charges considered;
 2. Summary of all the evidence;
 3. Factual findings for each charge;
 4. Identification of educational services to be provided;
 5. Terms and conditions of the long-term suspension;
 6. Notice of the right to appeal to the commissioner of education within 90 days.
- F. In establishing a long-term suspension the board shall consider:
1. Nature and severity of the offense;
 2. The removal decision;
 3. Test results;
 4. Recommendation of the chief school administrator and other relevant staff.
- G. The board shall have discretion to reinstate the student to his or her educational program prior to the expiration of the suspension period. If the board continues the suspension, it shall review the case at each board meeting following that determination. The review shall include:
1. The status of the suspension;
 2. The educational services provided;
 3. Whether services shall be continued, adjusted or the student returned to general education;
 4. If expulsion should be considered.
- H. When determining to continue a student's suspension, the board shall make a final determination on:
1. When the student is prepared to return to the general education program;
 2. Whether the student will remain in an alternative education program or receive home or other in- or out-of-school instruction, based on the board's approval of the student's educational program, the criteria set forth in (C)1 through 6 above; or
 3. Whether to initiate expulsion proceedings in accordance with board policy and this regulation and law (N.J.S.A. 18A:37-2 and N.J.A.C. 6A:16-7.4).
- I. Appropriate educational services shall be provided to suspended students until the student graduates from high school or reaches the age of 20, whichever comes first.

Procedures for Expulsion

SUSPENSION AND EXPULSION PROCEDURES (continued)

- A. Expulsion may only be considered:
 - 1. After a long-term suspension, including all due process rights;
 - 2. After the provision of appropriate educational services;
- B. A formal hearing shall be provided by the board according to the procedures for notification and hearings detailed under long-term suspension.
- C. The student shall be entitled to comparable educational services through the conclusion of any appeal to the commissioner of education.

Mandatory Removal from School

In compliance with law, serious behavioral infractions related to violence and weapons require that the student be removed from the educational program. All procedures for short- and long-term suspension as described in this procedure shall apply when a student's removal from the educational program is required by law. Serious and dangerous offenses requiring mandatory removal from school include:

- A. Assault against board member or school personnel in the performance of their duties, or as a result of the individual's relationship to a public school district;
- B. Assault against board member, school personnel, or student with a weapon on school property, school bus or at a school function;
- C. Gun possession on school property, on a school bus or at a school function;
- D. Conviction of possession of a gun or a crime involving a gun off school property.

For the specific procedures for the mandatory removal of a student see board policies 5131.5 Violence and Vandalism, 5131.6 Substance Abuse, 5131.7 Weapons and Dangerous Instruments; and regulation 5131.5/5131.7 Violence and Weapons, Regulation.

REGULATION HISTORY

Effective Date: December 17, 2018
Date of Review/Revision: December 17, 2018

CROSS REFERENCES

5114	Suspension and Expulsion
5131	Conduct and Discipline
5131	Code of Student Conduct, Regulation
5131.1	Harassment, Intimidation and Bullying
5131.5	Violence and Vandalism
5131.5/5131.7	Violence and Weapons, Regulation
5131.3	Substance Abuse
5131.6	Substance Abuse, Regulation
5131.7	Weapons and Dangerous Instruments

EXHIBITS

Exhibit 1	Short-term Suspension, Due Process Notification
Exhibit 2	Long-term Suspension, Due Process Notification

SUSPENSION AND EXPULSION PROCEDURES (continued)

PRIMARY RESOURCES

1 Administration and Board Action Chart

First Reading and Adoption:	February 18, 1976
Readopted:	February 22, 2012
Readopted:	November 14, 2016
Revised/Readopted:	December 17, 2018

Regulation

DUE PROCESS for CONDUCT/DISCIPLINE INFRACTIONS

While the board believes that positive approaches to acceptable behavior are usually more effective, it is sometimes necessary to penalize pupils for violations of school regulations to ensure the good order of the school and to teach pupils the consequences of disruptive behavior. In all instances, students will be afforded Due Process Procedures.

Due Process Procedures for Student Discipline

Due Process must include written notice of the charges and a fair and impartial hearing as required. This can be provided upon request of the student or of the student's parent(s)/guardian(s).

A. The school must give the student written notice of charges within a reasonable time before the hearing. This notice shall include:

1. A copy of the school policy allegedly violated;
2. The facts related to the alleged violation;
3. Information about any statements that the school has received relating to the charge and instructions on how to obtain copies of those statements; and
4. Information regarding any part of the student's record that the school will consider in rendering a disciplinary decision.

B. The school principal must hold a fair and impartial hearing before imposing disciplinary action, except under the following circumstances:

1. If the Act requires immediate removal (such as, if the student brought a firearm or other weapon to school) or if there is some other statutory basis for removal;
2. In an emergency situation that seriously and immediately endangers the health or safety of the student or others or involves the destruction of property; or
3. If the student (or the student's parent(s) or guardian(s) if the student is less than 18 years old) chooses to waive entitlement to a hearing.

C. In an emergency situation under paragraph B of this section, the school:

1. May temporarily remove the student;
2. Must immediately document for the record the facts giving rise to the emergency; and
3. Must afford the student a hearing that follows Due Process, as set for in this part, within ten (10) days. Additional information may be obtained in Policy 5114 and 5114 R.

D. If the hearing held by the school principal does not satisfy the needs of the student and/or his/her parent(s)/guardian(s), a written request for an appeal hearing may be submitted to the District Chief School Administrator. The decision of the Chief School Administrator shall be final.

Adopted: December 17, 2018