

NEWARK PUBLIC SCHOOLS



Discipline Plan and Policy

Board Approved: February, 2009
Revised October 30, 2009

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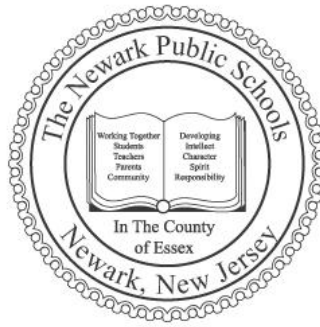
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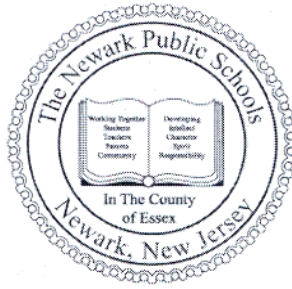
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MESSAGE FROM THE SUPERINTENDENT

We are committed to a Discipline Policy and Plan that creates a safe and orderly school environment to enable students to achieve their fullest potential. After listening to concerns raised by parents and community leaders at several community meetings, it was decided to revisit the Discipline Policy and Plan which had not been re-examined since 2005. The old plan had some irregularities and ambiguities which led to unfair and inconsistent application of the guidelines.

Thus, a new committee was formed with broad based constituents, e.g., parents, teachers, students, administrators, board members, community partners and college liaisons. The three month process in reviewing the original document led to the incorporation of Code of Conduct behavior changes and due process for parents and students. It was also recommended to include positive behavior support intervention strategies rather than a punitive approach to students. We support the need for this recommendation.

In addition, protocols and procedures were clarified and standardized to become more straight forward and cohesive which would result in a more fair and consistent implementation in the schools and throughout the district.

We thank the committee members for their efforts and recommendations in this process. Your inputs were greatly appreciated and look forward to the community's continued participation on the school district's standing committee for discipline.

Sincerely,


Dr. Clifford B. Janey
Superintendent

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Dr. Clifford B. Janey
State District Superintendent

Lucille E. Davy
Commissioner of Education

THE NEWARK PUBLIC SCHOOLS

MISSION STATEMENT

The Newark Public School District's mission is to develop a productive citizen who is distinguished in all aspects of academic endeavors and willing to challenge the status quo in our society. We are committed to ensuring that our policies and practices will prepare our students for a world that is increasingly diverse and knowledge driven. We expect our schools and classroom environments to be emotionally safe and intellectually challenging. We pledge to partner with parents, groups, and organizations that add support to the mission by *Changing Hearts and Minds to Value Education*.

Discipline Policy Goals

The Newark Public Schools is committed to a discipline policy that creates a safe and orderly school environment that will enable students to achieve to their fullest potential.

The Discipline Policy will provide students with greater opportunities to become independent, self-disciplined citizens in the school community and society.

The traditional mission of our public schools has been to prepare our nation's young for equal and responsible citizenship and productive adulthood. Today, we reaffirm that mission remembering that democratic citizenship and productive adulthood begin with standards of conduct and standards for achievement in our schools.

We, therefore, recognize the following goals for learning:

- to maintain safe, orderly and drug free schools;
- to learn and work in schools that have clear discipline codes with fair and consistently enforced consequences for misbehavior;
- to treat each other with courtesy and respect;
- to be able, as students, to meet with guidance counselors, and/or support staff for a behavior intervention plan;
- to be supported by parents, the community, public officials, and business in our efforts to uphold high standards of conduct and achievement.

DISCIPLINE POLICY COMMITTEE MEMBERS - 1996

Co-Chairpersons

Dr. Don Marinaro, Assistant Superintendent, SLT V
Ms. Shirley Grundy, Director, Office of Student Services

<i>Rodrick Alston*</i>	<i>Keaman Lewter</i>
<i>Benjamin Amos</i>	<i>Luis Lopez</i>
<i>Laura Baker</i>	<i>Ernest Macchiarella</i>
<i>Mary Bennett</i>	<i>Charles Manzella*</i>
<i>Hope Blackburn</i>	<i>Iris Martinez-Arroyo</i>
<i>Thomas Brennan</i>	<i>Freda McClean</i>
<i>Faaizah Brodi</i>	<i>Henry McCloud</i>
<i>Dorothea Brownlee</i>	<i>Joyce Moore</i>
<i>Jeffrey L. Brown</i>	<i>Catherine Murphy</i>
<i>Jerry Bruno*</i>	<i>Jim Oliphant*</i>
<i>Michelle Corbo</i>	<i>Benjamin O'Neal</i>
<i>Vincent D'Costanzi</i>	<i>Ted Picknehy</i>
<i>Robin Delauney</i>	<i>Erwin Ponder</i>
<i>Joseph DelGrosso</i>	<i>Linda Pride</i>
<i>Jack Duggan</i>	<i>Leonard Pugliese</i>
<i>Leslie Foster</i>	<i>Davion Richards</i>
<i>Mitchell Gerry</i>	<i>Alberta Sharif</i>
<i>Barbara Hamilton</i>	<i>Denisha Sparks</i>
<i>Cheryl Hawk</i>	<i>Kermit Stokley</i>
<i>Bernice Holmes</i>	<i>Layton Swinney</i>
<i>Kiana Howard</i>	<i>Kenneth Waters</i>
<i>Kevin Jarido</i>	<i>Carolyn Whitley</i>
<i>Dr. Glenda Johnson-Green</i>	<i>June Wigfal</i>
<i>Pat Joyner</i>	<i>Kevin Williams</i>
<i>Stephen Kam</i>	<i>Stephen Wilson</i>
<i>Dorothy Knauer</i>	

• Sub-Committee Chairpersons

ACKNOWLEDGEMENTS

DISCIPLINE POLICY COMMITTEE - 2008-2009

Board Members:

Karim Arnold

Samuel Gonzalez

Chairpersons:

Dr. Don Marinaro

Louisa Wuebbens

Assistant Superintendents

Joanne Bergamotto, School Leadership Team I

Roger Leon, School Leadership Team II

Glenda Johnson-Green, School Leadership Team III

Lydia Silva, School Leadership Team IV

Dr. Don Marinaro, School Leadership Team V

Dr. Kevin West, Office of Special Programs

Special Assistants

Robert A. Cecere, Office of Special Programs

Leonard Kopacz, School Leadership Team II

Robert Negron, School Leadership Team IV

Stacey Robinson, School Leadership III

Central Office Administrators

Peter Altbuch, Supervisor, Office of Special Education

Kathy DiChiara, Executive Assistant, Office of Teaching & Learning

Thomas Dugan, Director, Office of Special Education

Christine Hamlett, Supervisor, Office of Attendance

Angel Juarbe, Executive Assistant, Superintendent's Office

Darrell Major, Truancy Task Force

Deborah Ore, Early Childhood

Sheila Pitts

Elyse Henderson

Dr. Vincent Mays, Director, Office of Alternative Education

Dr. Josephine McDowell, Executive Assistant, Office of Educational Services

Marilyn Mitchell, Supervisor, Office of Special Education

Harvey Ritter, Supervisor, Office of Special Education

Clare Shade, Supervisor, Office of Safe & Drug Free School

Anthony D. White, Supervisor, Office of Community Relations

Ann Wilson, Supervisor, Office of Gifted & Talented

Louisa Wuebbens, Executive Assistant, Office of Educational Services

Arsen Zartarian, Interim Counsel, Office of Legal

DISCIPLINE POLICY COMMITTEE - 2008-2009 (Cont'd.)

School Based Administrators

Principals/Vice Principals

Alejandro Echevarria, Principal, Broadway School
Sylvia Esteves, Principal, Luis Munoz Marin Middle School
Walter Genuario, Vice Principal, Mount Vernon School and C.A.S.A. Representative
Renee Johnson, Vice Principal, West Side High School
Brenda Lee, Vice Principal, Vailsburg Middle School
Carlos Ramirez, Vice Principal, Barringer 9th Grade Academy
Beverly Roberts, Vice Principal, Thirteenth Avenue School
Kimberly White, Principal, Dr. William Horton School
Lorraine White, Department Chairperson, Weequahic High School
Phillip Hamilton, CASA, Department Chairperson, Barringer High School

Teachers/Coordinators

Joseph Amabile, NTU Representative
Vera P. Allen, Resource Teacher Coordinator, School Leadership Team II
Nick Columbo, Resource Teacher Coordinator, Office of Special Education
Larry Davis, Teacher, Camden Middle School
Mitchell Gerry, NTU Representative
David Wintman, Teacher, Luis Munoz Marin Middle School
Jacqueline Hinskou, Teacher, Office of Alternative Education
Darrell Major, Management Specialist, Truancy Task Force
Maurice Sean Lovell, Social Worker II, Central High School
Elyse Sherman, Guidance Counselor, South Street School
Deborah Smith-Gregory, Resource Teacher Coordinator, School Leadership Team II

Partners/College/Community Agencies

Pamela Westbrook
Richard Cammarieri, Former NPS Advisory Board Member
Mitchell Gerry, Vice President, Newark Teachers Union
Phillip Hamilton, C.A.S.A. Representative
Myra Jacobs, International Youth Organization
Shirley Johnson, Coordinator, SPAN
Lucious Jones, Program Executive, United Community Partners
Junius Williams Ali, Director, Abbott Leadership Institute
Ida Spates, Community Representative
Cynthia Mosley, Parent Advocacy & PASA

Parent Coordinators/Parent Liaisons

Margaret Barnes, Hawthorne Avenue School
Lyndon Brown, Thirteenth Avenue School
Carol Cook, Eighteenth Avenue School
Beverly Evans, Parent Coordinator, School Leadership Team III
Elaine Lee, Chancellor Avenue School
Elaine Nieves, Parent Coordinator, School Leadership Team I
Daisy Underwood, Fifteenth Avenue School
Cynthia Young, Camden Middle School
Nedein Haper, Camden Street, Special Education Resource Parent
Tonya Fields, George Washington Carver SERP
Barry Fields, SERP

DISCIPLINE POLICY COMMITTEE - 2008-2009 (Cont'd.)

Parents/PTA President

Laura Bakers, Parent
Jacqueline Bostic-Calder, Parent, Arts High School
Denise Crawford, Parent, Science High School
Cheryl Davis, Parent, Belmont Runyon
Khalraah Davis, Alumni, West Side High School
Barry Fields, Special Education Resource Parent
Tonya Fields, Special Education Resource Parent
Cynthia Frazier, Parent Chancellor Avenue
Stevonne Henry, Parent
Wilhelmina Holder, President, Secondary Parent Council
Harriet Simon Jacobs, Central High School
Donna Jackson, Parent, West Side High School/Lincoln
Paulette Jones, President, Parent Executive Leaders, Belmont Runyon
Geraldine Moore-Neil, Parent
Carrie Munn, Parent, Chancellor Avenue School & Weequahic High School
Curtis Neal, Parent, Camden Middle School
Sheryl Nelson, President, Special Education Advisory Parent Council
Brenda Roberts, Grandparent, Peshine Avenue School
Ana Rodriguez, Committee Member, Wilson Avenue
Sharon Smith, Parent, Belmont Runyon & American History High School
Dadisi Sanyika, Parent
Ida Spates, Committee Member
Yvonne Stephens, Parent
Ethel Wadood, Parent/Grandparent, Eighteenth Avenue School
Cathy Wells, Parent, Hawthorne Avenue
Karimah Williams, Parent
Lakeesha Williams, West Side High School
Marilyn Williams, Malcolm X Shabazz High School
Sharifah Williams, Parent, Hawthorne Avenue
Elaine Lee, Parent, Chancellor Avenue

Students

Khairaah Davis, Advisory Board Member, West Side High
Alonso Hamlett
Donald Jackson, Malcolm X Shabazz
Keana Johnson, Weequahic High School
Christopher Watson, West Side High School

INTRODUCTION

The primary objective of the Newark Public Schools is to develop each student's potential for learning and to foster positive interpersonal relationships. If this is to be accomplished, it is necessary that the school environment be free of disruptions which interfere with teaching and learning activities.

The Discipline Policy/Plan for the Newark Public Schools serves as a Code of Conduct and a guide for schools to develop preventive measures to promote positive, responsible behavior through school-based planning and staff development at all levels.

As a Code of Conduct, the plan provides a clear delineation of infractions categorized by levels of severity. Each level of infraction is accompanied by disciplinary measures which may be taken based on school law and the good judgment of the school community dedicated to providing a safe, orderly learning environment. This dedication extends beyond the immediate environment of the school. This document provides measures to ensure appropriate student behavior as well as a definition of the collaboration between school and law enforcement.

The discipline policy requires that each school convene a Discipline Committee of parents and staff to develop a school discipline plan for each school which implements the provisions of the district plan. Each school discipline committee shall establish:

1. a plan of discipline for each classroom with positive, preventive disciplinary measures inclusive of Positive Behavior Supports;
2. intervention and referral service guidelines to address the needs of individual student's behavioral and social adjustment as well as academic progress with emphasis on specific strategies for appropriate adjustment;
3. staff development at the school and classroom level on measures to promote positive, responsible behavior such as conflict resolution, peer mediation, effective classroom management, and an effective behavior adjustment program;
4. measures for parent training on discipline and dissemination of the Student/Parent Handbook on Student Discipline.

The district committee shall be a standing committee to design staff development for schools to carry out those mandates and initiatives, to collaborate with the offices of guidance, security services, attendance and health and physical education, and to report to the district superintendent on the progress of school level implementation.

CHAPTER I

STAFF DEVELOPMENT

The goal of staff development is to develop and identify training needs of all stakeholders relative to the understanding and implementation of the discipline policy. The stakeholders include: students, parents, professional staff, non-professional staff, and community agencies.

The objectives of the training are:

- to provide knowledge of the general policy as well as specific components such as the policy on harassment and bullying and use of cell phones;
- to plan methods and resources for effective implementation;
- to promote uniformity and consistency across the district in reference to the implementation of the discipline policy;
- to establish protocols and procedures for conducting investigations.

The needs in the area of discipline were determined by a survey of all schools. The results of the survey indicated that the staff development needs were in the areas of behavior management, discipline and the process of teaching disruptive students and crisis intervention.

Each school will develop its own staff development plan and a training schedule. The plan should be included in each school's school wide staff development plan. Initial training will begin in September and should be on-going. Parent workshops will be a part of the training.

Staff development should be implemented at the beginning of the school year when teachers return; staff development for all staff should be conducted by a core team of trainers in each school. Building administrators will also be trained. Each school will be required to complete a Verification of Staff Development form to be submitted to the Regional Superintendent to document the implementation of staff development. At a minimum, each school is required to report on training on the Discipline Plan and Policy, the Policy on Harassment, Intimidation and Bullying and on Use of Cell Phones. This mandatory Orientation Day will occur for all entering ninth grade students and their parents. Orientation Day will be held one day prior to the opening of school with two sessions (day and evening).

All training will be on going for both professional and non-professional staff. There should be a minimum of two staff development training sessions per school year.

Parents and students will receive copies of the Student/Parent Handbook on Student Discipline and discuss the contents and how it will be implemented.

Parents and students shall sign a Memorandum of Understanding to indicate acceptance of the policy. Returning students will receive orientation to the policy the first week of school. The orientation in each school will be conducted by school administrators, guidance staff, as well as support staff. Parent liaisons may assist with this process. Students and parents entering during the school year will also receive orientation via Guidance Departments.

CHAPTER II



THE NEWARK PUBLIC SCHOOLS Newark, New Jersey POLICY



FILE CODE: 5131

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CONDUCT/DISCIPLINE*

The Newark Public Schools ("District") 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 District 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 District 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 District has developed and implemented 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. Each pupil of this District shall 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 Superintendent's designee and appropriate school-based personnel 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 Superintendent and the District's Discipline Committee shall ensure that the code of student conduct is: (i) based on parent, student, and community involvement which represents, where possible, the composition of the schools and community; (ii) based on locally determined and accepted core ethical values; and (iii) board approved.

The District has developed 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; and
- B. establish the degree of order necessary to the educational program in which pupils are engaged.

CONDUCT/DISCIPLINE (continued)

The District's Discipline Committee shall meet on multiple occasions during the school year and will annually review and update the Code of Student Conduct, as appropriate. This process shall include:

- A. parent, student, and community involvement which represents, where possible, the composition of the schools and community; and
- 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 Superintendent's designee 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; and
- 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 I & RS Committee for general education interventions, or to the child study team for evaluation or testing.

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

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 not less than one calendar year, subject to modification by the Superintendent's designee on a case by case basis. The principal shall be responsible for the removal of such students and shall immediately report

CONDUCT/DISCIPLINE (continued)

them to the Superintendent. The District shall also notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice. The Superintendent's designee 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 District.

Harassment, Intimidation, or Bullying

The District 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 District 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, 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:

- A. a reasonable person should know, under the circumstances, that the acts 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 property, at any school-sponsored function or on a school bus.

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 District shall not tolerate an act of reprisal or retaliation against any person who reports an act of harassment, intimidation, or bullying.

The Superintendent shall ensure that all schools have developed appropriate procedures addressing:

CONDUCT/DISCIPLINE (continued)

- A. a mechanism for reporting acts of harassment, intimidation, or bullying, including a means of anonymous reporting;
- B. the prompt investigation of reports of such acts, identifying either the principal or the principal's designee as the person responsible for the investigation;
- C. the range of ways in which a school will respond once an incident of harassment, intimidation, or bullying is identified; and
- D. 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 Superintendent's designee 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 or any school-sponsored function. This information shall also be incorporated into the student handbook and employee training programs.

Implementation

The District 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 District shall review all related policies on a regular basis.

Date adopted by the State District Superintendent: February 24, 2009.

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
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:32-12.1 Reporting requirements

CONDUCT/DISCIPLINE (continued)

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) Individuals 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, 189 N.J. 381 (2007)

Manual for the Evaluation of Local School Districts

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

Possible

<u>Cross References:</u>	*1220	<u>Ad hoc</u> advisory committees
	*1410	Local units
	3517	Security
	*3541.33	Transportation safety
	*4131	Staff development; in-service education/visitation conferences
	4148	Employee protection
	*4231	Staff development; in-service 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

CONDUCT/DISCIPLINE (continued)

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

* This policy should be read in conjunction with the district's Discipline Plan and Policy.

CONDUCT/DISCIPLINE REGULATIONS

School Property/School Functions

Purpose:

To establish guidelines for student conduct while on school property, at school functions, or school-related activities that are designed to ensure safe teaching, learning and recreational environments. Confidentiality shall be observed in accordance with federal and state laws.

Responsible Person(s):

Student

Parent

Teacher

Security Staff

All other school staff

Principal

Regional Superintendent

State District Superintendent

Procedures:

1. All staff and students are expected to adhere to the "Student Code of Conduct"
 - A. students exhibiting outlined misbehavior will be subject to the accompanying disciplinary action contained therein;
 - B. the appropriate staff person(s) is/are expected to enforce the disciplinary actions assigned to specific misbehavior.
2. In accordance with New Jersey State Statute and the Administrative Code, penalties shall be assigned for use, possession, and distribution of proscribed or controlled dangerous substances, weapons and/or any other criminal violation of state statute or law. 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 terms and conditions outlined in the district's memorandum of agreement with that agency.

3. The student shall:
 - A. conform to standards of socially acceptable behavior and abide by district policies and all relevant laws regarding, among other things, internet usage, possession of electronic devices, controlled dangerous substances, weapons, and dress code;
 - B. respect the person, property, and rights of others;
 - C. obey authority and respond to those who hold that authority;
 - D. immediately report to any school authority, any threats to his/her person, in order to protect the safety of the student and to rectify the situation;
 - E. review and adhere to the "Student Code of Conduct" which consists of four levels of misbehavior and the accompanying disciplinary actions to be exercised by the district;
 - F. sign the "Memorandum of Understanding" which indicates that he/she reviewed and understands the contents of the "Student Code of Conduct", the Policy on Harassment, Intimidation and Bullying, and Policy on Student Access to Personal Cell Phones.
4. Parents/guardians are responsible for:
 - A. reviewing the "Student Code of Conduct";
 - B. signing annually the "Memorandum of Understanding" which indicates that he/she has reviewed and understands the content of the "Student Code of Conduct", the Policy on Harassment, Intimidation, and Bullying and the Policy on Student Access to Personal Cell Phones;
 - C. attending parent conferences scheduled to discuss the rules of conduct and infractions thereof.
5. The principal must:
 - A. establish the degree of order necessary to conduct the educational program in his/her school building;
 - B. review and distribute to his/her staff, the "Student Code of Conduct", the Student/Parent Handbook with a "Memorandum of Understanding" and the policy/administrative regulation, "Conduct/Discipline - File Code: 5131" each September at the first organizational meeting;
 - C. arrange at the beginning of the school year student assemblies for the same purposes with follow-up activities in student advisory sessions in classrooms;

- D. conduct three times a year informational sessions to inform students about the code of conduct which should be conducted by support staff personnel;
- E. arrange a meeting with the Parent Teacher Association (PTA), Parent Teacher Organization (PTO), Parent/Teacher School Association (PTSA) and School Leadership Council (SLC) in September of every school year to review and distribute the "Student Code of Conduct" and the "Memorandum of Understanding". Workshops for parents will be conducted twice a year by support staff and/or parent liaisons;
- F. establish a discipline subcommittee of the School Leadership Council (SLC) in each school to develop an annual discipline plan inclusive of positive behavior supports and a review of its implementation on a quarterly basis, minimally, by Regional Superintendent;
- G. develop a safety committee and safety plan in conjunction with the Division of Security Services and the school security staff;
- H. in accordance with established procedures, respond immediately to student, teacher and/or staff complaints of physical or verbal threats and/or incidents committed by other students, teachers, district's employees or outside persons;
- I. plan and implement staff development relating to discipline, behavior management, and pupil personnel issues;
- J. upon observing a student who appears to be under the influence of a controlled or dangerous substance, make arrangements for an immediate medical exam for the student.
- K. Disciplining of students:
 - upon disciplining a student, notify parents in writing of the charges and discipline imposed according to procedures established in File Code 5114 and conduct a full investigation including staff statement and student/witness statements within 24 hours of the suspension.
 - issue an incident report to the Regional Superintendent and Central Office. Under no circumstance should a suspension be imposed for an unspecified time period.
 - principals may only suspend a student twice in an academic year, **not to exceed 4 days per suspension.**
 - proposed suspensions greater than 4 days must be referred to the Regional Superintendent in accordance with district policy;

- o Students in grades 6 to 12 suspended in excess of 4 days will be assigned to a Suspension Off-Site Center in accordance with File Code 5114. Locations Grades 6 – 8 at Quitman Street, and Luis Munoz Marin and grades 9-12 at Pathways.

No **Pre-Kindergarten** or **Kindergarten** students shall be suspended without Regional Superintendent Intervention and approval. Students in grades 1, 2, and 3, can only be suspended upon approval of the Regional Superintendent who will make arrangements within the Region for any of their students. On-Site Suspension is a preferable option. Students in grades 4 and 5 may be suspended up to 4 days. For schools with on site suspension programs, these suspensions count towards the total maximum of 8 suspension days per year.

- L. report all reported gang related activities to the Director of Security;
- M. conduct regular I&RS / 504 meetings in accordance with a Request for Assistance (RFA);
- N. upon discovering allegations of student sexual misconduct, child abuse or neglect, notify immediately the Division of Youth and Family Services (DYFS), the police and appropriate school personnel. Issue an incident report to assistant superintendent and central office. In the event of student sexual harassment, allegations must be reported to the district affirmative action officer;
- O. assure that staff prepares the appropriate incident report regarding violence, vandalism and/or substance abuse as required by Code.

6. In addition, the principal may:

- A. refer students who display chronic behavioral and/or academic problems to the I & RS/504 committee for possible interventions or to the child study team for identification as eligible for special education services;
- B. suspend or recommend for expulsion, in accordance with the district's due process procedures, any student whose presence poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process as established in Level 3 or Level 4 of the Discipline Code;
- C. contact police when the welfare and safety of the school is in jeopardy and complete an incident report which is forwarded to the assistant superintendent and central office.

7. The teacher must:

- A. establish the parameters of acceptable behavior necessary to conduct the educational program in his/her classroom and document interventions and pre-suspensions by completing Disciplinary Notification;
- B. review with, and distribute to, his/her students the "Student Code of Conduct" and the Student/Parent Handbook with a "Memorandum of Understanding" each September;

- C. collect the "Memorandum of Understanding", signed by both parent and student, and place it in the student's cumulative record;
 - D. upon discovering allegations of student sexual misconduct, child abuse or neglect, notify immediately the Division of Youth and Family Services, the police and appropriate school personnel. In the event of student sexual harassment, allegations must be reported to the district affirmative action officer.
8. The Director of Security is responsible for:
- A. implementing the safety plan to ensure a safe environment in accordance with the procedures outlined in the "Student Code of Conduct";
 - B. responding to incidents/situations that require their assistance within the school environment;
 - C. following the assigned duties of their position as outlined by the Division of Security Services rules and regulations and the principal's directives;
 - D. upon discovering allegations of student sexual misconduct, child abuse or neglect, notify immediately the Division of Youth and Family Services, the police and appropriate school personnel. In the event of student on student sexual harassment, allegations must be reported to the district affirmative action officer.
9. The Regional Superintendent or his/her designee shall:
- A. review and approve all school safety and discipline plans and staff development on a quarterly basis;
 - B. conduct minimally, quarterly reviews of the "Student Code of Conduct" with school site administrators to ensure adherence to the terms and conditions contained therein; documented in Principals' Quarterly Report.
 - C. review all suspensions on a monthly basis and intervention plans developed at suspension hearings.
 - D. conduct suspension hearings for all major disciplinary actions (suspensions in excess of 4 days) no later than 48 hours of the suspension. In the event the parent cannot attend the hearing, the parent shall be notified of the results (unless the parties agree otherwise). Parents shall be given an Appeal Form as part of the suspension package and have the Appeal Form returned within 20 school days from the suspension date;
10. The Office of the District Superintendent or designee shall:
- A. hold expulsion hearings in accordance with procedures established in Suspension and Expulsion / Pupil Due Process File Code 5114;

- B. ensure that all student and parent rights are upheld, including delivery of proper notice of charges and student rights.
 - C. collect all documentation for principal presentations to staff, students and parents regarding Discipline Plan and Policy.
11. Pupils with educational disabilities are subject to the same district disciplinary policies and procedures as non-disabled pupils, unless the pupil's Individualized Education Program includes exemptions to those policies or procedures.
- A. when disciplining a classified student, the principal shall ensure that the child study team is notified of the disciplinary action immediately.

Special Education Suspensions:

Removal For More Than 10 Consecutive Days

- B. If a special education student is removed (suspended) for more than (10) consecutive days, an automatic change of placement occurs.
Once the change of placement occurs, a Manifestation Determination (MD) meeting will be conducted. If the behavior is a manifestation of his disability, the principal cannot suspend and the CST will review the Behavior Improvement Plan (BIP) and/or conduct a Functional Behavioral Assessment (FBA). A change of program may occur at the IEP meeting.
If the behavior is not a manifestation of the disability, services must continue and review of Behavior Improvement Plan (BIP) and/or conduct a Functional Behavioral Assessment (FBA), if appropriate.

Removal for More Than (10) Cumulative Days

- C. If a **special education student** is suspended for **more than 10 cumulative days**, the administrator and case manager shall consult to determine if these removals constitute a change of placement. A change in placement occurs: if the student is subjected to a series of removals that constitute a pattern because they accumulate to more than 10 school days in a year, and because the behavior is substantially similar to behavior in previous incidents, and consideration of the following factors: length of each removal; total amount of time student is removed; the proximity of the removals to one another should be considered.
 - If a change of placement occurs, the IEP team will conduct a Manifestation Determination Meeting and determine if the behavior is manifestation of the disability.
 - If the behavior is a manifestation of the disability, the student cannot be suspended. The IEP team must review the Behavior Intervention Plan (BIP) and/or conduct a Functional Behavioral Assessment. The IEP team may change the program at the IEP meeting.
 - If the behavior is **not** a manifestation of the disability, the administrator may suspend the student and educational services must be provided. A review of BIP and/or a FBA, if appropriate should be conducted.

- If it is not a change in placement, the student may be suspended. The school official, in consultation with the student's education teacher and case manager, shall determine the extent of the student's level of services.

Removal to a 45 Day Interim Alternative Education Setting (IAES)

- D. Special Education students may be removed to an Interim Alternative Education Setting (IAES) for drugs, weapons, as defined by 18 USC and 930(g)(2) or serious bodily injury to another as defined by 18 USC and 1365 (h)(3). An Administrator Law Judge may remove the student for 45 calendar days when the action of the student is likely to result in injury to self and/or others. For both circumstances a Manifestation Determination (MD) must be conducted. If the behavior **is** a manifestation, the Behavior Improvement Plan (BIP) and/or Functional Behavioral Assessment (FBA) must be reviewed. If behavior **is not** a manifestation, as appropriate, the BIP and/or FBA must be conducted.

SPECIAL EDUCATION
GLOSSARY OF TERMS

Basis of Knowledge_- protections for students not yet eligible for special education. An LEA is deemed to have knowledge that a child is a child with a disability if, before the behavior that precipitated the disciplinary action occurred: 1) the parent expressed concern in writing to administrator or teacher, 2) the parent has requested an evaluation, or 3) a teacher or other school personnel expressed specific concerns regarding patterns of behavior to administrator.

BIP – Behavior Intervention Plan: A plan designed to teach the student a more acceptable behavior in place of inappropriate or problem behavior. The plan will include positive behavioral interventions, strategies and supports.

Change in Placement – A removal from the student’s program for disciplinary reasons that trigger procedural safeguards.

FBA – Functional Behavioral Assessment: A problem-solving process that relies on a variety of techniques & strategies to identify the purposes of specific problem behavior & helps IEP teams to select interventions to address problem behavior

Formal Hearing – [N.J.A.C. 6A:16-7.3(a) 10] – Determines the facts and is conducted by the district board of education within 30 days of the decision to remove a student for more than **10 consecutive** school days. Results of this hearing may be appealed to the Commissioner of Education.

IAES - Interim Alternative Education Setting: Must be selected so as to enable the child to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the IEP and to address behavior (for why the child is being removed) that are designed to prevent the behavior from recurring.

Informal Hearing - [N.J.A.C. 6A:16-7.2(a) 2 and 7.3(a) 2] provides an opportunity for a student to present his/her version of events to the school administrator before the student may be suspended.

MD – Manifestation Determination: Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the LEA, relevant IEP team members and parent shall review all relevant information in the student’s file, including the IEP, any teacher observations and any relevant information provided by the parents to determine if conduct was 1) caused by, or was in direct and substantial relationship to, the child’s disability, or 2) a direct result of the LEA’s failure to implement the IEP.

GUIDE TO STUDENT MISCONDUCT AND DISCIPLINARY RESPONSE STRUCTURE

LEVELS	EXAMPLES	PROCEDURES	DISCIPLINARY OPTIONS/RESPONSES
I. Misbehavior on the part of the student which impedes orderly classroom procedures or interferes with the orderly operation of the school. This misbehavior can usually be handled by an individual staff member but sometimes requires the intervention of other school support personnel.	• Disruptive behavior • Unexcused tardiness/class cutting/absence • Failure to wear identification badge when provided • Cheating • Failure to complete assignments • Failure to follow instructions • Wearing hats or other apparel disruptive to the educational process or other Dress Code Violations.	There is immediate intervention by the staff member who is supervising the student or who observes the misbehavior. Misbehavior requires a teacher to contact parent; conference with the counselor and/or administrator. All student misbehavior and parent contacts must be documented. Parent must be notified if a student is kept for detention and no student in grades K-5 may be kept beyond 3:15 p.m. (If parent not contacted that day, the detention may be lunch time or the next day) A proper and accurate record of the offenses and disciplinary action is maintained by the staff member.	1. Verbal reprimand a. teacher b. administrator 2. Contact parent 3. Peer mediation 4. Conference 5. Withdrawal of privileges 6. Detention 7. Behavioral contract 8. Behavioral Improvement Program 9. Refer to and follow attendance and truancy policies.

GUIDE TO STUDENT MISCONDUCT AND DISCIPLINARY RESPONSE STRUCTURE

LEVELS	EXAMPLES	PROCEDURES	DISCIPLINARY OPTIONS/RESPONSES
II. Misbehavior whose frequency or seriousness tends to disrupt the learning climate of the school. These infractions, which usually result from the continuation of Level I misbehavior, require the intervention of personnel on the administrative level because the execution of Level I disciplinary options has failed to correct the situation. Also included in this level is misbehavior which does not represent a direct threat to the health and safety of others but whose educational consequences are serious enough to require corrective action on the part of administrative personnel.	- Continuation of unmodified Level I misbehavior - Improper public display of affection - Defamation - Indecent exposure - Insubordination - Leaving school without permission - Defying (disobeying the authority of school [personnel]) - Disruptive behavior on the school bus/public transportation - Interfering with school authorities and programs through walk-outs or sit-ins - Profane, obscene, indecent and immoral or seriously offensive language and gestures - Using forged notes or excuses - Scholastic dishonesty - Unauthorized sale or distribution of printed material - Unauthorized use of portable electronic communication devices - Improper urination/defecation - Truancy / absences / lateness	The student is referred to the administrator for appropriate disciplinary action. The administrator meets with the student and/or teacher and effects the most appropriate response. The teacher is informed of the administrator's action. A proper and accurate record of the offense and the disciplinary action is maintained by the administrator. A parental conference is held. Suspension is only an option for the most serious infraction in Level II and only upon approval of the Regional Superintendent.	- Confiscated items will only be returned to parents - Peer mediation - Peer counseling - Counseling - guidance counselor - social worker - psychologist - attendance counselor - Parent/Guardian conference required - Referral to SAC coordinator - Behavioral contract - Probation contract - Request for assistance I&RS committee - Referral to outside agency - Suspension upon the approval of the Regional Superintendent

GUIDE TO STUDENT MISCONDUCT AND DISCIPLINARY RESPONSE STRUCTURE

LEVELS	EXAMPLES	PROCEDURES	DISCIPLINARY OPTIONS/RESPONSES
III. Acts directed against persons or property. These acts can most frequently be handled by the disciplinary mechanism in the school. Corrective measures which the school undertakes, however, depend on the extent of the school's resources for remediating the situation in the best interests of all students.	• Gambling • Graffiti • Fighting • Wearing gang related apparel or accessories which indicates gang membership or affiliation • Contaminating food • Stealing • Threats to others • Harassment, intimidation , and bullying (including cyber bullying) • Continued disruptive behavior • Smoking on school property • Possession of fireworks • Reckless endangerment • Unauthorized possession, use or distribution of medication (parent and student should have medication registered with school nurse and on file) • Trespassing • False alarm • Vandalism/destruction of property-between \$25 and \$500 • Extreme defiance • Gender, racial or ethnic harassment • Sexual harassment	An administrator initiates disciplinary action by investigating the infraction and conferring with staff on the extent of the consequences. An attendance record form (763) to be issued to attendance counselor by teacher. An administrator meets with the student and confers with the parent about the student's misconduct and the resulting disciplinary action. An administrator to notify police when appropriate. A proper and accurate record of offenses and disciplinary actions is maintained by the administrator and staff member. Contact SAC coordinator. There is restitution of damages by the parent or guardian of any minor, to be collected in any court of competent jurisdiction, together with costs of suit.	• Clean graffiti • Restitution for vandalism • Confiscated items will not be returned • Parent guardian conference required • Counseling a. guidance counselor b. social worker c. psychologist d. attendance counselor • Referral to SAC coordinator • Request for assistance I & RS committee member • Suspension • Suspension On-Site • Referrals to outside agencies • Suspension Off-Site • Alternative Programs

GUIDE TO STUDENT MISCONDUCT AND DISCIPLINARY RESPONSE STRUCTURE

LEVELS	EXAMPLES	PROCEDURES	DISCIPLINARY OPTIONS/RESPONSES
IV. Acts which result in violence to another person or property or which pose a direct threat to the safety of others in the school. These acts are often criminal and are so serious that they may require administrative actions which result in the immediate removal of the student from school, the intervention of law enforcement authorities and action by central office administrators.	• Weapons • Pulling fire boxes • Extortion • Physical attack on staff • Possession and/or use of biohazard materials • Bomb threat • Possession, use or distribution of explosives • Theft/possession/sale of stolen property • Possession/use/transfer of dangerous weapons • Assault and battery • Vandalism/destruction of property- above \$500 • Arson • Possession, use, distribution of alcohol, marijuana, prescription drugs, controlled dangerous/illegal substances, imitation Controlled Substances, inhalants, other intoxicants, controlled or drug paraphernalia • Use/furnishing/selling/ possession of unauthorized or illegal substances • Use of a cell phone to facilitate the commission of a crime or to inflict injury or harm to persons or property • Terroristic threats • Alcohol • Sexual assault	The administrator verifies the offense, confers with the staff involved and meets with student. The student is immediately removed from the school environment. Parents are notified. In criminal offenses, school officials contact law enforcement agency and assist in prosecuting offender. A complete and accurate report of the student's infraction is immediately submitted to the Superintendent for action. In an appeal the student is given a full due process hearing before the Superintendent or designee. Any weapon violation by a student results in an immediate suspension by the principal. A student found to have been in violation of the policy would be immediately removed and sent to another site (See Exhibit VII, File Code 5131). A classified student may be suspended for up to ten days while a reevaluation is undertaken to determine the student's most appropriate placement. Refer to the Child Study Team.	• Alternative schools/services • Suspension • Other superintendent actions which result in appropriate placement. • Expulsion • Call DYFS • Suspension On Site • Suspension Off Site • Alternative Education For students 18 years old and over • Alternative school/Evening High School • Other superintendent actions which result in appropriate placement • Suspension Off-Site • Expulsion • Call police

* The list of "Examples" at each level is not intended to be exhaustive. Discipline may apply to other instances of wrongdoing not specifically listed herein.

The Newark Public Schools

School _____

STUDENT CODE OF CONDUCT

Student's Name: _____

Date: _____

<u>Level I Misconduct</u>	<u>Action Taken for Level I Misconduct</u>	<u>Notes</u>
☐ Disruptive behavior ☐ Unexcused tardiness/class cutting/absence ☐ Failure to wear identification badge when provided ☐ Cheating ☐ Failure to complete assignments ☐ Failure to follow instructions ☐ Wearing hats or other apparel disruptive to the educational process or other Dress Code Violations	☐ Verbal reprimand ☐ Contact parent ☐ Peer mediation ☐ Conference ☐ Withdrawal of privileges ☐ Detention ☐ Behavioral contract ☐ Behavioral Improvement Program	Parent must be notified if student is kept for detention. No student K to 5 may be kept beyond 3:15PM
<u>Level II Misconduct</u>	<u>Actions Taken for Level II Misconduct</u>	<u>Notes</u>
☐ Continuation of unmodified Level I Misbehavior ☐ Improper public display of affection ☐ Defamation ☐ Indecent exposure ☐ Insubordination ☐ Leaving school without permission ☐ Defying (disobeying the authority of school personnel) ☐ Disruptive behavior on the school bus/public transportation ☐ Interfering with school authorities and programs through walk-outs or sit-ins ☐ Profane, obscene, indecent and immoral or seriously offensive language and gestures ☐ Using forged notes or excuses ☐ Scholastic dishonesty ☐ Unauthorized sale or distribution of printed material ☐ Unauthorized use of portable electronic communication devices ☐ Improper urination/defecation ☐ Truancy/ absences / lateness	☐ Confiscated items will only be returned to parents ☐ Peer counseling ☐ Peer mediation ☐ Counseling ☐ Parent/guardian conference required ☐ Referral to Student Assistance Coordinator ☐ Behavioral contracts ☐ Probation contracts ☐ Request for assistance I& RS committee member ☐ Referral to outside agency ☐ Suspension upon the approval of the Regional Superintendent	Confiscated items will only be returned to parents.

The Newark Public Schools

_____ School

STUDENT CODE OF CONDUCT

Student's Name: _____

Date: _____

<u>Level III Misconduct</u>	<u>Action Taken for Level III Misconduct</u>	<u>Notes</u>
☐ Gambling ☐ Graffiti ☐ Contaminating food ☐ Fighting ☐ Stealing ☐ Threats to others ☐ Harassment, intimidation and bullying (including cyber bullying) ☐ Continued disruptive behavior ☐ Smoking on school property ☐ Possession of fireworks ☐ Reckless endangerment ☐ Unauthorized possession, use or distribution of medication ☐ Trespassing ☐ False alarm ☐ Vandalism/destruction of property-between \$25 and \$500 ☐ Extreme defiance ☐ Gender, racial or ethnic harassment ☐ Sexual harassment ☐ Wearing gang related apparel or accessories which indicate gang membership of affiliation.	☐ Clean graffiti ☐ Restitution for vandalism ☐ Confiscated items will not be returned ☐ Parent/guardian conference required ☐ Counseling ☐ Referral to Student Assistance Coordinator ☐ Request for assistance I&RS committee member ☐ Referral to outside agencies ☐ Alternative programs/Suspension Off-Site ☐ Suspension On-Site ☐ Suspension Off-Site ☐ Suspension	Confiscated items will only be returned to parents (i.e. beepers, cell phones)

The Newark Public Schools

_____ School

STUDENT CODE OF CONDUCT

Student's Name: _____

Date: _____

<u>Level IV Misconduct</u>	<u>Actions Taken for Level IV Misconduct</u>	<u>Notes</u>
☐ Weapons ☐ Pulling fire boxes ☐ Extortion ☐ Physical attack on staff ☐ Possession and/or use of biohazard materials ☐ Bomb threat ☐ Possession, use or distribution of explosives ☐ Theft/possession/sale of stolen property ☐ Possession/use/transfer of dangerous weapons ☐ Assault and battery ☐ Vandalism/destruction of Property- above \$500 ☐ Arson ☐ Possession, use, distribution of alcohol, marijuana, prescription drugs, controlled dangerous/illegal substances, imitation controlled substances, inhalants, other intoxicants, controlled or drug paraphernalia ☐ Use/furnishing/selling/possession of unauthorized or illegal substance ☐ Use of cellular phone to facilitate the commission of a crime or to inflict injury or harm to persons or property. ☐ Terroristic threats ☐ Alcohol ☐ Sexual assault	For students up to the age of 17 ☐ Suspension on Site ☐ Alternative schools/services ☐ Suspension ☐ Other Superintendent action which results in appropriate placement ☐ Expulsion ☐ Suspension Off-Site For students 18 years old and over ☐ Alternative school/Evening High School ☐ Other Superintendent action which results in appropriate placement ☐ Suspension Off Site ☐ Expulsion	School Officials contact a Law Enforcement Agency and assist in prosecuting the offender. Parents are to be notified immediately. Referral to the Child Study Team. A student found to have been in violation of the policy would immediately enter an alternative program for a period of not less than 20 school days

Accompanies Disciplinary Notifications and Notice of Suspension Forms

Sample Exhibit

The Newark Public Schools

_____ School

MEMORANDUM OF UNDERSTANDING

***This document should not be signed without accompanying "Student Code of Conduct" booklet**

We the undersigned have read and reviewed the "Student Code of Conduct." We understand its content and will adhere to the rules and regulations of the district. My child understands that any threat to his/her person is to be reported immediately to the building principal for his/her safety.

It is my understanding that such reporting will be kept confidential. I also know that I may ask questions and review the "Student Code of Conduct" at a regularly scheduled meeting at my child's school every year.

Student's Signature

School

Homeroom

Parent's/Guardian's Signature

Home Telephone Number

Teacher's Signature

Date

The Newark Public Schools

_____ School

DISCIPLINARY NOTIFICATION

(For infractions prior to suspensions)

Parent: _____ Date: _____

Address: _____ Telephone #: _____

Teacher: _____ Grade: _____ Room #: _____

Re: _____
Student's Name

Dear _____:

Your child has exhibited unacceptable behaviors in the area(s) checked on the attached page (Student Code of Conduct Exhibit II). The following disciplinary actions have been instituted.

Description of Incident

Action Taken (Attach CMCD form, if applicable)

Recommendation for Parent Follow-Up

Administrator's Signature

Teacher's Signature

C: Child Study Team Case Manager (if applicable)
I & RS Committee

GLOSSARY OF TERMS

Assault - refer to NJSA

Behavioral Adjustment Program - An intervention program that has a preventative discipline component and a developmental component that develops a plan to improve students' behavior.

Behavioral Contract - Agreement between students, parents and staff member that specifies behaviors that must be changed and consequences to follow if behavior is not changed. The contract may specify a reward for successful completion.

Cellular Telephone - Any electronic device for two-way communication.

Chronic - Three times per marking period.

Class Cutting - Intentional failure to attend class

Conference - Meeting between student and/or parent/guardian and staff member.

Continued Disruptive Behavior - Behavior that disrupts the educational process despite any intervention process previously taken.

Disruptive Behavior - Any behavior which interferes with the educational process in the classroom/school building.

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 property, at any school-sponsored function or on a school bus.

Expulsion - The exclusion of students from attending their regular school setting and may be put into an alternative site program.

Extreme Defiance - Hostile refusal to comply with a directive or behavior that interrupts the educational program.

Harassment, Intimidation or Bullying - Harassment, intimidation or bullying means any gesture or written, verbal, or physical act that takes places on school property, at any school-sponsored function, or on a school bus or through school-related electronic communication that:

- a. is motivated by an 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; and
- b. a reasonable person should know, under the circumstances, that the act(s) will: (1) have the effect of harming a student or damaging the student's property; (2) place a student in reasonable fear of harm to his/her person or damage to property; or (3) have the effect of insulting or demeaning any student or group of students in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school.

I&RS - Intervention and Referral Service (formerly Pupil Resource Committee)

Peer Counseling - The counseling of students on how to handle problems or situations by other students.

Peer Mediation - Voluntary participation in a structured process where a neutral third party assists disputing parties in identifying and satisfying their interests relative to the dispute.

SAC – Student Assistance Coordinators

Scholastic Dishonesty - includes the following forms of cheating:

- A. copying from another student's test paper; or
- B. using material during a test which is not authorized by the person giving the test; or
- C. collaborating with another student during the test without authority; or
- D. knowingly using, buying, selling, stealing, transporting, or soliciting, in whole or part, the contents of an unadministered test; or
- E. substituting for another student or permitting another student to substitute for one's self to take a test; or
- F. bribing another person to obtain a test that is to be administered; or
- G. securing copies of the test or answers to the test in advance of the test; or
- H. plagiarizing - appropriating another's work and using as one's own for credit without the required citation and attribution
- I. colluding - engaging in fraudulent collaboration with another person in preparing written work for credit.
- J. tampering with, changing, or altering a record or document of a school by any method, including but not limited to computer access or other electronic means.

Sexual Assault - inappropriate physical contact of a sexual nature such as touching, patting, pinching, etc., engaging in physical sexual aggression.

Sexual Harassment - engaging in sexually suggestive comments, innuendoes or propositions;

Superintendent's Suspension - a suspension that is used when a principal believes that a student is so disruptive as to prevent orderly operation of classes or other school activities, present danger of physical injury to other students or school personnel, or that he/she will benefit from an alternative educational experience. The principal shall refer such cases to the appropriate Regional Superintendent, giving a brief summary of the student's behavior.

Suspension - a function of the school principal, is a serious disciplinary sanction which may be taken against the student; withdrawal of a student from his/her regular classes for a given period of time; such action is to be taken only as a last measure after all other disciplinary techniques have been exhausted.

Truancy - Failing to come to school when mandated and leaving school property without permission.

Weapon – Refer to NPS Policy and NJSA.

Withdrawal of Privilege - Possible elimination from school wide activities that are not related to the educational program.



THE NEWARK PUBLIC SCHOOLS

Newark, New Jersey

POLICY



FILE CODE: 5131.7

Exhibit VI
Page 1 of 3

WEAPONS AND DANGEROUS INSTRUMENTS

The Newark Public Schools prohibits the possession and/or use of firearms, other weapons, or instruments that can be used as weapons on school property, on a school bus, at any school function, or while enroute to or from school or any school function.

For the purpose of this policy, “weapon” includes, but is not limited to, those items enumerated in N.J.S.A. 2C:39-1r. The principal shall make the final determination that a particular object is a dangerous instrument in any case where there is a question of its possession or use posing a threat to students, staff or property.

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, on a school bus, or at a school- based function shall be immediately removed from the District’s regular education program pending a hearing before Superintendent’s designee to remove the pupil from the regular education program for a period of not less than one calendar year.

The principal/designee shall be responsible for the removal of such a pupil and shall immediately report the removal to the appropriate Regional Superintendent. The State District Superintendent may modify a pupil’s removal on a case-by-case basis. The principal shall also notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice.

A student found or observed on school property or at a school event in possession of a weapon or dangerous instrument other than a firearm shall be reported to the principal/designee immediately.

The principal shall immediately inform the STATE DISTRICT SUPERINTENDENT and appropriate law enforcement officials with all known information concerning the matter, including the identity of the pupil involved.

Assault by a student with a weapon on a teacher, administrator, board member or other employee of the board is strictly prohibited and shall result in the student’s immediate removal from the general education program for a period not exceeding one calendar year. Subject to a hearing, the student shall be placed in an alternative education program.

The State District Superintendent 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.

Disciplinary action shall be taken against students who possess, handle, transmit, or use firearms, other weapons, or dangerous instruments. Classified students shall be disciplined in accordance with their IEP and in compliance with law and administrative code. As in all disciplinary cases, due process will be provided (see policies 5114 Suspension and expulsion and 5131).

WEAPONS AND DANGEROUS INSTRUMENTS (Continued)

Date Adopted by State District Superintendent: January 25, 2005

***Note:** This policy is to be read and implemented in conjunction with the Newark Public Schools Discipline Plan and Policy.

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:39-1 Definitions
N.J.S.A. 2C:39-5 Unlawful possession of weapons
N.J.S.A. 2C:39-6 Exemptions
N.J.S.A. 18A:6-1 Corporal punishment of pupils
N.J.S.A. 18A:36-19.2 Student locker or other storage facility; inspections; notice to students
N.J.S.A. 18A:37-1 Submission of pupils to authority
N.J.S.A. 18A:37-2 Causes for suspension or expulsion of pupils
N.J.S.A. 18A:37-2.1 through -2.5 Assaults by pupil upon teacher, administrator, board member or employee of board of education; suspension; expulsion proceedings
N.J.S.A. 18A:37-7 Zero Tolerance for Guns Act
N.J.A.C. 6A:14-2.8 Discipline/suspension/expulsion
N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student Development
See particularly:
N.J.A.C. 6A:16-1.3, -1.4,
-5.2, -5.4, -5.5, -5.6, -6.1,
-6.2, -6.3(b), -6.4
P.L. 103-382, Improving America's Schools Act of 1994
Section 1702, Prohibits possession or discharge of a firearm in a school zone,
Pub. L. 101-647
Attorney General's Executive Directive No. 1988-1, Memorandum of Agreement
(revised, amended)
State in Interest of T.L.O., 94 N.J. 331, 346 (1983), rev'd 515 U.S. 646 (1985)
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.
The New Jersey School Search Policy Manual, New Jersey Attorney General
(1998)

WEAPONS AND DANGEROUS INSTRUMENTS (Continued)

A Uniform State Memorandum of Agreement Between Education and Law

Newark Public Schools Discipline Plan and Policy (2003)

Enforcement Officials (1999 Revisions)

Cross References: 5114 Suspension and expulsion
5131 Conduct/discipline
5131.5 Vandalism/violence
5131.6 Drugs, alcohol, tobacco (substance abuse)
5145.11 Questioning and apprehension
5145.12 Search and seizure
6172 Alternative educational programs

Weapons Terminology and Definitions

Firearm - any handgun, rifle, shotgun, machine gun, automatic or semi-automatic rifle, or any gun, device or instrument in the nature of a weapon from which may be fired or ejected any solid projectable ball, slug, pellet, cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances. It shall also include, without limitation, any firearm which is in the nature of an air gun, spring gun or pistol or other weapon of a similar nature in which the propelling force is a spring, elastic ban, carbon dioxide, compressed or other gas or vapor, air or compressed air, or is ignited by compressed air, and ejecting a bullet or missile smaller than three-eighths of an inch in diameter, with sufficient force to injure a person.

Firearm silencer - any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearm to be silent or intended to lessen or muffle the noise of the firing of any gun, revolver, pistol or other fireman.

Gravity knife - any knife which has a blade which is released from the handle or sheath thereof by the force of gravity or the application of centrifugal force.

Switchblade knife - any knife or similar device which has a blade which opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife.

Weapon - anything readily capable of lethal use or of inflicting serious bodily injury. The term includes, but not limited to, all:

1. firearms, even though not loaded or lacking a clip or other component to render them immediately operable;
2. components which can be readily assembled into a weapon;
3. gravity knives, switchblade knives, daggers, dirks, stilettos, box cutters, knockoff knives or other dangerous knives, billies, blackjacks, bludgeons, metal knuckles, sandclubs, slingshots, cesti or similar leather bands studded with metal filings or razor blade imbedded in wood;
4. stun guns; and any weapon or other device which projects, releases, or emits tear gas or any other substance intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispensed in the air.
5. stun gun means any weapon or other device which emits an electrical charge or current intended to temporarily or permanently disable a person.
6. ballistic knife means any weapon or other device capable of lethal use and which can propel a knife blade.
7. imitation firearm means an object or device reasonably capable of being mistaken for a fire arm.
8. destructive device means any device instrument or object designed to explode or produce uncontrolled combustion, including;
 - a. any explosive or incendiary bomb, mine or grenade
 - b. any rocket having a propellant charge of more than four ounces of any missile having an explosive or incendiary charge of more than one-quarter of an ounce;
 - c. any Molotov cocktail or other device consisting of a breakable container containing flammable liquid and having a wick or similar device capable of being ignited.

N.J.S.A. 2C:39-4 NJ POSSESSION OF WEAPONS FOR UNLAWFUL PURPOSES

- a. Firearms** - Any person who has in his possession any firearm with a purpose to use it unlawfully against the person or property of another is guilty of a crime of the second degree.
- b. Explosives** - Any person who has in his possession or carries any explosive substance with a purpose to use it unlawfully against the person or property of another is guilty of a crime of the second degree.
- c. Destructive devices** - Any person who has in his possession any destructive device with a purpose to use it unlawfully against the person or property of another is guilty of a crime of the second degree.
- d. Other weapons** - Any person who has in his possession any weapon, except a firearm, with the purpose to use it unlawfully against the person or property of another is guilty of a crime of the third degree.
- e. Imitation firearms** - Any person who has in his possession an imitation firearm under circumstances that would lead an observer to reasonably believe that it is possessed for an unlawful purpose is guilty of a crime of the fourth degree.

N.J.S.A. 2C:39-5 e. (2)

Any person who knowingly POSSESSES any of the below listed weapons upon any part of the building or ground of any school is guilty of a **CRIME OF THE FOURTH DEGREE**.

**GRAVITY KNIFE
SWITCH BLADE KNIFE
DAGGER
DIRK
STILETTO OR OTHER DANGEROUS KNIFE
BILLIES/BLACKJACKS/BLUDGEONS
METAL KNUCKLES
SANDCLUB
SLINGSHOT
LEATHER BANDS STUDED WITH METAL FILINGS
RAZOR BLADES IMBEDDED IN WOOD
STUN GUN**

Any components which can readily be assembled into a firearm or other weapon/s listed above.

Weapon or other device which project **TEAR GAS** or other substance intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispensed in the air.

Any other weapon under circumstances not manifestly appropriate for such lawful use as it may have, while in or upon any part of the building or grounds of any **SCHOOL**.

FIREARMS OR OTHER WEAPONS IN EDUCATIONAL INSTITUTIONS <u>N.J.S.A. 2c: 39-5e</u> CRIME OF THE THIRD DEGREE
Any person who knowingly has in his POSSESSION any FIREARM in or upon any part of the buildings or grounds of any school.
FIREARMS (loaded or unloaded)
HANDGUN (Pistol OR Revolver) SHOTGUN MACHINE GUN AUTOMATIC OR SEMI-AUTOMATIC RIFLE AIR GUN SPRING GUN COMPRESSED AIR GUN B-B GUN FLAREGUN

ASSAULT DEFINITIONS
N.J.S.A. 2C:12-1

a. Simple assault. (Disorderly Persons Offense)

- (1) Attempts to cause or purposely, knowingly or **RECKLESSLY** causes bodily injury to another; or
- (2) Negligently causes bodily injury to another with a deadly weapon; or
- (3) Attempts by physical **MENACE** to put another in **FEAR** of imminent serious bodily injury

Fight or scuffle entered into by mutual consent is a **PETTY DISORDERLY PERSONS OFFENSE**.

Commits a simple assault as defined in subsection a. (1), (2) or (3) of this section upon any school board member or school administrator, teacher or other employee of a school board while clearly identifiable as being engaged in the performance of his duties or because of his status as a member or employee of a school board is guilty of **AGGRAVATED ASSAULT BODILY INJURY CRIME OF THE 3RD DEGREE** - (no injury is guilty of a **CRIME OF THE 4th DEGREE**.

A person who commits a simple assault is guilty of a **CRIME OF THE FOURTH DEGREE** if the person acted, at least in part, with ill will, hatred or **BIAS** toward, and with a purpose to intimidate, an individual or group of individuals because of **RACE, COLOR, RELIGION, SEXUAL ORIENTATION OR ETHNICITY**.

WEAPONS & DANGEROUS INSTRUMENTS REGULATIONS

Purpose:

To establish a procedure for properly handling and discarding weapons and dangerous instruments on school property.

Responsible Person(s):

Principal

Security Staff

Procedures:

1. Any employee who becomes aware of a student possessing a dangerous instrument or weapon shall immediately report it to the principal; however where the weapon may be safely confiscated, the employee may do so.
2. The principal shall:
 - A. confiscate the weapon when it can be accomplished safely;
 - B. report the incident to the appropriate law enforcement authorities;
 - C. contact the parent/guardian;
 - D. secure the weapon until it can be turned over to the appropriate law enforcement authorities;
 - E. prepare an incident report to be filed in the school's records and forward a copy to the District Superintendent, assistant executive superintendent and the Office of Security Services;
 - F. initiate immediately, and in accordance with the district's Suspension and Expulsion/Pupil Due Process Policy, File Code: 5114, procedures for expelling the identified student offender(s).

NOTE: In the absence of the principal, the vice principal will assume responsibility for the above described procedures.

3. Upon receipt of a written report, the director of the Office of Security Service or his/her designee shall:
 - A. review each incident report involving a weapon:

NOTE: A complete list of weapons may be located in File Code: 5131, "Code of Conduct", "Glossary of Terms Weapons".

- D. assign an investigator to the case in order to insure that:
 - (1) a police complaint number and voucher number is obtained for cases requiring police intervention;
 - (2) an Office of Security Services' voucher and case number is assigned to cases not under the jurisdiction of the police.
4. Upon receipt of the report, the District Superintendent or his/her designee shall consult with the principal regarding possible disciplinary action against the student(s). If disciplinary action is taken, it must be in accordance with the options outlined in the "Conduct/Discipline Policy", File Code: 5131, Exhibit I, "Code of Conduct".

Legal References:

<u>N.J.S.A.</u> 18A:6-1	Corporal Punishment of Pupil
<u>N.J.S.A.</u> 18A:37-2	Causes for Suspension
<u>N.J.S.A.</u> 2C:39-1	Weapons and other dangerous items
<u>N.J.A.C.</u> 6:29-10.4(B)	Reporting pupils or staff members to law enforcement
<u>N.J.A.C.</u> 6:29-10.5(B)	Handling of substance, firearms and other items

Cross Reference:

5131.5	Vandalism/Violence
5131.6	Drug, Alcohol, Tobacco (Substance Abuse)
5131	Conduct/Discipline
5145.12	Search and Seizure
5114	Suspension and Expulsion/Pupil Due Process



CHAPTER III

THE NEWARK PUBLIC SCHOOLS Newark, New Jersey POLICY



FILE CODE: 5114

(Page 1 of 3)

SUSPENSION AND EXPULSION

The Newark School District believes that positive approaches to acceptable behavior are usually more effective. However, in order to ensure that schools operate in an orderly fashion and to teach pupils the consequences of disruptive behavior, it is sometimes necessary to penalize pupils when there is a violation of the District's Discipline Plan and Policy.

Pupils who indulge in disruptive behavior may be suspended or expelled in accordance with law. Further, 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 Newark School District shall be immediately suspended from school consistent with procedural due process pending appropriate disciplinary proceedings.

Any student who commits an offense involving a firearm shall be removed immediately from the general education program for not less than one calendar year pursuant to law. This removal may be modified by the State District Superintendent on a case-by-case basis.

Any student who commits an assault with a weapon other than a firearm on a teacher, administrator, board member or other employee of the District shall be removed from the general education program for a period not to exceed one calendar year.

Behavioral Adjustment Program

As an alternative to home suspension, the administration may make facilities for behavioral adjustment programs available whenever possible. Students are required to occupy themselves with school learning packet during such suspensions. No socializing shall be permitted. Pupils shall be counted as present in school but absent (excused) from individual classes.

The District's Discipline Plan and Policy provides detailed procedures for suspension/expulsion and specifies:

- minimum due process and parent/guardian notification procedures;
- procedures for full due process suspensions of 10 days or more;
- remedies to be utilized prior to suspension/expulsion, where applicable;
- conditions under which pupils are referred to the child study team prior to a recommendations for expulsion;
- suspension/expulsion procedures for classified students;
- conditions under which the District Superintendent will conduct a hearing;

SUSPENSION AND EXPULSION (Continued)

- treatment of absenteeism;
- behavior which may result in suspension and/or expulsion

The Newark School District shall be consistent and uniform in the application of this policy.

Date Adopted by State District Superintendent: January 25, 2005

Note: This policy is to be read and implemented in conjunction with the Newark Public Schools Discipline Plan and Policy.

<u>Legal References:</u>	<u>N.J.S.A. 2C:12-1</u>	Definition of assault
	<u>N.J.S.A. 18A:11-1</u>	General mandatory powers and duties
	<u>N.J.S.A. 18A:37-1 et seq.</u>	Discipline of pupils
	<u>See particularly:</u>	
	<u>N.J.S.A. 18A:37-2.1</u>	
	through -2.5, 18A:37-7	
	through -12	
	<u>N.J.S.A. 18A:40A-1 et seq.</u>	Substance abuse
	<u>See particularly:</u>	
	<u>N.J.S.A. 18A:40A-9, -10,</u>	
	-11, -12	
	<u>N.J.S.A. 18A:54-20</u>	Powers of board (county vocational schools)
	<u>N.J.A.C. 6A:14-2.8</u>	Discipline/suspension/expulsions
	<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:16-1.3, -4.3,</u>	
	-5.1, -5.5, -5.6, -5.7	
	<u>N.J.A.C. 6A:30-1.1 et seq.</u>	Evaluation of the Performance of School Districts

20 U.S.C.A. 1400 et seq. - Section 504 of the Rehabilitation Act of 1973

P.L. 103-382, Improving America's Schools Act of 1994

Goss v. Lopez, 419 U.S. 565, 581 (1975)

Tibbs v. Franklin Township Board of Education, 114 N.J. Super. 287 (App. Div.)
aff'd 59 NJ 506 (1971)

R.R. v. Shore Reg. Board of Education, 109 N.J. Super. 337 (Ch. Div. 1970)

H.A. v. Board of Education Warren Hills Regional, 1976 S.L.D. 336

82: July 28, C.F. v. Board of Education of the Upper Freehold Regional School District

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

SUSPENSION AND EXPULSION (Continued)

Somerset County Educational Services Commission v. North Plainfield Board of Education 1999 S.L.D. September 7

State in re G.S. 330 N.J. Super. 383 (Ch. Div. 2000)

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

Manual for the Evaluation of Local School Districts (September 2002)

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

Newark Public Schools Discipline Plan and Policy (2003)

<u>Cross References:</u>	5113	Absences and excuses
	5124	Reporting to parents/guardians
	5131	Conduct/discipline
	5131.5	Vandalism/violence
	5131.6	Drugs, alcohol, tobacco (substance abuse)
	5131.7	Weapons and dangerous instruments
	6154	Homework/makeup work
	6164.2	Guidance services
	6164.4	Child study team
	6171.4	Special education
	6172	Alternative educational programs
	6173	Home instruction

SUSPENSION AND EXPULSION/PUPIL DUE PROCESS

The Newark Public School District believes that positive approaches to acceptable behavior are usually more effective. However, in order to ensure that schools operate in an orderly fashion and to teach pupils the consequences of disruptive behavior, it is sometimes necessary to penalize pupils when there is a violation of the District's Conduct/ Discipline Regulation (File Code: 5131).

Pupils who engage in disruptive behavior may be suspended or expelled. Further, 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 Newark School District shall be immediately suspended from school consistent with procedural due process pending appropriate disciplinary proceedings.

Examples of conduct warranting suspension or expulsion include but are not limited to:

1. continued and willful disobedience
2. open defiance of authority
3. conduct constituting a continuing danger to other pupils
4. physical assault upon another pupil or staff member
5. attempting to take personal property or money from another pupil by force or fear
6. willful causing, or attempting to cause, substantial damage to school property
7. incitement of misbehavior
8. possession, or consumption of alcoholic beverages or controlled dangerous substances on school premises, or being under the influence thereof

In School Suspension Program for Grades 1-5

As an alternative to home suspension, the administration may recommend an In-school Suspension Program at the student's school.

Suspension Off Site Program for Grades 6-12

If the student attends grades 6 to 12 he/she may be placed in a Suspension Off -Site Program in the District. When appropriate, the administration may recommend the student to either the I&RS/504 Committee or to the Child Study Team. Students are required to complete school-related work on their grade level during such suspensions. Pupils shall be counted as present in school but absent (excused) from individual classes.

SUSPENSION AND EXPULSION/PUPIL DUE PROCESS REGULATIONS

Purpose: To establish procedures for suspension and expulsion.

Responsible Person(s):

Student
Parent/Guardian
Teacher/Staff member
Principal
Regional Superintendent
District Superintendent

Procedures:

Suspension:

1. Any student who violates the Conduct/Discipline Policy shall be disciplined in accordance with the "Disciplinary Options/Responses" outlined in File Code: 5131 "Student Code of Conduct." This discipline may include suspension.
2. Principals have authority to suspend a student twice in an academic year and for a maximum of 4 days per suspension. A student who is suspended shall:
 - A. be removed from his/her class and kept under supervision until the close of the school day or the arrival of his/her parents/guardians;
 - B. attend the parent/guardian conference scheduled by the administrator or appropriate member;
 - C. be given an opportunity to present his/her version of the incident; "Student Witness Statement".
 - D. be required to complete learning packet during the period of his/her suspension;
 - E. upon the student's readmission, failure to complete any makeup assignments will result in a meeting with the parents/guardians.
3. The parent/guardian of a suspended student:
 - A. will be notified in writing (preferably by certified mail posted on the day of suspension) using "Notice of Suspension:"
 - (1) of the child's suspension and length thereof;
 - (2) of the specific reason(s) for the suspension;
 - (3) of a need to attend a conference with a school administrator.

- B. is invited to attend a conference with a school administrator. If the parent/guardian fails to attend the conference, the principal should make every effort to arrange another date for the conference but at no time should the student be denied access back into school after he/she has served the assigned number of days for his/her suspension;
 - C. is responsible for making sure his/her child completes all assigned work while on suspension and he/she must sign off on assignments;
 - D. will, in the case of suspensions in excess of 5 days or expulsions, be notified of all due process rights.
4. The teacher/staff member who observes an infraction which he/she believes may warrant suspension must:
- A. report all violations to appropriate administrator using "Staff Incident Report" (Exhibit IIA);
 - B. provide written documentation of the incident;
 - C. participate in the suspension conference;
 - D. record all suspensions on the cumulative records;
 - E. assign to and collect from each suspended student, his/her homework and class assignments;
 - F. maintain the suspended student on the register and mark him/her absent in the roll book during the period of suspension;
 - G. in the case of a classified student, the child's case manager must be notified immediately of proposed disciplinary action.
5. The principal presiding over a suspension shall:
- A. remove the student from class but keep him/her in school, under supervision, until the close of the school day or the arrival of the student's parent/guardian;
 - B. advise the case manager immediately of any proposed disciplinary action against a classified student;
 - C. provide the appropriate notifications to the parent/guardian of suspension and the reasons;
 - D. gather information regarding the incident resulting in the suspension;
 - E. submit a written report of the incident to his/her Regional Superintendent (see "Suspension Hearing Report," Exhibit III);
 - F. conduct an informal hearing in the case of proposed suspensions under 5 days and institute interventions to address the cause of the suspension and to transition the student successfully upon the student's return;
 - G. prepare and submit to the Regional Superintendent each month, his/her "Suspension Report" which shall include the following:
 - (1) name of each pupil suspended;
 - (2) reason for suspension;
 - (3) date suspended;
 - (4) principal's conference date;
 - (5) case disposition information;
 - (6) date of student's return to class;
 - (7) number of school days suspended.

- H. provide written appeal procedures (Exhibit IV, "Information Sheet for Parents Wishing to Appeal") to each parent/guardian;
 - I. make recommendations for Superintendent's Suspension when appropriate and complete "Superintendent's Suspension Data" Exhibit V;
 - J. refer a disruptive student to the appropriate Regional Superintendent when he/she believes that the student's behavior:
 - (1) prevents orderly operation of classes or other school activities;
 - (2) presents a clear and present danger of physical injury to other students or school personnel; or
 - (3) will benefit from an alternative educational experience.
6. The Regional Superintendent designated as the hearing officer for a proposed suspension of 5 days or more will:
- A. review each suspension;
 - B. hear parent/guardian grievances and suspension appeals;
 - C. review, approve/deny requests for "Superintendent's Suspension";
 - D. schedule and conduct "Superintendent's Suspension" hearing within 48 hours excluding weekends and holidays);
 - E. notify the parent/guardian (preferably by certified letter) of the scheduled hearing ("Notification of Evidentiary Hearing for Superintendent's Suspension" Exhibit VI) and include date, time and place of the hearing, and the following in the communiqué:
 - (1) a full hearing which will afford him/her procedural due process;
 - (2) review the charges against him/her;
 - (3) obtain the name(s) of any adverse witness(es);
 - (4) review any statements and/or affidavits submitted by adverse witnesses;
 - (5) speak in his/her own defense;
 - (6) present witnesses and evidence in his/her own defense;
 - (7) cross-examine adverse witness;
 - (8) be represented by counsel;
 - (9) appeal.
 - F. maintain a record of the hearing;
 - G. notify the parent/guardian via attendance counselor of the results of the suspension hearing;
 - H. recommend alternative interventions or programs;
 - I. report monthly all superintendent suspensions to the State District Superintendent or his/her designee;
 - J. if appropriate, refer the matter to the District Superintendent for consideration of expulsion.
7. The District Superintendent or his/her designee shall:
- A. review all Superintendent Suspensions;
 - B. hear or review student and/or parent/guardian grievances or appeals;
 - C. determine outcome of referrals for potential expulsion.

Expulsion:

1. Any student expelled from a regular school setting may be considered for an alternative site program.
2. Expulsions will only be considered if one or more of the following has occurred:
 - A. The district superintendent with his/her staff has exhausted all means of attempted correction of repeated misconduct;
 - B. The nature of a single act presents such a clear possibility of danger to others that immediate definitive action is indicated.
3. The parent/guardian of a student scheduled for an expulsion hearing will be:
 - A. notified of the charges against the student;
 - B. advised by mail of the student's right to:
 - (1) a full hearing which will afford him/her procedural due process;
 - (2) review the charges against him/her;
 - (3) obtain the name(s) of any adverse witness(es);
 - (4) review any statements and/or affidavits submitted by adverse witnesses;
 - (5) speak in his/her own defense;
 - (6) present witnesses and evidence in his/her own defense;
 - (7) cross-examine adverse witnesses;
 - (8) be represented by counsel;
 - (9) appeal.
4. Prior to scheduling an expulsion hearing, the Regional Superintendent must submit to the District Superintendent or his/her designee:
 - A. all relevant documentation;
 - B. a recommendation to expel.
5. Upon receipt of information from the Regional Superintendent, the District Superintendent or his/or designee will:
 - A. proceed with or deny scheduling of an expulsion hearing;
 - B. schedule an expulsion hearing if the evidence of violation warrants same;
 - C. decide alternative educational programs for students;
 - D. notify or consult with juvenile authorities and law enforcement agencies where appropriate;
 - E. advise the student(s) and parents/guardians of their right to appeal.
6. A classified student may be expelled from certain programs; however, in no event may the District cease in providing educational services to an age- appropriate classified student.

The Newark Public Schools

_____ School

NOTICE OF SUSPENSION

Date: _____

RE: _____

Student's Name

Room # _____ Grade _____

Dear _____:

I regret that it has become necessary to suspend your child from school beginning

_____ until _____ because of the following reasons:

Once the suspension begins, your child will be given a learning packet to complete. It is expected that, during the period of suspension, the student may be kept home under adequate supervision.

It is important that you meet with me on _____ at _____ or at a mutually agreeable time during the period of suspension. Enclosed you will find the procedural Information Appeal Form (Exhibit IVA) for this suspension and a form to use to submit your Appeal (Exhibit IVB).

At the time of the meeting, you will have an opportunity to discuss the relevant facts regarding your child's suspension and plan strategies with us for future positive behavior. These strategies will be contained in an intervention plan which we will mutually construct to ensure your child's academic success and positive behavior.

Sincerely,

Administrator

C: Regional Superintendent
Child Study Team Case Manager (if applicable)
I&RS Team

The Newark Public Schools
Newark, New Jersey

STAFF INCIDENT REPORT

(To be completed by school employee and submitted to Principal)

SCHOOL _____

DATE _____

Date of Incident _____

Time of Incident _____

Reported by _____

Position _____

Reported to _____

Position _____

Names of individuals involved (if any):

Description of incident:

Action taken (if any):

Submitted by _____ Date _____

Principal's Signature

6A:16-5.3 Incident reporting of violence, vandalism and substance abuse

- a) **Any school employee who observes or has direct knowledge from a participant or victim of an act of violence or the possession or distribution of substances, and any school employee who reports a students for being under the influence of alcohol or other drugs, according to the requirements of N.J.S.A.18A:40A-12 and N.J.A.C. 6A:16-4.3, shall file a report describing the incident to the school Principal on a form adopted for such purposes by the district board of education.**

The Newark Public Schools
Newark, New Jersey

STUDENT/WITNESS STATEMENT -OPTIONAL

(To be completed and submitted to Principal) - OPTIONAL

SCHOOL _____

DATE _____

Date of Incident _____

Time of Incident _____

Reported by _____

Position _____

Reported to _____

Position _____

Names of individuals involved (if any):

Description of incident:

Submitted by _____ Date _____

Student Signature

The Newark Public Schools

_____ School

NOTICE OF SUSPENSION HEARING

(To be completed by Principal for Informal Hearing or by Regional Superintendent for Evidentiary Hearing)

Child's Name: _____ Grade: _____ Room#: _____

Address: _____

Name of Parent or Guardian (Relationship): _____

Hearing held on (Date and Time): _____

Present (List names and titles): _____

_____) _____

Incident preceding suspension: _____

Proceedings at hearings: _____

Intervention plan for student: (Explain specific interventions and time lines and persons responsible for monitoring plan: _____

Date: _____ Regional Superintendent's Signature: _____

Cc: Principal
Child Study Team Case Manager (if applicable)
Principal's Monthly Report
Parent/Guardian

Accompanies Disciplinary Notification and Notice of Suspension Forms

**Exhibit IVA
File Code: 5114**

The Newark Public Schools

_____ **School**

INFORMATION SHEET FOR PARENTS WISHING TO APPEAL

1. If, after meeting with the principal, you feel that the suspension of your child is not justified, you may appeal the principal's decision to the Regional Superintendent, who will review the principal's decision and issue a determination upon an examination of the appropriate documentation and conference with any appropriate personnel as needed. The disciplinary action against the pupil will not be "stayed" during the appeal process, but a student's record will be expunged if the principal's decision is overturned as set forth below.
2. If, after meeting with the Regional Superintendent, you feel that the suspension of your child is not justified, you may appeal to the superintendent or designee, who will review the determination of the assistant superintendent in the matter set forth above.
3. After a decision on an appeal is reached, you will be informed in writing of the decision and the reasons therefore.
4. If the superintendent finds that the action of the student did not justify his/her suspension from classes, the student shall be exonerated and any record of disciplinary proceeding shall be expunged from the record.

The Newark Public Schools

PARENT APPEAL FORM

School: _____

Parent/Guardian Name: _____

Address: _____ Zip Code _____

Telephone (s): _____ Home: _____ Work: _____ Cell: _____

A student or guardian may appeal a student suspension within 20 school days of the suspension. The student and guardian must appeal the suspension with the school principal in a requested conference. Upon receipt of the appeal, the principal will notify the Regional Superintendent. If the principal sustains the suspension, the student and/or guardian can appeal the suspension to the Regional Superintendent. The Regional Superintendent or designee will meet with the parent within 48 hours of the receipt of the appeal for a decision.

This appeal form must be fully completed and a copy of the Notice of Suspension form and/or incident reports must be attached. If the form is returned after the deadline or without required documents and/or information, the appeal will not be considered.

Student Name: _____ Date of Birth: _____

School Name: _____ Grade: _____

Suspension Dates: _____ to _____ Days: _____

Suspension Charge: _____

Date of Conference with principal: _____

Nature of Complaint (Describe in your own words the reasons you feel this suspension is not appropriate or the procedure was not followed properly by the school administrator. Please include all names, dates and places of those involved so we can have a complete understanding of your complaint):

[illegible]

The Newark Public Schools

_____ School

SUPERINTENDENT'S SUSPENSION DATA

To be sent to Regional Superintendent on the 1st day of Superintendent's Suspension

Date: _____

Student's Name: _____ Date of Birth: _____

Is student classified, in process of classification, or 504? _____

Name of Parent or Guardian (relationship): _____

Address: _____

Telephone: _____ Grade: _____

Recommended Dates of Superintendent Suspension: _____

1. **Immediate cause of suspension:**
2. **Summary of behavior – (with peers & adults) suspensions and disciplinary history** (see attached):
3. **Attendance data:**
4. **Will parents/guardian require translator?** Yes ____ No ____ Language _____
5. **Names of witness(es)** (attach statements):

Principal's Signature: _____ Date: _____

Attach: Guidance/counseling/pertinent notes and reports
 Copy of principal suspension hearings
 Notes from Office of Special Education re: Manifestation Determination Meeting

The Newark Public Schools

School
(Notification of Evidentiary Hearing for Superintendent's Suspension)
(5 days or more) And Due Process Procedures

Date: _____

Parent's Name _____ Parent's Address _____

Dear _____: Student ID # (as applicable) _____

At the request of _____, Principal of _____ School, and in view of the seriousness of the charge(s) he/she has presented against your (son/daughter) _____, he/she is suspended from school pending a full hearing. Your child will be given the opportunity to make up school work.

The allegations of misbehavior include the following, (state specific reasons with clarity and definiteness): _____

Witness names and the facts to which they will testify: _____

The full suspension hearing is scheduled for:

Date: _____ Time: _____

Place: _____

Telephone #: _____ Contact: _____

It is most important that you attend this hearing and that you bring your (son/daughter) with you. You may, if you wish, have counsel accompany you to this conference. If you choose to have counsel, you must notify the office of the Regional Superintendent or principal no less than 24 hours in advance. You or counsel has the right to question witnesses, present witnesses in your child's behalf, and provide any evidence or statements you may wish. During this period of suspension, your child may be required to attend an in school suspension program or an off-site suspension program.

A copy of the appeals procedure entitled: "Information Sheet for Parents Wishing to Appeal" is enclosed for your convenience.

Sincerely,

Regional Superintendent

Procedure for Middle and High School Suspension Off-Site

Any student who violates the Conduct/Discipline Policy shall be disciplined in accordance with the “Disciplinary Options/Responses” outlined in File Code: 5131, Exhibit I, “Student Code of Conduct”. This discipline may include suspension.

Below is the process in which a student is referred and admitted into Suspension off Site (SOS) Placement for students suspended for 5(five) or more days.

In order to be recommended for SOS Placement, students must adhere to the following criteria:

- Enrolled in grades 6-12
- Suspended for 5(five) or more days

STEPS

- I. Building principal submits Suspension Report and the Recommendation for Suspension Off Site (SOS) Placement Letter to the Regional Superintendent’s Office so a hearing may be scheduled within 48 hours of appeal notification.
- II. The school’s administrator will gather student’s learning packet from his/her teachers which must be correlated with the duration of the suspension days.
- III. The Regional Superintendent’s Office will submit the one-page SOS Placement Letter via fax to the building principal and to the Director of the Office of Alternative Education.
- IV. Upon receipt of the SOS Placement Letter, the OAE Director or designee will contact the suspension off site coordinator and the assigned attendance counselor of the incoming student.
- V. The assigned attendance counselor will go to the sending school to pick up the student’s learning packet to take to the Suspension Off-Site Program.
- VI. Upon student’s arrival, the student, his or her parent(s) /guardian(s) will meet with the intake team (i.e., attendance counselor, social worker, guidance counselor and substance abuse coordinator).
- VII. The student as well as his or her parent(s) or guardian(s) must sign an agreed plan which outlines each person’s rights and responsibilities as members of the school community.
- VIII. Upon student’s completion of the suspension, the attendance counselor will inform the school’s designee via fax or email. Upon return, the attendance counselor will collect the learning packet and bring them to the school. (Please note: The length of the approved suspension will be strictly adhered to. Therefore, students must be accepted back to their schools upon completion).
- IX. Upon return of the student to the home school, a Supportive Intervention Services Plan Form will be completed to transition the student to positive supports (Exhibit IX).

***Please note all steps must be completed in order for a student to be admitted.**

TO: Grades 6 - 8
Quitman Street
Luis Munoz Marin Middle School
High School
Pathways

FROM: _____
Sending School

DATE: _____

RE: Recommendation for Suspension Off-Site Placement Letter

The following student needs a temporary Suspension Off-Site placement. We are requesting _____ days of suspension. The parent/student conference is scheduled for _____.

Reason for Suspension:

Student Information: Name: _____

Address: _____

D.O.B. _____

Parent/Guardian: _____

Phone: _____

Grade: _____

Student Classification: _____

SLT

- ☐ **Approved** Signature of Regional Superintendent _____
☐ **Denied**
☐ **Request for further documents**

Supportive Intervention Services Plan Form

For Level III and Level IV Offenses of the Student Code of Conduct

School: _____ Administrator: _____
 Name of Student: _____
 Grade: _____ Homeroom / Class: _____ ID #: _____ Date of Birth: _____
 Name of Support Specialist/ Title assigned to student: _____
 Dates of Suspension: _____ Student Code of Conduct Offense: _____
 It is verified that this student received and signed the Memorandum of Understanding: _____
 Supportive Intervention Plan Conference Date: _____ Today's Date (if different): _____

Supportive Intervention Plan Participants	Signatures
Administrator/Principal	
Parent/Guardian	
Student	
Teacher	
Guidance Counselor	
Student Assistance Coordinator (SAC)	
Social Worker	
Attendance Counselor	
School Nurse	
Child Study Team Member:	
Other:	

Disciplinary Options (F.C. 5131)	Positive Behavior Supports (F.C.5147)	Additional Behavioral Strategies
1	1	1
2	2	2
3	3	3
4	4	4

Parental Responsibilities:

Student Responsibilities:

--	--

Parent Signature:

Student Signature:

Referrals made to:

Referrals made by:

Follow-up Meeting Date:

Additional Concern(s):

***Copy to Parent and Student**

CHAPTER IV

PUPIL PERSONNEL ISSUES

In accordance with the district's emphasis on violence prevention, each school's site based planning committee should incorporate positive strategies for teaching and reinforcing prosocial behavior.

The following resources are available for schools in Newark Public Schools to utilize and make a positive contribution to achieving the goal of safe schools.

THE INTERVENTION AND REFERRAL SERVICES (I&RS) COMMITTEE INTERVENTION PROCESS

The Intervention and Referral Services Committee (I&RS) is a school-based, collaborative problem solving group whose purpose is to assist teachers with strategies for working with students with learning and/or behavior problems.

The I&RS activities should be focused on concerns with students experiencing learning, behavior, or health difficulties and that the end result is student improvement. Administrator, teachers, school based support staff and parent must accept responsibility for and work collaboratively to address the needs of students who are experiencing difficulty.

In particular, assistance by an I&RS is valuable because it:

- provides an efficient and effective means of assisting classroom teachers and students.
- provides peer support to teachers.
- provides a vehicle for the faculty to share their expertise in working with a variety of learning and behavioral problems.
- offers structured support and assistance to teachers by providing instructional strategies to promote pupil competence.
- provides teachers with opportunities to develop new skills that can become a permanent part of their repertoire. This may help them address pupil learning problems that will arise in the future.
- enables the school's instructional program to meet a broader range of pupil needs.
- provides appropriate services to pupils with learning and behavioral problems who require Child Study Team (CST) intervention.
- provides an efficient, flexible, and cost effective problem solving alternative to special education referral within the regular education framework.

I&RS are based upon the following assumptions:

- Regular classroom teachers have valuable skills and knowledge to assist students experiencing academic difficulties.
- It is more effective to work together than alone.
- Teachers benefit from a better understanding of learning problems and become more discriminating in their referrals to CSTs.
- A large number of students experience educational problems which do not require special education.
- When teachers are given a support system, they can multiply their effectiveness.
- These students may be referred to an Alternative Program such as Renaissance or Pathways, if the above process has been adhered to. However, it is not an automatic referral to these programs.

POSITIVE BEHAVIOR SUPPORTS

Positive Behavior Support Plans

A positive behavior support plan is a behavior plan for all students that provides incentives and rewards in a systemic, structured manner for positive, acceptable behaviors in all aspects of the school setting.

It is a system of support that includes proactive strategies for defining, teaching, and supporting appropriate student behaviors to create positive school environments. To accomplish this, a continuum of positive behavior support for all students within a school is implemented in areas including the classroom and non-classroom settings (such as hallways, restrooms).

The following process must be implemented by all schools.

- form a Positive Behavior Support Team (as a subcommittee of the School Leadership Council)
- survey staff on building climate for discipline
- reveal results of survey
- determine the discipline needs of the building
- agree to 3-5 school rules as a school staff
- teach school rules once a week or bi-weekly
- determine the locations of the school rules
- collect and review discipline data – weekly or bi-weekly
- determine office-managed and classroom managed problems
- document system of reporting behavioral system
- document system of rewarding good behavior

The following chart provides a graphic organization of positive behavior supports:

I. School Rules	Evidence	Outcome
Are there school rules or motto? How many are there? Are school rules taught in the classroom? Is it documented? Where are the rules located? Are they placed prominently throughout the building?	School Handbook Teacher Rules Teacher Interviews School Improvement plan goals	Establish 3-5 school rules/behavior expectations for students. Ensure rules are taught throughout the school year in each classroom. Post school rules in 8-10 locations.
II. Discipline System	Evidence	Outcome
Do you summarize office discipline referral and/or suspension information? What systems do you use for collection of referral/suspension information? - What data is collected? - Who collects data? What do you do with the office discipline referral and suspension information? - Who looks at data? - How often do people share data? What type of problems are handled in the classroom and referred to the office? What is the documented system of addressing and reporting specific behavioral violations?	Office Referrals Suspension Notices Teacher Incident Reports Behavioral Incident Summaries or Reports Office Discipline Referral Form(s) Teacher Interviews	Establish system and frequency for summarizing and analyzing office referral and suspension data Report Discipline data to staff three times a year Specify and document office and classroom referrals Establish documented system for dealing and reporting behavioral violations
III. Reward System	Evidence	Outcome
Is there a documented system for rewarding student behavior? What are the social acknowledgements/activities called? (i.e. Quarterly Award) Are students rewarded consistently for positive behavior by staff? Are students aware of the reward system?	Student Handbook Dates of Student Recognition Assembly	Establish and document reward system for students Ensure staff and students are knowledgeable of reward system

CONCERNS OUTSIDE SCHOOL ENVIRONMENT

Students are expected to behave appropriately under all circumstances. Students are therefore subject to appropriate disciplinary action, up to and excluding expulsion, for misconduct occurring both during school and school-sponsored events whether on or off school property. Additionally, students are expected to utilize electronic forms of communication in accordance with all provisions of the District Discipline Policy. The factors to be considered include, but are not limited to:

1. Whether the student is “enroute” to or from school;
2. The student’s proximity to the school;
3. The length of time that elapsed since the student was on school property;
4. Whether there is a connection to an on-premises altercation or confrontation; and
5. Whether the student has returned to the custody of the parent;
6. Whether the electronic communication emanated from any school-related conflict or negative encounter.

ROLE OF THE LAW ENFORCEMENT AGENCIES AND SCHOOLS

The role of the Newark Police Department and the Newark Public Schools is to foster an environment in which students, faculty, administrators, and the community are able to learn, work, and live in a safe environment.

It shall be the sole prerogative of school officials to impose disciplinary sanctions for infractions of school rules and policies. It is the responsibility of school authorities to notify the Newark Police Department when any criminal activity is detected or suspected.

It is the responsibility of the Newark Police Department to respond when drugs, alcohol or weapons are found on school property or when a student is suspected of any criminal offenses under New Jersey States Statutes.

In order to define the responsibility for safety in and around the school environment a Memorandum of Agreement has been instituted between the Newark Public Schools and the Newark Police Department.

CHAPTER V

STUDENT EDUCATIONAL OPPORTUNITIES

It is the intent of this chapter to allow students maximum educational opportunities under law, commensurate with the school's responsibility for student health, safety, and welfare. The opportunities and responsibilities a Bill of Rights and Responsibilities for Learning presented in this document reflect the need for providing students with greater potential to serve themselves and society.

Nowhere is it stated or implied in this document that the school should relinquish its authority and responsibility. Within every school, the principal and staff inevitably have the responsibility and authority for maintaining the orderly educational process.

A BILL OF RIGHTS AND RESPONSIBILITIES FOR LEARNERS

Philosophical Basis:

All students, in accordance with their age, grade level, and maturity, have the opportunity to be involved in their education. Course selection and participation in school activities are an integral part of learning.

Student's opinions concerning course materials, content, and relevance are important and deserve consideration by educators.

Opportunities:

- Students should have access to clear curriculum descriptions that will help them to make informed choices.
- Students should participate in challenging, creative, academic programs at all levels in elementary, middle, and senior high schools.
- Students shall have the opportunity to study all subjects under competent instructors in an atmosphere free from bias and prejudice.
- Students shall have the opportunity, within their level or maturity and within the scope of their course-work, to study any controversial issue which has political, economic, or social significance. They have the opportunity to access all available relevant information.
- Secondary students have the opportunity to seek representation on the committees that participate in textbook selection and curriculum planning - from individual school councils to district level.
- Students have the right of equal opportunity of access to extracurricular activities.
- Students with disabilities are entitled to special services as provided by law.

Responsibilities:

- Students have the responsibility for seeking clarification, if necessary, from informed persons in the school.
- Students have the responsibility for striving for academic growth by participating to their utmost ability.
- Students have the responsibility for contributing to the development of a positive climate in the school that is conducive to wholesome learning and living.
- Students have the responsibility for respecting the rights of others who have differing viewpoints, and for becoming informed and knowledgeable about controversial issues.
- Students have the responsibility for involving themselves in committees and enriching the classes in which they are enrolled through participation in implementation and evaluation.
- Students have the responsibility for requesting the opportunity to participate in any extracurricular activity.
- Students have the responsibility for seeking the services they need.

KNOWLEDGE AND OBSERVATIONS OF RULES OF CONDUCT

Philosophical Basis:

The most effective learning takes place in an atmosphere where students, parents, and school administrators are fully aware of the grounds for disciplinary action and the procedures to be followed for violation of the **Student Code of Conduct**.

Opportunities:

- Students should receive a clear explanation, in a language they can understand, of the **Student Code of Conduct** and the consequences of their misconduct.

Responsibilities:

- Students have the responsibility for becoming familiar with the **Student Code of Conduct** and for observing all school and classroom rules.

RESPECT FOR PERSONS AND PROPERTY

Philosophical Basis:

Students have an obligation to assume responsibility for their own actions regarding respect for other persons and their property. The school should provide a climate which fosters respect for persons and property.

Opportunities:

- Students have a right to be treated with courtesy and respect.
- Students' property should be respected by other students and school personnel.
- Students should enjoy safe conditions both at school and at bus stops.
- Students must not be subjected to sexual harassment.*

Responsibilities:

- Students have the responsibility for showing respect and courtesy to fellow students, all School Staff, and campus visitors.
- Students have the responsibility for neither taking nor damaging the property of other students, school personnel, or the school.
- Students have the responsibility for respecting the privacy and property of persons who live in the area surrounding school grounds and bus stops.
- Students have the responsibility for not harassing other students.**

* Sexual harassment includes: sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when such conduct substantially interferes with a student's academic performance, or creates an intimidating, hostile, or offensive school environment. Sexual harassment may also include, but is not limited to, verbal harassment or abuse, pressure for sexual activity, repeated remarks to a person with sexual or demeaning implications, unwelcome or inappropriate touching; or suggesting or demanding sexual involvement accompanied by implied or explicit threats or rewards sexual or favors.

** Harassment is any slur, innuendo, or other verbal or physical conduct reflecting on an individual's gender, race, color, religion, ethnic or national origin, age, sexual orientation, social and family background, linguistic preference, or disability, which has the purpose or effect of creating an intimidating, hostile, or offensive educational environment.

PARTICIPATION IN SCHOOL PROGRAMS AND ACTIVITIES

Philosophical Basis:

Students learn from one another. Positive association with others contributes to the overall goals of education.

Schools have the responsibility for promoting appropriate formal and informal programs and activities among students.

Opportunities:

- Students have the right to organize and participate in associations and extracurricular activities within the school which are organized for any proper and lawful purposes, providing that no such group denies membership to any student because of gender, race, color, religion, ethnic or national origin, political belief, marital status, age, sexual orientation, social and family background, linguistic preference, or disability.
- Students have the opportunity to elect a representative student council, appropriate to the school's level, and to take an active part in student activities designed to help make rules that affect their lives in school.

Responsibilities:

- Students have the responsibility for seeking prior and proper consent from administrators and other designated school personnel before organizing student associations and for meeting approved criteria for membership in clubs and organizations.
- Student councils, officers and representatives have the responsibility for being aware of school needs and concerns of the student body.
- Students have the responsibility for participating regularly in their respective organizations and for conducting themselves in an appropriate manner, and for operating according to School Board policies and individual school requirements.

CONSULTATION

Philosophical Basis:

Personal concerns can seriously threaten and inhibit the educational development of students. Schools have the responsibility for: making relevant and objective information available to students; providing students with a comprehensive student services program; and attempting to refer students with severe personal problems to agencies equipped with the facilities and resources necessary to offer additional, direct assistance.

Opportunities:

- Students should have appropriate counseling which addresses their personal and educational needs. Access to consultation within a reasonable period of time should be assured.
- Students should have access to counselors who can devote needed time and attention without unnecessary interruption or cancellation of appointments.
- Students should be accurately informed, in a language they can understand, of the nature of student support programs available to their school and community.

Responsibilities:

- Students have the responsibility for scheduling appointments in advance unless their problem or concern is an emergency.
- Students have the responsibility for keeping scheduled appointments in a timely manner and respecting the rights of others in accessing the counselors' services.
- Students have the responsibility for using these services for their educational, career, and personal development.

ATTENDANCE

Philosophical Basis:

School administrators have an obligation under State Law to enforce compulsory school attendance laws. Students have an obligation to avail themselves of their right to a public school education, an education which should help the students develop the skills and knowledge necessary to function in a modern democratic society.

Opportunities:

- Students will have access to information on rules, policies and procedures that clearly define excused absences, unexcused absences, and tardiness.
- Students will have the opportunity to appeal a decision pertaining to an unexcused absence and shall not be penalized for excused absences. Participation in a school sponsored activity shall be considered an excused absence.
- Students shall be allowed to make up class work within a reasonable length of time in case of an excused absence, or absence because of suspension.

Responsibilities:

- Students have the responsibility for taking advantage of their educational opportunity by attending all classes daily and on time, unless circumstances beyond their control prevent them from doing so.
- Students have the responsibility for providing the school with an adequate explanation, including appropriate documentation, indicating the reasons for an absence.
- Students have the responsibility for requesting the makeup assignments from their teachers upon their return to school and for completing this work within a reasonable length of time.

GRADES

Philosophical Basis:

A student's academic grade should reflect the teacher's most objective assessment of the student's academic achievement. Academic grades should not be used as a threat in order to maintain classroom decorum.

Opportunities:

- Students will be informed of the teacher's grading criteria, which are consistent with district guidelines, at the beginning of each grading period.
- Students will receive an academic grade that reflects their achievement.
- Students shall be notified anytime during the grading period when it becomes evident that the student is performing unsatisfactorily in academics, conduct, or effort, or if a reduction in performance becomes evident in academics, conduct, or effort.
- Students shall receive a conduct and effort grade in each class consistent with their overall behavior and effort.
- Students should achieve academic success based upon their own initiative and ability without interference from others.

Responsibilities:

- Students have the responsibility for asking teachers in advance of a grade assignment for an explanation of any grading criteria or practice which they may question or which may need clarification.
- Students have the responsibility for maintaining reasonable standards of academic performance commensurate with their ability.
- Students have the responsibility for making every effort to improve their performance upon receipt of notification of unsatisfactory performance.
- Students have the responsibility for conducting themselves in each class in ways that are conducive to the learning process.
- Students have the responsibility for earning grades based upon their performance while guarding against cheating by other students.

MARRIAGE, PREGNANCY AND PARENTHOOD

Philosophical Basis:

Students who are married, parents, or expectant parents do not lose their right to free public education. It is, therefore, the responsibility of the public schools to encourage their continued education through the implementation of positive policies and the development of appropriate educational programs.

Opportunities:

- Students who are married, parents, or expectant parents have the right to remain in the regular school program, including extracurricular activities, or to attend one of the specialized programs designed to meet their particular needs.
- Upon request, students shall be referred to an appropriate agency for special counseling regarding marriage, pregnancy, and parenthood.

Responsibilities:

- Students have the responsibility for requesting professional medical advice regarding continued school attendance.
- Students have the responsibility for requesting special counseling regarding marriage, pregnancy, and parenthood.

FREE SPEECH, EXPRESSION, AND ASSEMBLY

Philosophical Basis:

One of the basic purposes of education is to prepare students for responsible self-expression in a democratic society. Citizens in our democracy are permitted self-expression under the First and Fourteenth Amendments of the United States Constitution. Full opportunity should be provided for students to inquire, to question, and to exchange ideas. They should be encouraged to participate in discussions in which many points of view, including those which are controversial, are freely expressed.

Opportunities:

- The Pledge of Allegiance is a statement of American ideals, and each student shall be protected in his/her right to affirm his/her identity with these ideals. However, students who, because of religious or other deep personal convictions, do not wish to participate in the pledge may, upon written request of the student's parent/guardian refrain from participation.
- Students have the right to refrain from any activity which violates the precepts of their religion.
- Students have the right to petition and survey student opinion in accordance with procedures that are established by the principal.
- Students have the right to form and express their own opinions on controversial issues without jeopardizing relations with their teachers or the school.
- Students have the right to assemble peacefully on school grounds or in school buildings.

Responsibilities:

- Students have the responsibility for acting in a manner which preserves the dignity of the occasion.
- Students have the responsibility for respecting the religious beliefs of others.
- Students initiating a petition or survey have the responsibility not only for the reasonableness of the request but also for the accuracy of its content.
- Students have the responsibility for making efforts to become informed and knowledgeable about controversial issues and for expressing their opinions in a manner that is suitable for the forum in which the discussion is taking place.
- Students have the responsibility for planning, for seeking approval of, and for conducting those activities which are consistent with the educational objectives of the school.

STUDENT GOVERNMENT

Philosophical Basis:

To a large extent, the respect afforded a student government is a result of its active and constructive involvement in the daily operation of the school. In order to be effective, student government representatives should be given an opportunity to participate in those decisions that affect the learning climate of the school. To enhance the deliberating process, school board rules and individual school policies should be available to students in a specific location. Respected student governments are forums for expression, discussion, and action regarding the important issues of the day. All members of the school community share the responsibility for shaping student governments into positive instruments of student involvement.

Opportunities:

- Students shall have the opportunity under the direction of a faculty advisor, to form and operate a student government within their respective schools.
- Students shall have the opportunity to recommend and/or confirm members of the faculty to serve as sponsors for their school's student government organization.
- Students may seek office in student government or any organization, regardless of their gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference, or disability.
- Student government officers and representatives shall have the opportunity to attend official student government meetings during school hours.

Responsibilities:

- Student government officers and representatives have the responsibility for being alert to needs of the school and concerns of the student body, and for working toward the satisfaction of these needs and concerns to the best of their ability.
- Students have the responsibility for securing the prior consent of any faculty member recommended.
- Students have the responsibility for conducting election campaigns in a positive, mature manner, with respect shown for their opponents.
- Students have the responsibility for regularly participating in meetings, for conducting themselves in an appropriate manner, for demonstrating positive leadership in school government, and for operating within School Board Rules and school regulations.

PUBLICATIONS

Philosophical Basis:

The primary liberties in a student's life have to do with the process of inquiry and learning, of acquiring and imparting knowledge, and of exchanging ideas. This process requires that students have the opportunity to express opinions, to take stands, and to support causes publicly or privately.

One of the important roles of the school is to provide effective avenues through which students may express themselves on a wide range of subjects. Official school publications, such as school newspapers, should reflect the policy and judgment of the student editors and should include viewpoints representative of the entire school community.

Opportunities:

- Students have the right to possess, post and distribute literature that is not disruptive to the school program, including, but not limited to, newspapers, magazines, leaflets and pamphlets within the parameters of the US Constitution.
- Students' publications should be free from censorship except within the framework of guidelines previously agreed upon by students and administrators.

Responsibilities:

- Students have the responsibility for using only those bulletin boards or wall areas designated for use by students and student organizations, and must also accept responsibility for the effect that the posting, publication, or distribution this literature might have on the normal activities of the school.
- Students shall refrain from publishing libelous and obscene materials; for seeking full information on the topics about which they write; and for observing the normal rules of responsible journalism.

Principals may suppress or recall material which could endanger the orderly operation of the school.

SEARCH AND SEIZURE

Philosophical Basis:

Students possess the right of privacy of person as well as freedom from unreasonable search and seizure of property guaranteed by the Fourth Amendment of the United States Constitution. That individual right, however, is balanced by the school's responsibility to protect the health, safety, and welfare of all its students.

Opportunities:

- Student shall enjoy privacy in their personal possessions unless the principal has a reasonable suspicion the student is concealing material, possession of which is prohibited by law or the rules of the District.
- Students shall receive notification at the beginning of the school year that their lockers may be subject to general search.
- Students must use authorized locks on school-owned lockers.
- Students shall be notified that they may be subject to search for weapons by metal detectors while on school grounds or at school functions.

Responsibilities:

- Students have the responsibility for not carrying or concealing any material that is prohibited by law or by the Student Code of Conduct.
- Students have the responsibility for the contents of their locker.
- Students have the responsibility for adhering to policies governing the use of lockers which are the property of the school system.
- School personnel and/or members of the Newark Public Schools Security Force have the right to search lockers if there are reasonable grounds for suspecting that the contents include weapons, stolen goods, contraband, illegal substances, or materials whose possession is prohibited by the rules of the District.
- Signs which advise students and visitors that they are subject to search for weapons by metal detectors will be posted in prominent locations at each secondary school.

CHAPTER VI

NEW JERSEY STATUTES AND ADMINISTRATIVE CODE NEWARK PUBLIC SCHOOLS POLICY

ZERO TOLERANCE FOR GUNS ACT

The Senate and General Assembly of the State of New Jersey, in Chapter 37 of Title 18A of the NJ Statutes, has established a "Zero Tolerance for Guns Act".

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, on any school bus, or at a school-sponsored function shall be immediately removed from the school's regular education program pending a hearing to remove the pupil from the regular education program for a period of not less than one calendar year subject to modification on a case-by-case basis by the chief school administrator.

For the purposes of this section "firearm" means those items enumerated in N.J.S.A. 2C:39-1f and 18 U.S.C. 921.

Any pupil that is removed from the regular education program pursuant to this section shall be placed in an alternative education program. If placement in an alternative education program is not available, the pupil shall be provided home instruction or other suitable facilities and programs until placement is available.

Please keep this part of this document for your records.



THE NEWARK PUBLIC SCHOOLS Newark, New Jersey POLICY



FILE CODE: 5132

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DRESS AND GROOMING

The Newark Public School District recognizes the right of students and parents/guardians to exercise personal judgment in matters of dress within certain boundaries. Neatly attired students take pride in themselves and are more likely to practice habits of self-discipline and to display a positive attitude and demeanor.

In general, the District prohibits pupil dress or grooming practices which:

- A. Present a hazard to the health or safety of the pupil himself/herself or to others in the school;
- B. Materially interfere with school work, create disorder, or disrupt the educational program;
- C. Cause excessive wear and damage to school property; and
- D. Prevent the pupil from achieving his/her own educational objectives because of blocked vision or restricted movement.

Specific examples of attire prohibited by this policy include, but are not limited to: (1) hats or other head coverings, except in the case of religious observance; (2) attire with slogans that can be considered obscene, profane, inappropriate, or derogatory; (3) dresses and shorts of unsuitable or inappropriate length, see-through tops or exposed underwear; and (4) sunglasses worn in school during the school day, unless medically prescribed.

Students shall not wear on school property any type of clothing, apparel or accessory that indicates the student has membership in or is affiliated with any gang associated with criminal activities. The District shall consult with local law enforcement authorities to determine which gangs are associated with criminal activities. All suspicion of gang related activity shall be reported to the director of security by the building principal.

Uniforms

The Legislature has authorized the District to require that uniforms be worn to school in certain circumstances. The District shall adopt such a requirement for a particular school if: (a) it is requested by the principal, staff and parents/guardians in the school and (b) the District determines that the requirement would enhance the school learning environment. A public hearing shall precede adoption of a uniform requirement in a school. The District will provide three months notice to the parents/guardians of a child attending a school before implementing a uniform policy in that school.

With regard to uniforms, the District shall ensure the following: (1) a mechanism to assist students who are economically disadvantaged; (2) selection of the uniform for each school by the principal, staff and parents/guardians of that school; (3) sanctions for noncompliance with the uniform requirements for

DRESS AND GROOMING (Continued)

school in which uniforms are mandatory; (4) provision for exceptions to the uniform requirements on the basis of a student's sincerely held religious beliefs; (5) provision for exceptions to the uniform requirements for other reasons, if a school allows any other exceptions. If it is determined that uniforms shall be optional in a school, students shall not be denied admission, penalized academically or discriminated against in any other way for not complying with uniform requirements. The Newark Public Schools implemented a district wide uniform initiative for grades PK-8 on November 1, 2008.

This policy does not prevent students who participate in nationally recognized youth organizations approved by the District from wearing organization uniforms to school on days that the organization has scheduled a meeting. The principal shall maintain a list of approved organizations.

Date Adopted by State District Superintendent: February 24, 2009

<u>Legal References:</u>	N.J.S.A. 18A:11-1	General mandatory powers and duties
	N.J.S.A. 18A:11-7 through -9	Findings, declarations relative to school dress codes; adoption of dress code policy for school permitted; prohibition of gang-related apparel
	N.J.S.A. 18A:37-1	Submission of pupils to authority
<u>Cross References:</u>	5131	Conduct/discipline
	6141.2	Equal education opportunity
	6141.3	Recognition of religious beliefs and customs



THE NEWARK PUBLIC SCHOOLS Newark, New Jersey POLICY



FILE CODE: 5131.6

(Page 1 of 7)

DRUGS, ALCOHOL, TOBACCO (Substance Abuse)

Drugs, Alcohol, Tobacco and Steroids

It is the responsibility of the District to safeguard the health, character, citizenship, and personality development of the students in its schools. As such, the District must maintain that the use of drugs and the unlawful possession and use of alcohol is wrong and harmful and that the misuse of drugs, alcohol, tobacco or steroids threatens the positive development of the student and the welfare of the entire school community. The District is committed to the prevention of drug, alcohol, tobacco and steroid abuse, and the rehabilitation of identified abusers.

Students

For the purpose of this policy, “drug” includes all controlled dangerous substances set forth in N.J.S.A. 24:21-1 et seq. and all chemicals that release toxic vapors set forth in N.J.S.A. 2A:170-25.9 et seq.

The District prohibits the use, possession and/or distribution of any drug, alcohol, tobacco, or steroids on school premises, and at any event away from the school provided by the District. Compliance with a drug-free standard of conduct at all school functions is mandatory for all students. Pupils suspected of being under the influence of drugs, alcohol, tobacco or steroids will be identified, evaluated, and reported in accordance with the law. Assessment will be provided by individuals who are certified by the New Jersey State Board of Examiners as substance awareness coordinators or by individuals who are appropriately certified by the New Jersey Board of Examiners and trained in alcohol and other drug abuse prevention. A pupil who uses, possesses, or distributes drugs, alcohol, tobacco or steroids on school premises or while attending a school-sponsored activity will be subject to discipline that may include suspension or expulsion, and may be reported to appropriate law enforcement personnel. Pupils suspended for involvement with alcohol, drugs or steroids away from school premises will be offered appropriate treatment and remediation. Treatment services for students who are affected by alcohol or other drug use will be provided by individuals who are certified as substance awareness coordinators or who are otherwise appropriately trained in drug and alcohol prevention, intervention, and follow-up.

The District will enforce the laws of New Jersey requiring a program of drug, alcohol, tobacco and steroid education. The Superintendent/designee shall prepare a comprehensive curriculum for such instruction in grades K through 12 offering a minimum of 10 clock hours per school year of alcohol and other drug education in accordance with department of education chemical health guidelines, pursuant to N.J.S.A. 18A:40A-1 et seq. Drug, alcohol, tobacco and steroid education shall be integrated with the health curriculum. Additionally, the district will offer a special class or course designed to meet the needs of pupils with alcohol or other drug use problems.

DRUGS, ALCOHOL, TOBACCO (Substance Abuse) (Continued)

All District personnel shall be alert to signs of alcohol, drug, tobacco and steroid use by pupils and shall respond to those signs in accordance with procedures established by the Superintendent/designee. The District will provide in-service training to assist teaching staff members in identifying the pupil who uses drugs, alcohol, tobacco and/or steroids, and in helping pupils with drug, alcohol, tobacco and steroid-related problems in a program of rehabilitation. The District directs the establishment of a program designed to provide short-term counseling and support services for pupils who are in care or returning from care for alcohol and other drug dependencies. The District shall establish a parent/guardian substance abuse program offered at times and places convenient to the parents/guardians of the District on school premises or other facilities.

The Superintendent/designee shall ensure:

1. A comprehensive program of drug, alcohol, tobacco and steroid education;
2. The identification and remediation of pupils involved with drugs, alcohol, tobacco and steroids;
3. The immediate examination and treatment of pupils suspected of being under the influence of drugs, alcohol, tobacco or steroids to determine the extent of the pupil's drug or alcohol use dependency;
4. The treatment and discipline of pupils who use, possess or distribute drugs, alcohol, tobacco and steroids in violation of law or this policy through referral to an appropriate drug/alcohol abuse program as recommended by the department of health; and
5. The readmission to school and treatment of pupils who have been convicted of drug, alcohol, tobacco and/or steroid offenses.

The District shall annually review the effectiveness of its alcohol and other drug policies and procedures. The District shall solicit community input as well as consult with local agencies recommended by the state department of health in the review process. Alcohol and other drug policies and procedures for discipline, evaluation, and treatment of pupils shall be made available annually to all school staff, pupils and parent/guardians. This policy shall be in each building.

Any staff member who reports a pupil to the principal or his/her designee in compliance with the provisions of this subsection shall not be liable for civil damages as a result of making such a report as provided for under N.J.S.A.18A:40A-1 et seq.

All policies and procedures must comply with the confidentiality requirements established in federal regulation found at 42 CFR Part II.

Substance abuse in the District is considered a health risk. It is the expressed position of the District that when school rules have been violated and when a student's health is at risk, we must notify the student's parents/guardians and attempt to involve family in the rehabilitation plan subject to the confidentiality restrictions 42 CFR Part II.

Refusal or failure by a parent/guardian to comply with the provisions N.J.S.A. 18A: 40A-12 shall be deemed a violation of the compulsory education (N.J.S.A. 18A:38-25 and 18A:38-31) and/or child neglect (N.J.S.A. 9:6-1 et seq.) laws.

Enforcement of Drug-Free School Zones

The District recognizes its responsibility to ensure continuing cooperation between school staff and law enforcement authorities in all matters relating to the use, possession, and distribution of controlled dangerous substances and drug paraphernalia on school property. The District further recognizes its responsibility to cooperate with law enforcement authorities in planning and conducting law enforcement activities and operations on school property. The District possesses a formal Memorandum of Agreement with the appropriate law enforcement authorities.

Law Enforcement Liaison

The Office of Security serves as the District liaison to law enforcement agencies.

Undercover Operations

The District is authorized to request that law enforcement authorities conduct an undercover operation in the school if he/she has reason to believe that drug use and/or drug trafficking is occurring in the school and that a less intrusive means of law enforcement intervention would be ineffective.

The District recognizes that law enforcement authorities may contact the Superintendent to request that an undercover operation be established in District schools. The District recognizes that the Superintendent is prohibited from discussing the request with the board.

The Superintendent and school principal shall cooperate with law enforcement authorities in the planning and conduct of undercover school operations. The Superintendent, principal, or any other school staff or district board member who may have been informed about the undercover operation is required to immediately communicate information to the county prosecutor or designee if the integrity of the undercover school operation has been compromised in any way.

Summoning Law Enforcement Authorities onto School Property for the Purpose of Conducting Investigations, Searches, Seizures and Arrests

Any school employee who has reason to believe a student or a staff member is using or distributing controlled dangerous substances, including anabolic steroids, or drug paraphernalia on school premises, shall bring that information to the school principal who, in turn, shall report same to the Superintendent's designee and Office of Security, who shall immediately report that information to the appropriate law enforcement agency. If, after consultation with the law enforcement official, it is determined that further investigation is necessary, the District will cooperate with the law enforcement authorities in accordance with the law and administrative code. He/she will provide the officials with a room in an area away from the general student population in which to conduct their law enforcement duties. If law enforcement officials do not choose to investigate the incident, the Superintendent may continue the investigation to determine if any school rules have been broken and whether any school discipline is appropriate.

If an arrest is necessary, and no exigent circumstances exist, the Superintendent's designee and staff will cooperate with the law enforcement officials and provide them access to the office of a school administrator or some other area away from the general student population. Every effort shall be made to enable law enforcement personnel to carry out the arrest in a manner that is least disruptive to the educational environment. The Superintendent or the principal shall immediately notify the student's parent/guardian whenever a pupil is arrested for violating any laws prohibiting the possession, use, sale, or distribution of any controlled substance or drug paraphernalia.

DRUGS, ALCOHOL, TOBACCO (Substance Abuse) (Continued)

Student Searches and Securing Physical Evidence

The Principal or his/her designee may conduct a search of a student's person or belongings if the search is necessary to maintain discipline and order in the school, and the school official has a reasonable suspicion that the student is concealing contraband. All searches and seizures conducted by designated school staff shall comply with the standards prescribed by the United States Supreme Court in New Jersey v T.L.O., 469 U.S. 325 (1985), and the New Jersey School Search Policy Manual.

If, as a result of the search, a controlled dangerous substance or drug paraphernalia is found, or if a controlled dangerous substance or drug paraphernalia is by any means found on school property, the individual discovering the item or substance shall immediately notify the building principal; the principal shall immediately notify the Superintendent who shall immediately, in turn, notify the appropriate law enforcement agency. The Principal shall ensure that the controlled or dangerous substance and/or drug paraphernalia is labeled and secured in a locked cabinet or desk until law enforcement officials pick it up. The Principal shall then contact the student's parents/guardians to inform them of the occurrence.

When law enforcement officials have been called into the school, and a search of a student's person or belongings is necessary, or an interrogation is to be conducted, the Superintendent shall request that the law enforcement officials conduct the search, seizure or interrogation.

Police Presence at Extracurricular Activities

The Superintendent or designee may contact the appropriate law enforcement agency and arrange for the presence of an officer(s) in the event of an emergency or when the Superintendent or designee believes that uniformed police presence is necessary to deter illegal drug use or trafficking or to maintain order or crowd traffic control at a school function.

Resolving Disputes Concerning Law Enforcement Activities

The Superintendent or designee may contact the chief executive officer of the law enforcement agency involved with any dispute or objection to any proposed or ongoing law enforcement operation or activity on school property. If for any reason the dispute or objection is not satisfactorily resolved with the chief executive officer of the agency, the Superintendent/designee shall work in conjunction with the county prosecutor and, where appropriate, the division of criminal justice to take appropriate steps to resolve the matter. Any dispute that cannot be resolved at the county level shall be reported to the board and shall be resolved by the attorney general whose decision will be binding.

Confidentiality of Pupil Involvement in Intervention and Treatment Programs

Nothing in this policy shall be construed in any way to authorize or require the transmittal of any information or records that are in the possession of a substance-abuse counseling or treatment program including, but not limited to, the school district's own substance abuse programs. All information concerning a pupil's or staff member's involvement in a school intervention or treatment program shall be kept strictly confidential. See 42 CFR 2 and N.J.A.C. 6A: 16-6.5.

DRUGS, ALCOHOL, TOBACCO (Substance Abuse) (Continued)

In-service Training

The Superintendent will ensure that all District employees receive annual in-service training to make them aware of their responsibilities in accordance with board policies and N.J.A.C. 6A: 16-3.1.

Annual Review

The District will review annually the effectiveness of these policies and the Memorandum of Agreement entered into with the appropriate law enforcement agency. As part of this review, the District will consult with the county superintendent, local community members, and the county prosecutor's office.

Availability of Policy

The policies and procedures contained herein shall be made available to all staff, pupils, and parents/guardians on an annual basis.

Adopted by State District Superintendent: January 25, 2005

<u>Legal References:</u>	<u>N.J.S.A. 2A:62A-4</u>	Reports by educational personnel on dependency upon or illegal use of controlled dangerous substances or use of intoxicating vapor-releasing chemicals; immunity from liability
	<u>N.J.S.A. 2A:170-25.9</u>	Definitions
	<u>N.J.S.A. 2C:29-3a</u>	Hindering apprehension or prosecution
	<u>N.J.S.A. 2C:33-15</u>	Possession or consumption of alcoholic beverage in public place or motor vehicle by person under legal age
	<u>N.J.S.A. 2C:33-16</u>	Alcoholic beverages; bringing or possession on school property by person of legal age; penalty
	<u>N.J.S.A. 2C:33-17</u>	Offer or service of alcoholic beverage to underage person; disorderly persons; exceptions
	<u>N.J.S.A. 2C:33-19</u>	Paging devices, possession by students
	<u>N.J.S.A. 2C:35-1 et seq.</u>	New Jersey Comprehensive Drug Reform Act of 1987
	<u>See particularly:</u>	
	<u>N.J.S.A. 2C:35-7, -10</u>	
	<u>N.J.S.A. 9:17A-4</u>	Consent by minor to medical care or treatment; venereal disease, sexual assault or drug use or dependency; notice and report of treatment; confidentiality
	<u>N.J.S.A. 18A:25-2</u>	Authority over pupils
	<u>N.J.S.A. 18A:36-19.2</u>	Student locker or other storage facility; inspections; notice to students
	<u>N.J.S.A. 18A:37-1</u>	Submission of pupils to authority
	<u>N.J.S.A. 18A:37-2</u>	Causes for suspension or expulsion of pupils
	<u>N.J.S.A. 18A:40A-1 et seq.</u>	Substance abuse

See particularly:

N.J.S.A. 18A:40A-1, -2,
-3, -4, -5, -9, -10, -11, -12,
-13, -14, -15, -16, -18, -19

N.J.S.A. 24:21-2

Definitions (New Jersey controlled dangerous substances)

N.J.S.A. 26:3D-15
through -21

Legislative findings and declarations
(smoking in educational institutions)

N.J.A.C. 6:8-3.1 et seq.

Pupil Behavior

N.J.A.C. 6:11-11.5

Substance awareness coordinator

N.J.A.C. 6A:8-3.1

Curriculum and instruction

N.J.A.C. 6A:14-2.8

Discipline/suspension/expulsion

N.J.A.C. 6A:16-1.1 et seq.

Programs to Support Student Development

See particularly:

N.J.A.C. 6A:16-1.3, -1.4,
-1.5, -2.2, -3.1, -3.2, -4.1
through -4.3, -5.3, -6.1
through -6.5

Drug Free Workplace Act of 1988 Enacted November, 1988 (Pub. L. 100-690, Title V, Subtitle D) 102 Stat. 4305-4308

Regulations Under Drug Free Workplace Act, C.F.R. 4946 (1/31/89)

42 CFR Part 2--Confidentiality of alcohol and drug abuse patient records

F.G. v. Bd. of Ed. of Hamilton, 1982 S.L.D. 382

G.L.H. v. Bd. of Ed. of Hopewell Valley Regional School District, et al., 1987 S.L.D. April 20, aff'd St. Bd. 1987 S.L.D. Sept. 2

State in the Interest of T.L.O. 94 N.J. 331 (1983), Rev'd, 469 U.S. 325 (1985)

State of New Jersey v. Jeffrey Engerud, 93 N.J. 308 (1983)

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

Vernonia School District v. Acton, 515 U.S. 646 (1995)

In the Matter of the Tenure Hearing of Graceffo, 2000 S.L.D. (September 2002)

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 (September 2002)

The New Jersey School Search Policy Manual, New Jersey Attorney General
(1998)

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

Newark Public Schools Discipline Plan and Policy (2003)

<u>Cross References:</u>	1330	Use of school facilities
	1410	Local units
	4131.1	In-service education/visitations/conferences
	4231.1	In-service education/visitations/conferences
	5114	Suspension and expulsion
	5124	Reporting to parents/guardians
	5125	Pupil records
	5131	Conduct/discipline
	5131.7	Weapons and dangerous instruments
	5141.3	Health examinations and immunizations
	5141.21	Administering medication
	5145.12	Search and seizure
	6145.1/6145.2	Intramural competition; interscholastic competition
	6154	Homework/makeup work
	6172	Alternative educational program
	6173	Home instruction



THE NEWARK PUBLIC SCHOOLS

Newark, New Jersey

POLICY



FILE CODE: 5142

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PUPIL SAFETY

The Newark Public Schools recognizes the safety of its pupils as a consideration of utmost importance. The State District Superintendent shall consult law enforcement agencies, health and social service providers, emergency management planners and other school and community resources in the development of the plans, procedures and mechanisms for school safety. The State District Superintendent shall oversee development of a district-wide safety program with emphasis on accident prevention.

Facilities

The State District Superintendent shall maintain all facilities and equipment in proper condition to provide a safe learning environment, ensuring compliance with state law on the handling, labeling and storing of hazardous substances. Safety regarding all aspects of playground equipment and activity will be maintained and supervised in compliance to law and code.

Staff Education and Training

The State District Superintendent or designee shall inform all newly employed staff of school safety rules and regulations on a regular basis and safety rules shall be prominently posted at each school. All District employees will receive the appropriate in-service training to recognize and respond appropriately to safety concerns including emergencies and crises, in accordance with the District safety plans, procedures and mechanisms. All teachers shall be familiar with the provisions of this program that particularly concern them. Regulations concerning use and maintenance of eye protective devices shall be scrupulously enforced by all staff.

Student Supervision

School staff must maintain complete classroom and playground supervision during regular school hours. The State District Superintendent shall seek the cooperation of parents/guardians to prevent any children from being unsupervised on school property during lunch hour and during morning arrival and afternoon dismissal times. Further, the State District Superintendent shall seek the cooperation of the police and other appropriate agencies in providing for the safety of pupils on or around school property.

No pupil shall run errands on school business off the school property. No pupil shall leave the school before the end of the school day without permission of the principal.

In the event that a student is suspended and removed from his/her educational program before the end of the school day, the parent/guardian must receive oral or written notice setting forth the disciplinary charges, facts upon which the charges are based, the provisions of the Code of Student Conduct alleged to have been violated, the student's due process rights, and the terms and conditions of the suspension. The school must provide appropriate supervision of the student while waiting for the student's parent/guardian to remove the student from school during the school day.

PUPIL SAFETY (continued)

The curriculum shall include courses in safety as required by state law. The State District Superintendent shall oversee development and implementation of a vocational education safety program correlated with coursework. In development of courses, the safety of participating pupils shall be a primary consideration.

Employers of work/study pupils are required to report to the appropriate District designee/contact if a pupil has not reported for work within one hour of the expected arrival time. Other pupils leaving before regular dismissal must be met in the school office and signed out by a parent/guardian or a person authorized to act in his/her behalf.

A record shall be kept indicating the legal custodian of each pupil. Such custodian shall be responsible for informing the school of any change in the pupil's custody. If one parent/guardian has been awarded custody of the pupil in a divorce, the other parent/guardian shall present to the principal a letter authorizing him/her to accompany the child from school before the child may be released. The principal may take reasonable steps to verify the letter. It is the responsibility of the person or agency having custody to inform the school that such authorization will be required.

Supervision of Students During Dismissal

Dismissal will be supervised. School staff will be assigned to specific locations and given defined responsibilities to supervise student dismissal in each school facility. Regular and early dismissal will be supervised according to the same protocol unless otherwise specified. The State District Superintendent or designee is responsible for overseeing the development of protocols that are tailored to the age and needs of the students at each school facility. At a minimum these protocols shall include:

- A. Staff assigned to supervise dismissal, and their locations and responsibilities;
- B. Where children will be retained awaiting appropriate escort and/or designated transportation;
- C. Provisions for supervision when a parent/escort is unable to pick up their child at the appropriate dismissal time; and
- D. Location and presence of municipal crossing guards.

Each school will review the dismissal procedures annually.

Supervision of Non-bused Students at Dismissal

The District shall require that the parent/guardian notify the school in advance of any arrangements for students requiring appropriate escort or designated transportation. The District requires signed permission for a student to be dismissed to walk home unescorted.

All documented arrangements will be considered permanent for the entire school year. Parents/Guardians may alter arrangements upon prior written notification to the principal or designee.

The Principal or designee is responsible for the collection of all dismissal arrangements requested by the parents/guardians. The school is responsible for keeping a record of the dismissal arrangements and for implementing the appropriate dismissal supervision in accommodation of these arrangements.

PUPIL SAFETY (continued)

Notification of Dismissal Protocols

The Principal shall ensure that parents are notified of the following:

- A. School calendar, including school closure and early dismissal dates and times; and any adjustments to the calendar;
- B. The school dismissal policy;
- C. Dismissal protocol for all bused students, non-bused students and students in after-school programs or activities;
- D. Supervision arrangements for students at dismissal;
- E. Emergency plan for supervision of students left at school;
- F. After school program opportunities; and
- G. Procedures for enrolling students in after school programs.

The parent/guardian is responsible for reviewing the school calendar and complying with all school dismissal times and procedures. It is the responsibility of parents/guardians to resume the custody of their child at the end of each school day.

Parents/guardians leaving students at school without appropriate arrangements for pick-up will be reported to the proper authorities. Such students will remain at the school's administrative office if possible, or may be brought to the local police station.

The Principal will develop procedures:

- A. For parents/guardians to provide signed acknowledgement of receipt of the school calendar, including all school closure and early dismissal dates, and the school dismissal policy and procedures;
- B. For parents/guardians to indicate and define the circumstances that the student is to be released from the school's care at dismissal; and
- C. For the collection and retention of all documents pertaining to receipt of calendar and escort/transportation arrangements.

Voluntary Fingerprinting Program

The Newark Public Schools shall provide a voluntary fingerprinting program for the protection of its pupils. This program shall be carried out in cooperation with the county sheriff's office and local law enforcement officials in accordance with the requirements of law.

All pupils in grades kindergarten through nine shall be eligible to participate with written authorization of their parent/guardian. Completed fingerprint cards shall be given to the parent/guardian and shall not be retained by the school district or the law enforcement agency.

The State District Superintendent is directed to provide an orientation program for those pupils for whom fingerprinting has been authorized, and to develop appropriate administrative regulations for the implementation of the voluntary fingerprinting program in the District.

PUPIL SAFETY (continued)**Potentially Missing Children**

Attendance practices, the dismissal precautions addressed in this policy, and voluntary fingerprinting are part of the District's effort toward early identification of potentially missing children. The District's Director of Security will develop procedures that ensure cooperation with law enforcement for substances, weapons and safety. This may include cooperation with law enforcement in the activation of an "Amber Alert" which provides for the rapid dissemination of information, including a description of the missing child through broadcast media.

Possessions

Parents/guardians are requested not to permit their children to bring expensive or fragile objects to school and to label or otherwise identify clothing, books and personal items. The District is not responsible for items destroyed or stolen from lockers.

Megan's Law

Only law enforcement agencies in the community receive notification of the presence of Tier One offenders. The State District Superintendent, Director of Security and principals in affected schools shall receive notification from the county prosecutor's office or local law enforcement officials when Tier Two or Tier Three sex offenders move into the District. Principals shall inform those employees/ volunteers whose duties regularly put them in a position to observe unauthorized persons on or near the property of the school. The Director of Security shall determine who to notify on the basis of this definition, as well as on specific job duties carried out in their schools. Notification may include, but is not limited to:

- A. Aides
- B. Bus drivers
- C. Coaches
- D. Maintenance staff
- E. Professional support staff
- F. School level administrative staff
- G. Security personnel
- H. Teachers' aides
- I. Teachers

School personnel are notified only in their capacity as such and shall not disseminate information about an offender to anyone not specifically identified by the county prosecutor or Attorney General. Any school employee who does so may be disciplined. If a school employee has reason to believe that an offender who has been the subject of a notification is a danger to someone outside the school environment, he/she shall immediately contact the local law enforcement agency or the county prosecutor.

PUPIL SAFETY (continued)

District personnel shall not notify the following of the presence of Tier Two or Tier Three offenders:

- A. Members of PTO, PTA, HSA, etc.
- B. Organizations using school facilities
- C. Other schools
- D. Press.

The principal shall provide registration forms to any organization that uses the school facilities, including parent-teacher organizations, that wishes to be notified by the county prosecutor's office of the presence of a Tier Two or Tier Three offender in the community.

In addition to the school personnel identified by the principal, students and parents/guardians shall be notified of the presence of Tier Three offenders. The prosecutor's office and local law enforcement shall supply the school with notices for them when a school is located in the area where a vulnerable population is likely to encounter a Tier Three offender. Dissemination of these notices shall be in accord with law and accomplished in cooperation with the county prosecutor's office. Confidentiality shall be a prime consideration in all communications with students and parents/guardians, and all directives of the county prosecutor and Attorney General's offices shall be observed.

When a student has been identified as a sex offender, all procedures of notification shall apply. When a parent/guardian has been identified as an offender, he/she may continue to participate in all appropriate parent/guardian activities, unless prohibited by legal constraint.

Newly hired staff and newly enrolled students and their parents/guardians shall be trained and informed of the presence of Tier Two and Tier Three offenders, unless the county prosecutor has notified the principal that notice cannot be given.

Students and district employees shall not be liable in any civil or criminal action for providing or failing to provide information relevant to notification. The chief school administrator shall prepare regulations to implement this policy and all directives of the county prosecutor's office to ensure careful adherence to Megan's Law.

School Violence Awareness Week and Annual Public Hearing

The school shall observe "School Violence Awareness Week." This week will include discussions, presentations, and training for both students and staff, focused on the topic of preventing violence in school. Law enforcement personnel will be invited to join school teaching staff presenting age appropriate opportunities for students to discuss issues including but not limited to conflict resolution, student diversity and tolerance.

PUPIL SAFETY (continued)

The District shall hold a public hearing on violence and vandalism pursuant to N.J.S.A. 18A: 17-46 and N.J.A.C. 6A: 16-5.3. The requirements of the public hearing are covered in greater detail in file code 5131.5 of this manual.

Student Access To Personal Cell Phones

Safety is the primary concern for the Newark Public Schools (the “District”) and the ability of parents and guardians to communicate with their children in an emergency situation is essential. Further, the District understands that students may need access to their cell phones when walking home from school or for after school activities that they may attend immediately upon leaving the school premises.

As such, the District allows students to carry **concealed** on their persons or carrying bags under the condition that the cell phones remain off (not on a silent ring or “vibrate” setting) at all times during the school day, on school premises, or at school functions. In the event of an emergency, the school administration (or the classroom teacher upon the direction of the school administration) will direct the students when they may safely turn on a cell phone.

If the student desires to carry a cell phone during the school day, the parent/guardian and student must execute a User Agreement specifically identifying the cell phone and acknowledging that the District assumes no responsibility for any loss or damage to the cell phone. The form must be on file in the school office before the device is brought to school.

Violation of this policy may be punishable as a Level III offense under the District’s Discipline Plan and Policy. Further, the student’s cell phone will be confiscated, the student’s parent/guardian will be contacted to retrieve the phone, and cell phone carrying privileges may be suspended or revoked.

Date Adopted by State District Superintendent: August 19, 2008

Legal References: Jerkins v. Anderson, 191 N.J. 285 (2007)

<u>N.J.S.A. 2C:7-2 et seq.</u>	Registration and Notification of Release of Certain Offenders
<u>N.J.S.A. 2C:39-5</u>	Unlawful possession of weapons
<u>N.J.S.A. 18A:6-2</u>	Instruction in accident and fire prevention
<u>N.J.S.A. 18A:16-2</u>	Physical examinations; requirement
<u>N.J.S.A. 18A:17-42, -43 and -45 through -48</u>	Public School Safety Law
<u>N.J.S.A. 18A:20-21</u>	Supervisors and other employees
<u>N.J.S.A. 18A:35-5</u>	Maintenance of physical training courses; features
<u>N.J.A.C. 6A:16-7.2</u>	Short term suspensions

PUPIL SAFETY (continued)

<u>N.J.S.A.</u> 18A:35-5.1 through -5.3	Lyme disease prevention; public school health curriculum
<u>N.J.S.A.</u> 18A:36-24 through -25	Missing children; legislative findings and declarations ...
<u>N.J.S.A.</u> 18A:36-29 <u>et seq.</u>	Voluntary fingerprinting ...
<u>N.J.S.A.</u> 18A:40-12.1, -12.2	Protective eye devices required for teachers, pupils and visitors in certain cases ...
<u>N.J.S.A.</u> 18A:41-1 <u>et seq.</u>	Fire drills and fire protection
<u>N.J.S.A.</u> 30:5B-26 through -29	Child care before and after school hours
<u>N.J.S.A.</u> 34:5A-1 <u>et seq.</u>	Worker and Community Right to Know Act
<u>N.J.S.A.</u> 39:4-183.1a	Traffic control devices
<u>N.J.A.C.</u> 6:8-3.1	Curriculum and instruction
<u>N.J.A.C.</u> 6A:8-5.1	Graduation requirements
<u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u>	Programs to Support Student Development
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:16-2.1, -5.1, -5.2, -5.5, -5.6, -5.7, -6.1, -6.2, -6.4, -6.5	
<u>N.J.A.C.</u> 6A:19-10.1 <u>et seq.</u>	Safety and Health Standards
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:19-10.2	
<u>N.J.A.C.</u> 6A:24-6.1(a)2	Implementation of required programs in secondary schools
<u>N.J.A.C.</u> 6A:26-12.1 <u>et seq.</u>	Operation and Maintenance of Facilities
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:26-12.2, -12.5	
<u>N.J.A.C.</u> 6A:27-11.1 <u>et seq.</u>	Safety

Manual for the Evaluation of Local School Districts (September 2002)

<u>Cross References:</u>	1250	Visitors
	1410	Local units
	3000/3010	Concepts and roles in business and Non-instructional operations; goals and objectives
	3516	Safety
	3541.33	Transportation safety
	4112.4	Employee health
	4131/4131.1	Staff development; in-service education/visitations/conferences
	4212.4	Employee health

PUPIL SAFETY (continued)

4231/4231.1	Staff development; in-service education/visitations/conferences
5020	Role of parents/guardians
5113	Absences and excuses
5124	Reporting to parents/guardians
5125	Pupil records
5131	Conduct/discipline
5131.5	Vandalism/violence
5131.6	Drugs, alcohol, tobacco (substance abuse)
5131.7	Weapons and dangerous instruments
5141.1	Accidents
5141.2	Illness
5141.4	Child abuse and neglect
5141.21	Administering medication
5145.12	Search and seizure
6114	Emergencies and disaster preparedness
6142.12	Career education

THE NEWARK PUBLIC SCHOOLS
AGREEMENT FOR POSSESSION OF PERSONAL CELL PHONES

Student's Name _____ **Grade** _____

Parent/Guardian's Name _____ **Home Phone** _____

Make/Model of Phone _____ **Serial/ID Number** _____

Cell Phone Number _____

The undersigned agrees to defend, indemnify, and hold harmless the Newark Public Schools ("District"), its officers, agents, employees, and volunteers, from any and all loss, costs, and expense, arising out of any claim of liability for personal injury or property damage (including damage to the equipment/property listed above), or any other loss, sustained or claimed to have been sustained, arising out of or in any way connected with the above listed equipment/property.

The District assumes no responsibility whatsoever for any equipment brought on its premises. By signing this form, the undersigned certifies that he/she will assume all financial responsibility for damage or theft of this equipment.

I have read and I understand the District's policy on Student Possession of Personal Cell Phones. I represent that the equipment identified above is not a camera or video phone. Further, I agree that the cellular telephone must be kept off (not on a silent ring or "vibrate") and concealed at all times during the school day, on school premises, or at school functions. During an emergency, I agree to refrain from use of the cell phone until my teacher or administrators advise that it is safe to use the phone.

I further understand that:

- (i) the violation of this policy is punishable as a Level III offense under the District's Discipline Plan and Policy, and the privilege of carrying a cell phone onto the school campus may be revoked and the device will be impounded if I do not obey these rules;
- (ii) phones left unclaimed for over 30 days may be disposed of accordingly as abandoned property;
- (iii) in the event that a student uses a cell phone (or any component thereof) to facilitate the commission of a crime or the infliction of injury or harm to persons or property, the violation shall be deemed a Level IV offense and the student will be reported to law enforcement.

 Student Signature

 Date

 Parent/Guardian's Signature

 Date

 Administrator's Signature

 Date



THE NEWARK PUBLIC SCHOOLS

Newark, New Jersey

POLICY



FILE CODE: 5113

(Page 1 of 6)

ABSENCES AND EXCUSES

In order for the Newark Public Schools to fulfill its responsibility for providing a thorough and efficient education for each pupil, the complete cooperation of parents/guardians and pupils is required to maintain a high level of school attendance. The frequent absence of pupils from classroom learning experiences disrupts the continuity of the instructional process and limits the ability of pupils to complete the prescribed curriculum requirements successfully.

The District strives for a goal of 100 percent attendance for its students. The District will follow the action set forth below in the event of an unexcused absence.

Teachers must report promptly all unexcused pupil absences to the attendance counselor assigned to the school. Attendance counselors will diligently investigate all referrals promptly in order to determine the cause of the absences and forward their findings to the administrators and teachers so that the issue may be addressed. Under no circumstances shall a teacher send a pupil to ascertain the cause of any other pupil's absence from the school.

Parents/legal guardians are responsible for notifying the school early in the day when a child will be absent and for informing the school of the reason for the absence. Documentation of the nature and causes of these absences shall be the responsibility of the pupil and parent/legal guardian.

"Buy Back" Program

The District shall allow each school to institute a "Buy Back" Program pursuant to which a student may receive credit for days of unexcused absences if that student completes additional assignments to the satisfaction of the school administrator. The student can then apply these "credits" so that his/her grade is not as adversely impacted by the absences. At the elementary level, the employees supervising the "Buy Back" program will include the guidance counselor, attendance counselor, whole school reform social worker, and the teacher. At the secondary level, the employees supervising the "Buy Back" program will include the Vice Principal in charge of scheduling, the Head Guidance Counselor, the school counselor, and the teacher.

Truancy/Action Taken By District Staff Upon Learning Of Unexcused Absences

Each school shall designate staff to address unexcused absences who shall aggressively undertake the duties set forth below.

For up to four cumulative, unexcused absences, the designated school staff shall:

- (1) Make a reasonable attempt to notify the student's parents of each unexcused absence prior to the start of the following school day;
- (2) Conduct an investigation to determine the cause of each unexcused absence, including contact with the student's parents;
- (3) Develop an action plan in consultation with the student's parents designed to address patterns of unexcused absences, if any, and to have the child return to school and maintain regular attendance;

ABSENCES AND EXCUSES (Continued)

- (4) Proceed in accordance with the provisions of N.J.S.A. 9:6-1 et seq. and N.J.A.C 6A:16-11, if a potential missing or abused child situation is detected; and
- (5) Cooperate with law enforcement and other authorities and agencies, as appropriate;

For between five and nine cumulative unexcused absences, the designated school staff shall:

- (1) Make a reasonable attempt to notify the student's parents of each unexcused absence prior to the start of the following school day;
- (2) Conduct a follow-up investigation, including contact with the student's parents, to determine the cause of each unexcused absence;
- (3) Evaluate the appropriateness of the action plan developed above;
- (4) Revise the action plan, as needed, to identify patterns of unexcused absences and establish outcomes based upon the student's needs and specify the interventions for achieving the outcomes, supporting the student's return to school and regular attendance that may include any or all of the following:
 - (A) Refer or consult with the building's Intervention and Referral Services team, pursuant to N.J.A.C. 6A:16-8;
 - (B) Conduct testing, assessments or evaluations of the student's academic, behavioral and health needs;
 - (C) Consider an alternate educational placement;
 - (D) Make a referral to a community-based social and health provider agency or other community resource;
 - (E) Refer to the court program designated by the New Jersey Administrative Office of the Courts; and
 - (F) Proceed in accordance with the provisions of N.J.S.A. 9:6-1 et seq. and N.J.A.C. 6A:16-11, if a potential missing or abused child situation is detected; and
- (5) Cooperate with law enforcement and other authorities and agencies, as appropriate.

For cumulative unexcused absences of 10 or more, the designated school staff shall:

- (1) Make a mandatory referral to the court program required by the New Jersey Administrative Office of the Courts;
- (2) Make a reasonable attempt to notify the student's parents of the mandatory referral;
- (3) Continue to consult with the parent and the involved agencies to support the student's return to school and regular attendance;
- (4) Cooperate with law enforcement and other authorities and agencies, as appropriate;
- (5) Proceed in accordance with N.J.S.A. 18A:38-28 et seq., the compulsory attendance process.

The attendance plan and punitive and remedial measures above apply to students with disabilities, where applicable, consistent with any student's individualized education program, accommodation plan, or individualized health care plan.

Excused Absences

The District considers the following as cause for excused absence:

- A. Disabling illness;
- B. Recovery from accident;
- C. Required Court attendance;
- D. Death in the family;

ABSENCES AND EXCUSES (Continued)

- E. Religious observance (In accordance with statute, no pupil absent for religious observance of a day recognized by the Commissioner of Education or the State District Superintendent shall be charged with an unexcused absence, deprived of an award or eligibility/opportunity to compete for an award, or of the right to take an alternate to a test or examination missed through such absence); and
- F. Such good cause as may be acceptable to the Principal.

Attendance need not always be within the school facilities. A pupil will be considered to be in attendance if he/she is present at any place where school is in session by authority of the District. The Newark Public Schools shall consider each pupil assigned to a program of independent study, with parent/guardian permission, to be in regular attendance for that program, provided that he/she is under the guidance of a staff member so assigned, reports daily or weekly, as prescribed, to such staff member in the place in which he/she is conducting his/her study, and regularly demonstrates progress toward the objectives of his/her course of study.

Regular Release of Pupils before the End of the Normal School Day

There are varying situations which may justify release of certain pupils from school before the normal time for closing. Such situations are justifiable only if the release does not jeopardize the pupil's educational program and the reasons for such release can be shown to have positive benefits for the pupil.

Late Arrival and Early Dismissal

The Newark Public Schools recognizes that from time to time compelling circumstances will require that a pupil be late to school or dismissed before the end of the school day. The school must be notified in advance of such absences by written request of the pupil's parent/legal guardian, which shall state the reason for the tardiness or early dismissal. Tardiness not covered by the causes listed shall be cumulative, and may affect course credit.

Justifiable reasons may include:

- A. Medical or dental appointments that cannot be scheduled outside of school hours;
- B. Medical disability;
- C. Motor vehicle driver's test;
- D. Interview for college entrance or employment;
- E. Family emergency;
- F. Court appearance;
- G. Such good cause as may be acceptable to the administration.

No pupil in grades kindergarten through eight shall be permitted to leave the school before the close of the school day unless he/she is met in the school office by his/her parent/guardian or a person authorized by the parent/guardian to act on his/her behalf.

No student shall be denied admission to school or "locked out" if arriving late. Rather, the student should be directed to the main office, marked tardy, and the reason for his tardiness ascertained.

Legal Custody

A record shall be kept indicating the legal custodian of each pupil. Such custodian shall be responsible for informing the State District Superintendent/designee of any change in the pupil's custodian. If one parent/guardian has been awarded custody of the pupil in a divorce settlement, a copy of the applicable

ABSENCES AND EXCUSES (Continued)

section of the certified judgment shall be filed with the school. The principal may take such steps as deemed necessary to ensure that the child is released only to the individual(s) having proper custody.

Potentially Missing Children

- A. If daily attendance records indicate a child is absent, and the parent/guardian has not called, a designated person shall attempt to contact them.
- B. If no telephone contact can be made, the attendance officer shall investigate.
- C. If the attendance officer cannot locate the child, he/she shall inform the principal, who shall inform the appropriate local authorities.
- D. If a child who was present in the morning is absent after lunch, the same procedure shall be followed.

Date Adopted by State District Superintendent: October 28, 2008

Legal References:

<u>N.J.S.A.</u> 18A:7B-12	District of residence; determination
<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
<u>N.J.S.A.</u> 18A:35-4.9	Pupil promotion and remediation; policies and procedures
<u>N.J.S.A.</u> 18A:36-14, -15, -16	Religious holidays; absence of pupils on; effect...
<u>N.J.S.A.</u> 18A:36-19a	Newly enrolled students; records and Identification
<u>N.J.S.A.</u> 18A:36-24 through - 26	Missing children; legislative findings and declarations...
<u>N.J.S.A.</u> 18A:38-1	Attendance at school free of charge
<u>N.J.S.A.</u> 18A:38-2	Free attendance at school by nonresidents placed in district under court order
<u>N.J.S.A.</u> 18A:38-3	Attendance at school by nonresidents
<u>N.J.S.A.</u> 18A:38-4	Free attendance to persons over age
<u>N.J.S.A.</u> 18A:38-5	Admission of pupils under age
<u>N.J.S.A.</u> 18A:38-5.1	No child to be excluded from school because of race, etc.
<u>N.J.S.A.</u> 18A:38-6	Time of admission of pupils; first school year
<u>N.J.S.A.</u> 18A:38-8	Duty to receive pupils from other districts
<u>N.J.S.A.</u> 18A: 38-25	Attendance required of children between six and 16; exceptions
<u>N.J.S.A.</u> 18A:38-26	Days when attendance required; exceptions
<u>N.J.S.A.</u> 18A:38-27	Truancy and juvenile delinquency defined
<u>N.J.S.A.</u> 18A:38-31	Violations of article by parents or guardians; penalties

ABSENCES AND EXCUSES (Continued)

<u>N.J.S.A.</u> 18A:38-32	Districts and county vocational school attendance officers
<u>N.J.S.A.</u> 18A:40-7	Exclusion of pupils who are ill
<u>N.J.S.A.</u> 18A:40-8	Exclusion of pupils whose presence is detrimental to health and cleanliness
<u>N.J.S.A.</u> 18A:40-9	Failure of parent to remove cause for exclusion; penalty
<u>N.J.S.A.</u> 18A:40-10	Exclusion of teachers and pupils exposed to disease
<u>N.J.S.A.</u> 18A:40-11	Exclusion of pupils having communicable tuberculosis
<u>N.J.S.A.</u> 18A:40-12	Closing schools during epidemic
<u>N.J.S.A.</u> 18A:40-20	Immunization at public expense
<u>N.J.S.A.</u> 18A:44-1	Establishment of nursery schools or departments; eligibility for admission
<u>N.J.S.A.</u> 18A: 44-2	Establishment of kindergarten; eligibility for Admission
<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
<u>N.J.S.A.</u> 52:17B-9.8a	Marking of missing child's school record
<u>N.J.S.A.</u> 26:1A-9.1	Exemption of pupils from mandatory immunization
<u>N.J.S.A.</u> 26:4-6	Prohibiting attendance of teachers or pupils
<u>N.J.A.C.</u> 6:3-8.1 <u>et seq.</u>	Provisions for the education of homeless children and youth
<u>N.J.A.C.</u> 6:8-6.1	Assessment of pupil needs
<u>N.J.A.C.</u> 6:8-6.2	Programs and services for pupils at risk
<u>N.J.A.C.</u> 6:8-6.3	Budget documentation
<u>N.J.A.C.</u> 6:20-1.2	School enrollment
<u>N.J.A.C.</u> 6:20-5.3, -5.4	Method of determining the district of residence...
<u>N.J.A.C.</u> 6A:8-5.1	Graduation requirements
<u>N.J.A.C.</u> 6A:16-1 <u>et seq.</u>	Programs to support student development
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the performance of School Districts
<u>N.J.A.C.</u> 6A:32-8.1 <u>et seq.</u>	Student Attendance and Accounting
<u>N.J.A.C.</u> 6A:32-8.3	School Attendance
<u>N.J.A.C.</u> 6A:32-13.1	Student Attendance
<u>N.J.A.C.</u> 6A:14-1.1 <u>et seq.</u>	Special education
<u>N.J.A.C.</u> 6:29-2.4	Attendance at school by pupils or adults infected by Human Immunodeficiency Virus (HIV)
<u>N.J.A.C.</u> 8:57	Communicable diseases
<u>See particularly:</u>	
<u>N.J.A.C.</u> 8:57-2	
<u>N.J.A.C.</u> 8:61-1.1	Attendance at school by pupils or adults infected by Human Immuno-Deficiency Virus (HIV)

ABSENCES AND EXCUSES (Continued)

Plyler v. Doe, 457 U.S. 202 (1982)

Plainfield Board of Education v. Cooperman, 105 NJ 587 (1987)

Wetherell v. Board of Education of Township of Burlington, 1978 S.L.D. 794

Wheatley v. Board of Education of City of Burlington, 1974 S.L.D. 851

C.R., on behalf of J.R. v. Board of Education of the Scotch Plains-Fanwood Regional School District, 1988 S.L.D. (June 22)

Manual for the Evaluation of Local School Districts

Cross References:

*5020	Role of parents/guardians
*5111	Admission
*5114	Suspension and expulsion
*5118	Nonresidents
*5120	Assessment of individual needs
*5124	Reporting to parent/guardians
*5125	Pupil records
*5141	Health
*5141.2	Illness
*5141.3	Health examinations and immunizations
*5141.4	Child abuse and neglect
*5142	Pupil safety
*6146	Graduation requirements
*6146.2	Promotion/retention
*6147	Standards of proficiency
*6147.1	Evaluation of individual student performance
*6154	Homework/makeup work
*6164.4	Child study team
*6171.4	Special education
*6173	Home Instruction
*6178	Early childhood education/preschool

* Indicated policy is included in the Critical Policy Reference Manual

COMMUNITY ASSISTANCE

The following is a listing of community-based health and social service provider agencies and legal resources available to serve our community:

Al-Anon/Alateen North Jersey Information Service; American Friends Service Committee Immigrant Rights Program; Aspira, Incorporated; Association for Children of New Jersey (ACNJ); Boys' and Girls' Clubs of Newark; Broadway House/AIDS Community Education Program (ACE Program); Catholic Community Services; Challenge Program; Child Abuse Hotline; Child Assault Prevention Project; Covenant House of NJ; Drug Hotline; Echoes – The Grief Center; Education Law Center; El Club Del Barrio, Inc.; Essex County Legal Aid Association; Essex County Youth Advocate Program; Essex County Youth Case Management Program; Essex Newark Legal Services; Essex Substance Abuse Center, Inc.; Essex Substance Abuse Center, Inc.; Family Life Institute at PPMNJ; Family Service Bureau of Newark; Family Service Bureau of Newark; Hospice; Hyacinth AIDS Foundation; Integrity House Inc.; Ironbound Community Corporation; Joint Connection; La Casa de Don Pedro; Lighthouse Community Services, Inc.; Link Community Educational Center; Mayor's Office of Employment and Training; Mental Health Association of Essex County; National Numbers for Health, Social Services, and Missing Children; Newark Beth Israel Medical Center – Community Mental Health Center; Newark Business Training Institute; Newark Community Health Centers, Inc.; Newark Day Center; Newark Department of Health & Human Services; Newark Family Resource Network; Newark Police Dare Program; Newark Police Department Sexual Assault Unit; Newark Renaissance House, Inc.; New Community Corporation; New Community Corporation; New Jersey State Division of Vocational Rehabilitation (DVR); New Jersey State Division of Youth and Family Services (DYFS); New Jersey State Employment Service; North Ward Center, Inc.; Planned Parenthood of Metro NJ/ Family Life Institute; Poison Control Center; Prevent Child Abuse New Jersey; Programs for Parents, Inc.; Project Ninety Nine; Protestant Community Centers, Inc.; Public Defender; Rutgers University School of Law/ Child Advocacy Center; State Wide Parent Advocacy Network, Inc. (SPAN); The Challenge Programs of New Jersey, Inc.; The Lennard Clinic, Inc.; Traumatic Loss Coalition for Youth of Essex County; Tri-Cities People Corporation; UMDNJ – Francois Xavier Bagnour Center (FXB); UMDNJ P.O.W.E.R. Program (Peer Outreach Workers Educating Risk-Takers); UMDNJ School Based Youth; Unified Vailsburg Services Organization; United Community Corporation (UCC); United Way; University Behavioral Health Center; Urban League of Essex County; Wynona's House; Young Father's Program (UMDNJ); Youthbuild Newark, Inc.; and Youth Consultation Service.

More details on these agencies can be obtained from the District's Office of Guidance.

Please be advised that parents, guardians and students are afforded protections pursuant to existing Federal and State laws pertaining to student protections, including 20 U.S.C. §1232g and 34 CFR Part 99, Family Educational Rights and Privacy Acts; 20 U.S.C. §1232h and 34 CFR Part 98, Protection of Pupil Rights Amendment; N.J.S.A. 18A:36-19, N.J.A.C. 6A:32-7, N.J.A.C. 6A:14-2.9, regarding Student 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; and N.J.A.C. 6A:16-3.2, Confidentiality of student alcohol and other drug information. For more detail or a detailed explanation of these protections, contact the legal resources listed above.

**Newark Public Schools
Discipline Plan and Policy:
Prevention & Intervention Plan**

“Shared United Services Delivery Model”

PURPOSE:

To provide a coordinated support structure that offers students personalized assistance with the management of their own behaviors.

Students who commit Level I and Level II offenses, as specified in the Student Code of Conduct, can be provided with: *Intervention and Resource Services (I&RS)* in accordance with Level I/II Disciplinary Options and Responses (File Code 5131), and, Positive Behavior Supports (File Code 5147), and, any additional strategies appropriate to personal behavior management.

Students who commit Level III and Level IV offenses, as specified in the Student Code of Conduct, will be provided with: *Supportive Intervention Services* before, during, and following a decision to suspend, in accordance with Level III/IV Disciplinary Options and Responses (File Code 5131), and, Positive Behavior Supports (File Code 5147), and, any additional strategies appropriate to personal behavior management.

PROCEDURE:

Disciplinary Options and Positive Behavior plans will be coordinated by the school support staff in conjunction with the student, parent, and principal. The plan will be developed within the parent conference related to the offense, and, documented on an *Intervention and Resource Services (I&RS) Form for Levels I/II*, or, a *Supportive Intervention Services Form (attached) for Levels III/IV*.

The Supportive Intervention Form (see attachment) will identify and specify the following:

- participants in the development of the plan;
- history of prior interventions;
- disciplinary Options (File Code 5131) that match the level of the offense;
- positive Behavior Supports (File Code 5147), and/or additional strategies for personal behavior management;
- referrals;
- parental responsibilities;
- a designated support specialist who is assigned to the student and who is responsible for the plan's implementation.

DISCIPLINARY OPTIONS IN THE STUDENT CODE OF CONDUCT (File Code 5131):

Level I: Peer Mediation, Behavioral Contract, Parent Conference

Level II: Peer Mediation, Peer Counseling, Behavior Contract, Support Staff Counseling, Parent Conference, I&RS Referral, Referral to Outside Agency

Level III: Restitution Activity, Support Staff Counseling, Parent Conference, I&RS Referral, Referral to Outside Agency, Referral to Alternative Program

Level IV: Referral to Alternative School and Services, Referral to Outside Agencies, DYFS

POSITIVE BEHAVIOR SUPPORTS (File Code 5147), and, ADDITIONAL BEHAVIORAL MANAGEMENT STRATEGIES:

Mentorships/Role Model

Communication/Negotiation Skills Training

Parenting Workshops/Parent Student Workshops

Conflict Resolution/Peer Mediation

Student Court

Reward System

Verbal/Non-Verbal Communication Cues Training

Gang Awareness Workshops

Community Linkages

Values Exploration

Community Service

Tutoring/Homework Assistance

Bullying Workshops

Student Assistance Coordinator Mandatory Orientation

Academic Accommodations

Work/Behavior Contract

Advisories

Participation in Extra-Curricular Activities

In addition, the Newark Public Schools in collaboration with the Newark Teachers' Union (NTU) and the Statewide Parent Advocacy Network (SPAN), has provided "Behavioral Problems in Tiered Intervention" on the NTU search engine. This information is also available on the NPS website.

SUSPENSION-OFF-SITE DOCUMENTATION:

The Director of Alternative Education will ensure that there is a smooth transition to the Suspension Off-Site Location with appropriate designated staff at each site to monitor the referred students. Students in grades 6 through 8, who receive suspensions of 5-10 days, are referred to Suspension-Off-Site locations: Luis Munoz Marin Middle School, and Quitman Street School; students in grades 9-12, who receive suspensions of 5-10 days, are referred to the Suspension-Off-Site location at Pathways. Students will receive the appropriate support services during the period of the suspension, which will be documented and forwarded to the student's school at the completion of suspension. Documentation at Suspension-Off-Site may include, but is not limited to:

- attendance record at the Suspension-Off-Site
- behavioral observation at the Suspension-Off-Site
- counseling at the Suspension-Off-Site
- completion status of the Suspension Learning Packet
- tutorial assistance with the learning packet

Suspension-Off-Site documentation will be considered in the student's Supportive Intervention Services Plan implementation, and will be the basis of any revisions or updates to this plan once the student returns to school.

SCHOOL SUPPORT STAFF:

Support staff at the school who, together with the parent and student, will design and implement the I&RS Plan for Level I and II offenses, and/or the Supportive Intervention Services Plan for Level III and IV offenses, can include:

- guidance counselors
- student assistance coordinators (SAC's)
- social workers
- attendance counselors
- school nurses
- child study team members
- crisis teachers

The Support Specialist (see above) designated to provide plan implementation assistance to the student can be, but is not limited to, one of the categories above. All efforts should be made to assist the student in this placement.

**Supportive Intervention Services Plan Form for
Level III and Level IV Offenses of the Student Code of Conduct**

School: _____ Administrator: _____
 Name of Student: _____
 Grade: _____ Homeroom / Class: _____ ID #: _____ Date of Birth: _____
 Name of Support Specialist/ Title assigned to student: _____
 Dates of Suspension: _____ Student Code of Conduct Offense: _____
 It is verified that this student received and signed the Memorandum of Understanding:
 Supportive Intervention Plan Conference Date: _____ Today's Date (if different): _____

Supportive Intervention Plan Participants	Signatures
Administrator/Principal	
Parent/Guardian	
Student	
Teacher	
Guidance Counselor	
Student Assistance Coordinator (SAC)	
Social Worker	
Attendance Counselor	
School Nurse	
Child Study Team Member:	
Other:	

Disciplinary Options (F.C. 5131)	Positive Behavior Supports (F.C.5147)	Additional Behavioral Strategies
1	1	1
2	2	2
3	3	3
4	4	4

Parental Responsibilities:

Student Responsibilities:

--	--

Parent Signature:

Student Signature:

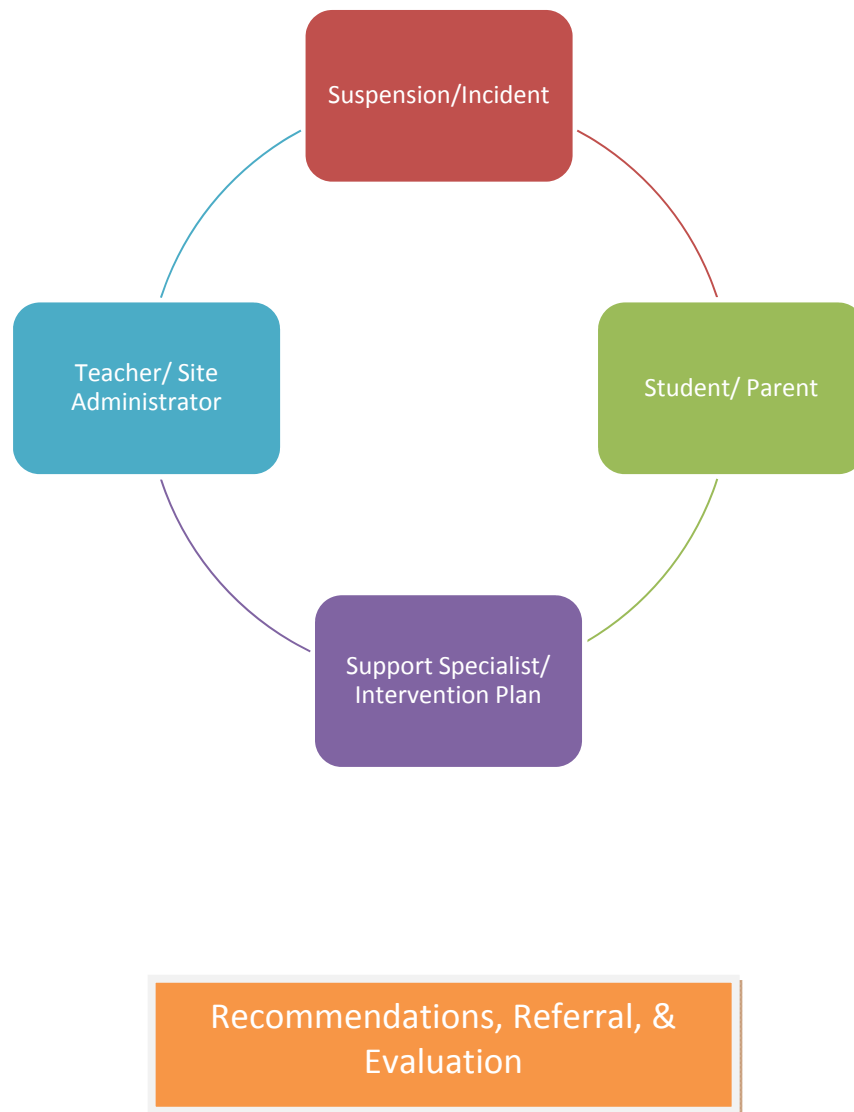
Referrals made to:

Referrals made by:

Follow-up Meeting Date:

Additional Concern(s):

***Copy to Parent and Student**



**Support Specialist/ Intervention Plan
Prevention Services**



THE NEWARK PUBLIC SCHOOLS

Newark, New Jersey

POLICY



FILE CODE: 6145

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EXTRACURRICULAR ACTIVITIES

The Newark Public Schools believes that the educational goals and objectives of the District are best achieved by a diversity of learning experiences, some of which are more appropriately conducted outside the regular classroom program.

The purpose of extracurricular activities shall be:

- A. To develop useful new capabilities in pupils that can lead to extension of career opportunities;
- B. To develop pupil initiative and provide for the exercise of responsibility;
- C. To develop leadership capabilities and good organizational skills;
- D. To aid pupils in the social skills; and
- E. To enable pupils to explore a wider range of individual interests than might be available in the regular program.

For purposes of this policy, "extracurricular activities" shall be those activities that are sponsored or approved by the State District Superintendent but are not offered for credit toward graduation. Such activities shall generally be conducted outside the regular school day, available to pupils who voluntarily elect to participate, marked by pupil participation in the processes of initiation, planning, organizing and execution, and shall ordinarily include band, clubs, dramatic or musical presentations, and intramural and interscholastic sports.

Equal access to school facilities shall be granted to all activities that meet this definition.

The District's extracurricular program shall:

- A. Assess the needs and interests of the pupils of this District;
- B. Ensure the provision of competent guidance and supervision by staff;
- C. Guard against the exploitation of pupils;
- D. Provide for a variety of experiences and a diversity of organizational models;
- E. Provide for the continuing evaluation of the extracurricular program and staff; and

EXTRACURRICULAR ACTIVITIES (Continued)

- F. Ensure that all extracurricular activities are open to all eligible pupils and that all pupils are fully informed of the opportunities open to them.

The guidance goal for each pupil shall be a balanced program of appropriate academic studies and activities to be determined by the school, the parents/guardians and the pupil. Guidance is necessary to encourage nonparticipants, and to prevent the overenthusiastic from emphasizing activities at the cost of their academic performance.

Only persons in the employ of the Newark Public Schools shall be permitted to organize District pupils during school time or during any recess in the school day for purposes of instruction or coaching or for conducting games, events, or contests in physical education or athletics.

No activity shall be considered to be under the sponsorship of the Newark Public Schools unless it has been approved by the State District Superintendent. Fund-raising activities of extracurricular groups must be approved by the State District Superintendent or designee.

All pupils in good disciplinary and academic standing shall have equal access to all extracurricular activities regardless of race, color, creed, religion, sex, national origin, ancestry, social or economic status, or nonapplicable disability.

Eligibility

Eligibility for participation in any Newark Public School extracurricular and interscholastic athletic program follows Article V of The Constitution and Rules and Regulations of the New Jersey Interscholastic Athletic Association.

In order to participate the following general rules of eligibility apply:

- a) Any student in grades 10, 11, and 12 must have earned 27.5 credits by the end of the previous school year in order to be eligible for Fall or Winter sports or Extracurricular club/team in the following school year.
- b) To be eligible for Spring sports and maintain eligibility for continued Extracurricular participation, all students in grades 9, 10, 11, and 12 must have earned 13.75 credits by the end of the first semester.
- c) Any student in grades 9, 10, 11, and 12 must have earned a minimum previous semester Grade Point Average (GPA) of 2.0.
- d) As there is no credit rule in eighth grade, incoming ninth graders who have at least a 2.0 GPA from their 8th grade final report card are eligible for Fall and Winter sports and Extracurricular participation; however, any incoming freshman who is sixteen before September 1 of a school year may not participate in Freshman sports. He/she can participate on JV/Varsity teams only.
- e) All students have eight consecutive semesters for participation, beginning with the first enrollment in ninth grade.
- f) Students who are nineteen before September 1 of a school year are ineligible for athletic participation.

EXTRACURRICULAR ACTIVITIES (Continued)

- g)** All classified students, as defined by the New Jersey State Department of Education, shall comply with all athletic eligibility rules and regulations of the NJSIAA, with the exception of the credit rule. In addition, a classified student must provide written consent from his/her parent/guardian. Further, the student's individualized education program must indicate that the student can participate in interscholastic athletics.
- h)** Academically ineligible students who do not meet the GPA requirement of 2.0 from the previous semester in grade 9-12 and whose previous semester GPA is at or above 1.5 may use a one-time probationary period during the course of the student's academic history which would make the student eligible until the next grading period.
- i)** A student on academic probation or a student whose GPA is 2.5 or below is mandated to participate in and receive academic supports such as mandatory tutorial programs, assigned mentors, and credit/grade recovery.
- j)** If a student on academic probation has two (or more) poor performance reviews for one week and or has one (or more) unexcused absence(s), he/she will be suspended immediately for one week (7 full days beginning on the day of the suspension) from any athletic competition. The student will be expected to report to practice for additional duties during that practice. He/she may not dress, but must attend scheduled competitions. At the end of the week's suspension, he/she must have documented signs of improvement from teacher(s) and their parent(s)/guardian(s) in order to be eligible for the next week's competition(s).
- k)** If a student on academic probation fails to improve his/her grades/GPA or his/her grades/GPA lowers over the cycle, the student will be removed from participation by the Principal, Athletic Director, and Head Coach for the remainder of the athletic season. Once removed, in order for the student to be eligible for athletic participation again, he/she must improve his/her grades at or above the 2.0 GPA requirements during that semester.
- l)** Students with GPA's above 2.5 are to participate in study hall sessions while in season.

The principal is responsible for assuring that all participants in his/her school are eligible for athletic competition.

Any questions or clarifications regarding matters of eligibility shall be directed to the Director of Athletics and the student activities designee at the high school the student attends or for which the student will be participating.

Implementation

This policy shall be implemented on an equitable basis. Particular care shall be taken to ensure that all extra-curricular programs and their operation comply with district affirmative action requirements. Participation in academically related coaching or tutoring groups may be exempt from the eligibility requirement at the State District Superintendent's discretion.

Date approved by State District Superintendent: June 16, 2009

File Code: 6145

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EXTRACURRICULAR ACTIVITIES (Continued)

Legal References: N.J.S.A. 10:5-1 et seq. Law Against Discrimination
N.J.S.A. 18A:11-3 Voluntary associations regulating conduct of
student activities; membership; rules and regulations;
appeals
N.J.S.A. 18A:19-14 Funds derived from pupil activities
N.J.S.A. 18A:35-20 Participation in
courses in which verbalization
unessential to understanding of subject matter; location
of and children in bilingual programs
N.J.S.A. 18A:42-5, -6 Certain student
organizations declared harmful ...
N.J.S.A. 34:13A-1 et seq. New Jersey Employer-
Employee Relations Act
N.J.A.C. 6:3-8.1 et seq. Athletics Procedures
N.J.A.C. 6:8-4.1 Review of mandated programs and
services
N.J.A.C. 6:11-3.24 Athletics personnel
N.J.A.C. 6A:7-1.1 et seq. Managing for Equality and Equity in
Education
N.J.A.C. 6A:8-3.2 Career awareness and exploration
N.J.A.C. 6A:16-2.2 Required student medical examinations
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the
Performance of School Districts
20 U.S.C.A. 4071-4074 - Equal Access Act
20 U.S.C.A. 1681 et seq. - Title IX of the Education Amendments
of 1972
Krupp v. Bd. of Ed. of Union County Reg. H.S. Dist. #1, 278 N.J. Super. 31
(App. Div. 1994) cert. den. 140 N.J. 277 (1994)
Good News Club v. Milford Central School, 121 U.S. 2093 (2001)

NJSIAA Constitution, Bylaws, Rules and Regulations

2002) Manual for the Evaluation of Local School Districts (September

competition	<u>Cross References:</u>	1322	Contests for pupils
		2224	Nondiscrimination/affirmative action
		3453	School activity funds
		5113	Absences and excuses
		5126	Awards for achievement
		5131	Conduct/discipline
		5136	Fund-raising activities
		5143	Insurance
		5145.4	Equal educational opportunity
		6010	Goals and objectives
		6142	Subject fields
		6142.5	Travel and exchange programs
		6142.12	Career education
		6145.1/6145.2	Intramural competition; interscholastic
		6146	Graduation requirements
		6153	Field trips