

CONDUCT/DISCIPLINE

CODE OF STUDENT CONDUCT

INTRODUCTION

It is the mission of the Old Tappan Board of Education to provide learning environments that encourage each student to develop positive character traits. In addressing this goal, there are many specific strategies that are employed. While it is accepted that disciplinary responses will be required in response to misbehavior, the major focus of the Board's effort is preventative in nature. That is, we seek to provide a climate and environment where students will learn about the character traits which they admire in others and develop those characteristics in themselves.

The purpose of this document is to present the Board's vision for student conduct in accordance with N.J.A.C. 6A:16-7 et seq. This Code of Student Conduct sets forth standards, policies and procedures for positive student development and student behavioral expectations on school grounds, including on a school bus or at a school sponsored function, and, as appropriate, for conduct away from school grounds. The provisions contained herein are based on parent, student and community involvement representing, where possible, the composition of the schools and the community.

The provisions of this Code of Student Conduct shall be applied without regard to race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental or physical defect or sensory disability or by any other distinguishing characteristic.

I. STUDENT RESPONSIBILITIES:

A. Expectations for Academic Achievement

1. Students are expected to participate fully in the learning experiences/activities presented by their teachers, including, but not limited to, timely preparation of homework, studying for tests and positive classroom participation.
2. Students shall be prepared for their classes and shall arrive at school with the appropriate tools for learning (books, pencils, pens, notebooks, etc.)
3. Students are expected to develop into responsible and independent thinkers who respect the value of academic integrity. As such, students are expected to refrain from engaging in cheating, academic dishonesty and/or plagiarism.

B. Expectations for Behavior

Students are expected to comply with all of the Board's policies and regulations at all times, specifically Board Policy and Regulation No. 5131 Conduct/Discipline. Students are required to conform to reasonable standards of acceptable behavior, to respect the rights, person and property of others, to preserve the degree of order necessary for the conduct of the educational program, and to obey those in authority. This includes, but is not limited to, compliance with the following behavioral expectations:

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I. STUDENT RESPONSIBILITIES:

B. Expectations for behavior (continued)

1. Students are expected to treat staff and other students with respect, which includes exhibiting sensitivity to the feelings and thoughts of others.
2. Students are expected to respect the property of others, including school, staff and other students. As such, students are expected to exhibit care for school property, including books, school furniture and other school equipment.
3. Students are expected to demonstrate appropriate respect for authority, which includes listening and obeying adults in positions of authority, such as Principals, teachers, teaching assistants, and other adults in the school environment.
4. Students are expected to be truthful. Students are expected to refrain from cheating, academic dishonesty, including print and/or Internet plagiarism.
5. Students are expected to use appropriate language at all times. Specifically, students are expected to refrain from using profanity or other offensive language.
6. Students are expected to dress appropriately for school each day, in accordance with the Board's policy on student dress. Specifically, Board Policy No. 5132 Dress and Grooming prohibits dress or grooming which presents health/safety hazard to the student or others in the school, interferes with school work, creates disorder/distraction, disrupts the educational program and/or restricts movement or blocks vision. Students are further prohibited from wearing on school property any clothing, apparel and/or accessories indicating that the student has membership in and/or affiliation with, any gang associated with criminal activities.
7. Students are expected to refrain from bringing non-academic items to school which may disrupt the learning process. Use of such items in any area of the school is prohibited.

Weapons and/or dangerous instruments are expressly prohibited at all times.

8. Students are expected to resolve conflicts in a positive and meaningful manner, without resorting to fighting and/or engaging in other violent behavior.
9. Students are expected to promote a positive and tolerant school environment, and shall not engage in harassment, intimidation, bullying, hazing and/or other disruptive or dangerous behavior.
10. Students are expected to attend school free of alcohol, tobacco products, drugs, steroids and/or other controlled dangerous substances. Students are expressly prohibited from using, consuming, possessing, distributing or being under the influence of such substances.
11. Students are expected to refrain from gambling on school property, including on school buses and at school sponsored functions.
12. Students are expected to refrain from engaging in excessive and/or inappropriate displays of affection.

