

## Woodland Park Board of Education

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## District Policy

**5600- STUDENT DISCIPLINE/CODE OF CONDUCT**

Section: Students  
Date Created: April 2003  
Date Edited: February 2019

[See **POLICY ALERT** Nos. 140, 142, 147, 164, 176, 193, 196, 204, 217]

**M**

The Board of Education adopts this Student Discipline/Code of Conduct Policy to establish standards, policies, and procedures for positive student development and student behavioral expectations on school grounds and, as appropriate, for conduct away from school grounds. Every student enrolled in this district shall observe promulgated rules and regulations and the discipline imposed for infraction of those rules.

The Superintendent of Schools will establish a process for the annual review and update of the district's Student Discipline/Code of Conduct Policy and Regulation that may involve a committee of parents, students, and community members that represent, where possible, the composition of the district's schools and community. The Superintendent will report to the Board the process used for the annual review of this Policy and Regulation and will recommend to the Board updates, if any, to the Student Discipline/Code of Conduct Policy and Regulation.

The Student Discipline/Code of Conduct Policy and Regulation shall be disseminated annually to all school staff, students, and parents. The Board of Education shall provide to all employees annual training on the Student Discipline/Code of Conduct Policy and Regulation, which shall include training on the prevention, intervention, and remediation of student conduct that violates the district's Policy and Regulation. Information on the Student Discipline/Code of Conduct Policy and Regulation shall be incorporated into the orientation for new employees.

The Board provides for the district's Student Discipline/Code of Conduct's equitable application. Student discipline and the Code of Student Conduct will be applied 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 by any other distinguishing characteristic, pursuant to N.J.S.A. 10:5.-1 et seq.

For students with disabilities, subject to Individualized Education Programs in accordance with 20 U.S.C. §1400 et seq., the Individuals with Disabilities Education Improvement Act and accommodation plans under 29 U.S.C. §§ 794 and 705(20), the Code of Student Conduct shall be implemented in accordance with the components of the applicable plans.

The Student Discipline/Code of Conduct is established for the purposes outlined in N.J.A.C. 6A:16-7.1(b).

Policy and Regulation 5600 include a description of student responsibilities that include expectations for academic achievement, behavior, and attendance, pursuant to N.J.A.C. 6A:32-8 and 13.1; a description of behaviors that will result in suspension or expulsion, pursuant to N.J.S.A. 18A:37-2; and a description of student rights pursuant to N.J.A.C. 6A:16-7.1(c)3.i through vii.

The Board of Education approves the use of comprehensive behavioral supports that promote positive student development and the students' abilities to fulfill the behavioral expectations established by the Board. These behavioral supports include, but are not limited to, positive reinforcement for good conduct and academic success including the programs that honor and reward student conduct and academic achievement; supportive intervention and referral services including those services outlined in Policy 2417; remediation of problem behaviors that take into account the behavior's nature, the students' developmental ages and the students' histories of problem behaviors and performance; and for students with disabilities, the behavior interventions and supports shall be determined and provided pursuant to N.J.A.C. 6A:14.

Policy and Regulation 5600 include a description of school responses to violations of behavioral expectations established by the Board 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 pursuant to N.J.A.C. 6A:16-7.1(c)5.

Students are required to be in compliance with Policy and Regulation 5200 – Attendance pursuant to N.J.A.C. 6A:16-7.6 and Policy 5512 – Harassment, Intimidation, and Bullying pursuant to N.J.A.C. 6A:16-7.7.

The Building Principal shall maintain a current list of community-based health and social service provider agencies available to support a student and the student's family, as appropriate, and a list of legal resources available to serve the community.

The Building Principal or designee shall have the authority to assign discipline to students. School authorities also have the right to impose a consequence on a student for conduct away from school grounds that is consistent with the district's

Code of Student Conduct pursuant to N.J.A.C. 6A:16-7.5. This authority shall be exercised only when it is reasonably necessary for the student's physical or emotional safety, security, and well-being or for reasons relating to the safety, security, and well-being of other students, staff, or school grounds, pursuant to N.J.S.A. 18A:25-2 and 18A:37-2. This authority shall be exercised only when the conduct that is the subject of the proposed consequence materially and substantially interferes with the requirements of appropriate discipline in the operation of the school. Consequences pursuant to N.J.A.C. 6A:16-7.5 shall be handled in accordance with Policy and Regulation 5600, pursuant to N.J.A.C. 6A:16-7.1, and as appropriate, in accordance with N.J.A.C. 6A:16-7.2, 6A:16-7.3, or 6A:16-7.4. School authorities shall respond to harassment,

intimidation, or bullying that occurs off school grounds, pursuant to N.J.S.A. 18A:37-14 and 15.3 and N.J.A.C. 6A:16-1.3, 7.1, and 7.7.

Consequences and appropriate remedial action for a student who commits one or more acts of harassment, intimidation, or bullying may range from positive behavioral interventions up to and including suspension or expulsion. The factors for determining consequences and remedial measures and examples of consequences and remedial measures are listed in Policy 5512 – Harassment, Intimidation, and Bullying. Consequences 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, and shall be consistent with this Policy and the school district's Student Discipline/Code of Conduct Policy pursuant to N.J.A.C. 6A:16-7.1. Remedial measures for one or more acts of harassment, intimidation, or bullying shall be designed to correct the problem behavior; prevent another occurrence of the problem; protect and provide support for the victim of the act; and take corrective action for documented systemic problems related to harassment, intimidation, or bullying.

Consequences and remedial measures to address acts or incidents of dating violence at school shall be consistent with the school district's Student Discipline/Code of Conduct Policy. The factors for determining consequences and remedial measures and examples of consequences and remedial measures are included in Policy and Regulation 5519 – Dating Violence at School and shall be used to address the act or incident as well as serve as remediation, intervention, education, and prevention for all individuals involved. The responses shall be tiered with consideration given to the seriousness and the number of previous occurrences of acts or incidents in which both the victim and aggressor have been involved. Consequences for acts or incidents of dating violence at school may range from admonishment to suspension or expulsion. Retaliation towards the victim of any act or incident of dating violence shall be considered when administering consequences to the aggressor based on the severity of the act or incident. Remedial measures/interventions for acts or incidents of dating violence at school may include, but are not limited to: parent conferences, student counseling (all students involved in the act or incident), peer support groups, corrective instruction or other relevant learning or service experiences, supportive student interventions (Intervention and Referral Services - I&RS), behavioral management plans, and/or alternative placements.

The Board of Education may deny participation in extra-curricular activities, school functions, sports, graduation exercises, or other privileges as disciplinary sanctions when designed to maintain the order and integrity of the school environment, in accordance with N.J.A.C. 6A:16-7.1(d).

Any student to be disciplined shall be provided the due process procedures for students and their families as set forth in Policy and Regulation 5600 and N.J.A.C. 6A:16-7.2 through 7.4.

In accordance with the provisions of N.J.A.C. 6A:16-7.9, when a student transfers to a public school district from another public school district, all information in the student's record related to disciplinary actions taken against the student by the school district and any information the school district has obtained pursuant to N.J.S.A. 2A:4A-60, Disclosure of Juvenile Information,

Penalties for Disclosure, shall be provided to the receiving public school district, in accordance with the provisions of N.J.S.A. 18A:36-19(a) and N.J.A.C. 6A:32-7.5.

The Superintendent may be required to submit a report annually to the New Jersey Department of Education on student conduct, including all student suspensions and expulsions, and the implementation of the Student Discipline/Code of Conduct Policy in accordance with the format prescribed by the Commissioner of Education. The Superintendent shall report to the Commissioner of Education each incident of violence, including harassment, intimidation, and bullying, vandalism, and alcohol and other drug offenses, pursuant to N.J.A.C. 6A:16-4.3, in the school district utilizing the Student Safety Data System (SSDS) pursuant to N.J.A.C. 6A:16-5.3.

N.J.S.A. 18A:6-1; 18A:36-25.1; 18A:25-2; 18A:36-19a;  
18A:37-1 et seq.; 18A:37-13.1 et seq.  
N.J.A.C. 6A:16-7.1 et seq.; 6A:14-1.1 et seq.

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Revised: May 20, 2013  
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## Woodland Park Board of Education

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## District Regulation

### 5600 - STUDENT DISCIPLINE CODE OF CONDUCT

Section: Students  
Date Created: October 2014  
Date Edited: August 2019

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The Woodland Park Board of Education has established a Code of Conduct which is representative of the composition of the district's schools and community. It is based on the core ethical values: caring, trustworthiness, respect, responsibility, fairness and citizenship. All are designed to attain the district's mission of educating today's learners to become tomorrow's leaders. The Code of Student Conduct will undergo an annual review by the Board of Education and Superintendent of Schools. If necessary, it will be modified on the basis of research and data provided by the administrative team, faculty, parents and student regarding its effectiveness as it relates to the district's mission statement.

The Code of Student Conduct will be disseminated annually via the student portal and the parent portal to all school staff, students and parents. Parents and students will electronically sign-off that they have read and understand the Code of Student Conduct and the provisions of the Board of Education Policy 5600. Both documents will be posted on the districts website at [www.wpschools.org](http://www.wpschools.org) for reference purposes. Paper copies will also be provided upon request.

The Principal of each school will annually review the provisions contained in the Code of Student Conduct with his/her students and staff at the beginning of each school year and subsequently throughout when necessary. Additionally, the Superintendent shall report annually to the New Jersey Department of Education on the implementation of the Code of Student Conduct, including the suspensions and expulsions in accordance with the format prescribed by the Commissioner of Education and the Student Safety Data System, pursuant to N.J.A.C. 6A:16-5.3(e).

The Code of Student Conduct has been established to achieve the following purposes:

1. Foster the health, safety, social, and emotional well-being of students;
2. Support the establishment and maintenance of civil, safe, supportive, and disciplined school environments conducive to learning;
3. Promote achievement of high academic standards;
4. Prevent the occurrence of problem behaviors;

5. Establish parameters for the intervention and remediation of student problem behaviors at all stages of identification; and
6. Establish parameters for school responses to violations of the Code of Student Conduct that take into account, at a minimum, the severity of the offenses, the developmental ages of student offenders and students' histories of inappropriate behaviors.

It is to be noted the The Code of Conduct serves only as a guideline. The Administration reserves the right to interpret and consequence students beyond the scope of the Consequences in order to maintain the safety, order and discipline of the school.

All non-curricular activities, such as dances, field days, class trips, etc., are privileged events and may be denied to students with excessive or continued disciplinary infractions.

