

WINFIELD TOWNSHIP SCHOOL  
7-1/2 GULFSTREAM AVENUE  
WINFIELD, NEW JERSEY 07036

POLICY

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;

- 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 a 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.

## 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 expects all pupils to treat each other with civility and respect and not to engage in behavior that is disruptive or violent. This type of behavior interferes with a pupil's ability to learn and a school's ability to educate its pupils in a safe environment. Therefore, the school district will not tolerate acts of harassment, intimidation or bullying.

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

“Harassment, intimidation or bullying” is defined as any gesture, any 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, gender, disability, sexual orientation, gender identity or expression, national origin or ethnicity, a mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on school grounds, at any school-sponsored function or on a school bus and that:

- A. 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
- B. 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.

“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, that takes place on school grounds, at any school-sponsored function or on a school bus.

#### Consequences of Acts of Harassment, Intimidation or Bullying

The consequences for pupils who commit acts of harassment, intimidation or bullying shall be varied and graded according to:

- A. Nature of the behavior;
- B. Developmental age of student;
- C. Student’s history of problem behaviors and performance;
- D. Consistent with provisions of N.J.A.C. 6A:16-7.

Classified pupils are subject to the same disciplinary procedures as nondisabled 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.

Any staff member that commits the act of harassment, intimidation or bullying shall be subjected to disciplinary charges which could result in either suspension or termination.

#### Remedial Action for Acts of Harassment, Intimidation or Bullying

The district shall take appropriate remedial action for a pupil who commits an act of harassment, intimidation or bullying that considers:

- A. The nature of the behavior;
- B. The developmental age of the student; and
- C. The student's history of problem behaviors and performance and that may include the following:
  - 1. A behavioral assessment or evaluation including, but not limited to, a referral to the child study team, as appropriate; and
  - 2. Supportive interventions and referral services, including those at N.J.A.C. 6A:16-8.

Any staff member that commits the act of harassment, intimidation or bullying shall be subjected to disciplinary charges which could result in either suspension or termination. The district shall also take appropriate remedial action such as but not limited to professional development for the staff member.

#### Reporting Harassment, Intimidation or Bullying

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 building principal or his/her designee.

Reports of harassment, intimidation or bullying in any form, which includes but is not limited to, oral reports, written reports or electronic reports shall be taken. The Board shall allow reports to anonymous, but no formal disciplinary action shall be based solely on an anonymous report.

The Board requires that all violations and complaint reports of harassment, intimidation or bullying be investigated promptly by the building principal or his/her designee. All investigations shall be thorough and complete. The building principal shall maintain all reports and records of the investigation on file.

#### Range of Ways to Respond to Harassment, Intimidation or Bullying

The school district shall respond to incidents of harassment, intimidation or bullying on a case by case basis. The response may include one or all of the following:

- A. Support programs for victims;
- B. Corrective actions for documented systematic problems;

1. Counseling;
2. Suspension;
3. Expulsion.

C. Reporting to law enforcement.

#### Retaliation and Reprisal Prohibited

The Board shall not tolerate any act of retaliation or reprisal against any person who reports an act of harassment, intimidation or bullying. Any student, school employee, volunteer or visitor who engages in the act of retaliation or reprisal or who falsely accuses another shall be subjected to either disciplinary and/or criminal charges. In cases where any State or Federal law has been violated, the local law enforcement agency shall be notified.

#### 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 buses or any school-sponsored function. This shall include development of a process to annually discuss the policy with students. This information shall also be incorporated into the student handbook and employee training programs.

The Board shall annually review the training needs of district staff for the effective implementation of this policy and procedures. The Board shall also implement locally determined staff training programs consistent with this review.

The Board shall annually review the extent and characteristics of harassment, intimidation and bullying behavior in the district's schools, and implement locally determined program, or other responses, if appropriate. These programs or other services shall be planned in consultation with parents, and other community members, including appropriate community-based social and health provider agencies, law enforcement officials, school employees, school volunteers, students, and school administrators, as appropriate.

This policy shall be posted on the district website and parents/guardians and students notified that the policy is available on the district website. This policy shall be distributed to all parents in the September packets.

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.

## **Legal References:**

### **Mandated:**

N.J.S.A. 18A:37-15 requires policy prohibiting harassment, intimidation or bullying on school property, at a school-sponsored function or on a school bus.

P.L. 2007, c.129 requires the mandated school district policy on harassment, intimidation and bullying to be amended to include "electronic communication". It amends N.J.S.A. 18A:37-15 by including electronic communication in the definition of "harassment, intimidation or bullying"

N.J.S.A. 18A:37-15.2 requires that districts make the policy prohibiting harassment, intimidation or bullying available on the district's website, and notify students and parents that the policy is available on the district's website.(P.L. 2007, C. 303)

N.J.S.A. 18A:40A-10 requires policy statement providing for discipline of pupils who are substance abusers.

N.J.S.A. 18A:40A-11 requires policies and procedures for discipline of pupils involved in incidents of possession or abuse of substances on school property or at school functions.

N.J.A.C. 6A:16-1.4(a)10 and 13 through -15 require policies on the removal of students for weapons offenses and assaults, prohibition of remotely activated paging devices, cooperation with law enforcement and substance abuse prevention, intervention and treatment referral.

N.J.A.C. 6A:16-1.4(a)16 requires policies that provide for the development and implementation of a code of student conduct. Required elements of the code are listed at N.J.A.C. 6A:16-7.1

N.J.A.C. 6A:16-4.1 requires policies and procedures for the assessment, evaluation, intervention and referral to treatment and discipline of pupils who possess, consume or on reasonable grounds are suspected of being under the influence of substances defined by law; must include sanctions graded according to severity of offense. Other required components are listed at N.J.A.C. 6A:16-4.1(a)(b)(c).

N.J.A.C. 6A:16-6.1 requires adoption of policies and procedures to ensure cooperation between school staff and law enforcement authorities in all matters pertaining to unlawful possession, distribution and disposition of controlled dangerous substances, drug paraphernalia, alcohol, firearms and other deadly weapons. Required elements of these policies and procedures are included at N.J.A.C. 6A:16-6.2(a)(b).

N.J.A.C. 6A:16-7.1(a-d) requires district boards of to develop and implement a code of student conduct, and sets forth the purposes of the code, the minimum standards to be included in the code, and requires due process procedures and policy for students and their families in accordance with N.J.A.C. 6A:16-7.2 through 7.6.

N.J.A.C. 6A:16-7.6 governs district authority for student conduct away from school grounds.

N.J.A.C. 6A:16-7.9 governs harassment, intimidation, and bullying policy requirements.

### **Other Reasons:**

The weight of court and commissioner decisions, added to the possibly damaging consequences to the district of a lack of clear policy, makes it a critical policy topic for behavior other than substance abuse or weapons possession.

N.J.S.A. 2A:4A-60 allows the principal to request information from law enforcement authorities on a juvenile charged with an offense, including the identity of the juvenile,

the offense charged and the adjudication and disposition of the case. Law enforcement or the prosecuting agency must inform the principal under all circumstances enumerated in the statute. N.J.A.C. 6A:16-1.4(a)19 and N.J.A.C.

6A:16-5.4 requires policy on maintaining confidentiality during these proceedings.

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 a violent criminal offense” be allowed to attend a “safe” school within the district, including a charter school. The SDOE is coordinating efforts to establish such a policy that would include definitions of pertinent terms.

**Legal References:** N.J.S.A. 2A:4A-60 et al. Disclosure of juvenile information; penalties for disclosure  
N.J.S.A. 2C:12-1 Definition of assault  
N.J.S.A. 2C:33-19 Paging devices, possession by students  
N.J.S.A. 2C:39-5 Unlawful possession of weapons  
N.J.S.A. 18A:6-1 Corporal punishment of pupils  
N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:25-2 Authority over pupils  
N.J.S.A. 18A:36-19a Newly enrolled students; records and identification

N.J.S.A. 18A:37-1 et seq. Discipline of Pupils

See particularly:

N.J.S.A. 18A:37-15 Harassment, intimidation, and bullying

N.J.S.A. 18A:40A-1 et seq. Substance Abuse

N.J.S.A. 18A:54-20 Powers of board (county vocational schools)

N.J.A.C. 6A:14-2.8 Discipline/suspension/expulsions

N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student Development

See particularly:

N.J.A.C. 6A:16-1.4,-2.4,  
-4.1, -5.1, -6.1, -6.2, -7.1,

N.J.A.C. 6A:16-7.9 Intimidation, harassment and bullying

N.J.A.C. 6A:32-12.1 Reporting requirements

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

P.L. 2007, c.129, amends N.J.S.A. 18A:37-15 and includes electronic communication in the definition of public school “harassment, intimidation or bullying”

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.

L.W. v. Toms River Regional Schools Board of Education, N.J., No. A-111-05

(Feb. 22, 2007), 2007 N.J. LEXIS 184. The New Jersey Supreme Court ruled that a school district may be held liable under the New Jersey Law Against Discrimination (LAD), N.J.S.A. 10:5-1 to -49, when students harass another student because of his perceived sexual orientation. A district school will be liable for such harassment if it knew or should have known of the harassment but failed to take reasonable remedial actions. The matter was remanded to the Director of the Division of Civil Rights.

Manual for the Evaluation of Local School Districts

A Uniform State Memorandum of Agreement Between Education and Law

Enforcement Officials

### Possible

**Cross References:** \*1220 Ad hoc advisory committees  
\*1410 Local units  
3517 Security  
\*3541.33 Transportation safety  
\*4131/ Staff development; inservice education/visitation conferences  
4131.1  
4148 Employee protection  
\*4231/ Staff development; inservice education/visitation conferences  
4231.1  
4248 Employee protection  
5000 Concepts and roles in 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  
5132 Dress and grooming  
5145 Rights  
5145.2 Freedom of speech/expression  
\*5145.4 Equal educational opportunity  
\*5145.6 Pupil grievance procedure

- \*5145.1 Questioning and apprehension
- \*5145.1 Search and seizure
- \*6145 Extracurricular activities
- \*6164.4 Child study team
- \*6171.4 Special education
- \*6172 Alternative educational programs

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

Key Words

Conduct, Discipline, Pupil Conduct, Student Conduct, Weapons, Vandalism

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