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I. STUDENT RESPONSIBILITIES:

B. Expectations for behavior (continued)

13. Students are expected to use school computers for educational purposes only, and shall comply with Board Policy No. 6142.10 Technology governing the use of computers and/or the Internet.

C. Expectations for Attendance

Students are expected to attend school regularly in accordance with the laws of the State of New Jersey. Students are further expected to comply with the board policy and regulation No. 5113 Attendance regarding student absences and attendance, which is described in Section VII below.

II. BEHAVIORS THAT WILL RESULT IN SUSPENSION OR EXPULSION:

- A. Any student who is guilty of continued and willful disobedience, or of open defiance of the authority of any teacher or person having authority over him or her, or of the habitual use of profanity or obscene language, or who shall cut, deface or otherwise injure any school property, shall be liable to punishment and to suspension or expulsion from school.
- B. Conduct which shall constitute good cause for suspension or expulsion of a student guilty of such conduct shall include, but not be limited to, any of the following:
1. Continued and willful disobedience;
 2. Open defiance of the authority of any teacher or person having authority over him;
 3. Conduct of such character as to constitute a continuing danger to the physical well-being of other students;
 4. Physical assault upon another student;
 5. Taking, or attempting to take, personal property or money from another student, or from his presence, by means of force or fear;
 6. Willfully causing, or attempting to cause, substantial damage to school property;
 7. Participation in an unauthorized occupancy by any group of students or others of any part of any school or other building owned by any school district or used for school purposes, and/or failure to leave such school or other facility promptly after having been directed to do so by the Principal or other person then in charge of such building or facility;
 8. Incitement which is intended to and does result in unauthorized occupation by any group of students or others of any part of a school or other facility owned by the school district or used for school purposes;
 9. Incitement which is intended to and does result in truancy by other students;
 10. Knowing possession or knowing consumption without legal authority of alcoholic beverages or controlled dangerous substances on school premises, or being under the influence of intoxicating liquor or controlled dangerous substances while on school premises.

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II. BEHAVIORS THAT WILL RESULT IN SUSPENSION OR EXPULSION: (continued)

11. Conduct in violation of board policies and regulations 5114 Suspension and Expulsion 5131 Conduct/Discipline shall also constitute grounds for suspension and/or expulsion from school.

C. Mandated Student Removals from General Education (N.J.A.C. 6A:16-7.4)

1. The Board shall follow N.J.A.C 6A:16-5.5 for student removals for firearms offenses.
2. The Board shall follow N.J.A.C. 6A:16-5.6 for student removals for assaults with weapons offenses.
3. The Board shall follow N.J.A.C. 6A:16-5.7 for student removals for assaults on Board members or employees.

D. School authorities have the right to impose a consequence on a student for conduct away from school grounds, including on a school bus or at a school sponsored function, that is consistent with the Board's code of student conduct, pursuant to N.J.A.C. 6A:16-7.1.

1. 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.
2. This authority shall be exercised only 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.
3. The consequence pursuant to (A) above shall be handled in accordance with the Board approved Code of Student Conduct, pursuant to N.J.A.C. 6A:16-7.1, and as appropriate, in accordance with N.J.A.C. 6A:16-7.2, 7.3 or 7.5.

Although this list of expectations does not cover all acts of misbehavior, any behavior that is destructive, disrespectful or inappropriate to community or school standards may be subject to the consequences established in this Code of Student Conduct, Board policies, and/or other such consequences as judged appropriate by the administration.

III. STUDENT RIGHTS:

- A. Students have the right to advance notice of behaviors that will result in suspensions and expulsions that have been identified by State law.
- B. Students have the right to an education that supports students' development into productive citizens.
- C. Students have the right to attendance in safe and secure school environments.
- D. Students have the right to attend school irrespective of students; marriage, pregnancy or parenthood.
- E. Students have the right to due process and appeal procedures, pursuant to N.J.A.C. 6A:3-1.3 through 1.17, N.J.A.C. 6A:4 and, where applicable, N.J.A.C. 6A:14-2.7 and 2.8.

