

# REGULATION

## Dumont School District

Section: Students

5600. STUDENT DISCIPLINE/CODE OF CONDUCT (M)

Date Created: August, 2009

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### 5600. STUDENT DISCIPLINE/CODE OF CONDUCT (M)

#### M

##### A. Purpose

The Student Code of Conduct and this Regulation are established to achieve the following purposes:

1. Foster the health, safety, social, and emotional well-being of students;
2. Support the establishment and maintenance of civil, safe, secure, supportive, and disciplined school environments conducive to learning;
3. Promote achievement of high academic standards;
4. Prevent the occurrence of problem behaviors;
5. Establish parameters for the intervention and remediation of problem student behaviors at all stages of identification; and
6. Establish parameters for school responses to violations of the code of student conduct that take into account, at a minimum, the severity of the offenses, the developmental ages of student offenders and students' histories of inappropriate behaviors in accordance with N.J.A.C. 6A:16-7.2 through 7.8, as appropriate.

##### B. Expectations for Academic Achievement, Behavior, and Attendance

All students have a responsibility to comply with State statutes and administrative codes for academic achievement, behavior, and attendance, pursuant to N.J.A.C. 6A:32-8 and 13.1.

##### C. Behaviors That May Result in Suspension or Expulsion

In accordance with the provisions of N.J.S.A. 18A:37-2, any student who is guilty of continued and willful disobedience, open defiance of the authority of any teacher or person having authority over the student, the habitual use of profanity or of obscene language, or who shall cut, deface or otherwise injure any school property, shall be liable to punishment and to suspension or expulsion from school. Conduct which shall constitute good cause for suspension or expulsion of a student guilty of such conduct shall include, but not be limited

to, any of the following:

1. Continued and willful disobedience;
2. Open defiance of the authority of any teacher or person, having authority over the student;
3. Conduct of such character as to constitute a continuing danger to the physical well-being of other students;
4. Physical assault upon another student;
5. Taking, or attempting to take, personal property or money from another student, or from the student's presence, by means of force or fear;
6. Willfully causing, or attempting to cause, substantial damage to school property;
7. Participation in an unauthorized occupancy by any group of students or others of any part of any school or other building owned by any school district, and failure to leave such school or other facility promptly after having been directed to do so by the Principal or other person then in charge of such building or facility;
8. Incitement which is intended to and does result in unauthorized occupation by any group of students or others of any part of a school or other facility owned by any school district;
9. Incitement which is intended to and does result in truancy by other students;
10. Knowing possession or knowing consumption without legal authority of alcoholic beverages or controlled dangerous substances on school premises, or being under the influence of intoxicating liquor or controlled dangerous substances while on school premises; and
11. Harassment, intimidation, or bullying.

Students shall also be suspended from school for assault upon a school staff member in accordance with the provisions of N.J.S.A. 18A:37-2.1 and 2.2.

#### D. Students' Rights

Students subject to the consequences of the Student Discipline/Code of Conduct Policy and Regulation shall be informed of their rights, pursuant to N.J.A.C. 6A:16-7.1(c)3.i. through vii., that include:

1. Advance notice of behaviors that will result in suspensions and expulsions that have been identified under authority of N.J.S.A. 18A:37-2;
2. Education that supports students' development into productive citizens;

3. Attendance in safe and secure school environments;
4. Attendance at school irrespective of students' marriage, pregnancy, or parenthood;
5. Due process and appeal procedures, pursuant to N.J.A.C. 6A:3-1.3 through 1.17, N.J.A.C. 6A:4 and, where applicable, N.J.A.C. 6A:14-2.7 and 2.8, and N.J.A.C. 6A:16-7.2 through 7.5;
6. Parent notification consistent with the policies and procedures established pursuant to N.J.A.C. 6A:16-6.2(b)3 and N.J.A.C. 6A:16-7.1 through 7.8; and
7. Protections pursuant to 20 U.S.C. § 1232g, Family Educational Rights and Privacy Act; 34 CFR Part 99, Family Educational Rights and Privacy; 20 U.S.C. § 1232h, Protection of Pupil Rights; 34 CFR Part 98, Student Rights in Research, Experimental Programs and Testing; P.L. 104-191, Health Insurance Portability and Accountability Act; 45 CFR Part 160, General Administrative Requirements; 20 U.S.C. § 7165, Transfer of school disciplinary records; 42 CFR Part 2, Confidentiality of Alcohol and Drug Abuse Patient Records; N.J.S.A. 18A:40A-7.1, Confidentiality of certain information provided by pupils, exceptions; N.J.A.C. 6A:16-3.2, Confidentiality of student alcohol and other drug information; N.J.S.A. 18A:36-19, Pupil records, creation, maintenance and retention, security and access, regulations, nonliability; N.J.S.A. 2A:4A-60, Disclosure of juvenile information, penalties for disclosure; N.J.A.C. 6A:32-7, Student Records; N.J.A.C. 6A:14-2.9, Student records, as well as other existing Federal and State laws and rules pertaining to student protections.

