

CONDUCT / DISCIPLINE

The Old Tappan Board of Education believes that an effective instructional program requires an orderly school environment and that the effectiveness of the educational program is, in part, reflected in the behavior of students.

The Old Tappan 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.

The Old Tappan 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.

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, and for the consequences of their misbehavior. Staff members who interact with students shall use preventive disciplinary action and place emphasis on the students' ability to grow in self-discipline.

The Board directs the Superintendent of Schools to develop and implement a Code of Student Conduct which establishes standards, policies and procedures for positive student development and student behavioral expectations on school grounds, including on a school bus or at school sponsored functions, and as appropriate, conduct away from school grounds. The code of conduct shall be based on parent/guardian, student and community involvement, and locally determined core ethical values. The Board shall direct development of detailed regulations suited to the age level of the students and the physical facilities of the individual schools. 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 Superintendent of Schools shall provide to students and their parents/guardians the rules of this District regarding student conduct and the sanctions that may be imposed for breach of those rules. These rules must provide for consideration of all relevant circumstances in determining punishments.

Provisions shall be made for informing parents/guardians whose primary language is other than English.

The Superintendent 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:16-7.6.

This authority shall be exercised only when it is reasonably necessary for the student's physical or emotional safety, security and well-being or for reasons relating to the safety, security and well-being of other students, staff or school grounds, pursuant to 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.

CONDUCT / DISCIPLINE (continued)Code of Conduct (continued)

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 behavioral supports that promote positive student development and assist each student in fulfilling the district behavioral expectations established including intervention and referral services, remediation, and intervention and supports services for students with disabilities;
- E. A description of graded responses to violations of the code of conduct that includes remediation, is consistent with law concerning corporal punishment, and is consistent with laws and board policies concerning violence/vandalism (5131.5) and, weapons and dangerous instruments (5131.7);
- F. The Board attendance policy (5113) and the harassment, intimidation and bullying policy (5131.1);
- G. Lists community-based health and social service providers, and local legal resources.

The regulations that implement this policy shall provide appropriate recognition for students who consistently maintain high standards of self-discipline and good citizenship. In developing the standards, policies and procedures to implement this policy, the Superintendent shall ensure that the Code of Student Conduct is:

- A. Based on parent, student and community involvement which represents, where possible, the composition of the schools and community;
- B. Based on locally determined and accepted core ethical values;
- C. Board approved.

The regulations shall:

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

CONDUCT / DISCIPLINE (continued)

The Board will annually review and update the Code of Student Conduct and this process shall include:

- A. Parent, student and community involvement which represents, where possible, the composition of the schools and community;
- B. Consideration of the findings of the annual reports of student conduct, suspensions and expulsions; and incidences reported under the Electronic Violence and Vandalism Reporting System.

The Superintendent of Schools shall annually:

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

Students who display chronic behavioral or academic problems may be referred to the child study team by the Superintendent of Schools for possible identification as disruptive or disaffected. 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 or expelled, following due process. Additionally, if the Superintendent or his/her designee determines that the student presents a danger to himself/herself or others, the District shall require the student to undergo a mental health assessment finding that the student is no longer a danger to himself or others before resuming attendance at school

Any student who is guilty of continued and willful disobedience, of open defiance of the authority of any teacher or person having authority over him/her, of the habitual use of profanity or of 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 following due process.

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:

- A. Continued and willful disobedience;
- B. Open defiance of the authority of any teacher or person having authority over him
- C. Conduct of such character as to constitute a continuing danger to the physical well-being of other students;
- D. Physical assault upon another student;
- E. Taking, or attempting to take, personal property or money from another student, or from his presence, by means of force or fear;
- F. Willfully causing, or attempting to cause, substantial damage to school property;

CONDUCT / DISCIPLINE (continued)

- G. 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;
- H. 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;
- I. Incitement which is intended to and does result in truancy by other students;
- J. 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;
- K. Smoking in school or on school grounds as defined in policy 3515 Smoking Prohibition;
- L. Possession of remotely activated paging device in any part of any school or other building owned by any school District or used for school purposes, unless authorized.

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

Assault

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 Old Tappan Board of Education, or another student or any other person on any property used for school purposes shall be suspended from school immediately according to procedural due process, and suspension or expulsion proceedings shall begin no later than 30 calendar days from the date of the student's suspension.

Substance Abuse

In accordance with statute and code, penalties shall be assigned for use, possession and distribution of proscribed substances and drug paraphernalia on school property or at a school function. The penalties shall be graded according to the severity of the offense. Students who are substance abusers shall be subject to disciplinary action. 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 commits an assault with a weapon upon a Board member, teacher, administrator or other employee of the Old Tappan Board of Education, or another student or any other person in all places where such students are within the jurisdiction of the Board shall be immediately removed from the school's regular education program for a period of not less than one calendar year. Any student who is convicted or adjudicated delinquent for possession of a Weapons Offenses (continued)

weapon or a crime while armed with a firearm, or is found knowingly in possession of a firearm on school property, at any school-sponsored function, or on a school bus shall be immediately removed from the school's regular education program for a period of not less than one calendar year. The Superintendent of Schools may modify this suspension on a case-by-case basis.