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III. STUDENT RIGHTS: (continued)

- F. Students have the right to parent notification consistent with the policies and procedures established pursuant to N.J.A.C. 6A:16-6.2(b)3, which addresses the specific procedures and responsibilities of staff for notifying parents in instances of law enforcement interviews involving their children; and

- G. Students have the right to protections pursuant to 20 U.S.C. § 1232g and 34 CFR Part 99, Family Educational Rights and Privacy Act; 20 U.S.C. § 1232h and 34 CFR Part 98, Protection of Pupil Rights Amendment; N.J.A.C. 6A:32-7, Student Records; 45 CFR § 160, Health Insurance Portability and Accountability Act; 20 U.S.C. § 6301, Title IV(A)IV § 4155 of the Elementary and Secondary Education Act as reauthorized under the No Child Left Behind Act; 42 CFR Part 2, Confidentiality of Alcohol and Drug Abuse Patient Records; N.J.S.A. 18A:40A-7.1, School-based drug and alcohol abuse counseling; information from participants; disclosure; N.J.A.C. 6A:16-3.2, Confidentiality of student alcohol and other drug information; N.J.S.A. 18A:36-19, Creation; Pupil Records Maintenance and Retention, Security and Access; Regulations; Non-Liability; N.J.A.C. 6A:14-2.9, Student Records; as well as other existing Federal and State laws pertaining to student protections.

IV. BEHAVIORAL SUPPORTS:

The following behavioral supports are designed to promote positive student development as well as the students' abilities to fulfill the behavioral expectations established by the Board.

A. Positive Reinforcement for Good Conduct and Academic Success

- 1. Stickers
- 2. Classroom or school recognition
- 3. Extra privileges
- 4. Positive behavior contracts
- 5. Honor roll
- 6. National Junior Honor Society
- 7. Other academic or sports awards appropriate to students' ages and level of maturity

B. Supportive Interventions and Referral Services

Intervention and referral services are described in Board Policy No. 6164.1; and as set forth at N.J.A.C. 6A:16-8. Intervention and referral services may include:

- 1. Referral to the building level intervention and referral services team in order to identify learning, behavior, or health issues,
- 2. Collection of thorough information on suspected learning, behavior, or learning difficulties,
- 3. Development and implementation of action plans which provide for appropriate school or community interventions,
- 4. Involvement of parents/guardians in the development and implementation of intervention plans and services,
- 5. Coordinated school level intervention services (counseling, increased small group academic instruction, peer mediation, etc.)
- 6. Referrals to school or community resources.

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IV. BEHAVIORAL SUPPORTS: (continued)

C. Remediation of Problem Behaviors

1. In remediating problem behaviors, the district shall take into account the nature of the behaviors, the developmental ages of the students and the student's history of problem behaviors and performance.
2. Behavioral supports may include:
 - a. Social skills groups
 - b. Behavior contracts
 - c. Teacher, grade level and team meetings
 - d. Guidance services and programs provided by all staff members as well as by specific staff
 - e. Character education activities
 - f. Recognition of positive behavior in the classroom and school
 - g. A.M. or P.M. detention
 - h. Revocation of Privileges
 - i. Social Probation
 - j. Saturday detention
 - k. In-School Suspension
 - l. Out-of-School Suspension (short or long term)

D. For Students with Disabilities

Behavioral Interventions and Supports shall be determined and provided pursuant to the requirements of N.J.A.C. 6A:14

V. SCHOOL RESPONSES TO VIOLATIONS OF THE BEHAVIORAL EXPECTATIONS ESTABLISHED BY THE BOARD:

A. Standard: School responses to violations of behavioral expectations shall:

1. Be graded according to the severity of the offense;
2. Consider the developmental ages of the student offenders;
3. Consider the student's history of inappropriate behaviors;
4. Include a continuum of actions designed to remediate and, where necessary or required by law, to impose sanctions;
5. Be consistent with other responses pursuant to N.J.A.C. 6A:16-55 (Offenses Involving Firearms), N.J.A.C. 6A:5.6 (Assault With Weapons) and N.J.A.C. 6A:16-5.7 (Assault on Board Member).
6. Not include corporal punishment.