#### E. Comprehensive Behavioral Supports

Below are behavioral supports that promote positive student development and the students' abilities to fulfill the behavioral expectations established by the Board. These behavioral supports may include, but are not limited to, the following:

##### 1. Positive Reinforcement for Good Conduct and Academic Success

A student will be provided positive reinforcement for good conduct and academic success which may include, but are not limited to:

- a. Acknowledgement on Dumont High School Honor Roll.
- b. Entrance into the National Honor Society.
- c. Entrance into the World Language Honor Society.

##### 2. Supportive Interventions and Referral Services

A student may be referred to the school's Intervention and Referral Services Team in accordance with the provisions of N.J.A.C. 6A:16-8.1 and 8.2 and Policy and Regulation 2417.

### 3. Remediation of Problem Behavior

The following actions may be taken to remediate problem behavior. These actions will take into account the behavior's nature, the students' developmental ages, and the students' histories of problem behaviors and performance.

#### a. Restitution and Restoration

- (1) A student may be required to make restitution for any loss resulting from the student's conduct; or
- (2) A student may be required, at the discretion of the school district and when appropriate, to restore to its former condition any damaged or defaced property resulting from the student's conduct.

#### b. Counseling

- (1) A student may be required to consult with school guidance counselors or Child Study Team members.
- (2) The counselor will explain why the student's conduct is unacceptable to the school and damaging to the student, what the consequences of continued misconduct are likely to be, and appropriate alternative behaviors.
- (3) The counselor may refer the student, as appropriate, for additional counseling, evaluation, intervention, treatment, or therapy. Referrals may be made to the Child Study Team, the school's Intervention and Referral Services Team, a public or private social agency, a legal agency, or any other referral service that may assist the student.

#### c. Parent Conferences

- (1) Students may be required to attend a meeting with their parent and appropriate school staff members to discuss the causes of the student's behavior, possible remediation, potential disciplinary measures, and alternative conduct.

#### d. Alternate Educational Program

- (1) Students may be assigned to an alternate educational program as recommended by the student's guidance counselor, classroom teacher, Child Study Team, and/or other school staff member.

#### e. Suspension Intervention Program (SIP)

#### f. Out of School Suspension (1-5 days)

- g. Suspension Alternative Program (SAP)
- h. Out of School Suspension (5 days or longer with home instruction)

4. Students with Disabilities

For students with disabilities, the remedial measures and behavioral interventions and supports shall be determined and provided pursuant to N.J.A.C. 6A:14.

F. School Responses to Violations of Behavioral Expectations

1. In accordance with the provisions of N.J.A.C. 6A:16-7.1(c)5, the Student Code of Conduct shall include a description of school responses to violations of behavioral expectations established by the Board of Education that, at a minimum are graded according to the severity of the offenses, and consider the developmental ages of the student offenders and their histories of inappropriate behavior that shall:
  - a. Include a continuum of actions designed to remediate and, where necessary or required by law, to impose sanctions;
  - b. Be consistent with other responses, pursuant to N.J.A.C. 6A:16-5.5;
  - c. Provide for equitable application of the Code of Student Conduct without regard to race; color; religion; ancestry; national origin; nationality; sex; gender; sexual orientation; gender identity or expression; marital, domestic-partnership, or civil union; mental, physical, or sensory disability; or any other distinguishing characteristic, pursuant to N.J.S.A. 10:5-1 et seq. and
  - d. Be consistent with provisions of N.J.S.A. 18A:6-1, Corporal Punishment of Students.

G. Description of School Responses

School responses to violations of behavioral expectations are listed below:

1. Admonishment/Reprimand
  - a. A school staff member in authority may admonish or reprimand a student's unacceptable conduct and warn the student that additional misconduct may warrant a more severe penalty.
2. Temporary Removal from Classroom
  - a. The classroom teacher may direct the student report to the office of the administrator in charge of student discipline.
  - b. The teacher will complete a form that indicates the student's name and the conduct that has caused the student's removal from the teacher's room.

- c. The administrator in charge of discipline will interview the student and determine which, if any, additional consequences shall be imposed.
3. Meeting with School Administration and Parent
  - a. The student's parent may be required to attend a meeting with the Principal or designee and the student to discuss the student's conduct and to ensure the parent and the student understand school rules and expectations.
4. Deprivation of Privileges
  - a. Students may be deprived privileges as disciplinary sanctions when designed to maintain the order and integrity of the school environment. These privileges may include, but are not limited to:
    - (1) Moving freely about the school building;
    - (2) Participation in co-curricular or inter/intrascholastic activities;
    - (3) Attendance at a school-related social or sports activity;
    - (4) Participation in a graduation ceremony;
    - (5) Transportation to and from school on a school bus; or
    - (6) Any other privilege the Building Principal or designee determines may be appropriate and consistent with Policy and Regulation 5600 and N.J.A.C. 6A:16-7.1 et seq.
5. Detention
  - a. A student may be required to report before or after the school day to detention. This detention may be assigned by the teacher or the Principal or designee.
  - b. Transportation to detention before school or from detention after school will be the responsibility of the parent.
  - c. A student may be excused from detention only for an unavoidable commitment previously made; any such excused detention must be made up on another day.
6. Grade Adjustment
  - a. A student who has cheated on a test or assignment, plagiarized material, falsified sources, refused to submit assignments, or otherwise indulged in academic dishonesty or negligence may suffer a reduced grade by virtue of the disqualified work. In no other instance may a student's grade be lowered

as a direct penalty for misconduct.

7. In-school Suspension

- a. If the school operates an in-school suspension program, a student may be removed from his/her regular classes and required to report to the in-school suspension program.
- b. In-school suspension will not be imposed without the due process procedures set forth in Policy and Regulation 5610.

8. Suspension from School

- a. A student may be denied the right to attend school for a period of time pursuant to N.J.S.A. 18A:37-2, N.J.A.C. 6A:16-7.2 and 6A:16-7.3, and Policy 5610.
- b. Suspension from school will not be imposed without the due process procedures set forth in Policy and Regulation 5610.

9. Expulsion

- a. The Board may expel a general education student from school, pursuant to N.J.S.A. 18A:37-2, N.J.A.C. 6A:16-7.4, and Policy 5620.
- b. Expulsion is an extremely serious disciplinary measure and will not be imposed without the due process set forth in Policy and Regulation 5610 and Policy 5620.

H. Chart of Discipline

1. Below is a Chart of Student Discipline listing school responses to violations of behavioral expectations. These behavioral expectations and school responses include, but are not limited to:

<b>Violation</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>
Arson	Rpt. to police; Parent contact/conf. Suspension; Referral –Eval.	Rpt. to police; Parent contact/conf. Suspension; Referral –Eval.	Rpt. to police; Parent contact/conf. Suspension; Referral –Eval. BOE Hearing
Assault	Parent contact/conf. Suspension	Parent contact/conf. Suspension; Counseling by school staff	Parent contact/conf. Suspension; Counseling by school staff

