

5131 CONDUCT/DISCIPLINE

The Board believes that an effective instructional program requires an orderly school environment and that the effectiveness of the educational program is, in part, reflected in the behavior of students. The board approved code of student conduct is established to achieve the following purposes:

- A. Foster the health, safety, and social and emotional well-being of students;
- B. Support the establishment and maintenance of civil, safe, secure, supportive and disciplined school environments conducive to learning;
- C. Promote achievement of high academic standards;
- D. Prevent the occurrence of problem behaviors;
- E. Establish parameters for the intervention and remediation of problem behaviors at all stages of identification; and
- F. Establish parameters for consistent responses to violations of the code of student conduct that take into account, at a minimum, the severity of offenses, the developmental ages of student offenders, and students' histories of inappropriate behaviors as appropriate.

The Board of Education expects students to conduct themselves in keeping with their level of maturity, with a proper regard for the rights and welfare of other students, for school personnel, for the educational purpose underlying all school activities, and for the care of school facilities and equipment. Students are required to conform to the code of student conduct; respect the person, property and rights of others; obey constituted authority and respond to those who hold that authority.

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

Board policy requires each student of this district to adhere to the rules and regulations established by the administration and to submit to such disciplinary measures as are appropriately assigned for infraction of those rules. The chief school administrator shall annually provide to all staff, students, and parents/guardians the student code of conduct of this district and the consequences imposed for breach of those rules. Provisions shall be made for informing parents/guardians whose primary language is other than English.

The chief school administrator shall establish the degree of order necessary to the educational program in which students are engaged.

Code of Conduct

The chief school administrator shall oversee the development of and the Board shall approve 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. The chief school administrator shall ensure that the code of conduct is based on parent/guardian, community, and student involvement that represents, where possible, the composition of the school district's schools and community. The chief school administrator shall ensure the code of student conduct includes detailed regulations suited to the age level of the students and the physical facilities of the individual schools.

The chief school administrator has the right and authority to impose a consequence on a student for conduct away from school grounds that is consistent with the Board's approved code of student conduct (see Code of Conduct, [5131E](#)) pursuant to [N.J.A.C. 6A:16-7.1](#) and [N.J.A.C. 6A:16-7.5](#). 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](#), and when the conduct which is the subject of the proposed consequence materially and substantially interferes with the requirements of appropriate discipline in the operation of the school.

The district code of conduct shall contain:

- A. A description of student responsibilities that includes expectations for academic achievement, behavior and attendance;
- B. A description of behaviors that will result in suspension or expulsion;
- C. A description of the students' rights to:
 - 1. Advance notice of behaviors that will result in suspensions or expulsions;
 - 2. Education that supports student development into productive citizens;
 - 3. Attendance in safe and secure school environment;
 - 4. Attendance in school irrespective of marriage, pregnancy, or parenthood;
 - 5. Due process and appeal procedures in accordance with law and board policy;

6. Parent notifications consistent with board policy and law for law enforcement interviews (5145.11 Questioning and Apprehension), short-term and long-term suspension (5114 Suspension and Expulsion), due process and appeal procedures, and attendance (5113 Attendance, Absences and Excuses);

7. Records and privacy protections (5125 Student Records).

D. A description of comprehensive behavioral supports that promote positive student development and assist each student in fulfilling the district behavioral expectations established including:

1. Positive reinforcement for good conduct and academic success;
2. Supportive interventions and referral services;
3. Remediation of problem behavior that takes into account the behavior's nature, the students' developmental ages and the students' histories of problem behaviors and performance; and
4. Behavioral interventions and supports for students with an IEP or accommodation plans.

E. A description of responses to violations of behavioral expectations 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 behaviors that shall:

1. Include a continuum of actions designed to remediate and, where necessary or required by law, to impose sanctions;
2. Be consistent with other responses as required by law for serious offences including firearms, weapons and assault offenses;
3. Ensure that the code of student conduct is applied equitably 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;
4. Be consistent with the provisions of [N.J.S.A. 18A:6-1](#) regarding the corporal punishment of pupils.

F. Expectations and consequences consistent board policies and procedures 5113 Attendance, Absences and excuses and 5131.1 Harassment, Intimidation and Bullying;

G. A current list of community-based health and social service provider agencies available to support a student and the student's family, as appropriate, and a list of legal resources available to serve the community.