B. Behavioral Consequences shall include, but not be limited to the following, in accordance with the provisions of Board Policy and Regulation No. 5131 Conduct/ Discipline.

1. Informal Reprimand
2. Formal Reprimand
3. Behavioral Contract
4. Time out
5. Teacher detention

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V. SCHOOL RESPONSES TO VIOLATIONS OF THE BEHAVIORAL EXPECTATIONS ESTABLISHED BY THE BOARD: (continued)

6. School detention-morning, lunchtime, after school
7. Saturday detention
8. Revocation of Privileges
9. Social Probation
10. In-School suspension
11. Out-of-School Suspension (short or long term)
12. Expulsion
13. Additional consequences deemed appropriate by the Administration and/or Board of Education

C. To the extent appropriate, the above consequences shall be implemented in accordance with progressive discipline guidelines and in accordance with board policy and regulation No. 5131 Conduct/ Discipline, but the Board and the administration retain the right to impose consequences deemed appropriate based upon the nature and severity of the offense.

VI. DUE PROCESS PROCEDURES AND POLICIES

The following represents a reproduction of the text of the New Jersey State Board of Education Regulations governing short and long term suspensions, mandated removals from general education and expulsions.

A. Short-term Suspensions (N.J.A.C. 6A:16-7.2)

In each instance of a short-term suspension, a Board shall assure the rights of a student suspended for ten (10) consecutive school days or fewer by providing for the following:

1. As soon as practicable, oral or written notice of charges to the student.
 - a. When charges are denied, an explanation of the evidence forming the basis of the charges also shall be provided;
 - b. An informal hearing prior to the suspension in which the student is given the opportunity to present the student's version of events regarding the student's actions leading to the short-term suspension and provided notice of the school district's actions taken pursuant to N.J.A.C. 6A:16-7.1(c)2 and 5.

The informal hearing shall be conducted by a school administrator or his or her designee;

- i. To the extent that a student's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the educational process, the student may be immediately removed from the student's educational program and the informal hearing shall be held as soon as practical after the suspension;
 - ii. The informal hearing should take place even when a school staff member has witnessed the conduct forming the basis of the charge; and
 - iii. The informal hearing and the notice given may take place at the same time;
- c. Oral or written notification to the student's parents of the student's removal from the student's educational program prior to the end of the school day on which the school administrator makes the decision to suspend the student, which shall include an explanation of:
 - i. The specific charges;
 - ii. The facts on which the charges are based;

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VI. DUE PROCESS PROCEDURES AND POLICIES

A. Short-term Suspensions (N.J.A.C. 6A:16-7.2) (continued)

- iii. The provision(s) of the code of student conduct the student is accused of violating;
 - iv. The student's due process rights, pursuant to N.J.A.C. 6A:16-7.2 through 7.6; and
 - v. The terms and conditions of the suspension.
- d. Appropriate supervision of the student while waiting for the student's parent to remove the student from school during the school day; and
- e. Academic instruction either in school or out of school that addresses the Core Curriculum Content Standards, pursuant to N.J.A.C. 6A:8-3.1, which may include a public education program provided in accordance with the provisions of N.J.A.C. 6A:16-9 or 10.
- i. Involvement of parents/guardians in the development and implementation of intervention plans and services,
 - ii. Coordinated school level intervention services (counseling, increased small group academic instruction, peer mediation, etc.)
 - iii. Referrals to school or community resources.
- f. The suspending Principal shall immediately report the suspension to the Superintendent, who is required to report it to the Board at its next regular meeting, pursuant to N.J.S.A. 18A:37-4.
- g. The Board may deny participation in extracurricular activities, school functions, sports or graduation exercises as disciplinary sanctions, where such measures are designed to maintain the order and integrity of the school environment.
- h. For a student with a disability, the provisions set forth in this section shall be provided in addition to all procedural protections set forth in N.J.A.C. 6A:14.