### **STUDENT RESPONSIBILITIES – The Six Pillars of Character Education**

Students are expected to demonstrate the following responsible behaviors while in school, on a school bus and at school activities in and out of the district:

1. **Caring** for all members of a diverse school community which includes but is not limited to students, administrators/supervisors, teachers, advisors, support staff, custodians, volunteers, and HSA representatives. Students must also demonstrate tolerance and acceptance of classmates who are the same and different in ability, aptitude, cultural ethnicity and socio-economic background.
2. **Trustworthiness** in assuming responsibility for their educational successes and failures. When working alone or in groups, they must be trusted to be responsible for their work and the results of their efforts.
3. **Respect** for all members of the school community, its facilities and property.
4. **Responsibility** in adhering to school rules and regulations which are designed to provide a safe and appropriate environment for learning.
5. **Fairness** in their treatment of staff, classmates, competitors and the public.
6. **Citizenship** by fulfilling their educational goals to become a productive member of the community, state, nation and world. This can be accomplished by attending school daily and mastering the NJ Core Curriculum Content Standards.

### **INAPPROPRIATE BEHAVIORS**

Students must realize that any display of inappropriate behavior will have consequences that are graded according to severity and consideration of the developmental age of the offenders. They include a continuum of actions designed to remediate and where necessary or required by law, to impose sanctions. They provide for equitable applications 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; and are consistent with the provisions of N.J.S.A. 18A:6-1 regarding the prohibition of corporal punishment.

### **CONSEQUENCES FOR INAPPROPRIATE BEHAVIORS**

**Note: If and inappropriate behavior results in a consequence of an Out-of-School Suspension, a conference will be held between the building Principal and parent before the student can return to school.**

#### **A. ATTENDANCE**

##### **Truancy/Leaving School without Authorization**

###### **1<sup>st</sup> Incident**

Grades K-2: 2 days Administrative Detention\*

Grades 3-4: 3 days Administrative Detention

Grades 5-8: 4 days Administrative Detention

###### **2<sup>nd</sup> Incident**

Grades K-2: 5 days Administrative Detention

Grades 3-4: 1 day In-School Suspension^ and police notification

Grades 5-8: 1 day Out-of-School Suspension and police notification

###### **3<sup>rd</sup> Incident**

Grades K-2: 1 day Out-of-School Suspension and police report

Grades 3-4: 2 days Out-of-School Suspension and police report

Grades 5-8: 2 days Out-of-School Suspension and police report

\*Denotes a consequence in which the student is required to stay in at lunch time or after school with the respective building principal or assistant principal.

^Denotes a specific area designated within the school setting, away from other students, and not housed within another classroom while instruction is being presented.

#### **LATE TO CLASS**

##### **1<sup>st</sup> Incident**

Grades K-8: Teacher Warning

##### **2<sup>nd</sup> Incident**

Grades K-8: 1 day Teacher Detention

##### **3<sup>rd</sup> Incident**

Grades K-4: 1 say Administrative Detention and parent contact

Grades 5-8: 2 days Administrative Detention and parent contact

### **CUTTING CLASS**

#### **1<sup>st</sup> Incident**

Grades K-4: 1 day Teacher Detention and parent contact

Grades 5-8: 2 days Teacher Detention and parent contact

#### **2<sup>nd</sup> Incident**

Grades K-2: 1 day Administrative Detention and parent contact

Grades 3-4: 2 days Administrative Detention and parent contact

Grades 5-8: 5 days Administrative Detention and parent contact

#### **3<sup>rd</sup> Incident**

Grades K-4: 1 day In-School Suspension and parent contact

Grades 5-8: 1 day Out-of-School Suspension and parent contact

### **B. INSUBORDINATION**

#### **Failure to Report to Teacher Detention**

##### **1<sup>st</sup> Incident**

Grades K-2: Teacher Warning and parent contact

Grades 3-8: 2 days Teacher Detention and parent contact

##### **2<sup>nd</sup> Incident**

Grades K-4: 2 days Administrative Detention and parent contact

Grades 5-8: 2 days Administrative Detention and parent contact

##### **3<sup>rd</sup> Incident**

Grades K-2: 2 days Administrative Detention and parent contact

Grades 3-4: 1 day In-School Suspension and parent contact

Grades 5-8: 2 days In-School Suspension and parent contact

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#### **Failure to Report to Administrative Detention**

##### **1<sup>st</sup> Incident**

Grades K-2: 1 day Administrative Detention and parent contact

Grades 3-8: 1 day In-School Suspension and parent contact

##### **2<sup>nd</sup> Incident**

Grades K-8: 1 day Out-of-School Suspension and parent contact

##### **3<sup>rd</sup> Incident**

Grades K-4: 2 days Out-of-School Suspension and parent contact

Grades 5-8: 3 days Out-of-School Suspension and parent contact

#### **Failure to Follow Teacher\* Direction or School Rules/Insolence**



**\*Includes substitute teacher**1<sup>st</sup> Incident

Grades K-8: Administrative Warning

2<sup>nd</sup> Incident

Grades K-2: 1 day Administrative Detention and parent contact

Grades 3-8: 2 days Administrative Detention and parent contact

3<sup>rd</sup> Incident

Grades K-2: 2 days Administrative Detention and parent contact

Grades 3-8: 2 days In-School Suspension and parent contact

**Disruptive Behavior- Defined as any behavior which disturbs, interferes with or prevents operations and functions in the classroom.**

1<sup>st</sup> Incident

Grades K-8: Administrative Warning

2<sup>nd</sup> Incident

Grades K-2: 1 day Teacher Detention and parent contact

Grades 3-4: 2 days Teacher Detention and parent contact

Grades 5-8: 3 days Teacher Detention and parent contact

3<sup>rd</sup> Incident

Grades K-2: 2 days Administrative Detention and parent contact

Grades 3-4: 3 days Administrative Detention and parent contact

Grades 5-8: 3-5 days Administrative Detention and parent contact

**Bus Behavior**

**Students who are privileged to be bused to and from school are expected to behave appropriately while riding on the school bus. Students must remain seated on the bus at all times and follow the directions given by either the bus driver or school bus monitor. Bus riders must keep their hands and feet to themselves and keep noise to a minimum.**

1<sup>st</sup> Incident

Grades K-8: 1 day Administrative Detention and parent contact

2<sup>nd</sup> Incident

Grades K-8: 1 week bus suspension and parent contact

3<sup>rd</sup> Incident

Grades K-8: Removal from school bus for the remainder of the school year and parent contact.

**C. DRESS CODE VIOLATION**1<sup>st</sup> Incident

Grades K-4: Contact parent/guardian to bring in a change of clothes

Grades 5-8: Warning and contact parent/guardian for a change of clothes

2<sup>nd</sup> Incident

Grades K-4: Warning letter sent home and contact parent/guardian for a change of clothes

Grades 5-8: Lunch detention and contact parent/guardian for a change of clothes

3<sup>rd</sup> Incident

Grades K-4: Lunch detention and meeting with Principal, guidance counselor and parent/guardian. Parent/guardian to bring in a change of clothes.

Grades 5-8: After-school detention/*community service* and contact parent/guardian for a change of clothes.

4<sup>th</sup> Incident

Grades K-4: In-school suspension and call home for a change of clothes.

Grades 5-8: In-school suspension and meeting with Principal, guidance counselor and parent/guardian. Parent/guardian to bring in a change of clothes.

**D. VANDALISM AND THEFT**

**Vandalism/Graffiti – Defined as any use of an object to damage school property**

1<sup>st</sup> Incident

Grades K-2: 1 day Administrative Detention, restitution and parent contact

Grades 3-8: 2 days Administrative Detention, restitution and parent contact

2<sup>nd</sup> Incident

Grades K-8: 1 day In-School Suspension, restitution and parent contact

3<sup>rd</sup> Incident

Grades K-2: 1 day Out-of-School Suspension, restitution and parent contact

Grades 3-8: 2-3 days Out-of-School Suspension, restitution and parent contact

**Malicious Mischief** – Defined as the act of intentionally destroying personal property of another person due to resentment or ill will towards the owner. This includes the intent or plan of causing destruction to property as a means of revenge, threat or blackmail to the owner.

**1<sup>st</sup> Incident**

Grades K-8: 1 day Administrative Detention, restitution and parent contact

**2<sup>nd</sup> Incident**

Grades K-2: 1 day Out-of-School Suspension, restitution and parent contact

Grades 3-8: 2 days Out-of-School Suspension, restitution and parent contact

**3<sup>rd</sup> Incident**

Grades K-2: 2 days Out-of-School Suspension, restitution and parent contact & police report

Grades 3-8: 2-3 days Out-of-School Suspension, restitution and parent contact & police report

**Theft-** Defined as taking of the district or personal property without consent.

**1<sup>st</sup> Incident**

Grades K-2: 1 day Administrative Detention, restitution and parent contact

Grades 3-8: 1 day In-School Suspension, restitution and parent contact

**2<sup>nd</sup> Incident**

Grades K-2: 1 day In-School Suspension, restitution and parent contact

Grades 3-8: 2 days In-School Suspension, restitution, parent contact and police report

**3<sup>rd</sup> Incident**

Grades K-2: 2 days Out-of-School Suspension, restitution, parent contact and police report

Grades 3-8: 2-3 days Out-of-School Suspension, restitution, parent contact and police report

**Firework Offense-** Defined as possession, selling distributing or detonating of a self-fusing explosive device.

**1<sup>st</sup> Incident**

Grades K-8: Out-of-School Suspension pending Board hearing to determine placement, CST referral, parent contact and police report.

**E. INAPPROPRIATE BEHAVIOR**

**Profanity/Obscene Gestures/Vulgarity – Defined as use of unacceptable language and/or body gesture.**

**1<sup>st</sup> Incident**

Grades K-4: 1 day Administrative Detention and parent contact

Grades 5-8: 1 day In-School Suspension and parent contact

**2<sup>nd</sup> Incident**

Grades K-4: 1 day In-School Suspension and parent contact

Grades 5-8: 2 days In-School Suspension and parent contact

**3<sup>rd</sup> Incident**

Grades K-2: 1 day Out-of-School Suspension and parent contact

Grades 3-4: 1-2 days Out-of-School Suspension and parent contact

Grades 5-8: 2-3 days Out-of-School Suspension and parent contact

**Scuffle/Physical Misconduct – Defined as a physical confrontation**

**1<sup>st</sup> Incident**

Grades K-2: 1 day Administrative Detention and parent contact

Grades 3-4: 2 days Administrative Detention and parent contact

Grades 5-8: 3 days In-School Suspension and parent contact

**2<sup>nd</sup> Incident**

Grades K-2 1 day Administrative Detention and parent contact

Grades 3-4: 1 day In-School Suspension and parent contact

Grades 5-8: 5 days In-School Suspension and parent contact

**3<sup>rd</sup> Incident**

Grades K-2: 1 day Administrative Detention, I&RS Team referral and parent contact

Grades 3-4: 1 day Out-of-School Suspension, I&RS Team referral and parent contact

Grades 5-8: 5 days Out-of-School Suspension I&RS Team referral, parent contact and police report.