A student may be denied privileges such as participation in extracurricular activities, school functions, sports, graduation exercises or other privileges as disciplinary sanctions in order to maintain the order and integrity of the school environment.

Student Behavioral Infractions

Students who display chronic behavioral or academic problems may be referred to intervention & referral services (I&RS) team or the child study team (CST) for an evaluation to determine whether the student may have a disability or need for other services. Referrals to the CST shall be responded to in strict accordance with the regulations prescribed by the administrative code. Students found eligible for special education and related services shall be provided with appropriate programs and services as prescribed by the CST, developed in conjunction with the parents. Students referred to the CST prior to a disciplinary infraction may have protections afforded to them by 20 U.S.C. §1415(k) and Board Policy 6171.4 (Special Education).

A student whose presence poses a continuing danger to persons or property, or an ongoing threat of disrupting the academic process, may be suspended in accordance with [N.J.A.C. 6A:16-7.1](#) and [N.J.A.C. 6A:16-7.2](#), [N.J.A.C. 6A:16-7.3](#) or expelled in accordance with [N.J.A.C. 6A:16-7.4](#), following due process. However, one incident alone is not sufficient cause for an expulsion.

Any student who commits an assault (as defined by [N.J.S.A. 2C:12-1](#)) upon a board member, teacher, administrator or other employee of the Board of Education shall be suspended from school immediately according to procedural due process, and in accordance with [N.J.A.C. 6A:16-7.1](#) and [N.J.A.C. 6A:16-7.2](#), [N.J.A.C. 6A:16-7.3](#) or [N.J.A.C. 6A:16-7.4](#). However, one incident alone is not sufficient cause for an expulsion. Proceedings shall begin no later than 30 calendar days from the date of the student's suspension.

Students eligible for special education and related services cannot be expelled for behaviors that are a manifestation of their disability. The Board shall ensure that students eligible for special education and related services that are expelled from the District shall continue to be provided a free appropriate public education.

The chief school administrator or his or her designee shall take appropriate measures to ensure that minority and male students shall not be disproportionately represented in detentions, suspensions, and expulsions.

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 in accordance with policy 5131.6 Substance Abuse. 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 student 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 general education program for a period of not less than one calendar year. The chief school administrator may modify this suspension on a case-by-case basis. Each student so removed shall be placed in an alternative educational program or on home instruction pending alternative education program placement and shall be entitled to a hearing before the Board. The hearing shall take place no later than 30 days following the day the student is removed from the regular education program and shall be closed to the public. Students with disabilities shall be immediately removed for offenses involving weapons and placed in alternate educational programming in accordance with N.J.A.C. 6A:14 and applicable Federal regulations incorporated therein.

The principal shall be responsible for the removal of students for weapons offenses and shall immediately report them to the chief school administrator. The principal shall also notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice. The principal shall notify the student's parents of the student's due process rights set forth in N.J.A.C. 6A:16-7.2 through 7.6 and for a student with a disability due process rights set forth in N.J.A.C. 6A:14-2.7 and 2.8.

A student removed from their educational program for a weapons offense shall be entitled to a hearing before the board of education. The chief school administrator shall determine whether the student is prepared to return to the general education program, in accordance with [N.J.A.C. 6A:16-5.5\(i\)](#).

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

Harassment, Intimidation or Bullying

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

The Board prohibits acts of harassment, intimidation or bullying against any student in accordance with Board policy 5131.1 Harassment, Intimidation and Bullying, and law.

"Harassment, intimidation or bullying" is defined as any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, 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 or expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on school grounds, at any school-sponsored function or on a school bus, or off school grounds in accordance with law, that substantially disrupts or interferes with the orderly operation of the school or the rights of other students and that:

- A. A reasonable person should know, under the circumstances, will have the effect of physically or mentally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or mental harm to his/her person or damage to his/her property; or
- B. Has the effect of insulting or demeaning any student or group of students; or
- C. Creates a hostile educational environment by interfering with the student's education or by severely or pervasively causing physical or emotional harm to the student.

"Electronic communication" means a communication that is transmitted by means of an electronic device, including, but not limited to a telephone, cellular phone, computer, or pager, that takes place on school grounds, at any school-sponsored function or on a school bus.

Students with Disabilities

Students with disabilities are subject to the same disciplinary procedures as nondisabled students and may be disciplined in accordance with the Student Code of Conduct, as modified by their IEP or accommodation plans. This includes suspension from the student's educational program as a possible consequence. However, before removing a student with a disability from his/her educational program and placement for more than 10 calendar days (cumulative, not consecutive) in a school year, it must be determined that:

A. The student's behavior is not primarily caused by his/her educational disability; and

B. The student's behavior was not a direct result of the school's failure to implement the student's IEP .

The principal shall ensure that the special education case manager or 504 coordinator is notified prior to removing the student from his/her educational program for violation of the Student Code of Conduct. 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 students with disabilities.

Policy and Procedure Development, Review and Dissemination

The standards and procedures developed to implement this policy shall be aligned with the board approved code of student conduct. This policy shall be reviewed annually and updated along with the code of student conduct. This process shall include:

A. Parent, student and community involvement which represents, where possible, the composition of the schools and community;

B. Consideration of the findings of the biannual reports of student conduct, suspensions and expulsions; and incidences reported under the Student Safety Data System (SSDS).

Implementation

The chief school administrator shall ensure that the rules for this policy are applied consistently with the district's code of student conduct ([N.J.A.C. 6A:16-7](#)) and all applicable laws and regulations and that all disciplinary sanctions are carried out with necessary due process.

The Board shall review and update the code of student conduct annually. The code of student conduct shall be disseminated annually to all school staff, students and parents/guardians.

The chief school administrator shall report as required by law 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.

Employees shall receive annual training on the code of student conduct, including training on the prevention, intervention, and remediation of student conduct that violates the code of student conduct. Information on the code of student conduct shall be incorporated into the orientation for new employees.

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Key Words

Conduct, Discipline, Pupil Conduct, Student Conduct, Weapons, Vandalism, Harassment, Intimidation, Bully, Bullying,

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:37-13.2, -14](#)

[N.J.S.A. 18A:37-15](#)*et seq.*

[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:16-2.4-4.1, -5.1, -5.4, -5.6, -5.7, -6.1, -6.2, -7.1 through -7.5](#)

[N.J.A.C. 6A:30-1.1](#) *et seq.* Evaluation of the Performance of School Districts

[20 U.S.C.A. 1415\(k\)](#) Individual with Disabilities Education Act Amendments of 1997

[Bethel School District No. 403, v. Fraser](#), 478 U.S. 675 (1986)

[Hazelwood v. Kuhlmeier](#) 484 U.S. 260 (1988)

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

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

Every Student Succeeds Act of 2015, [Pub.L. 114-95](#), [20 U.S.C.A. 6301](#) *et seq.*

L.W. v. Toms River Regional Schools Board of Education, N.J., No. A-111-05 (Feb. 22, 2007), 2007 N.J. LEXIS 184. The New Jersey Supreme Court ruled that a school district may be held liable under the New Jersey Law Against Discrimination (LAD), [N.J.S.A. 10:5-1 to -49](#), when students harass another student because of his perceived sexual orientation. A district school will be liable for such harassment if it knew or should have known of the harassment but failed to take reasonable remedial actions. The matter was remanded to the Director of the Division on Civil Rights.

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

Possible Cross References:

*1220 Ad hoc advisory committees

*1410 Local units

3517 Security

*3541.33 Transportation safety

*4131/4131.1 Staff development; inservice education/visitation conferences

4138/4238 Employee protection

*4231/4231.1 Staff development; inservice education/visitation conferences

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

*5131.1 Harassment, intimidation and bullying

*5131.5 Vandalism/violence

*5131.6 Drugs, alcohol, tobacco (substance abuse)

*5131.7 Weapons and dangerous instruments

5132 Dress and grooming

5145 Rights

5145.2 Freedom of speech/expression

*5145.4 Equal educational opportunity

*5145.6 Pupil grievance procedure

*5145.11 Questioning and apprehension

*5145.12 Search and seizure

*6145 Extracurricular activities

*6164.4 Child study team

*6171.4 Special education

*6172 Alternative educational programs

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

Franklin Lakes School District