B. Long-term Suspensions (N.J.A.C. 6A:16-7.3)

1. In each instance of a long-term suspension, the Board shall assure the rights of a student suspended for more than ten (10) consecutive school days by providing the following:
 - a. Immediate notification to the student of the charges, prior to the student's removal from school;
 - b. An informal hearing prior to the suspension in which the student is given the opportunity to present the student's version of events regarding the student's actions leading to the long-term suspension and the school district's actions taken pursuant to N.J.A.C. 6A:16-7.1(c)2 and 5;
 - c. Immediate notification to the student's parents of the student's removal from school;
 - d. Appropriate supervision of the student while waiting for the student's parents to remove the student from school during the school day;

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VI. DUE PROCESS PROCEDURES AND POLICIES

B. Long-term Suspensions (N.J.A.C. 6A:16-7.3) (continued)

- e. Written notification to the parents by the Superintendent or his or her designee within two school days of the initiation of the suspension, stating:
 - i. The specific charges;
 - ii. The facts on which the charges are based;
 - iii. The student's due process rights, pursuant to N.J.A.C. 6A:16-7.2 through 7.6; and
 - iv. That further engagement by the student in conduct warranting expulsion, pursuant to N.J.S.A. 18A:37-2, shall amount to a knowing and voluntary waiver of the student's right to a free public education, in the event that a decision to expel the student is made by the Board, pursuant to N.J.S.A. 18A:37-2 and N.J.A.C. 6A:16-7.5.
 - v. The Board shall request written acknowledgement of the notification of the provisions of B 1e above from the parents and the student subsequent to the removal from the student's educational program, pursuant to this section.
 - vi. A list of witnesses and their statements affidavits, if any, no later than five (5) days prior to the formal hearing, pursuant to B 1f below;
 - vii. A student with a disability, a manifestation determination, pursuant to N.J.A.C. 6A:14-2.8 and the Federal regulations incorporated by reference therein;
 - viii. Information on the right of the student to secure an attorney and legal resources available in the community identified pursuant to N.J.A.C. 6A:16-7.1(c)8;
 - ix. Educational services, either in school or out of school, that are comparable to those provided in the public schools for students of similar grades and attainments, pursuant to N.J.S.A. 18A:38-25, which may include a public education program provided in accordance with the provisions of N.J.A.C. 6A:16-9 or 10.
 - a) The services shall be provided within five (5) school days of the suspension.
 - b) The Board shall make decisions regarding the appropriate educational program and support services for the suspended general education student, at a minimum, based on the following criteria:
 - ✓ A behavioral assessment or evaluation including, but not limited to, a referral to the child study team, as appropriate;
 - ✓ The results of any relevant testing, assessments or evaluations of the student;
 - ✓ The student's academic, health and behavioral records;
 - ✓ The recommendation of the Superintendent, Principal or other relevant school or community resource;
 - ✓ Considerations of parental input; or

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VI. DUE PROCESS PROCEDURES AND POLICIES

B. Long-term Suspensions (N.J.A.C. 6A:16-7.3) (continued)

- ✓ Consultation with the Intervention and Referral Services team, in accordance with N.J.A.C. 6A:16-8, as appropriate.
 - ✓ Educational services provided to a student with a disability shall be provided consistent with the student's Individualized Education Program, in accordance with N.J.A.C. 6A:14;
- f. A formal hearing before the Board, which, at a minimum, shall:
- i. Be conducted by the board of education or 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.
 - ii. The board of education as a whole shall receive and consider either a transcript or detailed report on such hearing before taking final action;
 - iii. Include the opportunity for the student to confront and cross-examine witnesses, when there is a question of fact; and
 - iv. Present his or her own defense and produce oral testimony or written supporting affidavits.
 - v. Take place no later than thirty (30) calendar days following the day the student is suspended from the general education program;
 - vi. Not be subject to the provisions of the "Open Public Meetings Act," pursuant to N.J.S.A. 10:4-6; and
 - vii. Result in a decision by the Board, which shall be based on the preponderance of competent and credible evidence;
- g. A written statement to the student's parents of the Board's decision within five (5) school days after the close of the hearing that includes, at a minimum:
- i. The charges considered;
 - ii. A summary of the documentary or testimonial evidence from both the student and the administration that was brought before the Board at the hearing;
 - iii. Factual findings relative to each charge and the Board's determination of each charge;
 - iv. Identification of the educational services to be provided to the student, pursuant to B 1e ix above;
 - v. The terms and conditions of the suspension; and
 - vi. The right to appeal the Board's decision regarding the student's general education program to the Commissioner of Education in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A:3-1.3 through 1.17;
- h. Immediate return to the general education program if at any time it is found that the general education student did not commit the offense;
- i. 13. For a student with a disability found not to have committed the offense, the student's program shall be determined in accordance with the provisions of N.J.A.C. 6A:14; and
- j. At the completion of a long-term suspension, the Board shall return the general education student to the general education program.
2. Any appeal of the Board's decision regarding the general education student's program shall be made to the Commissioner of Education, in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A:3-1.3 through 1.17.