CONDUCT / DISCIPLINE (continued)

Each student 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 calendar days following the day the student is removed from the regular education program and shall be closed to the public.

The Principal shall be responsible for the removal of such students and shall immediately report them to the Superintendent of Schools. The Principal shall also notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice.

The Superintendent of Schools shall determine at the end of the year whether the student is prepared to return to the regular education program, in accordance with procedures established by the commissioner of education.

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 Old Tappan Board of Education expects individuals to treat each other with civility and respect, and will not tolerate acts of harassment, intimidation or bullying including threats sent by or acts committed by electronic communication. 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. See policies 5131.2 Harassment, Intimidation and Bullying and 5131.10 Threats Sent Via Modern Technology.

Disabled Students

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

Disabled Students (continued)

- A. The student's behavior is not primarily caused by his/her educational disability;
- B. The educational 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 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:

Policy and Procedure Development, Review and Dissemination (continued)

- A. Parent, student and community involvement which represents, where possible, the composition of the schools and community;

CONDUCT / DISCIPLINE (continued)

- B. Consideration of the findings of the annual reports of student conduct, suspensions and expulsions; and incidences reported under the Electronic Violence and Vandalism Reporting System.

The Superintendent shall annually:

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

Implementation

The Superintendent of Schools shall ensure that the rules for this policy are applied consistently, and that all disciplinary sanctions are carried out with necessary due process. At a public meeting the Superintendent of Schools shall, on an annual basis, provide the Board of Education with a numerical summary of all out-of-school suspensions, expulsions and removal of students for violations of student conduct.

The Old Tappan Board of Education shall review all related policies on a regular basis.

<u>Legal References:</u>	<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 students
	<u>N.J.S.A. 18A:11-1</u>	General mandatory powers and duties
	<u>N.J.S.A. 18A:36-19a</u>	Newly enrolled students; records and identification
	<u>N.J.S.A. 18A:25-2</u>	Authority over students
	<u>N.J.S.A. 18A:36-19a</u>	Newly enrolled students; records and identification
	<u>N.J.S.A. 18A:37-1 et seq.</u>	Discipline of Students
	<u>See particularly:</u>	
	<u>N.J.S.A. 18A:37-15</u>	
	<u>N.J.S.A. 18A:40A-1 et seq.</u>	Substance Abuse
	<u>N.J.S.A. 18A:54-20</u>	Powers of Board (county vocational schools)
	<u>N.J.A.C. 6A:14-2.8</u>	Discipline/suspension/expulsion
	<u>N.J.A.C. 6A:16-1.1 et seq.</u>	Programs to support student development
	<u>See particularly:</u>	
	<u>N.J.A.C. 6A:16-1.4, -1.5, -4.1, -5.1, -6.1, -6.2</u>	
	<u>N.J.A.C. 6A:32-12.1</u>	Reporting Requirements
	<u>N.J.A.C. 6A:32-12.2</u>	School-level planning

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)

CONDUCT / DISCIPLINE (continued)**Legal References: (continued)**

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

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

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

<u>Cross References:</u>	*1220	<u>Ad hoc</u> advisory committees
	*1410	Local units
	3517	Security
	*3541.33	Transportation safety
	*4131/	Staff development; inservice education/visitation conferences
	4131.1	
	4148	Employee protection
	*4231/	Staff development; inservice education/visitation conferences
	4231.1	
	4248	Employee protection
	5000	Concepts and roles in student personnel
	5010	Personal goals and objectives for students
	*5020	Role of parents/guardians
	*5113	Absences and excuses
	*5114	Suspension and expulsion
	*5124	Reporting to parents/guardians
	*5127	Commencement activities
	5131.1	Sexual Harassment
	5131.2	Harassment, intimidation and bullying
	*5131.5	Vandalism/violence
	*5131.6	Drugs, alcohol, tobacco (substance abuse)
	*5131.7	Weapons and dangerous instruments
	5131.10	Threats sent via modern technology
	5132	Dress and grooming
	5145	Rights
	5145.2	Freedom of speech/expression
	*5145.4	Equal educational opportunity
	*5145.6	Student grievance procedure
	*5145.11	Questioning and apprehension
	*5145.12	Search and seizure
	*6145	Extracurricular activities
	*6164.4	Child study team
	*6171.4	Special education
	*6172	Alternative educational programs

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

Key Words

Conduct, Discipline, Student Conduct, Student Conduct, Weapons, Vandalism, Harassment

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