

Policy

VANDALISM/VIOLENCE

Vandalism

The board of education views vandalism against school property by pupils as reprehensible. The causes of such misbehavior often are complex, calling for careful study by parents/guardians, school staff and appropriate community officials.

The board believes that pupils should respect property and take pride in the schools of this district. Whenever a pupil has been found to have done willful and malicious damage to property of the board, the principal of the school shall notify the Superintendent. The board will hold the pupil or his/her parents/guardians liable for the damage caused by him/her.

When vandalism is discovered, the administration is directed to take such steps as are necessary to identify the vandals. If pupils have taken part in the vandalism, the appropriate administrator shall:

- A. Identify the pupils involved;
- B. Call together persons, including the parents/guardians, needed to study the causes;
- C. Decide upon disciplinary and/or legal action possibly including suspension. Should parents/guardians fail to cooperate in the discussions, the administration may charge the pupil with being delinquent by a petition stating the offense and requesting appearance in juvenile court;
- D. Take any constructive actions needed to try to guard against further such pupil misbehavior;
- E. Seek appropriate restitution.

Violence

Physical violence including assault with or without a weapon, against another pupil, a staff member or board member is prohibited and will result in the disciplinary sanctions included in policies on suspension and expulsion and conduct/discipline. Disruptive behavior that is characterized by violence, even though not directed toward another person, should be reported by the classroom teacher to the school principal, unless instructed otherwise, so that possible program adjustments may be identified.

Any pupil who is convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm or found knowingly in possession of a firearm or any school property or on a school bus or at a school-sponsored function shall be immediately removed from the school's regular education program for a period of not less than one calendar year. The Superintendent may modify this suspension on a case-by-case basis. Each pupil so removed shall be placed in an alternative educational program or on home instruction and shall be entitled to a hearing before the board.

Any school employee observing or having direct knowledge from a participant or victim of an act of violence in the district public school(s) should complete the standard report form and submit it to the school principal who is responsible for preparing the official report to the Superintendent. Staff will report accurately and not falsify

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information.

The board shall provide ongoing staff training, in cooperation with the Department of Education, in fulfilling the reporting requirements pursuant to N.J.S.A. 18A:17-46.

Two times each school year between September 1 and January 1 and between January 1 and June 30, the school board shall hold a public hearing at which the Superintendent reports to the board of education all acts of violence, vandalism, and harassment, intimidation, or bullying (HIB) which occurred during the previous reporting period. The report shall include the number of HIB reports in the schools, the status of all investigations, the nature of the HIB, and other data required by law.

Threats of Violence

The board is committed to promoting healthy relationships and a safe learning environment. Therefore, it shall not tolerate pupil threats of harm to self or others or other threatening behaviors, including threats to damage school property. Threatening behaviors shall not be tolerated on school property or at activities under the jurisdiction of the board of education.

Pupils shall inform a teacher, guidance counselor or principal when he/she is in possession of knowledge of such threats. Staff shall immediately notify the principal of any threat or threatening behavior that he/she has knowledge of, has witnessed or received. All such threats shall be promptly reported to the appropriate law enforcement agency.

Pupils who perpetrate threatening behaviors shall be disciplined in accordance with policy and regulations on suspension and expulsion and conduct/discipline.

Unsafe School Choice Option

The Superintendent shall comply with all requirements of the Unsafe School Choice Option policy adopted by the state board of education for schools in districts that receive funds under the No Child Left Behind Act of 2001. He/she shall keep the board informed of all state requirements and actions taken to implement the policy.

Particularly, if a school in the district is designated as "persistently dangerous" as defined in the policy, corrective action plans shall be prepared and presented to the board for review. The corrective action plans shall be in the format provided by the department of education and shall describe how the schools will reduce the number of incidents of violence as determined by the Electronic Violence and Vandalism Reporting System (EVVRS).

Likewise, if a student while at school or on school grounds becomes a victim of a violent criminal offense as defined by state statute, he/she shall be offered the option of transferring to another safe school within the district.

Parents/guardians shall be informed according to law and policy.

The board shall be provided with access to a copy of the current statewide Unsafe School Choice Option Policy.

School Violence Awareness Week

This school district shall observe School Violence Awareness Week, the week beginning on the third Monday in October of each year. Organized activities focused on the prevention of school violence will be offered to students, employees and board members. Local law enforcement personnel will be invited to participate.

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Violence and Vandalism Reporting

The Superintendent will annually submit a report utilizing the Electronic Violence and Vandalism Reporting system (EVVRS) accurately reporting on each incident of violence, vandalism and alcohol and other drug abuse within the school district. Any allegations of falsification of data will be reviewed by the board of education using the requirements and procedures set forth in N.J.A.C. 6A:16-5.3(g). Board action shall be based on a consideration of the nature of the conduct, the circumstances under which it occurred, and the employee's prior employment record.

Implementation

The Superintendent shall oversee the development of implementing regulations on all aspects of this policy, including the establishment of procedures for cooperation between school staff and law enforcement officials for all situations involving firearms or other deadly weapons.

Date: **Reviewed: September 14, 2011**
 Adopted: September 14, 2011

Legal References: Use legal reference sheet.

Cross References: List your appropriate policies. See legal reference sheet for possibilities.

Key Words

Conduct, Discipline, Pupil Conduct, Student Conduct, Vandalism, Violence

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VANDALISM/VIOLENCE**QSAC Monitored:**

Section 1: Operations
Section 3: Governance

Mandated:

N.J.A.C. 6A:16-5.5(a) requires policies and procedures on student offenses involving firearms.

N.J.A.C. 6A:16-5.6(a) requires policies and procedures regarding student assaults with a weapon.

N.J.A.C. 6A:16-5.7(a) requires policies and procedures regarding student assaults without the use of a weapon.

N.J.A.C. 6A:16-6.1 requires policies and procedures to ensure cooperation between school staff and law enforcement authorities in all matters involving firearms and other weapons.

Other Reasons:

N.J.S.A. 18A:17-46 requires that two times each school year between September 1 and January 1 and between January 1 and June 30, the school board shall hold a public hearing at which the Superintendent reports to the board of education all acts of violence, vandalism, and harassment, intimidation, or bullying (HIB) which occurred during the previous reporting period. The report shall include the number of HIB reports in the schools, the status of all investigations, the nature of the HIB, and other data required by law.

N.J.S.A. 18A:17-46 requires the board to provide ongoing staff training, in cooperation with the Department of Education on violence, vandalism and harassment, intimidation or bullying reporting.

N.J.S.A. 18A:36-5.1 requires school districts to observe "School Violence Awareness Week" on the week beginning with the third Monday in October of each year.

N.J.A.C. 6A:16-5.1 requires plans, procedures and mechanisms for responding to emergencies and crises.

N.J.A.C. 6A:16-5.3(f)1-2 requires that a transcript of the public hearing be kept on file and made available to the public, and that the transcript be filed with the Department of Education by November 1. Not enforceable since underlying statutory requirement has been repealed.

N.J.A.C. 6A:16-5.2(a)4 requires that the district board of education shall hold an annual public hearing on all acts of violence and vandalism and incidents of substance abuse that occurred during the previous school year. This requirement is now outdated, due to the statutory change in N.J.S.A. 18:17-46, to require two hearings per year.

No Child Left Behind requires the state to establish statewide policy requiring that a student who is attending a "persistently dangerous" elementary or secondary school or who becomes a "victim of violent criminal offense" be allowed to attend a "safe" school within the district, including a charter school. The NJDOE is coordinating

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efforts to establish such a policy that would include definitions of pertinent terms.

QSAC monitoring, in the "Operations" section, includes several procedural requirements to ensure accurate reporting of violence and vandalism information, consistent with N.J.S.A. 18A:17-46 and N.J.A.C. 6A:16-5. Procedures for board of education review of allegations of falsification of data are set forth in N.J.A.C. 16A:16-5.3(g). Board action shall be based on a consideration of the nature of the conduct, the circumstances under which it occurred, and the employee's prior employment record.

Recommendation:

A policy directing compliance with legal requirements to report vandalism, violence and drug/alcohol related incidents to the commissioner and reaffirming parent/guardian responsibilities for restitution for damages. Information on exclusion of pupils who have been caught with weapons must be included in this report. The policy should also address "violent" disruptions, and refer to other policies dealing with disruptive behavior.

If the board wants to include specific language addressing threats of violence, it should be included here.

<u>Legal References:</u> <u>N.J.S.A. 2A:4A-60 et al.</u>	Disclosure of juvenile information; penalties for disclosure
<u>N.J.S.A. 2A:53A-15</u>	Liability of parent or guardian for willful destruction of property by infant under 18
<u>N.J.S.A. 2C:39-5</u>	Unlawful possession of weapons
<u>N.J.S.A. 18A:17-46</u>	Act of violence; report by school employee; notice of action taken; annual report,
<u>N.J.S.A. 18A:25-2</u>	Authority over pupils
<u>N.J.S.A. 18A:36-5.1</u>	School violence awareness week
<u>N.J.S.A. 18A:37-1 et seq.</u>	Discipline of Pupils
<u>See particularly:</u>	
<u>N.J.S.A. 18A:37-2, -2.1</u> through -2.5, -3, -7 through -12	
<u>N.J.A.C. 6A:14-2.8</u>	Discipline/suspension/expulsion
<u>N.J.A.C. 6A:16-1.1 et seq.</u>	Programs to Support Student Development
<u>See particularly:</u>	
<u>N.J.A.C. 6A:16-1.4, -5.1,</u> <u>-5.2, -5.3, -5.5, -5.6, -5.7,</u> <u>-6.1</u>	

"H.A." v. Warren Hills Regional School District, 1976 S.L.D. 336

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.

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

Unsafe School Choice Option Policy, New Jersey Department of Education, June 30, 2003

VANDALISM/VIOLENCE (continued)**Possible**

<u>Cross References:</u>	*1120	Board of education meetings
	*3250	Income from fees, fines, charges
	3517	Security
	4131	Staff Development, Inservice Education, Visitations, Conferences
	4148	Employee protection
	4248	Employee protection
	*5114	Suspension and expulsion
	*5119	Transfers
	*5124	Reporting to parents/guardians
	*5131	Conduct/discipline
	5131.4	Campus disturbances
	*5131.6	Drugs, alcohol, tobacco (substance abuse)
	*5131.7	Weapons and dangerous instruments
	*6114	Emergencies and disaster preparedness
	*6172	Alternative educational programs

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