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VI. DUE PROCESS PROCEDURES AND POLICIES

B. Long-term Suspensions (N.J.A.C. 6A:16-7.3) (continued)

3. Suspension of general education students shall not be continued beyond the Board's second regular meeting following the suspension, unless the Board so determines, pursuant to N.J.S.A. 18A:37-5.
 - a. The Board shall determine whether to continue the suspension, pursuant to (a) above, based on the following criteria:
 - i. The nature and severity of the offense;
 - ii. The Board removal decision;
 - iii. The results of any relevant testing, assessments or evaluations of the student; and
 - iv. The recommendation of the Superintendent, Principal or director of the alternative education program or home or other out-of-school instruction program in which the student has been placed.
 - b. The Board shall develop and adopt policies and procedures providing for action on the continuation of student suspensions in the event of cancellation of the first or second regular board meeting pursuant to N.J.S.A. 18A:37-4 and 5.
4. When the Board votes to continue the suspension of a general education student, the Board of Education, in consultation with the Superintendent, shall review the case at each subsequent Board meeting for the purpose of determining:
 - a. The status of the student's suspension;
 - b. The appropriateness of the current educational program for the suspended student; and
 - c. Whether the suspended student's current placement, pursuant to (a)9 above, should continue or whether the student should return to the general education program.
5. When the Board votes to continue the suspension of a general education student, the Board, in consultation with the Superintendent, shall make the final determination on:
 - a. When the student is prepared to return to the general education program;
 - b. Whether the student shall remain in an alternative education program or receive home or other in-school or out-of-school instruction, based on the criteria set forth in (c)1i through iv above; or
 - c. Whether to initiate expulsion proceedings in accordance with N.J.S.A. 18A:37-2 and N.J.A.C. 6A:16-7.5.
6. The Board shall provide a general education student suspended under this section with an appropriate educational program or appropriate educational services, based on the criteria set forth under B 3a above, until the student graduates from high school or reaches the age of 20, whichever comes first.
 - a. The educational program shall be consistent with the provisions of N.J.A.C. 6A:16-9.2 and 10.2 and N.J.A.C. 6A:14-2 and 4.3, whichever is applicable; or

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VI. DUE PROCESS PROCEDURES AND POLICIES

B. Long-term Suspensions (N.J.A.C. 6A:16-7.3) (continued)

- b. The educational services provided, either in school or out of school, shall be comparable to those provided in the public schools for students of similar grades and attainments, pursuant to the provisions of N.J.S.A. 18A:38-25.
- 7. For a student with a disability who receives a long-term suspension, the Board shall proceed in accordance with N.J.A.C. 6A:14 in determining or changing the student's educational placement to an interim or alternate educational setting.
 - a. All procedural protections set forth in N.J.A.C. 6A:14 and this section shall be afforded to each student with a disability who is subjected to a long-term suspension.
 - b. All decisions concerning the student's educational program or placement shall be made by the student's Individualized Education Program team.

C. Mandated Student Removals from General Education (N.J.A.C. 6A:16-7.4)

- 1. The Board shall follow N.J.A.C 6A:16-5.5 for student removals for firearms offenses.
- 2. The Board shall follow N.J.A.C. 6A:16-5.6 for student removals for assaults with weapons offenses.
- 3. The Board shall follow N.J.A.C. 6A:16-5.7 for student removals for assaults on Board members or employees.

