

POLICY

Board of Education

Red Bank Regional

FILE CODE: 5131

CONDUCT/DISCIPLINE

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 pupils.

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

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

The board directs the Chief School Administrator to develop and implement a code of student conduct which establishes standards, policies and procedures for positive student development and student behavioral expectations on school grounds, including on a school bus or at school sponsored functions, and as appropriate, conduct away from school grounds. The board shall direct development of detailed regulations suited to the age level of the pupils and the physical facilities of the individual schools. Board policy requires each pupil of this district to adhere to the rules and regulations established by the administration and to submit to such disciplinary measures as are appropriately assigned for infraction of those rules. The Chief School Administrator shall provide to pupils and their parents/guardians the rules of this district regarding pupil 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 the standards, policies and procedures to implement this policy, the Chief School Administrator shall ensure that the code of student conduct:

- A. Is based on parent, student and community involvement which represents, where possible, the composition of the schools and community;

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- B. Is based on locally determined and accepted core ethical values;
- C. Is board approved.

The Chief School Administrator shall develop regulations that:

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

The board will annually review and update the code of student conduct and this process shall include:

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

The Chief School Administrator shall annually:

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

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

A pupil 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 pupil who commits an assault (as defined by N.J.S.A. 2C:12-1) upon a board member, teacher, administrator or other employee of the board of education shall be suspended from school immediately according to procedural due process, and suspension or expulsion proceedings shall begin no later than 30 calendar days from the date of the pupil's suspension.

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Substance Abuse

In accordance with statute and code, penalties shall be assigned for use, possession and distribution of proscribed substances and drug paraphernalia. The penalties shall be graded according to the severity of the offense. Infractions shall be reported to the local law enforcement agency in accordance with the district's memorandum of agreement. Confidentiality shall be protected in accordance with federal and state law.

Weapons Offenses

Any 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 on 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 Chief School Administrator 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. The hearing shall take place no later than 30 days following the day the pupil 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 at the end of the year whether the student is prepared to return to the regular education program, in accordance with procedures established by the Commissioner of Education.

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

Harassment, Intimidation or Bullying

The board of education expects pupils 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 a pupil's ability to learn and a school's ability to educate its pupils in a safe environment.

The board prohibits acts of harassment, intimidation or bullying against any pupil.

Definition:

"Harassment, intimidation or bullying" is defined as any gesture, any written, verbal or physical act, or any electronic communication that is reasonably

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perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin or ethnicity, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function or on a school bus and that:

A reasonable person should know, under the circumstances, will have the effect of harming a pupil or damaging the pupil's property, or placing a pupil in reasonable fear of harm to his/her person or damage to his/her property; or

Has the effect of insulting or demeaning any pupil or group of pupils in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school. Acts of harassment, intimidation or bullying may also be a pupil exercising power and control over another pupil, in either isolated incidents (e.g., intimidation, harassment) or patterns of harassing or intimidating behavior.

“Electronic communication” means a communication that is transmitted by means of an electronic device, including, but not limited to a telephone, cellular phone, computer, or pager. (removed at school or school sponsored line)

Expected Behavior:

Any school employee, pupil or volunteer who has witnessed, or has reliable information that a pupil has been subject to harassment, intimidation or bullying, must report the incident to the appropriate school official designated by the administration. The board shall not tolerate an act of reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying.

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

The Board believes that standards for pupil behavior must be set cooperatively through interaction among the pupils, parent(s) or legal guardian(s), staff and community members, producing an atmosphere that encourages pupils 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 pupils, staff, and community members.

The Board believes the best discipline is self-imposed, and it is the responsibility of the district staff to use disciplinary situations as opportunities to help pupils learn to assume and accept responsibility for their behavior and the consequences

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of their behavior. Staff members who interact with pupils shall apply the best practices designed to prevent discipline problems and encourage pupils' abilities to develop self-discipline.

General guidelines for pupil conduct will be developed in conjunction with school staff. These guidelines will be developed based on accepted core ethical values from broad community involvement with input from parent(s) or legal guardian(s) and other community representatives, school employees, volunteers, pupils and administrators. These guidelines for pupil conduct will be suited to the age level of the pupils and the mission of the District. This policy requires all pupils to adhere to these rules and guidelines and to submit to such disciplinary measures as are appropriately assigned for infraction of these rules and guidelines.

The District prohibits active and passive support for harassment, intimidation or bullying. Pupils are encouraged to support other pupils who walk away from these acts when they see them, constructively attempt to stop them, and report these acts to the building Principal or his/her designee.

Pupils are required to conform to reasonable standards of socially acceptable behavior; respect the person, property and rights of others; obey constituted authority; and respond to District teaching, support, and administrative staff.

The school will provide annually to pupils and their parent(s) or legal guardian(s) the rules of the District regarding pupil conduct, pupil's due process and other rights. This policy will appear in all publications of the District's comprehensive rules, procedures and standards of conduct including pupil handbooks. Provisions will be made for informing parent(s) or legal guardian(s) whose primary language is other than English.

Reporting Procedure:

Complaints alleging violations of this policy shall be reported to the Principal or his/her designee. All school employees are required to report alleged violations of this policy to the Principal or his/her designee. All other members of the school community, including pupils, parent(s) or legal guardian(s), volunteers and visitors are encouraged to report any act that may be a violation of this policy. While submission of an Incident Report Form to the Principal or his/her designee is not required, the reporting party is encouraged to use the incident report form available from the Assistant Principal's Office. Oral reports will also be considered official reports. Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

The Principal or his/her designee will notify the district's Affirmative Action Officer of the report, who is required to comply with all regulations as outlined in this policy as well as N.J.A.C. 6:4-1.1 et seq. In the event the Affirmative Action

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Officer believes an affirmative action plan violation may be present, the Affirmative Action Officer may conduct an investigation and /or provide positive behavioral interventions for students involved in any incidents.

Investigation:

The following factors will be considered in determining the appropriate response to pupils who commit one or more acts of harassment, intimidation or bullying:

1. The development and maturity levels of the parties involved.
2. The levels of harm.
3. The surrounding circumstances.
4. The nature of the behavior(s).
5. Past incidences or continuing patterns of behavior.
6. The relationship between the parties involved.
7. 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.

An appropriate consequence will be determined after meaningful consideration of these factors. Consequences and appropriate remedial action for pupils who commit acts of harassment, intimidation or bullying may range from positive behavioral interventions up to and including suspension or expulsion. The appropriate consequence will be consistent with case law, Federal and State statutes (N.J.A.C. 6A:16-7, Student Conduct), and District/school policies and regulations.

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 and bullying.

Response to an Incident of Harassment, Intimidation or Bullying:

The Principal or his/her designee is responsible for determining whether an alleged act constitutes a violation of this policy. The Principal or his/her designee shall conduct a prompt, thorough and complete investigation of the alleged incident. The Principal or his/her designee will maintain a record of each investigation regarding allegations of harassment, intimidation and bullying.

Some acts of harassment, intimidation or bullying may be isolated incidents requiring the school to respond appropriately to the individual(s) committing the acts. Other acts may be so serious or part of a larger pattern of harassment intimidation or bullying that require a response either at the classroom or building level by law enforcement officials.

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Consequences and appropriate remedial actions for pupils who commit an act 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.

In considering whether a response beyond the individual level is appropriate, the administrator will consider the nature and circumstances of the act, the level of harm, the nature of the behavior, past incidences, past or continuing pattern of behavior, and the context in which the alleged incident(s) occurred. The District's responses can range from school and community surveys, to mailings, to focus groups, to adoption of research-based bullying prevention program models, to training for certificated and non-certificated staff. The District's responses may include participation of parent(s) or legal guardian(s) and other community members and organizations, to small or large group presentations for fully addressing the actions and the school district's response to the actions in the context of acceptable student behavior or the consequences of such actions and involvement (as agreed upon under N.J.A.C. 6A: 16-6, 2 (b) 13) and the Affirmative Action Officer.

Disabled

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

- A. The pupil's behavior is not primarily caused by his/her educational disability;
- B. The program that is being provided meets the pupil's needs.

Staff shall comply with state and federal law and the regulations of the New Jersey administrative code in dealing with discipline and/or suspension of all pupils with disabilities.

Reprisal or Retaliation Prohibited:

The District prohibits reprisal or retaliation against any person 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 Principal or his/her designee after consideration of the nature and circumstances of the act, in accordance with case law, Federal and State statutes and regulations and District policies and procedures.

Consequences for False Accusation:

Consequences and appropriate remedial action for a pupil 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 and procedures.

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 Principal or his/her designee, after considerations of the nature of the circumstances of the act, including reports to appropriate law enforcement officials.

Dissemination and Implementation

The Chief School Administrator shall take all necessary steps to publicize this policy, and shall inform pupils and staff that harassment, intimidation or bullying is prohibited on school property, school bus or any school-sponsored function. This information shall also be incorporated into the student handbook and employee training programs.

The Chief School Administrator shall develop a process to discuss the District's policy on harassment, intimidation and bullying with pupils on an annual basis.

This policy shall be posted on the district website and parents/guardians and students notified that the policy is available on the district website.

The Chief School Administrator shall ensure that the rules for this policy are applied consistently and uniformly, and that all disciplinary sanctions are carried out with necessary due process. The board shall review all related policies on a regular basis.

Key Words: Conduct, Discipline, Pupil Conduct, Student Conduct, Weapons, Vandalism

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