**Fight – Defined as a physical confrontation between two or more students by mutual consent in which physical harm is intended.**

**1<sup>st</sup> Incident**

Grades K-2: 1 day Out-of-School Suspension and parent contact

Grades 3-4: 1-2 days Out-of-School Suspension and parent contact

Grades 5-8: 3 days Out-of-School Suspension and parent contact

**2<sup>nd</sup> Incident**

Grades K-2 2 days Out-of-School Suspension and parent contact

Grades 3-4: 2-4 days Out-of-School Suspension and parent contact

Grades 5-8: 3-5 days Out-of-School Suspension and parent contact

**3<sup>rd</sup> Incident**

Grades K-2: 3 days Out-of-School Suspension, parent contact and police report

Grades 3-4: 3-5 days Out-of-School Suspension, I&RS Team referral, parent contact and police report

Grades 5-8: 5 days Out-of-School Suspension I&RS Team referral, parent contact and police report.

**Assault – Defined as an attempt, threaten or purposeful cause of bodily injury to another**

**1<sup>st</sup> Incident**

Grades K-2: 2 days Out-of-School Suspension and parent contact

Grades 3-4: 3 days Out-of-School Suspension, parent contact and police report

Grades 5-8: 5 days Out-of-School Suspension, parent contact and police report

**2<sup>nd</sup> Incident**

Grades K-2 3 days Out-of-School Suspension, I&RS Team referral, parent contact and police report

Grades 3-4: 5 days Out-of-School Suspension I&RS Team referral, parent contact and police report

Grades 5-8: 5-10 days Out-of-School Suspension I&RS Team referral, parent contact and police report

**3<sup>rd</sup> Incident**

Grades K-2: 5 days Out-of-School Suspension, I&RS Team referral, parent contact and police report

Grades 3-4: 5-8 days Out-of-School Suspension, I&RS Team referral, parent contact and police report

Grades 5-8: 8-10 days Out-of-School Suspension I&RS Team referral, parent contact and police report.

### **Harassment/Intimidation/Bullying/Bias**

#### **1<sup>st</sup> Incident\***

Grades K-2: 1 day In-School Suspension and parent contact

Grades 3-4: 1-2 days In-School Suspension and parent contact

Grades 5-8: 2-3 days In-School Suspension and parent contact

#### **2<sup>nd</sup> Incident\***

Grades K-2 1 day Out-of-School Suspension, I&RS Team referral and parent contact

Grades 3-4: 2 days Out-of-School Suspension, I&RS Team referral and parent contact

Grades 5-8: 3 days Out-of-School Suspension, I&RS Team referral and parent contact

#### **3<sup>rd</sup> Incident\***

Grades K-2: 2 days Out-of-School Suspension, CST referral and parent contact

Grades 3-4: 3 days Out-of-School Suspension, CST referral and parent contact

Grades 5-8: 5 days Out-of-School Suspension CST referral, parent contact and police report.

Note: All offenses will note recommended remediation as appropriate.

If the offense is determined to be a bias incident, a police report and/or complaint will also be filed. If the offense is determined to be sexual harassment, a police report and/or complaint will also be filed.

\*Expulsion – The Board of Education may deny a student attendance at school and school sponsored activities. Proceedings may occur anytime throughout the consequence process if warranted.

### **F. Substance Abuse**

#### **Use of Substance/Under the Influence of Drugs/Alcohol**

##### **1<sup>st</sup> Incident of a Prohibited Substance/Drug/Alcohol positive test:**

Grades K-8: 4 days Out-of-School Suspension, parent contact, completion of and evaluation by medical personnel, appropriate rehabilitation protocol and

police report filed.

**2<sup>nd</sup> Incident of a Prohibited Substance/Drug/Alcohol positive test;**

Grades K-8 Out-of-School Suspension pending Board of Education hearing to determine placement and parent contact.

Note: Failure to test within 24 hours is an automatic "positive". An altered or diluted sample will also be considered a drug and/or alcohol "positive".

**Possession of a Controlled or Dangerous Substance of Alcohol**

**1<sup>st</sup> Incident**

Grades K-8: 5-10 days Out-of-School Suspension pending Board of Education hearing to determine placement, parent contact and police complaint filed

**2<sup>nd</sup> Incident**

Grades K-8 Out-of-School Suspension pending Board of Education hearing to determine placement, parent contact and police complaint filed

**Possession with Intent to Distribute**

**1<sup>st</sup> Incident**

Grades K-8: Out-of-School Suspension pending Board of Education hearing to determine placement, parent contact and police complaint filed

**Smoking/Vaping/Possession of Igniter, Cigarettes or E-Cigarettes**

**1<sup>st</sup> Incident**

Grades K-8: 1 day In-School Suspension and parent contact

**2<sup>nd</sup> Incident**

Grades K-8 2 days In-School Suspension and parent contact

**3<sup>rd</sup> Incident**

Grades K-8: 3 days Out-of-School Suspension and parent contact

**G. Violation of the Technology Acceptable Use Agreement**

**1<sup>st</sup> Incident**

Grades K-8: Administrative Warning

**2<sup>nd</sup> Incident**

Grades K-2: 3 days suspension of technology privileges and parent contact

Grades 3-8: 3 days suspension of technology privileges and parent contact

3<sup>rd</sup> Incident

Grades K-4: 1 week suspension of technology privileges and parent contact

Grades 5-8: 2 weeks suspension of technology privileges, 1 day  
Administrative Detention and parent contact

**H. Academic Integrity**

All students grades K-8 are required to maintain academic integrity. Any student who is caught cheating will receive zero credit for the test/quiz/assignment.

**I. Unauthorized Use of Cell Phone**

1<sup>st</sup> Incident

Grades K-8: Administrative Warning, phone confiscated and returned at the end of day and parent contact.

2<sup>nd</sup> Incident

Grades K-8 Phone confiscated and only returned to parent.

3<sup>rd</sup> Incident

Grades K-8: Phone confiscated and only returned to parent at the end of the school year.

If cell phone is brought to school, it must be placed in the student's backpack and in "OFF" mode.

**J. Weapons Use and/or Possession**

**A "weapon" includes, but is not limited to, those items identified in N.J.S.A. 2C:39-1f and N.J.S.A. 2c:39-1r. This includes items which are capable of causing harm or bodily injury for which there is no educational purpose and/or was observed to have been displayed or used as a weapon.**

**Grades K-8:**

**Level 1:** Immediate suspension pending a mandatory expulsion hearing of the Board of Education to determine placement for any pupil who:

- a) Has displayed or used any item as a weapon with the intent of threatening or causing bodily injury on any school property, on a school bus or at any Board approved/school sponsored activity in or out of district.

**OR**

- b) commits an assault upon a teacher, administrator, Board of Education member, other employee or another pupil, with a weapon, as defined in Policy 8467 on any school property,



on a school bus or at any Board approved/school sponsored activity in or out of district.

**Level 2:** A minimum of ten (10) day out of school suspension and a hearing before a committee of the Board of Education will be required for any pupil found to be in possession of any weapon as noted in Policy 8467 on any school property, on a school bus or at any Board approved/school sponsored activity in or out of district. Building Principals may recommend to the Superintendent a reduced penalty and/or waiver of the Board hearing.

**Note:** A criminal complaint may be filed for the offense. By recommendation of the Superintendent of Schools, a psychological or psychiatric evaluation may be required for the offender.

**Long Term Suspensions, Short Term Suspensions, Mandated Removals from General Education and Expulsion**

All suspensions, removals and expulsions will follow the guidelines outlined in Policy 5610.

**Expulsion**

**The Board of Education will consider expulsion only if:**

- a) The Superintendent, along with the staff, have exhausted all means to correct the misconduct and reviewed the alternatives to expulsion.
- b) The nature of the single act presents such a clear possibility of danger to others that immediate definitive action is necessary.

The parents/legal guardians must be interviewed and advised of the reasons why expulsion is being considered. The pupil has a right to a full hearing which will afford him/her procedural due process, and the right of parents/legal guardians to appeal to the Superintendent.

**The pupil shall remain out of school until either:**

- a) An appeal made to the Superintendent is decided in the student's favor; or
- b) The appeal (if made) has been denied and the Board of Education has met to hear the Superintendent's recommendations.

If the Board of Education determines that the charges, if true, may warrant expulsion, the Board of Education 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 student must receive**

- a) Notification of the charges

- 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
- g) The opportunity to be represented by counsel

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

### **Student Rights**

1. Students have the right to be informed of the behaviors that will result in suspension and expulsion. This will be provided by the copy of the Code of Conduct that they will read and sign annually as developmentally appropriate.
2. Students are entitled to an education that supports students' development into productive citizens.
3. Students are entitled to learn in a safe school environment.
4. Students are entitled to due process and appeals procedures, pursuant to N.J.A.C. 6A: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.
5. Students are entitled to parent notification consistent with the policies and procedures established pursuant to N.J.A.C. 6A:16-6.2(b)3; and
6. Protections pursuant to 20 U.S.C. 6:3, Pupil 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.

### **Staff Responsibilities**

1. The Board of Education shall delineate the roles and responsibilities of each staff member in the implementation of the Code of Student Conduct. It shall also provide to all school staff training annually on the Code of Student Conduct, which shall include training on the prevention, intervention and remediation of student conduct in violation of the Board's Code of Student conduct.

2. Information on the code of Student Conduct shall be incorporated into the orientation program for new employees.

3. Staff should explain and discuss with students acceptable and unacceptable school behaviors.

4. Staff should model the behaviors expected of students.

5. Staff should be consistent in enforcing the Code of Student Conduct.

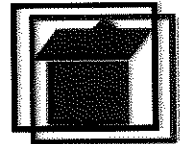
6. Staff should reinforce and recognize positive student behaviors.

First Reading: October 20, 2014

Adoption: November 17, 2014

Revised: January 14, 2019

Revised: August 12, 2019





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## District Policy

**5200- ATTENDANCE (M)**Section: Students  
Date Created: April 2003  
Date Edited: July 2020**M**

In accordance with the provisions of N.J.S.A. 18A:38-25, every parent, guardian, or other person having control and custody of a child between the ages of six and sixteen shall cause the child to regularly attend school. The Board of Education requires students enrolled in the school district attend school regularly in accordance with the laws of the State.

Notwithstanding the requirement of reporting student absences in the school register for State and Federal reporting purposes, "excused" and "unexcused" student absences, for the purpose of expectations and consequences regarding truancy, student conduct, promotion, and the award of course credit is a local Board decision outlined in N.J.A.C. 6A:16-7.6 and Policy and Regulation 5200. In accordance with the provisions of N.J.A.C. 6A:16-7.6 and for the purposes of Policy and Regulation 5200, a student's absence from school will either be excused or unexcused. Unexcused absences will count toward truancy.

A parent or adult student shall provide advance notice to the school prior to the student being absent from school. In accordance with N.J.S.A. 18A:36-25.6, if a student is determined to be absent from school without valid excuse, and if the reason for the student's absence is unknown to school personnel, the Principal or designee shall immediately attempt to contact the student's parent to notify the parent of the absence and determine the reason for the absence.

Students that are absent from school for any reason are responsible for the completion of assignments missed because of their absence. In accordance with N.J.S.A. 18A:36-14, a student who is absent from school for observing a religious holiday shall not be deprived of any award, eligibility, or opportunity to compete for any award, or deprived of the right to take an alternate test or examination that was missed because of the absence provided there is a written excuse of such absence signed by the parent.

Prolonged or repeated absences, excused or unexcused, from school or from class, deprive students of the educational and classroom experiences deemed essential to learning and may result in retention at grade level

**[For districts with secondary school(s)]**

or loss of credit or removal from a course that would count toward the high school diploma in accordance with policies of this Board.]

Students shall be subjected to the school district's response for unexcused absences that count toward truancy during the school year as outlined in N.J.A.C. 6A:16-7.6(a)4 and Regulation 5200.

Unexcused absences from school or from classes within the school day may subject a student to consequences that may include the denial of a student's participation in co-curricular activities and/or athletic competition. Repeated absences from school interfere with efforts of the Board and its staff in the maintenance of good order and the continuity of classroom instruction and such absences may result in the removal of the student from a class or course of study.

The Superintendent shall calculate and monitor the average daily attendance rate for the district and for each school in the district. Whenever the average daily attendance rate does not meet the New Jersey Department of Education requirements the Superintendent or designee shall develop a district improvement plan to improve student attendance pursuant to N.J.A.C. 6A:30-5.2.

N.J.S.A. 18A:36-14; 18A:36-25.6; 18A:38-25

N.J.S.A. 34:2-21.1 et seq.

N.J.A.C. 6A:16-7.6; 6A:30-5.2; 6A:32-8.3

1st Reading: 25 February 2003

Adopted: 08 April 2003

Revised: July 21, 2014

Revised: August 18, 2014

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Revised: July 20, 2020



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## District Regulation

**5200 - ATTENDANCE**

Section: Students  
Date Created: August 2014  
Date Edited: July 2020

**M****A. Definitions**

1. For the purposes of school attendance, a “day in session” shall be a day on which the school is open and students are under the guidance and direction of a teacher or teachers engaged in the teaching process. Days on which school is closed for such reasons as holidays, teachers’ institutes, and inclement weather shall not be considered as days in session.
2. A “school day” shall consist of not less than four hours, except that one continuous session of two and one-half hours may be considered a full day of Kindergarten.
3. “A day of attendance” shall be one in which the student is present for a full day under the guidance and direction of a teacher while school is in session.
  - a. Whenever over-crowded conditions make it necessary to hold two separate sessions with a different group of students in each session, a student attending for all of either session shall be regarded as having attended for the full day. An excused absence for any reason shall not be counted as a day of attendance in the school register.
4. A “half-day class” shall be considered the equivalent of a full day’s attendance only if in session for four hours or more, exclusive of recess periods or lunch periods.

**B. Attendance Recording**

1. Attendance Recording in the School Register (N.J.A.C. 6A:32-8.1)
  - a. The Board of Education shall be required to carefully and accurately track enrollment and attendance of all students in a manual school register format or in an electronic form of the school's choosing.
  - b. The Commissioner shall issue and publish on the Department's website school register guidance for

recording student attendance in all public schools of the State operated by district Boards of Education, except adult high schools.

- c. Student attendance shall be recorded in the school register during school hours on each day school is in session.
- d. School registers shall be kept for students attending preschool, Kindergarten, grades one through five, grades six through eight, grades nine through twelve, each preschool class for the disabled, each class for the disabled, shared-time classes for regular students, shared-time classes for students with disabilities, full-time bilingual education programs and vocational day programs, and summer schools operated by the Board of Education.
- e. A student who has been placed on home instruction shall have his or her attendance status recorded on the regular register for the program in which the student is enrolled. For the period beginning the first day the student is unable to attend school and ending the day before the first instructional day at the student's place of confinement, the student shall be marked absent. No absences shall be recorded for the student while on home instruction, providing the hours of instruction are not less than required by N.J.A.C. 6A:14-4.8 and 4.9. The number of possible days of enrollment for a student on home instruction shall be the same as for other students in the program in which the student is enrolled.

2. Attendance Recording for Board Policy (N.J.A.C. 6A:32-8.3)

- a. A record of the attendance of all students on roll in a school register shall be kept each day that school is in session by a teacher or other authorized person. It shall be the duty of this person to keep the attendance records according to these rules and the specific instructions issued by the Commissioner of Education.
- b. No student shall be recorded as present unless the school is in session and the student so recorded is under the guidance and direction of a teacher in the teaching process.
- c. A student shall be recorded as absent in the school register when not in attendance at a session of the school while a member of the school, except students excused due to religious holidays who shall be recorded as excused.
- d. A student shall be recorded as either present, absent, or excused for religious observance, every day the school is in session after the student enters until the date the



student is transferred to another school, transferred to an individual home instruction record, or officially leaves the school system.

- e. The Commissioner shall annually prescribe a list of religious holidays on which it shall be mandatory to excuse students for religious observance upon the written request signed by the parent or person standing in loco parentis.
- f. The mere presence of a student at roll call shall not be regarded as sufficient attendance for compliance with N.J.A.C. 6A:32-8.3. In a school which is in session during both the forenoon and the afternoon, a student shall be present at least one hour during both the forenoon and the afternoon in order to be recorded as present for the full day. In a school which is in session during either the forenoon or the afternoon, a student shall be present at least two hours in the session in order to be recorded as present for the full day.
- g. A student not present in school because of his/her participation in an approved school activity, such as a field trip, meeting, cooperative education assignment, or athletic competition will be considered to be in attendance.

C. Unexcused Absences That Count Toward Truancy/Excused Absences for Board Policy

1. Notwithstanding the requirement of reporting student absences in the school register for State and Federal reporting purposes, "excused" and "unexcused" student absences for the purpose of expectations and consequences regarding truancy, student conduct, promotion, and the award of course credit is a Board decision outlined in Policy 5200 and this Regulation.
2. N.J.A.C. 6A:16-7.6(a)3 requires the Board of Education policies and procedures contain, at a minimum, a definition of unexcused absence that count toward truancy. "An unexcused absence that counts toward truancy" is a student's absence from school for a full or a portion of a day for any reason that is not an "excused absence" as defined below.
3. "An excused absence" is a student's absence from school for a full day or a portion of a day for the observance of a religious holiday pursuant to N.J.S.A. 18A:36-14 through 16, or any absence for the reasons listed below:

  X   The student's illness

  X   supported by a written letter from the parent upon student's return to school;

  X   The student's required attendance in court;

X Where appropriate, when consistent with Individualized Education Programs, the Individuals with Disabilities Act, accommodation plans under 29 U.S.C. §§ 794 and 705(20), and individualized health care plans;

X The student's suspension from school;

X Family illness or death

X supported by a written letter from the parent upon the student's return to school;

X Take Our Children to Work Day;

X An absence considered excused by the Commissioner of Education and/or a New Jersey Department of Education rule;

4. For cumulative unexcused absences of ten or more, a student between the ages of six and sixteen is truant, pursuant to N.J.S.A. 18A:38-25 as determined by the Board's Attendance Policy and Regulation pursuant to N.J.A.C. 6A:16-7.6(a)4.iii. and the definition of school day pursuant to N.J.A.C. 6A:32-8.3. Any absence not listed in C.3. above shall be an unexcused absence counted toward truancy.

5. "Unexcused tardiness" may constitute an unexcused absence that counts toward truancy in accordance with Policy 5240.

D. Notice to School of a Student's Absence

1. The parent or adult student shall notify the school office before the school day when the student will not be in school.

2. The parent of the student or an adult student who will attend the morning session, but will not attend the afternoon session shall provide notice to the school office before the start of the afternoon session.

3. The parent of a student or an adult student shall notify the school office of a future absence if the absence is foreseeable.

4. The parent or adult student who anticipates a future absence or anticipates that an absence will be prolonged shall notify the school office to arrange make-up work.

5. In accordance with N.J.S.A. 18A:36-25.6, if a student is determined to be absent from school without valid excuse, and if the reason for the student's absence is unknown to school personnel, the Principal or designee shall immediately attempt to contact the student's parent to notify the parent of the absence and determine the reason for the absence.

E. Readmission to School After an Absence

1. A student returning from an absence of any length of time must provide a written statement that is dated and signed by the parent or adult student listing the reason for the absence.
2. A note explaining a student's absence for a noncommunicable illness for a period of more than three school days must be accompanied by a physician's statement of the student's illness with medical clearance to return to school.
3. A student who has been absent by reason of having or being suspected of having a communicable disease must present to the school nurse written evidence of being free of communicable disease, in accordance with Policy 8451.
4. The Superintendent of Schools or designee may require a student who has been absent from school due to a suspension or other reason concerning the student's conduct to receive a medical examination by a physician regarding the student's physical and/or mental fitness to return to school. The Superintendent or designee will notify the student's parent of the specific requirements of the medical examination prior to the student's return to school.

F. Instruction

1. Teachers shall cooperate in the preparation of home assignments for students who anticipate an excused absence of three school days duration. The parent or student must request such home assignments.
2. A student who anticipates an absence due to a temporary or chronic health condition may be eligible for home instruction in accordance with Policy 2412. The parent must request home instruction.
3. Students absent for any reason are expected to make up the work missed. The parent or student is responsible for requesting missed assignments and any assistance required. Teachers will provide make-up assignments as necessary.
4. In general, students will be allowed a reasonable amount of time as determined by the teacher to make up missed work.
5. A student who missed a test or an exam shall be offered an opportunity to take the test, exam, or an appropriate alternate test.

G. Denial of Course Credit

1. The teacher will determine the credit to be awarded a student for make-up work. Where class participation is a factor in the learning process, the teacher may consider a student's absence in determining a final grade, except absences for the observance of a religious holiday or absence for a student's suspension from

school will not adversely affect the student's grade. The teacher may record an incomplete grade for a student who has not had a full opportunity to make up missed work.

X Exceptions to this rule may be made for students who have demonstrated to the teacher through completion of make-up assignments that they have mastered the proficiencies established for the course of study.

3. An elementary student may be retained at grade level, in accordance with Policy 5410, when he/she has been absent fifteen or more school days, whatever the reason for the absence, except that absences for the observance of a religious holiday, absences for those excused in accordance with the reporting requirements of the school register, and absences due to student's suspension will not count toward the total.

X Exceptions to this rule may be made for students who have demonstrated through completion of home assignments and/or home instruction that they have mastered the proficiencies established for the assigned courses of study.

#### H. School District Response To Unexcused Absences During the School Year That Count Toward Truancy

1. For up to four cumulative unexcused absences that count toward truancy, the Principal or designee shall:
  - a. Make a reasonable attempt to notify the student's parent of each unexcused absence prior to the start of the following school day;
  - b. Make a reasonable attempt to determine the cause of the unexcused absence, including through contact with the student's parent;
  - c. Identify, in consultation with the student's parents, needed action designed to address patterns of unexcused absences, if any, and to have the child return to school and maintain regular attendance;
  - d. Proceed in accordance with the provisions of N.J.S.A. 9:6-1 et seq. and N.J.A.C. 6A:16-10, if a potentially missing or abused child situation is detected; and
  - e. Cooperate with law enforcement and other authorities and agencies, as appropriate.
2. For between five and nine cumulative unexcused absences that count toward truancy, the Principal or designee shall:
  - a. Make a reasonable attempt to notify the student's parent of each unexcused absence prior to the start of the following school day;

- b. Make a reasonable attempt to determine the cause of the unexcused absence, including through contact with the student's parent;
  - c. Evaluate the appropriateness of action taken pursuant to N.J.A.C. 6A:16-7.6(a)4.i.(3) and H.1.c. above;
  - d. Develop an action plan to establish outcomes based upon the student's patterns of unexcused absences and to specify the interventions for supporting the student's return to school and regular attendance, which may include any or all of the following:
    - (1) Refer or consult with the building's Intervention and Referral Services Team, pursuant to N.J.A.C. 6A:16-8;
    - (2) Conduct testing, assessments, or evaluations of the student's academic, behavioral, and health needs;
    - (3) Consider an alternate educational placement;
    - (4) Make a referral to or coordinate with a community-based social and health provider agency or other community resource;
    - (5) Refer to a court or court program pursuant to N.J.A.C. 6A:16-7.6(a)4.iv. and H.4. below;
    - (6) Proceed in accordance with N.J.S.A. 9:6-1 et seq. and N.J.A.C. 6A:16-10, if a potential missing or abused child situation is detected; and
    - (7) Engage the student's family.
  - e. Cooperate with law enforcement and other authorities and agencies, as appropriate.
3. For ten or more cumulative unexcused absences that count toward truancy, a student between the ages of six and sixteen is truant, pursuant to N.J.S.A. 18A:38-25, and the Principal or designee shall:
- a. Make a determination regarding the need for a court referral for the truancy, per N.J.A.C. 6A:16-7.6(a)4.iv. and H.4. below;
  - b. Continue to consult with the parent and the involved agencies to support the student's return to school and regular attendance;
  - c. Cooperate with law enforcement and other authorities and agencies, as appropriate; and

- d. Proceed in accordance with N.J.S.A. 18A:38-28 through 31, Article 3B, Compelling Attendance at School, and other applicable State and Federal statutes, as required.
4. A court referral may be made as follows:
- a. When unexcused absences that count toward truancy are determined by school officials to be violations of the compulsory education law, pursuant to N.J.S.A. 18A:38-25, and the Board of Education's policies, in accordance with N.J.A.C. 6A:16-7.6(a), the parent may be referred to Municipal Court.
    - (1) A written report of the actions the school has taken regarding the student's attendance shall be forwarded to the Municipal Court; or
  - b. When there is evidence of a juvenile-family crisis, pursuant to N.J.S.A. 2A:4A-22.g, the student may be referred to Superior Court, Chancery Division, Family Part.
    - (1) A written report of the actions the school has taken regarding the student's attendance shall be forwarded to the Juvenile-Family Crisis Intervention Unit.
5. For a student with a disability, the attendance plan and its punitive and remedial procedures shall be applied, where applicable, in accordance with the student's IEP, pursuant to 20 U.S.C. §§ 1400 et seq., the Individuals with Disabilities Education Act; the procedural protections set forth in N.J.A.C. 6A:14; accommodation plan under 29 U.S.C. §§794 and 705(20); and individualized health care plan and individualized emergency healthcare plan pursuant to N.J.A.C. 6A:16-2.3(b)5.xii.
6. All receiving schools pursuant to N.J.A.C. 6A:14-7.1(a), shall act in accordance with N.J.A.C. 6A:16-7.6(a)4.i. and H.1. above for each student with up to four cumulative unexcused absences that count toward truancy.
- a. For each student attending a receiving school with five or more cumulative unexcused absences that count toward truancy, the absences shall be reported to the sending school district.
    - (1) The sending school district shall proceed in accordance with the Board of Education's policies and procedures pursuant to N.J.A.C. 6A:16-7.6(a) and H.5. above and the provisions of N.J.A.C. 6A:16-7.6(a)4.ii. through iv. and H.2. through H.5. above, as appropriate.

## I. Discipline

1. Students may be denied participation in co-curricular activities if the Board establishes attendance standards for participation.
2. Students may be denied participation in athletic competition if the Board establishes attendance standards for participation.
3. No student who is absent from school for observance of a religious holiday may be deprived of any award or of eligibility for or opportunity to compete for any award because of the absence.

J. Recording Attendance

1. Teachers must accurately record the students present, tardy, or absent each day in each session or each class. Attendance records must also record students' attendance at out-of-school curricular events such as field trips.
2. A record shall be maintained of each excused absence and each unexcused absence that counts toward truancy as defined in Policy and Regulation 5200.
3. A report card will record the number of times the student was absent and tardy in each marking period.
4. A student's absence for observance of a religious holiday will not be recorded as such on any transcript or application or employment form.

K. Appeal

1. Students may be subject to appropriate discipline for their school attendance record.
2. A student who has been retained at grade level for excessive absences may appeal that action in accordance with Policy 5410.
3. A student who has been dropped from a course and/or denied course credit for excessive absences may appeal that action in accordance with the following procedures:
  - a. The student shall file a written appeal to the Principal or designee within five school days of receiving notice of the action. The appeal should state the reasons for each absence, any documentation that may support reducing the number of absences for the purposes of course credit, and reasons why the student should either continue to be enrolled in the course or receive course credit for a class the student completed.
  - b. The Principal or designee will respond in writing no later than seven school days after receiving the student's appeal.

- c. If the student is not satisfied, he/she may submit a written request to the Principal for consideration by an Attendance Review Committee.
- d. On a student's request for consideration by an Attendance Review Committee, the Principal shall convene an Attendance Review Committee. The Attendance Review Committee shall meet informally to hear the student's appeal. The student's parent and teacher(s) may attend the meeting.
- e. The Attendance Review Committee shall decide the appeal and inform the student in writing within seven school days of the meeting.
- f. The student may appeal an adverse decision of the Attendance Review Committee to the Superintendent, the Board of Education, and the Commissioner of Education in accordance with Policy 5710, Student Grievance and N.J.S.A. 18A. An appeal to the Attendance Review Committee shall be considered to have exhausted the first two steps of the grievance procedure outlined in Policy 5710.

L. Attendance Records

- 1. Attendance records for the school district and each school will be maintained and attendance rates will be calculated as required by the New Jersey Department of Education. The school district will comply with all attendance requirements and any improvement plans as required by the Department of Education.

First Reading: August 18, 2014

2nd Reading & Adoption: September 15, 2014

Revised: April 20, 2015

Revised: July 20, 2020





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## District Policy

**5512- HARASSMENT, INTIMIDATION, AND BULLYING**

Section: Students  
 Date Created: August 2011  
 Date Edited: August 2018

See **POLICY ALERT Nos. 163, 179, 180, 181, 182, 183, 188, 193, 194 and 200]**

**M**

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The Board of Education prohibits acts of harassment, intimidation, or bullying of a student. A safe and civil environment in school is necessary for students to learn and achieve high academic standards. Harassment, intimidation, or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe and disciplined environment. Harassment, intimidation, or bullying is unwanted, aggressive behavior that may involve a real or perceived power imbalance. Since students learn by example, school administrators, faculty, staff and volunteers should be commended for demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation, or bullying.

For the purposes of this Policy, the term "parent," pursuant to N.J.A.C. 6A:16-1.3, means the natural parent(s) or adoptive parent(s), legal guardian(s), foster parent(s), or parent surrogate(s) of a student. Where parents are separated or divorced, "parent" means the person or agency which has legal custody of the student, as well as the natural or adoptive parent(s) of the student, provided such parental rights have not been terminated by a court of appropriate jurisdiction.

B. Harassment, Intimidation, and Bullying Definition

"Harassment, intimidation, or bullying" means any gesture, any written, verbal or physical act, or any electronic communication, as defined in N.J.S.A. 18A:37-14, whether it be a single incident or a series of incidents that:

1. Is reasonably perceived as being motivated by either 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 disability, or by any other distinguishing characteristic;
2. Takes place on school property, at any school-sponsored function, on a school bus, or off school grounds, as provided for in N.J.S.A. 18A:37-15.3;
3. 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, that the act(s) 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/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 for the student by interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student.

Schools are required to address harassment, intimidation, and bullying occurring off school grounds, when there is a nexus between the harassment, intimidation, and bullying and the school (e.g., the harassment, intimidation, or bullying substantially disrupts or interferes with the orderly operation of the school or the rights of other students).

"Electronic communication" means a communication transmitted by means of an electronic device, including, but not limited to: a telephone, cellular phone, computer, or pager.

#### C. Student Expectations

The Board expects students to conduct themselves in keeping with their levels of development, maturity and demonstrated capabilities with proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities and the care of school facilities and equipment consistent with the Code of Student Conduct.

The Board believes that standards for student behavior must be set cooperatively through interaction among the students, parents, school employees, school administrators, school volunteers, and community representatives, producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for school district and community property on the part of students, staff, and community members.

Students are expected to behave in a way that creates a supportive learning environment. The Board believes the best discipline is self-imposed, and it is the responsibility of staff to use instances of violations of the Code of Student Conduct as opportunities to help students learn to assume and accept responsibility for their behavior and the consequences of their behavior. Staff members who interact with students shall apply best practices designed to prevent student conduct problems and foster students' abilities to grow in self-discipline.

The Board expects that students will act in accordance with the student behavioral expectations and standards regarding harassment,

intimidation, and bullying, including:

1. Student responsibilities (e.g., requirements for students to conform to reasonable standards of socially accepted behavior; respect the person, property and rights of others; obey constituted authority; and respond to those who hold that authority);
2. Appropriate recognition for positive reinforcement for good conduct, self-discipline, and good citizenship;
3. Student rights; and
4. Sanctions and due process for violations of the Code of Student Conduct.

Pursuant to N.J.S.A. 18A:37-15(a) and N.J.A.C. 6A:16-7.1(a)1, the district has involved a broad-base of school and community members, including parents, students, instructional staff, student support services staff, school administrators, and school volunteers, as well as community organizations, such as faith-based, health and human service, business and law enforcement, in the development of this Policy. Based on locally determined and accepted core ethical values adopted by the Board, pursuant to N.J.A.C. 6A:16-7.1(a)2, the Board must develop guidelines for student conduct pursuant to N.J.A.C. 6A:16-7.1. These guidelines for student conduct will take into consideration the developmental ages of students, the severity of the offenses and students' histories of inappropriate behaviors, and the mission and physical facilities of the individual school(s) in the district. This Policy requires all students in the district to adhere to the rules established by the school district and to submit to the remedial and consequential measures that are appropriately assigned for infractions of these rules.

Pursuant to N.J.A.C. 6A:16-7.1, the Superintendent must annually provide to students and their parents the rules of the district regarding student conduct. Provisions shall be made for informing parents whose primary language is other than English.

The district prohibits active or passive support for acts of harassment, intimidation, or bullying. Students are encouraged to support other students who:

1. Walk away from acts of harassment, intimidation, and bullying when they see them;
2. Constructively attempt to stop acts of harassment, intimidation, or bullying;
3. Provide support to students who have been subjected to harassment, intimidation, or bullying; and
4. Report acts of harassment, intimidation, and bullying to the designated school staff member.

## D. Consequences and Appropriate Remedial Actions

### Consequences and Appropriate Remedial Actions – Students

The Board of Education requires its school administrators to implement procedures that ensure both the appropriate consequences and remedial responses for students who commit one or more acts of harassment, intimidation, or bullying, consistent with the Code of Student Conduct. The following factors, at a minimum, shall be given full consideration by school administrators in the implementation of appropriate consequences and remedial measures for each act of harassment, intimidation, or bullying by students.

Appropriate remedial action for a student who commits an act of harassment, intimidation, or bullying that takes into account the nature of the behavior; the nature of the student's disability, if any, and to the extent relevant; the developmental age of the student; and the student's history of problem behaviors and performance. The appropriate remedial action may also include a behavioral assessment or evaluation including, but not limited to, a referral to the Child Study Team as appropriate; and supportive interventions and referral services, including those at N.J.A.C. 6A:16-8.

### Factors for Determining Consequences – Student Considerations

1. Age, developmental and maturity levels of the parties involved and their relationship to the school district;
2. Degrees of harm;
3. Surrounding circumstances;
4. Nature and severity of the behavior(s);
5. Incidences of past or continuing patterns of behavior;
6. Relationships between the parties involved; and
7. Context in which the alleged incidents occurred.

### Factors for Determining Consequences – School Considerations

1. School culture, climate, and general staff management of the learning environment;
2. Social, emotional, and behavioral supports;
3. Student-staff relationships and staff behavior toward the student;
4. Family, community, and neighborhood situation; and
5. Alignment with Board policy and regulations/procedures.

### Factors for Determining Remedial Measures

#### Personal

1. Life skill deficiencies;
2. Social relationships;
3. Strengths;
4. Talents;
5. Interests;
6. Hobbies;
7. Extra-curricular activities;
8. Classroom participation;

9. Academic performance; and
10. Relationship to students and the school district.

#### Environmental

1. School culture;
2. School climate;
3. Student-staff relationships and staff behavior toward the student;
4. General staff management of classrooms or other educational environments;
5. Staff ability to prevent and manage difficult or inflammatory situations;
6. Social-emotional and behavioral supports;
7. Social relationships;
8. Community activities;
9. Neighborhood situation; and
10. Family situation.

Consequences for a student who commits one or more acts of harassment, intimidation, or bullying may range from positive behavioral interventions up to and including suspension or expulsion of students, as set forth in the Board's approved Code of Student Conduct pursuant to N.J.A.C. 6A:16-7.1. Consequences for a student who commits an act of harassment, intimidation, or bullying are those that are varied and graded according to the nature of the behavior; the nature of the student's disability, if any, and to the extent relevant; the developmental age of the student; and the student's history of problem behaviors and performance consistent with the Board's approved Code of Student Conduct and N.J.A.C. 6A:16-7, Student Conduct. The use of negative consequences should occur in conjunction with remediation and not be relied upon as the sole intervention approach.

Remedial measures shall be designed to correct the problem behavior, prevent another occurrence of the problem, protect and provide support for the victim of the act, and take corrective action for documented systemic problems related to harassment, intimidation, or bullying. The consequences and remedial measures may include, but are not limited to, the examples listed below:

#### Examples of 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;
7. Out-of-school suspension (short-term or long-term);
8. Reports to law enforcement or other legal action; or
9. Expulsion.

#### Examples of Remedial Measures

#### Personal – Student Exhibiting Bullying Behavior

1. Develop a behavioral contract with the student. Ensure the student has a voice in the outcome and can identify ways he or she can solve the problem and change behaviors;
2. Meet with parents to develop a family agreement to ensure the parent and the student understand school rules and expectations;
3. Explain the long-term negative consequences of harassment, intimidation, and bullying on all involved;
4. Ensure understanding of consequences, if harassment, intimidation, and bullying behavior continues;
5. Meet with school counselor, school social worker, or school psychologist to decipher mental health issues (e.g., what is happening and why?);
6. Develop a learning plan that includes consequences and skill building;
7. Consider wrap-around support services or after-school programs or services;
8. Provide social skill training, such as impulse control, anger management, developing empathy, and problem solving;
9. Arrange for an apology, preferably written;
10. Require a reflective essay to ensure the student understands the impact of his or her actions on others;
11. Have the student research and teach a lesson to the class about bullying, empathy, or a similar topic;
12. Arrange for restitution (i.e., compensation, reimbursement, amends, repayment), particularly when personal items were damaged or stolen;
13. Explore age-appropriate restorative (i.e., healing, curative, recuperative) practices; and
14. Schedule a follow-up conference with the student.

#### Personal – Target/Victim

1. Meet with a trusted staff member to explore the student's feelings about the incident;
2. Develop a plan to ensure the student's emotional and physical safety at school;
3. Have the student meet with the school counselor or school social worker to ensure he or she does not feel responsible for the bullying behavior;
4. Ask students to log behaviors in the future;
5. Help the student develop skills and strategies for resisting bullying; and
6. Schedule a follow-up conference with the student.

#### Parents, Family, and Community

1. Develop a family agreement;
2. Refer the family for family counseling; and
3. Offer parent education workshops related to bullying and social-emotional learning.

#### Examples of Remedial Measures – Environmental (Classroom, School Building, or School District)

1. Analysis of existing data to identify bullying issues and concerns;
2. Use of findings from school surveys (e.g., school climate surveys);
3. Focus groups;
4. Mailings – postal and email;
5. Cable access television;
6. School culture change;
7. School climate improvement;
8. Increased supervision in “hot spots” (e.g., locker rooms, hallways, playgrounds, cafeterias, school perimeters, buses);
9. Adoption of evidence-based systemic bullying prevention practices and programs;
10. Training for all certificated and non-certificated staff to teach effective prevention and intervention skills and strategies;
11. Professional development plans for involved staff;
12. Participation of parents and other community members and organizations (e.g., Parent Teacher Associations, Parent Teacher Organizations) in the educational program and in problem-solving bullying issues;
13. Formation of professional learning communities to address bullying problems;
14. 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 and staff member behavior and the consequences of such actions;
15. School policy and procedure revisions;
16. Modifications of schedules;
17. Adjustments in hallway traffic;
18. Examination and adoption of educational practices for actively engaging students in the learning process and in bonding students to pro-social institutions and people;
19. Modifications in student routes or patterns traveling to and from school;
20. Supervision of student victims before and after school, including school transportation;
21. Targeted use of monitors (e.g., hallway, cafeteria, locker room, playground, school perimeter, bus);
22. Targeted use of teacher aides;
23. Disciplinary action, including dismissal, for school staff who contributed to the problem;
24. Supportive institutional interventions, including participation in the Intervention and Referral Services Team, pursuant to N.J.A.C. 6A:16-8;
25. Parent conferences;
26. Family counseling;
27. Development of a general harassment, intimidation, and bullying response plan;
28. Behavioral expectations communicated to students and parents;
29. Participation of the entire student body in problem-solving harassment, intimidation, and bullying issues;



30. Recommendations of a student behavior or ethics council;
31. Participation in peer support groups;
32. School transfers; and
33. Involvement of law enforcement officers, including school resource officers and juvenile officers or other appropriate legal action.

#### Consequences and Appropriate Remedial Actions – Adults

The district will also impose appropriate consequences and remedial actions to an adult who commits an act of harassment, intimidation, or bullying of a student. The consequences may include, but not be limited to: verbal or written reprimand, increment withholding, legal action, disciplinary action, termination, and/or bans from providing services, participating in school district-sponsored programs, or being in school buildings or on school grounds. Remedial measures may include, but not be limited to: in or out-of-school counseling, professional development programs, and work environment modifications.

#### Target/Victim Support

Districts should identify a range of strategies and resources that will be available to individual victims of harassment, intimidation, and bullying, and respond in a manner that provides relief to victims and does not stigmatize victims or further their sense of persecution. The type, diversity, location, and degree of support are directly related to the student's perception of safety.

Sufficient safety measures should be undertaken to ensure the victims' physical and social-emotional well-being and their ability to learn in a safe, supportive, and civil educational environment.

Examples of support for student victims of harassment, intimidation, and bullying include:

1. Teacher aides;
2. Hallway and playground monitors;
3. Partnering with a school leader;
4. Provision of an adult mentor;
5. Assignment of an adult "shadow" to help protect the student;
6. Seating changes;
7. Schedule changes;
8. School transfers;
9. Before- and after-school supervision;
10. School transportation supervision;
11. Counseling; and
12. Treatment or therapy.

#### E. Harassment, Intimidation, and Bullying Reporting Procedure

The Board of Education requires the Principal at each school to be responsible for receiving complaints alleging violations of this Policy. All Board members, school employees, and volunteers and contracted service providers who have contact with students are

required to verbally report alleged violations of this Policy to the Principal or the Principal's designee on the same day when the individual witnessed or received reliable information regarding any such incident. All Board members, school employees, and volunteers and contracted service providers who have contact with students, also shall submit a report in writing to the Principal within two school days of the verbal report.

The Principal or designee will inform the parents of all students involved in alleged incidents, and, as appropriate, may discuss the availability of counseling and other intervention services. The Principal or designee shall take into account the circumstances of the incident when providing notification to parents of all students involved in the reported harassment, intimidation, or bullying incident and when conveying the nature of the incident, including the actual or perceived protected category motivating the alleged offense. The Principal, upon receiving a verbal or written report, may take interim measures to ensure the safety, health, and welfare of all parties pending the findings of the investigation.

Students, parents, and visitors are encouraged to report alleged violations of this Policy to the Principal on the same day when the individual witnessed or received reliable information regarding any such incident.

A person may report, verbally or in writing, an act of harassment, intimidation, or bullying committed by an adult or youth against a student anonymously. The Board will not take formal disciplinary action based solely on the anonymous report.

A Board member or school employee who promptly reports an incident of harassment, intimidation, or bullying and who makes this report in compliance with the procedures set forth in this Policy, is immune from a cause of action for damages arising from any failure to remedy the reported incident.

In accordance with the provisions of N.J.S.A. 18A:37-18, the harassment, intimidation, and bullying law does not prevent a victim from seeking redress under any other available law, either civil or criminal, nor does it create or alter any tort liability.

The district may consider every mechanism available to simplify reporting, including standard reporting forms and/or web-based reporting mechanisms. For anonymous reporting, the district may consider locked boxes located in areas of a school where reports can be submitted without fear of being observed.

A school administrator who receives a report of harassment, intimidation, and bullying from a district employee, and fails to initiate or conduct an investigation, or who should have known of an incident of harassment, intimidation, or bullying and fails to take sufficient action to minimize or eliminate the harassment, intimidation, or bullying, may be subject to disciplinary action.

F. Anti-Bullying Coordinator, Anti-Bullying Specialist, and School Safety/School Climate Team(s)

1. The Superintendent shall appoint a district Anti-Bullying Coordinator. The Superintendent shall make every effort to appoint an employee of the school district to this position.

The district Anti-Bullying Coordinator shall:

- a. Be responsible for coordinating and strengthening the school district's policies to prevent, identify, and address harassment, intimidation, or bullying of students;
  - b. Collaborate with school Anti-Bullying Specialists in the district, the Board of Education, and the Superintendent to prevent, identify, and respond to harassment, intimidation, or bullying of students in the district;
  - c. Provide data, in collaboration with the Superintendent, to the Department of Education regarding harassment, intimidation, or bullying of students;
  - d. Execute such other duties related to school harassment, intimidation, or bullying as requested by the Superintendent; and
  - e. Meet at least twice a school year with the school Anti-Bullying Specialist(s) to discuss and strengthen procedures and policies to prevent, identify, and address harassment, intimidation, and bullying in the district.
2. The Principal in each school shall appoint a school Anti-Bullying Specialist. The Anti-Bullying Specialist shall be a guidance counselor, school psychologist, or other certified staff member trained to be the Anti-Bullying Specialist from among the currently employed staff in the school.

The school Anti-Bullying Specialist shall:

- a. Chair the School Safety/School Climate Team as provided in N.J.S.A. 18A:37-21;
  - b. Lead the investigation of incidents of harassment, intimidation, or bullying in the school; and
  - c. Act as the primary school official responsible for preventing, identifying, and addressing incidents of harassment, intimidation, or bullying in the school.
3. A School Safety/School Climate Team shall be formed in each school in the district to develop, foster, and maintain a positive school climate by focusing on the on-going systemic operational procedures and educational practices in the school, and to address issues such as harassment, intimidation, or bullying that affect school climate and culture. Each School Safety/School

Climate Team shall meet, at a minimum, two times per school year. The School Safety/School Climate Team shall consist of the Principal or the Principal's designee who, if possible, shall be a senior administrator in the school and the following appointees of the Principal: a teacher in the school; a school Anti-Bullying Specialist; a parent of a student in the school; and other members to be determined by the Principal. The school Anti-Bullying Specialist shall serve as the chair of the School Safety/School Climate Team.

The School Safety/School Climate Team shall:

- a. Receive records of all complaints of harassment, intimidation, or bullying of students that have been reported to the Principal;
- b. Receive copies of all reports prepared after an investigation of an incident of harassment, intimidation, or bullying;
- c. Identify and address patterns of harassment, intimidation, or bullying of students in the school;
- d. Review and strengthen school climate and the policies of the school in order to prevent and address harassment, intimidation, or bullying of students;
- e. Educate the community, including students, teachers, administrative staff, and parents, to prevent and address harassment, intimidation, or bullying of students;
- f. Participate in the training required pursuant to the provisions of N.J.S.A. 18A:37-13 et seq. and other training which the Principal or the district Anti-Bullying Coordinator may request. The School Safety/School Climate Team shall be provided professional development opportunities that may address effective practices of successful school climate programs or approaches; and
- g. Execute such other duties related to harassment, intimidation, or bullying as requested by the Principal or district Anti-Bullying Coordinator.

Notwithstanding any provision of N.J.S.A. 18A:37-21 to the contrary, a parent who is a member of the School Safety/School Climate Team shall not participate in the activities of the team set forth in 3. a., b., or c. above or any other activities of the team which may compromise the confidentiality of a student, consistent with, at a minimum, the requirements of the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232 and 34 CFR Part 99), N.J.A.C. 6A:32-7, Student Records and N.J.A.C. 6A:14-2.9, Student Records.

**G. Harassment, Intimidation, and Bullying Investigation**

The Board requires a thorough and complete investigation to be conducted for each report of violations and complaints which either identify harassment, intimidation, or bullying or describe behaviors that indicate harassment, intimidation, or bullying.

#### Principal's Preliminary Determination

However, prior to initiating the investigation, the Principal or designee, in consultation with the Anti-Bullying Specialist, may make a preliminary determination as to whether the reported incident or complaint, assuming all facts presented are true, is a report within the scope of the definition of harassment, intimidation, and bullying under the Anti-Bullying Bill of Rights Act, N.J.S.A. 18A:37-14. The Superintendent or designee may sign-off on the preliminary determination.

The Principal or designee, upon making a preliminary determination the incident or complaint is not within the scope of the definition of harassment, intimidation, and bullying, shall inform the parents of the parties involved, who may appeal the preliminary determination to the Board of Education and thereafter to the Commissioner of Education in accordance with N.J.A.C. 6A:3.

A Board hearing shall be held within ten business days of receipt of the request for a Board hearing. If the preliminary determination, upon review of the facts presented in the reported incident or complaint, is to continue with the harassment, intimidation, and bullying investigation, the investigation shall be completed in accordance with N.J.S.A. 18A:37-15.b.(6) and this Policy.]

The investigation shall be initiated by the Principal or the Principal's designee within one school day of the verbal report of the incident. The investigation shall be conducted by the school Anti-Bullying Specialist in coordination with the Principal. The Principal may appoint additional personnel who are not school Anti-Bullying Specialists to assist with the investigation. Investigations or complaints concerning adult conduct shall not be investigated by a member of the same bargaining unit as the individual who is the subject of the investigation. An investigation concerning a staff member shall not be conducted by a staff member who is supervised by the staff member being investigated or who is an administrator in the district. The Principal or designee, in consultation with the Superintendent or designee, will appoint a staff member to complete these investigations.

The investigation shall be completed and the written findings submitted to the Principal as soon as possible, but not later than ten school days from the date of the written report of the incident. Should information regarding the reported incident and the investigation be received after the end of the ten-day period, the school Anti-Bullying Specialist shall amend the original report of the results of the investigation to ensure there is an accurate and current record of the facts and activities concerning the reported incident.

The Principal shall proceed in accordance with the Code of Student Conduct, as appropriate, based on the investigation findings. The

Principal shall submit the report to the Superintendent within two school days of the completion of the investigation and in accordance with the Administrative Procedures Act (N.J.S.A. 52:14B-1 et seq.). As appropriate to the findings from the investigation, the Superintendent shall ensure the Code of Student Conduct has been implemented and may decide to provide intervention services, order counseling, establish training programs to reduce harassment, intimidation, or bullying and enhance school climate, impose discipline, or take or recommend other appropriate action, as necessary.

The Superintendent shall report the results of each investigation to the Board of Education no later than the date of the regularly scheduled Board of Education meeting following the completion of the investigation. The Superintendent's report shall include information on any consequences imposed under the Code of Student Conduct, any services provided, training established, or other action taken or recommended by the Superintendent.

Parents of involved student offenders and targets/victims shall be provided with information about the investigation, in accordance with Federal and State law and regulation. The information to be provided to parents shall include the nature of the investigation, whether the district found evidence of harassment, intimidation, or bullying, and whether consequences were imposed or services provided to address the incident of harassment, intimidation, or bullying. This information shall be provided in writing within five school days after the results of the investigation are reported to the Board of Education.

A parent may request a hearing before the Board of Education after receiving the written information about the investigation. Any request for such a hearing shall be filed with the Board Secretary no later than sixty calendar days after the written information is provided to the parents. The hearing shall be held within ten business days of the request. The Board of Education shall conduct the hearing in executive session, pursuant to the Open Public Meetings Act (N.J.S.A. 10:4-1 et seq.), to protect the confidentiality of the students. At the hearing, the Board may hear testimony from and consider information provided by the school Anti-Bullying Specialist and others, as appropriate, regarding the incident, the findings from the investigation of the incident, recommendations for consequences or services, and any programs instituted to reduce such incidents, prior to rendering a determination.

At the regularly scheduled Board of Education meeting following its receipt of the Superintendent's report on the results of the investigations to the Board or following a hearing in executive session, the Board shall issue a decision, in writing, to affirm, reject, or modify the Superintendent's decision. The Board's decision may be appealed to the Commissioner of Education, in accordance with N.J.A.C. 6A:3, Controversies and Disputes, no later than ninety days after issuance of the Board of Education's decision.

A parent, student, or organization may file a complaint with the Division on Civil Rights within one hundred eighty days of the occurrence of any incident of harassment, intimidation, or bullying

based on membership in a protected group as enumerated in the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.).

H. Range of Responses to an Incident of Harassment, Intimidation, or Bullying

The Board shall establish a range of responses to harassment, intimidation, and bullying incidents and the Principal and the Anti-Bullying Specialist shall appropriately apply these responses once an incident of harassment, intimidation, or bullying is confirmed. The Superintendent shall respond to confirmed harassment, intimidation, and bullying, according to the parameters described in this Policy. The range of ways in which school staff will respond shall include an appropriate combination of counseling, support services, intervention services, and other programs. The Board recognizes that some acts of harassment, intimidation, or bullying may be isolated incidents requiring the school officials respond appropriately to the individual(s) 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 level or by law enforcement officials.

For every incident of harassment, intimidation, or bullying, the school officials must respond appropriately to the individual who committed the act. The range of responses to confirmed harassment, intimidation, or bullying acts should include individual, classroom, school, or district responses, as appropriate to the findings from each incident. Examples of responses that apply to each of these categories are provided below:

1. Individual responses can include consistent and appropriate positive behavioral interventions (e.g., peer mentoring, short-term counseling, life skills groups) intended to remediate the problem behaviors.
2. Classroom responses can include class discussions about an incident of harassment, intimidation, or bullying, role plays (when implemented with sensitivity to a student's situation or involvement with harassment, intimidation, and bullying), research projects, observing and discussing audio-visual materials on these subjects, and skill-building lessons in courtesy, tolerance, assertiveness, and conflict management.
3. School responses can include theme days, learning station programs, "acts of kindness" programs or awards, use of student survey data to plan prevention and intervention programs and activities, social norms campaigns, posters, public service announcements, "natural helper" or peer leadership programs, "upstander" programs, parent programs, the dissemination of information to students and parents explaining acceptable uses of electronic and wireless communication devices, and harassment, intimidation, and bullying prevention curricula or campaigns.
4. District-wide responses can comprise of adoption of school-wide programs, including enhancing the school climate,

involving the community in policy review and development, providing professional development coordinating with community-based organizations (e.g., mental health, health services, health facilities, law enforcement, faith-based organizations), launching harassment, intimidation, and bullying prevention campaigns.

#### I. Reprisal or Retaliation Prohibited

The Board prohibits a Board member, school employee, contracted service provider who has contact with students, school volunteer, or student from engaging in reprisal, retaliation, or false accusation against a victim, witness, or one with reliable information, or any other person who has reliable information about an act of harassment, intimidation, or bullying or who reports an act of harassment, intimidation, or bullying. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the administrator after consideration of the nature, severity, and circumstances of the act, in accordance with case law, Federal and State statutes and regulations, and district policies and procedures. All suspected acts of reprisal or retaliation will be taken seriously and appropriate responses will be made in accordance with the totality of the circumstances.

Examples of consequences and remedial measures for students who engage in reprisal or retaliation are listed and described in the Consequences and Appropriate Remedial Actions section of this Policy.

Examples of consequences for a school employee or a contracted service provider who has contact with students who engage in reprisal or retaliation may include, but not be limited to: verbal or written reprimand, increment withholding, legal action, disciplinary action, termination, and/or bans from providing services, participating in school district-sponsored programs, or being in school buildings or on school grounds. Remedial measures may include, but not be limited to: in or out-of-school counseling, professional development programs, and work environment modifications.

Examples of consequences for a Board member who engages in reprisal or retaliation may include, but not be limited to: reprimand, legal action, and other action authorized by statute or administrative code. Remedial measures may include, but not be limited to: counseling and professional development.

#### J. Consequences and Appropriate Remedial Action for False Accusation

The Board prohibits any person from falsely accusing another as a means of retaliation or as a means of harassment, intimidation, or bullying.

1. Students - Consequences and appropriate remedial action for a student found to have falsely accused another as a means of harassment, intimidation, or bullying or as a means of retaliation may range from positive behavioral interventions up to and



including suspension or expulsion, as permitted under N.J.S.A. 18A:37-1 et seq., Discipline of Students and as set forth in N.J.A.C. 6A:16-7.2, Short-term Suspensions, N.J.A.C. 6A:16-7, Long-term Suspensions and N.J.A.C. 6A:16-7.5, Expulsions and those listed and described in the Consequences and Appropriate Remedial Actions section of this Policy.

2. School Employees - Consequences and appropriate remedial action for a school employee or contracted service provider who has contact with students found to have falsely accused another as a means of harassment, intimidation, or bullying or as a means of retaliation could entail discipline in accordance with district policies, procedures, and agreements which may include, but not be limited to: reprimand, suspension, increment withholding, termination, and/or bans from providing services, participating in school district-sponsored programs, or being in school buildings or on school grounds. Remedial measures may include, but not be limited to: in or out-of-school counseling, professional development programs, and work environment modifications.
3. Visitors or Volunteers - Consequences and appropriate remedial action for a visitor or volunteer found to have falsely accused another as a means of harassment, intimidation, or bullying or as a means of retaliation could be determined by the school administrator after consideration of the nature, severity, and circumstances of the act, including law enforcement reports or other legal actions, removal of buildings or grounds privileges, or prohibiting contact with students or the provision of student services. Remedial measures may include, but not be limited to: in or out-of-school counseling, professional development programs, and work environment modifications.

**K. Harassment, Intimidation, and Bullying Policy Publication and Dissemination**

This Policy will be disseminated annually by the Superintendent to all school employees, contracted service providers who have contact with students, school volunteers, students, and parents who have children enrolled in a school in the district, along with a statement explaining the Policy applies to all acts of harassment, intimidation, or bullying, pursuant to N.J.S.A. 18A:37-14 that occur on school property, at school-sponsored functions, or on a school bus and, as appropriate, acts that occur off school grounds.

The Superintendent shall ensure that notice of this Policy appears in the student handbook and all other publications of the school district that set forth the comprehensive rules, procedures, and standards for schools within the school district.

The Superintendent shall post a link to the district's Harassment, Intimidation, and Bullying Policy that is prominently displayed on the homepage of the school district's website. The district will notify students and parents this Harassment, Intimidation, and Bullying Policy is available on the school district's website.

The Superintendent shall post the name, school phone number, school address, and school email address of the district Anti-Bullying Coordinator on the home page of the school district's website. Each Principal shall post the name, school phone number, address, and school email address of both the Anti-Bullying Specialist and the district Anti-Bullying Coordinator on the home page of each school's website.

L. Harassment, Intimidation, and Bullying Training and Prevention Programs

The Superintendent and Principal(s) shall provide training on the school district's Harassment, Intimidation, and Bullying Policy to current and new school employees; including administrators, instructors, student support services, administrative/office support, transportation, food service, facilities/maintenance; contracted service providers; and volunteers who have significant contact with students; and persons contracted by the district to provide services to students. The training shall include instruction on preventing bullying on the basis of the protected categories enumerated in N.J.S.A. 18A:37-14 and other distinguishing characteristics that may incite incidents of discrimination, harassment, intimidation, or bullying.

Each public school teacher and educational services professional shall be required to complete at least two hours of instruction in harassment, intimidation, and bullying prevention within each five year professional development period as part of the professional development requirement pursuant to N.J.S.A. 18:37-22.d. The required two hours of suicide prevention instruction shall include information on the risk of suicide and incidents of harassment, intimidation, or bullying and information on reducing the risk of suicide in students who are members of communities identified as having members at high risk of suicide.

Each newly elected or appointed Board member must complete, during the first year of the member's first term, a training program on harassment, intimidation, and bullying in accordance with the provisions of N.J.S.A. 18A:12-33.

The school district shall provide time during the usual school schedule for the Anti-Bullying Coordinator and each school Anti-Bullying Specialist to participate in harassment, intimidation, and bullying training programs.

A school leader shall complete school leader training that shall include information on the prevention of harassment, intimidation, and bullying as required in N.J.S.A. 18A:26-8.2.

The school district shall annually observe a "Week of Respect" beginning with the first Monday in October. In order to recognize the importance of character education, the school district will observe the week by providing age-appropriate instruction focusing on the prevention of harassment, intimidation, and bullying as defined in N.J.S.A. 18A:37-14. Throughout the school year the district will

provide ongoing age-appropriate instruction on preventing harassment, intimidation, or bullying, in accordance with the Core Curriculum Content Standards, pursuant to N.J.S.A. 18A:37-29.

The school district and each school in the district will annually establish, implement, document, and assess harassment, intimidation, and bullying prevention programs or approaches, and other initiatives in consultation with school staff, students, administrators, volunteers, parents, law enforcement, and community members. The programs or approaches and other initiatives shall be designed to create school-wide conditions to prevent and address harassment, intimidation, and bullying in accordance with the provisions of N.J.S.A. 18A:37-17 et seq.

M. Harassment, Intimidation, and Bullying Policy Reevaluation, Reassessment and Review

The Superintendent shall develop and implement a process for annually discussing the school district's Harassment, Intimidation, and Bullying Policy with students.

The Superintendent, Principal(s), and the Anti-Bullying Coordinator, with input from the schools' Anti-Bullying Specialists, shall annually conduct a reevaluation, reassessment, and review of the Harassment, Intimidation, and Bullying Policy, and any report(s) and/or finding(s) of the School Safety/School Climate Team(s). The Superintendent shall recommend to the Board necessary revisions and additions to the Policy consistent with N.J.S.A. 18A:37-15.c., as well as to harassment, intimidation, and bullying prevention programs and approaches based on the findings from the evaluation, reassessment, and review.

N. Reports to Board of Education and New Jersey Department of Education

The Superintendent shall report two times each school year, between September 1 and January 1 and between January 1 and June 30 at a public hearing all acts of violence, vandalism, and harassment, intimidation, and bullying which occurred during the previous reporting period in accordance with the provisions of N.J.S.A. 18A:17-46. The information shall also be reported to the New Jersey Department of Education in accordance with N.J.S.A. 18A:17-46.

O. School and District Grading Requirements

Each school and each district shall receive a grade for the purpose of assessing their efforts to implement policies and programs consistent with the provisions of N.J.S.A. 18:37-13 et seq. The grade received by a school and the district shall be posted on the homepage of the school's website and the district's website in accordance with the provisions of N.J.S.A. 18A:17-46. A link to the report that was submitted by the Superintendent to the Department of Education shall also be available on the school district's website. This information shall be posted on the websites within ten days of receipt of the grade for each school and the district.

**P. Reports to Law Enforcement**

Some acts of harassment, intimidation, and bullying may be bias-related acts and potentially bias crimes and school officials must report to law enforcement officials either serious acts or those which may be part of a larger pattern in accordance with the provisions of the Memorandum of Agreement Between Education and Law Enforcement Officials.

**Q. Collective Bargaining Agreements and Individual Contracts**

Nothing in N.J.S.A. 18A:37-13.1 et seq. may be construed as affecting the provisions of any collective bargaining agreement or individual contract of employment in effect on the Anti-Bullying Bill of Rights Act's effective date (January 5, 2011). N.J.S.A. 18A:37-30.

The Board of Education prohibits the employment of or contracting for school staff positions with individuals whose criminal history record check reveals a record of conviction for a crime of bias intimidation or conspiracy to commit or attempt to commit a crime of bias intimidation.

**R. Students with Disabilities**

Nothing contained in N.J.S.A. 18A:37-13.1 et seq. may alter or reduce the rights of a student with a disability with regard to disciplinary actions or to general or special education services and supports. N.J.S.A. 18A:37-32.

**S. Approved Private Schools for Students with Disabilities (APSSD)**

In accordance with the provisions of N.J.A.C. 6A:16-7.7(a).2.ix.(2), the Board of Education shall investigate a complaint or report of harassment, intimidation, or bullying, pursuant to N.J.A.C. 6A:16-7.7(a).2.ix. and Section G. of this Policy, occurring on Board of Education school buses, at Board of Education school-sponsored functions, and off school grounds involving a student who attends an APSSD. The investigation shall be conducted by a Board of Education Anti-Bullying Specialist, in consultation with the APSSD.

The school district shall submit all subsequent amended Harassment, Intimidation, and Bullying Policies to the Executive County Superintendent of Schools within thirty days of Board adoption.

N.J.S.A. 18A:37-13 through 18A:37-32

N.J.A.C. 6A:16-7.1 et seq.; 6A:16-7.9 et seq.

Model Policy and Guidance for Prohibiting Harassment, Intimidation, and Bullying on School Property, at School-Sponsored Functions and on School Buses – April 2011 – New Jersey Department of Education

Memorandum – New Jersey Commissioner of Education – Guidance for Schools on Implementing the Anti-Bullying Bill of Rights Act – December 16, 2011

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