D. Expulsions (N.J.A.C. 6A:16-7.5)

- 1. The Board may expel, that is discontinue the educational services or discontinue payment of educational services for, a general education student from school, pursuant to N.J.S.A. 18A:37-2, only after the Board has provided the following:
 - a. The procedural due process rights set forth at N.J.A.C. 6A:16-7.3 and 7.4, subsequent to a long-term suspension, pursuant to N.J.A.C. 6A:16-7.3; and
 - b. An appropriate educational program or appropriate educational services, based on the criteria set forth under N.J.A.C. 6A:16-7.3(f).
 - i. The educational program shall be consistent with the provisions of N.J.A.C. 6A:16-9.2 and 10.2 and 6A:14; whichever are applicable; or
 - ii. The educational services provided, either in school or out of school, shall be comparable to those provided in the public schools for students of similar grades and attainments, pursuant to the provisions of N.J.S.A. 18A:38-25.
- 2. Any appeal of the Board's decision regarding the cessation of the student's general education program shall be made to the Commissioner of Education in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A:3-1.3 through 1.17.

The Board shall continue to provide an appropriate educational program or appropriate educational services, in accordance with N.J.A.C. 6A:16-7.5(a)2, until a

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VI. DUE PROCESS PROCEDURES AND POLICIES

B. Long-term Suspensions (N.J.A.C. 6A:16-7.3) (continued)

final determination has been made on the appeal of the Board's action to expel a student.

3. An expulsion of a student with a disability from a receiving school shall be handled in accordance with N.J.A.C. 6A:14.

VII. ATTENDANCE OF STUDENTS (Policy and Regulation No. 5113) (N.J.A.C. 6A:16-7.8)

Students are expected to be in school on a regular basis in accordance with N.J.A.C. 6A:16-7.8 and Board Policy No. 5113 Conduct/Discipline. Excessive absence from school or habitual tardiness may lead to sanctions and disciplinary actions.

VIII. INTIMIDATION, HARASSMENT AND BULLYING (Policy No. 5131.2)

A. Expectations: The Board expects individuals to treat each other with civility and respect, and will not tolerate acts of harassment, intimidation or bullying. Like other disruptive or violent behaviors, this conduct interferes with an individual's ability to learn and a school's ability to educate its students in a safe environment. **As such, the Old Tappan Board of Education prohibits acts of harassment, intimidation or bullying against any person.**

B. Definition: "Harassment, intimidation or bullying" is defined as any gesture, any written, verbal or physical act, or any electronic communication that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory handicap, or by any other distinguishing characteristic, that takes place in all places where such students are within the jurisdiction of the board and that:

1. A reasonable person should know, under the circumstances, will have the effect of harming a student or damaging the student's property, or placing a student in reasonable fear of harm to his/her person or damage to his/her property; or
2. Has the effect of insulting or demeaning any student or group of students in such a way as to cause disruption in, or interference with, the orderly operation of the school.
3. "Electronic Communication" is defined as a communication transmitted by means of an electronic device, including but not limited to, a telephone, cellular phone, computer or pager.

C. Reporting Acts of Harassment, Intimidation or Bullying: Any school employee, student or volunteer who has witnessed, or has reliable information that a student has been subject to harassment, intimidation or bullying must report the incident to the appropriate school official designated by the administration.

1. At each school, the Principal or the Principal's designee is responsible for receiving complaints alleging violations of this policy.
2. All school employees are required to report alleged violations of this policy to the Principal, the Principal's designee, or the district's affirmative action officer.

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VIII.INTIMIDATION, HARASSMENT AND BULLYING (Policy No. 5131.2) (continued)

3. All other members of the school community, including students, parents, volunteers and visitors, are encouraged to report any act that may be a violation of this policy.
 4. While submission of the report form is not required, the reporting party is encouraged to use the report form available from the Principal of each building, school district office, or district website. Oral reports also shall be considered official reports. A written summary of the official oral report will be prepared by the building Principal/designee. Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.
 5. The Principal and/or the Principal's designee is responsible for determining whether an alleged act constitutes a violation of this policy. In so doing, the Principal and/or the Principal's designee shall conduct a prompt, thorough and complete investigation of the alleged incident.
- D. Reprisal and Retaliation: The Old Tappan Board of Education shall not tolerate an act of reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying.

