

# Policy

No. 5131

Pupils
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**Board of Education**  
Leonora, New Jersey

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## CONDUCT / DISCIPLINE

### I. INTRODUCTION:

The Leonora Board of Education (hereinafter referred to as the "Board") believes that an effective instructional program requires an orderly school environment and that the effectiveness of the educational program is, in part, reflected in the behavior of students.

The Board expects students to conduct themselves in keeping with their level of maturity, with a proper regard for the rights and welfare of other students, for school personnel, for the educational purpose underlying all school activities, and for the care of school facilities and equipment.

The Board believes that standards of student behavior must be set cooperatively by interaction among the students, parents/guardians, staff and community, producing an atmosphere that encourages students to grow in self-discipline. Such an atmosphere must include respect for self and others, as well as for district and community property.

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

### II. CODE OF STUDENT CONDUCT:

#### A. Standards:

The chief school administrator shall develop and implement, and the Board shall adopt, a code of student conduct which establishes standards, policies and procedures for positive student development and behavioral expectations on school grounds, including on a school bus or at school sponsored functions, and, as appropriate, for conduct away from school grounds. This code of conduct shall include detailed regulations suited to the age level of the students and the physical facilities of the individual schools.

#### B. Basis:

The code of student conduct shall be based upon parent, student and community involvement which represents, where possible, the composition of the schools and the community, as well as locally determined and accepted core ethical values.

#### C. Purpose:

The code of student conduct shall be established to achieve the following purposes:

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

# Policy

No. 5131

Pupils
--------

## Board of Education Leonia, New Jersey

---

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 the student offenders and students' histories of inappropriate behaviors.

### D. Dissemination and Review:

1. The chief school administrator shall ensure the annual dissemination of the code of student conduct to all school staff, students and parents, and shall report annually on the implementation of the code of student conduct to the Board at a public meeting in accordance with the provisions of N.J.A.C. 6A:16-7.1(a)(5).
2. The Board shall provide for the annual review and update of the code of student conduct, which review shall include:
  - a. Parent, student and community involvement which represents, where possible, the composition of the schools and the community.
  - b. Consideration of the findings of the annual reports of student conduct, including suspensions and expulsions, as well as incidents reported under the Electronic Violence and Vandalism Reporting System.

### III. **CONDUCT:**

The Board believes that healthy school cultures are critical in securing each student's right to learn. It further believes that the Leonia Public School District (the "District") is responsible for working closely with parents and guardians to make that right meaningful for each student. Accordingly, the Board expects that students will be governed by self-discipline and, through appropriate conduct, will express their respect for themselves and their respect for others, whether peers or adults. The Board understands that individuals learn self-discipline in a social context, and views the ability to act with self-discipline as a necessary focus of learning. Since "deed" teaches, as much if not more, than "word," the Board expects that staff will exemplify appropriate conduct in their professional relationships with students and colleagues. Additionally, the Board further expects staff to otherwise enforce and reinforce those standards of civil conduct that healthy school cultures require.

"Standards of civil conduct" apply to the following concerns:

- A concern for the legal rights as well as the physical and psychological welfare of others;
- A concern for the integrity of the school as a public institution with a distinctive educational mission; and
- A concern for the public ownership of school facilities and equipment.

# Policy

No. 5131

Pupils

## Board of Education Leonía, New Jersey

---

In keeping with these beliefs, expectations, and concerns, the Board charges its staff with promoting educational settings that anticipate student developmental needs, that emphasize affirmative responses to those needs, and that minimize instances of misconduct.

The Board understands that students misjudge behavioral boundaries and behave impulsively even in the most orderly educational settings. It therefore authorizes its administrators to impose punitive consequences and exclusionary sanctions as may be needed to teach necessary social skills, to protect other students, and to safeguard the educational setting. As a matter of policy, the Board aspires to reduce these sanctions to the lowest possible number.

The Superintendent shall ensure that age appropriate regulations pursuant to this policy are developed and that their effectiveness is regularly reviewed. The Board expects that these regulations will be applied consistently and effectively, and that all disciplinary sanctions are carried out with necessary due process.

### IV. DISCIPLINE:

#### A. Expectations and Applicable Regulations:

Students within the Leonía School District are required to comply with the rules and regulations established for the government of its schools, to pursue the prescribed course of study, and to submit to the authority of teachers and others in authority over them.

Accordingly, Board policy requires each student of this district to adhere to the rules and regulations set forth in Board policy, the code of student conduct, and/or other rules established by the administration, and to submit to such disciplinary measures as are appropriately assigned for infraction of those rules. The chief school administrator shall provide to all school staff, students and their parents/guardians the rules of this district regarding student conduct and the sanctions that may be imposed for breach of those rules. Provisions shall be made for informing parents/guardians whose primary language is other than English.

In developing regulations to implement this policy, the chief school administrator shall provide appropriate recognition for students who consistently maintain high standards of self-discipline and good citizenship.

The regulations shall:

1. Require that students conform to reasonable standards of behavior; respect the person, property and rights of others; obey constituted authority and respond to those who hold that authority.
2. Establish the degree of order necessary to the educational program in which students are engaged.
3. Support positive school climates that encourage students to identify with their school and act responsibly within it.

In remediating problem behaviors, the District shall take into account the nature of the behaviors, the developmental ages of the students and the student's history of problem behaviors and performance. Students who display chronic behavioral or academic problems may be referred to the child study team by the chief school administrator for possible identification as disruptive or disaffected. Such referrals shall be in strict accordance with the due process regulations prescribed by the administrative code.

# Policy

No. 5131

Pupils

## Board of Education Leonía, New Jersey

---

Students so identified shall be provided with appropriate programs and services as prescribed by the child study team.

A student whose presence poses a continuing danger to persons or property, or an ongoing threat of disrupting the academic process, may be suspended or expelled, following due process.

Any student who is guilty of continued and willful disobedience, of open defiance of the authority of any teacher or person having authority over him/her, of the habitual use of profanity or of obscene language, or who shall cut, deface or otherwise injure any school property, shall be liable to punishment and to suspension or expulsion from school following due process.

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

### B. Assault:

Any student who commits an assault (as defined by N.J.S.A. 2C:12-1), not involving the use of a weapon or firearm, upon a board member, teacher, administrator or other employee of the Leonía Board of Education acting in the performance of his or her duties and in a situation where his or her authority to act is apparent, or as a result of the victim's relationship to a public education institution, shall be immediately suspended from school consistent with procedural due process pending suspension or expulsion proceedings, which shall take place no later than 30 calendar days from the date of the student's suspension. Nothing in this section shall be construed to prohibit the expulsion of a general education student.

Any student with a disability who commits an assault as defined above shall be removed from the general school population in accordance with the provisions of N.J.A.C. 6A:14.

Any student who commits an assault (as defined by N.J.S.A. 2C:12-1) upon a teacher, administrator, Board member, other employee of the Board or another student, with a weapon (including, but not limited to those items enumerated in section r. of N.J.S.A. 2C:39-1, but excluding firearms as defined by N.J.S.A. 2C:39-1(f)), on any school property, on a school bus, or at a school-sponsored function shall be immediately removed from the school's regular education program pending a hearing before the Board. Any student committing such an act, other than a student with a disability, shall be immediately removed from the school's general education population for a period not exceeding one (1) calendar year, which removal may be modified by the chief school administrator on a case-by-case basis. Nothing in this section shall be construed to prohibit the expulsion of a general education student.

Students with disabilities committing such an act shall be immediately removed in accordance with the provisions of N.J.A.C. 6A:14 and the applicable federal regulations incorporated therein.

### C. Offenses Involving Firearms:

Any student who is: (1) convicted or adjudicated delinquent for possession of a firearm (as defined by N.J.S.A. 2C:39-1(f) and 18 U.S.C. §921); (2) convicted or adjudicated delinquent for committing a crime while armed with a firearm; or (3) is found knowingly in possession of a firearm on school property, at any school-sponsored function, or on a school bus, shall be immediately removed from the school's regular education program pending a hearing before the Leonía Board of Education to remove the student from the regular education program for a period of not less than one calendar year. The chief school administrator may modify this suspension on a case-by-case basis. Each student so removed shall be placed in an alternative educational program or on home instruction and shall be entitled to a hearing

# Policy

No. 5131

Pupils

## Board of Education Leonia, New Jersey

---

before the board. The hearing shall take place no later than 30 calendar days following the day the student is removed from the regular education program and shall be closed to the public.

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

The chief school administrator shall determine whether the student is prepared to return to the regular education program, in accordance with procedures established by the commissioner of education.

The Board shall immediately remove students with disabilities for offenses involving firearms in accordance with the provisions of N.J.A.C. 6A:14 and the applicable federal regulations incorporated therein.

Nothing in this section shall be construed as prohibiting the expulsion of a general education student.

### D. Substance Abuse:

In accordance with statute and code, penalties shall be assigned for use, possession and distribution of proscribed substances and drug paraphernalia on school property or at a school function. The penalties shall be graded according to the severity of the offense, and in accordance with the regulations for student discipline and the code of student conduct. Students who are substance abusers shall be subject to disciplinary action. Infractions shall be reported to the local law enforcement agency in accordance with the district's memorandum of agreement. Confidentiality shall be protected in accordance with federal and state law.

### E. Harassment, Intimidation or Bullying

The Board expects individuals to treat each other with civility and respect, and will not tolerate acts of harassment, intimidation or bullying. Like other disruptive or violent behaviors, this conduct interferes with an individual's ability to learn and a school's ability to educate its students in a safe environment.

**The Leonia Board of Education prohibits acts of harassment, intimidation or bullying against any student.**

- A. "Harassment, intimidation or bullying" is defined as any gesture or written, verbal or physical act, or any electronic communication, that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory handicap, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function or on a school bus, and that:
1. A reasonable person should know, under the circumstances, will have the effect of harming a student or damaging the student's property, or placing a student in reasonable fear of harm to his/her person or damage to his/her property; or
  2. Has the effect of insulting or demeaning any student or group of students in such a way as to cause disruption in, or interference with, the orderly operation of the school.

# Policy

No. 5131

Pupils
--------

**Board of Education**  
**Leonia, New Jersey**

---

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

- B. Reporting Procedures: Any school employee, student or volunteer who has witnessed, or has reliable information that a student has been subject to harassment, intimidation or bullying must report the incident to the appropriate school official designated by the administration. At each school, the principal or the principal’s designee is responsible for receiving complaints alleging violations of this policy.

All school employees are required to report alleged violations of this policy to the principal, the principal’s designee, or the district’s affirmative action officer. All other members of the school community, including students, parents, volunteers and visitors, are encouraged to report any act that may be a violation of this policy. While submission of the report form is not required, the reporting party is encouraged to use the report form available from the principal of each building or available at the school district office. Oral reports also shall be considered official reports. A written summary of the official oral report will be prepared by the building principal/designee. Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report. The principal and/or the principal’s designee is responsible for determining whether an alleged act constitutes a violation of this policy. In so doing, the principal and/or the principal’s designee shall conduct a prompt, thorough and complete investigation of the alleged incident.

- C. The Leonia Board of Education shall not tolerate an act of reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying. The consequences and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the principal after consideration of the nature and circumstances of the act in accordance with applicable law and the policies and procedures of the board of education.
- D. Consequences and Remedial Action: Some acts of harassment, intimidation or bullying may be isolated incidents requiring that the school respond appropriately to the individuals committing the acts. Other acts may be so serious or parts of a larger pattern of harassment, intimidation or bullying that they require a response either at the classroom, school building or school district levels or by law enforcement officials.

In considering whether a response beyond the individual level is appropriate, the administrator should consider the nature and circumstances of the act, the level of harm, the nature of the behavior, past incidences or past or continuing patterns of behavior, and the context in which the alleged incident(s) occurred. Institutional (i.e., classroom, school building, school district) responses can include: school and community surveys as permitted by law, mailings, focus groups, adoption of research-based bullying prevention program models, training for certificated and non-certificated staff, participation of parents and other community members and organizations, small or large group presentations for fully addressing the actions and the school’s response to the actions, in the context of the acceptable student behavior and the consequences of such actions and the involvement of law enforcement officers, including school resource officers.

# Policy

No. 5131

Pupils

**Board of Education**  
**Leonia, New Jersey**

---

In determining the appropriate response to students who commit one or more acts of harassment, intimidation or bullying, school administrators should consider the following factors: the developmental and maturity levels of the parties involved, the levels of harm, the surrounding circumstances, the nature of the behaviors, past incidences or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Concluding whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances. It is only after meaningful consideration of these factors that an appropriate consequence should be determined, consistent with the case law, federal and state statutes, regulations and policies, and district policies and procedures. Consequences and appropriate remedial action for students who commit acts of harassment, intimidation or bullying may range from positive behavioral interventions up to and including suspension or expulsion and reports to appropriate law enforcement officials.

Consequences and appropriate remedial action for a student found to have falsely accused another as a means of harassment, intimidation or bullying range from positive behavioral interventions up to and including suspension or expulsion, as permitted under N.J.S.A. 18A:37-1, Discipline of Pupils. Consequences and appropriate remedial action for a school employee found to have falsely accused another as a means of harassment, intimidation or bullying shall be disciplined in accordance with district policies, procedures and agreements. Consequences and appropriate remedial action for a visitor or volunteer, found to have falsely accused another as a means of harassment, intimidation or bullying shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.

- E. The chief school administrator shall develop appropriate procedures addressing:
1. A mechanism for reporting acts of harassment, intimidation or bullying, including a means of anonymous reporting;
  2. The prompt investigation of reports of such acts, identifying either the chief school administrator or the chief school administrator's designee as the person responsible for the investigation;
  3. The range of ways in which a school will respond once an incident of harassment, intimidation or bullying is identified; and
  4. Consequences, discipline and remedial action for a person who commits an act of harassment, intimidation or bullying, who engages in an act of reprisal or retaliation against a person who reports such action, or who falsely accuses another of bullying as a means of harassment, intimidation or bullying.

The chief school administrator shall take all necessary steps to publicize this policy, and shall inform students and staff that harassment, intimidation or bullying is prohibited when they are within the jurisdiction of the board, including while participating in any school-sponsored function. This information

# Policy

No. 5131

Pupils

## Board of Education Leonía, New Jersey

---

shall also be incorporated into the student handbook, the code of student conduct and employee training programs.

This policy shall also be posted on the District's website and distributed annually to parents and guardians who have children enrolled in the District.

### F. Students With Disabilities

Classified students are subject to the same disciplinary procedures as non-disabled students and may be disciplined in accordance with their IEP and the procedural safeguards set forth in N.J.A.C. 6A-14. Behavioral Interventions and Supports for students with disabilities shall be determined and provided pursuant to the requirements of N.J.A.C. 6A:14

### V. IMPLEMENTATION:

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

Date Adopted: April 28, 2008

Date Revised:

<b>Legal References:</b> <u>N.J.S.A. 2A:4A-60 et al.</u>	Disclosure of juvenile information; penalties for disclosure
<u>N.J.S.A. 2C:12-1</u>	Definition of assault
<u>N.J.S.A. 2C:33-19</u>	Paging devices, possession by students
<u>N.J.S.A. 2C:39-5</u>	Unlawful possession of weapons
<u>N.J.S.A. 18A:6-1</u>	Corporal punishment of pupils
<u>N.J.S.A. 18A:11-1</u>	General mandatory powers and duties
<u>N.J.S.A. 18A:25-2</u>	Authority over pupils
<u>N.J.S.A. 18A:36-19a</u>	Newly enrolled students; records and identification
<u>N.J.S.A. 18A:37-1 et seq.</u>	Discipline of Pupils
<u>See particularly:</u>	
<u>N.J.S.A. 18A:37-15</u>	Substance Abuse
<u>N.J.S.A. 18A:40A-1 et seq.</u>	Powers of board (county vocational schools)
<u>N.J.S.A. 18A:54-20</u>	Discipline/suspension/expulsions
<u>N.J.A.C. 6A:14-2.8</u>	Programs to Support Student Development
<u>N.J.A.C. 6A:16-1.1 et seq.</u>	
<u>See particularly:</u>	
<u>N.J.A.C. 6A:16-1.4, -2.4, -4.1, -5.1, -6.1, -6.2, -7.1</u>	

# Policy

No. 5131

Pupils

**Board of Education**  
Leonora, New Jersey

---

N.J.A.C. 6A:32-12.1 Reporting requirements  
N.J.A.C. 6A:32-12.2 School-level planning

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

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

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

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

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

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

Manual for the Evaluation of Local School Districts

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

## Possible

**Cross References:**

*1220	Ad hoc advisory committees
*1410	Local units
3517	Security
*3541.33	Transportation safety
*4131/ 4131.1	Staff development; inservice education/visitation conferences
4148	Employee protection
*4231/	Staff development; inservice education/visitation conferences
4248	Employee protection
5000	Concepts and roles in pupil personnel
5010	Personal goals and objectives for pupils
*5020	Role of parents/guardians
*5113	Absences and excuses
*5114	Suspension and expulsion
*5124	Reporting to parents/guardians
*5127	Commencement activities
*5131.5	Vandalism/violence
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5131.7	Weapons and dangerous instruments

# Policy

No. 5131

Pupils

**Board of Education**  
Leonia, New Jersey

---

5132	Dress and grooming
5145	Rights
5145.2	Freedom of speech/expression
*5145.4	Equal educational opportunity
*5145.6	Pupil grievance procedure
*5145.11	Questioning and apprehension
*5145.12	Search and seizure
*6145	Extracurricular activities
*6164.4	Child study team
*6171.4	Special education
*6172	Alternative educational programs