Assault With Weapon	Suspension Outside Eval. Police Contact	Suspension Outside Eval. Police Contact	Suspension Outside Eval. Police Contact BOE Hearing
Cheating	Parent contact and conference with supervisor and teacher(s). Loss of credit on assignment.	Parent contact and conference with supervisor, teacher and administrator. Detention (Sat. or Lunch) Loss of credit on assignment.	Parent contact and conference with supervisor, teacher and administrator. Detention (Sat. or Lunch) Loss of credit on assignment. Suspension
Cutting Class, Leaving Class, or Leaving Assigned Location Without Permission	Saturday Detention	Saturday Detention	Saturday Detention Loss of Credit
Dating Violence	Suspension	Suspension Change of Class	Suspension Change of Class BOE Hearing
Defiance of Authority	Parent phone call.	Detention (Sat./Lunch)	Suspension
Destruction of School, Staff or Student Property	Detention Payment for Property	Suspension Payment for Property	Suspension Payment for Property
Disobedience	Parent phone call.	Detention (Sat./Lunch)	Suspension
Disruption	Parent contact. Detention (Sat. or Lunch)	Parent contact and conference. Suspension (time TBD by ofc. Admin.)	Parent contact and conference. Suspension (time TBD by ofc. Admin.) Loss of Privileges
Extortion	Parent contact. Suspension/ Contact Police.	Parent contact. Suspension/ Contact Police	Parent contact. Suspension/ Contact Police
Failure to Wear Seatbelt on School Bus	Warning	Detention	Suspension
Falsifying a Fire or Security Alarm	Report to police. Parent contact and conference. Suspension (time TBD by ofc. Admin). Referral for evaluation.	Report to police. Parent contact and con- ference. Suspension (time TBD by ofc. Admin). Referral for evaluation.	Report to police. Parent contact and conference. Suspension (time TBD by ofc. Admin). Referral for evaluation.
Fighting	Parent contact. Suspension.	Parent contact. Suspension.	Parent contact. Suspension. Counseling by staff.
Forgery	Parent contact. Suspension	Parent contact. Suspension.	Parent contact. Suspension Sch.Counseling.
Gambling	Parent contact. Detention (Sat. or Lunch). Counseling by school staff.	Parent contact and con- ference. Suspension (time TBD by ofc. Admin.). Referral for outside agency counseling.	Parent contact and con- ference. Suspension (time TBD by ofc. Admin.). Referral for outside agency counseling. Loss of Privileges.



Harassment, Intimidation, or Bullying	Detention Counseling	Suspension Counseling	Suspension Counseling Loss of Privileges
Inappropriate Language	Parent contact. Suspension.	Parent contact. Suspension.	Parent contact. Suspension.
Inappropriate Dress	Parent contact. Change Clothes	Detention. Change Clothes	Suspension Change Clothes
Inappropriate Behavior on School Bus	Warning	Detention	Suspension
Littering	Parent contact. Detention (Sat. or Lunch).	Parent contact and conference. Suspension (time TBD by ofc. Admin.)	Suspension, Loss of Privilege.
Misuse of Computer Networks/Computers	Parent contact. Detention (Sat. or Lunch). Suspension of computer privileges.	Parent contact and conference. Suspension (time TBD by ofc. Admin.) Suspension of network privileges.	Parent contact and conference. Suspension (time TBD by ofc. Admin.) Suspension of network privileges.
Membership in Secret Society	Parent contact. Detention (Sat. or Lunch)	Parent contact and conference. Suspension (time TBD by ofc. Admin.)	Parent contact and conference. Suspension (time TBD by ofc. Admin.) Loss of Privilege.
Possession of an Electronic Smoking Device	Parent contact. Suspension. Counseling by school staff.	Parent contact and conference. Suspension (time TBD by ofc. Admin.) Referral for outside agency counseling.	Parent contact and conference. Suspension (time TBD by ofc. Admin.) Referral for outside agency counseling. Loss of Privilege.
Sexual Harassment	Parent contact and conference. Report filed with Affirmative Action Officer (AAO). Discipline TBD by AAO.	Parent contact and conference. Report filed with AAO. Suspension (time TBD by ofc. Admin.) School-based counseling services.	Parent contact and conference. Report filed with AAO. Suspension (time TBD by ofc. Admin.) Referral for outside counseling services.
Smoking (As Defined by Board Policy) on School Grounds	Parent contact. Suspension. Counseling by school staff.	Parent contact and conference. Suspension (time TBD by ofc. Admin.) Referral for outside agency counseling.	Parent contact and conference. Suspension (time TBD by ofc. Admin.) Referral for outside agency counseling. Loss of Privilege.
Substance Abuse	3-day suspension. Conference w/student, parent, and Substance Abuse Coord. (SAC)	5-day suspension. Students testing positive twice will continue to meet w/SAC.	5-day suspension. Students testing positive twice will continue to meet w/SAC. Failure to comply may be asked to appear before BOE for possible, add'l. disciplinary action.

Terroristic Threat	Suspension Screening by CST. Report to Dumont PD.	Suspension Screening by CST. Report to Dumont PD.	Suspension Screening Outside Therapist. Report to Dumont PD.
Theft/Damage	Parent contact. Suspension.	Parent contact. Suspension.	Parent contact. Suspension.
Truancy	Parent contact. Two (2) Sat. detentions. Cuts issued to all missed classes.	Parent contact and conference. Suspension Cuts issued to all missed classes.	Parent contact. Suspension. Loss of Credit.
Use or Possession of an Exploding Device	Report to police. Parent contact and conference. Suspension (time TBD by ofc. Admin.) Referral for evaluation.	Report to police. Parent contact and conference. Suspension (time TBD by ofc. Admin.) Referral for evaluation. Screening by Therapist.	Report to police. Parent contact and conference. Suspension (time TBD by ofc. Admin.) Referral for evaluation. Screening by Therapist. BOE Hearing.
Vandalism	Parent contact and conference. Suspension (time TBD by ofc. Admin.) Restitution for damages. Counseling by school staff.	Parent contact and conference. Suspension (time TBD by ofc. Admin.) Restitution for damages. Report filed with police.	Parent contact and conference. Suspension (time TBD by ofc. Admin.) Restitution for damages. Report filed with police. BOE Hearing.
Weapon Possession	Report to police. Parent contact and conference. Suspension (time TBD by ofc. Admin.) Referral for evaluation.	Report to police. Parent contact and conference. Suspension (time TBD by ofc. Admin.) Referral for evaluation.	Report to police. Parent contact and conference. Suspension (time TBD by ofc. Admin.) Referral for evaluation.
Wrongful Entry	Parent contact. Detention (Sat. or Lunch).	Parent contact. Detention (Sat. or Lunch).	Parent contact. Detention (Sat. or Lunch).

2. The school responses to violations of behavioral expectations that are subject to student discipline including suspension or expulsion pursuant to N.J.S.A. 18A:37-2 outlined in a Chart of Student Discipline shall be consistent with the Board's policies and regulations/procedures on attendance, pursuant to N.J.A.C. 6A:16-7.6 and harassment, intimidation, and bullying, pursuant to N.J.A.C. 6A:16-7.7.
3. The Principal or designee will maintain a list of community-based health and social service provider agencies available to support a student and a student's family, as appropriate, and a list of legal resources available to serve the community.
4. The Board of Education may deny participation in extra-curricular activities, school functions, sports, graduation exercises, or other privileges as disciplinary sanctions when designed to maintain the order and integrity of the school environment.
5. Nothing in Policy and Regulation 5600 shall prevent the school administration from

imposing a consequence for unacceptable student conduct not listed or included in a Chart of Student Discipline.

#### I. Student Conduct Away from School Grounds

1. The Building Principal or designee has the right to impose a consequence on a student for conduct away from school grounds that is consistent with the Board's Code of Student Conduct, pursuant to N.J.A.C. 6A:16-7.1.
  - a. This authority shall be exercised only when it is reasonably necessary for the student's physical or emotional safety, security, and well-being or for reasons relating to the safety, security, and well-being of other students, staff, or school grounds, pursuant to N.J.S.A. 18A:25-2 and 18A:37-2.
  - b. This authority shall be exercised only when the conduct that is the subject of the proposed consequence materially and substantially interferes with the requirements of appropriate discipline in the operation of the school.
  - c. Consequences for conduct away from school grounds shall be handled in accordance with the Board approved Code of Student Conduct, pursuant to N.J.A.C. 6A:16-7.1, Policy and Regulation 5600, and as appropriate, in accordance with N.J.A.C. 6A:16-7-2, 7.3, or 7.4.
2. School authorities shall respond to harassment, intimidation, or bullying that occurs off school grounds, pursuant to N.J.S.A. 18A:37-14 and 15.3 and N.J.A.C. 6A:16-1.3, 7.1, and 7.7.

#### J. School Bus Conduct

Violations of the rules regarding student conduct on school buses will be handled as follows:

1. The bus driver will report unacceptable conduct to the Principal of the school in which the student is enrolled by submission of a completed written report that includes the name of the student, the school, and the student's conduct.
2. The Principal or designee will investigate the matter, which may include meeting with the bus driver, bus aide, other students on the school bus, and the student who was reported by the bus driver.
3. The parent will be notified of the student's reported conduct.
4. The Principal or designee will make a determination if the student violated behavioral expectations and the discipline to be administered in accordance with the Code of Student Conduct.
5. If it is determined the misconduct is severe, the student may be suspended from the bus pending a conference with the parent.

#### K. Students with Disabilities

For students with disabilities, subject to Individualized Education Programs in accordance with 20 U.S.C. § 1400 et seq., the Individuals with Disabilities Educational Improvement Act, N.J.A.C. 6A:14, and accommodation plans under 29 U.S.C. §§ 794 and 705(20), student discipline and the Code of Student Conduct shall be implemented in accordance with the components of the applicable plans.

#### L. Records

1. Instances of student discipline will be recorded in the student's file in strict compliance with N.J.A.C. 6A:32-7.1 et seq. and Policy and Regulation 8330.
2. When a student transfers to a public school district from another public school district, all information in the student's record related to disciplinary actions taken against the student by the school district and any information the school district has obtained pursuant to N.J.S.A. 2A:4A-60, Disclosure of Juvenile Information; Penalties for Disclosure, shall be provided to the receiving public school district, in accordance with the provisions of N.J.S.A. 18A:36-19(a), and N.J.A.C. 6A:32-7.5.
  - a. The record shall be provided within two weeks of the date that the student enrolls in the receiving district.
  - b. Written consent of the parent or adult student shall not be required as a condition of the record transfer; however, written notice of the transfer shall be provided to the parent or the adult student.
3. When a student transfers to a private school, which includes all sectarian or nonsectarian, nonprofit, institutional day, or residential schools that provide education for students placed by their parents and that are controlled by other than public authority, all student disciplinary records with respect to suspensions or expulsions, shall be provided by the public school district of residence to the private school upon written request from the private school, in the same manner the records would be provided to a public school, pursuant to 20 U.S.C. § 6301, Title IV § 4155 of the Elementary and Secondary Education Act.
4. The Board shall not use a student's past offenses on record to discriminate against the student.
5. All student disciplinary records pursuant to N.J.A.C. 6A:16-7 shall conform with the requirements set forth in N.J.A.C. 6A:16-7.8(d).

#### M. Annual Review

The Superintendent will designate a school staff member to coordinate an annual review and update of Policy and Regulation 5600. The Superintendent's designee will:

1. Compile an annual summary report of violations of the student behavioral

expectations and the associated school responses to the violations in the Student Discipline/Code of Conduct Policy and Regulation.

2. Convene a Student Discipline/Code of Conduct Committee comprised of parents, students, and community members that represent the composition of the district's schools and community to review the annual summary report and to develop recommendations, if any, to improve and update the Student Discipline/Code of Conduct Policy and Regulation.
3. The Superintendent's designee shall submit the Committee's recommendations, if any, to improve or update the Student Discipline/Code of Conduct Policy and Regulation.
4. The Superintendent will review the Committee's report with school administrators and will determine if the Student Discipline/Code of Conduct Policy and Regulation should be updated.
5. The Superintendent will recommend to the Board revisions to the Student Discipline/Code of Conduct Policy, if needed.

N. Policy and Regulation Publication and Distribution

The Student Discipline/Code of Conduct Policy and Regulation 5600, including the Chart of Student Discipline shall be disseminated annually to all school staff, students, and parents. These documents may be disseminated in handbooks, electronically, or in hard copy form. Principals will ensure these documents are made available to all students on or before the first day of each school year and to transferring students on the first day of their enrollment in this district.

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