The consequences and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the Principal after consideration of the nature and circumstances of the act in accordance with applicable law and the policies and procedures of the board of education.

- E. Consequences: Some acts of harassment, intimidation or bullying may be isolated incidents requiring that the school respond appropriately to the individuals committing the acts. Other acts may be so serious or parts of a larger pattern of harassment, intimidation or bullying that they require a response either at the classroom, school building or school district levels or by law enforcement officials.
1. In considering whether a response beyond the individual level is appropriate, the administrator should consider the nature and circumstances of the act, the level of harm, the nature of the behavior, past incidences or past or continuing patterns of behavior, and the context in which the alleged incident(s) occurred.
 2. Institutional (i.e., classroom, school building, school district) responses can include: school and community surveys as permitted by law, mailings, focus groups, adoption of research-based bullying prevention program models, training for certificated and non-certificated staff, participation of parents and other community members and organizations, small or large group presentations for fully addressing the actions and the school's response to the actions, in the context of the acceptable student behavior and the consequences of such actions and the involvement of law enforcement officers, including school resource officers.
 3. In determining the appropriate response to students who commit one or more acts of harassment, intimidation or bullying, school administrators should consider the following factors: the developmental and maturity levels of the parties involved, the levels of harm, the surrounding circumstances, the nature of the behaviors, past incidences or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred.

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VIII. INTIMIDATION, HARASSMENT AND BULLYING (Policy No. 5131.2) (continued)

4. Concluding whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances. It is only after meaningful consideration of these factors that an appropriate consequence should be determined, consistent with the case law, federal and state statutes, regulations and policies, and district policies and procedures.
 5. Consequences and appropriate remedial action for students who commit acts of harassment, intimidation or bullying may range from positive behavioral interventions up to and including suspension or expulsion and reports to appropriate law enforcement officials.
 6. Consequences and appropriate remedial action for a student found to have falsely accused another as a means of harassment, intimidation or bullying range from positive behavioral interventions up to and including suspension or expulsion, as permitted under N.J.S.A. 18A:37-1, Discipline of Students.
 7. Consequences and appropriate remedial action for a school employee found to have falsely accused another as a means of harassment, intimidation or bullying shall be disciplined in accordance with district policies, procedures and agreements.
 8. Consequences and appropriate remedial action for a visitor or volunteer, found to have falsely accused another as a means of harassment, intimidation or bullying shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.
- F. The Superintendent shall develop appropriate procedures addressing:
1. A mechanism for reporting acts of harassment, intimidation or bullying, including a means of anonymous reporting;
 2. The prompt investigation of reports of such acts, identifying either the superintendent or the superintendent's designee as the person responsible for the investigation;
 3. The range of ways in which a school will respond once an incident of harassment, intimidation or bullying is identified; and
 4. Consequences, discipline and remedial action for a person who commits an act of harassment, intimidation or bullying, who engages in an act of reprisal or retaliation against a person who reports such action, or who falsely accuses another of bullying as a means of harassment, intimidation or bullying.
- G. The Superintendent shall take all necessary steps to publicize this policy, and shall inform students and staff that harassment, intimidation or bullying is prohibited when they are within the jurisdiction of the board, including while participating in any school-sponsored function. This information shall also be incorporated into the student handbook, the code of student conduct and employee training programs.

IX. CURRENT LIST OF COMMUNITY RESOURCES

- A. The following represents a list of community-based health and social service provider agencies available to support a student and the student's family, as appropriate:
1. Bergen County Department of Human Services

CONDUCT/DISCIPLINE(continued)

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IX. CURRENT LIST OF COMMUNITY RESOURCES (continued)

2. NAMI Family Organization-Bergen
3. YWCA of Bergen County
4. YMCA of Bergen County
5. On Our Own Self-Help Drop-In Center
6. Old Tappan Health Department
7. Valley Hospital, Ridgewood, NJ

B. The following represents a list of legal resources available to serve the community:

1. Legal Services of New Jersey
2. Bergen County Legal Services

Approved: September 21, 2009
Revised: